

Petition for Appointment of Guardian of the Person

Age: 16 years		<p style="text-align: center;"><b>TEMPORARY EXPIRES 6/24/2013</b></p> <p><b>ANTHONY RAINALDI</b>, maternal uncle, is Petitioner.</p> <p>Father: <b>DAVID WAYNE LAHEY</b></p> <p>Mother: <b>NANCY JO GERMAIN</b>; deceased.</p> <p>Minor consents and waives notice.</p> <p>Paternal grandfather: Unknown Paternal grandmother: Unknown</p> <p>Maternal grandfather: Tony Rainaldi; consents and waives notice. Maternal grandmother: Donna Ruth Rainaldi; deceased.</p> <p><b>Petitioner states:</b></p> <ul style="list-style-type: none"> <li>The child's mother was his sister and the child was his sister's only child and resided with her mother exclusively for the past 7 years;</li> <li>The child's mother passed away unexpectedly on 3/10/2013, and the child has been living with him and his significant other since immediately after her mother's death;</li> <li>The child has had no visits with her father since ~2003, but she has had occasional and sporadic telephone contact with him during the past 10 years;</li> </ul> <p style="text-align: center;">~Please see additional page~</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Probate Code § 1511(b)(3), need Notice of Hearing and proof of personal service of the Notice of Hearing with a copy of the Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence, for:</p> <ul style="list-style-type: none"> <li>David Wayne Lahey, father.— Declaration of Non-Service filed 6/14/2013 shows service was attempted by a process server in Fairfax, Virginia, on 5/31/2013; contact information was left with female resident DIANE LAHEY, who identified herself as step-mother of David Lahey, and she had no address for him but offered to give a message to her husband who would give it to David.</li> </ul> <p>2. Probate Code § 1511(b)(1), need proof of service by mail of the Notice of Hearing with a copy of the Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence, for:</p> <ul style="list-style-type: none"> <li>Paternal grandparents (no request to dispense with notice has been made);</li> <li>Casey Lahey, sibling, if age 12 or over.</li> </ul>	
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<input type="checkbox"/>	Aff.Sub.Wit.			
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<input type="checkbox"/>	Notice of Hrg			X
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<input type="checkbox"/>	FTB Notice			
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 6/17/13</p> <p><b>Updates:</b> 6/17/13</p> <p><b>Recommendation:</b></p> <p><b>File 1 – Lahey</b></p>		

**Petitioner states, continued:**

- The child has indicated a strong desire not to be placed in the custody of her father, as she believes he may live in the State of Virginia, and the last time her father contacted her was in 2009 when he called asking for pictures of the child, and the pictures were returned as undeliverable; they had no contact number to call the father to tell him the pictures were returned;
- The child has indicated her earliest recollection of her father was during her first or second year of school, and at that time the child and her mother had been living on the east coast near the child's father; however, during several visits, the child states she told her mother that she was uncomfortable around her father because of the way he touched and/or kissed her during a visit; the child did not elaborate but stated that after she talked with her mother, she no longer visited her father without an adult present; in her third grade year, the child and her mother moved back to California and she did not have any contact with her father until he telephoned her in the seventh grade;
- The child also stated a woman had called her and said she had seen the notice regarding her mother's death on Facebook, and told the child that her father would like her to call him; the child apparently told the woman that she did not want to talk with her father and ended the conversation;
- Petitioner states he is able to provide the child with a stable home and she would be able to continue her education at the same high school with her friends and peers; the child has suffered a tragic loss and it is not in her best interest that she be placed in the custody of a man she has spoken to three or four times the past 10 years and who has had no contact at all in the last 3 years;
- Petitioner states he needs guardianship so that he is able to obtain medical and other health care for the child and add the child to his health and automobile insurance policies, and so that he may interact as custodial parent of the child for academic purposes, and requests the Court grant him guardianship of his niece.

**Court Investigator Charlotte Bien's Report was filed on 6/11/2013.**

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

<b>Age: 86</b>	<b>NO TEMP REQUESTED</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>WILLIAM T. GOLDEN</b> , Nephew, is Petitioner and requests appointment as Conservator of the Person with medical consent and dementia medication and placement powers, and of the Estate with bond of \$242,550.00.	<b><u>Court Investigator advised rights on 6-3-13</u></b>
	<b>Voting rights affected</b>	<b><u>Voting rights affected</u></b>
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	<b>A Capacity Declaration was filed 5-30-13.</b>	- <b><u>Need minute order</u></b>
<input checked="" type="checkbox"/> <b>Verified</b>	<b>Estimated value of estate:</b>	
<input type="checkbox"/> <b>Inventory</b>	Personal property: \$ 170,100.00	
<input type="checkbox"/> <b>PTC</b>	Annual income: \$ 50,400.00	
<input type="checkbox"/> <b>Not.Cred.</b>	Total: \$ 220,500.00	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	<b>Petitioner states</b> the proposed Conservatee is suffering from a form of dementia and is currently located in a care center at the Nazareth House in Fresno, CA. She is unable to provide for her personal needs for physical health, food, clothing, shelter, and is unable to manage her financial resources or resist fraud or undue influence.	<b><u>Note:</u></b> The Court will set status hearings as follows:
<input checked="" type="checkbox"/> <b>Aff.Mail</b> W		- <b>Friday 8-30-13 for filing of proof of bond</b>
<input type="checkbox"/> <b>Aff.Pub.</b>		- <b>Friday 11-8-13 for filing of Inventory and Appraisal</b>
<input type="checkbox"/> <b>Sp.Ntc.</b>		- <b>Friday 11-7-14 for filing of the first account</b>
<input checked="" type="checkbox"/> <b>Pers.Serv.</b> W		<b>If the appropriate items are on file, the status hearings may come off calendar.</b>
<input type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input checked="" type="checkbox"/> <b>Video Receipt</b>		
<input checked="" type="checkbox"/> <b>CI Report</b>	<b>Court Investigator Jennifer Daniel filed a report on 6-14-13.</b>	
<input type="checkbox"/> <b>9202</b>		<b>Reviewed by: skc</b>
<input checked="" type="checkbox"/> <b>Order</b>		<b>Reviewed on: 6-17-13</b>
<input type="checkbox"/> <b>Aff. Posting</b>		<b>Updates: 6-20-13</b>
<input type="checkbox"/> <b>Status Rpt</b>		<b>Recommendation:</b>
<input type="checkbox"/> <b>UCCJEA</b>		<b>File 2 – Steele</b>
<input checked="" type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		

**Dale W. Balagno Revocable Trust**  
Armo, Lance E. (for Joseph Balagno – Beneficiary – Petitioner)  
Petition to Remove Trustee, to Appoint Public Administrator as Trustee, and To  
Compel Trustee to Account

		<p><b>JOSEPH BALAGNO</b>, Beneficiary, is Petitioner.</p> <p><b>Petitioner states:</b></p> <ul style="list-style-type: none"> <li>• <b>The Revocable Trust of Dale W. Balagno</b> was established via Declaration of Trust dated 3-6-13. The trust corpus consists primarily of bank and investment accounts held with several banking institutions.</li> <li>• The Trustee of the Trust is <b>Nicholas T. Kovacevich</b> and purports to be acting in that capacity.</li> <li>• The beneficiaries are <b>Lori Jo Brown, Linda Sue Balagno, Joseph Dale Balagno (Petitioner), and Mary E. Pond.</b></li> <li>• Petitioner is informed and believes that the Trustee has conveyed real property, other accounts, and personal property of the trust to Mary E. Pond without accounting, notice or acknowledgment whatsoever to Petitioner and other beneficiaries. Only upon Petitioner's contacting the various banking and investment institutions did Petitioner learn of such. See attached Trust Transfer Deed dated 3-27-13.</li> <li>• Petitioner also believes the trustee has distributed other investment accounts to Ms. Pond or to himself without notice, and/or is concealing the identity of other assets comprising the trust estate. Petitioner is informed and believes that certain accounts have been closed or blocked without notice or accounting to beneficiaries.</li> <li>• Petitioner has asked the trustee for a list of assets; however, he has refused to comply with such request. Petitioner has been forced to freeze various accounts as a result.</li> <li>• Petitioner seeks an order removing the trustee on grounds that he refuses to respond after demands having been made, conveys property without notice or accounting to either Ms. Pond or himself, changes mailing addresses and ownership of various accounts to the name of Ms. Pond, and refuses to correspond or communicate with Petitioner and other beneficiaries.</li> </ul> <p style="text-align: center;"><b>SEE PAGE 2</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p style="text-align: center;"><u><b>SEE PAGE 2</b></u></p>	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
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	Notice of Hrg			X
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	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order	X		
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
		<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 6-17-13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 3 – Balagno</b></p>		

Page 2

**Petitioner states** a trustee may be removed on petition under §§ 17200, 15642a for breach or other good cause, including hostility. Remedies include compel performance, enjoin trustee from further breach, equitable lien on property. Petitioner believes the trustee is intentionally refusing to communicate so to make further conveyances to Ms. Pond or himself without providing notice or accounting to other beneficiaries.

**Petitioner prays for an Order:**

1. Removing Nicholas T. Kovacevich as trustee of the Trust of Dale W. Balagno;
2. Ordering Nicholas T. Kovacevich account for his actions as trustee;
3. Appointing the Public Administrator as successor trustee;
4. Ordering Nicholas T. Kovacevich bear his own costs and attorney fees for defense of this action;
5. Ordering Nicholas T. Kovacevich retitle the trust estate property in the name of the trust;
6. For all costs of suit incurred; and
7. For such other and further relief as the Court may deem just and proper.

Petitioner provides various citations for the request. See Petition.

**NEEDS/PROBLEMS/COMMENTS:**

1. Petitioner does not provide a copy of the trust for Court review.

*Note: Petitioner states the trust dated 3-6-13 (approx. 90 days ago) is revocable, but does not provide details pertinent to this Court's understanding of the nature of the trust or the relationship between the settlor, beneficiaries, and trustee.*

2. Petitioner states the trust is revocable, but does not list the settlor as a person who is entitled to notice. Need clarification regarding the settlor and his or her competency with reference to Probate Code §15800 (Limitations on rights).
3. Petitioner states demands have been made for information; however, Petitioner does not state whether he is entitled to such information under Probate Code §§ 16069(a), 15800, since the trust is revocable.
4. Petitioner also does not state the nature of the demand (reasonable, with reference to Probate Code §16061?) or the time frame for response. Probate Code §17200(b)(7)(C) allows a petition to be filed under this section if the trustee has failed to account within 60 days of reasonable request. Given the recent date of the trust, and given the other unknown information per above, need authority to file this petition at this point.
5. Need Notice of Hearing and proof of service at least 30 days prior to the hearing pursuant to Probate Code §17203 on all persons entitled to notice, including Public Administrator and County Counsel.
6. Petitioner requests appointment of the Public Administrator, but no consent to serve has been filed.
7. Petitioner indicates at Page 2, Paragraph No. 7, that the attached deed evidences conveyance of real property of this trust estate to Ms. Pond; however, the attached Trust Transfer Deed appears to transfer property from Grantor Mary E. Pond to Mary E. Pond, Trustee of the Mary E. Pond Revocable Trust dated 3-6-13. There is no mention of this trust or trustee. If this petition goes forward, need clarification.
8. If additional documents are provided, there may be additional issues upon further review.



**Petitioner states, continued:**

- The father had sole custody of the child pursuant to a 2005 child custody order entered in the dissolution proceedings for the marriage of the father and the child's birth mother, **KARLA DEAN**, who had not attempted to visit the child and had no contact with the child for over two years before the father's death, despite that she had supervised visitation rights;
- Since about 2004, the child and her sister, **HOPE DESTINY CUNHA**, lived with their father and his wife, **JULIANA CUNHA** (the children's step-mother), with whom the child and her sister continue to reside;
- Petitioner was appointed as Guardian of the Person of the child and her sister on 4/19/2012 (Case # 12CEPR00167), and it would be in the best interest of the child to have Petitioner appointed as guardian of the child's estate rather than the child's biological mother.

**Petitioner requests other orders as follows:**

- Petitioner retained the law firm of Baker Manock & Jensen to assist her in the process of being appointed as guardian of the person of this child and her sister;
- Attorney fees were incurred in the total of **\$13,724.50 (\$6,862.25** for this guardianship's ½), and costs advanced in the total of **\$310.00 (\$155.00** for this guardianship's ½) (please refer to Declaration of Jeffery A. Jaech in Support of Attorney Fees filed 5/14/2013, showing 47.9 hours @ \$390.00/hr and \$375.00/hr attorney rates, and \$145.00/hr and \$150.00/hr paralegal rates);
- Petitioner requests an order that she be authorized to pay fees and costs of **\$7,017.25** to Baker Manock & Jensen from this guardianship blocked account;
- Petitioner advanced costs for filing fees, certified copies, and investigator's fees to this guardianship in the total of **\$1,241.00 (\$620.50** for this guardianship's ½), and requests she be authorized to pay herself **\$620.50** from this guardianship blocked account.

**Note:** Itemization of costs and expenses attached as *Exhibit A* to the Declaration of Jeffery A. Jaech in Support of Attorney Fees filed 5/14/2013 shows cost of **\$35.00** is requested for court filing paid to a court runner service, which is a cost specifically excluded from reimbursable costs pursuant to Local Rule 7.17(B)(7). Therefore, the amount of **\$17.50** should be deducted from the request for reimbursement from this guardianship estate, and *Attachment 14* to the proposed order has been interlineated to reflect this correction such that **\$6,999.75** should be paid to the attorneys.

**Note:** If *Petition* is granted, the Court will set the following status hearings:

- **Friday, July 26, 2013 at 9:00 a.m. in Dept. 303** for receipt of funds in blocked account ;
- **Friday, October 25, 2013 at 9:00 a.m. in Dept. 303** for the filing of the inventory and appraisal; and
- **Friday, August 29, 2014 at 9:00 a.m. in Dept. 303** for the filing of the first account.

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.

Atty Jaech, Jeffrey A.; Manock, Charles K.; of Baker Manock & Jensen (for Petitioner Marilyn Z. Cunha, Guardian of the Person)

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

Age: 9 years		<p style="text-align: center;"><b>NO TEMPORARY REQUESTED</b></p> <p><b>MARILYN Z. CUNHA</b>, paternal grandmother, is Petitioner and requests appointment as Guardian of the Estate with deposits of <b>\$40,000.00</b> plus interest into a blocked account.</p> <p><b>Estimated Value of the Estate:</b>                  Personal property - <b>\$40,000.00</b>                  Annual income - <b>\$ 200.00</b>  <b>Total - \$40,200.00</b></p> <p>Father: <b>DUSTIN CUNHA</b>; deceased.                  Mother: <b>KARLA DEAN</b>; personally served 6/6/2013.</p> <p>Paternal grandfather: Daniel A. Cunha; served notice by mail 5/28/2013.</p> <p>Maternal grandfather: Deceased                  Maternal grandmother: Deceased</p> <p><b>Petitioner states:</b></p> <ul style="list-style-type: none"> <li>The child's father died on 2/8/2012 after a car accident, and he had a life insurance policy through his employer which named his spouse and three children as equal beneficiaries, thus a guardian of the estate must be appointed to collect the proceeds of the life insurance policy for the child;</li> </ul> <p style="text-align: center;">~Please see additional page~</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Pages 4 and 6</b> are related matters regarding siblings of this ward.</p> <p><b>Note:</b> Letters of Guardianship issued 4/20/2012 to Marilyn Z. Cunha as Guardian of the Person of Brianna Katherine Cunha and Hope Destiny Cunha. Order Regarding Supervised Visitation filed 5/4/2012 orders the Guardian shall have sole custody of the minors, the Guardian may place physical custody of the minors with Juliana Cunha, step-mother, and Karla Dean, mother, may have supervised visits with the minors.</p> <p><b>Note:</b> Proof of Service by Mail of the Notice of Hearing filed 5/28/2013 shows notice was mailed to all persons entitled to notice, as well as to the child's siblings who are under age 12 and not required to be served pursuant to Probate Code § 1511(b)(1), but the proof does not show notice of the Petition was served on Hope Cunha, who is the proposed ward in the instant Petition for guardianship of her estate, and seemingly more appropriate albeit not required to have been served with notice.</p> <p style="text-align: center;">~Please see additional page~</p> <p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 6/20/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 5 – Cunha</b></p>
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Objections			
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9202			
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Status Rpt			
UCCJEA			
Citation			
FTB Notice			

**Petitioner states, continued:**

- The father had sole custody of the child pursuant to a 2005 child custody order entered in the dissolution proceedings for the marriage of the father and the child's birth mother, **KARLA DEAN**, who had not attempted to visit the child and had no contact with the child for over two years before the father's death, despite that she had supervised visitation rights;
- Since about 2004, the child and her sister, **BRIANNA KATHERINE CUNHA**, lived with their father and his wife, **JULIANA CUNHA** (the children's step-mother), with whom the child and her sister continue to reside;
- Petitioner was appointed as Guardian of the Person of the child and her sister on 4/19/2012 (Case # 12CEPR00167), and it would be in the best interest of the child to have Petitioner appointed as guardian of the child's estate rather than the child's biological mother.

**Petitioner requests other orders as follows:**

- Petitioner retained the law firm of Baker Manock & Jensen to assist her in the process of being appointed as guardian of the person of this child and her sister;
- Attorney fees were incurred in the total of **\$13,724.50 (\$6,862.25** for this guardianship's ½), and costs advanced in the total of **\$310.00 (\$155.00** for this guardianship's ½) (please refer to Declaration of Jeffery A. Jaech in Support of Attorney Fees filed 5/14/2013, showing 47.9 hours @ \$390.00/hr and \$375.00/hr attorney rates, and \$145.00/hr and \$150.00/hr paralegal rates);
- Petitioner requests an order that she be authorized to pay fees and costs of **\$7,017.25** to Baker Manock & Jensen from this guardianship blocked account;
- Petitioner advanced costs for filing fees, certified copies, and investigator's fees to this guardianship in the total of **\$1,241.00 (\$620.50** for this guardianship's ½), and requests she be authorized to pay herself **\$620.50** from this guardianship blocked account.

**Note:** Itemization of costs and expenses attached as *Exhibit A* to the Declaration of Jeffery A. Jaech in Support of Attorney Fees filed 5/14/2013 shows cost of **\$35.00** is requested for court filing paid to a court runner service, which is a cost specifically excluded from reimbursable costs pursuant to Local Rule 7.17(B)(7). Therefore, the amount of **\$17.50** should be deducted from the request for reimbursement from this guardianship estate, and *Attachment 14* to the proposed order has been interlineated to reflect this correction such that **\$6,999.75** should be paid to the attorneys.

**Note:** If *Petition* is granted, the Court will set the following status hearings:

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- **Friday, August 29, 2014 at 9:00 a.m. in Dept. 303** for the filing of the first account.

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.

Atty Jaech, Jeffrey A.; Manock, Charles K.; of Baker Manock & Jensen (for Petitioner Juliana Cunha, mother)

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

Age: 7 years		<p style="text-align: center;"><b>NO TEMPORARY REQUESTED</b></p> <p><b>JULIANA CUNHA</b>, mother, is Petitioner and requests appointment as Guardian of the Estate with deposits of <b>\$40,000.00</b> plus interest into a blocked account.</p> <p><b>Estimated Value of the Estate:</b>                  Personal property - <b>\$40,000.00</b>                  Annual income - <b>\$ 200.00</b>  <b>Total - \$40,200.00</b></p> <p>Father: <b>DUSTIN CUNHA</b>; deceased.</p> <p>Paternal grandfather: Daniel A. Cunha; served notice by mail 5/28/2013.                  Paternal grandmother: Marilyn Z. Cunha; sent notice by mail 5/28/2013.</p> <p>Maternal grandfather: Steve Dunn; sent notice by mail 5/28/2013.                  Maternal grandmother: Wanda J. Graham; sent notice by mail 5/28/2013.</p> <p><b>Petitioner states</b> the child's father died on 2/8/2012 after a car accident, and he had a life insurance policy through his employer which named his spouse and three children as equal beneficiaries, thus a guardian of the estate must be appointed to collect the proceeds of the life insurance policy for the child.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Pages 4 and 5</b> are related matters regarding siblings of this ward.</p> <p><b>Note:</b> <i>Proof of Service by Mail of the Notice of Hearing</i> filed 5/28/2013 shows notice was mailed to all persons entitled to notice, as well as to the child's siblings who are under age 12 and not required to be served pursuant to Probate Code § 1511(b)(1), but the proof does not show notice of the <i>Petition</i> was served on Marissa Cunha, who is the proposed ward in the instant <i>Petition</i> for guardianship of her estate, and seemingly more appropriate albeit not required to have been served with notice.</p> <p><b>Note:</b> If <i>Petition</i> is granted, the Court will set the following status hearings:</p> <ul style="list-style-type: none"> <li>• <b>Friday, July 26, 2013 at 9:00 a.m. in Dept. 303</b> for receipt of funds in blocked account ;</li> <li>• <b>Friday, October 25, 2013 at 9:00 a.m. in Dept. 303</b> for the filing of the inventory and appraisal; and</li> <li>• <b>Friday, August 29, 2014 at 9:00 a.m. in Dept. 303</b> for the filing of the first account.</li> </ul> <p>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.</p>	
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		Reviewed by: LEG		
		Reviewed on: 6/20/13		
		Updates:		
		Recommendation:		
		File 6 – Cunha		

Atty Giglio, Paul (Pro Per – Father – Co-Petitioner)  
 Atty Harper, Crystal (Pro Per – Mother – Co-Petitioner)  
 Atty Graffia, Jennifer (Pro Per – Paternal Aunt – Guardian)

**Petition for Termination of Guardianship**

<b>Lalien (5)</b>	<p><b>PAUL GIGLIO and CRYSTAL HARPER</b>, Parents, are Petitioners.</p> <p><b>JENNIFER GRAFFIA</b>, Paternal Aunt, was appointed Guardian on 1-4-12.                  - <i>Consents and waives notice</i></p> <p>Paternal Grandfather: Name not listed                  - Deceased                  Paternal Grandmother: Yvonne Giglio                  Maternal Grandfather: Wesley Harper                  Maternal Grandmother: Lorry Ann Camire                  - Deceased                  Siblings: Kyle Harper, Alexis Bernhardt</p> <p><b>Petitioners do not state why termination of the guardianship is in the best interest of the minors. (#5 of the Petition is blank.)</b></p> <p><b>Court Investigator Jo Ann Morris filed a report on 6-18-13.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li><b>Need Notice of Hearing.</b></li> <li><b>Need proof of service of Notice of Hearing at least 15 days prior to the hearing on all relatives per Probate Code §1460(b)(5) including:</b> <ul style="list-style-type: none"> <li>- Yvonne Giglio</li> <li>- Wesley Harper</li> <li>- Any siblings age 12 or older</li> </ul> </li> </ol>	
<b>Lariassa (2)</b>			
<b>Aff.Sub.Wit.</b>			
✓ <b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			X
<b>Aff.Mail</b>			X
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
✓ <b>CI Report</b>			
<b>9202</b>			
✓ <b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
		<b>Reviewed by:</b> skc	
		<b>Reviewed on:</b> 6-17-13	
		<b>Updates:</b> 6-19-13	
		<b>Recommendation:</b>	
		<b>File 7 – Giglio</b>	

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

<b>Age: 6 years</b>		<b>TEMP EXPIRES 6/24/2013</b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<p><b>JUDITH JONES</b>, paternal grandmother, is Petitioner.</p>		<p><b>Note: This petition is for EMILY VILLAREAL only.</b> Alicia's Paternal Grandmother Maria Amparo Huerta was appointed as her guardian on 10/3/12.</p>	
<b>Cont. from 052013</b>		<p>Father: <b>BRIAN K. JONES</b> - Nominates, consents, and waives notice</p>		<p>Continued from 5/20/13. Minute order states mother, Anita Villareal objects to the petition. The Court indicates to the parties that the guardian will be responsible for determining what contact mother will have with the child and under what terms. The Court orders that anyone visiting the child shall be courteous, clean and sober. Parties are ordered not to speak ill of one another around the child. The court investigator is directed to contact mother.</p>	
	<b>Aff.Sub.Wit.</b>			<p>1. Need UCCJEA (Form GC-120) containing child's residence history and other pertinent information.</p> <p>2. Need proof of service of Notice of Hearing with a copy of the petition or Consent and Waiver or Notice or Declaration of Due Diligence on:</p> <ul style="list-style-type: none"> <li>a. Stephen E. Jones (paternal grandfather)</li> <li>b. Raul Villareal (maternal grandfather)</li> <li>c. Sylvia Garza (maternal grandmother)</li> </ul>	
✓	<b>Verified</b>				
	<b>Inventory</b>				
	<b>PTC</b>				
	<b>Not.Cred.</b>				
	<b>Notice of Hrg</b>	X			
	<b>Aff.Mail</b>	X			
	<b>Aff.Pub.</b>				
	<b>Sp.Ntc.</b>				
✓	<b>Pers.Serv.</b>				
✓	<b>Conf. Screen</b>			<p><b>Petitioner states</b> there have been many occasions when Emily has come to Petitioner's home not knowing where her mommy was or because she was hungry. On 2/7/13 a neighbor brought Emily to the church where Petitioner was and Emily ran to Petitioner and said she couldn't find her mommy. Upon taking her back that evening to where her mother was staying at the time, Petitioner chose to bring her home with her instead due to drug activity where the mother was staying. Petitioner states the mother is now homeless and it is in Emily's best interest to remain with Petitioner.</p> <p><b>Court Investigator Jennifer Daniel's Report filed on 5/13/13.</b></p> <p><b>Court Investigator Jennifer Daniel's Supplemental Report filed on 6/17/2013</b></p>	
✓	<b>Letters</b>				
✓	<b>Duties/Supp</b>				
	<b>Objections</b>				
	<b>Video Receipt</b>				
✓	<b>CI Report</b>				
	<b>9202</b>				
✓	<b>Order</b>				
	<b>Aff. Posting</b>				
	<b>Status Rpt</b>				
	<b>UCCJEA</b>	X			
	<b>Citation</b>				
	<b>FTB Notice</b>				
				<b>Reviewed by:</b> KT	
				<b>Reviewed on:</b> 6/17/2013	
				<b>Updates:</b> 6/19/2013	
				<b>Recommendation:</b>	
				<b>File 8 – Sanchez &amp; Villarreal</b>	

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

Jasean age: 12	<u>TEMPORARY EXPIRES 6/24/13</u>		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need Notice of Hearing with 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:</p> <p>a. Paternal grandparents of Jalen.</p> <p>b. Horance Anthony (maternal grandfather)</p> <p>- Unless the court dispenses with notice.</p>
Jalen age: 9	<p><b>RICHARD HARVEY</b>, maternal step-grandfather, is petitioner.</p> <p>Father (Jasean): <b>JOSEPH WILLIAMS</b> – consents and waives notice.</p> <p>Father (Jalen): <b>CORNELL GREEN</b> – court dispensed with notice per minute order dated 5/6/2013.</p> <p>Mother: <b>TISHA ANTHONY</b> – consents and waives notice.</p> <p>Paternal grandfather (Jasean): Sylvester Williams – deceased.</p> <p>Paternal grandmother (Jasean): Martha Williams – consents and waives notice.</p> <p>Paternal grandfather (Jalen): unknown – Declaration of Due Diligence filed on 6/12/2013.</p> <p>Paternal grandmother (Jalen): Unknown – Declaration of Due Diligence filed on 6/12/13</p> <p>Maternal grandfather: Horance Anthony – Declaration of Due Diligence filed on 6/12/13.</p> <p>Maternal grandmother: Twyla Daily – deceased.</p> <p><b>Petitioner states</b> the guardianship is necessary for the children to be raised in a positive and disciplinary way. Both have lived at Petitioner's residence for the past 7 years. They are in a stable environment.</p> <p><b>Court Investigator Jennifer Daniel's Report filed on 6/12/13.</b></p>		
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	X		
Aff.Mail	X		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
			<p><b>Reviewed by:</b> KT</p> <p><b>Reviewed on:</b> 6/17/2013</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 9 – Williams &amp; Anthony</b></p>

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

<b>DOD: 11/24/2011</b>		<p><b>HILDA GARZON-AYVAZIAN</b>, petitioner requests appointment as Administrator with will annexed without bond.</p> <p>Named executor declines to act. Sole heir waives bond.</p> <p>Full IAEA – o.k.</p> <p>Will dated: 06/16/2011</p> <p>Residence: Arizona / Mexico Publication: Fresno Bee</p> <p><b>Estimated value of the Estate:</b>                      Personal property \$33,190.00                      Real property \$647,570.00  <b>Total: \$680,760.20</b></p> <p>Probate Referee: Rick Smith</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>Petitioner is not listed on #8 of the petition.</li> <li>Everardo Rios Rodriguez, named executor, is not listed on #8 of the petition.</li> <li>Everardo Rios Rodriguez did not waive notice therefore need proof of service of Petition to Administer Estate.</li> <li>Need Confidential Supplement to Duties &amp; Liabilities of Personal Representative.</li> </ol> <p><b>Note: If the petition is granted status hearings will be set as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>Friday, 12/06/2013 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <u>and</u></li> <li>• <b>Friday, 08/29/2014 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.</li> </ul>
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> w/		
<input checked="" type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b> x		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<b>Reviewed by: LV</b>	
		<b>Reviewed on: 06/19/2013</b>	
		<b>Updates: 6/21/13 (KT)</b>	
		<b>Recommendation:</b>	
		<b>File 10 – Fansler</b>	

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

<b>DOD: 01/04/2013</b>	<b>FRANCES YBARRA</b> , sister, is petitioner without bond.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Petition states decedent died intestate. Petitioner requests appointment as executor, if decedent died without a will petitioner should request appointment as administrator.  2. Need Notice of Petition to Administer Estate.  3. Need proof of service of Notice of Petition to Administer Estate on the following: <ul style="list-style-type: none"> <li>• Erik Ybarra</li> <li>• Patrisia Valdez</li> <li>• Alisia Valdez</li> </ul> 4. Need Affidavit of Publication.  5. #3d(2) of the petition states all beneficiaries are adults and waive bond. Need signed waivers of bond from all beneficiaries. <ul style="list-style-type: none"> <li>• Erik Ybarra</li> </ul> Or bond set at \$14,000.00  6. #5a(3) or #5a(4) was not answered regarding domestic partner.  7. #5a(7) or #5a(8) was not answered regarding issue of predeceased child.  <p style="text-align: center;"><b><u>Please see additional page for Status Hearings</u></b></p>
<b>Cont. from</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Full IAEA - ?	
<input checked="" type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>	Decedent died intestate.	
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input type="checkbox"/> <b>Notice of Hrg</b>	Residence: Fresno	
<input type="checkbox"/> <b>Aff.Mail</b>	Publication: <b>Need</b>	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>	<b>Estimated value of the Estate:</b>	
<input type="checkbox"/> <b>Conf. Screen</b>	Personal property \$10,000.00	
<input type="checkbox"/> <b>Letters</b>	Real property \$4,000.00	
<input checked="" type="checkbox"/> <b>Duties/Supp</b>	<b>Total \$14,000.00</b>	
<input type="checkbox"/> <b>Objections</b>	Probate Referee: Steven Diebert	
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> LV
		<b>Reviewed on:</b> 06/17/2013
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 11 – Ybarra</b>

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

- **Friday, 12/06/2013 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**
- **Friday, 08/29/2014 at 9:00a.m. in Dept. 303** for the filing of the first account and final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.

**Dept. 303, 9:00 a.m. Monday, June 24, 2013**

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

<b>Age: 15</b>		<b>GENERAL HEARING 08/12/2013</b>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing.</li> <li>2. Need proof of personal service five (5) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:           <ul style="list-style-type: none"> <li>• Tony Stewart (Father)</li> <li>• Betty Nuzen (Mother)</li> </ul> </li> <li>3. A Consent to Appointment of Guardian and Waiver of Notice was signed by Charles A. Stewart and filed on 06/13/2013 listing the relationship to child as <i>Father</i>. It is unclear if this is the same individual listed in the petition as <i>Tony Stewart</i>.</li> <li>4. UCCJEA is incomplete as to the child's residence for the past five years as required.</li> </ol>
		<b>DERRICK LAMONT TAYLOR</b> , uncle, is petitioner.	
<b>Cont. from</b>		Father: <b>TONY STEWART</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Mother: <b>BETTY NUZEN</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>	Paternal Grandparents: Not Listed	
<input type="checkbox"/>	<b>Inventory</b>	Maternal Grandparents: Not Listed	
<input type="checkbox"/>	<b>PTC</b>	Minor, Cvaughn Stewart consents and waives notice.	
<input type="checkbox"/>	<b>Not.Cred.</b>	Siblings: Shaneice Pannell and Dion Sidler, consent and waive notice	
<input type="checkbox"/>	<b>Notice of Hrg</b>	<b>Petitioner states:</b> the minor child has nowhere to live and that the mother has not had a home for six years.	
<input type="checkbox"/>	<b>Aff.Mail</b>	Attached to petition is a letter from the minor stating that he wishes to reside with his uncle because he is tired of not having a stable home and that his mother is not able to provide him with clothes or food.	
<input type="checkbox"/>	<b>Aff.Pub.</b>	<b>Petitioner requests:</b> to be excused from noticing the mother, Betty Nuzen. He states it isn't that she is hard to find she just doesn't care about her son.	
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input checked="" type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input checked="" type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
<b>Reviewed by:</b> LV			
<b>Reviewed on:</b> 06/20/2013			
<b>Updates:</b>			
<b>Recommendation:</b>			
<b>File 12 – Stewart</b>			

Petition for Appointment of Temporary Conservator of the Person and Estate

<b>Age: 26</b>		<b>TEMP GRANTED EX PARTE EXPIRES 6-24-13</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<b>GENERAL HEARING 7-25-13</b>		
		<p><b>PUBLIC GUARDIAN</b> is Petitioner and requests appointment as Temporary Conservator of the Person and Estate with additional medical consent powers during the temporary conservatorship. Petitioner also requests an order that the Conservatee not be moved from Fresno County, and requests to change his residence during temp conservatorship to a living arrangement more appropriate for his needs.</p> <p><b>Estimated value of estate:</b> Income: \$9,600.00</p> <p><b>Petitioner states</b> Mr. Laster is a dependent adult who requires 24-hour care. His father Don Laster is his primary caregiver and is paid approx. \$4,000/month for his care through DSS/IHSS. The Public Guardian received a conservatorship referral from APS stating that after several joint meetings with CVRC, ARC (Fresno Association of Retarded Citizens), and APS, Mr. Laster's father has been non-cooperative and continues to ignore phone calls. There are concerns about Mr. Laster's health and safety and signs of neglect, such as being sent to his day program with rotten food, injuries, and infections on his body. The home was found cluttered to the ceiling with boxes with only a narrow space to walk. Mr. Laster is not receiving appropriate care despite the fact that his father is being paid \$4,000/month to care for him.</p> <p>Since Don Laster became aware of the Public Guardian's intention to seek conservatorship, he has threatened to move him to Washington and Merced County. Fresno Police and APS attempted to have Mr. Laster removed from his father's care, but because there was no evidence of <i>current</i> physical abuse and neglect, they could not remove him. Petitioner was recently informed that he is no longer attending his day program, and that the father received a notice of eviction during the conservatorship investigation.</p> <p>Since there appear to be no suitable family or friends to act, Public Guardian seeks appointment with the additional requests above.</p>	<p><u>Need Court Investigator's Report.</u></p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing.</li> <li>2. Need proof of personal service of Notice of Hearing at least five Court days prior to the hearing per Probate Code §2250(e) on proposed Conservatee James Laster.</li> <li>3. Need proof of service of Notice of Hearing at least five Court days prior to the hearing per Probate Code §2250(e) on all other relatives.</li> </ol>	
	<b>Aff.Sub.Wit.</b>			
✓	<b>Verified</b>			
	<b>Inventory</b>			
	<b>PTC</b>			
	<b>Not.Cred.</b>			
	<b>Notice of Hrg</b>			X
	<b>Aff.Mail</b>			X
	<b>Aff.Pub.</b>			
	<b>Sp.Ntc.</b>			
	<b>Pers.Serv.</b>			X
	<b>Conf. Screen</b>			
	<b>Letters</b>			
	<b>Duties/Supp</b>			
	<b>Objections</b>			
	<b>Video Receipt</b>			
	<b>CI Report</b>	X		
	<b>9202</b>			
	<b>Order</b>			
	<b>Aff. Posting</b>			
	<b>Status Rpt</b>			
	<b>UCCJEA</b>			
	<b>Citation</b>			
	<b>FTB Notice</b>			
		<b>Reviewed by:</b> skc		
		<b>Reviewed on:</b> 6-18-13		
		<b>Updates:</b>		
		<b>Recommendation:</b>		
		<b>File 13 – Laster</b>		