



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.

(1) First and Final Account and Report of Administrator, (2) Petition for Its Settlement for Allowance of Ordinary Attorneys' Fees, Costs of Administration Statutory Commissions, and for (3) Final Distribution (Prob. C. 1060 et seq, 10800, 10951, 11000, 11600-11603)

DOD: 09/03/07	ROSARIO GUIZAR , Administrator, is Petitioner.	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>1. The Petition states that there will be \$3,269.51 cash on hand to pay to the Department of Health Care Services after payment of attorney's fees, administrator's commission and costs; however, the Examiner calculates the remaining cash to be \$3,077.46. Need clarification.</p> <p>2. Need Allowance or Rejection of Creditor's Claim regarding the Creditor's Claims filed by the Department of Health Care Services pursuant to CRC 7.401.</p> <p>Note: Approval Signature of the Department of Health Care Services to First and Final Account was filed 05/21/13 and Notice of Hearing with a copy of the Petition was served on the Department of Health Care Services.</p> <p>Reviewed by: JF</p> <p>Reviewed on: 06/20/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1 – Garcia</p>
	Account period: 09/03/07 – 04/24/13	
	Accounting - \$70,550.68	
	Beginning POH - \$70,327.73	
	Ending POH - \$70,135.68 (\$10,135.68 is cash)	
Cont. from	Administrator - \$2,813.11 (statutory)	
<input type="checkbox"/> Aff.Sub.Wit.	Attorney - \$2,813.11 (statutory)	
<input checked="" type="checkbox"/> Verified	Costs - \$1,432.00 (for filing fees, publication, certified copies, recording fees, skip trace)	
<input checked="" type="checkbox"/> Inventory	Petitioner states that the Department of Health Care Services has filed creditor's claims against the estate in the amount of \$18,371.86. Due to insufficient cash assets in the estate to pay the creditor's claims in full, the Department of Health Care Services has placed a lien against the real property asset of the estate in the amount of \$18,371.86 with interest at 7% per annum. Petitioner proposes to distribute the remaining cash on hand, after payment of the costs of administration, to the Department of Health Care Services and thereby reduce the lien amount to \$15,102.35.	
<input checked="" type="checkbox"/> PTC	Distribution, pursuant to intestate succession and subject to an assignment of interest by Guadalupe Pedraza to Rosario Guizar, is to:	
<input checked="" type="checkbox"/> Not.Cred.	Department of Health Care Services - \$3,269.51	
<input checked="" type="checkbox"/> Notice of Hrg	Rosario Guizar - 2/5 (40%) interest in 1/2 interest in real property	
<input checked="" type="checkbox"/> Aff.Mail w/	Jose A. Torres - 1/5 (20%) interest in 1/2 interest in real property	
<input type="checkbox"/> Aff.Pub.	Luis Castillo - 1/5 (20%) interest in 1/2 interest in real property	
<input type="checkbox"/> Sp.Ntc.	Roberto Torres - 1/5 (20%) interest in 1/2 interest in real property	
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters 10/15/10		
<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		

(1) Petition for Final Distribution on Waiver of Account and for (2) Allowance of Statutory Compensation and Necessary Fees and Costs

DOD: 12/12/2011	PEARL POPIN , Executor, is petitioner.		NEEDS/PROBLEMS/COMMENTS:
	Accounting is waived.		
	I & A	- \$712,757.02	
	POH	- \$754,465.19	
Cont. from		(\$734,465.19 is cash)	
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified	Executor	- \$18,350.68	
<input checked="" type="checkbox"/> Inventory	(statutory)		
<input type="checkbox"/> PTC			
<input checked="" type="checkbox"/> Not.Cred.	Attorney	- \$18,350.68	
<input checked="" type="checkbox"/> Notice of Hrg	(statutory)		
<input checked="" type="checkbox"/> Aff.Mail	Attorney x/o	- \$7,283.00 (for	
	W/	lease of property and sale of real and	
<input type="checkbox"/> Aff.Pub.		personal property. 29.80 hours @ \$195 -	
<input type="checkbox"/> Sp.Ntc.		\$275 per hour)	
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen	Costs	- 2,893.00 (filing	
<input checked="" type="checkbox"/> Letters	3/9/12	fees, certified copies, probate referee)	
<input type="checkbox"/> Duties/Supp	Closing	- \$2,000.00	
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt	Distribution, pursuant to Decedent's Will, is to:		
<input type="checkbox"/> CI Report			
<input checked="" type="checkbox"/> 9202	Pearl Popin	- \$342,793.91	
<input checked="" type="checkbox"/> Order	and 1/2 of the personal property remaining		
<input type="checkbox"/> Aff. Posting	Mary Varonin	- \$342,793.91	
<input type="checkbox"/> Status Rpt	and 1/2 of the personal property remaining		
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input checked="" type="checkbox"/> FTB Notice			
			Reviewed by: KT
			Reviewed on: 6/21/13
			Updates: 6/26/2013
			Recommendation:
			File 2 - Samarin

(1) First and Final Report of Executor on Waiver of Account and (2) Petition for Allowance of Compensation to Attorney and For (3) Final Distribution

DOD: 03/24/2012	CYNTHIA OLIVER , Executor, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Accounting is waived.	1. Order should also include the statement that the beneficiaries will assume the Home Equity Line of Credit by Wells Fargo Bank.
	I&A - \$187,300.00	
	POH - \$187,300.00	
Cont. from 051613		
Aff.Sub.Wit.		
✓ Verified	Executor - Waives	Note: Petition states Wells Fargo Bank filed a claim on 10/12/2012. The claim is for a Home Equity Line of Credit in the amount of \$15,292.51 and is secured by the real property. There are insufficient liquid assets to pay this claim. The beneficiaries do not want to sell the property to satisfy this claim as they wish to be distributed the property equally as tenants in common. Petitioner inquired with Wells Fargo if an assumption agreement could be pursuant to Probate Code § 11464. Wells Fargo indicated they do not enter into assumption agreements. Petitioner informed Wells Fargo that they would allow the claim, and that the beneficiaries would continue to pay the payments until the lien was released. Probate Code § 11640 When all debts have been paid or adequately provided for, and the estate is in a condition to be closed, the personal representative shall file a petition for, and the court shall make, an order for final distribution of the estate.
✓ Inventory	Attorney - \$6,619.00 (Statutory)	
PTC		
✓ Not.Cred.	Petitioner states Cynthia Oliver, Stephanie Quan, and Steven Bakkedahl be ordered and directed to pay Gilmore Wood Vinnard & Magness \$2,206.33 each as compensation for ordinary services to petitioner and to the estate. Each beneficiary consent to payment of costs from their personal funds.	
✓ Notice of Hrg		
✓ Aff.Mail	w/	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
✓ Letters	07/11/12	
Duties/Supp	Distribution, pursuant to decedent's Will, is to:	
Objections	Cynthia Oliver – 1/3 real property	
Video Receipt	Stephanie Quan – 1/3 real property	
CI Report	Steven Bakkedahl – 1/3 real property	
✓ 9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
✓ FTB Notice		
		Reviewed by: LV
		Reviewed on: 06/26/2013
		Updates:
		Recommendation:
		File 3 – Bakkedahl

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

Age: 92		<u>TEMPORARY EXPIRES 06/27/2013</u>		NEEDS/PROBLEMS/COMMENTS:	
				<p>2B the competing Petition for Appointment of Successor Conservator of the person filed by Harry Baker, former spouse of proposed conservatee.</p> <p>Minute Order of 04/08/2013 states: per agreement of the parties of the parties, the Court appoints the Public Guardian as temporary conservator of the person. The temporary expires 05/16/2013 (extended to 06/27/2013 per minute order of 05/16/2013). Ms. Johnson is directed to prepared the order. The Court orders that Ms. Haney not be moved from her current residence without a noticed hearing for which, the Court will entertain an order shortening time. In addition, there is to be no interference with Ms. Haney's church activities and Mr. Baker is to be notified of any health issues.</p>	
Cont. from 040813, 051613		<p>ANITA LEAL-IDROGO, daughter appointed conservator 07/23/2012, nominates the Public Guardian as successor conservator of the person.</p> <p>Bruce Bickel was appointed conservator of the estate on 07/25/2012.</p> <p>Petitioner is requesting the following additional powers:</p> <ul style="list-style-type: none"> • Power to have Ms. Haney examined by appropriate physicians skilled in the area of expertise necessitated by Ms. Haney's condition(s) • Power to consent to all non-psychosis and non-dementia related medical treatments for Ms. Haney • Power to hire an appropriate nurse or other licensed professional to monitor and administer the all non-psychosis and non-dementia prescribed medications, including any insulin injections required by Ms. Haney • Power to employ (and discharge) such persons, agencies or service providers to provide home health care services to Ms. Haney in her residence • Power to change the residence of the conservatee to a skilled nursing facility or assisted living facility, as determined by the conservator of the person, in consultation with experienced professionals and medical providers, commensurate with Ms. Haney's needs, if deemed appropriate by the Conservator of the Person. 			
<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 checked="" type="checkbox"/>		
<input 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 type="checkbox"/>	UCCJEA				
<input type="checkbox"/>	Citation				
<input type="checkbox"/>	FTB Notice				
<u>Please see additional page</u>				<p>Reviewed by: LV</p> <p>Reviewed on: 06/26/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4A - Haney</p>	

Declaration of Cecil H. Bullard, M.D. filed 07/23/2012 supports request for dementia powers and medical consent powers.

Petitioner states: the conservatee has been diagnosed with dementia and, due to a diabetes related below the knee leg amputation, requires the assistance of wheel chair. The Conservatee continues to require assistance with her providing for her personal needs, including her activities of daily living and medication supervision.

Court Investigator Jennifer Young's report filed 03/28/2013.

4B Mildred Haney (CONS/PE)
 Atty Johnson, Summer A (for Anita Leal-Idrogo – Daughter)
 Atty Karuthers, Heather (Public Guardian-Conservator)
 Atty Bergstrom, Robert Q. (for Harry Baker – Petitioner- Former Spouse)

Case No. 12CEPR00534

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

Age: 92	HARRY BAKER , former spouse, is petitioner.	NEEDS/PROBLEMS/COMMENTS: Court Investigator Advised Rights on 05/09/2013. 1. Petitioner did not date and sign Letters.
	Bruce Bickel was appointed conservator of the estate on 07/25/2012.	
Cont. from 040813, 051613	Petitioner states: the conservatee resides at the Cedar Creek Senior Living Center in Madera, Ca. The conservatee has made new friends and enjoys playing bingo. The staff treats her well. Because the conservatee can no longer drive, the conservatee has relied on her former spouse, Harry Baker, to take her to appointments with her doctors and attorneys, to go shopping, and to attend church services. Mr. Baker visits the conservatee daily and she enjoys his company. Because of his relationship to the conservatee, he is familiar with her medical issues and is in a better position than the Public Guardian to be sensitive to her needs.	
<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		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters	Court Investigator Jennifer Young's report filed 05/09/2013.	
<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 type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input checked="" type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 06/26/2013
		Updates:
		Recommendation:
		File 4B - Haney

4B

(1) First and Final Report of Administrators on Waiver of Account and (2) Petition for Allowance of Compensation to Attorneys for Ordinary Services, and (3) for Final Distribution (Prob. C. 10810, 10900, 10951, 10954, 11600, & 11640)

DOD: 2/29/2012		<p>LANCE MALACH and LORAN MALACH, Administrators, are petitioners.</p> <p>Accounting is waived.</p> <p>I & A - \$157,075.03 POH - \$157,075.03</p> <p>Administrators - waive</p> <p>Attorney (statutory) - \$5,712.55</p> <p>Costs - \$435.00 (filing fee)</p> <p>Distribution, pursuant to Intestate Succession, is to:</p> <p>Lance Malach - ½ interest in household furniture and furnishings, ½ interest in 1990 Golden West Mobile home, ½ of decedent's ½ interest in 1970 Fashion Manor Mobile home and ½ interest in promissory note.</p> <p>Loren Malach - ½ interest in household furniture and furnishings, ½ interest in 1990 Golden West Mobile home, ½ of decedent's ½ interest in 1970 Fashion Manor Mobile home and ½ interest in promissory note.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input checked="" type="checkbox"/>	Inventory			
<input checked="" type="checkbox"/>	PTC			
<input checked="" 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 checked="" type="checkbox"/>	Letters			7/26/12
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input checked="" type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input checked="" type="checkbox"/>	FTB Notice			
				<p>Reviewed by: KT</p> <p>Reviewed on: 6/13/13</p> <p>Updates:</p> <p>Recommendation: SUBMITTED</p> <p>File 5 – Malach</p>

Age: 6	<u>TEMPORARY EXPIRES 06/27/13</u>	NEEDS/PROBLEMS/COMMENTS:
	VERNON BEATY and LYNDA BEATY , paternal grandparents, are Petitioners.	<u>CONTINUED FROM 05/16/13</u>
	Father: JEREMY KEITH BEATY	Minute Order from 05/16/13 states: Mr. Stott's legal assistant Patricia Medina is also present in the courtroom. Proof of Service is shown to the Court. The Court finds the proof of service to be inadequate. Matter is continued to 06/27/13. The Court on its own motion grants a temporary guardianship in favor of Vernon Beaty and Lynda Beaty. The temporary expires on 06/27/13. Counsel is directed to submit order and letters.
Cont. from 042513, 051613	Mother: AMANDA MELL	As of 06/19/13, nothing further has been filed and the following items remain outstanding:
Aff.Sub.Wit.	Maternal grandfather: DALE MELL	1. Need <i>Notice of Hearing</i> .
✓ Verified	Maternal grandmother: CYNTHIA MELL	2. Need proof of personal service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> <i>Consent & Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for:
Inventory	Sibling: JUSTIN PETERSON (5)	- Jeremy Beaty (father)
PTC	Petitioners allege that the minor lived on and off with one or both parents from birth to age 5 due to both parents' incarcerations and drug use. The minor has lived with others step-grandparents, Petitioners, and other friends for period of up to 6-8 months while parents came and went. The minor has lived with Petitioners since September 2011 after being placed with them by CPS. To date, the parents have been unable to establish a safe and consistent environment for the minor.	- Amanda Mell (mother)
Not.Cred.	Court Investigator Jo Ann Morris filed a report on 04/17/13.	3. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> <i>Consent & Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for:
Notice of Hrg		- Dale Mell (maternal grandfather)
Aff.Mail		- Cynthia Mell (maternal grandmother)
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
✓ Conf. Screen		
✓ Letters		
✓ Duties/Supp		
Objections		
Video Receipt		
✓ CI Report		
9202		
✓ Order		
Aff. Posting		Reviewed by: JF
Status Rpt		Reviewed on: 06/19/13
✓ UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 6 – Mell

DOD: 02/25/13		JANICE BEAVER, daughter, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:	
		40 days since DOD.		
		No other proceedings.		
Cont. from				
	Aff.Sub.Wit.	s/p		I & A - \$120,000.00
✓	Verified			Will dated 07/30/03
✓	Inventory			Petitioner requests Court determination that decedent's 100% interest in real property located at 3679 N. Ninth Street, Fresno, CA pass to her pursuant to decedent's will.
✓	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			Reviewed by: JF
	Status Rpt			Reviewed on: 06/21/13
	UCCJEA			Updates: 06/25/13
	Citation			Recommendation: SUBMITTED
	FTB Notice			File 7 – Jackson

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

DOD: 8-7-10	JOHN P. MCCANN and COLLEEN E. DEMPSEY , two of the three named co-executors, are Petitioners.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need authority for Fresno Superior Court as appropriate venue for probate and administration of this Decedent's estate, as there does not appear to be any property subject to administration here, and this is not a request for ancillary probate. See Probate Code §§ 7052 (including commentary), and 12510.</p> <p>The Decedent was a resident of Katy, Harris County, Texas, and Petitioners do not allege that the Decedent owned any property here. Rather, Petitioners allege that monies taken by Daniel J. McCann that are the subject of other ongoing litigation here <u>may</u> belong to the estate.</p> <p>Examiner notes that Daniel McCann is a resident of Quechee, Vermont.</p> <p>If this matter goes forward here:</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p> <hr/> <p>Reviewed by: skc</p> <p>Reviewed on: 6-24-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8 - McCann</p>
	Petitioner John P. McCann is a resident of Clovis, CA.	
<input checked="" type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Petitioner Colleen E. Dempsey is a resident of Katy, TX.	
Inventory		
PTC	Full IAEA – ok	
Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Will dated 11-19-08	
<input checked="" type="checkbox"/> Aff.Mail	Residence: Katy, Harris County, TX	
<input checked="" type="checkbox"/> Aff.Pub.	Publication: Fresno Business Journal	
Sp.Ntc.		
Pers.Serv.	Estimated Value of Estate:	
Conf. Screen	Personal property: \$1,500,000.00	
<input checked="" type="checkbox"/> Letters	Petitioners state there is a claim against Daniel J. McCann for monies taken by Mr. McCann from the decedent prior to her death filed in the matter of the John P. McCann and Elizabeth A. McCann Trust dated April 2, 1999, with Fresno Superior Court Case No. 11CEPR00871. The monies may belong to the decedent's estate. Petitioners state that Daniel J. McCann is the third named co-executor; however, his appointment as co-executor in the estate would be an irreconcilable conflict of interest.	
<input checked="" type="checkbox"/> Duties/Supp		
<input checked="" type="checkbox"/> Objections		
Video Receipt		
CI Report		
9202		
<input checked="" type="checkbox"/> Order	Daniel J. McCann filed Opposition to Petition on 6-21-13 states four grounds of objection. See additional pages.	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice	Probate Referee: Rick Smith	
	<u>SEE ADDITIONAL PAGES</u>	

Page 2

Daniel J. McCann filed Opposition to Petition on 6-21-13 states four grounds of objection:

- 1) California Superior Court does not have jurisdiction to probate Mrs. McCann's will.
- 2) Petitioners have delayed and waived their right to appointment as personal representatives.
- 3) Petitioners are not competent to act as personal representatives because they are wasting and neglecting any assets the probate estate may have.
- 4) Petitioners are estopped from bringing their petition, which should be abated until the trust litigation is concluded.

Authorities cited include numerous cases, statutes, treatises. See objection for facts and details. Objector states the California Court's involvement with the trust does not confer probate jurisdiction. Objector requests that the petition be denied, for costs of suit, and all other proper relief.

NEEDS/PROBLEMS/COMMENTS:

2. The Court may require declination to serve from Daniel J. McCann.
3. Petitioners request appointment without bond and state the will waives bond; however, because they are only two of the three named co-executors, and due to the extensive litigation already in existence, the Court may require bond in the amount of \$1,500,000.00. Alternatively, the Court may require waiver from appropriate relatives/beneficiaries, or authority for waiver of bond as requested. (Note: Because Petitioners are also the co-trustees of the trust, waiver may be required from trust beneficiaries.)
4. The Court may require clarification regarding Fresno Business Journal as appropriate publication with regard to Probate Code §8121(b), since the decedent did not reside here or own property here. Rather, the property that Petitioners state may be recovered is held by Daniel J. McCann, a resident of Vermont, and the Decedent was a resident of Texas.

Note to Attorney: Although the current Judicial Council form "Notice of Petition to Administer Estate" (updated 1-1-13) was used, the publication does not contain the updated language. For future petitions, please remember to note the update for publication.

DOD: 04/08/13		<p>CYNTHIA L. GERRINGER, sister, is Petitioner and requests appointment as Administrator without bond.</p> <p>Full IAEA – OK</p> <p>All heirs waive bond</p> <p>Decedent died intestate</p> <p>Residence: Clovis Publication: The Business Journal</p> <p>Estimated Value of the Estate:</p> <p>Personal property - \$98,000.00 Annual income - 980.00 Real property - 22,000.00 Total - \$120,980.00</p> <p>Probate Referee: STEVEN DIEBERT</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: The Notice of Petition to Administer Estate form (DE-121) used is outdated. This form was updated January 1, 2013 and revised the language of #8 regarding Notice to Creditor's. The updated language should also be used in the publication.</p> <p>Note: Letters of Special Administration were issued to Petitioner on 05/24/13 and will expire on 06/27/13.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Friday, 11/29/2013 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. <p>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.</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 checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
Reviewed by: JF			
Reviewed on: 06/21/13			
Updates: 06/25/13			
Recommendation: SUBMITTED			
File 9 – Copeland			

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

Age: 18 years	THERE IS NO TEMPORARY. No temporary was requested.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator Advised Rights on 6/12/13.</p> <p>Voting Rights Affected need minute order.</p> <ol style="list-style-type: none"> Capacity Declaration was completed by a nurse practitioner. Probate Code §1890(c) states no court order under section 1880 [determining the conservatee lacks capacity to give informed consent to medical treatment] may be granted unless supported by a declaration executed by a licensed physician or licensed psychologist, stating that the proposed conservatee lacks the capacity to give informed consent to medical treatment. Therefore need Capacity Declaration that complies with Probate Code 1890(c). Declaration of Ronald Kleyn, M.D. filed 6/21/13 states he concurs with the evaluation of Marsha Destoff, MSN, FPN. Notice Central Valley Regional Center was 28 days and not 30 days as required by Probate Code §1822(c). Need Conservatorship Video Viewing Receipt for Sergio Vasquez-Pinon
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<input type="checkbox"/> CI Report			
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Aiyanna (6)	TEMP (PERSON ONLY) EXPIRES 6-27-13	NEEDS/PROBLEMS/COMMENTS:
	DIANA KATIGBAK and RICHARD VAGER , paternal aunt and uncle, filed petitions for temporary and general guardianship of the person and estate for Aiyana (6) and Gavin Katigbak (9) on 4-26-12. Petitioners estimated that each minor's estate consists of approx. \$500,000.00 in personal property and real property.	
	Temporary guardianship of the person only was granted on an ex parte basis on 4-26-12.	
	At hearing on 5-8-12, the matter was set for trial and temporary guardianship (person only) was extended to 7-11-12.	
	At trial on 7-11-12, the parties reached a settlement agreement and the matter was set for a review hearing on 1-16-13 with the understanding that if the mother is in compliance with the agreement, the petition will be dismissed. Temporary guardianship (person only) was extended to 1-16-13.	
	On 1-16-13, the Court set further trial on 3-11-13 and extended the temporary guardianship to 3-11-13.	
	Minute Order 3-11-13: The Court and all counsel convene in chambers for further discussions. Mr. Hollingsworth informs the Court that they are in accord with the mediation agreement. The Court notes for the minute order that the parties have another mediation appointment scheduled with Mr. Fischer on 6/18/13. The Court sets the matter for Status Hearing on 6/27/13. The temporary is extended to 6/27/13. Set on 6/27/13 for Status Hearing. Temporary Guardianship Letters extended to 6/27/13.	
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CI Report		
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Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 6-24-13
		Updates:
		Recommendation:
		File 11 – Katigbak

Atty Hopper, Cindy J. (for Diana Katigbak and Richard Vager – paternal aunt and uncle - Petitioners)
 Atty Hollingsworth David C. (for Jana Keeley – Mother - Objector)
Status Hearing

Gavin (8)	TEMP (PERSON ONLY) EXPIRES 6-27-13	NEEDS/PROBLEMS/COMMENTS:
	DIANA KATIGBAK and RICHARD VAGER , paternal aunt and uncle, filed petitions for temporary and general guardianship of the person and estate for Aiyana (6) and Gavin Katigbak (9) on 4-26-12. Petitioners estimated that each minor's estate consists of approx. \$500,000.00 in personal property and real property.	
	Temporary guardianship of the person only was granted on an ex parte basis on 4-26-12.	
	At hearing on 5-8-12, the matter was set for trial and temporary guardianship (person only) was extended to 7-11-12.	
	At trial on 7-11-12, the parties reached a settlement agreement and the matter was set for a review hearing on 1-16-13 with the understanding that if the mother is in compliance with the agreement, the petition will be dismissed. Temporary guardianship (person only) was extended to 1-16-13.	
	On 1-16-13, the Court set further trial on 3-11-13 and extended the temporary guardianship to 3-11-13.	
	Minute Order 3-11-13: The Court and all counsel convene in chambers for further discussions. Mr. Hollingsworth informs the Court that they are in accord with the mediation agreement. The Court notes for the minute order that the parties have another mediation appointment scheduled with Mr. Fischer on 6/18/13. The Court sets the matter for Status Hearing on 6/27/13. The temporary is extended to 6/27/13. Set on 6/27/13 for Status Hearing. Temporary Guardianship Letters extended to 6/27/13.	
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		Reviewed by: skc
		Reviewed on: 6-24-13
		Updates:
		Recommendation:
		File 11 – Katigbak

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

Age: 10		<p style="text-align: center;"><u>TEMPORARY EXPIRES 06/27/13</u></p> <p>DIANA REYES, maternal grandmother, is Petitioner.</p> <p>Father: TRINIDAD YBARRA – <i>Consent & Waiver of Notice filed 04/24/13</i></p> <p>Mother: JAMIE ADDINGTON – <i>Consent & Waiver of Notice filed 04/24/13</i></p> <p>Paternal grandfather: UNKNOWN Paternal grandmother: GLORIA ERLICK</p> <p>Maternal grandfather: JAMES ADDINGTON</p> <p>Petitioner alleges that the mother is homeless and has no means to care for the child, and the father is remarried and agrees with guardianship.</p> <p>Court Investigator JoAnn Morris filed a report on 06/20/13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> <i>Consent & Wavier of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for: <ul style="list-style-type: none"> - Paternal grandfather (unknown) - Gloria Erlick (paternal grandmother) - James Addington (maternal grandfather) <p>Note: A proof of service by mail filed 06/19/13 states that the <i>Notice of Hearing</i> was mailed to Gloria Erlick, James Addington, Bryan Kelly, Olivia Kelly, and Trinidad Ybarra. However, this is not the correct form for use as proof of service by mail in Probate matters, further, the form only indicates that the <i>Notice of Hearing</i> was mailed to the parties and does not indicate that a copy of the <i>Petition</i> was also served as required per the Probate Code. Further, the proof of service is incomplete at item 4 and does not indicate the date of mailing.</p> 	
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<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
				Reviewed by: JF
				Reviewed on: 06/21/13
				Updates: 06/25/13
		Recommendation:		
		File 13 – Ybarra		

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

Age: 13	<u>GENERAL HEARING: 08/20/13</u>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service at least 5 court days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Temporary Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: <ul style="list-style-type: none"> - Manuel Martinez Rodriguez (father) - Rebecca A. Manjarrez (mother)
	<p>ANTONIA RODRIGUEZ, paternal grandmother, is Petitioner.</p> <p>Father: MANUEL MARTINEZ RODRIGUEZ</p> <p>Mother: REBECCA A. MANJARREZ</p> <p>Paternal grandfather: MANUEL RODRIGUEZ</p> <p>Maternal grandfather: JOE MANJARREZ</p> <p>Maternal grandmother: PETRA MANJARREZ – deceased</p> <p>Petitioner alleges that the mother abuses methamphetamines and is unable to provide a safe and stable home for the minor. The father is currently in Fresno County Jail. Petitioner states that the minor has lived with her most of her life. The parents also resided in Petitioner's home, and when they separated they both agreed to leave the minor with Petitioner. The mother has also been incarcerated numerous times. Recently, the mother has been taking the minor from petitioner's care. The mother lives with her father (maternal grandfather) who is a registered sex offender. Petitioner states that it is not appropriate for a young teenage girl to be in the home with him. Further, the mother does not take the minor to school when she is in her care and the minor has numerous absences that occurred while in her mother's care. On 06/16/13, the mother tried to take the minor from Petitioner again, but it was determined by Fresno Police that she was under the influence of meth and the minor remained with Petitioner. Petitioner states that temporary guardianship is necessary to provide a safe and stable home for the minor.</p>	
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<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		<p>Reviewed by: JF</p> <p>Reviewed on: 06/21/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 14 – Rodriguez</p>

Atty Kruthers, Heather H., of County Counsel's Office (for Petitioner Public Guardian)

Atty Walters, Jennifer L., of Walters & Moshrefi (Court-appointed for Conservatee)

Petition for Appointment of Temporary Conservator of the Person and Estate

Age: 86 years		<p>TEMPORARY GRANTED EX PARTE EXPIRES 6/27/2013</p> <p><u>GENERAL HEARING SET FOR 7/25/2013</u></p> <p>PUBLIC GUARDIAN is Petitioner and requests appointment as Conservator of the Person with authority to make medical decisions pursuant to Probate Code § 2355, and authority to change the residence of the proposed Conservatee during the temporary conservatorship to a living arrangement appropriate for her needs; and appointment as Conservator of the Estate without bond.</p> <p>Need Capacity Declaration</p> <p>Estimated Value of the Estate:</p> <table border="0"> <tr> <td>Personal property</td> <td>-</td> <td>\$45,677.16</td> </tr> <tr> <td>Total</td> <td>-</td> <td>\$45,677.16</td> </tr> </table> <p>Petitioner states the proposed Conservatee is a thin and frail widow who lives independently in her own home, and until recently, her son, ANTHONY VALENCIA, was providing some minimal assistance to her, but he has left the home and is being investigated for financial elder abuse. Petitioner states the proposed Conservatee is legally blind, though if assisted she can ambulate on her own, and she demonstrates memory difficulties. Petitioner states when the case was referred to Petitioner, Adult Protective Services and the Fresno Sheriff were investigating the proposed Conservatee's need for better supervision, and possible financial elder abuse by her son Anthony, and based upon the information gathered, the Petitioner presumes Anthony, who has access to proposed Conservatee's funds and admits he has a gambling problem, took over \$425,000.00 of proposed Conservatee's funds in 16 months.</p> <p>Court Investigator Jennifer Daniel's Report was filed on 6/17/2013, and states even though the proposed Conservatee is objecting to the conservatorship, she does not appear to be able to properly provide for her personal needs or resist undue influence; it is recommended the petition be GRANTED.</p>	Personal property	-	\$45,677.16	Total	-	\$45,677.16	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>Court Investigator Advised Rights on 6/13/2013.</p> <ol style="list-style-type: none"> Pursuant to Probate Code 2250.2(c), need proof of five (5) court days' notice by personal service of the Notice of Hearing and a copy of the Petition for Appointment of Temporary Conservator for: <ul style="list-style-type: none"> Delia Valencia, proposed Conservatee. Petition requests medical consent powers pursuant to Probate Code § 2355. Need <i>Medical Capacity Declaration</i> in support of Petitioner's request pursuant to Probate Code § 1890(c).
Personal property	-		\$45,677.16						
Total	-		\$45,677.16						
Cont. from									
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<input type="checkbox"/>	FTB Notice								
		<p>Reviewed by: LEG</p> <p>Reviewed on: 6/21/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 15 – Valencia</p>							

(1) Seventh Account and Report of the Trustees of the Alison Miller Special Needs Trust and (2) Petition for its Settlement and (3) Approval of Trustee and Attorneys Fees [Prob. C. 17200(b)(5)]

DOD: 01/08/13	MATTHEW MILLER , successor trustee, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> The Trustee requests fees in the amount of \$1,440.00 in the Petition, however, the order states compensation to the Trustee is to be \$2,187.05 (\$4,320.00 less \$1,640.00 previously paid and \$492.95 surcharge). Need clarification as to the difference in fees. The Order states that the fee to the attorney shall be \$17,651.25 less the sum of \$12,898.75 plus interest. However, it appears that the reduction should be \$13,416.25 plus interest per year based on the Declaration of attorney. Need clarification.
	Accounting period: 01/01/11 – 01/08/13	
Cont. from	Accounting - \$857,676.12	
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH - \$579,300.91	
<input checked="" type="checkbox"/> Verified	Ending POH - \$759,077.00	
<input type="checkbox"/> Inventory	Trustee - \$1,440.00 (72 hours @ \$20/hr.)	
<input type="checkbox"/> PTC	Attorney - \$17,651.25 (itemized by date for 78.45 hours @ \$225/hr. This amount to be reduced by \$348.75 and \$168.75, for legal services provided to the former trustee, Beverly Miller erroneously paid by the Trust; and less \$9,686.25 and \$3,212.50, for legal fees erroneously paid by the Trust. Total fee after reduction is \$4,235.00)	
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<input type="checkbox"/> Objections	1. The 7 th Account and report be settled, allowed and approved, and all acts and transactions of petitioner set forth in it or relating to the matters set forth in it, be ratified, confirmed and approved; and	
<input type="checkbox"/> Video Receipt	2. Petitioner and the attorney for Petitioner are allowed the requested compensation for their services.	
<input type="checkbox"/> CI Report		
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		Reviewed by: JF
		Reviewed on: 06/25/13
		Updates:
		Recommendation:
		File 16 – Miller