



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Petition for Compensation for Representation of Conservatee [Prob. C. 1470 & 1472 (a)]

Age: 46 DOB: 08/14/65	<p>GARY BAGDASARIAN, Petitioner, was Court appointed to represent the Conservatee on 08/11/10.</p> <p>Wells Fargo Bank was appointed Conservator of the Estate on 3/19/87 in Kern County Superior Court (<i>the Conservatorship of the Estate was transferred to Fresno Superior Court in 2007</i>). Robert Lowder, III and Marcia Lowder were appointed as Co-Conservators of the Person on 10/13/10.</p> <p>Petitioner requests fees in connection with the representation of the Conservatee from 11/01/11 – 05/10/12.</p> <p>Petitioner asks that he be paid from the conservatorship estate for 15.20 hours @ \$250.00/hr. for a total of \$3,800.00 and \$25.00 for costs reimbursement for a total request of \$3,825.00.</p> <p>Services are itemized by date and include reviewing documentation re the accounting of the conservatee's estate, for the approval of the Substituted Judgment in connection with the marriage Premarital Agreement, writing letters in connection with creditors making claims on credit cards against the conservatee, meetings with the client regarding estate planning, drafting of a Will and Advanced Health Care Directive.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail w/		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	Reviewed by: JF	
	Reviewed on: 06/20/12	
	Updates:	
	Recommendation:	
	File 1 - McDaniels	

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. 10361.1, 10362)

DOD: 3-26-09		LORI GARCIA, Administrator, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: This Probate Estate case was previously consolidated with Civil Case 10CECG03291 as LEAD; however, per Court order on 5-15-12, the cases were bifurcated and this Probate Estate case was reinstated as an active case.</p> <p>Court records indicate that Civil Case 10CECG03291 has been dismissed.</p> <ol style="list-style-type: none"> 1. If additional charges are requested, need itemization and the Court may require further proof of service of supplement on interested parties. 2. Need order. <p>Note: The Court will set a status hearing for the filing of a petition for final distribution on Friday 9-28-12.</p> <p>Reviewed by: skc</p> <p>Reviewed on: 6-21-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2 - Garcia</p>
		Petitioner states The I&A value of certain estate real property was \$175,000.00 as of the Decedent's date of death (3-26-09); however, a recent appraisal reflects a current value of \$120,000.00. Petitioner believes the decline in value is due to market conditions applicable to the community in general. Petitioner has entered into an agreement to sell the real property for \$122,000.00 cash.	
		However, the property is encumbered by a secured credit line to Wells Fargo Bank, originally for \$160,000.00. Wells Fargo has filed a Creditor's Claim for \$157,072.34.	
		The sales price, which is in excess of the current appraised value, is less than the amount claimed by Wells Fargo under their Deed of Trust.	
		Petitioner brings this petition pursuant to Probate Code §10361.5 to determine the amount of expenses of administration that are reasonably related to the administration of the encumbered property and to determine the expenses of the sale payable from the sales proceeds. The balance of the sales proceeds shall be paid to Wells Fargo Bank as the secured creditor.	
		The expenses of administration reasonably related to the administration of the encumbered property are:	
		<ul style="list-style-type: none"> • \$16,513.32, computed as set forth on Exhibit D, and include estimated statutory fees allocable to the property based on the inventory value less loss, extraordinary fees to Petitioner and her attorney for the sale of the real property, filing fees, and additional attorney's fees incurred in filing this petition, together with costs to be advanced. They also include expenses paid for the care, preservation and maintenance of said property during the course of administration. • The expenses of sale are the sum of \$15,641.12, computed as set forth on Exhibit E, and include real estate commissions, escrow charges and documentary transfer tax. They also include unpaid property taxes and penalties in the amount of \$7,104.97. • Petitioner will incur additional charges in serving notice of hearing on this petition pursuant to Probate Code §10361.6 and may incur additional attorney's fees for appearing at the hearing on this petition. Said additional fees and costs will be presented in a supplement to this petition prior to the hearing date. 	
		SEE PAGE 2	
Aff.Sub.Wit.			
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters	5-12-09	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Page 2

Petitioner requests that following the hearing and approval of this petition, the purchase money be paid the clerk of the court to be disbursed as provided in Probate Code §10362, or alternatively, that the Court order Fidelity Title, the escrow agent in this transaction, to pay and distributed funds as prescribed by statute.

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;
3. That the court order the proceeds from the sale to be paid to the Clerk of Court or alternatively to Fidelity National Title Company, escrow holder in this transaction;
4. That upon such payment the lien on the property be discharged;
5. That the Clerk or Fidelity National Title Company be ordered to pay and disburse the proceeds of sale requested in this petition or as otherwise ordered by the Court; and
6. For such further orders as the Court may deem proper.

Order to Show Cause Re: Failure to File an Inventory and Appraisal; Failure to File a First Account; Proposed Sanctions in the Amount of \$500.00

Age: 89	<p>MARGUERITE S. HUGHES, Niece, was appointed Conservator of the Person with medical consent and dementia medication and placement powers with bond of \$412,500.00 on 5-17-10. Bond was filed 8-12-10 and Letters issued on 9-15-10.</p> <p>On 10-6-10, notice t was filed showing that the Conservator had changed an existing account to reflect conservatorship (balance \$24,467.03).</p> <p>On 7-25-11, the Court set a status hearing for failure to file an Inventory and Appraisal and a First Account. The hearing was set for 9-6-11.</p> <p>On 9-6-11, the Court continued the matter to 10-11-11 based on Attorney Watson's representation that he was closing to filing the documents.</p> <p>However, on 10-11-11, there were no appearances. The Court set an Order to Show Cause for 12-13-11 that was continued to 2-7-12, 3-20-12 and then 5-1-12, based on Attorney Watson's representation that the accounting was ready – he just had to insert the numbers.</p> <p>On 5-1-12, there were no appearances. The Court removed MARGUERITE S. HUGHES as Conservator and appointed PUBLIC GUARDIAN as Successor Conservator, and set this Order to Show Cause for 6-26-12 regarding the failure to file an Inventory and Appraisal and failure to file a first account, and proposed sanctions of \$500.00. The Court ordered Marguerite Hughes and Dennis Watson to be present on 6-26-12.</p> <p>Letters issued to PUBLIC GUARDIAN on 5-17-12.</p> <p><u>On 5-18-12, an Inventory and Appraisal and First Account were filed. See Page 3B.</u></p> <p><u>Attached to the Account: Declaration of Attorney Re: Failure to Attend Last Hearing and Request that Petitioner be reinstated as Conservator with an Order Nunc Pro Tunc.</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Please see Page 2 re: Attorney Watson's Declaration attached to the Account filed 5-18-12.</p> <p>Minute Order 5-1-12: No appearances. The Court removes Marguerite Hughes as the conservator and appoints the Public Guardian. The Court sets the matter for an Order to Show Cause on 6/26/12 regarding the failure to file an inventory and appraisal; failure to file a first account, and the proposed sanctions in the amount of \$500.00. The Court orders Marguerite Hughes and Dennis Watson to be present on 6/26/12. Continued to 6/26/12, 9:00 a.m., Dept. 303 Set on 6/26/12, 9:00 a.m., Dept. 303 for Order to Show Cause Re: Failure to File an Inventory and Appraisal; Failure to File a First Account; Proposed Sanctions in the Amount of \$500.00.</p>
DOB: 9-26-22		
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		
	SEE PAGE 2	<p>Reviewed by: skc</p> <p>Reviewed on: 6-21-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3B - Peters</p>

3A Lydia Peters (CONS/PE)

Case No. 10CEPR00167

Atty Watson, Dennis L. (for Marguerite S. Hughes – Niece – Former Conservator)

Atty Kruthers, Heather (for Public Guardian – Successor Conservator)

Order to Show Cause Re: Failure to File an Inventory and Appraisal; Failure to File a First Account; Proposed Sanctions in the Amount of \$500.00

Declaration of Attorney Re: Failure to Attend Last Hearing and Request that Petitioner be reinstated as Conservator with an Order Nunc Pro Tunc:

Attorney Watson apologizes to the court for his non-appearance at the last scheduled hearing which was an OSC. When he received the last continuance on court call he heard the judge's speech on the need for attorneys to try and not continue matters as this results in additional costs for the court administration. He noted that, but failed to calendar the continuance date. However, there are mitigating circumstances.

The timing of this conservatorship has come at a difficult time for both his client and himself. The conservator was diagnosed with stage 3 colon cancer, had surgery on 3-30-11, and went through chemo from May-December 2011.

At this point, she has regained her health and has been actively working with Attorney Watson to produce the accounting.

As for Attorney Watson, his wife was diagnosed with 7 brain tumors in mid-2011 and a metastasizing of a breast cancer from 2008. In July 2011 she was diagnosed with tumors in her brain, lungs, kidney and liver, and had surgery on one that would have been fatal within weeks. Six weeks later there was another tumor that had to be removed as it was causing pressure in her cranium. She passed away on 1-31-12.

Attorney Watson tried during this time to continue as a sole practitioner to make up for lost income as a result of his wife's declining health. After her death, he was hit with the fact that he was behind in many cases and expectations from other clients. His State Bar record is clear, and he realized that he had to step up efforts to keep it clear by working as hard as he could. In doing so, there have been times when his schedule was messed up, and his failure to appear was a result of stress, busyness, and frankly, carelessness. The failure to appear was at the worst time for him.

Attorney Watson states he understands that if the Court needs to sanction him as a process of showing seriousness about the matter of continuances and nonappearances he will accept the sanction, and will be paying any sanction that his client is assessed.

Marguerite Hughes is a wonderful Conservator. She has worked through sickness to get done what needed to be done. She is caring in dealing with her aunt and has experience in financial matters, and but for the life circumstances, there would have been no problem with getting the account done timely.

Attorney Watson asks that the Court revisit the previous order and to not relieve her as Conservator and to allow her to continue her outstanding work.

Dept. 303, 9:00 a.m. Tuesday, June 26, 2012

3B Lydia Peters (CONS/PE)

Case No. 10CEPR00167

Atty Watson, Dennis L. (for Marguerite S. Hughes – Niece – Former Conservator)

Atty Kruthers, Heather (for Public Guardian – Successor Conservator)

(1) First Accounting & Report of Conservator; (2) Petition for Allowance of Fees & Costs to Conservator of Person and Estate; (3) Attorney's Fees; (4) Reinstatement of Conservator with an Order Nunc Pro Tunc

Age: 89	MARGUERITE S. HUGHES , Niece and Former Conservator of the Person and Estate, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Minute Order 5-1-12: No appearances. The Court removes Marguerite Hughes as the conservator and appoints the Public Guardian. The Court sets the matter for an Order to Show Cause on 6/26/12 regarding the failure to file an inventory and appraisal; failure to file a first account, and the proposed sanctions in the amount of \$500.00. The Court orders Marguerite Hughes and Dennis Watson to be present on 6/26/12. Continued to 6/26/12, 9:00 a.m., Dept. 303 Set on 6/26/12, 9:00 a.m., Dept. 303 for Order to Show Cause Re: Failure to File an Inventory and Appraisal; Failure to File a First Account; Proposed Sanctions in the Amount of \$500.00. 1. Need Notice of Hearing (GC- 020) and proof of service on: - Public Guardian (Current Conservator per Minute Order 5-1-12 and Letters issued 5-17-12) - Lydia Peters (Conservatee) <p style="text-align: center;"><u>SEE PAGE 2</u></p>	
DOB: 9-26-22	Bond is \$412,500.00 (<i>not sufficient</i>)		
Aff.Sub.Wit.	Account period: 5-17-10 through 5-17-11		
<input checked="" type="checkbox"/> Verified	Accounting: \$586,444.12		
Inventory	Beginning POH: \$431,535.12		
PTC	Ending POH: \$480,744.00		
Not.Cred.	Conservator: \$4,500.00 (for over 150 hours providing services for her aunt including visiting on a regular basis to ensure her needs are being met, meeting with the staff dietitian, social services director and physician and nurse, and also calling other relatives who visit for their thoughts on her condition and needs. She also marshaled assets, paid all bills promptly, and managed the estate frugally. The amount requested works out to about \$30/hr for time and travel to visits, court hearings, etc. Ms. Hughes lives in Hanford. Itemization on Schedule 1) – See Notes. Attorney: \$3,500.00 (Less than hourly rate of \$250.00/hr. Itemization at Schedule 2 reflects 60 hours.) – See Notes. Declaration of Attorney Re: Failure to Attend Last Hearing and Request that Petitioner be reinstated as Conservator with an Order Nunc Pro Tunc is attached to the account. <i>(The Declaration is reviewed at Page 3A with reference to the OSC.)</i> Petitioner prays for an Order: 1. Approving and settling the account; 2. Authorizing the Conservator's and Attorney's fees and costs; and 3. Reinstating Marguerite Hughes as Conservator of the Person and Estate.		
<input type="checkbox"/> Notice of Hrg			X
<input type="checkbox"/> Aff.Mail			X
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input checked="" type="checkbox"/> 2620(c)	X		
<input type="checkbox"/> Order	X		
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			

3B Lydia Peters (CONS/PE) Case No. 10CEPR00167

Atty Watson, Dennis L. (for Marguerite S. Hughes – Niece – Former Conservator)

Atty Kruthers, Heather (for Public Guardian – Successor Conservator)

(1) First Accounting & Report of Conservator; (2) Petition for Allowance of Fees & Costs to Conservator of Person and Estate; (3) Attorney's Fees; (4) Reinstatement of Conservator with an Order Nunc Pro Tunc

2. Need facility statements from Palm Village pursuant to Probate Code §2620(c)(5).
3. The Petition states that Conservator requests \$4,500.00 (Paragraph 11), but the itemization reflects \$3,788.90, including \$3,200.00 in fees and \$588.90 in mileage. Need clarification.
4. The Petition states that Attorney Waston requests \$3,500.00 (Paragraph 12); however, the fee schedule totals \$6,000.00. Need clarification.
5. The Court may require further clarification with regard to the attorney fee request at Schedule 2 pursuant to Cal. Rules of Court 7.751.b. and 7.702. (For example, the requests states 20 hours was spent in preparation of documents for establishing conservatorship. The Court may require further breakdown at this time or in the future.)
6. If Petitioner is reinstated as Conservator, the current bond (\$412,500.00) is insufficient based on the current POH and income during this account period. Bond should be increased by \$289,432.48 for a total bond of \$701,932.48, which includes cost of recovery pursuant to Probate Code 2320(c)(4) and Cal. Rules of Court 7.207.
7. Need Order.

4 Sark-Daniel Trust Created 5-6-1990

Case No. 11CEPR00982

Atty Marchini, Joseph M (of BMJ, for Daniel L. Serimian – Beneficiary – Petitioner)

Atty Salisch, Victoria J.(of Lang, Richert & Patch, for Leslie A. Morgan)

Atty Jones, Timothy (of Wanger Jones Helsey, PC, for Donald Serimian and David Serimian)

Petition for Order for Accounting, Surcharge of Trustee, Removal of Trustee, and Instructions to Partition, Terminate and Distribute Trust Estate [Prob. C. 15403, 15642, 16420, 16440, 17200(a), 17200(b)(7)]

		NEEDS/PROBLEMS/COMMENTS:
		<u>OFF CALENDAR</u>
		This case has been consolidated with 11CECG03770 as LEAD.
		Per Minute Order 4-18-12: All further documents filed in the case number of the lead case, followed by the case number of the other consolidated cases. Matter designated complex per Rule of Court. No further filing in Probate Court. June 26, 2012 Probate Petition off calendar.
		Reviewed by: skc
		Reviewed on: 6-20-12
		Updates:
		Recommendation:
		File 4A – Sark-Daniel

5 Daniel L. Serimian Trust 12-29-1978

Case No. 11CEPR00983

Atty Marchini, Joseph M (of BMJ, for Daniel L. Serimian – Beneficiary – Petitioner)

Atty Salisch, Victoria J.(of Lang, Richert & Patch, for Leslie A. Morgan)

Atty Jones, Timothy (of Wanger Jones Helsey, PC, for Donald Serimian and David Serimian)

Petition for Order for Accounting, Surcharge of Trustee, Removal of Trustee, and Instructions to Partition, Terminate and Distribute Trust Estate [Prob. C. 15403, 15642, 16420, 16440, 17200(a), 17200(b)(7)]

		NEEDS/PROBLEMS/COMMENTS:
		<u>OFF CALENDAR</u>
		This case has been consolidated with 11CECG03770 as LEAD.
		Per Minute Order 4-18-12: All further documents filed in the case number of the lead case, followed by the case number of the other consolidated cases. Matter designated complex per Rule of Court. <u>No further filing in Probate Court.</u> June 26, 2012 Probate Petition off calendar.
		Reviewed by: skc
		Reviewed on: 6-20-12
		Updates:
		Recommendation:
		File 5A - Serimian

6 Leslie A. Serimian (Morgan) Trust 12-29-1978 Case No. 11CEPR00984
Atty Marchini, Joseph M (of BMJ, for Daniel L. Serimian – Beneficiary – Petitioner)
Atty Salisch, Victoria J.(of Lang, Richert & Patch, for Leslie A. Morgan)
Atty Jones, Timothy (of Wanger Jones Helsey, PC, for Donald Serimian and David Serimian)

Petition for Order for Accounting, Surcharge of Trustee, Removal of Trustee, and
 Instructions to Partition, Terminate and Distribute Trust Estate [Prob. C. 15403,
 15642, 16420, 16440, 17200(a), 17200(b)(7)]

		NEEDS/PROBLEMS/COMMENTS:
		<u>OFF CALENDAR</u>
		This case has been consolidated with 11CECG03770 as LEAD.
		Per Minute Order 4-18-12: All further documents filed in the case number of the lead case, followed by the case number of the other consolidated cases. Matter designated complex per Rule of Court. <u>No further filing in Probate Court.</u> June 26, 2012 Probate Petition off calendar.
		Reviewed by: skc
		Reviewed on: 6-20-12
		Updates:
		Recommendation:
		File 6A - Serimian

Amended Petition for Order Instructing Trustee, Confirming Ownership of Trust Assets, and Approving Final Distribution from Trust [Prob. C. 850, 17200(b)(4), (5) & (6)]

DOD: 7-4-10	JANE DELLA FAIN , Successor Trustee of the 2003 ONELLA E. SPEEGLE REVOCABLE TRUST as amended 12-8-03 , is Petitioner.	NEEDS/PROBLEMS/ COMMENTS:
Cont. from 042512		
<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/o	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order	X	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	<p>Petitioner states the trust provides for distribution on the settlor's death of one share to each of the settlor's children who survive her. The settlor was survived by three children, Joyce Onella Lopez, Jean Elisabeth Reeves, and Jane Della Fain. There were also two deceased children.</p> <p>The trust contains two parcels of real property and cash and marketable securities with a total balance sheet value of \$322,000.</p> <p>Petitioner wishes to sell the real property, pay attorney fees, costs and expenses of administration from the trust assets, and distribute in equal shares to the three surviving children and bring trust administration to a close; however, the three beneficiaries are unable to agree on a distribution in kind.</p> <p>Beneficiary Jean Elisabeth Reeves resides in the residence on N. Wilson and communications have broken down. Further, Ms. Reeves has suggested in the past that she is the owner of the property, and Petitioner also seeks a determination that the trust is the owner of the property (deeds attached).</p> <p>Petitioner prays for an Order:</p> <ol style="list-style-type: none"> 1. Confirming that Petitioner as trustee is the holder of title to the real property on N. Wilson, free and clear from all ownership claims or other adverse interests asserted by Jean Elisabeth Reeves; 2. Authorizing and instructing Petitioner to engage a real estate broker to market and sell the real property on N. Wilson; 3. Authorizing and instructing Petitioner to engage a real estate broker to market and sell the real property on N. Van Ness; 4. Upon such sale, authorizing and instructing Petitioner to distribute the cash proceeds therefrom in three equal shares to the beneficiaries after payment of the ordinary and necessary attorney fees, costs and expenses of trust administration; 5. Authorizing and instructing Petitioner to hold \$6,000.00 from the cash on hand to pay projected costs and expenses in connection with trust administration; 6. Authorizing and instructing Petitioner to distribute the remaining cash and securities held in the trust estate in three equal shares to the beneficiaries; 7. Upon such distributions, for an order terminating the trust; and 8. Such other and further relief as the Court may deem just, equitable and proper. 	<p>Note: Notice of Settlement filed 4-17-12 by Attorney Krbechek states the matter has been settled in its entirety, except the terms and conditions of the settlement will not be completed until 6-30-12. A Request for Dismissal will be filed within 45 days of the completion date.</p> <ol style="list-style-type: none"> 1. Petitioner appears to request an order at this time, and also a further order after distributions have been made (#7 of the prayer). <p>The Court may require further petition at a later time for such further order.</p> <ol style="list-style-type: none"> 2. Need order.
		Reviewed by: skc
		Reviewed on: 6-19-12
		Updates:
		Recommendation:
		File 9 - Speegle

Age: 19	NO TEMPORARY REQUESTED	NEEDS/PROBLEMS/ COMMENTS:
DOB: 7-2-92	PATSY ZUNIGA , Mother, is Petitioner and requests appointment as Conservator of the Person and Estate without bond. <i>(Note: Estate denied per minute order 3-6-12)</i>	<u>Court Investigator advised rights on 2-15-12.</u>
Cont. from 030612, 051512	Voting Rights affected	<u>Voting rights affected-Need minute order.</u>
Aff.Sub.Wit.	A copy of a Capacity Declaration was filed 1-24-12.	<u>Continued from 3-6-12.</u>
✓ Verified X	Petitioner states the proposed conservatee was born with Down Syndrome and is unable to provide for her own physical health, clothing or shelter. She is unaware of the costs of shelter or food and does not have capacity to seek medical attention if needed. The paternal grandparents have been caring for her since she was two months old, but are now "getting up in years" and it is increasingly difficult for them to care for her.	<u>Minute Order 3-6-12: Examiner notes are provided to counsel. The Court denies the Petition for Appointment of Conservator of the Estate and continues the Petition for Appointment of Conservator of the Person to 5/15/12. The Court orders that a court investigator contact all the parties for purposes of determining suitability.</u>
Inventory	Petitioner requests appointment as Conservator of the Estate without bond	<u>Minute Order 5-15-12: Matter continued to 6-26-12 at the request of counsel. Parties appearing advised of the continuance.</u>
PTC	because she is a full time student and lacks the funds to post bond. Specifically, Petitioner requests the ability to administer any and all financial obligations and/or accounts in regards to the proposed conservatee's assets and debt, and for care, custody and control of all real property, if any, including the right to sell, convey, or transfer, or maintenance/collection of rents on rental property, if any.	<u>Note: Petitioner resides in Modesto, CA. The proposed conservatee (Krishna) resides in Fresno with her paternal grandparents, Eddie and Linda Galaviz, who were formerly her legal guardians in Case #0522953.</u>
Not.Cred.	Petitioner states that although the proposed conservatee currently resides in Fresno, it would be in her best interest to reside in Stanislaus County. Petitioner is ready and able to provide adequate living arrangements. Petitioner states that when they see each other, the proposed conservatee begs to come home with Petitioner. Petitioner attached copies numerous letters in support of the petition from friends and family.	<u>As of 6-20-12, nothing further has been filed. The following issues remain:</u>
✓ Notice of Hrg	Court Investigator Samantha Henson filed a report on 2-29-12 and a Supplemental Report on 5-10-12.	SEE PAGE 2
✓ Aff.Mail W	SEE PAGE 2.	Reviewed by: skc
Aff.Pub.		Reviewed on: 6-20-12
Sp.Ntc.		Updates
✓ Pers.Serv. W		Recommendation:
✓ Conf. Screen		File 10A - Galaviz
✓ Letters		
✓ Duties/Supp		
Objections		
✓ Video Receipt		
✓ CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
✓ Citation		
FTB Notice		

NEEDS/PROBLEMS/COMMENTS (Continued):

1. Attorney Ben Roberts did not sign the Petition.

2. If Petitioner is seeking medical consent powers, need **original** Capacity Declaration.

Note: Petitioner does not request medical consent powers at 1.g. of the Petition. Petitioner states the original Capacity Declaration was filed in Stanislaus County and provides a copy; however, this Court may require an original.

If requested, the Court may also require amended petition and service on all parties of the additional request for medical consent powers.

3. Notice of Hearing filed 2-8-12 indicates the paternal grandparents (**with whom Krishna resides**) were served together rather than individually per Cal. Rule of Court 7.51(a)(1). The Court may require amended service.

- Examiner notes that the paternal grandparents Linda and Eddie Galaviz have been attending the hearings, along with a "Mary Smith." Examiner is unsure who "Mary Smith" is.

4. **Need proof of service of Notice of Hearing with a copy of the Petition at least 30 days prior to the hearing on the Regional Center pursuant to Probate Code §1822(e).**

Note: The above items have been noted since the first hearing on 3-6-12.

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONFIDENTIAL</u></p>
Cont. from 030612, 051512		
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: 6-20-12
		Updates:
		Recommendation:
		File 10B – Galaviz

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

Age: 80 DOB: 10/04/31	<p align="center"><u>NO TEMPORARY REQUESTED</u> MICHAEL H. SMITH and JENNA R. SMITH, son and granddaughter, are Petitioners and request appointment as Co-Conservators of the Person with medical consent and dementia powers to administer dementia medications and for appointment as Co-Conservators of the Estate with the powers pursuant to Probate Code § 2590, without bond. Petitioners are also requesting that Benjamin H. Smith, the proposed conservatee's husband, account for all community assets.</p> <p><u>ESTIMATED VALUE OF THE ESTATE:</u> Personal property - \$ 20,000.00 Annual income - 56,600.00 Real property - 500,000.00</p> <p>Voting rights affected.</p> <p>Petitioners state that the proposed conservatee suffers from advanced dementia and severe short term memory loss. She recently also suffered a series of small strokes and her health has been declining. Petitioners state that in April 2012, the proposed conservatee's physician opined that she should be placed in a nursing home and completed the necessary documents to have Petitioner Michael H. Smith succeed her as the trustee of her Trust. Petitioners state that the proposed conservatee's husband, Ben Smith, also has dementia and exhibits violent behavior toward Dorothy. Further, Dorothy's grandson, Michael H. Smith, Jr. ("Butch") has control over Ben's finances and person and may be taking advantage of Dorothy's financial affairs as well.</p> <p>Court Investigator Dina Calvillo filed a report on 06/21/12.</p>	<p>NEEDS/PROBLEMS/COMMENTS: Court Investigator advised Rights on 06/12/12. Voting rights affected – Need Minute Order.</p> <ol style="list-style-type: none"> Petitioners are requesting the dementia power to administer dementia medications; however, the capacity declaration of Cecil Bullard, M.D. is not complete at item 9(b) regarding the administration of dementia medications. Further, the capacity declaration is incomplete at item 6(e). Petitioners are requesting appointment without bond; however, effective 1/1/2008, pursuant to CRC 7.207, except as otherwise provided by statute, every conservator or guardian of the estate appointed after 12/31/2007, must furnish a bond, including a reasonable amount for the cost of recovery to collect the bond under Probate Code 2320(c)(4)). Based on the assets of the estate as stated in the Petition, bond should be set at \$635,792.00 (bond calculator worksheet in file). Petitioners are requesting the court grant powers under Probate Code § 2590, which powers are outlined in § 2591; however, pursuant to Local Rule 7.15.2 - it is the policy of the court to grant a guardian or conservator only those independent powers necessary in each case to administer the estate. A request for all powers described in Probate Code § 2591 will not be granted by the court. Each independent power requested must be justified by, and narrowly tailored to the specific circumstances of that case. Any powers so granted must be specified in the order and in the Letters of Guardianship or Conservatorship. <p align="right">Continued on Page 2</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/o
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.		
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		x
<input type="checkbox"/> CI Report		x
9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation	x	
<input type="checkbox"/> FTB Notice		
	<p>Reviewed by: JF</p> <p>Reviewed on: 06/21/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11 - Smith</p>	

Needs/Problems/Comments Cont'd:

4. Need Citation.
5. Need receipt for viewing of conservatorship video.
6. Proof of Service of the Notice of Hearing reflects that Benjamin Smith (proposed conservatee's husband) was mailed Notice in care of Grace McCarter. Pursuant to CRC 7.51 (a) direct notice is required. Notice mailed to a person in care of another person is insufficient unless the person entitled to notice has directed to send notice in care of another person in writing.

Note: Notice of Related Case filed 5-29-12 indicates that a Domestic Violence Restraining Order against Butch (12CEFL02286) expires 8-8-12.

Note: The proposed conservatee filed a petition to be appointed as conservator of the person of her husband Ben Smith in Sept. 2011. The case was voluntarily dismissed by Ms. Smith after the parties reached a stipulated settlement on 11/02/11.

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

- **Friday, 08/03/2012 at 9:00a.m. in Dept. 303** for the filing of the Bond;
- **Friday, 11/16/2012 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal; **and**
- **Friday, 08/16/2013 at 9:00a.m. in Dept. 303** for the filing of the first account

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

DOD: 10/01/09	<p>CANDY ATKINS, spouse, was appointed as Administrator without bond and Letters of Administration were issued on 12/03/09.</p> <p>After the appointment of Candy Atkins as Administrator, the decedent's Will was located and offered for probate. On 03/25/10 CANDY ATKINS, spouse, was subsequently appointed as Administrator with Will Annexed Letters were issued.</p> <p>Status Report filed 08/12/11 by Candy Atkins states that there are no liquid assets of the estate to pay administration expenses and creditor's claims. Decedent's real property in Madera County was being listed for sale.</p> <p>Inventory & Appraisal filed 09/08/11 - \$209,700.00.</p> <p>Minute Order dated 09/26/11 set this matter for status of the sale of real property.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need status update re: sale of real property.</p>
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		
	<p>Reviewed by: JF</p> <p>Reviewed on: 06/21/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12 - Atkins</p>	

13 Rylan Ortiz (GUARD/P)

Case No. 12CEPR00171

Atty Boulger, Jane (pro per – maternal grandmother/Guardian)

Atty Austin, Jennifer (pro per – mother/Petitioner)

Petition for Visitation

Age: 10 DOB: 02/26/12	JENNIFER AUSTIN, mother, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need proof of service by mail at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Visitation or Declaration of Due Diligence or Consent and Waiver of Notice for: - Ryan Ortiz (father) - Raymond Ortiz (paternal grandfather) - Lena Ackerman (paternal grandmother) - Mark Austin (maternal grandfather)
Cont. from	JANE BOULGER, maternal grandmother, was appointed as Guardian of the Person and Letters of Guardianship were issued to her on 04/18/12. (Served by mail on 06/05/12)	
Aff.Sub.Wit.	Father: RYAN ORTIZ	
✓ Verified	Paternal grandfather: RAYMOND ORTIZ Paternal grandmother: LENA ACKERMAN	
Inventory	Maternal grandfather: MARK AUSTIN	
PTC	Petitioner states that she would like visitation with her son from Fridays at 4:30pm to Sunday at 6:00 pm. She states that she has a permanent and stable residence, income to provide Rylan with food and clothing. Petitioner states that she has access to a vehicle to provide transportation in case of an emergency or athletic event.	
Not.Cred.		
✓ Notice of Hrg		
✓ Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
✓ Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order	x	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 06/21/12
		Updates:
		Recommendation:
		File 13 - Ortiz

17 Michael Marquez & Dominique Marquez (GUARD/P) Case No. 12CEPR00378

Atty Morones, Laura (pro per – maternal aunt/Petitioner)

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

Michael, 13 DOB: 05/25/99	<p align="center"><u>TEMPORARY EXPIRES 06/26/12</u></p> <p>LAURA MORONES, maternal aunt, is Petitioner.</p> <p>Father: MICHAEL GONZALES – <i>court dispensed with notice to the father on 05/10/12</i></p> <p>Mother: YESENIA MARQUEZ</p> <p>Paternal grandfather: UNKNOWN Paternal grandmother: UNKNOWN</p> <p>Maternal grandfather: JESUS MARQUEZ Maternal grandmother: TERESA MARQUEZ</p> <p>Siblings: ALEXIS GARCIA (3), JACOB (age unknown)</p> <p>Petitioner states that Michael has lived with her for the past 5 years and Dominique came to live with her recently when his mother moved to Los Angeles. Mother has two younger children and feels overwhelmed caring for three children. Mother has signed a letter giving Petitioner authority to make decisions regarding the boys. The father's whereabouts are unknown.</p> <p>Court Investigator Charlotte Bien's report was filed on 06/06/12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of Notice of Hearing at least 15 days before the hearing of with a copy of the Petition for Appointment of Guardian <u>or</u> Consent and Waiver of Notice <u>or</u> Declaration of Due Diligence for: <ul style="list-style-type: none"> - Yesenia Marquez (mother) - Michael Marquez (minor) - Dominique Marquez (minor) 3. Need proof of service by mail of Notice of Hearing at least 15 days before the hearing of with a copy of the Petition for Appointment of Guardian <u>or</u> Consent and Waiver of Notice <u>or</u> Declaration of Due Diligence for: <ul style="list-style-type: none"> - paternal grandparents (unknown) - Jesus Marquez (maternal grandfather) - Teresa Marquez (maternal grandmother) 	
Dominique, 12 DOB: 02/17/2000			
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			x
<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"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input checked="" type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input checked="" type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
		Reviewed by: JF	
		Reviewed on: 06/21/12	
		Updates:	
		Recommendation:	
		File 17 - Marquez	