

**Accounting Eighteenth Account and Report of Co-Trustees and Petition for its Settlement, for Approval and Allowance of Trustees Compensation and Attorney's Fees for Authority to Deposit Funds to Blocked Account; and for Instructions to make Payments to Related Party on Behalf of Beneficiary**

	<b>MICHAEL PAPPACODA and JOYCE THOMAS</b> , Co-Trustee, are petitioners.		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Minute order dated 5/1/14 ordered the trustee's to itemize all fees on future accountings. This accounting still has the trustees receiving a portion of their fees as a percentage of the property on hand. – <b>Please see additional page for Declaration of Joyce Thomas regarding Trustee's Fees.</b></p> <p><b>Note: A status hearing will be set as follows:</b></p> <ul style="list-style-type: none"> <li><b>Wednesday, July 15, 2015 at 9:00a.m. in Dept. 303</b> for the filing of the receipt for blocked account.</li> <li><b>Wednesday, February 24, 2016 at 9:00a.m. in Dept. 303</b> for the filing of the nineteenth Account and Report of Trustees.</li> </ul> <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
	Account period: 01/01/14 – 12/31/14		
	Accounting	- \$220,315.88	
	Beginning POH	- \$184,000.55	
	Ending POH	- \$195,169.14	
	<b>Bond has been waived.</b>		
	Trustees	- \$2,901.69 (1% of the value of the assets for general services totaling \$1,951.69 plus 19 hours @ \$50/hr. (\$25/hr. for each trustee, totaling \$950.00) for specific services such as taking the beneficiary to appointments that require the presence of both trustees.)	
	Attorney	- \$2,902.50 (per itemization and declaration, 8.65 hrs. at \$300/hr. attorney time and 4.10 hrs. @ \$75/hr. paralegal time)	
	Costs	- \$200.00 (filing fees)	
	Petitioner's state pursuant to the Order establishing the Trust, if the balance of the Trustee's checking account exceeds \$10,000.00 excess funds are to be transferred into the Trust's blocked account. The balance of the checking account currently exceeds \$10,000.00. Petitioners request the authority to deposit the sum of \$10,000.00 to the blocked account.		
	<b>Please see additional page</b>		
<b>Cont. from</b>			
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/> <b>Verified</b>			
<input type="checkbox"/> <b>Inventory</b>			
<input type="checkbox"/> <b>PTC</b>			
<input type="checkbox"/> <b>Not.Cred.</b>			
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>			
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	W/		
<input type="checkbox"/> <b>Aff.Pub.</b>			
<input type="checkbox"/> <b>Sp.Ntc.</b>			
<input type="checkbox"/> <b>Pers.Serv.</b>			
<input type="checkbox"/> <b>Conf. Screen</b>			
<input type="checkbox"/> <b>Letters</b>			
<input type="checkbox"/> <b>Duties/Supp</b>			
<input type="checkbox"/> <b>Objections</b>			
<input type="checkbox"/> <b>Video Receipt</b>			
<input type="checkbox"/> <b>CI Report</b>			
<input checked="" type="checkbox"/> <b>2620(c)</b>			
<input checked="" type="checkbox"/> <b>Order</b>			
<input type="checkbox"/> <b>Aff. Posting</b>			
<input type="checkbox"/> <b>Status Rpt</b>			
<input type="checkbox"/> <b>UCCJEA</b>			
<input type="checkbox"/> <b>Citation</b>			
<input type="checkbox"/> <b>FTB Notice</b>			
			<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 6/25/15</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 1 - Goering</b></p>

Petitioner states as set forth in this accounting and as affirmed in the accountings filed over more than 15 years, the trustees have made payments to Joyce Thomas, mother of the beneficiary, and the person in whose home he resides for his special needs. Payments made monthly include:

PG&E	\$200.00
Care for the beneficiary	\$200.00
Housekeeping services	\$200.00
Cable TV	\$200.00

In addition telephone and internet services are provided to the residence with a portion paid by the trust and the balance paid by Joyce Thomas. During the accounting payments to AT&T were approximately \$95.00 per month. In addition, the Trustees reimbursed Joyce Thomas for various items purchased for the beneficiary.

Petitioners requests the authority to continue making payments to Joyce for the benefit of the beneficiary, subject, always, to review by the court upon the filing of each annual accounting.

**Petitioners pray as follows:**

1. That the Eighteenth Account and Report of Trustee is approved, allowed and settled;
2. That all acts and transactions of the Trustee and shown in the account be approved;
3. That the Trustees be allowed the sum of \$2,901.69 for their services as Trustees;
4. That the Attorney for the Trustee be allowed the sum of \$2,902.50 for his legal services rendered to said Trustees plus costs of \$200.00 during the account period.
5. That Trustee be instructed an directed to continue making payments to Joyce Thomas for housekeeping services, care services, cable television and to pay an equitable share of the AT&T charges.
6. That the Trustees be authorized and directed to deposit the sum of \$10,000.00 to the trust's blocked account.

**Declaration of Joyce Thomas filed on 6/15/15 states** the hours expended each month as Trustee vary slightly, however, on a general basis the following duties are performed:

**Financial Management:** Ms. Thomas estimates that the total time expended on financial management is 3 – 4 hours per month.

**Vehicle Maintenance:** Ms. Thomas estimates that the total time expended on maintenance for the trust owned vehicle is 6 – 8 hours per year.

**Shopping Trips:** Ms. Thomas estimates that shopping trips with Michael average 8 – 10 hours per month.

**Accounting and Record Keeping:** In addition to the financial matters above, Ms. Thomas states she spends approximately 4 – 6 hours per year.

Total time spent is approximately 13 hours per month or 156 hours per year. The requested fees for "ordinary services" of \$1,951.69 equates to \$12.51 per hour which is significantly lower than the \$25.00 requested in the itemized services in the petition.

		<b>PERINE &amp; DICKEN PROFESSIONAL FIDUCIARIES</b> , Co-Trustees Ronald Dicken, Patricia Dicken, and Karen Steele, are Petitioners.	<p><b>NEEDS/PROBLEMS/ COMMENTS:</b></p> <p><b>Note:</b> On 9/16/14, the Court settled the Trustee's Fourth Account covering through 4/30/14, and also authorized termination of the trust, with supplemental account. Order Authorizing Termination of Trust was entered 9/17/14.</p> <p>1. Need receipt from the beneficiary Lauren Herzog of distributions totaling \$429,746.88.</p> <p>2. The Order Settling the Fourth Account entered 9/17/14 authorized attorney fees of \$2,052.00, as requested in the petition.</p> <p>However, the Disbursements Schedule reflects "Court approved attorney fees" of \$6,143.46 paid on 10/27/14, plus \$90.00 paid on 1/15/15 and \$36.00 paid on 4/6/15 (total \$6,269.46).</p> <p><u>Need clarification.</u></p> <p><b>SEE ADDITIONAL PAGE</b></p> <p>Reviewed by: skc</p> <p>Reviewed on: 6/25/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2 - Herzog</p>
		<b>Petitioners state:</b> On 9/17/14, the Court allowed Lauren to terminate the trust and the trustee was directed to assign to Lauren future rights in the annuities held by the trust and to retain a reserve of \$5,000.00 for final debts, taxes, and administrative costs and to provide an informal accounting on or before 3/24/15. The Trustee has now paid all remaining bills except for attorney's fees for this report and account and have distributed all assets of the trust save and except for \$3,529.23.	
<b>COnt from 060815</b>		<b>Account period: 5/1/14 through 4/15/15</b> Accounting: \$450,282.79 Beginning POH: \$419,304.46 Ending POH: \$ 3,529.23	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
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<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>2620(c)</b>		
<input checked="" type="checkbox"/>	<b>Order</b>	<p><b>Trustee: \$3,952.21</b> (.75%, payable monthly) (\$3,360.28 has already been paid at \$329.35 per month. Petitioner requests payment of the balance of \$591.93.)</p> <p><b>Note:</b> In addition to the trustee fees, broker fees of 1.5% are also paid to Merrill Lynch. Fees for this account period total \$3,633.97.</p> <p><b>Attorney: \$1,329.00</b> (for 5.1 attorney hours @ \$250/hr and 0.6 bookkeeper hours @ \$90/hr, itemized at Exhibit B. Note: Time includes 2.5 estimated hours for travel to Fresno, appearance at hearing, and return travel, as well as 0.4 hours estimated time for final charges to distribute residue and close out file.)</p> <p><b>Bond:</b> Current bond is \$576,000.00. Petitioner requests exoneration upon proof of distribution.</p> <p><b>Petitioners pray for an Order:</b></p> <ol style="list-style-type: none"> <li>1. Finding that all facts stated in the petition are true and that all notices required by law have been duly given;</li> <li>2. Settling the Trustee's Supplemental Account and confirming and ratifying all acts and transactions set forth therein;</li> <li>3. Allowing a fee of \$3,951.21 to the Trustee for services rendered through 4/15/15 and authorizing the Trustee to receive \$591.93 as the balance of their fee not yet paid;</li> <li>4. Authorizing the Trustee to pay its attorney from trust funds the sum of \$1,329.00 for attorney's fees for services rendered through the hearing of this petition and for filing proofs of distribution and exoneration of the Trustee's bond;</li> <li>5. For an order discharging the Trustee and exonerating its bond upon filing proof that the sums remaining in the Trust have been distributed to the Beneficiary; and</li> <li>6. For such other further relief as the court deems just.</li> </ol>	
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

3. Attorney fee request includes .6 hours @ \$90/hr for the attorney's bookkeeper. The Court may require authority pursuant to Probate Code §2640(c), which appears to allow legal services for attorney and paralegal only, and Local Rule 7.17.B.4, which disallows clerical services as a cost of doing business.
4. The Court may require clarification regarding the estimated time included in the attorney fees. Note: Travel time to and from court is considered a cost of doing business and not reimbursable. The Court may require some reduction.
5. If the petition is granted as prayed, order should reflect distribution of the remaining dollar amount to the beneficiary. Local Rule 7.6.1.A.

**Update: Declaration of Richard Barron filed 6/5/15 states** the petition to settle the Fourth Account requested \$2,052 for services and costs through 5/31/14. On 7/31/14, Ms. Herzog notified the trustee of her election to terminate the trust. A petition to terminate was filed and with an order shortening time, heard on the same day as the Fourth Account. The order authorized the \$2,052 through 5/31/14, and Judge Oliver also authorized the trustee to retain \$5,000.00 and indicated that only an "informal accounting" was needed showing the deductions from the final reserve. On 9/30/14, the final bill was prepared which included charges from 6/1/14 through 9/30/14, which included research whether the annuities in the trust could be assigned to Ms. Herzog, advising the trustee concerning the procedure for terminating the trust, preparing the petition to terminate the trust, hearings on both petition, came to \$3,228.00, plus \$740.00 in costs to file the petitions and the request for order shortening time. See Exhibit A. When added to the fees authorized by Judge Oliver through 5/31/14, the total fees and costs came to \$6,143.46. This bill inadvertently included a charge of \$123.46 which should have been taken out. He did not seek prior authorization because he believed, based on Judge Oliver's order for an "informal accounting," that there would not be further hearing. In authorizing the trustee to retain \$5,000.00, he also assumed that Judge Oliver's intent was to authorize the trustee to expend up to that amount for final expenses, including attorneys fees, to terminate the trust without further court authorization.

Bookkeeper expenses: For smaller estates, it is the firm's practice to use employee Pamela Anthony to prepare the account rather than an outside accounting office. Ms. Anthony has been trained to follow the format required and has prepared more than 200 accountings for conservatorships and trusts, including in Fresno County. This issues has been previously addressed by this court and Ms. Anthony's charges approved. See Order dated 5/14/15 in re Josephine Diaz Special Needs Trust 11CEPR00138.

Travel: Mr. Barron was not aware that Fresno County does not allow travel charges and he is not aware of any other jurisdiction that has adopted such a rule. Such a rule is unfair and discriminatory to attorneys outside of Fresno who are forced to either absorb costs or decline cases. He considered the possibility of appearing telephonically, but decided to appear in person as there are two hearings being heard on the same day. The beneficiary intended to travel from the Los Angeles area to be present for the hearing to terminate in case Judge Oliver had questions for them, and he felt it would be appropriate to be present in person and respond to any questions Judge Oliver might have.

Petition for Termination of Guardianship

Naveah, 6	MARIA GUERRERO, mother, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>CONTINUED FROM 05/27/15</u>  <b>Minute Order from 05/27/15 states: For the record, Monica Sifuentes is the maternal grandmother. The matter is continued for service as to the father.</b></p>
Jahnessa, 5	IRENE ALMERAS, paternal grandmother, was appointed guardian of the minors on 02/07/12. – <i>Consent &amp; Waiver of Notice filed 05/26/15</i>	
Cont. from 041515, 052715		
<input type="checkbox"/> Aff.Sub.Wit.	Father: <b>FELICIANO JIMENEZ</b> – <i>personally served on 06/04/15</i>	
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC	Paternal grandfather: APOLINAR JIMENEZ – <i>Consent &amp; Waiver of Notice filed 05/26/15</i>	
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	Maternal grandfather: DECEASED	
<input type="checkbox"/> Aff.Mail	Maternal grandmother: MONICA SIFUENTES – <i>Consent &amp; Waiver of Notice filed 05/26/15</i>	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.	<b>Petitioner requests</b> that the guardianship be terminated [no reason stated].	
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp	<b>Court Investigator Jo Ann Morris filed a report on 04/07/15.</b>	
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 06/25/15
		<b>Updates:</b> 07/01/15
		<b>Recommendation:</b>
		<b>File 3 – Jimenez</b>

**Petition for Attorney's Fees and Costs**

<b>DOD: 12/19/12</b>	<b>DANIEL T. MCCLOSKEY</b> , attorney for Loretta Ramos, heir, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>CONTINUED FROM 05/27/15</b>  <b>Minute Order from 05/27/15 states:</b>  <b>Mr. McCloskey makes an oral motion to strike the objection based on the untimely filing. The motion is denied, but the Court allows time for a response. The written response is to be filed by Mr. McCloskey no later than 06/10/15.</b></p> <p>Reviewed by: JF  Reviewed on: 06/25/15  Updates:  Recommendation:  <b>File 4 – Sanchez</b></p>
<b>Cont. from 032415, 042315</b>	<b>PAT HERNANDEZ</b> , sister, was appointed as successor Administrator with bond set at \$400,000.00 on 03/19/14 due to the death of the previous administrator, Manuel Rojas.	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Petitioner requests fees in connection with his representation of Loretta Ramos who is decedent's niece and intestate heir. Petitioner states that his client was not initially listed as an heir in the Petition for Probate of Manuel Rojas. His representation resulted in the former administrator recognizing Ms. Ramos as an heir as well as several other heirs that were initially left off the Petition for Probate. Further, his representation led to the Administrator's (both former and successor) being required to secure bond and also locating additional assets of the estate valued at approximately \$10,000.00, which benefitted all heirs of the estate.	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	w/	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>	Petitioner <b>asks that he be paid</b> from the estate <b>\$2,807.46 in attorney's fees, representing 11.55 hours @ \$250.00/hr., and costs in the amount of \$435.00 for a total request of \$3,042.56.</b>	
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>	Services are itemized by date and include review of correspondence, meetings with client, and court appearance.	

Continued on Page 2

**Objection to Petition for Attorneys' Fees and Costs** filed 05/26/15 states: Mr. McCloskey is not the appropriate person to be requesting attorney's fees on behalf of his client. As an heir to the estate, Loretta Ramos is responsible for paying her attorney's fees. Mr. McCloskey did nothing to assist in the administration of the estate and if anything, he impeded the administration with his contentious correspondence and attitude toward the former Administrator and his attorney. When the decedent died, she had several living brothers and sisters all of whom were elderly and had health issues. The initial Administrator, Manuel Rojas (decedent's brother), was doing his best to ascertain the heirs and assets of the estate. The decedent was a hoarder and sorting through her assets took a very long time. Mr. Rojas was grieving the loss of his sister and had very little information about the identification and location of family members that had been estranged from the rest of the family for many years. As soon as he ascertained that information, a supplement to the petition was filed. Mr. McCloskey's contention that bond and additional estate assets were procured due to his involvement in the estate is false. Those things happened in the natural course of administering the estate and, if anything, Mr. McCloskey's correspondence was anger-producing for the former Administrator, Manuel Rojas.

The Court can see from the billing statements provided with the Petition that the majority of time spent was not Mr. McCloskey's time, but that of a paralegal and for office conferences with his paralegal/secretary and his client. He did no work in this file for over a year and a half until this Petition was filed. While he did work for the benefit of his client, none of that work was for the benefit of the estate, but was rather an impediment to moving the estate along. The Administrator respectfully requests that the Petition be denied in its entirety.

**Reply in Support of Petition for Attorneys' Fees and Costs** filed 06/10/15 states: The fees expended by Ramos were reasonable and necessary. Ramos disputes the declarations that the estate did not benefit by the information provided by Ramos' attorney regarding the existence of heirs and the existence of estate assets that were subsequently brought forward (the coin collection). Once Ramos was recognized as an heir, no further fees were incurred other than the cost of filing this Petition for Fees. If Ramos had not come forward, the personal representative would have distributed in contravention to the intestate succession statutes. Ramos and Schomers would not have received their share of the estate. Ramos' intervention with an attorney was reasonable because she was not a "core member" of the family and the personal representative would not talk to her. Ramos had no other alternative. The attorney's time spent was reasonable and Ramos' attorney located the heirs, with addresses and let the administrator know about the coin collection.

Ramos contends that it is not equitable that she should have to expend attorney's fees to be recognized as an heir. She contends that the then personal representative did not like Ramos, but knew of her existence and of Elizabeth Schomers, but did not disclose that and breached his duty to those heirs by fighting to disclose their existence in the petition. The Court should weigh the equities here and grant the petition for fees and costs and direct the Administrator to pay the fees from estate funds, or from the administrator's fees.

First and Final Account and Report of Conservator; Petition for Allowance of Compensation to Conservator and Her Attorney; and Distribution

<b>DOD: 3/16/15</b>	<b>PUBLIC GUARDIAN, Conservator, is petitioner.</b>	<b>NEEDS/PROBLEMS/ COMMENTS:</b>
	Account period: 6/17/13 – 3/16/15	
	Accounting - <b>\$261,396.51</b>	
	Beginning POH - <b>\$220,365.84</b>	
	Ending POH - <b>\$ 53,519.06</b>	
<b>Cont. from</b>	Subsequent Account period: 3/17/15 – 4/30/15	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Accounting - <b>\$56,019.61</b>	
<input checked="" type="checkbox"/> <b>Verified</b>	Beginning POH - <b>\$53,519.06</b>	
<input type="checkbox"/> <b>Inventory</b>	Ending POH - <b>\$53,519.25</b>	
<input type="checkbox"/> <b>PTC</b>	Conservator - <b>\$7,894.56</b>	
<input type="checkbox"/> <b>Not.Cred.</b>	(XXX Deputy hours @ \$96/hr and XXX Staff hours @ \$76/hr)	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Attorney - <b>\$2,500.00</b> (per Local Rule)	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> W/	Bond fee - <b>\$50.00</b> (o.k.)	
<input type="checkbox"/> <b>Aff.Pub.</b>	Court fees - <b>\$513.00</b> (filing fee, certified copies)	
<input type="checkbox"/> <b>Sp.Ntc.</b>	Petitioner states the conservatee died intestate.	
<input type="checkbox"/> <b>Pers.Serv.</b>	Petitioner will administer the estate pursuant to Probate Code §7660, which requires no court supervision if the estate does not exceed \$5,000.00.	
<input type="checkbox"/> <b>Conf. Screen</b>	Petitioner request that due to the insufficiency of the estate to pay the fees and commissions that a lien be imposed upon the estate for any unpaid balances of the authorized fees and commissions.	
<input type="checkbox"/> <b>Letters</b>	<b>Petitioner prays for an Order:</b>	
<input type="checkbox"/> <b>Duties/Supp</b>	1. Approving, allowing and settling the first and final account;	
<input type="checkbox"/> <b>Objections</b>	2. Authorizing the conservator and attorney fees and commissions;	
<input type="checkbox"/> <b>Video Receipt</b>	3. Payment of the bond fee and court fees;	
<input type="checkbox"/> <b>CI Report</b>	4. Authorize petitioner to impose a lien on the estate for any unpaid balances of authorized fees and commissions;	
<input type="checkbox"/> <b>9202</b>	5. Distributing the balance of the property on hand to the Public Administrator for administration under Probate Code §7660.	
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> KT
		<b>Reviewed on:</b> 6/26/15
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 5 - Williams</b>

Atty Kruthers, Heather H. (for Public Administrator – Successor Administrator – Petitioner)

## Amended First and Final Account and Report of Successor Administrator and petition for Allowance of Ordinary and Extraordinary Commissions and Fees and for Distribution

<b>DOD: 10/8/13</b>	<b>PUBLIC ADMINISTRATOR</b> , Successor Administrator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>Account period: 8/20/14-4/2/15</b>	<p><b>Note:</b> Third Declaration of Gary G. Bagdasarian filed 5/19/15 states he filed a declaration requesting additional credit of \$11,065.76 against the surcharge of Nancy Hamilton, which was acknowledged in this amended account. However, he also filed a Second Declaration on 4/2/15 providing verification of an additional \$4,521.26, which was not taken into account. These two amounts total \$15,587.02. Mr. Bagdasarian also states his request for costs of \$1,002.00 was waived. Mr. Bagdasarian provides proposed distribution taking this information into consideration. Please see declaration for details.</p> <p>1. Based on Mr. Bagdasarian's declaration, further amendment may be required, or further revised proposed order.</p>
	Accounting: \$250,917.40 Beginning POH: \$237,605.63 Ending POH: \$101,927.26 (cash)	
<b>Cont 052015</b>	<b>Preliminary Distributions:</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	David Morris: \$28,000.00 Diane (Wray) Rogers: \$28,000.00 Nancy Hamilton: \$20,000.00 IFC: \$15,600.00	
<input checked="" type="checkbox"/> <b>Verified</b>	<b>Surcharge (Former Administrator Nancy Hamilton):</b>	
<input checked="" type="checkbox"/> <b>Inventory</b>	<b>\$19,025.15</b> (based on what the Public Administrator was able to marshal, less receipts provided to attorney)	
<input checked="" type="checkbox"/> <b>PTC</b>	<b>Public Administrator (Statutory): \$8,018.35</b>	
<input checked="" type="checkbox"/> <b>Not.Cred.</b>	<b>Attorneys (Statutory): \$8,018.35</b> The attorney for the Public Administrator and Gary Bagdasarian, attorney for the former Administrator, have agreed to split statutory compensation as follows:	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	<b>Gary Bagdasarian: \$5,018.35</b> <b>County Counsel: \$3,000.00</b>	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	<b>Public Administrator (Extraordinary): \$1,248.00</b> (\$1,000.00 for the sale of the real property, per local rule, plus \$248.00 for preparation of tax returns)	
<input type="checkbox"/> <b>Aff.Pub.</b>	<b>County Counsel (Extraordinary): \$1,170.00</b> (for 7.8 attorney hours @ \$150/hr)	
<input type="checkbox"/> <b>Sp.Ntc.</b>	<b>Gary Bagdasarian (Extraordinary): \$4,372.50</b> (per declaration, discounted from \$8,745.00, for 31.80 hours @ \$275/hr in connection with the sale of the real property)	
<input type="checkbox"/> <b>Pers.Serv.</b>	<b>Costs: \$1002.00</b> (Attorney Bagdasarian, for filing, publication, certified copies, appraisal)	
<input type="checkbox"/> <b>Conf. Screen</b>	<b>Bond fee: \$156.84</b>	
<input checked="" type="checkbox"/> <b>Letters</b>	<b>Costs: \$537.00</b> (\$435.00 filing, plus \$102.00 processing)	
<input type="checkbox"/> <b>Duties/Supp</b>	<b>Closing: \$10,000.00</b> (for any possible outstanding taxes)	
<input type="checkbox"/> <b>Objections</b>	<b>Distribution pursuant to intestate succession, assignments:</b>	
<input type="checkbox"/> <b>Video Receipt</b>	David Morris: \$6,888.79 Diane Wray: \$6,888.79 Nancy Hamilton: \$10,263.64 Inheritance Funding Company (Assignee): \$44,800.00	
<input type="checkbox"/> <b>CI Report</b>		
<input checked="" type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input checked="" type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 6/25/15
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 6 - Morris</b>

<b>DOD: 05/29/14</b>	<b>JOSEPH PATRICK DE LOS REYES,</b> son/Conservator of the Person and Estate, is Petitioner. Bond of \$30,000.00 was filed 04/07/14.	<b>NEEDS/PROBLEMS/COMMENTS:</b> <u><b>CONTINUED FROM 05/27/15</b></u> <b>Minute Order from 05/27/15 states: Mr. Moushigian is making a courtesy appearance for Mina Ramirez. Ms. Ramirez is to file a written response to the issues raised in the Examiner's notes and be personally present or appear via Court Call on 07/01/15.</b> <ol style="list-style-type: none"> <li>Petitioner states that conservatee's bank closed conservatee's account and paid out the remaining funds to the pay-on-death beneficiaries designated by the conservatee upon the conservatee's death. The Court may require more information about this and/or reimbursement to the conservatorship estate of amounts distributed without court order.</li> <li>Petitioner requests authority to sell the real property asset of the conservatorship estate, which is currently in foreclosure. The Conservatee died on 05/29/14, consequently, the Conservatorship terminated by operation of law on 05/29/14. The Court retains jurisdiction for the purpose of settling the final account of conservator pursuant to Probate Code § 2630. However, since the conservatorship has terminated due to conservatee's death, it appears that the sale of real property should occur in a subsequent probate proceeding after the final account of Conservator has settled and assets distributed to the Administrator of the Estate. The Court may require authority for selling a real property asset of a conservator after the death of a conservatee.</li> </ol> <p><b>Note:</b> It does not appear that a probate proceeding for conservatee's estate has been commenced in Fresno County.</p> <p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 06/25/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 7 – De Los Reyes</b></p>
	Account period: <b>04/07/14 – 06/30/14</b>	
<b>Cont. from 042915, 052715</b>	Accounting: <b>\$206,338.03</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Beginning POH: <b>\$201,076.17</b>	
<input checked="" type="checkbox"/> <b>Verified</b>	Ending POH: <b>\$199,129.38</b> (\$9,129.38 is cash)	
<input type="checkbox"/> <b>Inventory</b>	Subsequent Account period: <b>06/01/14 – 06/30/14</b>	
<input type="checkbox"/> <b>PTC</b>	Accounting: <b>\$199,850.49</b>	
<input type="checkbox"/> <b>Not.Cred.</b>	Beginning POH: <b>\$199,129.38</b>	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Ending POH: <b>\$190,000.00</b>	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/	Conservator: <b>waived</b>	
<input type="checkbox"/> <b>Aff.Pub.</b>	Attorney: <b>waived</b>	
<input type="checkbox"/> <b>Sp.Ntc.</b>	Petitioner requests that the property on hand consisting of real property, a vehicle, various tools, and miscellaneous furniture and furnishings be distributed to the estate of Wilfred Layvas De Los Reyes. A Probate proceeding for the administration of the estate will be filed with this Court upon the approval of this final account.	
<input type="checkbox"/> <b>Pers.Serv.</b>	<b>Petitioner prays for an Order that:</b>	
<input type="checkbox"/> <b>Conf. Screen</b>	1. The conservatorship of the Person and Estate terminated by operation of law on 05/29/14, conservatee's date of death;	
<input type="checkbox"/> <b>Letters</b>	2. The Conservator and surety bond be discharged;	
<input type="checkbox"/> <b>Duties/Supp</b>	3. The Amended First and Final Account of Conservator be approved;	
<input type="checkbox"/> <b>Objections</b>	4. The assets on hand be distributed to the Estate of Wilfred Layvas De Los Reyes;	
<input type="checkbox"/> <b>Video Receipt</b>	5. And for other such relief as the Court deems proper and just.	
<input type="checkbox"/> <b>CI Report</b>		
<input checked="" type="checkbox"/> <b>2620(c)</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		

Continued on Page 2

**Declaration of Joseph Patrick De Los Reyes Regarding Attorney Fees and Closure of Conservatee's Bank Account** filed 05/20/15 states:

- 1) He paid, from conservatee's funds, a total of \$956.38 to the Law Office of Mina L. Ramirez and agrees to reimburse the conservatorship estate this amount.
- 2) When Merced School Employees Federal Credit Union was notified of conservatee's death, the credit union automatically closed his bank account and issued checks to the named beneficiaries, as "pay-on-death" payees. Petitioner and his sister were the named beneficiaries.
- 3) Presently, the estate's real property is in foreclosure and is scheduled for a public sale in July 2015. The property appraised for \$175,000.00. There is approximately \$167,000.00 owed on the first mortgage, and \$17,000.00 on the line of equity that the conservatee owes. Petitioner seeks the court's authority to sell the house for either the appraised value or as a short sale.

**First and Final Report of Administrator with Will Annexed on Waiver of Account and Petition for Allowance of Statutory and Extraordinary Attorney's Fees and Statutory and Extraordinary Administrator's Fees and for Final Distribution**

<b>DOD: 7/16/14</b>	<b>VICKI LYNN JONES</b> , Administrator with Will Annexed (Successor) with Limited IAEA with bond of \$160,000.00 and blocked account, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Accounting is waived	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>	I&A: \$309,034.12	
<input checked="" type="checkbox"/> <b>Inventory</b>	POH: \$227,256.05 (\$117,871.80 blocked)	
<input checked="" type="checkbox"/> <b>PTC</b>	Administrator (Statutory): \$8,885.12	
<input checked="" type="checkbox"/> <b>Not.Cred.</b>	(\$5,923.41 to Vicki Lynn Jones and \$2,961.71 to Robert Wyatt Zalenski as successor to former Executor Michelle Ann Carmody, per agreement)	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	w	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>	Administrator (Extraordinary): \$1,000.00 (for sale of residence, per Local Rule)	
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>	Attorney (Statutory): \$8,885.12	
<input checked="" type="checkbox"/> <b>Letters</b>	Attorney (Extraordinary): \$1,000.00 (for sale of residence, per Local Rule)	
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>	Costs: \$2,543.53 (filing fees, publication, certified letters, appraisal)	
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>	Closing: \$2,750.02	
<input checked="" type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>	Distribution pursuant to Decedent's will, Declaration of Robert Wyatt Zalenski under Probate Code § 13100 filed 6/2/15, and Natalee Garland's Assignment #2 filed 5/22/15:	
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input checked="" type="checkbox"/> <b>FTB Notice</b>	Vicki Lynn Jones: \$68,575.91 Natalee Garland: \$15,287.96 Keenan Joseph Gregori: \$34,287.96 Robert Wyatt Zalenski: \$65,040.43 Inheritance Funding Company, Inc.: \$19,000.00	
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 6/25/15
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 8 – Carmody</b>

Guardian Alvin Moultrie (Pro Per – Father – Guardian of the Estate)

Status RE: Receipt of Blocked Account

	ALVIN MOULTRIE, Father, was appointed Guardian of the Estate without bond on 3/24/15.	NEEDS/PROBLEMS/COMMENTS:  Continued from 5/6/15, 5/27/15
	The Court ordered \$29,750.00 to be placed into a blocked account and set this status hearing for the filing of the receipt for blocked account.	
Cont from 050615, 052715	The Court also ordered that \$435.00 be withdrawn from the blocked account for payment of the Court filing fee.	1. Need Receipt and Acknowledgment of Order for the Deposit of Money into Blocked Account (MC-356).
Aff.Sub.Wit.		2. Need Court filing fee \$435.00.
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: 6/25/15
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 9 - Moultrie

	ALVIN MOULTRIE, Father, was appointed Guardian of the Estate without bond on 3/24/15.	NEEDS/PROBLEMS/COMMENTS:  Continued from 5/6/15, 5/27/15
	The Court ordered \$29,750.00 to be placed into a blocked account and set this status hearing for the filing of the receipt for blocked account.	
	The Court also ordered that \$435.00 be withdrawn from the blocked account for payment of the Court filing fee.	3. Need Receipt and Acknowledgment of Order for the Deposit of Money into Blocked Account (MC-356).
		4. Need Court filing fee \$435.00.
Cont from 050615, 052715		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 6/25/15
		Updates:
		Recommendation:
		File 10 - Moultrie

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

<b>Age: 15</b>	<b><u>TEMPORARY EXPIRES 05/27/15</u></b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>GLORIA DUNN</b> , maternal grandmother, is Petitioner.	<b><u>CONTINUED FROM 04/15/15</u></b>
	Father: <b>MICHAEL VASQUEZ</b> – served by mail on 01/05/15 with Notice of Hearing only; Declaration of Due Diligence filed 05/11/15 and 06/09/15	1. Need proof of service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> or Consent & Waiver of Notice or Declaration of Due Diligence for:
<b>Cont. from 022515, 041515, 052715</b>	Mother: <b>KOGIAH ETHRIDGE</b> – Consent & Waiver of Notice filed 12/22/14	a. Michael Vasquez (father) – proof of service filed 01/07/15 indicates that Mr. Vasquez was served by mail with a copy of the Notice of Hearing only. Need proof of personal service with a copy of the <i>Petition</i> . <u>Declaration of Due Diligence filed 06/09/15 states that last contact with Mr. Vasquez was by phone outside the court room on 04/15/15 when he stated he was going to get a DNA test; subsequent attempts to contact him have been unsuccessful. He does not answer the phone.</u>
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Paternal grandfather: GREG BRADLEY – served by mail on 06/07/15	
<input checked="" type="checkbox"/> <b>Verified</b>	Paternal grandmother: LUPE COLLINS – served by mail on 06/07/15	
<input type="checkbox"/> <b>Inventory</b>	Maternal grandfather: JOSEPH ETHRIDGE, JR. – deceased	
<input type="checkbox"/> <b>PTC</b>	Siblings: MIKE ETHRIDGE, NYASTA THOMAS – both served by mail on 06/07/15	
<input type="checkbox"/> <b>Not.Cred.</b>	<b>Petitioner states</b> [see Petition for details].	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	<b>Court Investigator Charlotte Bien filed a report on 02/06/15.</b>	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input checked="" type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input checked="" type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input checked="" type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 06/26/15
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 11 - Ethridge</b>

Attorney Mele, James J. (for Petitioner Linda Smialowski, Executor)

**First and Final Report and Petition for Final Distribution on Waiver of Account and for Allowance of Compensation for Ordinary Services for Petitioner and Petitioner's Attorney**

<b>DOD:12/8/2014</b>	LINDA SMIALOWSKI, sister and Executor, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>Paragraph 24(a) of the Petition states the appraised value of Decedent's vehicle is <b>\$10,000.00</b>. However, the appraised value pursuant to Final Inventory and Appraisal filed 5/18/2015 shows the value as <b>\$10,500.00</b>, resulting in an incorrect statement of the value of property on hand for distribution.</li> <li>Pursuant to Probate Code § 10954(c)(1), the Petitioner's final report includes the amount of compensation payable to the attorney for the personal representative, and sets forth the basis for the determining the amount, in Paragraph 25 of the Petition. However, the statutory compensation is calculated without accounting for any loss on sale of real property, as required by Probate Code § 10800. Based upon the <i>Notice of Proposed Action</i> filed 3/12/2015, the real property valued at <b>\$145,000.00</b> sold for <b>\$133,000.00</b>, resulting in a loss on sale of <b>\$12,000.00</b>, which loss must be accounted for in the statutory compensation calculation. Need revised request for statutory compensation based upon sale of real property.</li> <li>Proposed order finds at Paragraph 25 that the compensation to which Petitioner and her attorney are entitled in <b>\$2,600.00</b>, (and contradicts that sum in the same Paragraph.) Further, the paragraph numbering is incorrect, as there are two paragraphs labeled as 24. Need revised proposed order.</li> </ol>
	Accounting is waived.	
<b>Cont. from</b>	I & A — <b>\$348,163.05</b>	
<b>Aff.Sub.Wit.</b>	POH — <b>\$261,830.98</b> <i>(\$261,830.98 is cash)</i>	
✓ <b>Verified</b>		
✓ <b>Inventory</b>	Executor — <b>waives</b>	
✓ <b>PTC</b>	Attorney — <b>\$ [?]</b> <i>(to be paid outside probate)</i>	
✓ <b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>	<b>Distribution pursuant to Decedent's Will is to:</b>	
<b>Aff.Pub.</b>	<ul style="list-style-type: none"> <li><b>LINDA SMIALOWSKI – \$ [?]</b> cash, mutual fund, and vehicle.</li> </ul>	
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b> 021815		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
✓ <b>9202</b>		
✓ <b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
✓ <b>FTB Notice</b>		
		<b>Reviewed by:</b> LEG
		<b>Reviewed on:</b> 6/26/15
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 12 - Fouty</b>

Atty Stone, Tennison Anita (Pro Per – Step-Mother – Petitioner)

Atty Finney, Breanna Marie (Pro Per – Minor – Petitioner)

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

See petition, objection for details.			NEEDS/PROBLEMS/ COMMENTS:  <u>Continued from 4/8/15, 5/20/15.</u>  1. Mailed service to the minor Nathan is insufficient. Need personal service of pursuant to Probate Code §1511 on Nathan Finney (Minor, age 16).
Cont. from 040815, 052015			
<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	X	
<input checked="" type="checkbox"/>	Aff.Mail	W	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.	W	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input checked="" 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: skc
			Reviewed on: 6/25/15
			Updates:
			Recommendation:
			File 13 – Finney

Attorney: Mark S. Poochigian, for Petitioner Nancy Valdez Mendez

(1) Petition for Orders Invalidating Power of Attorney, (2) Rescinding Purported Grant Deed, (3) Ordering Conveyance of Property, (4) Imposing Damages Under Probate Code Section 859, (5) Finding Respondent Liable for Elder Abuse, (6) Imposing Constructive Trust, and (7) Determining Entitlement to Property Under Probate Code Section 259

DOD: 10/7/2013		<p><b>NANCY VALDEZ MENDEZ</b>, daughter, is Petitioner.</p> <p><b>Petitioner states:</b></p> <ul style="list-style-type: none"> <li>On or before 8/12/2009, Decedent was diagnosed by Alex Sherriffs, M.D. with severe dementia with or of the Alzheimer's type, indicating at that time the Decedent's memory problems represented a significant threat to her safety and noting that she suffered from severe cognitive impairment overall which compromised her ability to make good judgments;</li> <li>On 7/19/2010, Decedent purportedly executed a General Power of Attorney and Nomination of Conservator (<i>copy attached as Exhibit A</i>); at the time the purported Power of Attorney was allegedly executed, the Decedent was totally impaired and lacked the requisite mental capacity to execute a power of attorney; Petitioner contends the purported Power of Attorney is invalid <i>ab initio</i>;</li> <li>The purported Power of Attorney appointed <b>JOEL VALDEZ</b> as Decedent's attorney-in-fact and provided that in the event of his inability to serve, then <b>EDNA T. VALDEZ</b> shall serve as attorney-in-fact; Joel Valdez died 2/13/2011;</li> <li>On 3/28/2012, <b>EDNA T. VALDEZ-GILMORE</b> purportedly as attorney-in-fact for Decedent purportedly executed a purported Grant Deed granting to herself real property on Turner Ave. in Fresno (<i>copy of Grant Deed attached as Exhibit B</i>);</li> <li>Petitioner requests this Court rescind and nullify the purported Grant Deed;</li> </ul> <p align="center">~Please see additional page~</p>	<p><b>NEEDS/PROBLEMS/ COMMENTS:</b></p> <p><b>Continued from 5/20/2015.</b> Minute Order states counsel advises they are in settlement discussions.</p> <p><b>Note:</b> Pursuant to Probate Code § 4152(a)(4), the authority of <b>EDNA T. VALDEZ-GILMORE</b>, attorney-in-fact under the purported power of attorney, terminated on the death of the principal.</p> <p><b>Note:</b> Petitioner <b>NANCY VALDEZ MENDEZ</b> was appointed Administrator with full IAEA with bond of <b>\$160,000.00</b> (posted 5/5/2015); Letters issued 5/5/2015.</p> <p>1. Need proposed order pursuant to Local Rule 7.1.1(F) providing that a proposed order shall be submitted with all pleadings that request relief.</p>	
Cont. from 042215, 052015				
	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			X
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 6/25/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 14 - Valdez</b></p>		

Petitioner NANCY VALDEZ MENDEZ states, continued:

- **First Cause of Action – Invalidity of Purported Power of Attorney:** Petitioner alleges that at the time of the alleged execution of the purported Power of Attorney, Decedent was not of sound mind, she was totally impaired, and lacked the requisite mental capacity to execute a power of attorney; Petitioner requests a judicial determination pursuant to Probate Code § 4541 and 4542 that the purported Power of Attorney was void *ab initio* due to the mental incapacity of the Decedent at the time of the execution of the purported Power of Attorney;
- **Second Cause of Action – Rescission and Nullification of Purported Grant Deed on the basis of the Principal's Lack of Capacity to Execute Purported Power of Attorney:** Petitioner alleges that at the time of the alleged execution of the purported Power of Attorney, Decedent was not of sound mind, she was totally impaired, and lacked the requisite mental capacity to execute a power of attorney; Petitioner requests that the purported Grant Deed be rescinded and declared null and void *ab initio* on the basis of invalidity of the purported Power of Attorney;
- **Third Cause of Action – Rescission and Nullification of Purported Grant Deed on the basis of Undue Influence in procuring the purported Power of Attorney:** Petitioner alleges the purported Power of Attorney was executed as a direct result of undue influence exerted by Joel Valdez and Edna T. Valdez-Gilmore, consisting of: making misrepresentations to Decedent and manipulated her in her compromised mental state; without notifying Decedent's family members, took advantage of her diminished capacity and surreptitiously arranged for Decedent to sign the purported Power of Attorney; Decedent was aged and infirm and suffering from dementia and as a result she was easily influenced and controlled by Joel Valdez and Edna T. Valdez, who actively procured the purported Power of Attorney as part of a pattern of conduct aimed at wrongfully gaining control of Decedent's property;
- **Fourth Cause of Action – Rescission and Nullification of Purported Power of Attorney on basis of Fraud:** By engaging in these acts, Edna T. Valdez-Gilmore made fraudulent representations to Decedent to induce her to sign the purported Power of Attorney, knowing they were false and with the intent to induce Decedent to sign the purported Power of Attorney, so that Edna could convey the Decedent's real property to herself per the purported Power of Attorney; as a result of her fraudulent acts, Petitioner has sustained damages in an amount to be proven at trial; Edna's acts were done maliciously, oppressively and with intent to defraud Decedent; punitive and exemplary damages pursuant to Civil Code § 3294 should be awarded in an amount to be proven at trial;
- **Fifth Cause of Action – Transfer of Property under Probate Code § 850:** All of Decedent's assets that Edna wrongfully obtained from Decedent should be returned to Decedent's estate, with any other benefits received during Edna's possession of assets, plus interest on the assets based on the market value at the time of death during the period Edna had the assets in her possession; Decedent died having a claim to real and personal property, including the subject real property; the Court may make an order under Probate Code § 850(a)(2)(D) directing Edna to execute a conveyance or transfer of the real property wrongfully taken by her; Edna took Decedent's property wrongfully and in bad faith; Decedent's estate is entitled to recover from Edna twice the value of the property taken pursuant to Probate Code § 859;

~Please see additional page~

Petitioner NANCY VALDEZ MENDEZ states, continued:

- **Sixth Cause of Action – Elder Abuse under Welfare & Institutions Code § 15610 et seq.:** At all relevant times Decedent was an elder as defined by W&I § 15610.27, and Edna knew or should have known Decedent was an elder and she reposed in Edna her trust and confidence; Edna usurped powers granted under purported Power of Attorney to upset what would otherwise have been distribution of Decedent's assets so Edna would receive the property and Decedent's other children would receive nothing; [W&I definition of elder abuse omitted]; Edna violated W&I § 15610.30 by wrongful acts, misrepresentations, and omissions; Edna took, secreted, misappropriated or retained Decedent's property including the subject real property, and did so to a wrongful use or with the intent to defraud Decedent; as a direct and proximate result of Edna's violations, Decedent suffered pecuniary loss in an amount to be proven at trial according to proof; **under W&I Code, the following is requested be awarded by Court to the Petitioner:** reasonable attorneys' fees and costs; punitive damages; an attachment issued (by application of writ of attachment); fine or penalty up to 3 times greater than authorized by statute; all against Edna T. Valdez-Gilmore for the unlawful acts that constitute the financial abuse committed by Edna against Decedent;
- **Seventh Cause of Action – Breach of Fiduciary Duty:** Edna Valdez-Gilmore, by virtue of purportedly being Decedent's agent under the purported Power of Attorney is a fiduciary to Decedent, and as such owed fiduciary duties to Decedent; by engaging in the acts and omissions, Edna breached her fiduciary duties owed to Decedent; as a result of Edna's breach of fiduciary duties, Decedent suffered damages, the exact amount of which will be proven at trial; the acts of Edna were done maliciously, oppressively and with the intent to defraud Decedent so that punitive and exemplary damages pursuant to Civil Code § 3294 should be awarded in an amount to be ascertained at the time of trial according to proof;
- **Eighth Cause of Action – Imposition of Constructive Trust:** By virtue of Edna's exertion of undue influence over Decedent, Respondent holds title to all assets that she received from the Decedent, including the subject real property, as well as all income derived from such assets, as constructive trustee for the benefit of the persons entitled to distribution of Decedent's estate.

**Petitioner prays for and Order of the Court:**

1. Finding the purported Power of Attorney to be invalid *ab initio*;
2. Rescinding and nullifying the purported Grant Deed;
3. Finding that Edna T. Valdez-Gilmore is liable for fraud;
4. Ordering the conveyance of all property wrongfully obtained from the Decedent by Edna T. Valdez-Gilmore, including the subject real property, back to the estate of the Decedent;
5. Imposing damages under Probate Code § 859;
6. Finding that Edna T. Valdez-Gilmore is liable for elder abuse pursuant to Welfare & Institutions Code § 15610 et seq.;
7. Imposing a constructive trust on all assets that Edna T. Valdez-Gilmore received from the Decedent, including without limitation the subject real property as well as all income derived from such assets;
8. For attorneys' fees and costs pursuant to Welfare & Institutions Code § 15610.30;
9. For punitive and exemplary damages against Edna T. Valdez-Gilmore in a sum sufficient to punish and make an example of Edna T. Valdez-Gilmore;
10. Declaring that Edna T. Valdez-Gilmore forfeited her interest in any recovery of any damages and costs awarded under this action in the Decedent's property, and that her interest shall instead be distributed as though she predeceased the Decedent without issue; and
11. Awarding attorneys' fees and costs to Petitioner.

Petitioner: Francisco Ortega (Pro Per Petitioner, paternal grandfather)  
 Petitioner: Minerva Gantes (Pro Per Petitioner, paternal grandmother)

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

		<b>NO TEMPORARY REQUESTED</b>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>Continued from 5/20/2015.</u></b>  <i>Minute Order</i> states parties are assisted in the Spanish language by Court Interpreter Crystal Avila. Examiner notes provided in open court. [Note: All issues have been addressed.]</p>
		<p><b>FRANCISCO ORTEGA and MINERVA GANTES</b>, paternal grandparents, are Petitioners.</p>	
		~Please see Petition for details~	
Cont. from		<p>Court Investigator's Report was filed on 5/12/2015.</p>	
<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	<p>Department of Social Services Social Worker's Report was filed on 5/13/2015.</p>	
<input type="checkbox"/>	Aff.Mail		
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<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
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<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
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<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			<p><b>Reviewed by:</b> LEG</p>
			<p><b>Reviewed on:</b> 6/25/15</p>
			<p><b>Updates:</b></p>
			<p><b>Recommendation:</b></p>
			<p><b>File 15 - Ortega</b></p>



**17 Eric Edward Rodriguez-Perez, Arelid Gamez & Alexander Gamez, Jr.  
(GUARD/P)**

**Case No. 15CEPR00291**

Petitioner: Jose Ricardo Rodriguez, JR (pro per)

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

		<b>TEMPORARY EXPIRES 7/1/15.</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>JOSE RICARDO RODRIGUEZ, Jr.,</b> maternal uncle, is petitioner.	<ol style="list-style-type: none"> <li>1. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice on:               <ol style="list-style-type: none"> <li>a. Edward Perez (Eric's father) – unless the court dispenses with notice.</li> <li>b. Alexander Gamez (Arelid &amp; Alexander's father) – unless the court dispenses with notice.</li> </ol> </li> <li>2. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on:               <ol style="list-style-type: none"> <li>a. Eric's paternal grandparents – Declaration of Due Diligence filed for Eric's paternal grandparents.</li> <li>b. Arelid and Alexander's paternal grandparents.</li> </ol> </li> </ol> <p><b>Note:</b> There is a proof of service filed for Alexander Gamez Mendoza, Dora Miriam Mendoza and Jose A. Gamez however it is unclear what their relationship to the minors is.</p> <ol style="list-style-type: none"> <li>3. Petition does not list the names and addresses of all paternal grandparents and the maternal grandfather.</li> </ol>
		Please see petition for details.	
<b>Cont. from 052015</b>		<b>Court Investigator Report filed on 5/12/15.</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>	X	
<input type="checkbox"/>	<b>Aff.Mail</b>	X	
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<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>	X	
<input checked="" type="checkbox"/>	<b>Conf. Screen</b>		
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<input type="checkbox"/>	<b>Objections</b>		
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<input type="checkbox"/>	<b>Aff. Posting</b>		
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<input checked="" type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by: KT</b>
			<b>Reviewed on: 6/25/15</b>
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 17 - Rodriguez &amp; Gamez</b>

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

Age: 7		<p style="text-align: center;"><b><u>NO TEMPORARY REQUESTED</u></b></p> <p>TINA UPSTILL, paternal grandmother, is petitioner.</p> <p style="text-align: center;"><b><u>Please see petition for details</u></b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:</p> <ul style="list-style-type: none"> <li>• Scott Leatherberry (Paternal Grandfather) – Unless the Court dispenses with notice.</li> </ul> <p><b>Note:</b> Declaration of Due Diligence filed 06/24/2015 states petitioner does not have any information regarding family or friends.</p> <ul style="list-style-type: none"> <li>• Shelly Booth (Maternal Grandmother) – Unless the Court dispenses with notice.</li> </ul> <p><b>Note:</b> Declaration of Due Diligence filed 06/24/2015 states petitioner does not have any information regarding family or friends.</p>	
Cont. from 052715				
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<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
<b>Reviewed by:</b> LV				
<b>Reviewed on:</b> 06/26/2015				
<b>Updates:</b>				
<b>Recommendation:</b>				
<b>File 18 - Ray</b>				

**19 Brayden Kane Hallman (GUARD/P)**

**Case No. 15CEPR00314**

Petitioner Hallman, Donna Louise (Pro Per – Paternal Grandmother)

Petitioner Hallman, Frank Marlon (Pro Per – Paternal Grandfather)

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

Age: 6		<p align="center"><b><u>NO TEMPORARY REQUESTED</u></b></p> <p><b>DONNA LOUISE HALLMAN, and FRANK MARLON HALLMAN</b>, paternal grandparents, are petitioners.</p> <p align="center"><b><u>Please see petition for details</u></b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Page #5 of the Guardianship Petition – Child Information Attachment (GC 210(CA)) which pertains to whether the child has Native American Ancestry was not completed. Need declaration with page #5 attached.</p>	
Cont. from 070115				
	Aff.Sub.Wit.			
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	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			w/
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✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: LV	
			Reviewed on: 06/29/2015	
			Updates:	
			Recommendation:	
			File 19 - Hallman	

Petitioner

Sabrina Christina Gray (Pro Per – Maternal Grandmother – Petitioner)

Attorney

Hopper, Cindy J. (for Savannah R. Ott – Mother – Objector)

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

See petition, objection for details.			<p><b>NEEDS/PROBLEMS/ COMMENTS:</b></p> <p>1. If diligence is not found, need personal service of Notice of Hearing with a copy of the petition on the father, Vincent Garza, and service on the paternal grandparents at least 15 days prior to the hearing pursuant to Probate Code §1511.</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	X	
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 6/26/15
			Updates:
			Recommendation:
			File 21 - Ott

**Petition for Appointment of Guardianship of the Person**

<b>Violet, age 14</b>		<p><b>TEMPORARY EXPIRES 07/01/2015</b></p> <p><b>MARY ANN ALEXANDER</b>, Maternal Grandmother, is Petitioner.</p> <p><u>Please see petition for details</u></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:                     <ul style="list-style-type: none"> <li>Father of Violet (Unknown) – Unless the Court dispenses with notice.</li> <li>Jamie Ann Douglas (Mother)</li> <li>Violet Douglas (Minor)</li> </ul> </li> <li>Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:                     <ul style="list-style-type: none"> <li>Paternal Grandparents of Violet</li> <li>Steve Alexander (Maternal Grandfather)</li> </ul> </li> </ol>
<b>Jade, age 3</b>			
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
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		<b>Reviewed by:</b> LV	
		<b>Reviewed on:</b> 06/29/2015	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 22 – Douglas &amp; Vasquez</b>	

**Petition for Order Confirming Trust Assets**

James DOD: 3/27/2015		<p><b>LYNN TSURU OELSNER</b>, spouse and surviving Trustee, is Petitioner.</p> <p><b>Petitioner states:</b></p> <ul style="list-style-type: none"> <li>• Petitioner has acted as sole Trustee of the <b>JAMES EDWARD OELSNER AND LYNN TSURU OELSNER LIVING TRUST dated 9/28/2010</b> since the death of Decedent (<i>copy of trust attached as Exhibit A</i>);</li> <li>• Decedent's Will distributes his entire estate to the Trust (<i>copy of will attached as Exhibit B</i>);</li> <li>• Petitioner believes the trust declaration under which she has been acting as Trustee is valid;</li> <li>• Petitioner believes that Decedent intended for all of his interest in any property, whether separate or community, be subject to the Trust;</li> <li>• Petitioner believes such intent is evidenced by listing such assets on a schedule of Trust assets, as well as by execution of an assignment clause contained in the Trust [<i>text of assignment clause omitted; see page 3-1 of Exhibit A</i>];</li> <li>• Schedule A of the Trust (<i>copy on second to last page of Exhibit A</i>) lists a <b>24%</b> interest in Padj Oelsner Properties, a Nevada Limited Liability Company; and also lists personal property, such as miscellaneous personal property including tools and furniture, and a <b>20%</b> interest in the Oelsner Children Trust;</li> <li>• Decedent also had an interest in two other entities not listed on <i>Schedule A</i> of the Trust: Oelsner Commercial Properties, LP, and Oelsner Properties, LP;</li> </ul> <p align="center">~Please see additional page~</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need original Will of Decedent to be filed with the Court pursuant to Probate Code § 8200(a)(1). <i>Petition</i> contains a copy of Decedent's Will attached as <i>Exhibit B</i>; however, Court records do not show an original Will has been deposited with the Court as required.</p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
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		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 6/26/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 23 - Oelsner</b></p>		

**Petitioner states, continued:**

- Petitioner requests that this Court confirm that Decedent's interest in those entities *[which are not listed on Schedule A]* are assets subject to her control as Trustee pursuant to the assignment of Article Three, Section 1 *[quoted in paragraph 5 of Petition but omitted from notes]*;
- The assignment language of the Trust coupled with the extrinsic evidence shows the Decedent's intent that the interests in question be determined to be assets of the Trust and under the management and control of the Trustee;
- *Exhibit C* is a Schedule of Assets and Debts dated and signed by the Decedent on 4/28/2014, which schedule confirms that Decedent's **24%** interest in Padj Oelsner Properties; it also confirms the Decedent held a **24%** interest in Oelsner Commercial Properties; and a **20%** interest in Oelsner Properties LP;
- A Schedule K-1 for the 2012 tax year for each business entity is attached as Exhibit D; those schedules also confirm the Decedent held a 24% interest in Padj Oelsner Properties; a **24%** interest in Oelsner Commercial Properties; and a 20% interest in Oelsner Properties LP;
- Petitioner believes that the Decedent's interest in the entities did not change prior to his death.

***Points and Authorities in Support of Petition for Order Confirming Trust Assets filed 5/19/2015.*****Petitioner prays for an Order that the following assets are subject to the Trust, held by Trustee on behalf of the Trust and are under the management and control of Petitioner as Trustee:**

- Decedent's **24%** interest in Padj Oelsner Properties;
- Decedent's interest in miscellaneous personal property including tools, appliances, furniture, furnishings, clothing, and sporting equipment;
- Decedent's **24%** interest in Oelsner Commercial Properties; and
- Decedent's **20%** interest in Oelsner Properties LP.

Petitioner Brandon, Craig Joseph (Pro Per Petitioner)

Petition for Probate of Will and for Letters Testamentary with IAEA

<b>DOD: 4/1/2015</b>		<p><b>CRAIG JOSEPH BRANDON</b>, son and named Executor without bond, is Petitioner.</p> <p>Full IAEA: OK</p> <p>Will Dated: 7/19/1984</p> <p>Residence: Fresno</p> <p>Publication: Business Journal</p> <p><b>Estimated value of the Estate:</b></p> <table> <tr> <td>Real property</td> <td>-</td> <td><b>\$135,000.00</b></td> </tr> <tr> <td>Personal property</td> <td>-</td> <td><b>\$ 25,000.00</b></td> </tr> <tr> <td>Total</td> <td>-</td> <td><b>\$160,000.00</b></td> </tr> </table> <p>Probate Referee: Rick Smith</p>	Real property	-	<b>\$135,000.00</b>	Personal property	-	<b>\$ 25,000.00</b>	Total	-	<b>\$160,000.00</b>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Note:</u> If <i>Petition</i> is granted, Court will set Status Hearings as follows:</p> <ul style="list-style-type: none"> <li>• Tuesday, December 1, 2015 at 9:00 a.m. in Dept. 303 for the filing of final inventory and appraisal; and</li> <li>• Thursday, September 1, 2016 at 9:00 a.m. in Dept. 303 for the filing of first account and/or petition for final distribution.</li> </ul> <p>Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.</p>
Real property	-		<b>\$135,000.00</b>									
Personal property	-		<b>\$ 25,000.00</b>									
Total	-		<b>\$160,000.00</b>									
Cont. from												
<input type="checkbox"/>	Aff.Sub.Wit. S/P											
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		Reviewed by: LEG										
		Reviewed on: 6/26/15										
		Updates:										
		Recommendation:										
		File 24 - Brandon										



Furthermore, the Trustee has failed to perform any of the duties, tasks, or responsibilities required of a trustee under the Probate Code since becoming trustee approximately six years ago.

By way of example, the Trust directs the distribution of the real property located at 4340 E. Alamos in Fresno to Petitioner upon Decedent's death. This distribution has yet to be accomplished, and Decedent's third child, MICHAEL DER TOROSIAN, has and continues to occupy the property to the exclusion of Petitioner, who is also unaware of any arrangement wherein MICHAEL DER TOROSIAN is paying rent, fair market or otherwise, for said occupancy.

Lastly, since Decedent's death, Trustee has continually occupied Decedent's property located at 127 S. Villa in Fresno. This property is currently held by Decedent's estate, and Trustee has failed to petition this Court for the confirmation of title to the property in the Trust pursuant to Decedent's pourover will. This ongoing failure to marshal trust property, coupled with Trustee's failure to pay any rent for his occupancy of the property has resulted in severe waste of the property as a valuable trust asset and extreme prejudice to Petitioner as beneficiary of the Trust.

Further complicating the administration of Decedent's trust, and demonstrating the Trustee's clear preference to advance his own interests over the beneficiaries, is the fact that the Trustee, in his supposed dual capacity as "administrator" of the Decedent's estate, attempted to transfer the 127 S. Villa property to himself via a grant deed recorded 1/30/15. The Trustee never opened a forma probate for the Decedent's estate, and thus was never officially appointed administrator by a court with proper jurisdiction.

Article Five Paragraph (D) of the trust instrument appoints Petitioner as the First Successor Trustee. Petitioner request that the Court appoint her as Trustee of the Trust without bond.

Petitioner believes that her appointment as Trustee is in the best interest of the Trust and of those persons interested in the trust estate because she is the only party appointed as successor trustee that is currently capable and willing to assume the office of Trustee and properly discharge the duties thereof.

Petitioner requests the Court order David Der Torosian to file and accounting with the Court detailing his acts as Trustee, and direct the accounting be filed no less than four weeks after the court makes its order.

Petitioner states that at the time of the execution of the Trust, Amos Der Torosian transferred to the Trust all real property and personal property owned by him, except that the real property located at 127 S. Villa in Fresno, which was purchased subsequent to the creation of the Trust.

Concurrently, with the execution of the Trust, Decedent executed a "pourover will" also dated 9/8/1999. Article THIRD Paragraphs A through C of said will directs the distribution of several items of Decedent's personal property to his three children. Paragraph D of the same article contains a pourover provision, directing the distribution of the estate residue to the Trust.

**Please see additional page**

Petitioner requests that this Court confirm that the real property located at 127 S. Villa in Fresno is an asset subject to the Trust, under the control of Petitioner as successor Trustee of the Trust.

Due to the Trustee's actions regarding the subject property, Petitioner also request that this Court order the "wild deed" recorded by the Trustee in the Fresno County Recorder's Office on 1/30/15 – purporting but failing to transfer title to the subject property to the Trustee in his individual capacity – rescind in order to restore proper chain of title.

Petitioner believes that compensation in the amount of \$2,413.50 is reasonable for attorney fees for this petition and that this amount should be charged as an expense of the trust and paid directly to the attorneys.

**Wherefore, Petitioner prays for an Order of this Court that:**

1. David Der Torosian be instructed to prepare and file with this court an accounting of the Amos Der Torosian Trust since April 8, 2009, detailing his acts as Trustee, no later than four weeks after the Court makes its order.
2. David Der Torosian be instructed to petition this court for the settlement of the account and give notice of the hearing on the petition.
3. David Der Torosian be removed as Trustee of the Amos Der Torosian Trust and Susan Patten be appointed Successor Trustee to serve without bond. The Trustee shall deliver the Trust assets to the Successor Trustee within 30 days after the issuance of the Order.
4. The wild deed recorded by the current Trustee in the Fresno County Recorder's Office on 1/30/15 – purporting but failing to transfer title to the subject property to the current Trustee in his individual capacity – be rescinded in order to restore proper chain of title for the property.
5. The real property whose legal description is attached herein as Exhibit E is an asset subject to the management and control of Petitioner Susan Patten, as Successor Trustee of the Amos Der Torosian Trust.
6. Petitioner's attorneys' fees in the amount of \$2,413.50 be paid to such attorneys directly from the trust and paid within 10 days of this order.
7. The Court order that such attorney fees and costs as may be allowable by law.

<b>DOD: 07/17/14</b>	<b>SUSAN L. DAVIS, RANDALL K. SASAKI, BETTY G. SASAKI, KELLY J. ROBERTSON, and SCOTT J. SASAKI,</b> adult children of decedent, are Petitioners.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>The Petition states that decedent had a deceased spouse. Need name and date of death of deceased spouse pursuant to Local Rule 7.1.1D.</li> <li>Will is not self-proving. (Probate Code §8220). Need Affidavit of Subscribing Witness. (Even though the Will is not technically probated, the right to succeed to the property necessarily includes a determination as to the validity of the Will.)</li> </ol>
<b>Cont. from</b>	40 days since DOD	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	No other proceedings	
<input checked="" type="checkbox"/> <b>Verified</b>	I & A - \$115,000.00	
<input type="checkbox"/> <b>Inventory</b>	Will dated 02/02/12 devises residue of estate to her 5 children.	
<input type="checkbox"/> <b>PTC</b>	Petitioners request Court determination that decedent's 100% interest in real property located at 1018 S. Riverview, Reedley, CA pass to them pursuant to decedent's will.	
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b>		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 06/26/15
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 26 – Sasaki</b>

<b>DOD: 09/30/14</b>		<p><b>DON LEMLEY</b> and <b>LINDA JENVEY</b>, adult children of the decedent, are Petitioners, are request appointment as Co-Administrators without bond.</p> <p>Full IAEA – ok</p> <p>Decedent died intestate</p> <p>Residence: Fresno Publication: The Business Journal</p> <p><b>Estimated Value of the Estate:</b> Personal property - \$500,000.00</p> <p>Probate referee: <b>RICK SMITH</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. The Petition indicates that the decedent had a deceased spouse. Need name and date of death of deceased spouse pursuant to Local Rule 7.1.1D.</p>
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b> w/		
<input type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 06/29/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 27 - Lemley</b></p>	

Petition to Determine Succession to Real Property

<b>DOD: 5/28/06</b>	<b>EILEEN COOK</b> , spouse, & <b>CHRISTOPHER COOK, KEVIN COOK,</b> <b>JULIE BRIGGS &amp; KELLEY BARR,</b> children, are petitioners.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	40 days since DOD.	
<input checked="" type="checkbox"/> <b>Verified</b>	No other proceedings.	
<input checked="" type="checkbox"/> <b>Inventory</b>	Decedent died intestate.	
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	I & A - \$145,000.00	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> W/	<b>Petitioners request</b> Court Determination that Decedent's 50% interest in real property located at 2567 E. El Paso in Fresno passes to them 1/3 to Eileen Cook and 1/6 each to Christopher Cook, Kevin Cook, Julie Briggs and Kelley Barr, pursuant to intestate succession.	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> KT
		<b>Reviewed on:</b> 6/29/15
		<b>Updates:</b>
		<b>Recommendation:</b> SUBMITTED
		<b>File 28 - Cook</b>

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under the IAEA

<b>DOD: 1/15/15</b>	<b>GARY KIEHL</b> is petitioner and requests appointment as executor without bond.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. There is already an estate opened for this decedent. Daughter, Sarah Ognibene, was appointed Administrator on 5/13/15 in case number, 15CEPR00352. 2. It appears that decedent's last name is spelled incorrectly. Will has her last name spelled Ropolo. It is also listed at Ropolo in case no. 15CEPR00352. 3. Need Original Will 4. Need proof of holographic instrument. 5. Will does not name an executor therefore Petitioner should have petitioned to be appointed as Administrator with Will Annexed. 6. Petition does not contain a typed copy of the Will. Probate Code §8002(b)(1). 7. Petitioner is not listed at #8, as required. 8. Petition does not identify the relationship to the decedent of those listed at #8
<b>Cont. from</b>	Full IAEA – o.k.	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Holographic Will dated: 4/10/10.	
<input checked="" type="checkbox"/> <b>Verified</b>	Residence: Fresno	
<input type="checkbox"/> <b>Inventory</b>	Publication: Fresno Business Journal	
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input type="checkbox"/> <b>Notice of Hrg</b>	<b>Estimated value of the estate:</b>	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> W/	Personal property -      \$ 20,000.00	
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>	Real property            - <u>\$275,000.00</u>	
<input type="checkbox"/> <b>Sp.Ntc.</b>	<b>Total</b> - <b>\$295,000.00</b>	
<input type="checkbox"/> <b>Pers.Serv.</b>	<b>Probate Referee: Rick Smith</b>	
<input type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> KT
		<b>Reviewed on:</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 29 - Ropollo</b>

**31A Nellie Mae Eldridge (Estate) Case No. 05CEPR00552**

Atty Milnes, Michael A. (for Judy Riley – former Executor/Petitioner)

First and Final Acct. and Report of Former Executor and Petition for its Settlement, and

Petition for Approval of Preliminary Distribution

<b>DOD: 06/13/03</b>	<b>JUDY RILEY</b> , former Executor, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Account period: <b>09/06/05 – 07/15/14</b>	<b>CONTINUED FROM 06/23/15</b>
	Accounting - <b>\$140,531.12</b>	Minute order from 06/23/15 states: Ms. Kruthers confirms that Mr. Diebert was paid in full for his services. The Court orders that Judy Riley pay the ordered \$1,000.00 sanction by noon on 06/24/15. The Public Administrator is relieved and discharged.
<b>Cont. from 042115, 051915, 062315</b>	Beginning POH - <b>\$140,000.00</b>	
	Ending POH - <b>\$0.00</b>	
<b>Aff.Sub.Wit.</b>	Executor - <b>waived</b>	
✓ <b>Verified</b>	Attorney - <b>waived</b>	
✓ <b>Inventory</b>	<b>Petitioner states</b> that the only asset of the estate was real property appraised at \$140,000.00 ( <i>I &amp; A, final, filed 05/14/15 - \$140,000.00</i> ). Petitioner states that the real property was sold on 09/20/05 and the proceeds of the sale were distributed in equal shares to the heirs, pursuant to decedent's will, as follows:	<b>Note:</b> Per Substitution of Attorney filed 06/19/15, Judy Riley is now representing herself in pro per.
✓ <b>PTC</b>	Glenn Milliorn - \$17,082.06	
✓ <b>Not.Cred.</b>	Robert Milliorn - \$17,082.06	
✓ <b>Notice of Hrg</b>	Roger Milliorn - \$17,082.06	
✓ <b>Aff.Mail</b> w/	Kathy Jones - \$17,082.06	
<b>Aff.Pub.</b>	Judy Riley - \$17,082.08	
<b>Sp.Ntc.</b>	<b>Petitioner prays for an Order that:</b>	
<b>Pers.Serv.</b>	1. The First and Final Account of Petitioner be settled, allowed and approved as filed;	
<b>Conf. Screen</b>	2. All acts and proceedings of the Petitioner as Executor be confirmed and approved; and	
<b>Letters</b> 09/06/05	3. For such other orders the Court considers proper.	
<b>Duties/Supp</b>		<b>Reviewed by:</b> JF
<b>Objections</b>		<b>Reviewed on:</b> 06/26/15
<b>Video Receipt</b>		<b>Updates:</b>
<b>CI Report</b>		<b>Recommendation:</b>
✓ <b>9202</b>		<b>File 31A - Eldridge</b>
✓ <b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b> n/a		

**31B Nellie Mae Eldridge (Estate) Case No. 05CEPR00552**

**Atty Milnes, Michael (for Judy Riley – former Executor/Petitioner)**

**Status RE: Payment of the \$1000.00 Sanction by Ms. Riley**

		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p style="text-align: center;"><b><u>OFF CALENDAR</u></b>  <b>Sanctions paid on 06/24/15</b></p>
Cont. from		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	
		Reviewed by: JF
		Reviewed on: 06/26/15
		Updates:
		Recommendation:
		File 31B - Eldridge

**31B**

<b>DOD: 1-12-89</b>	<p><b>MARY ELLEN RODRIGUEZ and DOLORES TRUJILLO</b>, Daughters, were appointed as Co-Administrators without IAEA and with bond of \$8,000.00 on 1-16-1990.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note: On 2-23-15, the Court confirmed the sale of real property and set status hearing for receipt of the proceeds into a blocked account (Page B).</b></p> <p><b>Minute Order 6/24/15: Counsel represents that escrow did not close and funding has not yet occurred.</b></p>																																														
	<p>Bond was filed and Letters issued on 1-17-1990.</p>	<p><b>1. Need Petition for Final Distribution or current written status report</b> pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>																																														
<p>Cont. from 081414, 100214, 110614, 121814, 020215, 022315, 032515, 040115, 042915, 052015, 062415</p>	<p>Bond was filed and Letters issued on 1-17-1990.</p> <p>Nothing further was filed.</p>																																															
<table border="1"> <tr><td><b>Aff.Sub.Wit.</b></td><td></td></tr> <tr><td><b>Verified</b></td><td></td></tr> <tr><td><b>Inventory</b></td><td></td></tr> <tr><td><b>PTC</b></td><td></td></tr> <tr><td><b>Not.Cred.</b></td><td></td></tr> <tr><td><b>Notice of Hrg</b></td><td></td></tr> <tr><td><b>Aff.Mail</b></td><td></td></tr> <tr><td><b>Aff.Pub.</b></td><td></td></tr> <tr><td><b>Sp.Ntc.</b></td><td></td></tr> <tr><td><b>Pers.Serv.</b></td><td></td></tr> <tr><td><b>Conf. Screen</b></td><td></td></tr> <tr><td><b>Letters</b></td><td></td></tr> <tr><td><b>Duties/Supp</b></td><td></td></tr> <tr><td><b>Objections</b></td><td></td></tr> <tr><td><b>Video Receipt</b></td><td></td></tr> <tr><td><b>CI Report</b></td><td></td></tr> <tr><td><b>9202</b></td><td></td></tr> <tr><td><b>Order</b></td><td></td></tr> <tr><td><b>Aff. Posting</b></td><td></td></tr> <tr><td><b>Status Rpt</b></td><td></td></tr> <tr><td><b>UCCJEA</b></td><td></td></tr> <tr><td><b>Citation</b></td><td></td></tr> <tr><td><b>FTB Notice</b></td><td></td></tr> </table>	<b>Aff.Sub.Wit.</b>		<b>Verified</b>		<b>Inventory</b>		<b>PTC</b>		<b>Not.Cred.</b>		<b>Notice of Hrg</b>		<b>Aff.Mail</b>		<b>Aff.Pub.</b>		<b>Sp.Ntc.</b>		<b>Pers.Serv.</b>		<b>Conf. Screen</b>		<b>Letters</b>		<b>Duties/Supp</b>		<b>Objections</b>		<b>Video Receipt</b>		<b>CI Report</b>		<b>9202</b>		<b>Order</b>		<b>Aff. Posting</b>		<b>Status Rpt</b>		<b>UCCJEA</b>		<b>Citation</b>		<b>FTB Notice</b>		<p>The open estate was discovered and the Court set this status hearing.</p> <p>The I &amp; A was filed 10-1-14, showing the estate value at \$30,000.00.</p>	
<b>Aff.Sub.Wit.</b>																																																
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		<p><b>Reviewed by: skc</b></p> <p><b>Reviewed on: 6-26-15</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 32A – Rodriguez</b></p>																																														

<b>DOD: 1-12-89</b>	<b>DOLORES TRUJILLO</b> , Daughter, is the sole remaining Administrators without IAEA and with bond of \$8,000.00.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from 032515, 042915, 052015</b>	On 2-23-15, the Court confirmed the sale of real property and ordered the net proceeds of \$12,000.00 to be deposited into a blocked account.	<b>Minute Order 6/24/15: Counsel represents that funding has not yet occurred; she hopes to file a receipt for the blocked account tomorrow. The Court admonishes that if the money is not placed into a blocked account, then the Court will consider invalidating the sale. Continued to 7/1/15.</b>
Aff.Sub.Wit.	The Court set this status hearing for the filing of the receipt for blocked account.	<b>1. Need receipt for blocked account (MC-356).</b>
Verified	<b>Status Report filed 3-24-15 states</b> the petitioner has attempted to open the blocked account. The first time, she was incorrectly informed by a teller that she could not open one under these circumstances. After the attorney personally contacted the branch manager, he determined there was a miscommunication and assured the attorney that he would personally assist the petitioner when she returned. When she returned, she was informed that they would not open the account without a certified copy of the death certificate. Petitioner then proceeding to obtain a certified copy of the death certificate and returned to the bank the following week. However, without consulting Counsel, Petitioner intended to have the buyer wire funds into the account and did not have a check in hand at the bank. The bank informed Petitioner that the money had to be deposited when the account was opened. Petitioner has no vehicle and the buyer has been taking time from work to transport to the bank for this transaction. As such, Petitioner has not yet returned to the bank.	<b>Reviewed by: skc</b>
Inventory	As the procedure at Chase Bank is to allow the legal department a minimum of 7-10 business days to review a Receipt and Acknowledgment form, an additional 30 days is respectfully requested to allow Petitioner to schedule another trip to the bank with the buyer and to allow the bank to review and file the receipt.	<b>Reviewed on: 6-26-15</b>
PTC	The First and Final Account and Petition for Final Distribution is ready for filing as soon as the funds are deposited. Counsel respectfully requests an additional 30 days for the filing of this petition as well.	<b>Updates:</b>
Not.Cred.		<b>Recommendation:</b>
Notice of Hrg		<b>File 32B - Rodriguez</b>
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		

Atty  
Atty  
Atty

LeVan, Nancy J. (for Administrator Lorena Garcia)  
Hastrup, John W. (also for Lorena Garcia)  
Littlewood, William (for Omega Ochoa Garcia – Surviving Spouse)  
Status Conference Re: Litigation & Mediation

<b>DOD: 2-7-07</b>	<b>LORENA GARCIA</b> , Daughter is Administrator with limited IAEA without bond. Letters issued 7-21-08.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Minute Order 6/24/15: Mr. Hastrup will be seeking to invalidate the settlement agreement, with his client returning the \$1,000.00, and not accepting the remaining \$50,000.00 of the offer.</b>
<b>Cont. from 042613, 083013, 013014, 050114, 100214, 120414, 041615, 061115</b>	<b>On 7-14-09</b> , the Court approved a settlement agreement between Administrator (daughter) and Omega Ochoa Garcia (surviving spouse) and allowed continuation of estate administration pending certain issues: <b>1)</b> Retrial of the damages portion of Civil Case # 04CECG03607 Garcia v. Roberts; and <b>2)</b> Receipt of proceeds due from an eminent domain matter	
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>	<b>On 10-4-11</b> (the 7 <sup>th</sup> status hearing regarding retrial of the damages issue), Attorney Emerzian advised the Court that a motion for a new trial was denied and an appeal has been filed, and that deposits need to be made.	
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>	<b>Status Report filed 8-27-13 states</b> the estate is currently in a holding pattern pending the outcome of the appeal of the civil matter which holds the bulk of the estate property. There have been no funds received into the estate from the \$184,798 awarded in 7/2011 due to the appeal on behalf of the Roberts. The personal property listed on the inventory is currently in the possession of Omega Garcia (spouse). Until the civil matter is decided, we do not know what the final I&A amount will be.	
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>	<b>Status Report filed 11-24-14 states</b> an email from Attorney Littlewood of McComrick Barstow, who handled the civil litigation regarding the real property and is also handling enforcement of the judgment with the Sheriff's Dept., on 11-20-14 stated that the Writ of Execution and instructions have been submitted to the sheriff. To date, the Sheriff has not issued a Notice of Sale, and calls to the Sheriff's Dept. have gone unreturned. Attorney Littlewood's colleague, John Hastrup, will attend the hearing on 12-4-14 to give the Court information.	
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>	<b>Status Report filed 4-14-15 states</b> Attorney John Hastrup is now handling enforcement of the judgment with the Sheriff's Department. The Court ordered the Roberts to appear 5-14-15 and show cause why their property should not be sold to satisfy the judgment. Nothing further can happen until after that date. Ms. LeVan therefore requests a 60 day continuance.	
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>	<b>Status Report filed 6-9-15 states</b> the hearing on the OSC in 04CECG03607 was continued to 6-25-15. Therefore, a 60 day continuance is requested.	
<b>FTB Notice</b>		
		<b>Reviewed by: skc</b>
		<b>Reviewed on: 6/26/15</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 33 - Garcia</b>