

**Petition to Determine Administration Expenses Allocable to Encumbered Property
 Prior to Satisfaction of Lien, and for Deposit of Purchase Money with Court in
 Satisfaction of Lien and Expenses [Prob. C. 10361.5, 10362]**

DOD: 11-23-06	TRO restraining Trustee's Sale and further Proceedings Regarding Premises at 4086 W. San Jose, Fresno, CA expired 5-9-13 (not extended at last hearing).	NEEDS/PROBLEMS/COMMENTS:
		Continued from 1-17-13, 3-21-13, 4-25-13, 5-9-13
Cont. from 011713, 032113, 042513, 050913	Petitioner states one of the assets of the estate is real property located at 4086 W. San Jose in Fresno, originally appraised at \$275,000.00 at Decedent's date of death. Due to the decline in the real estate market, and based on Internet valuation website, Petitioner believes the house is valued at this time at approx. \$133,000.00.	As of 6-17-13, nothing further has been filed.
<input type="checkbox"/> Aff.Sub.Wit.		Minute Order 1-17-13: The Court directs Mr. Knudson to submit a declaration specifically outlining what is happening in the other jurisdictions that would preclude further inventory and appraisals. Matter continued to 3/21/13. Mr. Knudson is directed to provide Mr. Lucich notice of the next hearing. The temporary restraining order restraining the trustee's sale is extended to 3/21/13. Continued to 3/21/13.
<input checked="" type="checkbox"/> Verified	Decedent's spouse Maria Raquel Petrogonas ("Raquel") has continued to reside in the residence and on 8-24-10 was granted a probate homestead.	Minute Order 3-21-13: Ms. Hubbell is appearing specially for Thomas Agawa. Joint request for continuance. Matter continued to 4-25-13. TRO remains in full force and effect and is extended to 4-25-13.
<input type="checkbox"/> Inventory		Note: Points and Authorities in Support of Petition were filed 3-19-13 by Attorney Knudson. See file document for details.
<input type="checkbox"/> PTC		Reviewed by: skc
<input type="checkbox"/> Not.Cred.	At the date of death, the house was encumbered in the initial amount of \$91,751.00, with the mortgage payable at a rate of \$848.26/month. During the initial period of estate administration, the Administrator made payments from estate funds, and later, Raquel made payments to the Administrator for the mortgage. Raquel's sole source of income is Social Security Disability payments of only \$850/month.	Reviewed on: 6-17-13
<input checked="" type="checkbox"/> Notice of Hrg	The property subsequently went into default. Anticipating funds from the sale of properties in Argentinia and/or Greece, Petitioner advanced \$7,650 to cure the default on the loan. When the estate was unable to pay property taxes and/or insurance, the bank subsequently raised the monthly payment to more than \$1,600.00. Petitioner tried on numerous occasions to negotiate a loan modification with Bank of America, who steadfastly refused to consider it.	Updates:
<input checked="" type="checkbox"/> Aff.Mail w		Recommendation:
<input type="checkbox"/> Aff.Pub.	The current arrearages are \$19,327.00 and the present balance due is \$47,565.64 (Exhibit C). A Trustee's (foreclosure) sale was set for 11-29-12.	File 1 - Petrogonas
<input type="checkbox"/> Sp.Ntc.	Petitioner states the estate has incurred substantial administrative expenses with respect to the administration of this property and brings this petition pursuant to Probate Code §10361.5 to determine the amount of expenses of administration reasonably associated with the administration of the encumbered property, and to determine the expenses of the sale payable from the sales proceeds.	
<input type="checkbox"/> Pers.Serv.	In the event the property is sold, whether at Trustee's sale or otherwise, the estate lacks assets to pay administration expenses and seeks an order determining same.	
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input checked="" type="checkbox"/> Response		
<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		
SEE PAGE 2		

Page 2

Petitioner states the expenses of administration reasonably related to the administration of the encumbered property are \$46,167.18, computed at Exhibit E, which includes:

- Estimated statutory fees allocable to the property, based on the estimated current value;
- Extraordinary fees payable to Petitioner and his attorney for the sale of the property at a minimal rate pursuant to Local Rule 7.18;
- Filing fees;
- Additional attorney's fees incurred in bringing this petition, together with costs advanced; and
- Expenses paid for the care preservation and maintenance of said property during the course of administration, including mortgage payments, homeowner's insurance and property taxes.

No additional expenses of sale are requested at this time. If the property is ultimately sold pursuant to the power of sale under the deed of trust, said expenses will be borne by the Bank. However, if Petitioner is successful in negotiating a short sale or otherwise reaching accommodation with the lender, this petition will be amended accordingly.

Petitioner will incur additional charges in serving notice of hearing on this petition and may incur additional attorney's fees for appearing at the hearing(s) on this petition. Said additional fees will be presented in a supplement to this petition prior to the hearing date.

Petitioner requests the Court order that following the hearing and approval of this petition, any proceeds of sale be paid to the clerk of the court to be disbursed as provided in Probate Code § 10362 as follows:

- First in payment of costs of administration attributable to this property;
- Second towards payment of the lien held by Bank of America, and thereafter
- To lenders with secured interests in the property, including Paul A. Dictos (\$7,650.00) and Atkinson, Andelson, Loya, Ruud and Romo (\$106,767.00)

Petitioner requests:

1. That the Court determine the amount of expenses of administration reasonably related to the administration of the encumbered property;
2. That the Court determine the expenses of sale of said property, if any there be;
3. That the Court order the proceeds from the sale to be paid to the Clerk of the Court to be disbursed as provided in Probate Code § 10362
4. For an order that upon such payment the lien on the property be discharged; and
5. For such further orders that the Court may deem proper.

Bank of America, N.A., Respondent/Secured Party filed:

- **Memorandum of Points & Authorities in Response to Petition to Determine Administrative Expenses Pursuant to Cal. Prob. Code §§ 10361.5, 10362**
Respondent requests the Court deny any order compelling Respondent to accept less than the entire amount due under its security interest and/or deny any order requiring a Reconveyance of its lien, and further deny Petitioner any fees and costs claimed to be related to the sale and administration of the property, particularly any fees and costs derived from proceeds from the sale of Respondent's secured property. See pleading for details.
- **Request for Judicial Notice in Support of its Response to Petition to Determine Administrative Expenses Pursuant to Cal. Evid. Code §§ 452(c), (g), 453 & Appendix of Exhibits**
12 exhibits provided. See pleading for details.

Petition for Settlement of First Account

DOD: 03/11/10		OWEN R. OVERTON, Administrator, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. The "Disbursements Not Relating to Apartment Building" section of the Accounting lists a distribution to Owen Overton on 10/06/10 in the amount of \$4,950.38 for reimbursement for estate expenses and states that the details are listed on Exhibit A to the accounting; however, there is no Exhibit A attached to the accounting. Need details of this disbursement.</p> <p>Note: Objector, Ana Overton, filed a Petition for Determination of Entitlement to Estate Distribution on 06/14/13 that is set for hearing on 07/24/13.</p> <p>Reviewed by: JF</p> <p>Reviewed on: 06/14/13</p> <p>Updates: 06/17/13</p> <p>Recommendation:</p> <p>File 2 – Overton</p>
		Account period: 06/03/10 – 03/31/13	
		Accounting - \$665,255.84	
		Beginning POH - \$521,763.15	
		Ending POH - \$560,590.84	
Cont. from		Petitioner states that he intends to file a Petition for Final Distribution as soon as the sale of the real property asset of the estate is complete.	
	Aff.Sub.Wit.	Petitioner prays for an Order:	
✓	Verified	1. Settling, allowing and approving the First Account.	
✓	Inventory	Objection to Petition for Settlement of First Account filed 06/14/13 states:	
✓	PTC	1. Objector objects to Schedule A paragraphs 1, 2 and 3 in that it is incomplete and does not characterize the property of the real estate and the personal property as separate, quasi community or community property.	
✓	Not.Cred.	2. Objector objects to Schedule B regarding the agreement that Ana Overton owes the estate \$11,484.77 for rent while living in her own apartment. Objector is 75 years old and her husband always promised her that she would have the units to live in and have money to live on. Objector felt pressured by Petitioner to make this agreement. Objector, as owner of the property should not have to pay rent to herself. If anything is owed, it would be \$2,871.19 to Owen Overton.	
✓	Notice of Hrg	3. Objector objects to Schedule D regarding the sale of personal items in that the items are not described and how the sale price as basis of \$5,655.00 was determined, and when the items were sold the Objector never received a Notice of Proposed Action as required by the Code.	
✓	Aff.Mail	4. Objector objects to Schedule D items described as Involuntary conversion of \$16,108.09 of insurance proceeds as this is too broad and not understandable and should not be allowed.	
	Aff.Pub.	5. Objector objects to Schedule J, paragraph 2, that she owes \$16,108.09 as it is very vague and lacks specificity for the basis of the claim.	
	Sp.Ntc.	6. Objector objects to Schedule J, paragraph 4 regarding money allegedly owed by Objector.	
	Pers.Serv.	Objector requests:	
	Conf. Screen	1. The Court not approve the First Account as presented;	
	Letters	2. The Court make a determination of the estate property as community property;	
	Duties/Supp	3. For all other relief the Court may deem just and proper.	
✓	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

(1) First and Final Account and Report of Co-Executrices, and (2) Petition for Settlement for Allowance of Attorney's Fees for Ordinary Services, Costs, Waiver of Commission, and for (3) Final Distribution

DOD: 10/28/08		<p>KATHY McCOWAN and JACQUELINE McDOWELL, Co-Executors, are Petitioners.</p> <p>Account period: 10/28/08 – 05/01/13</p> <p>Accounting - \$191,000.00 Beginning POH - \$191,000.00 Ending POH - \$191,000.00</p> <p>Executors - waived</p> <p>Attorney - \$6,730.00 (statutory) (to be outside of the estate)</p> <p>Costs - \$1,983.82 (for Filing fees, publication, probate referee, certified copies, recording fees, and service of process) (to be paid outside of the estate)</p> <p>Distribution, pursuant to Decedent's Will, is to:</p> <p>Kathy McGowan - Real property located at 4765 E. Lyell, Fresno, CA</p> <p>Evelina Jennings - Real property located at 2514 S. Nicholas, Fresno, CA</p> <p>Jacqueline McDowell- Real property located at 4782 E. Orleans, Fresno, CA</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Yvonne McDowell served as Co-Executor with Kathy McGowan until resigning on 04/04/13 (Resignation filed 04/05/13). Therefore, she is entitled to a portion of the statutory compensation to the Executors. Need waiver of compensation from Yvonne McDowell or apportionment of payment of the statutory fee for services rendered by Yvonne McDowell pursuant to Probate Code § 10805 and California Rule of Court 7.704.</p> <p>Note: It is noted that Notice of Hearing with a copy of the Petition was sent to Yvonne McDowell on 05/14/13.</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
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<input checked="" type="checkbox"/>	Notice of Hrg		
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<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters 11/05/10 04/24/13		
<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		
		<p>Reviewed by: JF</p> <p>Reviewed on: 06/14/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3 – McDowell</p>	

Atty **Matlak, Steven M. (for Diana Rodrigues and Robert Chrest – Conservators)**

Atty **Helon, Marvin T (Court Appointed for Conservatee)**

Atty **Kruthers, Heather H (Public Guardian)**

Amended Petition for Appointment of Probate Conservator of the Estate

Age: 83		<p>DIANA RODRIGUES, daughter, and ROBERT CHREST, son, nominate the PUBLIC GUARDIAN as successor conservator of the estate.</p> <p>DIANA RODRIGUES, daughter, was appointed Conservator of the Person and ROBERT CHREST, son, was appointed Conservator of the Estate with bond set at \$161,916.00 on 01/10/13.</p> <p>Estimated value of the Estate: Personal property: \$ 126,500.00 Annual income: \$ 20,696.00</p> <p>Petitioner states the proposed conservatee requires a conservator and is unable to manage her financial resources or resist fraud or undue influence. Pursuant to the Order appointing probate conservator entered by the Court on 01/10/2013, Robert Chrest was appointed Conservator of the Estate of Betty Jean Chrest and was ordered to file a bond in the amount of \$161,196.00. Mr. Chrest has been declined by the bonding companies, is unable to obtain a bond and, based thereon, cannot qualify as Conservator of the Estate of the Estate of Betty Jean Chrest.</p> <p>It has also been determined that Diana Rodrigues, the Conservator of the Person of Betty Jean Chrest, would also be declined by the bonding company if we sought her appointment as conservator of the Estate. Based thereon, petitioners are requesting that the Fresno County Public Guardian be appointed as Conservator of the Estate of Betty Jean Chrest.</p> <p>Court Investigator Charlotte Bien's report filed 06/12/2013.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator Advised Rights on 06/11/2013.</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing for Petition of Conservatorship for the proper hearing date. Relatives were noticed for 06/19/2013 not for 06/20/2013. 2. Need Letters.
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
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<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
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<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input checked="" type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: LV</p> <p>Reviewed on: 06/17/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 – Chrest</p>	

Atty Georgeson, C. Russell, of Georgeson, Belardinelli & Noyes (for Petitioner Edmund Nolte, Jr.)
 Atty Sullivan, Jr., Robert L., of McCormick Barstow (for Respondent Marjorie A. Nolte, Trustee)

Petition for Recovery of Trust Property and Account

Edmund Sr. DOD: 12/13/2006		<p>EDMUND V. NOLTE, JR., son and Trust Beneficiary, is Petitioner.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> MARJORIE A. NOLTE is the duly appointed and acting Trustee of the NOLTE FAMILY TRUST dated 5/20/1999; The Trust that is the subject of this <i>Petition</i> was created pursuant to a written Declaration of Trust subsequently modified and restated pursuant to a document entitled "Resignation of Trustees and Agreement Modifying and Restating the Nolte Family Trust" of EDMUND V. NOLTE, SR., and ROSETTA M. NOLTE, deceased (<i>copy attached as Exhibit A</i>); As set forth in the Trust, upon the death of the surviving Trustor, Rosetta, the Trustee was directed to distribute the assets of the Trust instrument in equal shares to ERNEST RICHARD NOLTE, son, and the Petitioner; The Trustee has violated the duty owed to Petitioner as beneficiary in that she has failed and refused to administer the trust property according to the trust instrument, and in particular, has failed and refused to distribute half of the assets of the trust instrument to Petitioner; Marjorie A. Nolte, as Trustee, has failed and refused to provide an account of the Trust at any time; On 1/17/2013, Petitioner, through his counsel, delivered to the Trustee a written request for an accounting of her acts as Trustee (<i>copy of request attached as Exhibit B</i>); the Trustee has failed to provide the requested account. <p style="text-align: center;">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 5/20/2013.</u></p> <p>1. Need proposed order.</p>
Rosetta DOD: 5/7/2009			
Cont. from 051513, 052013			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	Non-jud. council		
✓ 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			
		<p>Reviewed by: LEG</p> <p>Reviewed on: 6/14/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5 – Nolte</p>	

Petitioner prays for an Order:

1. Compelling Marjorie A. Nolte, as Trustee, to submit her accounting of her acts as Trustee since 5/7/2009 through present;
2. Compelling Marjorie A. Nolte to redress the breach of trust described in the *Petition* by distributing half of the assets of the Trust to Petitioner; and
3. For costs.

Reply to Petition for Recovery of Trust Property and Account filed by MARJORIE A. NOLTE on 5/13/2013 states:

- Edmund V. Nolte, Sr. and Rosetta M. Nolte originally established the **NOLTE FAMILY TRUST** by Declaration of Trust dated 5/20/1999; the Trust was amended and restated in its entirety by *Resignation of Trustees and Agreement Modifying and Restating the Nolte Family Trust* dated 11/7/2005 (copy attached as Exhibit A);
- When the Trust was initially established, the Trust was funded with only two assets: (a) a parcel of commercial property located on Marks Ave. in Fresno; and (b) a residence located at Windsor Blvd. in Cambria;
- On 10/28/2005, shortly before the Resignation and Restatement was executed, the commercial property was sold by the Trust and the net proceeds from the sale of the commercial property were deposited into a joint bank account established on 6/28/2005 by the Trustors in the joint names of Edmund V. Nolte, Sr., Rosetta M. Nolte, and their granddaughter, **NATALIE NOLTE**;
- On 11/7/2005, following the sale of the commercial property, Mr. and Mrs. Nolte executed the *Resignation of Trustees*, by which, among other things, they resigned as Trustees of the Trust and appointed their daughter-in-law, Marjorie (Respondent), as Trustee of the Trust; when Respondent became Trustee of the Trust on 11/7/2005, the only remaining asset of the Trust was the Cambria residence; at the time of death of the last surviving Trustor (Rosetta), the Trust became irrevocable and the Cambria residence remained the only asset of the Trust;
- On 9/2/2010, Respondent as Trustee of the Trust caused the Cambria residence to be distributed to the two beneficiaries of the Trust by execution of Grant Deed to Ernest Richard Nolte and Edmund V. Nolte, Jr., in equal shares as tenants in common (copy of Grant Deed attached as Exhibit B);
- By making final distribution of the Cambria residence, Respondent completed her duties and responsibilities as Trustee of the Trust;
- Petitioner alleges that Respondent "...has failed and refused to administer the trust property according to the trust instrument, and in particular, has failed and refused to distribute half of the assets of the trust instrument to Petitioner." This allegation is false, for indeed on 9/2/2010, the Respondent did in fact cause all of the assets of the Trust to be distributed to the Trust's beneficiaries;
- Petitioner alleges that Respondent "...has failed and refused to provide an account of the above-described trust at any time." Once again, this allegation is false; in a telephone conversation with Petitioner's counsel on 2/11/2012, Respondent's counsel advised Petitioner's counsel that there was only one asset of the Trust (the Cambria residence); that the residence had been distributed to the Trust's beneficiaries in 2010; and that under these circumstances it would seem a waste of time and money to prepare an accounting which merely showed the distribution in kind of the sole asset of the Trust; at no time did either Respondent or her counsel refuse to provide an accounting;

~Please see additional page~

Reply to Petition filed 5/13/2013 by MARJORIE A. NOLTE, continued:

- As demanded in the *Petition*, Respondent has prepared an accounting of the administration of the Trust from 5/7/2009 through 3/31/2013 (copy attached as Exhibit C); Exhibit C, *First and Final Account of Trustee, Marjorie A. Nolte, Covering the Period from 5/7/2009 To and Including 9/2/2010*, shows the following:

Accounting	-	\$850,000.00
Beginning POH	-	\$850,000.00
Ending POH	-	\$ 0.00*

***Schedule G, Deductions from Account / Distributions states:** Pursuant to Article Fourth, Section D, Subsection 4 and Article Fourth, Section F, Subsection 2 of the foregoing Trust, distribution of residential real estate in Cambria, CA [legal description omitted] to **ERNEST RICHARD NOLTE** and **EDMUND V. NOLTE, JR.**, each as to an undivided ½ interest as tenants in common, Appraised value – **\$850,000.00**.

- In connection with the accounting, Petitioner caused the Cambria residence to be appraised as of 5/7/2009 [Rosetta's date of death, showing a value of **\$850,000.00**] by the San Luis Obispo County Probate Referee (copy of the Appraisal Report attached as Exhibit D).

Respondent prays for an Order:

- Denying any and all of the relief sought in the *Petition*;
- Allowing and approving the account of Trustee which is attached as *Exhibit C*; and
- Determining that by and upon distribution of the Cambria residence to the Trust's beneficiaries, the Respondent completed and fully performed all of her duties as Trustee of the Trust.

Atty Widdis, Laura, of Widdis & Widdis, Glendale (for Petitioner Carol J. Wertheim)
 Atty Widdis, Lawrence, of Widdis & Widdis, Glendale (for Petitioner Carol J. Wertheim)
 Atty Fanucchi, Edward L., of Quinlan Kershaw & Fanucchi (Court-appointed for Conservatee)

Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C. 1820, 1821, 2680-2682)

Age: 91 years		<p>CAROL J. WERTHEIM, daughter, is Petitioner and requests appointment as Conservator of the Person with medical consent and dementia powers to administer dementia medications; and of the Estate with bond set at \$255,700.00.</p> <p>Estimated Value of the Estate: Personal property - \$250,000.00 Annual income - \$ 5,700.00 Total - \$255,700.00</p> <p>Capacity Declaration of Jeffrey Mar, Ph.D., filed 6/3/2013 supports request for dementia powers and medical consent powers.</p> <p>Voting Rights NOT Affected</p> <p>Petitioner states the proposed Conservatee is 91 years of age and has atypical early dementia with exaggeration of longstanding domineering and controlling personality tendencies that have become inappropriate, and at times, abusive to those around him, particularly his spouse. Petitioner states the proposed Conservatee has lost much of his cognitive and functional abilities, lacks judgment and is paranoid, and he is unable to provide for his medical care, food, clothing or shelter. Petitioner states proposed Conservatee has been housed in, and needs to continue to reside in, an assisted living caretaking environment.</p> <p>Court Investigator Jo Ann Morris' Report was filed on 6/7/2013.</p>	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>Court Investigator Advised Rights on 6/5/2013.</p> <p>1. Need Citation for Conservatorship pursuant to Probate Code § 1823, and proof of personal service of the Citation on the proposed Conservatee pursuant to Probate Code § 1824.</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 checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail W/		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv. X		
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Cap. Dec.		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input checked="" type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input checked="" type="checkbox"/>	Letters		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation X		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: LEG</p> <p>Reviewed on: 6/14/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6 – Youngberg</p>	

Pro Per Stidham, Patricia Ann (Pro Per Petitioner, daughter)

Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C. 1820, 1821, 2680-2682)

Age: 87 years		<p>PATRICIA ANN STIDHAM, daughter, is Petitioner and requests appointment as Conservator of the Person with medical consent powers; and of the Estate without bond</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Court Investigator Samantha Henson to provide CI Report and Advisement of Rights.</p> <ol style="list-style-type: none"> 1. Petitioner requests appointment without bond and <i>Petition</i> states no reasons in support of that request. Bond is required in the sum of \$249,216.00 pursuant to Probate Code § 2320 and CA Rule of Court 7.207. 2. Need <i>Citation for Conservatorship</i> pursuant to Probate Code § 1823, and proof of personal service of the <i>Citation</i> on the Conservatee pursuant to Probate Code § 1824. <p>~Please see additional page~</p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
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<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation	X		
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Estimated Value of the Estate:
 Personal property - \$225,000.00
 Annual income - \$ 1,560.00
Total - \$226,560.00

Capacity Declaration of Abbas Mehdi, M.D., filed 5/10/2013 supports request for medical consent powers.

Petitioner states the proposed Conservatee is unable to care for her basic needs, and she has moderate to major impairments in concentrating and communicating. Petitioner states due to proposed Conservatee's medical condition she is unable to manage her affairs and protect herself from those who would take advantage of her. Petitioner states she [is named agent on] Power of Attorney for proposed Conservatee, which allows the Petitioner to act for proposed Conservatee, but does not prevent others from taking advantage of the proposed Conservatee because she can still act on her own.

Reviewed by: LEG
Reviewed on: 6/17/13
Updates:
Recommendation:
File 7 - Scarabello

NEEDS/PROBLEMS/COMMENTS, continued:

3. *Proof of Service by Mail* of the *Notice of Hearing* filed on 5/29/2013 does not indicate that a copy of the *Petition* was sent with the notice as required by Probate Code § 1822(a).
4. Need proposed *Order Appointing Probate Conservator* [Judicial Council GC- 340].

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

- **Friday, July 19, 2013 in Dept. 303** for filing proof of bond;
- **Friday, October 25, 2013 at 9:00 a.m. in Dept. 303** for filing of inventory and appraisal; and
- **Friday, August 29, 2014 at 9:00 a.m. in Dept. 303** for filing of first account and/or petition for final distribution.

Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.

DOD:03/02/2013		DIANE ESPARZA, daughter/named executor without bond, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need name and date of death of decedent's spouse pursuant to Local Rule 7.1.1D. 2. Copy of will is not attached to petition as required. 3. Need Affidavit of Publication. 4. Need Duties & Liabilities of Personal Representative. 5. Need Confidential Supplement to Duties & Liabilities of Personal Representative. 6. #5a(3) or #5a(4) was not answered regarding a registered domestic partner. 7. #5a(7) or #5a(8) was not answered regarding issue of predeceased child. 8. Item 5b of the petition is incomplete regarding stepchild or foster child. 9. Witnesses of the will did not date their signatures. 10. #8 does not include the name and address of the trustee of the Ray P. & Virgie Esparza Trust. 11. Need proof of service of the Notice of Petition to Administer Estate on the Trustee of the Ray P. & Virgie Esparza Trust. 12. Need Letters 13. Need Order. <p>Please see additional page for status hearings</p> <p>Reviewed by: LV</p> <p>Reviewed on: 06/17/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8 – Esparza</p>
Cont. from		Full IAEA -?	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
	Inventory	Will dated: 02/12/1998	
	PTC		
	Not.Cred.	Residence: Fresno	
<input checked="" type="checkbox"/>	Notice of Hrg	Publication: Need	
<input checked="" type="checkbox"/>	Aff.Mail	w/	
	Aff.Pub.	Estimated value of the Estate: Real property - \$80,000.00	
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen	Probate Referee: Steven Diebert	
	Letters	x	
	Duties/Supp	x	
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	x	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

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

- **Friday, 11/22/2013 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**
- **Friday, 08/22/2013 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.

Dept. 303, 9:00 a.m. Thursday, June 20, 2013

Age: 75	<p>BRUCE BICKEL was appointed Conservator of the Estate on 3-29-12 with additional powers under Probate Code §2591 pursuant to the order.</p> <p>A first account is now due.</p> <p>Status Report filed 5-9-13 states that while in the process of preparing the first account, additional securities have been identified and are in the process of being transferred to the conservatorship estate. The information has been provided to the Probate Referee for supplemental inventory and appraisal; however, the Probate Referee is out of the office through 5-20-13. Accordingly, completion is not expected until after that date.</p> <p>Mr. Bickel estimates that a brief continuance to 6-21-13 will be sufficient to complete the Supplemental I&A and file the First Account.</p> <p><i>Note: Supplemental I&As have been filed.</i></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: On 12-13-12, the Court approved payment of conservators and attorney's fees and costs in the total amount of \$20,330.10 in connection with sale of certain real property, and also confirmed the sufficiency of bond in the amount of \$966,000.00.</p> <p>1. Need First Account.</p>
Cont. from 051613		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 6-17-13
		Updates:
		Recommendation:
		File 9 – Mitchell

Atty Corona, Maria (pro per Petitioner/guardian/maternal grandmother)

Atty Miramontes, Paloma (pro per maternal aunt)

Petition for Termination of Guardianship

Angel age: 9	MARIA CORONA, maternal grandmother/guardian, is petitioner.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Petition does not list the names and current address of the parents and grandparents. Need proof of service of the Notice of Hearing on: <ol style="list-style-type: none"> Luis Gutierrez (Angel's paternal grandfather) Mrs. Gutierrez (Angel's paternal grandmother) Fernando Miranda (Yareli's paternal grandfather) Liliana Miranda (Yareli's paternal grandmother) Hector Miramontes (maternal grandfather)
Yareli age: 2			
Cont. from	MARIA CORONA, maternal grandmother, was appointed guardian on 4/17/2012.		
Aff.Sub.Wit.	Father (Angel): NOT LISTED (ANGEL MIRANDA) - personally served on 5/28/13		
✓ Verified			
Inventory	Father (Yareli): NOT LISTED (LUIS FABIAN GUTIERREZ) - personally served on 5/28/13		
PTC			
Not.Cred.			
✓ Notice of Hrg	Mother: YAIRA MIRAMONTES – personally served on 5/28/13		
✓ Aff.Mail	W/	Paternal grandfather (Angel): Not listed (Luis Gutierrez)	
Aff.Pub.	Paternal grandmother (Angel): Not listed (Mrs. Gutierrez)		
Sp.Ntc.	Paternal grandfather (Yareli): Not listed (Fernando Miranda)		
Pers.Serv.	Paternal grandmother (Yareli): Not listed (Liliana Miranda)		
Conf. Screen	Maternal grandfather: Not listed (Hector Miramontes)		
Letters			
Duties/Supp			
Objections			
Video Receipt			
✓ CI Report	<p>Petitioner states she has been feeling really sick lately, she's been tired and there are times she does not want to get out of bed. She believes the children would be better off with her daughter, Paloma Miramontes.</p>		
9202			
✓ Order			
Aff. Posting	<p>Court Investigator Samantha Henson's Report filed on 6/13/13</p>		
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: KT
			Reviewed on: 6/17/2013
			Updates:
			Recommendation:
			File 10A – Miramontes

Atty Corona, Maria (pro per guardian/maternal grandmother)

Atty Miramontes, Paloma (pro per Petitioner/maternal aunt)

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

Angel age: 9	PALOMA L. MIRAMONTES, maternal aunt, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
Yareli age: 2		
	MARIA CORONA , maternal grandmother, was appointed guardian on 4/17/2012. – consents and waives notice.	3. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: f. Luis Gutierrez (Angel's paternal grandfather) g. Mrs. Gutierrez (Angel's paternal grandmother) h. Fernando Miranda (Yareli's paternal grandfather) i. Liliana Miranda (Yareli's paternal grandmother) j. Hector Miramontes (maternal grandfather)
Cont. from		
Aff.Sub.Wit.	Father (Angel): ANGEL MIRANDA - personally served on 5/28/13	
✓ Verified		
Inventory	Father (Yareli): LUIS FABIAN GUTIERREZ - personally served on 5/28/13	
PTC		
Not.Cred.	Mother: YAIRA MIRAMONTES – personally served on 5/28/13	
✓ Notice of Hrg		
Aff.Mail	Paternal grandfather (Angel): Luis Gutierrez Paternal grandmother (Angel): Mrs. Gutierrez Paternal grandfather (Yareli): Fernando Miranda Paternal grandmother (Yareli): Liliana Miranda Maternal grandfather: Hector Miramontes	
Aff.Pub.		
Sp.Ntc.	Patitioner states her mother (current guardian) wants to give her the guardianship. The current guardian is having health problems.	
✓ Pers.Serv.		
✓ Conf. Screen	Court Investigator Samantha Henson's Report filed on 6/13/13	
✓ Letters		
✓ Duties/Supp		Reviewed by: KT
Objections		
Video Receipt		Reviewed on: 6/17/2013
✓ CI Report		
9202		Updates:
✓ Order		
Aff. Posting		Recommendation:
Status Rpt		
✓ UCCJEA		File 10B – Miramontes
Citation		
FTB Notice		

Atty Albarran, Fred (Pro Per – Maternal Uncle – Petitioner)

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

Moses (15)	<p style="text-align: center;">TEMP EXPIRES 6-20-13</p> <p>FRED ALBARRAN, maternal uncle, is Petitioner.</p> <p>Father: MOSES DeLEON, III - Notice waived per Minute Order 4-30-13</p> <p>Mother: ARLENE E. DELEON - Consents and waives notice.</p> <p>Paternal grandfather: Moses DeLeon, II Paternal grandmother: Arlene Hemendez</p> <p>Maternal grandfather: Ruben Garcia - Deceased. Maternal grandmother: Rosemarie Chavez-Gonzales</p> <p>Petitioner states the mother is in sober living rehabilitation and wants the children to be in a safe and familiar home while she completes her program. Petitioner states the father has a protection order against him for the children and Petitioner, due to his violent nature and pending criminal court proceedings for assault with a deadly weapon, which occurred on 4/7/2013 when he used his car as a weapon and struck Petitioner and the children's maternal grandmother, then fled the scene, and the children witnessed the acts and are traumatized. Petitioner is currently the caregiver of the children and has enrolled them in school, and he needs to be able to make necessary decisions for the children.</p> <p>Court Investigator Julie Negrete filed a report on 6-13-13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: This petition is for minors Moses (15), Joseph (8), Jesse (6), and Richard (6) only. Rosemarie Chavez-Gonzales, maternal grandmother, was appointed guardian of sibling Xavier Zachariah Chavez on 3-4-13.</p> <p>Minute Order 4-30-13: The Court notes for the minute order that there is a restraining order against the father that will be in effect for three years. The Court waives further notice to the father and extends the temporary to 6/20/13. The General Hearing remains set for 6/20/13. The Court directs the Petitioner to complete the UCCJEA Form. Temp Letters extended to 6-20-13.</p> <p>If this matter goes forward:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 or consent and wavier of notice on: - Moses Deleon (minor age 15) 3. Need proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 or consent and wavier of notice or declaration of due diligence on: - Moses DeLeon, II (paternal grandfather) - Arlene Hernandez (paternal grandmother) - Rosemarie Chavez-Gonzales (maternal grandmother and guardian of sibling Xavier) 4. Need completed UCCJEA (five yr residence history).
Joseph (8)		
Jesse (7)		
Richard (6)		
Aff.Sub.Wit.		
✓ Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail	x	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	x	
✓ Conf. Screen		
✓ Letters		
✓ Duties/Supp		
Objections		
Video Receipt		
✓ CI Report		
✓ Clearances		
✓ Order		
Aff. Posting		
Status Rpt		
✓ UCCJEA	x	
Citation		
FTB Notice		
<p>Reviewed by: skc</p> <p>Reviewed on: 6-17-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11 – Chavez & DeLeon</p>		

Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820, 1821, 2680-2682)

Age: 18		NO TEMP REQUESTED	NEEDS/PROBLEMS/COMMENTS: <u>Court Investigator advised rights on 6-5-13</u> <u>Voting rights affected</u> - <u>Need minute order</u> 1. Need video receipt.
		MARIA VICTORIA SOTO , Mother, is Petitioner and requests appointment as Conservator of the Person with medical consent powers.	
	Aff.Sub.Wit.	VOTING RIGHTS AFFECTED	
✓	Verified	A Capacity Declaration was attached to the petition. Petitioner states the proposed Conservatee is diagnosed with autism and Cornelia D Lange Syndrome, which causes numerous medical problems and disabilities. He is fed by a tube. He suffers from various medical conditions (see petition for details) and his behavioral disorders causes him to inflict wounds on himself. He has the cognitive ability of about a 2-year-old child. He requires assistance with all daily tasks and is never left unsupervised. He also wears a safety harness due to his destructive nature and violent tendencies.	
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt	Court Investigator Jo Ann Morris filed a report on 6-6-13.	
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
✓	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 6-17-13
			Updates:
			Recommendation:
			File 12 – Soto

Pro Per Fradue, Charlene A. (Pro Per Petitioner, maternal grandmother)

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

Age: 9 years		<p style="text-align: center;"><u>General Hearing set for 8/6/2013</u></p> <p>CHARLENE FRADUE, maternal grandmother, is Petitioner.</p> <p>Father: JONTÉ RASHEED McCALISTER; Declaration of Due Diligence filed 6/7/2013.</p> <p>Mother: LATASHA FRADUE</p> <p>Paternal grandfather: Rufus L. McCalister Paternal grandmother: Syeda Price-Heney</p> <p>Maternal grandfather: Timothy Fradue</p> <p>Petitioner states the natural mother is currently incarcerated in Fresno County Jail, and the father's whereabouts are unknown. Petitioner states when the child lives with Petitioner he is given love and consistent and stable care, and he is happy with her. Petitioner states when the child was in his mother's care before she went to jail again, his grades went down to Ds and Fs, and now that he is in Petitioner's care again he has improved and his grades returned to As and Bs, and he appears happier and less stressed.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need <i>Notice of Hearing</i> and proof of five (5) court days' notice by personal service of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence</i> for:</p> <ul style="list-style-type: none"> • Latasha Fradue, mother; • Jonté R. McCalister, if Court does not find due diligence. <p>2. UCCJEA form filed on 6/7/2013 does not provide residence information for the last 5 years as required.</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			X
<input type="checkbox"/>	Aff.Mail			
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			X
<input checked="" type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Aff. Posting			
<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 checked="" type="checkbox"/>	Letters			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		<p>Reviewed by: LEG</p> <p>Reviewed on: 6/17/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13 – McCalister</p>		