



June 27, 2013

The Probate Examiner's Office recommends approval of the following Probate matters:

7	14CEPR00539	David K. Lowe (Estate)
10	15CEPR00539	Wayne Thomas Nobile (Estate)
15	16CEPR00085	Maria Ekk (Estate)
22	16CEPR00509	Gianna Sciacqua (Spousal)

The following cases have been taken off calendar:

5	13CEPR00069	Bryan Assadourian (CONS/PE)
9	15CEPR00504	John Owen (CONS/PE)
14	15CEPR01145	Eunkyung Synn (Estate)

Appearance of counsel is recommended for all remaining matters set for hearing. Thank you.

Dept. 303, 9:00 a.m. Monday, June 27, 2016

**Fifteenth Account and Report of Successor Conservator and
 Petition for Compensation to Conservator and Her Attorney**

	PUBLIC GUARDIAN , Successor Conservator of the Person and Estate appointed 12/13/1996, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 3/1/2014 – 02/29/2016	Page 1B is the <i>Petition for Fees to Court-Appointed Attorney</i> .
Cont. from		Note: If the <i>Petition</i> is granted, Court will set a status hearing as follows:
<input type="checkbox"/> Aff.Sub.Wit.	Accounting - \$795,304.46	<ul style="list-style-type: none"> Monday, April 2, 2018 at 9:00 a.m. in Dept. 303 for filing of the next account. <p>Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required.</p>
<input checked="" type="checkbox"/> Verified	Beginning POH - \$700,196.28	
<input type="checkbox"/> Inventory	Ending POH - \$676,164.51 (\$14,209.22 is cash)	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Conservator - \$6,883.56 (27.98 Deputy hours @ \$96/hr and 55.23 Staff hours @ \$76/hr)	
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.	Attorney - \$2,500.00 (per Local Rule 7.16)	
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen	Bond fee - \$3,109.02 (OK)	
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections	Petitioner prays for an order:	
<input type="checkbox"/> Video Receipt	1. Approving, allowing, and settling the Fifteenth Account;	
<input checked="" type="checkbox"/> CI Report	2. Authorizing the Conservator and Attorney fees and commissions; and	
<input checked="" type="checkbox"/> 2620	3. Finding that the Conservatee is able to complete an affidavit of voter registration and is entitled to vote.	
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		Reviewed by: LV
<input type="checkbox"/> Status Rpt		Reviewed on: 06/22/2016
<input type="checkbox"/> UCCJEA		Updates:
<input type="checkbox"/> Citation		Recommendation:
<input type="checkbox"/> FTB Notice		File 1A- Olguin

		DAVID N. KNUDSON , Attorney court-appointed on 9/8/2009, and again on 6/27/2011, to represent the Conservatee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		PUBLIC GUARDIAN was appointed Successor Conservator of the Person and Estate on 12/13/1996.	
		Mr. Knudson was first appointed by the Court to represent the Conservatee's interests in this proceeding on 09/08/2009; his appointment was terminated, and then he was re-appointed on 6/27/2011; since that time he has continued to act as attorney for the Conservatee.	
		Petitioner requests:	
		<ul style="list-style-type: none"> The payment of fees from the Conservatorship Estate in connection with the representation of the Conservatee from the period of 05/23/2014 through 05/20/2016; That he be paid for 12.20 hours at \$300 per hour for attorney, totaling \$3,495.00; and The reimbursement of \$435 for costs for filing the previous petition for fees (2014). 	
		Services are itemized by date and include meetings with Conservatee, review of court accountings, responding to Conservatee's concerns, contacting Deputy Public Guardian Gary Healy as appropriate concerning Conservatee's needs and wishes, draft of documents, and court appearances.	
			Reviewed by: LV
			Reviewed on: 06/22/2016
			Updates:
			Recommendation:
			File 1B- Olguin

2 Herbert C. Hamby (Estate)

Case No. 07CEPR00788

Attorney Kruthers, Heather H (for Public Administrator)

First and Final Account and Report of Successor Administrator and Petition for Allowance of Ordinary Commissions and Fees and for Distribution

DOD: 09/06/2005		PUBLIC ADMINISTRATOR , is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Court records indicate that there is an outstanding court fee of \$25.50 for Certified Copies received on 08/19/2015.</p>
		Account period: 11/25/2013 – 05/09/2016	
		Accounting - \$220,457.77	
Cont. from		Beginning POH - \$157,500.00	
<input type="checkbox"/>	Aff.Sub.Wit.	Ending POH - \$199,213.65 (\$41,713.65 is cash)	
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory	Administrator - \$7,409.16 (Statutory)	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	Attorney - \$7,409.16 (Statutory – Former Attorney Helon and County Counsel have agreed to split the fee as follows: \$3,080.00 to Mr. Helon and \$4,329.00 to County Counsel)	
<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.	Bond Fee - \$1,377.88	
<input type="checkbox"/>	Conf. Screen	Costs - \$783.00 (\$681 for reimbursement of filing fees to Attorney Helon and \$102 for filing fees and publication to County Counsel)	
<input checked="" type="checkbox"/>	Letters	11/25/13	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt	Closing - \$2,500.00 (taxes)	
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202	Petitioner requests in the event the whereabouts of the heirs are not known, the administrator is authorized to deposit any remaining balance of funds with the Fresno County Treasury pursuant to Probate Code § 11850(a).	
<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	<p>Distribution pursuant to Decedent's Will, is to:</p> <p>Elaine Rackley - \$7,411.49; 1/3rd interest in real property</p> <p>Marilyn Hamby - \$7,411.48; 1/3rd interest in real property</p> <p>Estate of Irene Hamby - \$7,411.48; 1/3rd interest in real property</p>	
			Reviewed on: 06/22/2016
			Updates:
			Recommendation:
			File 2- Hamby

3 Joaquina Rocha Sanchez (Estate)

Case No. 08CEPR00386

**Attorney Steven R. Mortimer, of Madera (for Petitioner Jose Guadalupe Sanchez, Administrator)
Petition for Settlement of First and Final Account and Final Distribution, and
for Order Fixing and Allowing Compensation for all Services Rendered**

DOD: 12/29/1998	JOSE GUADALUPE SANCHEZ , son and Administrator, is Petitioner.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. <i>Final Inventory and Appraisal</i> filed on 4/7/2009 is incomplete at Item 5 re: property tax certificate, as required by Probate Code § 8800(d). Need statement regarding Property Tax Certificate. (Revenue and Tax Code § 480.)—Filed 6/24/2016.</p> <p>2. <i>Petition</i> does not specify which persons, if any, are the heirs of Decedent's pre-deceased son, FRANCISCO SANCHEZ (DOD 10/31/1981), and the heirs of Decedent's post-deceased son, JOSE CLEMENTEZ SANCHEZ (DOD 8/21/2005), in order for the Court to determine whether the proposed distribution under intestate succession is proper pursuant to Probate Code § 6402.—Supplemental Declaration filed 6/24/2016 provides the names of the heirs. New defect: The intestate share of JOSE CLEMENTEZ SANCHEZ cannot be distributed from this Decedent's Estate to the five children of JOSE CLEMENTEZ SANCHEZ. Need revised proposed order authorizing distribution to the Estate of JOSE CLEMENTEZ SANCHEZ. ~Please see additional page~</p>
	Account period: 11/17/2008 – 4/20/2016		
	Accounting	- \$124,005.90	
	Beginning POH	- \$ 65,000.00	
	Ending POH	- \$110,878.88 (all cash)	
Cont. from	Administrator	- \$4,600.00 (statutory)	
Aff.Sub.Wit.	Administrator X/O	- \$1,000.00 (for sale of real property per Local Rule)	
<input checked="" type="checkbox"/> Verified	Administrator Costs	- \$5,863.00 (for \$2,837.00 to Attorney Mortimer and Attorney Hrdlicka to evict a squatter on estate real property; \$665.00 to Anita Martin to assist in evicting squatter; \$2,271.00 bond premiums; \$100.00 to disc lot;)	
<input checked="" type="checkbox"/> Inventory	Attorney	- \$4,600.00 (statutory)	
PTC	Attorney X/O	- \$1,170.00 (per Declaration, for 3.90 hours @ \$300/hour; for attempted sale of real property and successful sale of real property; obtain services of attorney for unlawful detainer action against heir occupying property;)	
<input checked="" type="checkbox"/> Not.Cred.	Attorney Costs	- \$563.39 (filing fee, publication, certified copies)	
<input checked="" type="checkbox"/> Notice of Hrg	Closing	- \$500.00 (reserve for any estate liabilities)	
<input checked="" type="checkbox"/> Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters 012309			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
<input checked="" type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
<input checked="" type="checkbox"/> FTB Notice			
	~Please see additional page~		
Reviewed by: LEG			
Reviewed on: 6/22/16			
Updates: 6/24/16			
Recommendation:			
File 3- Sanchez			

3, Additional Page, Joaquina Rocha Sanchez (Estate) Case No. 08CEPR00386

Distribution pursuant to intestate succession and *Assignment of Interest* filed 4/26/2016 is to:

- MARCELINA JIMENEZ – \$23,145.62 cash;
- JOSE GUADALUPE SANCHEZ – \$30,860.83 cash;
- CHRISTINA DE LA TORRE – \$4,629.13 cash;
- PEPE SANCHEZ – \$4,629.13 cash;
- GABRIEL SANCHEZ – \$4,629.13 cash;
- ROMAN SANCHEZ – \$4,629.13 cash;
- PATRICIA SANCHEZ – \$4,629.12 cash;
- DELLA ACKERMAN – \$7,715.20 cash;
- THERESA SANCHEZ – \$7,715.20 cash.

Note Re Span of Estate Administration: *Notice of Status Hearing* filed 3/30/2016 set this matter for status hearing on 5/16/2016 for failure to file the first account and/or petition for final distribution, which was filed on 4/26/2016. The instant Estate was opened in October 2008; *Letters* issued on 1/23/2009; the real property was appraised on 3/19/2009 and given a date of death value (1998) of **\$65,000.00**; a *Notice of Proposed Action* filed 5/26/2015 was the first filing regarding the real property sale, stating the sale took place on or after 6/8/2015 for **\$120,000.00**; a *Notice of Proposed Action* filed 3/4/2016 was the second filing regarding the real property sale, stating the sale took place on or after 3/21/2016 for **\$120,000.00**. Probate Code § 12200 states the personal representative shall either petition for an order for final distribution of the estate or make a report of status of administration not later than one year after the date of issuance of letters. *Petition* does not provide explanation for the span of ~8 years for the administration of the instant Estate, and while it appears there has been no harm to the Estate, Probate Code § 12205 provides the Court may reduce the compensation of the personal representative or the attorney for the personal representative by an amount the Court determines to be appropriate for the failure to timely close the estate.

Petition for Termination of Guardianship

		TALINISHA (BUFORD) THOMPSON, maternal aunt/guardian, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of personal service of <i>Notice of Hearing</i> at least 15 days before the hearing <u>or</u> consent and waiver of notice on: <ol style="list-style-type: none"> a. Jessie Thurman (mother) b. Bobby Bradley – <i>unless court excuses notice</i> c. Paternal grandparents – <i>unless court excuses notice</i> 3. Need proof of service of <i>Notice of Hearing</i> <u>or</u> consent and waiver of notice on: <ol style="list-style-type: none"> a. Marlene Mack (maternal grandmother) b. Janey Grave (sibling - <i>if 12 years or older</i>) 4. Item 5 of petition does not state why termination of the guardianship is in the best interest of minor.
		TALINISHA BUFORD was appointed guardian of the minor on 3/28/2011.	
Cont. from		Court Investigator report filed 6/20/2016.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC	See petition for details.	
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: SEF
			Reviewed on: 6/22/2016
			Updates:
			Recommendation:
			File 4- Thurman

Status RE: Settlement Proceeds

	LISA MEGERDICHIAN , Sister, is Conservator with bond of \$115,000.00.	NEEDS/PROBLEMS/COMMENTS:
	Conservator's Second Account Current was settled on 4/11/16. On that date, the Court waived future accounts, and Mr. Matlak represented that litigation was pending, and the Court set this status hearing re settlement proceeds.	
	Status Report filed 5/5/16 states this declaration is in support of the ruling made on 4/11/16 that the conservator does not need to present future accounts as long as the total net value of the estate is less than \$15,000, the income of the estate each month, exclusive of public benefit payments, is less than \$2,000, and all income if not retained is spent for the benefit of the Conservatee.	<u>OFF CALENDAR</u> Substituted Judgment Petition for Order Establishing Special Needs Trust filed 6/23/16 has been set for 8/3/16.
	It has been determined that the cash personal injury settlement awarded to Conservatee by and through his Guardian ad Litem, Lisa Megerdichian, in the approximate amount of \$176,000 will be paid to a special needs trust that will be established for his benefit. The petition is being prepared and will be filed within a few weeks.	
Cont. from 051616		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: skc
Status Rpt		Reviewed on: 6/22/16
UCCJEA		Updates: 6/23/16
Citation		Recommendation:
FTB Notice		File 5- Assadourian

Petition for Final Distribution on Waiver of Accounting

DOD: 11/9/13		<p>ALAN W. LOWE, son/Administrator, is petitioner.</p> <p>Accounting is waived.</p> <p>I & A - \$170,799.35 POH - \$137,798.65</p> <p>Administrator - waives</p> <p>Attorney (statutory) - \$6,123.98</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 4/18/16. As of 6/22/16 the following issues remain:</p> <ol style="list-style-type: none"> #5 of the inventory and appraisal is marked that a property tax certificate is not applicable because the decedent owned no real property in California at the time of death. However the decedent did own real property. Need property tax certificate. Need Allowance or Rejection of Creditor's Claim for AIS Recovery Solutions. California Rules of Court, Rule 7.401.
Cont. from 041816			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC X		
<input checked="" type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg N/A		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	<p>Distribution, pursuant to intestate succession, is to:</p> <p>Alan W. Lowe- \$2,048.65, real property and 1993 Ford Thunderbird</p>	
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters 8/11/14		
<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	<p>Reviewed by: KT</p> <p>Reviewed on: 6/22/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6- Lowe</p>	
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		

Petition for Final Distribution on Waiver of Accounting

DOD: 10/14/13	ALAN W. LOWE , brother/Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Accounting is waived.	
Cont. from 041816	I & A - \$160,339.00	
Aff.Sub.Wit.	POH - \$ 57,571.00	
<input checked="" type="checkbox"/> Verified	(\$22,232.00 is cash)	
<input checked="" type="checkbox"/> Inventory	Administrator - waives	
PTC X	Attorney - \$5,669.17	
<input checked="" type="checkbox"/> Not.Cred.	(statutory)	
Notice of Hrg N/A		
Aff.Mail	Proposed distribution is to:	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	Alan W. Lowe as Administrator of the	
Conf. Screen	Estate of Stella Lowe - \$16,563.00,	
<input checked="" type="checkbox"/> Letters 8/13/14	decedent's 16 2/3 interest in real property and 2005 Chevy Silverado Pick Up.	
Duties/Supp		
Objections		
Video Receipt		
CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
<input checked="" type="checkbox"/> FTB Notice		
		Reviewed by: KT
		Reviewed on: 6/22/16
		Updates:
		Recommendation: SUBMITTED
		File 7 - Lowe

Report of Sale and Petition for Order Confirming Sale of Real Property

	PUBLIC GUARDIAN is Conservator/petitioner.	NEEDS/PROBLEMS/COMMENTS: OFF CALENDAR. Order Confirming Sale of Real Property signed on 6/14/16.
Cont. from 032816		
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: KT	
	Reviewed on: 6/22/16	
	Updates:	
	Recommendation:	
	File 9- Owen	

First and Final Report of Administration and Petition for its Settlement; Waiver of Accounting; Waiver of Statutory Executor's Fees, Petition for Allowance of Statutory Attorneys' Fees and Costs, and for Final Distribution

DOD: 8/27/14	MERNA L. NOBILE , Spouse and Executor with Full IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Accounting is waived	
	I&A: \$275,000.00	
Aff.Sub.Wit.	POH: \$275,000.00 (Decedent's community property interest in various real properties and personal property)	
✓ Verified		
✓ Inventory		
✓ PTC	Executor waives compensation	
✓ Not.Cred.		
✓ Notice of Hrg	Attorney: \$6,250.00 (less than statutory)	
✓ Aff.Mail	Distribution pursuant to Decedent's will:	
Aff.Pub.		
Sp.Ntc.	Merna L. Nobile: Personal property	
Pers.Serv.		
Conf. Screen	Merna L. Nobile and Ronald W. Nobile as Co-Trustees of the Wayne T. and Merna L. Nobile Revocable Trust dated 6/4/04: Residue of estate	
✓ Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
✓ 9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
✓ FTB Notice		
		Reviewed by: skc
		Reviewed on: 6/22/16
		Updates:
		Recommendation: SUBMITTED
		File 10- Nobile

Attorney: Heather H. Kruthers (for Petitioner/Conservator Public Guardian)

Attorney: Edward Fanucchi (Former Court Appointed for Conservatee)

Attorney: Flora Istanboulian (Current Court Appointed Attorney for Conservatee)

Petition for Exclusive Authority to Give Consent to Medical Treatment

		<p>PUBLIC GUARDIAN, Conservator, is petitioner.</p> <p>Please see petition for details.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: On 6/14/16 Attorney Edward Fanucchi resigned as attorney for the conservatee. Flora Istanboulian was appointed on 6/17/16.</p> <p>Continued from 3/28/16. Minute order states Mr. Fanucchi has requested an updated evaluation of the Conservatee and is not opposed to Kaiser doing the evaluation. The Court without setting a precedent, orders the updated evaluation be completed, provided insurance will cover it so that it won't cost anything from the estate, other than the co-pay.</p> <p>Please see page 11B Petition for Authorization for the Conservator to Spend More Than Co-Payment for an Evaluation.</p> <p>1. Objections are not verified. Probate Code §1021. – <i>Points and Authorities in Opposition to Probate Examiner Notes Regarding Probate Code §1021.</i></p>
<p>Cont. from 032816</p>			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W/	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W/	
	Conf. Screen		
✓	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		<p>Reviewed by: KT</p>	
		<p>Reviewed on: 6/23/16</p>	
		<p>Updates:</p>	
		<p>Recommendation:</p>	
		<p>File 11- De La Mora</p>	

Petition for Authorization for the Conservator to Spend More Than Co-Payment for an Evaluation.

		<p>PUBLIC GUARDIAN, Conservator, is petitioner.</p> <p>Please see petition for details.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Order</p>	
Cont. from 032816				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W/
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			X
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: KT	
			Reviewed on: 6/23/16	
			Updates:	
			Recommendation:	
			File 11- De La Mora	

Report of Sale and Petition for Order Confirming Sale of Real Property

DOD: 3/10/15	JANET CURTISS , Daughter and Administrator with Will Annexed with Limited IAEA without bond, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: The Court will set a status hearing for the filing of the receipt for blocked account as follows:</p> <ul style="list-style-type: none"> Monday, August 15, 2016
	Sale price: \$165,000.00 Overbid: \$173,750.00	
<input type="checkbox"/> Aff.Sub.Wit.	Reappraisal: \$165,000.00	
<input checked="" type="checkbox"/> Verified	Property: 4319 N. Feland Ave. Fresno, CA 93722	
<input checked="" type="checkbox"/> Inventory	Publication: Business Journal	
PTC	Buyer: Jennifer Fregoso, a single woman	
<input type="checkbox"/> Not.Cred.	Broker: 6% or \$9,900.00 to be split between Premier Valley Realty and London Properties, 3% each	
<input checked="" type="checkbox"/> Notice of Hrg	See petition re details of sale – agreement attached, bid filed 6/10/16. Buyer has placed \$2,000.00 deposit in escrow.	
<input checked="" type="checkbox"/> Aff.Mail <small>W</small>	Petitioner requests to place proceeds of sale into a blocked account.	
<input checked="" 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 type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
9202		
<input checked="" type="checkbox"/> Order		
<input checked="" type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: skc
		Reviewed on: 6/22/16
		Updates:
		Recommendation:
		File 12- Livermore

DOD: 09/08/2015	DICIE WHEATON , daughter, was appointed Administrator with full IAEA authority, without bond on 12/16/2015.	NEEDS/PROBLEMS/COMMENTS:
	Letters issued on 12/18/2015	
Cont. from		
Aff.Sub.Wit.	Final Inventory and Appraisal filed 06/21/2016 shows an estate valued at \$265,000.00.	
Verified		
Inventory		
PTC		
Not.Cred.	Minute Order of 05/16/2016 set this Order to Show Cause.	
Notice of Hrg	Minute Order of 05/16/2016 states: No Appearances – The Court issues an Order to Show Cause to Lance Armo as to why he should not be sanctioned for his failure to appear today and to Dicie Wheaton as to why she should not be removed as Administrator for failure to file the Inventory and Appraisal. Both Mr. Armo and Dicie Wheaton are ordered to be personally present or present via CourtCall on 06/27/2016, even if the Inventory and Appraisal is filed by that date.	
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 on: 06/22/2016
		Updates: 06/23/2016
		Recommendation:
		File 13- Fitzpatrick

Status RE: Filing of the Inventory and Appraisal

DOD: 8/5/15	<p>H. MICHAEL SYNN, Son, was appointed Executor with Full IAEA without bond on 12/14/15 and Letters issued on 12/21/15.</p> <p>At the hearing on 12/14/15, the Court set this status hearing for the filing of the Inventory and Appraisal.</p> <p>Status Report filed 5/13/16 states a further I&A (Partial No. 2) has been sent to the Probate Referee for his appraisal. Atty Poochigian requests an additional 45 days.</p> <p>Note: Partial I&A No. 1 was filed 5/13/16. Partial I&A No. 2 was filed 6/17/16.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR</u> Final I&A filed 6/24/16</p>
Cont. from 051616		
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: skc</p> <p>Reviewed on: 6/22/16</p> <p>Updates: 6/24/16</p> <p>Recommendation:</p> <p>File 14- Synn</p>

Petition for Probate of Will and for Letters Testamentary and Authorization to Administer under the Independent Administration of Estates Act

DOD: 1-9-2015	EDITH EKK, daughter and named Co-executor with full IAEA without bond is petitioner	NEEDS/PROBLEMS/COMMENTS: Note: If granted, the Court will set status hearings as follows: <ul style="list-style-type: none"> • Tuesday, November 29, 2016 for filing Inventory and Appraisal • Tuesday, August 29, 2017 for filing the first account or petition for 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.
Cont. from 030716, 061316	Other named co-executor Isolde Ekk (Graumann) declines to act	
<input type="checkbox"/> Aff.Sub.Wit.	Full IAEA – o.k.	
<input checked="" type="checkbox"/> Verified	Joint will dated: 12-21-1981	
<input type="checkbox"/> Inventory	Residence: Reedley	
<input type="checkbox"/> PTC	Publication: <i>The Reedley Exponent</i>	
<input type="checkbox"/> Not.Cred.	Estimated value of estate:	
<input type="checkbox"/> Notice of Hrg	Personal property \$ 0.00	
<input checked="" type="checkbox"/> Aff.Mail W/	Real property: \$50,000.00	
<input checked="" type="checkbox"/> Aff.Pub.	Total \$50,000.00	
<input type="checkbox"/> Sp.Ntc.	Probate Referee: Rick Smith	
<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: SEF
		Reviewed on: 6/22/2016
		Updates:
		Recommendation: SUBMITTED
		File 15- Ekk

Petitioner: Lucille Allison Barbo (Pro per – Cousin)

Petition for Appointment of Guardian of the Person

		<u>TEMPORARY EXPIRES 6/27/2016</u>	NEEDS/PROBLEMS/COMMENTS:
		LUCILLE ALLISON BARBO, cousin, is petitioner.	
Cont. from 051616		Court Investigator report filed 4/29/2016.	<p><u>Minute order dated 5/16/2016</u> states Petitioner may use a Facebook message that includes all of the pertinent information to notice the maternal grandparents, Doris and Tanny Pecor. Joshua Aguayo, Sr. (father) provides addresses of the paternal grandparents in court.</p> <ol style="list-style-type: none"> 1. Need proof of mailed service 15 days prior to hearing of the <i>Notice of Hearing</i> with a copy of the petition <u>or</u> consents and waivers of notice for: <ol style="list-style-type: none"> a. Connie Aguayo (paternal grandmother) – <i>unless the Court excuses notice</i> 2. <i>Notice of Hearings</i> and proofs of service filed 6/6/2016 for Doris Pecor (maternal grandmother) and Pete Aguayo (paternal grandfather), list the incorrect hearing date (6/20 versus 6/27). Further, the attached proofs are incomplete: <ol style="list-style-type: none"> a. Mailed proof - #2a (address of person serving the documents); #3 (method of mailed service), and #4 (date and place mailed). b. Personal proof - #4a (what documents were served) and #6 (name and address of person serving the documents).
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	w/	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: SEF
			Reviewed on: 6/22/2016
			Updates:
			Recommendation:
			File 16- Aguayo

See petition for details.

Guardian Stephen D. Anderson (Pro Per, maternal grandfather)
 Guardian Ann P. Anderson (Pro Per, maternal grandmother)

Probate Status Hearing Re: Receipt for Blocked Account

	STEPHEN D. ANDERSON and ANN P. ANDERSON , maternal grandparents, were appointed as Co-Guardians of the Person and Estate on 5/23/2016. Letters issued on 5/23/2016.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. <i>Order to Deposit Money Into Blocked Account</i> was filed 6/3/2016 for both sums as represented in Court on 5/23/2016: one showing that \$5,719.97 shall be deposited into a blocked account, and one that \$4,911.27 shall be deposited into a blocked account. <i>Receipt and Acknowledgment of Order for the Deposit of Money into Blocked Account</i> filed on 6/21/2016 shows \$4,911.27 has been deposited into a blocked account for the ward. Need Judicial Council form MC-356 – <i>Receipt and Acknowledgment of Order for the Deposit of Money into Blocked Account</i> for the sum of \$5,719.97 deposited in a blocked account for the ward.</p>
Cont. from		
Aff.Sub.Wit.	Order Appointing Guardian of Minor filed 5/23/2016 finds all monies for the minor that are in a checking or savings account shall be placed into a blocked account.	
Verified		
Inventory		
PTC		
Not.Cred.	Minute Order dated 5/23/2016 from the hearing on the petition states Ann Anderson represents that there is \$4,911.00 in a checking account for the minor and \$5,720.00 in a savings account for the minor. The Court orders that the monies be placed into a blocked account. Status hearing is set on 6/27/2016 at 9:00 a.m. in Dept. 303 for the status of filing a receipt for blocked account.	
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: LEG</p> <p>Reviewed on: 6/22/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 17- Anderson</p>

18 Natalie Salem (CONS/P)

Case No. 16CEPR00384

Petitioner: Tamara Salem (Pro per – Sister)

Petitioner: Violet Salem (Pro per – Mother)

Petition for Appointment of Probate Conservator of the Person

		<u>TEMPORARY EXPIRES 6/27/2016</u>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator advised rights 5/13/2016</p> <p>Minute order dated 5/23/2016 states petitioners are directed not to worry about items 1, 3 and 4 of examiner notes. If a completed proof of service is filed as to the date of the declarant only [item 2 of the examiner notes], then the examiner will contact petitioners so that no appearance will be necessary on 6/27/2016. The Court grants temporary orders with medical consent powers.</p> <p>A completed <i>Notice of Hearing</i> and proof of service was filed 5/26/2016.</p> <p>Reviewed by: SEF</p> <p>Reviewed on: 6/22/2016</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 18- Salem</p>
		<p>VIOLET SALEM and TAMARA SALEM, mother and sister, are petitioners and request appointment as co-conservators of the person with medical consent powers under Probate Code 2355.</p> <p>Court Investigator report filed 5/16/2016.</p> <p><i>See petition for details.</i></p>	
Cont. from 052316			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	w/	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
✓	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
✓	Citation		
	FTB Notice		

19 Alyssa Mendez and Jasmine Mendez (GUARD/P) Case No. 16CEPR00424

Attorney Marcus A. Torigian (for Petitioners Amy Mendez and Peggy Mendez-Martinez)

Petition for Appointment of Guardian of the Person

		TEMPORARY EXPIRES 6/27/2016	NEEDS/PROBLEMS/COMMENTS:
		AMY MENDEZ , maternal grandmother, and PEGGY MENDEZ-MARTINEZ , maternal great-grandmother, are Petitioners.	Note Re Visitation: <i>Minute Order</i> dated 5/2/2016 from the hearing on the Temporary Petition filed by DANIELLE JUAREZ and HENRY JUAREZ, JR. states: The Court orders that the minor have no contact with FRANK HENRY JUAREZ , father, until he appears before the Court. The Court orders visitation for Danielle and Henry Juarez every other Saturday from 11am to 1pm starting on 5/7/2016 . Parties may mutually agree to a different 2 hour block of time, but not increase or decrease the time. Each receiving party shall pick the minor up.
		<i>~Please see additional page~</i>	
Cont. from			~Please see additional page~
<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 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 checked="" type="checkbox"/>	Clearances		
<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: LEG
			Reviewed on: 6/22/16
			Updates:
			Recommendation:
			File 19- Mendez

19 Additional Page, Alyssa Mendez and Jasmine Mendez (GUARD/P)
Case No. 16CEPR00424

Court Investigator's Report was filed 6/21/2016.

Note: Minute Order dated 5/11/2016 from the hearing on the temporary petition states in pertinent part that Counsel requests the general hearing be moved 1 week later due to calendaring conflicts. The general is re-scheduled to 6/27/2016. Counsel is to re-notice all parties entitled to notice.

NEEDS/PROBLEMS/COMMENTS, continued:

1. Need 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*, for:
 - **FRANK HENRY JUAREZ**, father of Alyssa. (Note: *Proof of Service by Mail* of the *Notice of Hearing* filed 5/17/2016 shows the father was served by mail on 5/16/2016, which is insufficient as personal service is required.)
2. *Proof of Service by Mail* of the *Notice of Hearing* filed 5/17/2016 does not indicate that a copy of the *Petition for Appointment of Guardian* was served with the notice as required to the following:
 - Danielle Juarez, Paternal grandmother of Alyssa;
 - Henry Juarez, Jr., Paternal grandfather of Alyssa.
3. 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:
 - Danielle Heminez, sibling (if age 12 or over);
 - Aubrey Orosco, sibling (if age 12 or over).

Petition for Appointment of Guardian of the Person

		<u>NO TEMPORARY – DENIED 5/9/2016</u>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ul style="list-style-type: none"> •
		SYLVIA GONZALES MALDONADO, maternal grandmother, is petitioner.	
Cont. from		Court Investigator report filed 6/20/2016.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	w/	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: SEF
			Reviewed on: 6/23/2016
			Updates:
			Recommendation:
			File 20- Everk

SYLVIA GONZALES MALDONADO, maternal grandmother, is petitioner.

Court Investigator report filed 6/20/2016.

See petition for details.

NEEDS/PROBLEMS/COMMENTS:

-

Reviewed by: SEF

Reviewed on: 6/23/2016

Updates:

Recommendation:

File 20- Everk

Petitioner Munoz, Rosa Linda (Pro Per – Maternal Grandmother – Petitioner)
 Objector Galvan, Gilbert, Jr. (Pro Per – Father – Objector)

Petition for Appointment of Guardian of the Person

		See petition for details.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 5/4/16 (Temp): Gilbert Galvan, Father, states his objection to the temporary guardianship in open court; he is to file and properly serve written objections. The temporary petition is granted to preserve the status quo. The Court orders that he minor shall not be placed on home studies for school.</p> <p>Note: Father's Objection was filed 5/31/16. Proof of Service filed 5/31/16 is incomplete; therefore, manner of service (mail or personal) is unclear. See additional pages.</p> <p>1. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Isabel Castro (sibling)</p>
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
✓	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 6/22/16
			Updates:
			Recommendation:
			File 21- Galvan

Spousal Property Petition

DOD: 11/21/15		<p>LEOPOLD L. SCIACQUA, Surviving Spouse, is Petitioner.</p> <p>No other proceedings</p> <p>Will dated 5/12/88 devises personal property assets to Petitioner, with the residue to Petitioner subject to a portion distributable to a testamentary credit shelter trust.</p> <p>Community Property Agreement dated 5/12/88 (Attachment 8) states all real property "now owned or held by us in joint tenancy is deemed our community property."</p> <p>Petitioner requests Court determination of the real properties described at Attachment 7b as having belonged to the surviving spouse upon the deceased spouse's death.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
	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: skc</p> <p>Reviewed on: 6/22/16</p> <p>Updates:</p> <p>Recommendation: SUBMITTED</p> <p>File 22- Sciacqua</p>

Spousal or Domestic Partner Property Petition

DOD: 10/21/15		<p>DEBORAH LEE TRELUT, surviving spouse, is petitioner.</p> <p>No other hearings.</p> <p>Decedent died intestate.</p> <p>Petitioner states the property was purchased by Decedent on May 9, 2000, during his marriage to his spouse, Deborah Trelut, Petitioner. On 12/19/02 Decedent deeded the property to "Joseph L. Panella and Deborah L. Trelut, husband wife." As all property acquired during marriage and before separation is presumptively community property, other than acquired by gift or inheritance, the above-described real property was the community property of Petitioner and Decedent.</p> <p>Petitioner requests Court confirmation that ½ interest in real property passes to her and that ½ interest belongs to her.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. #5a(2) of the petition was not answered re: issue/no issue of a predeceased child.</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		
		<p>Reviewed by: KT</p> <p>Reviewed on: 6/22/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 23- Panella</p>	

**24 Augustine J. Pedemonte Irrevocable Life Insurance Trust,
Dated Dec. 19, 1990 Case No. 16CEPR00525
Attorney Matlak, Steven M. (for Joseph Pedemonte – Petitioner – Beneficiary)
Petition for Instructions and to Appoint Successor Trustee**

		JOSEPH PEDEMONTE , beneficiary, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: This petition should have been filed in the previous case number regarding the prior petition for successor trustee, case no. 554668-4. Please note any future filings should be made under this case no. 16CEPR00525.</p>
		Petitioner states: he is the sole income beneficiary of the Augustine J. Pedemonte Irrevocable Life Insurance Trust dated December 19, 1990 (the "Trust").	
Cont. from		Instructions	
<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		
		On December 28, 2000, the Trust loaned LE-JO, INC., a California corporation, the principal sum of \$300,000.00 pursuant to a Promissory Note ("Note") secured by Deed of Trust. Under the terms of the Note, LE-JO, Inc. was to pay interest at the rate of 8% with interest only payments payable monthly on the last day of each month commencing January 31, 2001, in monthly installments of \$2,000.00. LE-JO, INC. made only one payment towards the Note, which was a payment of \$15,813.69 made on March 6, 2001. No other interest or principal payments have been made under the terms of the Note. Around 2001, LE-JO, Inc. assigned the Note secured by Deed of trust to Pedemonte Properties, Inc. (the "Corporation"). Thereafter, on or about September 20, 2011, the Note was modified to show a balance of \$669,150.03, and named Pedemonte Properties, Inc., a California corporation, as the "Maker" of the Note ("Modified Note"). Under the terms of the Modified Note, interest at the rate of 5% was to commence on September 20, 2011 and compound annually. The principal and accrued interest was due in full from the Corporation, by way of a lump sum payment, on September 20, 2014. As of this date, no interest or principal payments have been made under the term of the Modified Note.	
		Please see additional page	
		Reviewed by: LV	
		Reviewed on: 06/22/2016	
		Updates:	
		Recommendation:	
		File 24- Pedemonte	

Petitioner is also a shareholder and President of Pedemonte Properties, Inc. There is currently due on the Modified Note, through December 31, 2015, accrued interest in the amount of \$155,570.86, and principal in the amount of \$669,150.03, for a total due from the Corporation to the Trust of \$824,720.89 (plus late fees and charges as set forth under the terms of the Modified Note). All parties agree the debt is too substantial for the Corporation to pay at this time.

Petitioner, as President of the Corporation, and as Member Manager of Pedemonte Arthur LLC has entered into a settlement agreement and mutual release with Robert S. Swanton, the Trustee of the Trust ("Trustee"), pertaining to the Modified Note. The terms of the settlement as follows:

- A. The Corporation has agreed to pay the total sum of \$250,000.00 to the Trust in full settlement of their obligations under the terms of the Modified Note.
- B. Pedemonte Arthur LLC has agreed to pay the total sum of \$125,000.00 to the Trust on the Modified Note.
- C. Upon payment of the above sums totaling \$375,000.00, the Parties have agreed that the Modified Note has been paid in full, and the Trust shall reconvey the real property listed in the Deed of Trust. Petitioner requests the court approve the above settlement as payment in full of the Modified Note and authorize the Trustee to sign a Reconveyance pertaining to the Deed of Trust.

Successor Trustee

The Trust was settled by Augustine J. Pedemonte (the "Trustor"). Eugene Z. Zanardi was the initial trustee of the trust.

Article 6, Section 6.4 of the Trust provides that "[i]f at any time the trustee named in Article One for any reason fails to qualify or ceases to act as trustee Diane Williams shall act as alternate or successor trustee." No other successor trustees were nominated under the terms of the Trust.

On July 31, 1995, Eugene A. Zanardi resigned as trustee of the Trust. Immediately thereafter, Diane Williams declined to act as successor trustee of the Trust, thereby creating a vacancy in the office of the trustee of the Trust. On February 22, 1996, Petitioner filed a Petition to Appoint Successor Trustee with the Court under Superior Court of California, County of Fresno, Case No. 554668-4, with respect to the Trust (the "Prior Petition"). As requested in the Prior Petition, on March 25, 1996, the Court appointed Robert Garavello as successor trustee of the Trust. On or about February 3, 2010, Robert Garavello signed a Resignation of Trustee and Appointment of Successor Trustee, resigning as Trustee and appointing Robert S. Swanton as Successor Trustee of the Trust, effective February 3, 2010. Since then Robert S. Swanton has been acting as the successor trustee. On or about April 26, 2016, Robert S. Swanton signed a Resignation of Trustee, resigning as Trustee of the Trust. Therefore a vacancy has occurred in the office of the trustee of the Trust. The Trust requires that a vacancy in the office of the trustee be filled in that the Trust continues during the lifetime of the Trustor's son, Joseph Pedemonte, who is now living, so that distributions may be made to him during his lifetime and, upon his death, to his issue. The Trust neither provides a practical method of appointing a trustee, nor name the person to fill the vacancy.

By instrument in writing, Joseph Pedemonte, the sole income beneficiary of the Trust, has nominated Bruce D. Bickel as successor trustee to fill the vacancy, and said nominee has signed his consent.

Wherefore, Petitioner prays for an order:

1. Instructing Petitioner that the Settlement and Mutual Release Agreement entered into on May 3, 2016, be approved by the Court, and the Promissory Note dated December 28, 2000, in the principal amount of \$300,000.00 by and between LE-JO, INC., as borrower, and the Augustine J. Pedemonte Irrevocable Life Insurance Trust dated December 19, 1990, as lender, as extended and modified on or about September 20, 2014, in the principal amount of \$669,150.03, by and between Pedemonte Properties, INC. as borrower, and Roberts S. Swanton, Trustee of the Augustine J. Pedemonte Irrevocable Life Insurance Trust dated December 19, 1990, as lender, be considered paid in full, upon the occurrence of the following:
 - A. Pedemonte Properties, INC. pays the total sum of \$250,000.00 to Robert S. Swanton, Trustee of the Augustine J. Pedemonte Irrevocable Life Insurance Trust dated December 19, 1990;
 - B. Pedemonte Arthur LLC pays the total sum of \$125,000.00 to Robert S. Swanton, Trust of the Augustine J. Pedemonte Irrevocable Life Insurance Trust dated December 19, 1990;
2. Instructing Petitioner that upon receipt of the total payment of the \$375,000.00 on the Modified Note, Robert S. Swanton, Trustee of the Augustine J. Pedemonte Irrevocable Life Insurance Trust dated December 19, 1990, be authorized and directed to release the and reconvey the real property set forth in the Deed of Trust recorded December 29, 2000, in the official records of the Fresno County Recorder, as documents no. 2000-0160251, and sign all relevant documents to effect the release and reconveyance;
3. Appointing Bruce D. Bickel as successor trustee of the Augustine J. Pedemonte Irrevocable Life Insurance Trust dated December 19, 1990, investing him with all the powers vesting in the office of the Trustee under the Trust;
4. That notice of hearing on this Petition be given as required by law; and,
5. For such other and further orders as the Court may deem proper.

Declaration of Robert S. Swanton in Support of Petition for Instructions and to Appoint Successor Trustee filed 05/16/2016 states he personally examined the books of the Corporation. Based on Mr. Swanton's experience as a Certified Public Accountant and in working with other companies in similar positions, it is his opinion that the Trust will never be able to collect the \$824,720.89 (plus late fees and charges as set forth under the terms of the Modified Note) due from the Corporation. It is Mr. Swanton's opinion that the Settlement Agreement between himself and Joseph Pedemonte, is a fair resolution for payment in full on the Note owed by the Corporation to the Trust. Mr. Swanton respectfully requests the court approve the settlement as payment in full of the Modified Note and authorize him, as the Trustee of the Trust, to sign the Reconveyance of the Deed of Trust.

25 Susan M. Pedemonte Irrevocable Life Insurance Trust,

dated Dec. 19, 1990

Case No. 16CEPR00526

Attorney Matlak, Steven M. (for Joseph Pedemonte – Petitioner – Beneficiary)

Petition to Appoint Successor Trustee

		JOSEPH PEDEMONTE , beneficiary, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: This petition should have been filed in the previous case number regarding the prior petition for successor trustee, case no. 554666-8. Please note any future filings should be made under this case no. 16CEPR00526.</p>	
		<p>Petitioner states: he is the sole income beneficiary of the Susan M. Pedemonte Irrevocable Life Insurance Trust dated December 19, 1990 (the "Trust"). The Trust was settle by Susan M. Pedemonte (the "Trustor"). Eugene Z. Zanardi was the initial trustee of the trust.</p>		
Cont. from		<p>Article 6, Section 6.4 of the Trust provides that "[i]f at any time the trustee named in Article One for any reason fails to qualify or ceases to act as trustee Diane Williams shall act as alternate or successor trustee." No other successor trustees were nominated under the terms of the Trust.</p> <p>On July 31, 1995, Eugene A. Zanardi resigned as trustee of the Trust. Immediately thereafter, Diane Williams declined to act as successor trustee of the Trust, thereby creating a vacancy in the office of the trustee of the Trust. On February 22, 1996, Petitioner filed a Petition to Appoint Successor Trustee with the Court under Superior Court of California, County of Fresno, Case No. 554666-8, with respect to the Trust (the "Prior Petition"). As requested in the Prior Petition, on March 25, 1996, the Court appointed Robert Garavello as successor trustee of the Trust. On or about February 3, 2010, Robert Garavello signed a Resignation of Trustee and Appointment of Successor Trustee, resigning as Trustee and appointing Robert S. Swanton as Successor Trustee of the Trust, effective February 3, 2010. Since then Robert S. Swanton has been acting as the successor trustee. On or about April 26, 2016, Robert S. Swanton signed a Resignation of Trustee, resigning as Trustee of the Trust. Therefore a vacancy has occurred in the office of the trustee of the Trust.</p>		
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
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<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
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Please see additional page				
Reviewed by: LV				
Reviewed on: 06/23/2016				
Updates:				
Recommendation:				
File 25- Pedemonte				

The Trust requires that a vacancy in the office of the trustee be filled in that the Trust continues during the lifetime of the Trustor's son, Joseph Pedemonte, who is now living, so that distributions may be made to him during his lifetime and, upon his death, to his issue. The Trust neither provides a practical method of appointing a trustee, nor name the person to fill the vacancy.

By instrument in writing, Joseph Pedemonte, the sole income beneficiary of the Trust, has nominated Bruce D. Bickel as successor trustee to fill the vacancy, and said nominee has signed his consent.

Wherefore, Petitioner prays for an Order:

1. Appointing Bruce D. Bickel as successor trustee of the Susan M. Pedemonte 1990 Irrevocable Life Insurance Trust dated December 19, 1990, investing him with all the powers vesting in the office of the trustee under the Trust;
2. That notice of hearing of this Petition be given as required by law; and,
3. For such other and further orders as the Court may deem proper.