

(1) Fourteenth and Final Account and Report of Conservator; (2) Petition for Fees, for Termination of Conservatorship Distribution of Assets of Estate and (3) Discharge of Conservator (Prob. C. 1860 & 2620)

DOD: 11-10-10	CALIFORNIA DEPT. OF DEVELOPMENTAL SERVICES , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		<u>Continued from 11-17-11, 2-2-12, 4-5-12, 5-17-12.</u>
	Account period: 3-1-09 through 11-10-10	Minute Order 5-17-12: Attorney Bruce Beland is appearing via conference call. Matter continued to 6-28-12.
Cont. from 111711, 020212, 040512, 051712	Accounting: \$34,377.72	
	Beginning POH: \$14,465.02	
	Ending POH: \$16,100.50	
Aff.Sub.Wit.		
✓ Verified		<u>As of 6-25-12, nothing further has been filed. The following issues remain:</u>
Inventory	Account period: 11-11-10 through 6-30-11	
PTC	Accounting: \$18,405.01	
Not.Cred.	Beginning POH: \$16,100.50	
✓ Notice of Hrg	Ending POH: \$12,537.04	
✓ Aff.Mail W	(POH consists of cash in the amount of \$554.93 plus an undivided 1/3 interest of a 3/4 interest in real property, a stove, and an air conditioner)	1. Probate Code §§ 2631 and 13100 allow liquidation and distribution of <u>personal property only</u> in the manner requested. Real property, including undivided interests, is subject to Probate Code §13151, which requires the mandatory judicial council Petition to Determine Succession to Real Property Form DE-310, inventory and appraisal as of the date of death, and noticed hearing.
Aff.Pub.	Conservator: \$125.00	
Sp.Ntc.	Attorney: \$40.00	
Pers.Serv.	Petitioner states there is a Medi-Cal claim in the amount of \$108,627.87 and requests that the court authorize payment of the remaining balance of the conservatorship estate on this claim.	2. Petitioner also requests to distribute this asset when there is a Medi-Cal lien on the estate. Need authority.
Conf. Screen		3. Need Order.
Letters		
Duties/Supp		
Objections		
Video Receipt		
✓ CI Report		Reviewed by: skc
9202		Reviewed on: 6-25-12
✓ Order	Petitioner prays for an Order:	Updates:
Aff. Posting	1. Approving, allowing and settling the final account;	Recommendation:
Status Rpt X	2. Terminating the proceedings herein;	File 1 - Tortorella
UCCJEA	3. Authorizing payment of the conservator's and attorney's fees;	
Citation	4. Authorizing payment of the remaining balance to the Dept. of Health Services as payment in full on the Medi-Cal claim;	
FTB Notice	5. Authorizing transfer of the house, stove and air conditioner to the Conservatee's sister; and	
	6. Discharge of Conservator.	

DOD: 5-4-09		<p>CHRISTOPHER LEE FULLBRIGHT, brother and Administrator with full IAEA without bond, is Petitioner.</p> <p>Accounting is waived.</p> <p>I&A: \$548,165.47 POH: \$610,620.80 (cash)</p> <p>Administrator (Statutory): \$3,490.82 (Statutory fees are \$13,963.30. Petitioner previously received \$10,472.48 after approval of the first account and now requests the balance of \$3,490.82.)</p> <p>Attorney (Statutory): \$3,490.82 (Statutory fees are \$13,963.30. The Mayfield Law Group previously received \$10,472.48 after approval of the first account. Attorney Wall subsequently represented the Petitioner and now requests the balance of \$3,490.82.)</p> <p>Distribution pursuant to intestate succession and disclaimer filed 12-15-10 is to:</p> <p>Christine Adams, as Trustee of the Mickey Fulbright Grantor Trust: Entire estate</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Decedent's mother is under conservatorship in Case #04CEPR00703. An Inter Vivos Trust was established via substituted judgment on 2-22-12, to hold her mobile home, subject to either bond or blocked account, <u>and the transfer of any additional property to the trust shall be subject to Court approval.</u></p> <p>A Petition filed in the new Trust file 12CEPR00361 requests authority to add distribution from this estate to the trust. See Page 8.</p> <p>1. Need Court authorization within the trust case to distribute as requested. SEE PAGE 8.</p>
Cont. from 043012, 061412			
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<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
		<p>Reviewed by: skc</p> <p>Reviewed on: 6-25-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2 - Scharton</p>	

(1) First and Final Account and Report of Status of Administration and Petition for Settlement Thereof; (2) Petition for Final Distribution; (3) for Confirmation of Property Belonging to Surviving Spouse; (4) for Approval of Sale of Real Property; and for (5) Reimbursement of Costs Advanced (Probate Code 100, 101, 10800, 10810, 10831, 10954 and 11640; Family Code 297.5)

Age:		NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED TO 7-12-12</u> per Attorney Chielpegian's request.	
DOD:			
Cont. from			
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			Reviewed by: skc
			Reviewed on: 6-25-12
		Updates:	
		Recommendation:	
		File 3 - Romagnoli	

DOD: 2-24-10		DAVID D. GRABER , Son and Executor with Full IAEA with bond of \$564,000.00, is Petitioner.	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p><u>Continued from 5-17-12.</u></p> <p><u>Minute Order 5-17-12:</u> Examiner notes are provided to counsel. Ms. Nelson objects to the sale of the property so the sale is not approved by the Court. The Court notes for the record that there are no overbids in open court. The Court continues the matter to 6/28/12 for the purpose of sorting out the APN issues. The Court orders the executor to list the property with an appropriate broker or present by declaration sufficient evidence that there are no realistic means of receiving a sales price in the future in excess of \$275,000.00. The Court advises the parties that it will be expecting to hear at the next hearing why the insurance money was not used for repairs. Matter continued to 6-28-12.</p> <p style="text-align: center;"><u>SEE PAGE 2</u></p> <p>Reviewed by: skc Reviewed on: 5-15-12 Updates: Recommendation: File 4 - Graber</p>
		Sale price: \$275,000.00 Overbid: \$289,250.00	
Cont. from 051712		Reappraisal: \$275,000.00	
	Aff.Sub.Wit.	Property: 7033 West Shaw Avenue, Fresno, CA 93723	
✓	Verified	Publication: N/A	
	Inventory	Buyer: DAVID D. GRABER	
	PTC	Broker: None	
	Not.Cred.	Petitioner states the property has been available since Petitioner obtained possession via unlawful detainer. No activity has resulted in this property or the other real estate in the estate. Sale to the personal representative is in the best interest of the estate since it is at appraised value, no broker fees, and no fractional interest to beneficiaries.	
✓	Notice of Hrg	Current bond is sufficient after the sale.	
✓	Aff.Mail W	Declaration of Art Garcia Re: Commercial Interest in Real Property filed 6-12-12 states: Mr. Garcia has been in the commercial real estate business in Fresno for 24 years and is currently engaged with Allied Real Estate, a licensed commercial real estate broker. Without going inside, a physical inspection of the property located at Grantland and Shaw is situated "a ways out" from current commercial development. He would consider it to be rural-residential at this time. It could possibly be used for a minimarket or gas station, however, it is noted that the current zoning is residential/agricultural. South of the location there is a development of newer homes, but they are on much smaller lots than would be comparable to this property. It is doubtful that the owners to the South would be pleased with such commercial development.	
n/a	Aff.Pub.	SEE PAGE 2	
	Sp.Ntc.		
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	Duties/Supp		
	Objections		
	Video Receipt		
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	9202		
✓	Order X		
✓	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

There are two addresses on the mailbox: 7033 and 7035. Mr. Garcia cannot locate any information of record on the two addresses and assumes it was created at some point with the US Postmaster to coordinate delivery to both units of the duplex on the site.

The APN is listed by tax records as 31-021-512, which consists of a 3196 sq. foot, 5-bedroom 2.75 bath, which would coordinate with both units of the duplex, and is situated on a 4.32 acre lot.

Comparable sales are difficult based on the location, as most residential sales are in the newer development (newer, larger homes, smaller lots). Mr. Garcia concludes that due to these reasons, \$275,000.00 is a fair value for the property. There does not appear to be a high likelihood of commercial interest in the property at present. Additionally, this opinion does not take into consideration any defects such as water damage, roof condition, flooring or painting needs.

1. The original Examiner Notes noted the following discrepancy in the APN:

Need clarification regarding the parcels included in this sale.

The legal description provided is not exactly the same as the legal description provided in the Inventory and Appraisal.

The I&A provides a condensed legal description for APN # **512-021-31 01 and 02** and refers to attached legal description that provides a common street address and APN **311-021-31**.

The legal description attached to this Report of Sale does not contain APN **512-021-31 01, 02**, only **APN 311-021-31**.

*Examiner notes that the attached legal description with APN **311-021-31** is not included in the original I&A, only the Reappraisal.*

The Court may require further documentation from the Probate Referee that all included parcels have been included as appropriate in the I&A and Reappraisal as a requirement for Court confirmation pursuant to Probate Code §10309.

If APN 512-021-31 01, 02 are to be included, need revised order.

Examiner now notes that pursuant to Mr. Garcia's declaration, the APN is 31-021-512. This appears to be a variation of the above numbers.

Note: The Court will set a status hearing for filing of the Petition for Final Distribution on 7-19-12.

Second Account and Status Report of Executor and Petition for: 1. Approval of Second Account and Report; 2. Preliminary Distributions of Remaining General Pecuniary Gifts to Mothers of Decedent's Daughters with Statutory Interest; 3. Establishment of Testamentary Trust Provisions for Decedent's Daughters and Appointment of Trustee of Testamentary Trusts; 4. Preliminary Distributions to the Trustee of the Testamentary Trusts for the Benefit of Each of Decedent's Daughters; 5. Allowance of Specified Administration Expenses Including Fees and Costs of International Tax Counsel and Guardians ad Litem; 6. Allowance of Partial Statutory Executor Commission, Partial Statutory Attorney Fees and Reimbursement of Costs; 7. Allowance of Interim Extraordinary Attorney Fees; 8. Authorization to Advance not More than \$5000 for Colombian Administration; 9. Reduction in Amount of Executor's Bond; and 10. Authorization to Continue Estate Administration (Probate Code 850, 11620, 12003 & 12200)

DOD: 4-13-10		JOACHIM VOSS , Executor with Full IAEA and bond of \$1,010,000.00, is Petitioner.	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>Note: Per Substitution of Attorney filed 5-29-12, Attorney Kim Marois, formerly of Spaulding McCullough & Tansil LLP of Santa Rosa, CA, is now associated with Clement, Fitzpatrick & Kenworthy, Inc., of Santa Rosa, CA.</p>
		Account period: 4-1-11 through 4-30-12	
		Accounting: \$ 1,056,574.90	
		Beginning POH: \$ 372,840.47	
		Ending POH: \$ 930,126.25 (cash)	
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<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
		<p>Executor: \$17,250.00 (partial payment of statutory compensation for ordinary services)</p> <p>Attorney (Spaulding McCullough & Tansil LLP): \$17,250.00 (partial payment of statutory compensation for ordinary services)</p> <p>Costs (Spaulding McCullough & Tansil LLP): \$1,541.19 (filing fees, etc.)</p> <p>Attorney (Spaulding McCullough & Tansil LLP): \$124,129.00 (interim compensation for extraordinary legal services involving income tax matters, foreign beneficiaries, MetLife/GAL issues, testamentary trust issues, etc.)</p> <p>Armstrong & Hastings (international tax counsel): \$23,237.50 (See objection by Attorney Helon.)</p> <p>Curtis Rindlisbacher (GAL for Nicole Vargas): Up to \$12,660.00 (Declaration filed 6-26-12 requests \$13,074.00 for 42.5 attorney hours @ \$300-\$310/hr plus 1 paralegal hour @ \$85/hr plus \$28.20 costs for a total of \$13,102.20)</p> <p>Marvin T. Helon (GAL for Dana Zsofia Calderon Montoya): Up to \$14,447.50 (Declaration filed 6-25-12 requests \$14,417.50 for 57.67 hours @ \$250.00/hr plus \$59.60 costs for a total of \$14,477.10)</p> <p>Preliminary distributions of \$30,000.00 each (total \$90,000.00), plus interest, to complete each of their specific gifts of \$60,000.00 (\$20,000.00 and \$10,000.00 have been paid as of May 2012):</p> <ul style="list-style-type: none"> • Pia G.J. Baltasar • Ana Milena Vargas Mairongo • Marisol Calderon Montoya 	
SEE ADDITIONAL PAGES			
		Reviewed by: skc	
		Reviewed on: 6-26-12	
		Updates:	
		Recommendation:	
		File 5 - Fujisaka	

PAGE 2

Petitioner requests that the Court approve the modifications to the testamentary trusts for the three daughters as outlined in the petition and appointment of Exchange Bank as Trustee of the trusts.

Petitioner requests additional preliminary distributions as follows:

- \$29,400.00 to Exchange Bank in trust for Claire Atsuko Baltasar
- \$144,800 to Exchange Bank in trust for Nicole Vargas
- \$325,800 to Exchange Bank in trust for Dana Zsofia Calderon Montoya

Petitioner requests authorization to advance not more than \$5,000.00 to Decedent's Columbia representatives to facilitate the administration of Decedent's affairs in Columbia.

Petitioner requests that he bond be reduced to \$100,000.00 upon making the payments and distributions authorized and directed by the Court pursuant to this petition.

Petitioner requests an extension of time to complete administration of this estate until a reasonable time following this estate's collection of the property of the Oregon ancillary probate.

Petitioner states the estate is not ready to be closed:

- The IRS has yet to respond to Petitioner's request for waivers of penalties for 2007-2009 and has yet to audit or accept Decedent's 2007 Form 1040. Petitioner provides details of each years' delinquent tax issues.
- The additional Oregon inheritance taxes and interest thereon attributable to Decedent's interest in the recently discovered lots in Enterprise, OR, have yet to be determined and paid; and
- Petitioner's ancillary probate proceeding in Oregon is not ready to be distributed because the unimproved property in Oregon has not been sold, and upon sale and distribution, should be distributed to the California estate for further distribution to the residuary testamentary trusts. The Oregon probate is completely illiquid as it consists only of real property, and Petitioner provides details as to the reason for waiting for the Oregon probate to complete in the petition at Page 11 rather than distributing pursuant to the will via the Oregon probate directly.

Declarations were filed by Attorneys Marvin T. Helon and Curtis D. Rindlisbacher in support of the request for payment of fees for their appointments as GAL for the minors heirs.

Response filed 6-26-12 by Attorney Marvin T. Helon, GAL for Dana Zsofia Calderon Montoya, objects to certain requests in the Petition:

Attorney Helon opposes the request to pay \$23,237.50 to Christopher S. Armstrong for tax services.

The requested amount exceeds reasonable compensation for the services and benefits provided. The hourly rate of \$650/hr exceeds reasonable rates in this community. Probate Code §10811 provides the Court with discretion to allow extraordinary compensation in amounts the Court deems just and reasonable. The Court should determine just and reasonable compensation to be paid from the estate. If the estate is found obligated to pay amounts to tax counsel in excess of the amount determined by the Court to be just and reasonable, the Executor should be charged for and/or have his compensation reduced by the excess.

Attorney Helon has no opposition to a further allowance to the Executor and Attorney on statutory fees; however, believes not more than 75% of the estimated fee should be allowed in advance of a petition for final distribution to better insure, as required by California Rule of Court 7.701, that the allowance is low enough to avoid the possibility of overpayment and to better insure that enough of the statutory fee remains unpaid to cover services to complete administration.

SEE ADDITIONAL PAGES

PAGE 3

Attorney Helon believes some of the six (6) requests for extraordinary legal fees exceed amounts that are just and reasonable in light of the size and circumstances of the estate and benefits to the estate.

The extraordinary legal fees previously paid and now requested exceed \$215,000.00, which is more than half the \$373,450.15 inventoried value of the estate and about 20% of the estate if the MetLife proceeds are included in the inventory. The rate of compensation of \$170/hr for paralegal services exceeds reasonable rates in the community. Specifically:

- \$1,494.00 for services for "Pre-Probate Funds accounting" – the \$90,173.56 in funds accounted for have been included in the calculation of the statutory fee in the Petition. Compensation for accounting for these funds is provided by the statutory fee.

- \$21,797.00 for dealing with a foreign representative, foreign beneficiaries and property in Columbia. A foreign Executor and foreign beneficiaries have complicated administration; however, a significant part of the services described appear to be ordinary services or involve services a personal representative should provide. The decedent's property in Columbia has to date been a liability and time spent dealing with that property has provided no benefit to the estate. The amount requested exceeds the value of the services to the estate. The Court should fix compensation for the services described which the Court finds extraordinary and in an amount the Court determines is just and reasonable under the circumstances.

- \$41,255.00 for services in pursuing the MetLife account and dealing with the guardians ad litem on the issue. The Court previously allowed \$21,674.25 in connection with the MetLife matter. The services here provided involved including in the petition to settle the first account a request to determine the MetLife account was an asset of the estate, correspondence, and obtaining a Court order without contested trial. There have been no depositions, discovery or contested trials. The time spent, services provided and the amount requested exceed what is just and reasonable. Additionally, the MetLife proceeds have been included in the calculation of the statutory fee and increase the statutory fee by approx. \$11,499.32. The Court should determine what is a just and reasonable amount for these services in light of the circumstances of the estate and the prior amounts allowed and paid.

- \$17,208.00 for services in drafting terms of a trust. The services provided, time spent and amount requested exceed the value of the services to the estate and what is just and reasonable. Respondent participated in addressing terms of the trust and believes such could reasonably be expected to be addressed with 10-15 hours. Assuming 20 hours at the requested rate of \$375/hr, that would be \$7500, less than half the requested \$17,208.00. The Court should fix compensation for these services in an amount the Court determines just and reasonable.

- \$5,000.00 to Columbian representatives. Decedent passed away over two years ago. No progress has been shown to have occurred in addressing administration or settlement of the estate in Columbia despite \$20,000.00j having been previously provided. Foreign representatives should not be provided with additional funds until they provide a plan and budget and can show a benefit to this estate. If any sum is allowed to be advanced, the Court should impose conditions on the use of the funds and compliance with a budget and progress in settling the estate in Columbia.

Attorney Helon does not oppose reducing the bond, but believes the bond should remain at least \$300,000.00 given the Executor's foreign residence, the remaining assets, and the expected receipt of assets from Oregon alleged in the Petition.

Regarding continuation of proceedings pending completion in Oregon, Attorney Helon states the Court should set a reasonable time limit on continued administration or set a status hearing to determine and monitor progress.

SEE ADDITIONAL PAGES

PAGE 4

Response filed 6-26-12 by Attorney Curtis D. Rindlisbacher, GAL for Nicole Vargas, objects to certain requests in the Petition:

- Any additional funds of the California probate being transferred to Columbia. There has been no evidence that any further progress has been made to liquidate the property. The executor has declined to assume any responsibility as an administrator for the assets in Columbia and there is no evidence that sending another \$5,000.00 will provide any appreciable benefit to the California estate. There is no evidence that upon completion of the proceedings in Columbia that any portion of the proceeds will ever become assets of the California proceedings and benefit Nicole Vargas.
- \$23,237.50 to Armstrong and Hastings. The declaration does not provide any evidence of Mr. Armstrong's experience or whether an hourly rate of \$650/hr is reasonable for international tax counsel in San Francisco. Attorney Rindlisbacher believes experienced tax counsel in the San Joaquin Valley charge rates that are substantially lower (\$375/hr). A showing of customary hourly rates for international tax counsel in San Francisco is needed to determine whether this rate is reasonable.
- Pursuant to Local Rule 7.17, absent a showing that such expenses were necessary, the request for court runners, FedEx deliveries, and postage totaling \$952.33 are considered a cost of doing business.

\$124,129 for extraordinary compensation to Spaulding McCullough & Tansil LLP. In summary, an extraordinary fee of \$94,227.29 would be reasonable for the extraordinary services.

- Attorney Kim Marois' declaration shows 392.80 hours on statutory and extraordinary services. This means that since the last accounting, Ms. Marois has spent an average of 33 hours each month for the past 12 months working on this case. This does not include time spent by paralegals. Included is 44.80 hours devoted to working out the terms of the testamentary trusts for the minor beneficiaries. \$17,208.00 seems unreasonably high given that the estate is already being asked to pay a large fee to international tax counsel for the advice to use a U.S. trustee and have the minor beneficiaries advised to try to obtain US citizenship status. The trusts of the trust are not out of the ordinary and it is Attorney Rindlisbacher's experience that trust instruments can be prepared in 3-4 hours. A reasonable fee should be no more than 15 hours @ \$375/hr \$5,625.00.
- Also included with this time is \$21,797.50 explained as work done to deal with Columbian assets. The petition shows that the executor has determined that he has declined to serve there, and the fee request includes time spent preparing a status report on the administration there. These services are properly part of the ordinary services covered by the statutory fee, not extraordinary services. A total of 13 hours @ \$375/hr or \$4,875 should be deducted from this part of the request. Preparation of status reports and general advice to executors are statutory services and should not be compensated as extraordinary. A reasonable fee for services in this area would be \$16,922.50.
- \$41,255 under the category described as MetLife and GALs – This represents 103.20 hours of time by Kim Marois. Combined with the time previously compensated in this area a total of nearly \$63,000 is being requested as extraordinary compensation to collect the MetLife proceeds of \$672,185.26. The statutory fees were increased by this receipt. The amount requested as a result of this receipt is \$76,372.96 or 11.36% of the total amount collected on behalf of the estate. The requested compensation should be reduced by the \$13,443.71 increase in the statutory fee so that the current request would be reduced by \$27,811.29.

Notice of Motion and Motion for Order Compelling Further Responses to Special Interrogatories and to Production of Documents and for Sanctions (CCP 2030.300; 2023.030; 2030.300)

		<p>ROBERT JONES, nephew/Conservator of the Person and Estate, is Petitioner.</p> <p>Petitioner moves the Court for an Order compelling Respondent, Sarah Nardone, to serve further responses to Special Interrogatories No. 50-52 and 54-56 of Set One, and Production of Documents Demand No. 5 of Set One, which were served on Respondent on 03/05/12. Petitioner further moves for an Order that Sarah Nardone pay a monetary sanction in an amount established on or before the hearing on this motion. Petitioner makes this motion pursuant to CCP §§ 2030.300, 2031.310 and §§ 2023.10-2023.040 on the grounds that 1) the questions and production demands are relevant to the subject matter of this action and does not relate to privileged matters, and 2) the answered served are incomplete, non-responsive, evasive and the objections are without merit and/or too general in the particulars. Petitioner states that he brings this motion after having made a reasonable and good faith attempt at informal resolution of the issues presented in this motion. Petitioner states that he is unable to proceed with meaningful discovery, proceeds with Sarah Nardone's depositions and effectively proceed with this action and prepare for trial. Petitioner states that this motion is made on the further grounds that discovery should be required and the refusal or failure to permit discovery was without substantial justification.</p> <p>Memorandum Supporting Robert Jones's Motion for Order Compelling Further Responses to Special Interrogatories and Production of Documents and for Sanctions filed in support of Motion to Compel on 05/23/12.</p> <p>Declaration of Lisa Horton Supporting Robert Jones's Motion for Order Compelling Further Responses to Special Interrogatories and Production of Documents and for Sanctions filed 05/23/12.</p> <p style="text-align: center;">Continued on Page 2</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Order.</p>
			<p>Reviewed by: JF</p>
			<p>Reviewed on: 06/26/12</p>
			<p>Updates:</p>
			<p>Recommendation:</p>
			<p>File 6 - Lininger</p>
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
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<input type="checkbox"/> Letters			
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Separate Statement Listing Special Interrogatories, and Production of Documents to which Further Responses are Required filed in support of Motion to Compel on 05/23/12 states that the interrogatories to which further responses are requested are as follows:

- 1) **Special Interrogatory (set one) no. 50:** What parcels of real property have you owned in the United States from 1980 to present?
Response: Objection, this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.
- 2) **Special Interrogatory (set one) no. 51:** For each fact set forth in your response to Interrogatory No. 50, identify every document which supports the fact.
Response: Objection, this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.
- 3) **Special Interrogatory (set one) no. 52:** To whom have you been married in the last 20 years?
Response: Objection, this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.
- 4) **Special Interrogatory (set one) no. 54:** Have you ever received gifts equal to or in excess of \$10,000.00 from anyone other than Lininger within the past 10 years.
Response: Objection, this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.
- 5) **Special Interrogatory (set one) no. 55:** If your response to Interrogatory number 54 is yes, identify every gift you have received equal to or in excess of \$10,000.00 within the past 10 years.
Response: Objection, this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.
- 6) **Special Interrogatory (set one) no. 56:** If your response to Interrogatory number 55 is yes, identify every person with knowledge of stated facts.
Response: Objection, this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

The production of documents demand to which further responses are requested is as follows:

- 1) **Document demand (set one) no. 5:** All documents relating to bank statements associated with you from January 1, 2009 – present.

Respondent Sarah Nardone's Opposition to Robert Jones's Motion to Compel Further Responses to Special Interrogatories and Production of Documents and for Sanctions; Respondent Sarah Nardone's Request for Sanctions filed 06/15/12, states that the Petitioner's Motion should be denied because the requests are based on the unsupported speculative assumption that Respondent Sarah Nardone made misrepresentations to Mr. Lininger about her assets and marital status. However, there is no evidence to suggest that Respondent made such representations to Mr. Lininger and further, there is no evidence that Mr. Lininger relied on any representations Nardone may have made when he established the irrevocable trust, the only gift at issue in this action. Respondent states that Petitioner's arguments are based entirely on unauthenticated letters authored by Mr. Lininger. Moreover, Mr. Lininger's out of court statements cannot be introduced into evidence by Petitioner, as they constitute hearsay. The issue in this action is whether Mr. Lininger was unduly influenced into creating the irrevocable trust for Respondent's benefit. The Special Interrogatories are unrelated to this subject matter, are not reasonably calculated to lead to the discovery of admissible evidence, and seek to invade Respondent's constitutionally protected right to privacy. Further, Petitioner admittedly intends to use this discovery to develop "character" evidence, which is inadmissible under Evidence Code §§ 786 & 787. Respondent further states that the Special Interrogatories ask for information related to each parcel of real property Respondent has owned since she was 6 years old, the identity of anyone she was married to within the last 20 years, and every gift received over \$10,000.00 in the last 10 years. Respondent states that these discovery requests are not tangentially relevant to whether Mr. Lininger was unduly influenced into creating the irrevocable trust. These interrogatories seek information related to Respondent's finances and intimate personal relationships and such information is protected under the California Constitution. (*In re Marriage of Burkle* (2006) 136 Cal.App.4th 1045 [financial information is protected]; *Ortiz v. L.A. Police Relief Association* (2002) 98 Cal.App.4th 1288 [freedom of association includes intimate relationships].) Likewise, the disputed Request for Production of Documents is also improper in that it seeks "[a]ll documents related to bank statements associated with [Respondent] from January 1, 2009 – present." Respondent states that financial information is protected under the California Constitution. (*In re Marriage of Burkle* (2006) 136 Cal.App.4th 1045.)

Continued on Page 3

Dept. 303, 9:00 a.m. Thursday, June 28, 2012

Page 3

Petitioner cannot meet his burden and “demonstrate a *compelling* need for [the] discovery [that is] so strong as to outweigh the privacy right when these two competing interests are carefully balanced.” (*Lantz v. Superior Court* (1994) 28 Cal.App.4th 1839, 1853-1854 [emphasis added].) Further, compelling disclosure is not the least restrictive means of achieving any state interest present in this case. Petitioner needlessly seeks to delve into Respondent’s private life. Petitioner’s Motion should be denied in its entirety.

Respondent’s Response to Petitioner’s Statement Listing Special Interrogatories, and Production of Documents to Which Further Responses are Requested was filed on 06/15/12.

Index of Exhibits in Support of Respondent Sarah Nardone’s Opposition to Robert Jones’s Motion to Compel Further Responses to Special Interrogatories and Production of Documents and for Sanctions was filed on 06/15/12.

Reply of Petitioner Robert Jones to Sarah Nardone’s Opposition to Motion to Compel Further Responses to Special Interrogatories and Production of Documents and for Sanctions filed 06/22/12 states:

- A. Respondent attempts to argue that Petitioner’s discovery requests are outside the scope of CCP § 2017.010. **“Discovery may relate to the claim or defense of the party seeking discovery** or any other party to the action.” (CCP § 2017.010, emphasis added). Just as Respondent has the right to the discovery process for obtaining information for her defense, Petitioner has the right to use the discovery process for preparation of trial and to discover evidence supporting his claims. Discovery statutes are certainly not limitless, but not one sided either. Both sides are equally entitled to information for either their defense or claims made in the action.
- B. Respondent argues that the discovery requests seek information not relevant to the subject matter of the litigation because Nardone believes the only matter at issue is the irrevocable trust. The gifts Mr. Lininger made to Respondent before the irrevocable trust was created are put at issue in Petitioner’s Petition. “Relevancy to the subject matter of the litigation is a much broader concept than relevancy to the precise issues presented by the pleadings.” (*Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 172 [84 Cal.Rptr. 718, 465 P2 854].) “The ‘subject matter of the action’ is the circumstances and facts out of which the action arises...” (*Norton v. Superior Court* (1994, 2nd Dist) 24 Cal.App.4th 1750, 1760; emphasis added).
- C. Nardone’s counsel argues that the gifts from Virgil to Nardone before the irrevocable trust was created are not at issue in this action. However, Nardone clearly argues the *exact opposite* in her Request for Foreign Deposition Subpoenas filed in Clark County, Nevada in which she argues that “[s]everal checks that Mr. Lininger gave to Respondent were from account(s) at this bank. Petitioner put these checks at issue in his Petition to Invalidate Irrevocable Trust. Respondent needs to determine the number and amount of these checks.” Nardone’s counsel also states in his Letter dated 06/06/12 that “[w]hile we do believe that the other gifts to Ms. Nardone are only marginally relevant, the subject Petition puts these gifts at issue.” If Nardone is able to use the discovery process to obtain personal financial records of Mr. Lininger, a non-party, because the gifts are put at issue, then certainly Petitioner can discover Nardone’s personal information that is related to the at issue gifts as well. Nardone’s attempt to argue one side to obtain Mr. Lininger’s private information and argue the opposite side to stop the Petitioner from discovering information is disingenuous. Since the gifts are at issue then information regarding the facts and circumstances surrounding the gifts fall within the boundaries of CCP 2017.010 and are relevant.
- D. Respondent’s objection to special interrogatories 50 and 51 are not proper. Respondent mistakenly assumes that her real property ownership records come under the definition of “personal financial information” that is protected by the California Constitution. The discovery requests are permissible and not invasions of privacy as the records are a matter of public record. Any person can go to the Recorder of any County and request copies of such information. Because Nardone has lived in several different locations in and outside the U.S., it would be an oppressive cost to Petitioner to search and request copies of such information from every county in all 50 states. Nardone’s simple compliance with the discovery request would avoid the exorbitant costs and comply with the purpose and spirit of the discovery statutes. Nardone’s continuous protest in providing information that is available to the general public is suspicious and absurd.

Continued on Page 4

Page 4

- E. Respondent's objection to Special Interrogatory No. 52 is not proper. Nardone mistakenly assumes that her marriage history comes under the definition of "personal financial information" that is protected by the California Constitution. However, the discovery requests are permissible and not invasions of privacy as the records are a matter of public record. Any person can go to the Recorder of any County and request copies of such information. Because Nardone has lived in several different locations in and outside the U.S., it would be an oppressive cost to Petitioner to search and request copies of such information from every county in all 50 states. Nardone's simple compliance with the discovery request would avoid the exorbitant costs and comply with the purpose and spirit of the discovery statutes. Nardone's continuous protest in providing information that is available to the general public is unreasonable. Respondent points out that Mr. Lininger through his various letters and writings wished that Nardone would find a husband. Is this not an indication that he was told by respondent that she was single or is Nardone saying someone else told him? Mr. Lininger also states in one of his letters that Nardone "...had agreed to marry him..." Again, an obvious showing that Nardone represented that she was single. The gifts and facts surrounding the circumstances of Mr. Lininger's and Nardone's relationship and any misrepresentations or frauds committed by Nardone to receive such gifts are at issue in this litigation, so Nardone's marital status is indeed relevant and Nardone should be compelled to answer.
- F. Respondent's objection to Special Interrogatories No. 54, 55, and 56 is not proper. The gifts and all facts surrounding the circumstances of Mr. Lininger and Nardone's relationship and any misrepresentations about her financial situation or frauds committed by Nardone to receive such gifts are at issue in this litigation, so Nardone's history of receiving gifts over \$10,000.00 is relevant. Nardone argues that Petitioner is attempting to admit inadmissible character evidence. This is not true. Evidence Code § 1101(b) states "nothing in this section prohibits the admission of evidence that a person committed a crime, civil wrong or other act when relevant to prove some facts (such as motive, opportunity, intent, preparation, plan, identity, knowledge, identity..." Evidence of other misconduct by a person may be admissible to prove any relevant fact other than the person's disposition or propensity to act in a particular manner. (People v. Hovarter (2008) 44 Cal.4th 983, 1002.) This rule applies to both criminal and civil cases. (Hassoldt v. Patrick Media Group, Inc. (2000) 84 Cal.App.4th 153, 165.) If Nardone has received large gifts, including cash, jewelry and real property, it will be used to show the opportunity and her intent behind unduly influencing Mr. Lininger. It is not being used to show her propensity or her disposition to unduly influence Mr. Lininger, but rather her intent and plan to influence and the opportunity she took when she met Mr. Lininger on the cruise a few months after his wife died.
- G. Respondent's Objection to Request for Production No. 5 is Not Proper. In her Request for Foreign Deposition Subpoenas filed in Clark County, Nevada in which she argues that "[s]everal checks that Mr. Lininger gave to Respondent were from account(s) at this bank. Petitioner put these checks at issue in his Petition to Invalidate Irrevocable Trust. Respondent needs to determine the number and amount of these checks." Respondent received Mr. Lininger's (a non-party) personal bank records from three bank institutions. The funds from the irrevocable trust came from only one bank. The other two accounts were related to the cash gifts Mr. Lininger gave to Nardone. Yet Nardone wants this court to believe their discovery request for Mr. Lininger's bank information is not protected by the California Constitution as "personal financial information", but Petitioner's exact discovery requests for Nardone's information from 01/01/09 to present is protected? Further, Nardone's counsel states in a letter dated 06/06/12 that Nardone's request for Mr. Lininger's bank records from 01/01/09 to present is valid because it "covers the entire period of Mr. Lininger and Ms. Nardone's friendship. Considering Mr. Jones alleges that Ms. Nardone unduly influenced Mr. Lininger during this period, thereby causing him to create the irrevocable trust, **these records are clearly discoverable and not objectionable**" (Emphasis added). Nardone essentially made Petitioner's argument for them.
- H. Sanctions should be imposed on Respondent Nardone. The fact that Nardone's counsel has been dishonest to Petitioner and this court in and of itself justifies that sanctions should be imposed on Nardone. Discovery serves a purpose, and Nardone is callously avoiding that purpose for her own benefit and to the detriment of the Petitioner by wasting his and the court's time in delaying discovery.

(1) First and Final Account and Report of Donald Freitas and (2) Petition for Final Distribution and for (3) Payment of Statutory Fees of Attorney and Statutory Fees for Executor

DOD: 04/03/11	DONALD FRIETAS , Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 12/15/11 – 04/30/12	
Cont. from	Accounting - \$117,256.32	
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH - \$114,179.84	
<input checked="" type="checkbox"/> Verified	Ending POH - \$117,256.32	
<input checked="" type="checkbox"/> Inventory	Executor (statutory) - \$4,425.40	
<input checked="" type="checkbox"/> PTC	Attorney (statutory) - \$4,425.40	
<input checked="" type="checkbox"/> Not.Cred.	Costs - \$942.18 (filing fees, publication, court call appearance fee, probate referee, certified letters)	
<input checked="" type="checkbox"/> Notice of Hrg	Distribution, pursuant to decedent's Will, is to:	
<input checked="" type="checkbox"/> Aff.Mail w/	Donald Freitas, Trustee of the Elsie M. Lawson Trust, dated March 19, 2002 - \$107,463.34	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters 12/15/11		
<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		
		Reviewed by: JF
		Reviewed on: 06/26/12
		Updates:
		Recommendation: SUBMITTED
		File 7 - Lawson

Age: 67		<p>CHRISTINE ADAMS, Trustee of the MICKEY FULBRIGHT GRANTOR TRUST, is Petitioner.</p> <p>Petitioner states Trust beneficiary Mickey Fulbright is the sole beneficiary of the Estate of Barbara Scharton 09CEPR00512.</p> <p>A petition for distribution of the Scharton Estate is pending and the personal representative has on hand, after payment of fees and costs, cash in the sum of \$603,693.16 for distribution.</p> <p>The terms of the Grantor Trust and the Court order dated 2-28-12 require prior approval for the transfer of any property into the Mickey Fulbright Grantor Trust. Petitioner desires to transfer the anticipated distribution from the Sharton Estate to the Trust.</p> <p>Petitioner prays for an order authorizing the transfer to the trust of the cash to be distributed to Mickey Fulbright from the Scharton Estate.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Pursuant to Order Authorizing Proposed Action (Substituted Judgment) filed 2-28-12 in Conservatorship 04CEPR00703, this inter vivos trust was created to avoid probate upon the death of the Conservatee.</p> <p>The Trust was not created as a federally authorized safe harbor trust (Special Needs Trust) due to the age of the beneficiary, (and does not contain a notice or payback clause pursuant to requirements of such safe harbor trusts). <u>Therefore, at this time, the Court may require notice</u> pursuant to Probate Code §17203(b) and/or as contemplated by Probate Code §§ 3602(d)-(f) and 3611(c) to the State Director of Health Care Services, or authority for such transfer without notice.</p> <p>2. Petitioner does not list the names and addresses of those entitled to notice in the petition pursuant to Probate Code §17201.</p> <p>3. Notice of Hearing indicates service to other interested parties on 6-5-12; however, Probate Code §17203 requires 30 days' notice.</p> <p>4. <u>If granted, the Court will set status hearings as follows:</u></p> <p>- <u>Friday 8-31-12</u> for receipt of funds in blocked account pursuant to Order 2-28-12</p> <p>- <u>Friday 8-30-13</u> for filing of the first account</p> <p>5. Need Order.</p>	
DOB: 11-7-44				
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: skc				
Reviewed on: 6-26-12				
Updates:				
Recommendation:				
File 8 - Fulbright				

Probate Status Hearing Re: Termination of Proceeding for Deceased Conservatee (Prob. C. § 1860, et seq)

DOD: 11-6-09		<p>DEPARTMENT OF DEVELOPMENTAL SERVICES is Conservator.</p> <p>Conservatee died on 11/6/09.</p> <p>The Thirteenth Account was approved on 6/16/09 showing a property on hand balance of \$14,193.12, including an interest in real property.</p> <p>The Court set status hearing for termination of proceedings for deceased Conservatee on 10-12-11.</p> <p>The matter was continued to 11-16-11 and 2-8-11; however, the 2-8-11 hearing was taken off calendar.</p> <p>As of 6-25-12, a final account or petition for termination has not been filed.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note: This Case is related to Page 1 (Conservatorship of Nicholas Tortella).</u></p> <p><u>As of 6-25-12, nothing further has been filed. The following issue remains:</u></p> <p>1. Need petition to terminate proceedings for deceased conservatee or current status report.</p>
Cont. from 051712			
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	X		
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: skc</p> <p>Reviewed on: 6-25-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 9 - Tortorella</p>	

10 Noah Vang, Christian Vang and Jacob Vang (GUARD/P) Case No. 06CEPR00894

Atty Carrasco, Chue Vang (pro per Petitioner/Guardian of Noah/paternal uncle)
Atty Carrasco, Octavio (pro per Petitioner/Guardian of Noah/paternal aunt)
Atty Espinoza, Xiong (pro per paternal aunt, former temporary guardian of Christian & Jacob)
Atty Boyajian, Thomas M. (for maternal grandparents, Terry Moua and Cynthia Moua/Guardian of Christian Vang and Jacob Vang)

Status Hearing

Noah, 7 DOB: 1/13/2005	Father: YEE VANG Mother: MICHELLE MOUA	NEEDS/PROBLEMS/COMMENTS:			
Christian, 2 DOB: 11/18/2009	CHUE VANG CARRASCO and OCTAVIO CARRASCO , paternal aunt and uncle, were appointed guardian of Noah Vang and Letters were issued on 01/30/12.	Note: No order has been submitted or filed as directed on 05/03/12. Letters have not issued to Terry & Cynthia Moua.			
Jacob, 1 DOB: 12/6/2010	XIONG ESPINOZA , paternal aunt, was appointed temporary guardian of Christian Vang and Jacob Vang on 02/06/12.				
Cont. from	On 03/05/12, CYNTHIA MOUA and TERRY MOUA , maternal grandparents, filed a competing petition for guardianship of Noah Vang, Christian Vang, and Jacob Vang.				
<table border="1"> <tr> <td data-bbox="142 659 293 690">Aff.Sub.Wit.</td> <td></td> </tr> </table>	Aff.Sub.Wit.				
Aff.Sub.Wit.					
<table border="1"> <tr> <td data-bbox="142 701 293 732">Verified</td> <td></td> </tr> </table>	Verified				
Verified					
<table border="1"> <tr> <td data-bbox="142 743 293 774">Inventory</td> <td></td> </tr> </table>	Inventory				
Inventory					
<table border="1"> <tr> <td data-bbox="142 785 293 816">PTC</td> <td></td> </tr> </table>	PTC				
PTC					
<table border="1"> <tr> <td data-bbox="142 827 293 858">Not.Cred.</td> <td></td> </tr> </table>	Not.Cred.				
Not.Cred.					
<table border="1"> <tr> <td data-bbox="142 869 293 924">Notice of Hrg</td> <td></td> </tr> </table>	Notice of Hrg		At a hearing on 03/26/12, the court set the matter for a court trial on 05/03/12. XIONG ESPINOZA's (paternal aunt) temporary guardianship of Christian Vang and Jacob Vang was extended to 05/03/12.		
Notice of Hrg					
<table border="1"> <tr> <td data-bbox="142 934 293 966">Aff.Mail</td> <td></td> </tr> </table>	Aff.Mail		Minute Order from 05/03/12 granted guardianship of Christian Vang and Jacob Vang to Terry Moua and Cynthia Moua, maternal grandparents. The Court made the following further orders:		
Aff.Mail					
<table border="1"> <tr> <td data-bbox="142 976 293 1008">Aff.Pub.</td> <td></td> </tr> </table>	Aff.Pub.		<ol style="list-style-type: none"> 1. No visitation by Yee Vang (father) at the Moua's residence and no unsupervised visits with any child by Michelle Moua (mother). 2. Yee Vang (father) is not to be at any residence when any of the children are present. 3. The Moua's are not to use corporal punishment on Jacob or Christian Vang. 4. Jacob and Christian Vang are not to be in any vehicle unless the driver is properly licensed and insured. Additionally, the children are not to ride in any vehicle without appropriate child restraints. The Court relies on Mr. Boyajian to inform the Moua's of the laws effective 01/01/12. Noah is to be transported to and from visits by someone other than Cynthia Moua. 5. The Court relies on the Carrasco's to be flexible not withstanding these orders. 		
Aff.Pub.					
<table border="1"> <tr> <td data-bbox="142 1018 293 1050">Sp.Ntc.</td> <td></td> </tr> </table>	Sp.Ntc.				
Sp.Ntc.					
<table border="1"> <tr> <td data-bbox="142 1060 293 1092">Pers.Serv.</td> <td></td> </tr> </table>	Pers.Serv.				
Pers.Serv.					
<table border="1"> <tr> <td data-bbox="142 1102 293 1157">Conf. Screen</td> <td></td> </tr> </table>	Conf. Screen		The Court made the following orders regarding visitation:		
Conf. Screen					
<table border="1"> <tr> <td data-bbox="142 1167 293 1199">Letters</td> <td></td> </tr> </table>	Letters		<ol style="list-style-type: none"> 1. Visitation between the Moua's and Noah shall be on the 1st, 3rd and 5th weekends of every month beginning this Friday at 6:00 pm until Sunday at 6:00 pm. 2. Visitation between Christian, Jacob, the Carrasco's and Ms. Espinoza shall be on the 2nd and 4th weekends of every month. 3. Pick-up and delivery of the children shall be the responsibility of the visiting party. 		
Letters					
<table border="1"> <tr> <td data-bbox="142 1209 293 1241">Duties/Supp</td> <td></td> </tr> </table>	Duties/Supp				
Duties/Supp					
<table border="1"> <tr> <td data-bbox="142 1251 293 1283">Objections</td> <td></td> </tr> </table>	Objections				
Objections					
<table border="1"> <tr> <td data-bbox="142 1293 293 1348">Video Receipt</td> <td></td> </tr> </table>	Video Receipt				
Video Receipt					
<table border="1"> <tr> <td data-bbox="142 1358 293 1390">CI Report</td> <td></td> </tr> </table>	CI Report				
CI Report					
<table border="1"> <tr> <td data-bbox="142 1400 293 1432">9202</td> <td></td> </tr> </table>	9202				
9202					
<table border="1"> <tr> <td data-bbox="142 1442 293 1474">Order</td> <td></td> </tr> </table>	Order				
Order					
<table border="1"> <tr> <td data-bbox="142 1484 293 1516">Aff. Posting</td> <td></td> </tr> </table>	Aff. Posting				
Aff. Posting					
<table border="1"> <tr> <td data-bbox="142 1526 293 1558">Status Rpt</td> <td></td> </tr> </table>	Status Rpt				
Status Rpt					
<table border="1"> <tr> <td data-bbox="142 1568 293 1600">UCCJEA</td> <td></td> </tr> </table>	UCCJEA				
UCCJEA					
<table border="1"> <tr> <td data-bbox="142 1610 293 1642">Citation</td> <td></td> </tr> </table>	Citation				
Citation					
<table border="1"> <tr> <td data-bbox="142 1652 293 1822">FTB Notice</td> <td></td> </tr> </table>	FTB Notice		Mr. Boyajian, attorney for Terry & Cynthia Moua is directed to prepare the order(s) and set this matter for a status hearing on 6/28/12.	<table border="1"> <tr> <td data-bbox="1179 1461 1606 1493">Reviewed by: JF</td> </tr> </table>	Reviewed by: JF
FTB Notice					
Reviewed by: JF					
		<table border="1"> <tr> <td data-bbox="1179 1503 1606 1535">Reviewed on: 06/26/12</td> </tr> </table>	Reviewed on: 06/26/12		
Reviewed on: 06/26/12					
		<table border="1"> <tr> <td data-bbox="1179 1545 1606 1577">Updates:</td> </tr> </table>	Updates:		
Updates:					
		<table border="1"> <tr> <td data-bbox="1179 1587 1606 1619">Recommendation:</td> </tr> </table>	Recommendation:		
Recommendation:					
		<table border="1"> <tr> <td data-bbox="1179 1629 1606 1822">File 10 - Vang</td> </tr> </table>	File 10 - Vang		
File 10 - Vang					

	<p>The SPECIAL NEEDS TRUST OF SAMUEL APPLETON was first funded in August 2006.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>										
<p>Cont. from</p>	<p>The Fourth Account and Report of Trustee; Petition of Allowance of Fees to Conservator of the Estate and Attorney for the Conservator was filed on 04/27/12. The Petitioner stated Master Trust of California has historically charged an annual fee of 0.75% of the trust assets in quarterly fees for a total of \$1,284.00 during the Fourth account period.</p>	<p>Background: CA Dept. of Developmental Services (DDS) was appointed Limited Conservator of the Person and Estate in Conservatorship Case #0435446 on 4-19-91. Mr. Appleton resides in a residential care facility in Fresno, receives services from CVRC, and participates in a community center day program. Original conservatorship estate assets included various personal property items and a 50% interest in real property. Accountings were dispensed in the conservatorship in 2004; however, in 2005, the Conservator entered into a quiet title action on behalf of the Conservatee and this Special Needs Trust was established with funds from that action in 2006.</p>										
<p>✓ Aff.Sub.Wit.</p>												
<p>Verified</p>												
<p>Inventory</p>												
<p>PTC</p>												
<p>Not.Cred.</p>												
<p>Notice of Hrg</p>	<p>Petitioner revised the Master Trust of California Fee Schedule on 2-14-12 and requests authority to allow future annual fees pursuant to the revised schedule.</p>											
<p>Aff.Mail</p>												
<p>Aff.Pub.</p>												
<p>Sp.Ntc.</p>												
<p>Pers.Serv.</p>	<p>The requested revised fee schedule is:</p>											
<p>Conf. Screen</p>	<table border="1"> <tr> <td>\$1,000 on the first</td> <td>\$50,000</td> </tr> <tr> <td>2.00% on the next</td> <td>\$250,000</td> </tr> <tr> <td>1.65% on the next</td> <td>\$450,000</td> </tr> <tr> <td>1.50% on the next</td> <td>\$250,000</td> </tr> <tr> <td>1.25% on the balance over</td> <td>\$1,000,000</td> </tr> </table>	\$1,000 on the first	\$50,000	2.00% on the next	\$250,000	1.65% on the next	\$450,000	1.50% on the next	\$250,000	1.25% on the balance over	\$1,000,000	
\$1,000 on the first	\$50,000											
2.00% on the next	\$250,000											
1.65% on the next	\$450,000											
1.50% on the next	\$250,000											
1.25% on the balance over	\$1,000,000											
<p>Letters</p>												
<p>Duties/Supp</p>												
<p>Objections</p>												
<p>Video Receipt</p>												
<p>CI Report</p>												
<p>9202</p>												
<p>Order</p>	<p>Minute order from 05/17/12 set this hearing for status re: the Annual Fees. The Minute Order states: The Court approves the petition including the amount for Mr. Brunick (former counsel for Trustee). The Court does not approve the increase in annual fees.</p>											
<p>Aff. Posting</p>												
<p>Status Rpt</p>												
<p>UCCJEA</p>												
<p>Citation</p>												
<p>FTB Notice</p>	<p>Declaration of Robert Britton filed 06/20/12 states: He is the Trust Administrator for the Master Trust of California. The Master Trust of California is a California Nonprofit Benefit Corporation that began managing trusts for developmentally disabled persons in 1979. The current and past Fee Schedules only applied to the management of the financial assets held in a pooled fund. To date, management fees have not been assessed on other assets held in a trust, such as houses, trailers, vehicles, etc. From the inception of the Master Trust of California (formerly called the Inland Counties Master Trust) until April 1, 2005, there had not been an increase in the management fees on the financial assets.</p>	<p>Reviewed by: JF</p> <p>Reviewed on: 06/27/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11 - Appleton</p>										

Continued on Page 2

Over the years the daily administration of the trusts had been conducted part-time by regional center staff that was also tasked with normal regional center business. During that period, the Inland Regional Center had been able to absorb the additional costs of providing these trust services. Due to the growth in the number of trusts and the increased complexity of the administration of the trusts it became a necessity for the Master Trust of California to hire a professional Trust Officer who would be able to devote his full time to management of the trust program. Therefore, in April 2005, it became necessary to increase the fees for the first time in 25 years.

The next change to the fee schedule occurred on 11/11/08 when a multi-tiered fee schedule was adopted which reduced fees for trusts with holdings over \$300,000.00. Due to worsening budget problems faced by the State of California over the last several years, it has become necessary for the Master Trust of California to become more self-sufficient. As of 07/01/12, the staffing will change from 1 full time trust officer and 1 full time assistant to the trust officer, 1 full time regional case worker and 2 part time regional center case workers to 1 full time trust officer and 1 assistant and 2 full time regional center case workers. In anticipation of this change, fees were increased as of 02/14/12 for the first \$50,000.00 of a trust's financial holdings. The Master Trust of California utilizes specialized regional center case workers, who are knowledgeable in case management and of how the trust program works, that are assigned to interact and assist the trust beneficiaries. They routinely visit the trust beneficiaries to interact and assist them in the requests for funds from the trust. This eliminates the need to utilize care managers to assist in the management of the trusts. The Master Trust does not charge for additional case management on each trust.

The Master Trust of California provides trust services only to clients who are receiving services from one of the California Regional Centers. There are currently approximately 240 active trusts with a balance in the pooled fund of \$17,609,013 as of 04/30/12. The average trust size is \$73,677.88. Over half of the trusts have a balance less than \$50,000.00 and 35 of the trusts have balances under \$10,000.00. The Trust manager actively seeks ways to distribute the smaller trusts without adversely affecting the beneficiary's public benefits. The new fee schedule should generate revenue that is close to the breakeven point. Much of the fee schedule is driven by two factors: 1) the average balance of \$73,677.88 is considered small. Trust balances under \$100,000.00 is considered too small for many institutions that provide trust services. By accepting and managing smaller balances, the Master Trust is providing a badly needed service of providing professional trust services to the clients of the CA Regional Center system; and 2) There are several pooled special needs trusts in the state of California, each with its own management fee schedule. One of factors affecting the management fee schedule is if the fund has a retention clause in the trust agreement that enables them to retain assets from closing trusts. This retention of funds allows the funds to create an endowment fund to help keep the management fees down. Because the Trustee for the Master Trust of California is Inland Counties Regional Center, Inc., and the Master Trust Committee is a standing committee of the Board of Trustee, the Board has determined that any retention language in our trust documents would be a conflict of interest.

The trust officer for the Master Trust of California is a professional Trust Officer who has many years of Personal Trust and Investment Compliance and Trust administration experience with a major national bank prior to joining the Master Trust of California. He is a Certified Trust and Financial Advisor (CTFA) in good standing. CTFA is a professional credential offered by the American Bankers Association for financial professionals. The designation requires a minimum of 3 years experience, completion of a trust training program and 45 credits of continuing education must be completed every 3 years. Mr. Britton asserts that you will find very few trustees outside the Master Trust of California that are able to provide this level of trust management expertise for special needs trusts, whether they be in a pooled fund or the trustee is an individual.

Continued on Page 3

Declaration of Matthew F. Bahr filed 06/20/12 includes an itemization of the services he rendered and the time spent on behalf of the trust estate. Mr. Bahr states that he has not previously billed for these items and has deeply discounted his fees, requesting only \$1,200.00 in fees for \$2,600.00 in work performed. He is now requesting fees in the amount of \$1,880.00.

Age: 4	YVETTE MOJARRO , Mother, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Notes (Background): <ul style="list-style-type: none"> • Guardianship was granted 1-26-12. • Petitioner filed for Termination on 2-15-12; denied on 4-17-12. • Petitioner filed this Petition for Termination on 5-1-12. <p>1. Petitioner filed declarations of due diligence for the paternal grandparents and maternal grandfather. If this matter goes forward, the Court may require notice pursuant to Probate Code §1460 or further diligence.</p>
ODOB: 11-27-07	VIVIAN COLMENERO , Paternal Great-Grandmother, was appointed Guardian on 1-26-12. - Personally served 6-16-12	
Aff.Sub.Wit.	Father: VINCENT M. ORTEGA	
<input checked="" type="checkbox"/> Verified	Paternal Grandfather: George Ortega - Declaration of Due Diligence filed 6-20-12	
Inventory	Paternal Grandmother: Alice Ortega - Declaration of Due Diligence filed 6-20-12	
PTC	Maternal Grandfather: Armando Mojarro - Declaration of Due Diligence filed 6-20-12	
Not.Cred.	Maternal Grandmother: Margaret Gonzalez - Personally served 6-16-12	
<input checked="" type="checkbox"/> Notice of Hrg	Petitioner states she is fully capable of caring for her daughter. As noted in the investigator's report, Mariah is provided with food, shelter and clothing when in Petitioner's care. There is no warrant out for her arrest and she is not on probation. She is no longer associated with the friends that Ms. Colmenero claimed to be of undesirable character. She spends most of her time at home which her mother can attest to. The court requested that she drug test, but due to lack of transportation she was unable to meet this requirement. She has made contact with Court Investigator Dina Calvillo to arrange another date for drug testing.	
<input checked="" type="checkbox"/> Aff.Mail w	Since Ms. Colmenero received guardianship they have agreed on visitation. She is allowed to see Mariah every Wednesday for five hours, and during these visits, Mariah has expressed that she wants to come home and that Ms. Colmenero speaks negatively to her about Petitioner.	
Aff.Pub.	Petitioner does not understand why her daughter was taken from her in the first place, but she is willing to do whatever the court requests to regain custody.	
Sp.Ntc.	Guardian Vivian Colmenero filed an Objection on 7-18-12.	
Pers.Serv.	SEE PAGE 2	
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> Clearances		
Order x		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

PAGE 2

Objection of Guardian states Yvette has serious drug issues, uses poor judgment, and continues to neglect Mariah. She still associates with people who are detrimental to Mariah's safety. Guardian states she has been Mariah's main caregiver since birth and would provide the safest and most stable environment. Since guardianship was granted, she has taken Mariah for immunizations, pre-registered her for kindergarten, and had extensive dental work performed for which Mariah had to be sedated because some of the severe and painful dental issues were due to an abscess affecting her gums, a complexly rotted tooth, 12 cavities, and 10 decayed teeth that required caps. Guardian has pleaded with Yvette so many times to take care of Mariah's medical issues, and even made appointments for her, but when the time came, Yvette was nowhere to be found. Both the doctor and dentist are in Kerman. Yvette had no valid excuse for not providing her daughter with adequate medical care. Guardian is so relieved to finally be able to provide her with the medical attention she so desperately needed.

Guardian also states that Yvette may be pregnant with her second child. She does not see how Yvette can care for a second child when she does not even support herself. She has no job and no education nor a stable home.

Guardian states that during visitation, Yvette is always late or no-show, and afterward, Mariah has expressed that her mom was asleep and she plays games on the cell phone, or that "boys" visit Yvette during the visits. Guardian does not want these men around her granddaughter.

Guardian states she would never speak negatively about Yvette to Mariah. She knows that would hurt Yvette and Mariah is just a child; she would not have adult conversations with her. Guardian would like to see Yvette participate in a drug program and parenting classes. She is not ready or willing to properly care for Mariah.

Court Investigator Dina Calvillo filed a report on 6-20-12.

13A Destiny Cedano, Alexis Cedano, Victor Cedano, Gabriel Cedano, Noah Cedano, Jayden Cedano, Victoria Cedano, Reyna Cedano and Jonah Cedano (GUARD/P) Case No. 11CEPR00795

Atty Vasquez, Vickie (pro per Petitioner/Guardian/paternal aunt)
 Atty Cedano, Jennifer (pro per Mother)

Petition for Termination of Guardianship (of Alexis Cedano)

Age: 13 years DOB: 2/9/1999	VICKIE VASQUEZ, paternal cousin, is petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>This Petition is as to ALEXIS only.</u> Mother, Jennifer Cedano has filed a petition to terminate the guardianships of her 9 children (with several different guardians). Please see page 13D. See pages 13B and 13C for Petitions to Terminate the Guardianship of Jayden Cedano. Continued from 6/11/12. As of 6/27/12 the following issues remain: 1. Need proof of service of the Notice of Hearing on: a. Jesus Cedano – paternal grandfather b. Judy Coronado – maternal grandmother. c. Alexis Cedano - minor
	VICKIE VASQUEZ, paternal aunt, was appointed guardian on 2/16/12	
Cont. from 061112	Father: VICTOR CEDANO - deceased	Reviewed by: KT Reviewed on: 6/27/12 Updates: Recommendation: File 13A - Cedano
Aff.Sub.Wit.	Mother: JENNIFER CEDANO- consents and waives notice.	
✓ Verified	Paternal grandfather: Jesus Cedano Paternal grandmother: Jenny Hernandez – deceased.	
Inventory	Maternal grandfather: Pete Gutierrez – deceased.	
PTC	Maternal grandmother: Judy Coronado	
Not.Cred.	Petitioner states Alexis is out of control and she cannot handle her any longer. She has her son and her little brother to think about.	
✓ Notice of Hrg	Court Investigator Dina Calvillo's Report filed on 6/1/12.	
Aff.Mail X		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

13B Destiny Cedano, Alexis Cedano, Victor Cedano, Gabriel Cedano, Noah Cedano, Jayden Cedano, Victoria Cedano, Reyna Cedano and Jonah Cedano (GUARD/P) Case No. 11CEPR00795

Atty Lopez, Michelle Hernandez (pro per Petitioner/Guardian/paternal cousin)
 Atty Cedano, Jennifer (pro per Mother)

Petition for Termination of Guardianship (Jayden Cedano)

Age: 5 years DOB: 9/13/2006	MICHELLE HERNANDEZ LOPEZ, paternal cousin, is petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>This Petition is as to JAYDEN only.</u> Mother, Jennifer Cedano has filed a petition to terminate the guardianships of her 9 children (with several different guardians). Please see page 13D. Continued from 6/11/12. As of 6/27/12 the following issues remain: 2. Need Notice of Hearing. 3. Need proof of service of the Notice of Hearing on: d. Jesus Cedano – paternal grandfather e. Judy Coronado – maternal grandmother.
	MICHELLE HERNANDEZ LOPEZ, paternal cousin, was appointed guardian on 2/6/12.	
Cont. from 061112	Father: VICTOR CEDANO - deceased	
<input type="checkbox"/> Aff.Sub.Wit.	Mother: JENNIFER CEDANO- consents and waives notice	
<input checked="" type="checkbox"/> Verified	Paternal grandfather: Jesus Cedano Paternal grandmother: Jenny Hernandez – deceased. Maternal grandfather: Pete Gutierrez – deceased. Maternal grandmother: Judy Coronado	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen	Petitioner states she cannot control Jayden, he hits, bites and throws things when he does not get his own way. He leaves the school grounds and the principal has to chase him to bring him back. He soils himself at night and during the day. He does not cooperate with his counselors and hides under a chair. He belongs with his mother. She says he was never like that with her.	
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report	Court Investigator Jennifer Young's Report	
<input type="checkbox"/> 9202	6/5/12	
<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: KT
		Reviewed on: 6/27/12
		Updates:
		Recommendation:
		File 13B - Cedano

13C Destiny Cedano, Alexis Cedano, Victor Cedano, Gabriel Cedano, Noah Cedano, Jayden Cedano, Victoria Cedano, Reyna Cedano and Jonah Cedano (GUARD/P) Case No. 11CEPR00795

Atty Lopez, Michelle Hernandez (pro per Guardian/paternal aunt)
 Atty Cedano, Jennifer (pro per Petitioner/mother)

Petition for Termination of Guardianship (Jayden Cedano)

Age: 6 years DOB: 9/13/2006	JENNIFER CEDANO, mother, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>This Petition is as to JAYDEN only.</u></p> <p>Mother, Jennifer Cedano has filed a petition to terminate the guardianships of her 9 children (with several different guardians). Please see page 13D.</p> <p>Continued from 6/11/12. As of 6/27/12 the following issues remain:</p> <ol style="list-style-type: none"> 4. Need Notice of Hearing. 5. Need proof of service of the Notice of Hearing on: <ol style="list-style-type: none"> f. Jesus Cedano – paternal grandfather g. Judy Coronado – maternal grandmother.
	MICHELLE HERNANDEZ LOPEZ, paternal cousin, was appointed guardian on 2/6/12.	
	Father: VICTOR CEDANO - deceased	
Cont. from 061112	Paternal grandfather: Jesus Cedano	
Aff.Sub.Wit.	Paternal grandmother: Jenny Hernandez – deceased.	
✓ Verified	Maternal grandfather: Pete Gutierrez – deceased.	
Inventory	Maternal grandmother: Judy Coronado	
PTC	Petitioner states she is Jayden's mother and she knows he wants to be with her. Mom wants him back. She states she has a safe environment for him.	
Not.Cred.	Court Investigator Jennifer Young's Report 6/5/12.	
Notice of Hrg		
Aff.Mail	X	
Aff.Pub.	X	
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: 6/27/12
		Updates:
		Recommendation:
		File 13C - Cedano

13D **Destiny Cedano, Alexis Cedano, Victor Cedano, Gabriel Cedano, Noah Cedano, Jayden Cedano, Victoria Cedano, Reyna Cedano and Jonah Cedano**
(GUARD/P) Case No. 11CEPR00795
 Atty Cedano, Jennifer (pro per Petitioner/Mother)

Petition for Termination of Guardianship

		JENNIFER CEDANO , mother, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 6. Need Notice of Hearing. 7. Need proof of service of the Notice of Hearing on: h. Jesus Cedano – paternal grandfather i. Judy Coronado – maternal grandmother. j. Destiny Cedano, minor k. Victor Cedano, minor l. Alexis Cedano, minor
		Father: VICTOR CEDANO - deceased	
		Paternal grandfather: Jesus Cedano	
		Paternal grandmother: Jenny Hernandez – deceased.	
		Maternal grandfather: Pete Gutierrez – deceased.	
		Maternal grandmother: Judy Coronado	
Cont. from		Petitioner states she is the mother and wants all her children back in her care. She states she has a safe environment for them.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	X	
<input type="checkbox"/>	Aff.Mail	X	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<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 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: KT
			Reviewed on: 6/27/12
			Updates:
			Recommendation:
			File 13D - Cedano

13D

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

Dallas Marie James Age: 1 DOB: 2-5-11	NO TEMPORARY – DENIED 3-7-12 STEPHEN and ELYSE MARIE COOK , Maternal Grandparents, are Petitioners.	NEEDS/PROBLEMS/COMMENTS: Minute Order 3-7-12 (Temporary Hearing): Present: Petitioners, William James (Dallas' father), Steven Soto (Summer's father) and Jamie Cook (mother). Jamie Cook provides contact information. The Court denies the Petition. The general hearing remains set for 4-26-12.
Summer Sunshine Soto Age: 4 DOB: 7-4-07	Father (Dallas): WILLIAM "KIMO" JAMES - Present in Court on 3-7-12	Minute Order 4-26-12: Also present in the courtroom are William James and Carol Soto. The Court orders that a referral be made to Social Services for further investigation concerning the children's environment and allegations of physical and/or verbal abuse of the mother as well as threats to the family members by William James. Continued to 6/28/12.
Cont. from 042612	Father (Summer): STEVEN SOTO - Present in Court on 3-7-12	Note: Additional documents have been filed since the hearing on 4-26-12 by Stephen James Cook and by Joel and Carol Soto. See Page 2.
Aff.Sub.Wit.	Mother: JAMIE MICHELLE COOK - Present in Court on 3-7-12	Note: Court records indicate that the mother's DVTRO (restraining order) in 12CEFL00456 was terminated at her request at the hearing on 3-12-12.
<input checked="" type="checkbox"/> Verified	- Consent and Waiver of Notice filed 5-4-12	If this matter goes forward, the following issues exist:
Inventory	Paternal Grandfather (Dallas): Not listed Paternal Grandmother (Dallas): Not listed	1. Need Notice of Hearing.
PTC	Paternal Grandfather (Summer): Joel Soto - Present in Court on 4-26-12	2. Need proof of personal service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 on:
Not.Cred.	Paternal Grandmother (Summer): Carol Soto - Present in Court on 4-26-12	- Jamie Cook (Mother) - William "Kimo" James (Dallas' father) - Steven Soto (Summer's father)
Notice of Hrg	Petitioners state Mother fled to their home on 12-7-11 with the children after being physically abused by "Kimo" (Dallas' father). While staying with Petitioners, Mother's other daughter, Chloe (age 9) visited on weekends, but Mother was preoccupied with fighting on the phone with Kimo. Petitioners state Mother had just started to reconnect with Chloe since Kimo won't allow her to have a relationship with her.	(Although the parents were all present in Court on 3-7-12, they are still entitled to be served with Notice of Hearing and a copy of the Petition per Probate Code §1511.)
Aff.Mail	Mother obtained a restraining order against Kimo and custody of Dallas, but has now returned with the children to live with him. Petitioners called CPS and were advised to file for guardianship. Petitioners state the mother is not able to make sound decisions where the safety of Summer and Dallas is concerned while in this relationship with Kimo James. Petitioners fear for their physical and mental well-being. Petitioners attached a copy of the restraining order in Case #12CEFL00456. The UCCJEA indicates that the children have always lived with the mother.	3. Need proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 on:
Aff.Pub.	Mother filed an Objection on 3-6-12 stating that all allegations are false and she was not served.	- Dallas' paternal grandfather and grandmother (names not provided) - Summer's paternal grandfather and grandmother (Joel and Carol Soto)
Sp.Ntc.	Court Investigator Samantha Henson filed a report on 4-19-12.	Reviewed by: skc
Pers.Serv.	DSS Social Worker Cathy Flores filed a report on 4-20-12.	Reviewed on: 6-25-12
<input checked="" type="checkbox"/> Conf. Screen	SEE PAGE 2	Updates:
<input checked="" type="checkbox"/> Letters		Recommendation:
<input checked="" type="checkbox"/> Duties/Supp		File 14A – James & Soto
<input checked="" type="checkbox"/> Objections		
Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> Clearances		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
Citation		
FTB Notice		

Minute Order 4-26-12: Also present in the courtroom are William James and Carol Soto. The Court orders that a referral be made to Social Services for further investigation concerning the children's environment and allegations of physical and/or verbal abuse of the mother as well as threats to the family members by William James. Continued to 6/28/12.

Since the last hearing on 4-26-12, the following items have been filed:

- Consent of Jamie M. Cook (Mother) to Petition of Stephen and Elyse Cook dated 5-4-12
- Declaration filed by Stephen Cook with a "Power of Attorney for Minor Child" dated 5-4-12, and letters in support of their petition by family members, including the mother.
- Competing temporary and general petition for guardianship of Summer only by her paternal grandparents, Joel and Carol Soto (See Page 14B).

14B Dallas James & Summer Soto (GUARD/P)

Case No. 12CEPR00187

Atty Soto, Carol S. (Pro Per – Paternal Grandmother – Petitioner)

Atty Soto, Joel C. (Pro Per – Paternal Grandfather – Petitioner)

Petition for Appointment of Temporary Guardian of the Person

Summer Sunshine Soto Age: 4 DOB: 7-4-07		NO TEMPORARY IN PLACE – TEMPORARY DENIED TO STEPHEN AND ELYSE COOK ON 3-7-12 (SEE PAGE 14A)	NEEDS/PROBLEMS/COMMENTS: Note: This competing petition pertains to <u>Summer only</u> (See #1 below).
		GENERAL HEARING 8-13-12	
		JOEL and CAROL SOTO , Paternal Grandparents, are Petitioners.	1. The petition appears to request guardianship of Summer only; however, Examiner notes that the documents mention “children” (plural) in many spots. Need clarification: Are Petitioners requesting guardianship of both children or Summer only? 2. Notice of Hearing filed 6-20-12 indicates service on the parents by mail. Probate Code §2250(e) requires personal service on the parents.
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	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		
Father: STEVEN SOTO - Present in Court on 3-7-12 - Served by mail on 6-17-12 Mother: JAMIE MICHELLE COOK - Present in Court on 3-7-12 - Consent and Waiver of Notice filed 5-4-12 - Served by mail on 6-17-12 Maternal Grandfather: Stephen Cook - Served by mail on 6-17-12 Maternal Grandmother: Elyse Marie Cook - Served by mail on 6-17-12 Siblings: Thomas J. Soto, Steven J. Soto, Jr., Chloe Sanders, and Dallas James Petitioners state temporary guardianship is necessary due to ongoing drug and alcohol abuse, mental abuse, unsafe environment, safety of children.			Reviewed by: skc Reviewed on: 6-25-12 Updates: Recommendation: File 14B – James & Soto

Petition for Letters of Administration; Authorization to Administer Under IAEA
 (Prob. C. 8002, 10450)

DOD:10/11/2010		KARLA DEAN , daughter is Petitioner and requests appointment as administrator without bond. Full IAEA - ? Decedent died intestate Residence: Tollhouse Publication: Needed	NEEDS/PROBLEMS/COMMENTS: <u>Continued to 07/30/2012</u> At the request of the Attorney 1. Need Affidavit of Publication 2. Item 5B of the Petition is incomplete regarding stepchild or foster child. 3. Attachment 3(d) to Petition states every beneficiary requests bond be waived. Need signed waivers of bond from all beneficiaries. Note: If the petition is granted status hearings will be set as follows: <ul style="list-style-type: none"> • Friday, 11/30/2012 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Friday, 08/30/2013 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.	
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			W
<input checked="" type="checkbox"/>	Aff.Mail			
<input type="checkbox"/>	Aff.Pub.			X
<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			
		Estimated value of the Estate: Personal Property - \$150.00 Real Property - \$105,000.00 Total: - \$105,150.00 Probate Referee: Rick Smith	Reviewed by: LEG / LV Reviewed on: 06/25/2012 Updates: Recommendation: File 15 - Johnson	

Petition for Letters of Administration; Authorization to Administer Under IAEA
 (Prob. C. 8002, 10450)

DOD:01/03/2012		TRINIDAD RODRIGUEZ , son is petitioner and requests appointment as Administrator without bond. Full IAEA-? Decedent died intestate Residence: Clovis Publication: Needed	NEEDS/PROBLEMS/COMMENTS: 1. Need Affidavit of Publication 2. Need name and date of death of decedent's spouse per Local Rule 7.1.1D. 3. Attachment 3(d) to the Petition states every beneficiary requests bond be waived. Need signed waivers of bond from all beneficiaries.	
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			w
<input checked="" type="checkbox"/>	Aff.Mail			
<input type="checkbox"/>	Aff.Pub.			x
Sp.Ntc.		Estimated value of the Estate: Personal Property – Real Property - \$239,000.00 Total: - \$239,000.00		
<input type="checkbox"/>	Pers.Serv.		Note: If the petition is granted status hearings will be set as follows: <ul style="list-style-type: none"> • Friday, 11/30/2012 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Friday, 08/30/2013 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.	
<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: LEG / LV Reviewed on: 06/25/2012 Updates: Recommendation: File 16 – Rodriguez		

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 01/01/06	SYLVIA MUNOZ , surviving spouse, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. It appears from the documents filed that the Petitioner is stating that the real property to be passed with this Petition was community property. If this is the case, Petitioner is entitled to the property as decedent's surviving spouse, pursuant to Probate Code § 6401(a). However, disclaimers of interest have been filed by the decedent's two children. Per Probate Code § 6401(c), the decedent's children would be entitled to an intestate share of the decedent's <u>separate</u> property. Therefore, clarification is needed regarding whether the property seeking to be passed with this Petition was community property or the separate property of the decedent. 2. In the event the property was the decedent's separate property. The Petitioner and each of decedent's two children would be entitled to a 1/3 interest in the property pursuant to Probate Code § 6401(c)(3)(a). The decedent's two children have filed disclaimers of interest in the property; however, there is no provision for disclaimers of interest in this type of summary proceeding. 3. Further, Disclaimers, pursuant to Probate Code § 282, have the effect as if the person disclaiming interest had predeceased the decedent. The petition does not state whether the persons disclaiming interest have issue. 	
	40 days since DOD.		
Cont. from	No other proceedings.		
<input type="checkbox"/> Aff.Sub.Wit.	I & A - \$6,250.00		
<input checked="" type="checkbox"/> Verified	Decedent died intestate.		
<input type="checkbox"/> Inventory	Petitioner requests Court determination that decedent's community property interest in 25% interest in real property located in Kern County identified by APN: 302-306-11-00-2 passes to her pursuant to intestate succession.		
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail w/			
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
			Reviewed by: JF
			Reviewed on: 06/27/12
		Updates:	
		Recommendation:	
		File 17 - Munoz	