

Probate Status Hearing Re: Failure to File the Inventory and Appraisal and for Failure to File a First Account or Petition for Final Distribution

DOD: 06/13/2003	RICHARD MONIZ and HELEN MONIZ , were appointed Executors with full IAEA authority without bond on 09/30/2002.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order of 05/30/2014: No appearances. The Court sets the matter for an Order to Show Cause on 07/07/2014 regarding failure to appear. The Court orders Michael Milnes to be personally present on 07/07/2014.</p> <p>Copy of Minute Order mailed to Michael Milnes on 06/02/2014.</p> <p>Minute Order of 02/07/2014: No appearances. Mr. Milnes is directed to contact his clients regarding this matter.</p> <p>Copy of Minute Order mailed to Michael Milnes on 03/06/2014.</p> <p>1. Need Final Inventory and Appraisal and First Account or Petition for Final Distribution or current written status report 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>
	Letters issued on 02/23/2004.	
Cont. from 020714, 032814, 053014	Inventory and Appraisal was due 02/23/2004.	
Aff.Sub.Wit.	First Account or Petition for Final Distribution was due on 11/2004.	
Verified	Notice of Status Hearing was mailed to Michael Milnes, Attorney, Richard Moniz, and Helen Moniz on 11/20/2013.	
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 on: 07/01/2014
		Updates:
		Recommendation:
		File 1A – Gracie

Order to Show Cause Re: Failure to Appear

	RICHARD MONIZ and HELEN MONIZ , were appointed Executors with full IAEA authority without bond on 09/30/2002.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	Minute Order of 05/30/2014: No appearances. The Court sets the matter for an Order to Show Cause on 07/07/2014 regarding failure to appear. The Court orders Michael Milnes to be personally present on 07/07/2014.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	Notice of Order to Show Cause was mailed to Attorney Michael Milnes on 06/02/2014.	
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: LV
		Reviewed on: 07/01/2014
		Updates:
		Recommendation:
		File 1B - Gracie

Probate Status Hearing Re: Failure to File the Inventory and Appraisal and or Failure to File a First Account or Petition for Final Distribution

DOD: 7-23-04	<p>CRAIG ADAMS, Son, was appointed as Administrator with Full IAEA without bond on 3-29-05 and Letters issued on 3-30-05.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Need Inventory and Appraisal pursuant to Probate Code §8800. Need accounting and petition for final distribution pursuant to Probate Code §12200.
Cont From 021414, 053014		
Aff.Sub.Wit.	<p>The original petition alleged real property valued at \$105,000.00, but encumbered for \$90,000.00.</p>	<p>Note: Pursuant to Assignment of Interest filed 3-30-05 by Terry Adams, Administrator Craig Adams appears to be the sole heir of the estate. However, the estate must be properly closed with notice as appropriate.</p>
Verified		
Inventory	<p>However, no Inventory and Appraisal was ever filed pursuant to Probate Code §8800.</p>	<p>Note: On 4-25-14, Attorney Val Dornay submitted a Request for Dismissal; however, dismissal cannot be entered because Letters have issued. Therefore, a report of administration is required with noticed hearing. See Probate Code §12200.</p>
PTC		
Not.Cred.	<p>No accounting or petition for final distribution was ever filed pursuant to Probate Code §12200.</p>	<p>Note: On 6-26-14, Attorney Dornay again submitted a Request for Dismissal. Again, dismissal cannot be entered because Letters have issued.</p>
Notice of Hrg		
Aff.Mail	<p>The Court set this status hearing for failure to file Inventory and Appraisal and failure to file accounting or petition for final distribution. Both attorney and personal representative are ordered to appear.</p>	<p>Note: On 7-3-14, Attorney Dornay again submitted a Request for Dismissal, <u>ex parte</u>, along with a declaration. As previously explained: Because Letters have issued, administrative dismissal on an ex parte is not an option. A noticed petition is required to terminate proceedings.</p>
Aff.Pub.		
Sp.Ntc.	<p>Notice of Status Hearing was mailed to Attorney Val J. Dornay and Craig Adams on 11-21-13.</p>	<p>Reviewed by: skc</p>
Pers.Serv.		
Conf. Screen	<p>Note: The Notice to Administrator Craig Adams was returned by the Post Office, unable to forward.</p>	<p>Reviewed on: 7-1-14</p>
Letters		
Duties/Supp		<p>Updates: 7-3-14</p>
Objections		
Video Receipt		<p>Recommendation:</p>
CI Report		
9202		<p>File 2A – Adams</p>
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Order to Show Cause Re: Failure to Appear

	CRAIG ADAMS , Son, was appointed as Administrator with Full IAEA without bond on 3-29-05 and Letters issued on 3-30-05.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Mr. Dornay has twice attempted to use the Request for Dismissal Judicial Council Form CIV-110 to dismiss the matter. However, the matter cannot be administratively dismissed because Letters have issued. Therefore, the estate must be properly closed, with petition, hearing and appropriate notice to all entitled thereto.</p>
	The original petition alleged real property valued at \$105,000.00, but encumbered for \$90,000.00.	
Aff.Sub.Wit.		
Verified		
Inventory	However, no Inventory and Appraisal was ever filed pursuant to Probate Code §8800.	
PTC		
Not.Cred.		
Notice of Hrg	No accounting or petition for final distribution was ever filed pursuant to Probate Code §12200.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	The Court set status hearing for failure to file Inventory and Appraisal and failure to file accounting or petition for final distribution. Both attorney and personal representative are ordered to appear on 2-14-14.	
Conf. Screen		
Letters	Note: The notice to the Administrator was returned by the post office.	
Duties/Supp		
Objections		
Video Receipt		
CI Report	On 2-14-14, the status hearing was continued to 5-30-14; however, Mr. Dornay did not appear on that date and the Court set this Order to Show Cause Re Failure to Appear.	
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 7-1-14
		Updates:
		Recommendation:
		File 2B - Adams

3A Paul Harvey Wallace (Estate)
Atty Donaldson, Larry A. (pro per – former Executor)
Atty Kruthers, Heather H. (for Public Administrator – successor Administrator)

Case No. 08CEPR00294

Amended Trust Accounting for 2007, 2008, 2009, 2010, 2011, 2012 and Partial Accounting 2013

DOD: 06/22/07	<p>LARRY A. DONALDSON, friend, was appointed as Executor without bond on 05/27/08 and Letters were issued on 06/18/08.</p> <p>The Court accepted Mr. Donaldson's withdrawal as executor on 7/26/1 and appointed the Public Administrator. Letters of Administration were issued to the Public Administrator on 08/01/13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 05/05/14 Minute Order from 05/05/14 states: Mr. Rindlisbacher is substituting in as counsel for Larry Donaldson.</p> <p>1. The accounting does not comply with the Probate Code, specifically the format for accountings outlined in Probate Code §1060. In addition the accounting appears to be for the Paul Harvey Wallace Trust. The Paul Harvey Wallace Trust is not before the court. Mr. Donaldson needs to file an accounting for the Estate of Paul Harvey Wallace.</p>
Cont. from 040714, 050514		
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: 07/02/14	
	Updates:	
	Recommendation:	
	File 3A – Wallace	

3B Paul Harvey Wallace (Estate)

Case No. 08CEPR00294

Atty Donaldson, Larry A. (former Executor)

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

Order to Show Cause Re: Failure to Appear; Imposition of Sanctions in the Amount of \$600.00

DOD: 06/22/07	<p>LARRY A. DONALDSON, friend, was appointed as Executor without bond on 05/27/08 and Letters were issued on 06/18/08.</p> <p>On 07/26/13, LARRY DONALDSON resigned as Executor and the PUBLIC ADMINISTRATOR, was appointed as Administrator. Letters of Administration were issued to the Public Administrator on 08/01/13.</p> <p>Minute order from 12/05/13 set this matter for an Order to Show Cause and states: The Court sets the matter for an Order to Show Cause on 01/02/14 regarding Larry Donaldson's failure to appear and imposition of sanctions in the amount of \$600.00. The Court sets a further Order to Show Cause on 01/02/14 regarding Larry Donaldson's failure to provide information to the successor administrator timely and imposition of sanctions in the amount of \$800.00. Larry Donaldson is ordered to be personally present on 01/02/14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 05/05/14</u></p>
Cont. from 010214, 013014, 022014, 041714, 050514		
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: 07/02/14
		Updates:
		Recommendation:
		File 3B – Wallace

3B

3C Paul Harvey Wallace (Estate)

Case No. 08CEPR00294

Atty Donaldson, Larry A. (former Executor)

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

Order to Show Cause Re: Failure to Provide Information to the Successor Administrator Timely; Imposition of Sanctions in the Amount of \$800.00

DOD: 06/22/07	<p>LARRY A. DONALDSON, friend, was appointed as Executor without bond on 05/27/08 and Letters were issued on 06/18/08.</p> <p>On 07/26/13, LARRY DONALDSON resigned as Executor and the PUBLIC ADMINISTRATOR, was appointed as Administrator. Letters of Administration were issued to the Public Administrator on 08/01/13.</p> <p>Minute order from 12/05/13 set this matter for an Order to Show Cause and states: The Court sets the matter for an Order to Show Cause on 01/02/14 regarding Larry Donaldson's failure to appear and imposition of sanctions in the amount of \$600.00. The Court sets a further Order to Show Cause on 01/02/14 regarding Larry Donaldson's failure to provide information to the successor administrator timely and imposition of sanctions in the amount of \$800.00. Larry Donaldson is ordered to be personally present on 01/02/14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 05/05/14</u></p>
Cont. from 010214, 013014, 022014, 050514		
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: 07/02/14
		Updates:
		Recommendation:
		File 3C – Wallace

3C

Probate Status Hearing Re: Failure to File First Account or Petition for Final Distribution

DOD: 06/22/07	LARRY A. DONALDSON , friend, was appointed as Executor without bond on 05/27/08 and Letters were issued on 06/18/08.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 05/05/14 Minute Order from 05/05/14 states: Mr. Rindlisbacher is substituting in as counsel for Larry Donaldson.</p> <p>Note: Minute order from 07/26/13 states: Mr. Donaldson advises the Court that he filed a status statement yesterday. He further advises that the accounting is being done however he may have a conflict which may require another attorney to complete the work in this matter. The Court on its own motion accepts Mr. Donaldson's withdrawal as Executor in this matter and appoints the Public Administrator. Mr. Donaldson is directed to contact Ms. Kruthers.</p> <p>Note: Letters of Administration were issued to the Public Administrator on 08/01/13.</p> <p>As of 07/02/13, the following remains outstanding:</p> <ol style="list-style-type: none"> 1. Need Final Inventory & Appraisal. 2. Need Accounting and/or Petition for Final Distribution.
Cont. from 050514	Notice of Status Hearing filed 11/28/12 set this matter for status. Clerk's Certificate of Mailing states that the Notice of Status Hearing was mailed to Larry A. Donaldson on 10/19/12.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	Declaration of Beneficiary Laura Leonard re Probate Status Hearing – Failure to File First Account or Petition for Final Distribution filed 01/13/11 states: she and her brother (both beneficiaries of the estate) have made many written and verbal requests to Mr. Donaldson requesting an accounting and for their father's estate be brought to a close. Ms. Leonard states that Mr. Donaldson has ignored their requests and repeatedly failed to communicate with them regarding the estate. Ms. Leonard and her brother had an attorney, Frederick Borges, contact Mr. Donaldson on their behalf to request that he move forward with the estate. Mr. Donaldson responded that he would move forward, but has failed to do so. Ms. Leonard states that she and her brother have also made a complaint to the state bar of California regarding Mr. Donaldson's failure to act. Ms. Leonard states that after all of these efforts, Mr. Donaldson recently provided them with a sloppy, incomplete "accounting", however several years' worth of information is absent and many of the transactions are questionable. Declarant further states that she and her brother were supposed to receive a distribution in early January, but have not received anything.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice	<p>Inventory & Appraisal, partial no. 1 filed 07/24/13 - \$1,619,273.76</p> <p>Clerk's Certificate of Mailing filed 10/08/13 states that a copy of the Minute Order from 10/04/13 was mailed to Larry Donaldson on 10/08/13.</p> <p style="text-align: center;">Continued on Page 2</p>	
		Reviewed by: JF
		Reviewed on: 07/02/14
		Updates:
		Recommendation:
		File 3D – Wallace

Report Regarding Status of Estate filed 11/27/13 states: At a hearing on 07/26/13, the Court accepted Larry Donaldson's resignation as Administrator and appointed the Public Administrator. According to the 07/26/13 minute order, Mr. Donaldson advised that the accounting was being done, however a conflict that may require another attorney to complete the work has come up. No accounting has been filed. Mr. Donaldson was not returning calls to the Public Administrator, who called him weekly on Wednesdays. He finally answered a call made from a personal cell phone. At a hearing on 10/04/13, Judge Hamilton ordered Mr. Donaldson to be present at the continued hearing on 10/25/13. Mr. Donaldson did not appear on 10/25/13. The Public Administrator advised the Court that all estate assets had been liquidated and rolled into a trust, of which Mr. Donaldson is the trustee. Despite requests by the Public Administrator, a copy of the trust has not been provided. The Public Administrator is concerned about the assets considering they have not yet been accounted for in the estate.

According to the Inventory & Appraisal filed by Mr. Donaldson on 06/24/13, the estate's value was \$1,619,273.76. The Public Administrator has not been able to access the Bank of America or Security First Bank accounts. He filed and was granted an ex parte order directing financial institutions to provide access to and information regarding all accounts held by the estate or trust of the decedent. The Public Administrator has made several attempts to locate a company whereby "Person Education Publication Royalties" are paid. According to attachment 2 to the Inventory & Appraisal, future royalties will be paid to the estate. There are two timeshares listed, and the Public Administrator has asked Chicago Title to determine the status of these properties. The real property, valued at \$750,000.00 was reportedly sold for \$600,000 and the proceeds placed into a Bank of America bank account. The Public Administrator believes that Mr. Donaldson should once again be ordered to appear before this Court to account for all assets listed on the Inventory & Appraisal that he filed. He should also be ordered to provide a copy of the Trust and an accounting of those assets to the Public Administrator.

Status Conference Statement filed 01/17/14 by Larry Donaldson, former Executor, states:

1. He retained an accounting firm to prepare an accounting for the estate in August 2013.
2. The accounting firm has indicated that they believe the accounting can be completed by 01/28/14.
3. Several months ago, he provided the beneficiaries a bank ledger showing all income and expenditures for both the Bank of America and Security First Bank accounts pending the filing of an official accounting.
4. He has provided original estate documents to the accounting firm and therefore does not have personal possession of the documents in order to be able to prepare an accounting himself.
5. He requests a short continuance to allow him to file an accounting, he believes he should be able to have it filed on or before 01/31/14.

Petition to Reduce Amount of Bond

Age: 88 years	<p>IRENE V. SANTOS, daughter and Conservator of the Person and Estate, is Petitioner.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
		<p>1. <i>Proof of Service by Mail</i> filed 7/1/2014 indicates the list of persons served is continued on an attachment; however, no attachment is included. Need proof of service of notice by mail to the following persons:</p>
Cont. from	<p>Petitioner states:</p>	<p>• Marina E. Santos;</p>
Aff.Sub.Wit.	<p>• Petitioner filed a bond in the amount of \$123,895.20 on an estate that was valued at \$164,620.32 according to the <i>Final Inventory and Appraisal</i> filed on 3/7/2013;</p>	<p>• Camille L. Santos;</p>
✓ Verified	<p>• The estimated value of the estate was based on personal property valued at \$84,620.32, and real property valued at \$80,000.00; annual gross income from Conservatee from Social Security is \$11,112.00;</p>	<p>• Michael R. Novak;</p>
Inventory	<p>• The bond in the amount of \$123,895.20 based on the value of the estate as of 6/1/2014 is excessive; the estate has been reduced significantly because:</p>	<p>• Ashley E. Novak;</p>
PTC	<p>(1) The Conservatee has needed homecare at the cost of \$2,000.00 per month for a year;</p>	<p>• Kelly M. Novak.</p>
Not.Cred.	<p>(2) For the past year and a half the Conservatee has lived in an assisted living facility center with the average monthly cost of \$7,500.00;</p>	<p>2. Need proposed order.</p>
✓ Notice of Hrg	<p>(3) There have been expenses of \$10,000.00 to pay off the encumbrance on the 1993 Fleetwood RV, and various other estate related expenses;</p>	<p>Note: <i>Status Hearing Re Filing of the First Account</i> is set for 7/11/2014 (continued from 4/4/2014.) It appears this <i>Petition to Reduce Bond Amount</i> need not have been a separately filed petition incurring a \$435.00 filing fee and attorney fees to be paid from Conservatee's estate, but rather could have been a request addressed at the time of the first account which is anticipated to be filed by 7/11/2014. If the <i>Petition</i> is granted, Court may wish to change the 7/11/2014 <i>Status Hearing Re Filing of the First Account</i> to the following date based upon the Petitioner's request for reduced bond requiring another Status Hearing to be set for proof of filing reduced bond:</p>
✓ Aff.Mail	<p>• If the current reduced value of the estate assets is used as the basis for the amount of bond, the bond required should be \$35,000.00, which is the pro-rata and reasonable sum based on the present value of the estate of around \$42,000.00, which is being extinguished rather excessively.</p>	<p>• Thursday, August 7, 2014 at 9:00 am in Dept. 303 for filing proof of reduced bond; and filing of the first account of the Conservatorship.</p>
Aff.Pub.	<p>Petitioner prays for an order (1) Reducing the amount of bond required to \$35,000.00 or less; and (2) Allowing the [\$435.00] incurred filing fee for this petition to be charged to the estate.</p>	<p>Reviewed by: LEG</p>
Sp.Ntc.		<p>Reviewed on: 7/1/14</p>
Pers.Serv.		<p>Updates:</p>
Conf. Screen		<p>Recommendation:</p>
Letters		<p>File 4 - Murillo</p>
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order	X	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

DOD: 2-23-09		DYANNA MATTHEWS , Executor With Limited IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <ol style="list-style-type: none"> The sale price is approx. 80% of the reappraised value. Pursuant to Probate Code §10309, the sale price must be at least 90% of the valuation provided within the past year. Notice of Hearing was sent to the buyers "c/o" their real estate agent. Notice "care of" another person is not sufficient. Direct notice to the person entitled thereto is required pursuant to Probate Code §10308(c) and Cal. Rules of Court 7.51. It appears that the posting required by Probate Code §§ 10308 and 1230 was accomplished by the Probate Clerk's Office on 6-27-14, which is only 10 days prior to the hearing rather than the 15 days required by Probate Code §1230. If this matter goes forward on 7-7-14, the Court may wish to determine if the shortened time for posting is appropriate pursuant to Probate Code §10302 and so note for the record, or alternatively may require continuance for proper notice under this section. Petitioner does not state the manner of vesting title for the buyers at #4a of the petition. Need clarification. Petitioner resides in St. George, Utah. Petitioner requests to deposit the proceeds of the sale into a blocked account at Wells Fargo in St. George, Utah. However, the Court may require bond at this time. Need Order Confirming Sale of Property DE-265. Need Order to Deposit Money into Blocked Account MC-355. <p>Note: If granted, the Court will set a status hearing for the filing of the receipt for blocked account (MC-356) or bond in the amount of the net proceeds plus the \$6,033 as reflected on the I&A filed 9-16-13 as follows:</p> <ul style="list-style-type: none"> Monday 8-25-14 <p>If the appropriate item is filed, the status hearing may be taken off calendar.</p> <p>Reviewed by: skc</p> <p>Reviewed on: 7-1-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5 - Brazeal</p>
		Sale price: \$125,000.00 Overbid: \$131,750.00	
	Aff.Sub.Wit.	Reappraisal: \$156,000.00	
✓	Verified	Property: 1571 Tollhouse Lane Clovis, CA 93611	
✓	Inventory	Publication: N/A (Sale authorized by will)	
	PTC	Buyers: Trace Pafford and Tamrah L. Pafford (vesting not provided)	
	Not.Cred.	Broker: 6% or \$7,500.00, to be split 50% to Realty Concepts, Ltd., and 50% to Guarantee Real Estate	
✓	Notice of Hrg	Petitioner states the property was placed on the MLS about 2-4-14 and shown to prospective buyers, resulting in multiple offers.	
✓	Aff.Mail		
N/A	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	X Petitioner states the decedent was vested with a 2/3 undivided interest at death, which was appraised at \$126,673.00. The Executor will receive title as personal representative to the remaining 1/3 undivided interest and has sold 100% of the subject property as reported here. The appraised value of the 2/3 interest of the decedent at her death was \$126,673.00. The value of 100% of the property at that time was \$190,000.00.	
✓	Aff. Posting	Petitioner states funds will be deposited to a blocked account at Wells Fargo Bank in St. George, Utah.	
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

(1) First Account and Report of Conservator and (2) Petition for Allowance of Fees for Attorney and (3) Petition for Reduction of Bond

		BEVERLY ANN HALL , Sister and Conservator of the Person and Estate, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS: Continued from 4-14-14, 5-19-14 Minute Order 5-19-14: The Court waives the need for an accounting for the period through January 2014 noting that Social Security funds were involved for which an accounting is not required. The Court will require an accounting for the period after January 2014. The petition for allowance of fees is granted and the remaining issues are continued to 7/7/14. Petition granted. Order to be signed ex parte. Continued to 7/7/14 @ 9:00 a.m. Dept. 303 <u>SEE ADDITIONAL PAGES</u> Reviewed by: skc Reviewed on: 7-1-14 Updates: Recommendation: File 6- Dhooghe
		Account period: 4-4-13 through 1-31-14	
		Accounting: \$117,221.72	
		Beginning POH: \$0.00	
		Ending POH: \$66,121.73	
Cont from 041414, 051914		Conservator: Not requested.	
<input type="checkbox"/>	Aff.Sub.Wit.	Note: Pursuant to Petition and Order dated 11-12-13, Petitioner has received \$6,396.08 for services and reimbursement.	
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	Attorney Teixeira: \$1,700.00 for services from 10-1-13 through 2-22-14 – see itemized declaration.	
<input checked="" type="checkbox"/>	Notice of Hrg	Note: Pursuant to Petition and Order dated 11-12-13, Attorney Teixeira has received a total of \$14,792.76 in fees and costs for the period of 1-15-13 to 9-30-13.	
<input checked="" type="checkbox"/>	Aff.Mail	Attorney Helon: \$1,054.50 – Court appointed attorney for Conservatee. See itemized declaration.	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen	Current Bond: \$182,600.00	
<input type="checkbox"/>	Letters	Petitioner states the current bond is excessive because the accounting shows the current balance of the conservatorship is \$66,121.73. That amount will be reduced by the fees and costs requested to approx. \$63,000.00. Therefore, the bond should be reduced to \$69,476.00 based on annual gross income of \$160.00 (interest) and 10% recovery cost. The Conservatee will not suffer harm as a result of reduction of the bond because the only asset of the conservatorship estate is the Wells Fargo account. The conservatee's daily needs and care are provided by resources outside of the conservatorship estate and those resources will continue to be available for her needs and care.	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	2620(c)	X	
<input checked="" type="checkbox"/>	Order	Petitioner requests an order:	
<input type="checkbox"/>	Aff. Posting	1. Approving, allowing and settling the account and report as filed;	
<input type="checkbox"/>	Status Rpt	2. Authorizing payment to Attorney Teixeira in the amount of \$1,700.00 for services to the conservatorship estate;	
<input type="checkbox"/>	UCCJEA	3. Authorizing payment to Attorney Helon of \$1,054.50 for services on behalf of the Conservatee;	
<input type="checkbox"/>	Citation	4. Reducing the bond to \$69,476.00; and	
<input type="checkbox"/>	FTB Notice	5. Any and all further relief that the Court deems just and proper.	

Page 2

NEEDS/PROBLEMS/COMMENTS:

The following items were previously noted. Please see summary of Declaration filed 5-7-14 following the notes:

1. Petitioner states the conservatee's daily needs and care are provided by resources outside of the conservatorship estate. Need clarification. The original petition for conservatorship indicated that Petitioner was already a "payee" for the Conservatee, but did not request to continue to hold assets outside of the conservatorship. Cal. Rules of Court 7.1059, Standards of Conduct for Conservator of the Estate, provides that the Conservator shall hold title reflecting the conservatorship in accounts. Probate Code §2890 et seq., provides the procedure for taking control of assets and accounts. Probate Code §2620(c) requires account statements at accounting. Therefore, need clarification: What are the "resources outside of the conservatorship estate" and why are they not included? There does not appear to be any order authorizing assets to be held outside of the conservatorship estate.

~~For example: The Disbursements Schedule indicates a payment of \$3,007.70 to "Motorola Pension Plan." The attorney fee declaration indicates that he spent time handling a pension overpayment. Therefore, it appears that the Conservatee receives pension income that is not accounted for in this accounting. Further, if an overpayment of such outside funds required repayment, why was it taken from the conservatorship estate instead of the account that the payments were paid to?~~

~~In reviewing the file for clues as to the conservatee's income, it appears that a declaration filed 11-8-13 states that the conservatee's income consists of SSI payments handled by "a representative payee" and not subject to conservatorship. However, this does not explain the Motorola pension overpayment. Further, since conservatorship has been established, income and expenses from all sources should be included in the account, including Social Security. See Conservatorship handbook.~~

Therefore, need amended account including all assets and income as well as documentation such as account statements as required by Probate Code §2620(c).

Examiner's Note: According to the minute order of 5-19-14, inclusion of social security funds is not required for this account period. The Court may wish to clarify whether the Minute Order of 5-19-14 clears the above Examiner's Note.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS (Cont'd):

2. Petitioner requests that the bond be reduced. However, pursuant to above, this does not appear appropriate, given that no information has been provided to the Court regarding the conservatee's income.
3. Probate Code § 1063(h) states if the conservator has knowledge of real property located in a foreign jurisdiction, an additional schedule shall be included in the account that identifies the real property with a fair market value and state what actions have been taken to preserve and protect the property.

This Conservatee owns residential real property in Arizona. The Disbursements Schedule indicates that expenses of \$24,581.14 were paid in connection with that property, including property tax, repairs, and payoff of the mortgage (\$21,931.54).

Therefore, need explanation. What is the status of the house – Vacant? Occupied? Is there rent being received? If not, why not? Does the Conservator intend to sell the property in the future? How was it in the conservatee's best interest to pay off the mortgage in its entirety?

Update: See Declaration filed 6-19-14.

4. Disbursements Schedule indicates a payment of \$941.10 to an Arizona attorney, which does not appear to have been authorized by this Court. Need clarification with reference to Probate Code § 2640 et seq., Cal. Rules of Court.

Update: See Declaration filed 5-7-14.

Declaration of Beverly Ann Hall filed 5-7-14 states that references to "other resources" refer only to funds received as representative payee. Other than those funds and funds held in the conservatorship estate, there are no other resources. Although perhaps not explicitly stated in the petition for conservatorship, the estimates contained in the petition, the reasons stated therein for requesting conservatorship of the estate, and the declaration of Mr. Teixeira concerning the amount of the original bond had only to do with assets that the Conservatee might be entitled to as a result of her husband's death, which was the payments he had been receiving from the Motorola pension plan. The Motorola Pension Plan did not know that he had died and thus payments continued after his death into an account which existed for the purpose of making mortgage payments on the property to which the Conservatee became entitled. It took a while to clear this matter up with the credit union and the pension plan. However, no pension payments were made to the Conservatee during this account period.

The Conservatee received two residential properties in Arizona upon her husband's death. One was sold and proceeds are held by the conservator of the estate. It was an oversight that the other was not identified on a schedule. Please see attached exhibit A. The family home has not been sold. It is properly insured. Family members in Arizona check on it regularly. It is available and used for family gatherings and use of the swimming pool in order to make it appear occupied.

The accounting presented disbursements of only \$1,733.00 for property repairs. Some of that was for work that had been done on the property that was sold and the contractor had agreed to wait until the property was sold so that funds would be available for that work and to complete some work on the remaining property. Ms. Hall states she has also used her own personal funds, time, and effort, without requesting compensation, for repair, improvement, and maintenance of the remaining AZ property.

It is a matter of simple mathematics that it was in the conservatee's best interest to pay off the mortgage of the remaining home. The interest earned on funds held in the conservatorship estate is far less than interest being paid out on the mortgage. The payoff is saving money.

SEE ADDITIONAL PAGES

For sale of the AZ property, it was required to employ an attorney for the transaction. It may have been possible to include that expense as a cost paid out of escrow, but it was nonetheless a necessary expenditure to conclude the sale. To seek approval for this aspect of the sale process would have included additional expense and delay.

Declaration of Beverly Ann Hall filed 6-19-14 states she had been taking care of her sister for more than two years, and conservatorship became necessary when Christine's husband died. However, the only purpose for the conservatorship was to lay claim to real property in Arizona to which Christine was entitled, but for which the husband's brother was trying to manipulate and claim as his own. Petitioner now understands that even though she pays for some of Christine's expenses out of her own funds, she will now have to report on the use of Christine's Social Security so that expenditures will be segregated without consideration given for expenses she has absorbed or for the care and shelter provided; i.e., that separate claim will be made for provided services and expenses for Christine that are paid out of Petitioner's own funds.

As for the residential property in Arizona, some of the taxes and insurance have been paid out of Christine's funds. Although Petitioner has held onto the family home because at this time additional funds are not needed and there are sentimental reasons for maintaining it, Petitioner will move for it's sale if the Court requires that it be sold.

However, Petitioner would like it known that she is not doing anything different from what Christine and her husband did while residing in Arizona. The second property that was sold was maintained for family, local and far, so that everyone could have a place to stay as needed. Petitioner has tried to maintain the family tradition.

Page 2

Per Supplement filed 7-2-14, Petitioner is not requesting that fees be paid from the estate, as there are no assets. In recognition of the fact that the appointment of a personal representative and admission of the decedent's will to probate was of great value of the beneficiary, it is simply requested that the order allow the beneficiary to compensate the attorneys for their work on her behalf.

Note: The supplement does not reference Probate Code §10813 and Cal. Rules of Court 7.550(b)(9) and 7.705 as specifically requested in the above note.

Probate Code §10813 states that an agreement between the personal representative and the attorney for higher compensation for the attorney than that provided by this part is void:

10813. An agreement between the personal representative and the attorney for higher compensation for the attorney than that provided by this part is void.

Cal. Rules of Court 7.550(b)(9) states:

(b) Information required in report on waiver of account

The report required when an account has been waived must list the information required by law, including information as to:

... (9) The calculation of such fees or commissions as described in rule 7.705

Cal. Rules of Court 7.705 is the formula for calculation of statutory fees.

Atty Kruthers, Heather H., of County counsel's Office (for Petitioner Public Guardian)
 Atty Walters, Jennifer, of Walters & Moshrefi (Court-appointed for Conservatee)
 Atty Amador, Catherine A., of Pascuzzi, Moore & Stoker (for Albert Rousseau, son)

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

Age: 87 years		<p>PUBLIC GUARDIAN, Conservator of the Person court-appointed on 2/10/2014 with medical consent and dementia powers, is Petitioner and requests appointment as Conservator of the Estate without bond.</p> <p>Estimated Value of the Estate: Personal property - \$16,481.98 <hr/> Total - \$16,481.98* (*other assets held in trust)</p> <p>Capacity Declaration of Abbas Mehdi, M.D., filed 2/6/2014 supports the grant of medical consent and dementia powers, and for placement in a secured-perimeter facility.</p> <p>Petitioner states that on 2/10/2014 Petitioner (PG) was appointed the Conservator of the person of the Conservatee with medical powers; her son, ALBERT ROUSSEAU, had filed a petition for his daughter, ANDREA ROUSSEAU, to become Conservator, and it was denied; since appointment, the PG has been coordinating care providers, and Albert and the Conservatee's other son, JEAN ROUSSEAU, have been managed the estate assets which are primarily held in the LIZIBET E. ROUSSEAU LIVING TRUST; however, the care providers are not paid on time, they are not given enough money to buy all the groceries and prescriptions, and the house needs repairs that the family has not made; despite assurances by Albert and Jean, nothing has improved.</p> <p align="center">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator Advised Rights on 6/13/2014.</p> <p>Note: Notice of Non-Availability of Counsel filed 6/4/2014 states Attorney Jennifer Walters will not be available for all purposes from 7/21/2014 through and including 8/1/2014.</p> <p>Note: Proposed First Amended Letters of Conservatorship submitted by Petitioner are not signed by the Public Guardian.</p> <p>Note: If Petition is granted, Court will set status hearings as follows:</p> <ul style="list-style-type: none"> • Monday, November 10, 2014 at 9:00 a.m. in Dept. 303 for filing of inventory and appraisal; and • Monday, September 7, 2015 at 9:00 a.m. in Dept. 303 for filing of first account of the conservatorship. <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>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail W/		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv. W/		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	PG Report		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input checked="" type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Reviewed by: LEG
Reviewed on: 7/1/14
Updates:
Recommendation:
File 8 - Rousseau

Petitioner states, continued:

- The PG asserts that the only way to ensure the payment of care providers, prescriptions, and personal items, as well as maintaining the Conservatee's home, is by appointment of the PG as Conservator of Mrs. Rousseau's estate;
- It is the PG's plan to have Albert and Jean, as Trustees, make bi-annual deposits to the Conservatorship Estate, and the PG will pay all bills directly related to the Conservatee, such as utilities, food, prescriptions, care providers, etc.;
- It is the PG's understanding that although the PG does not intend to seek appointment as successor trustee at this time, the family will object to this *Petition*.

Court Investigator Jennifer Daniel's Report was filed on 6/30/2014.

Age: 82	<u>NO TEMPORARY IN PLACE</u> <u>TEMPORARY DENIED ON 04/15/14</u>		NEEDS/PROBLEMS/COMMENTS:									
			<u>CONTINUED FROM 05/19/14</u>									
			Minute Order from 0/19/14 states: Mr. Teixeira opposes the conservatorship on behalf of Ms. Ratliff.									
Cont. from 051914			1. Petitioners request that bond be set at \$6,574.11; however, based on the information provided in the Petition, bond should be set at \$72,315.20 (see CRC § 7.207). (Bond calculation worksheet is in the file for reference).									
<input type="checkbox"/> Aff.Sub.Wit.												
<input checked="" type="checkbox"/> Verified												
<input type="checkbox"/> Inventory												
<input type="checkbox"/> PTC												
<input type="checkbox"/> Not.Cred.												
<input checked="" type="checkbox"/> Notice of Hrg												
<input checked="" type="checkbox"/> Aff.Mail	w/											
<input type="checkbox"/> Aff.Pub.												
<input type="checkbox"/> Sp.Ntc.												
<input checked="" type="checkbox"/> Pers.Serv.	w/											
<input checked="" type="checkbox"/> Conf. Screen												
<input checked="" type="checkbox"/> Letters												
<input checked="" type="checkbox"/> Duties/Supp												
<input type="checkbox"/> Objections												
<input checked="" type="checkbox"/> Video Receipt												
<input checked="" type="checkbox"/> CI Report												
<input type="checkbox"/> 9202												
<input checked="" type="checkbox"/> Order												
<input type="checkbox"/> Aff. Posting												
<input type="checkbox"/> Status Rpt												
<input type="checkbox"/> UCCJEA												
<input checked="" type="checkbox"/> Citation												
<input type="checkbox"/> FTB Notice												
	<p>MELINDA MURRAY and MELANIE WELCH, daughters, are Petitioners and request appointment as Conservator of the Person with medical consent powers and dementia powers to administer medications and for placement in a secured perimeter facility, and for appointment as Conservator of the Estate with bond set at \$6,574.11.</p> <p>Estimated Value of the Estate:</p> <table> <tr> <td>Personal property</td> <td>-</td> <td>\$ 3,000.00</td> </tr> <tr> <td>Annual income</td> <td>-</td> <td>\$62,741.09</td> </tr> <tr> <td>Total</td> <td>-</td> <td>\$65,741.09</td> </tr> </table> <p>Voting rights affected.</p> <p>Petitioners state: the proposed conservatee has been diagnosed with dementia and can no longer care for herself. Her doctor advised the Petitioners that their mother should no longer be living by herself.</p> <p>Court Investigator Julie Negrete filed a report on 05/05/14.</p>		Personal property	-	\$ 3,000.00	Annual income	-	\$62,741.09	Total	-	\$65,741.09	<p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Monday, 09/01/14 at 9:00 am in Dept. 303 for filing of the bond; • Monday, 12/08/14 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal; and • Monday, 07/20/15 at 9:00a.m. in Dept. 303 for the filing of the first account. <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>
Personal property	-	\$ 3,000.00										
Annual income	-	\$62,741.09										
Total	-	\$65,741.09										
			Reviewed by: JF									
			Reviewed on: 07/02/14									
			Updates:									
			Recommendation:									
			File 9 - Ratliff									

Petition to Remove a Trustee and Name A Successor Trustee

		MELINDA MURRAY and MELANIE WELCH , daughters (hereinafter Melinda and Melanie), are Petitioners.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 05/19/14</u></p> <ol style="list-style-type: none"> Petition does not include the names and addresses of each person entitled to notice as required by Probate Code 17201. (See also, CA Rules of Court 7.902.) Need Order.
Cont. from 051914		<p>Petitioners state:</p> <ol style="list-style-type: none"> They are the daughters of HELEN M. RATLIFF, and together with their brother, Martin Lane Ratliff (hereinafter Lane), are the primary beneficiaries of the FIRST AMENDMENT AND RESTATEMENT OF THE RATLIFF 1996 REVOCABLE LIVING TRUST, signed 07/06/01. The original Trustors were Glen D. Ratliff and Helen M. Ratliff. Glen died on 07/08/99. The Restatement names the three children as alternate Trustees and are equal beneficiaries of 95% of the Trust. Therefore, they have standing to bring this petition. Petitioners allege that Helen lacks capacity according to the capacity declaration of Dr. Alan M. Birnbaum. Under the terms of the Trust, Melinda is the first named successor trustee, Melanie is the second named successor trustee, and Lane is the last named successor trustee. Helen has always been involved in her church and she and Glen made provisions for the California Baptist Foundation to receive 5% of the Trust. The original trust was the Ratliff 1996 Revocable Living Trust and was created in 1996. Petitioners have not seen the original Trust for some time. The 1996 Trust was restated under the title of "First Amendment and Restatement of the Ratliff 1996 Revocable Living Trust" on 07/06/01. Petitioners believe that no other trusts have been made. Petitioners have noted Helen's continued mental decline for some time and upon evaluation by Dr. Birnbaum is was determined that she has mild cognitive impairment. <p style="text-align: center;">Continued on Page 2</p>	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	x	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			<p>Reviewed by: JF</p> <p>Reviewed on: 07/02/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10 - Ratliff</p>

10. Petitioners state that Helen does not know who to trust, which has led to her inviting strangers into her home and then writing a check for \$3,800.00 for a \$200.00 vacuum cleaner.
11. Helen believes her children are trying to steal from her and states that her neighbors will take care of her. She will not shop for herself and fights with Petitioners about the need for groceries. Helen will state that she has milk in the refrigerator, but the milk is so old that it is no longer liquid.
12. Petitioners believe that Helen is no longer capable of managing her own funds. Petitioners state that the Power of Attorney they have is useless and they are currently pursuing a Conservatorship of the Person and Estate. Further, the Restatement does not contain a provision that allows for Trustee succession when the Grantor or a successor trustee lacks capacity.
13. Petitioners state that they are the proper choice for the position of Trustee and will give a complete accounting of the trust assets to all beneficiaries. Lane is named as the third alternate trustee and confirms the appointment of his sisters as successor co-trustees.

Petitioners pray for an Order:

1. Removing Helen M. Ratliff as Trustee of the **FIRST AMENDMENT AND RESTATEMENT OF THE RATLIFF 1996 REVOCABLE LIVING TRUST**; and
2. Appointing Melinda Murray and Melanie Welch as successor co-trustees of the **FIRST AMENDMENT AND RESTATEMENT OF THE RATLIFF 1996 REVOCABLE LIVING TRUST**.

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

			DONALD MORTON , Son and named Co-Executor without bond, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. The decedent's will is not self-proving. Need Proof of Subscribing Witness (DE-131) pursuant to Probate Code §8220.</p> <p>2. On 6-24-14, Petitioner filed an ex parte request for Stipulated Order for Appointment of Executor, Distribution, Waiver of Bond, and Request for Special Notice between himself and Greg A. Watkins as the two heirs of this estate. Mr. Watkins is represented by Attorney Ronald L. Calhoun.</p> <p>The Court denied the request on 6-26-14, noting that the Petition for Probate had not yet been heard.</p> <p>However, the stipulation states: "A Request for Special Notice is being filed with the Tulare Superior Court by Attorney Calhoun directly."</p> <p><u>Note:</u> No Request for Special Notice has been filed in this case.</p> <p><u>Therefore, need clarification:</u> Are there proceedings in Tulare Superior Court that may affect these proceedings?</p> <p><u>Note:</u> Please note that although the stipulation provides an agreement between the heirs regarding distribution of assets, any distribution will subject to Court authorization and is premature at this time.</p> <p>Reviewed by: skc</p> <p>Reviewed on: 7-1-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11 – Morton</p>
			Named Co-Executor Judy Watkins is deceased.	
Cont. from 060414, 061814			Full IAEA – ok	
<input type="checkbox"/>	Aff.Sub.Wit.	X	Will dated 1-4-1980	
<input checked="" type="checkbox"/>	Verified		Residence: Kingsburg, CA	
<input type="checkbox"/>	Inventory		Publication: Fresno Business Journal	
<input type="checkbox"/>	PTC		Estimated value of estate:	
<input type="checkbox"/>	Not.Cred.		Real property: \$168,000.00	
<input checked="" type="checkbox"/>	Notice of Hrg		Probate Referee: Steven Diebert	
<input checked="" type="checkbox"/>	Aff.Mail	w	Note: If the petition is granted status hearings will be set as follows:	
<input checked="" type="checkbox"/>	Aff.Pub.		<ul style="list-style-type: none"> • Monday 11-17-14 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Monday 11-16-15 at 9:00a.m. in Dept. 303 for the filing of the first account/petition for final distribution. 	
<input type="checkbox"/>	Sp.Ntc.		Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.	
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Atty **Brawley, Mason L., of Berliner Cohen of Merced (for Petitioners Eugene Espinola, Marvin Espinola, and Margaret Corvello)**

**Petition for Order Instructing Trustees to Provide Supporting Documentation,
Compelling Trustees to account**

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED TO 7/21/2014 Per Attorney request</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: LEG
		Reviewed on: 6/30/14
		Updates:
		Recommendation:
		File 12 - Espinosa

Petition for Appointment of Successor Trustee Without the Requirement of a Bond

<p>John H. Powell DOD: 10-7-97</p>	<p>VICTORIA D. POWELL, Beneficiary, is Petitioner.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>			
<p>Shirley Jeanne Showalter Powell DOD: 1-11-10</p>	<p>Petitioner states there is a vacancy in the office of trustee and requests appointment as trustee without bond for the sole purpose of closing the Bank of America account containing the approx. amount of \$4,649.15 and distributing funds according to the trust.</p>	<p>1. Pursuant to Probate Code §15602, bond is required when an individual who is not named as a trustee in the trust instrument is appointed as trustee except under compelling circumstances, which may include waiver from all adult beneficiaries.</p>			
		<p>2. Notice of Hearing was sent to Susan Powell on behalf of the Jeffrey C. Powell Estate and to Petitioner on behalf of the Valerie J. Cardinal Estate; however, Petitioner does not state whether they are the appointed personal representatives of those estates for notice purposes. The Court may require clarification.</p>			
<table border="1"> <tr> <td></td> <td>Aff.Sub.Wit.</td> <td></td> </tr> </table>		Aff.Sub.Wit.		<p>John H. Powell and Shirley Jeanne Showalter Powell created the trust on 5-3-91. The Powells resided in Fresno, and although Petitioner resides in Connecticut, she conducts the trust business in Fresno County – the trust accountant and attorney are in Fresno.</p>	
	Aff.Sub.Wit.				
<table border="1"> <tr> <td>✓</td> <td>Verified</td> <td></td> </tr> </table>	✓	Verified		<p>Therefore, the principal place of administration of the trust is in Fresno.</p>	
✓	Verified				
<table border="1"> <tr> <td></td> <td>Inventory</td> <td></td> </tr> </table>		Inventory		<p>After the death of John H. Powell on 10-7-97, the trustee divided the trust estate into the John H. Powell Residual Trust and the Shirley Jeanne Showalter Powell Survivor's Trust.</p>	
	Inventory				
<table border="1"> <tr> <td></td> <td>PTC</td> <td></td> </tr> </table>		PTC		<p>Shirley Jeanne Showalter Powell acted as sole trustee of both trusts until her death on 1-11-10.</p>	
	PTC				
<table border="1"> <tr> <td></td> <td>Not.Cred.</td> <td></td> </tr> </table>		Not.Cred.		<p>Upon the death of Shirley Jeanne Showalter Powell, Valerie Jeanne Cardinal acted as trustee of the Residual Trust until her death on 9-1-12. The nominated Successor Trustee to Valerie Jeanne Cardinal is David Stanley Powell, who died on 5-29-11. Accordingly there is a vacancy in the office of trustee in the Residual Trust.</p>	
	Not.Cred.				
<table border="1"> <tr> <td>✓</td> <td>Notice of Hrg</td> <td></td> </tr> </table>	✓	Notice of Hrg		<p>Petitioner is currently the trustee of the Shirley Jeanne Showalter Powell Survivor's Trust pursuant to the terms of the amendment.</p>	
✓	Notice of Hrg				
<table border="1"> <tr> <td>✓</td> <td>Aff.Mail</td> <td>w/o</td> </tr> </table>	✓	Aff.Mail	w/o	<p>The only asset remaining in the Residual Trust is a Bank of America Business Economy Checking Account containing the amount of \$4,649.15 as of 4-30-14. The only responsibility for a successor trustee will be to close the account and distribute the funds among the beneficiaries.</p>	
✓	Aff.Mail	w/o			
<table border="1"> <tr> <td></td> <td>Aff.Pub.</td> <td></td> </tr> </table>		Aff.Pub.			
	Aff.Pub.				
<table border="1"> <tr> <td></td> <td>Sp.Ntc.</td> <td></td> </tr> </table>		Sp.Ntc.			
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<table border="1"> <tr> <td></td> <td>FTB Notice</td> <td></td> </tr> </table>		FTB Notice			<p>Reviewed by: skc</p> <p>Reviewed on: 7-2-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13 - Powell</p>
	FTB Notice				

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

DOD: 02/24/2014	BEVERLY MAGANA , spouse, and VICTOR MAGANA, JOSEPH B. MAGANA, THERESE JACK , and REBECCA MAGANA , children, are petitioners.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	40 days since DOD	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	No other proceedings	
<input checked="" type="checkbox"/> Inventory	I & A - \$149,475.00	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Decedent died intestate.	
<input checked="" type="checkbox"/> Notice of Hrg	Petitioners request Court determination that decedent's 100% interest in real property located at 7030 S. Brawley Ave, Fresno, Ca. pass 1/3 rd to Beverly Magana, 1/6 th to Victor Magana, 1/6 th to Joseph B. Magana, 1/6 th to Therese Jack and 1/6 th to Rebecca Magana.	
<input checked="" type="checkbox"/> Aff.Mail	The following 50% of the community property shall pass to Beverly Magana, 1967 Toyota 2 door, 1972 Bellboy Pleasure Boat, 1972 Carrier, and household furniture, furnishings and personal property pursuant to intestate succession.	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed on: 07/01/2014
		Updates:
		Recommendation: Submitted
		File 14 - Magana

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

DOD: 03/21/2014		JUAN CARLOS VALENCIA , son/named executor, is petitioner without bond.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Affidavit of Publication in the correct newspaper pursuant to Local Rule 7.9A. Petition indicates decedent's residence at the time of death was Kerman, California, therefore the correct publication should be The Kerman News. Petitioner published in The Business Journal.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Tuesday, 12/09/2014 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Tuesday, 09/08/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
		Full IAEA – o.k.	
Cont. from		Will dated: 01/07/2012	
<input checked="" type="checkbox"/>	Aff.Sub.Wit.	Residence: Kerman	
<input checked="" type="checkbox"/>	Verified	Publication: The Business Journal	
	Inventory	Estimated value of the Estate:	
	PTC	Real property - \$150,000.00	
	Not.Cred.	Probate Referee: Steven Diebert	
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	w/	
<input checked="" type="checkbox"/>	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
Reviewed by: LV			
Reviewed on: 07/01/2014			
Updates:			
Recommendation:			
File 15 - Ledesma			

Atty Alabart, Javier A. (for Petitioner Alfredo Banda Arriaga, father)
 Atty Fanucchi, Edward L. (for Respondent Maria Luisa Sanchez, purported spouse)
 Atty Kruthers, Heather H. (for Public Administrator, Administrator of the Estate)

Probate Status Hearing Re: Settlement Agreement Filed

DOD: 5/14/2004	ALFREDO BANDA ARRIAGA , father, filed a <i>Petition for Preliminary Distribution of Decedent Estate Assets</i> on 10/2/2013, requesting an order for a preliminary distribution of the estate assets, representing that the Petitioner is the sole-surviving parent of the Decedent, and the sole-surviving devisee of the Will signed by the Decedent on 10/16/1997.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 6/6/2014. Minute Order states Mr. Fanucchi advises the Court that they are waiting to hear from Mr. Alabart.</p> <p>1. Need settlement agreement.</p> <p>Notes for Background:</p> <ul style="list-style-type: none"> Minute Order dated 4/22/2014 from the Settlement Conference states the Court signs Order Appointing Court Approved Reporter as Official Reporter Pro Tempore. Clients are not present in court. Agreement stated in open court and is on record. Mr. Alabart will prepare the settlement agreement. Status hearing set for 6/6/2014 can come off if agreement filed. The Court Trial date of 6/2/2014 is vacated. PUBLIC ADMINISTRATOR'S Amended First and Final Account of the Public Administrator was approved on 6/25/2012 via <i>Order After Hearing Settling Amended First and Final Account, etc.</i>, finding that after payment of commissions, fees and costs in the amount of \$19,643.43, there will be \$89,703.10 to distribute upon further Court order regarding entitlement to final distribution.
Cont. from	MARIA LUISA SANCHEZ , purported spouse, filed an <i>Opposition to Alfredo Banda Arriaga's Petition for Preliminary Distribution of Decedent Estate Assets</i> on 10/25/2013, representing that this Court ruled 6 years ago that distribution of the estate is controlled by the decree of the Mexican court finding that Ms. Sanchez is the sole heir to the Decedent's estate.	
Aff.Sub.W	<p>Order on Arriaga's Petition for Preliminary Distribution of Decedent's Estate's Assets filed on 1/24/2014 denies Arriaga's Petition and declines to distribute further assets to Sanchez. The Order concludes:</p> <ul style="list-style-type: none"> Court has expressly found that two issues remain to be tried as to the parties' relative claims to the estate: (1) whether Arriaga's challenge to the orders in Sanchez' favor are untimely and barred; or (2) whether Sanchez' challenge to the estate's distribution was untimely, void and barred; These two issues depend on disputed issues of fact: (1) the address of Arriaga and his wife before and after the time of the filing of the <i>Petition for Probate</i>; (2) the Arriagas' contact, direct or indirect, with the Public Administrator who provided notice of the Petition; and (3) Arriagas' knowledge of the ongoing probate. Also to be tried is the validity of the order for preliminary distribution to Sanchez, as set forth by the Court in its last order dated 8/21/2013. 	
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/S		
Objection		
Video Rct		
CI Report		
9202		
Order		
Aff. Post		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
Reviewed by: LEG		
Reviewed on: 7/1/14		
Updates:		
Recommendation:		
File 16 – Banda-Nieto		

Probate Status Hearing Re: Failure to File the Inventory and Appraisal and or Failure to File a First Account or Petition for Final Distribution

DOD: 02/07/05	<p>GRACE STUCKEY, daughter, was appointed Executor with full IAEA and without bond on 12/13/05. Letters Testamentary were issued on 12/13/05.</p> <p>Notice of Status Hearing filed 11/21/13 set this matter for status regarding failure to file a First Account or Petition for Final Distribution. Clerk’s Certificate of Mailing indicates that the Notice of Status Hearing was mailed to attorney Nancy LeVan and Grace Stuckey on 11/21/13.</p> <p>Status Report filed 02/19/14 by Nancy LeVan states: after receiving notice of status hearing from the Court, she began a search for the file for Executor Grace Stuckey, but unfortunately was unable to locate the file. The only phone number she had for Ms. Stuckey is disconnected. Ms. LeVan located an address for a Grace Stuckey in Elk Grove, but a letter sent to that address has gone unanswered. She has also located a phone number that she will be trying. Ms. LeVan states that to her knowledge, the estate did not have any assets, as Mr. Hayes assets were in a revocable trust and another person was named as Trustee. Ms. LeVan recalls that there was a family dispute about the validity of the Trust, but no evidence was received that Mr. Hayes lacked capacity to execute the Trust. Ms. LeVan has not heard from Ms. Stuckey for years and will do whatever the Court feels is necessary to close the estate.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 06/06/14 Minute Order from 06/06/14 states: The Court is advised that Ms. LeVan is ill and unable to be present today.</p> <p>As of 07/02/14, nothing further has been filed.</p> <ol style="list-style-type: none"> 1. Need Inventory & Appraisal. 2. Need First Account or Petition for Final Distribution.
Cont. from 022114, 060614		
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: 07/02/14		
Updates:		
Recommendation:		
File 17 – Hayes		

Probate Status Hearing Re: Failure to File a Petition for Final Distribution

DOD: 7-17-07	MICHELLE SEYMOUR , Daughter, was appointed Administrator with Full IAEA without bond and Letters issued on 9-11-07.	NEEDS/PROBLEMS/COMMENTS: <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p>Petition filed 6-19-14 is set for hearing on 7-23-14.</p>
Cont From 042514, 050814	The Administrator is a resident of Ocean Springs, Mississippi.	
Aff.Sub.Wit.	Final I&A filed 9-26-07 indicates a total estate value of \$211,500.00 consisting of real property valued at \$210,000.00 and personal property.	
Verified	Two Creditor's Claims were filed as follows:	
Inventory	1) St. Agnes Medical Center \$887.75	
PTC	2) Hematology Oncology Medical Group of Fresno \$3,512.00	
Not.Cred.	Nothing further was filed in this matter.	
Notice of Hrg	On 2-14-14, the Court set this status hearing for failure to file a petition for final distribution pursuant to Probate Code §12200 and sent notice to Attorney Moore and the Administrator.	
Aff.Mail	Unverified Status Report filed 4-17-14 by Attorney Moore states this is an estate with no assets. The attorney has prepared a "Petition by Attorney on Deferral of Filing Fee for Termination of Administration of Estate Having No Assets" awaiting the Court's determination on accepting the petition for filing. The attorney currently has two additional estates to be closed that were continued to 5-8-14. On 3-14-14, in connection with the Estate of Vanessa Jackson, Judge Oliver indicated that this matter could also be heard on 5-8-14. It is therefore requested that this hearing be continued to 5-8-14 for consideration of the deferral of filing fee to close this estate.	
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: 7-1-14 Updates: Recommendation: File 18 – Mayfield

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution

DOD: 04/15/2005	MARY GALLEGOS-BATES , sister, was appointed Administrator with full IAEA without bond on 08/02/2005.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR. First and Final Account and Petition for Final Distribution filed on 07/03/2014. Hearing set for 08/11/2014.</u></p> <p>Note: Attorney Patricia Carrillo was relieved as counsel to Mary Gallegos-Bates on 04/02/2014.</p> <p>Continued from 05/07/2014.</p> <p>Minute Order of 04/02/2014: Ms. Carrillo is directed to provide Ms. Gallegos-Bates any documents she has. Matter continued for Ms. Gallegos-Bates to hire new counsel.</p> <p>1. Need First Account or Petition for Final Distribution or current written status report 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>	
	Letters issued on 08/11/2005.		
Cont. from 022114 , 040214, 050714	Inventory and Appraisal was filed on 09/28/2005 shows an estate valued at \$200,000.00 consisting of real property.		
Aff.Sub.Wit.			
Verified			
Inventory			
PTC	First Account or Petition for Final Distribution was due on 10/2006.		
Not.Cred.			
Notice of Hrg	Notice of Status Hearing was mailed to Attorney Patricia Carrillo and Mary Gallegos-Bates on 11/22/2013.		
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: LV
			Reviewed on: 07/01/2014
		Updates: 07/03/2014	
		Recommendation:	
		File 19 – Gallegos	

Petition for Visitation

Age: 3		<p>DANIEL CLARK, father, and SHERRIE BOLECH, mother, are petitioners.</p> <p>REGINA CLARK, paternal step-grandmother, was appointed guardian on 01/27/2014. Personally served on 07/01/2014.</p> <p>Paternal grandfather: DANIEL W. CLARK Paternal grandmother: SHIRLEY STAIRS</p> <p>Maternal grandfather: BILLY ARBAUGH Maternal grandmother: SHERRIE ARBAUGH</p> <p>Petitioners state: the child has been under a guardianship since December 2013. The guardian has not allowed the mother or father to visit with the minor per their agreement from mediation on 01/27/2014. Petitioners state that the guardian has been cooperative in reunification. Mother has been clean and sober since January and participates in an outpatient program. The father has actively maintained his recovery by attending NA meetings. Mother is working for IHSS and is generating an income, she resides with her mother. She states that it is detrimental to the child not spending time with her parents and siblings.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Petition for Termination filed 05/16/2014 by Daniel Clark and Sherrie M. Bolech is set for 07/21/2014.</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 Visitation on:</p> <ul style="list-style-type: none"> • Regina Clark (Guardian) <p>Note: Personally served on 07/01/2014 only 6 days prior to the Court hearing and not the required 15 days prior to the hearing.</p> <ul style="list-style-type: none"> • Daniel W. Clark (Paternal Grandfather) • Shirley Stairs (Paternal Grandmother) • Billy Arbaugh (Maternal Grandmother) • Sherrie Arbaugh (Maternal Grandmother) <p>2. Petition was not verified by Daniel Clark.</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail x		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv. w/		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order n/a		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
Reviewed by: LV			
Reviewed on: 07/02/2014			
Updates: 07/03/2014			
Recommendation:			
File 20 – Bolech & Aбраugh			

		CHARLOTTE A. YOUNG , Daughter and Conservator without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Continued from 5-5-14. As of 7-1-14, nothing further has been filed. 1. <u>Need amended accounting.</u> The Accounting as presented does not meet the requirements of Probate Code §§ 2620, 1060. <u>Issues include but are not limited to:</u> - Accounting does not balance - Beginning property on hand (POH) does not match the Inventory and Appraisal - There are no receipts indicated (e.g., the conservatee's income) - Petitioner indicates \$15,671.45 in distributions to the Conservatee, but no explanation is provided - Petitioner does not include most the required schedules (receipts, disbursements, POH) - Petitioner does not provide account statements - Petitioner does not provide statements from the care home 2. When an amended accounting is filed, Notice of Hearing must be provided pursuant to Probate Code §1460. <u>Petitioner is strongly encouraged to seek attorney assistance to prepare an amended account.</u> <hr/> Reviewed by: skc Reviewed on: 7-1-14 Updates: Recommendation: File 21 - Hopkins
		Account period: 4-4-13 through 2-28-14	
Cont from 050514		Accounting: ?? Beginning POH: \$593 Distributions: \$15,671.45 Ending POH: \$593	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	Conservator: Waived	
<input type="checkbox"/>	Aff.Mail	No prayer or request for authorization is included.	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	4-4-13	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Status Hearing for the Filing of the Inventory and Appraisal

Age: 18	<p>PETER JEFFREY GARZA, father, was appointed as Guardian of the Estate on 11/29/12.</p> <p>Notice of Status Hearing filed 12/20/13 set this matter for status regarding filing of the Inventory & Appraisal on 03/28/14.</p> <p>Clerk's Certificate of Mailing filed 05/16/14 states that the Minute Order from hearing on 05/16/14 and Order to Show Cause was mailed to Peter Jeffery Garza, Sr. on 05/16/14.</p> <p>Letters of Guardianship were issued to the Public Guardian on 05/28/14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 05/16/14</p> <p>Minute Order from 05/16/14 states: No appearances. The Court on its own motion removes Peter Garza, Sr. as the guardian and appoints the Public Guardian. The Court sets the matter for an Order to Show Cause on 07/07/14 regarding failure to comply with the Court's order; failure to complete responsibilities as guardian, and imposition of sanctions in the amount of \$500.00. Peter Garza, Sr. is ordered to be personally present on 07/07/14.</p> <p style="text-align: center;">1. <i>Need Inventory & Appraisal.</i></p>
Cont. from 032814, 051614		
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: 07/02/14
		Updates:
		Recommendation:
		File 22A – Garza

Age: 18	<p>PETER JEFFERY GARZA, SR., father, was appointed Guardian of the Estate on 11/29/12. The Order specified that all funds received were to be placed into a blocked account. Order to Deposit Money into Blocked Account was filed 11/29/12.</p> <p>Clerk's Certificate of Mailing filed 05/16/14 states that the Minute Order from hearing on 05/16/14 and Order to Show Cause was mailed to Peter Jeffery Garza, Sr. on 05/16/14.</p> <p>Letters of Guardianship were issued to the Public Guardian on 05/28/14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 05/16/14</u></p> <p>Minute Order from 05/16/14 states: No appearances. The Court on its own motion removes Peter Garza, Sr. as the guardian and appoints the Public Guardian. The Court sets the matter for an Order to Show Cause on 07/07/14 regarding failure to comply with the Court's order; failure to complete responsibilities as guardian, and imposition of sanctions in the amount of \$500.00. Peter Garza, Sr. is ordered to be personally present on 07/07/14.</p> <p>Minute order from 03/14/14 states: The Court is advised that the money is still with the insurance company. Mr. Garza is directed to file a status report before the next hearing indicating that the minor has turned eighteen and a claim has been made to the insurance company.</p> <p style="text-align: center;">1. Need Receipt for the Deposit of Funds into blocked account <u>or</u> current written status report.</p>
Cont. from 012414, 051614		
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: 07/02/14
		Updates:
		Recommendation:
		File 22B – Garza

Order to Show Cause Re: Failure to Comply with the Court's Order; Failure to Complete Responsibilities as Guardian; Imposition of Sanctions in the Amount of \$500.00.

Age: 18	<p>PETER JEFFREY GARZA, father, was appointed as Guardian of the Estate on 11/29/12.</p> <p>Minute Order from 05/16/14 set this matter for an Order to Show Cause and states: No appearances. The Court on its own motion removes Peter Garza, Sr. as the guardian and appoints the Public Guardian. The Court sets the matter for an Order to Show Cause on 07/07/14 regarding failure to comply with the Court's order; failure to complete responsibilities as guardian, and imposition of sanctions in the amount of \$500.00. Peter Garza, Sr. is ordered to be personally present on 07/07/14.</p> <p>Clerk's Certificate of Mailing filed 05/16/14 states that the Minute Order from hearing on 05/16/14 and Order to Show Cause was mailed to Peter Jeffery Garza, Sr. on 05/16/14.</p> <p>Letters of Guardianship were issued to the Public Guardian on 05/28/14.</p>	NEEDS/PROBLEMS/COMMENTS:
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: 07/02/14
		Updates:
		Recommendation:
		File 22C - Garza

23 **Mario Dean Vicks III (GUARD/P)**
 Atty Hollins, Gilbert (Pro Per – Petitioner – Maternal Grandfather)
 Atty Hollins, Denise (Pro Per – Petitioner – Maternal Grandmother)
 Atty Cleveland, Kimya (Paternal Grandmother – Objector)

Case No. 14CEPR00414

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

Age: 3	<u>TEMPORARY EXPIRES 07/07/2014</u>	NEEDS/PROBLEMS/COMMENTS:
	DENISE HOLLINS and GILBERT HOLLINS , maternal grandparents, are Petitioners.	
	Father: MARIO DEAN VICKS, JR. ; <i>personally served 5/21/2014.</i>	
Cont. from	Mother: DENISHA HOLLINS ; <i>personally served 5/21/2014.</i>	
<input type="checkbox"/> Aff.Sub.Wit.	Paternal grandfather: <i>Deceased</i>	
<input checked="" type="checkbox"/> Verified	Paternal grandmother: Kimya Cleveland; <i>personally served 5/21/2014.</i>	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Petitioners state Mario has lived with them since his birth, and they have strongly bonded with him. Petitioners state they left the child with his mother on 4/28/2014 because she wanted to keep him that day, and when his grandfather (Petitioner Gilbert Hollins) went to check on the both of them, his mother was not there, the door was wide open with two men inside with Mario, and three men were outside the door, so Petitioner brought him home and said some things happened to Mario. Petitioners called CPS and the Fresno Police Department, and for Mario's safety he was placed in foster care overnight because his mother would not cooperate with the officers. Petitioners state the next day, CPS had a meeting with the mother, then CPS spoke with Petitioners, and told Petitioners they had to give Mario to his mother because no one has custody of Mario. Petitioners state Mario knows that he is not home, as the Petitioners' home is his home. Petitioners state Mario's father was in his life for about 2 months after he was born, then the mother stopped talking to his father in about 2010, and Mario has only seen his father <i>[on specified dates]</i> in the past few years.	
<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 type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	<u>Please see additional page</u>	
		Reviewed by: LV
		Reviewed on: 07/01/2014
		Updates:
		Recommendation:
		File 23 - Vicks

Objection to Guardianship filed by MARIO DEAN VICKS, JR. on 5/15/2014 states:

- The Petitioners state that he hasn't been in Mario's life when Mario was a baby;
- That is not true; he was there before he was born and after, doing the best that a young father could do;
- He admits that he had a drawback of immaturity when Mario was about 6 months and he wasn't acting responsible for his son, but after he did snap back into reality he started to make efforts to be in his son's life, and so far he has been to every one of Mario's birthdays and he had him for almost every holiday since Mario was a baby;
- Mario has also been spending time with him on the weekends, and with his other siblings as well;
- He is the best choice of who Mario should be with, and he believes every child should have their parents in their lives because he knows exactly what it's like not to have both;
- When he was around the same age as Mario, he was in foster care so when that incident happened to his son and he found out that Mario was taken from his mother by CPS and put in a foster home, it took him back and for him all he can remember is wanting his parents, so he knows what Mario must have been going through;
- He knows he would be best with him and his fiancé, who he has been with for 4 years and who has been very supportive in making sure his kids were in his life and him in theirs;
- When Mario is with he and his fiancé, Mario is in a stable home and is safe with his 2 step sisters and blood-related baby sister, with his own room and every else a kid should have;
- With his family's support, he has become a very well-respected father to his kids, including his 2 wonderful step-girls he has raised since they were 2 years and 8 months;
- Mainly because of the girls, he has become a better father towards his own over the years;
- Mario knows him and loves him, and he knows Mario does love and adore his grandparents, but he thinks the responsibility of raising Mario goes to him as Mario's parent unless evidence proves that both of them are unable to do so;
- He is very able to care for Mario and he and his fiancé do everything as a family, even when they want to go out by themselves they always bring their kids with them;
- He and his fiancé live in a housing program allowing them to have an affordable 3 bedroom apartment, and the in the program they both attend couple's counseling, parenting classes, and group classes; the program advisors also check on them twice a month with in-home visits and the apartment is a gated community with security cameras making it a safe environment for them;
- He and his fiancé buy Mario clothes, and made sure he had asthma medicine and got to the doctor when neither his grandparents or mother could;
- He hopes that his statements will show that he is qualified to be a good father and that he is the one that Mario should be with; the thanks the Court for its consideration of him
- Petitioner attached photos and 4 letters of character reference for the Court's consideration, including from Turning Point of Central California.

Objection to Guardianship filed by KIMYA CLEVELAND, paternal grandmother, on 5/15/2014 states Mario should be raised by his father rather than his grandparents; his father is a responsible parent and there is no reason why Mario should not be with his father if his mother is unable to care for him.

Petitioners filed on 5/19/2014 a Declaration describing the events that took place with Mario after the Petitioners finally obtained custody of him on 5/9/2014 with their temporary Letters [granted ex parte], including Mario having severe throat pain and Petitioner taking him to the hospital on 5/10/2014 and his diagnosis was strep throat and Scarlet Fever; Mario telling Petitioners that his mother was dead and demonstrating as if someone was swinging and fighting to show them how she was killed; telling Petitioners that his mother was “a boy” and that the woman [Dominique Jetton] who his mother lives with told him not to eat any food at Petitioner’s home; telling Petitioners that his mother made a dog lick his private parts and that his mother hurt him and his not his friend; and that his mother left him with the same man called “Uncle Pops” who had molested him and put a knife up to Mario and told him to “stay with your mama” and Mario was very frightened. Petitioners would like the Court to know these things that happened to Mario after CPS placed him back with his mother.

Court Investigator Charlotte Bien’s report filed 06/18/2014.

Pro Per Singleton-Carter, Gloria Jean (Pro Per Petitioner, maternal grandmother)

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

Age: 11 years		<u>General Hearing set for 8/25/2014</u>		<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of five (5) court days' notice by personal service of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence</i> for: <ul style="list-style-type: none"> • Latawnya Henderson, mother; • Father. 3. Need Attachment 3 explaining answer to Item 3 of <i>Confidential Guardian Screening</i> form filed on 6/24/2014 re: felony or misdemeanor.
		<p>GLORIA JEAN SINGLETON-CARTER, maternal grandmother, is Petitioner.</p>		
Cont. from		<p>Father: Not listed</p>		
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified	<p>Mother: LATAWNYA HENDERSON</p>		
<input type="checkbox"/>	Inventory	<p>Paternal grandfather: <i>Not listed</i> Paternal grandmother: <i>Not listed</i></p>		
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg	X	<p>Maternal grandfather: <i>Not listed</i> Maternal grandmother: <i>Not listed</i></p>	
<input type="checkbox"/>	Aff.Mail			
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.	X	<p>Petitioner states she has not seen the child's mother since 1/5/2014, and the child is currently residing with her. Petitioner states she receives welfare and food stamps for the child, and that the child's mother was receiving them before Petitioner, and Petitioner was providing food, clothing and housing for the mother and the child, while the mother was selling the food stamps and spending the money on drugs rather than using the money toward the child's well-being or care. Petitioner states the child's mother is on drugs and is taking the child from house to house instead of letting her have stability like when the child is with Petitioner where she has her own room. Petitioner states the mother lets the child stay with her estranged husband, DONALD WARD, and stepdad and his two brothers, and the child does not know how to protect herself around a house full of men at 11 years old.</p>	
<input checked="" type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Aff. Posting			
<input checked="" type="checkbox"/>	Duties/Supp			
<input checked="" type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input checked="" type="checkbox"/>	Letters			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
~Please see additional page~				
Reviewed by: LEG				
Reviewed on: 7/1/14				
Updates:				
Recommendation:				
File 24 - Fletcher				

Petitioner states, continued:

- The child was snuck out of Petitioner's home to go spend the week there with those men without Petitioner's say-so and there's nothing Petitioner can say because no one has custody of the child;
- The mother wants to send the child to Donald Ward's house close to payday so the mother can get money from Donald, and the mother is not allowed to spend the night at Donald's house but the child can, and Petitioner's gut tells her something is wrong;
- The mother has told her several times that Donald Ward is a methadone addict;
- The mother also has stated that she is bi-polar, triple C.M.S., and she doesn't always take her medication;
- Petitioner did not file for custody before because she thought the mother would come to her senses, but Petitioner has given her 3 years and it's only getting worse;
- Petitioner is worried for the child's well-being, care and safety.

Objection to Guardianship filed by Latawnya Henderson, mother, on 6/24/2014 states:

- Petitioner is very negative towards her and her husband, Donald Ward, who is her daughter's stepdad since birth;
- Petitioner is violent, and does not take care of all of her daughter's needs because she takes high prescription medicines and she gets IHSS and can barely take care of herself while medicated;
- She and Donald are always buying her daughter's hygiene necessities, food, shoes, clothing, phone, and basically financially taking care of her;
- Petitioner gets AFCD for her daughter and food stamps, but she is making false allegations about her and her husband;
- She wants her daughter with her every day, all day;
- She has 3 children ages 24, 19, and 12; none of her children have ever been in the CPS system;
- She used to have a problem with drugs and alcohol, which is behavior she learned from the Petitioner and her step-father, who molested her at age 10; her mother chose to believe her stepdad and told her to say she was raped in an alley by some guys;
- She loves her daughter very much and so does her husband, Donald Ward; he is a teacher at West Fresno Elementary and would never hurt or let anyone hurt our daughter;
- She was living with her mother for about 8 months with her daughter, and her mother is money hungry, but she loves her;
- She is on the right track and her daughter is living with her now, but she does not need her mother lying about her.

NEEDS/PROBLEMS/COMMENTS, continued:

Note for Objector:

1. Need proof of service by mail of a copy of the *Objection to Guardianship* filed on 6/24/2014 for the following persons:
 - Gloria Singleton-Carter, Petitioner (maternal grandmother);
 - Father of Sanjarie Fletcher;
 - maternal grandfather;
 - paternal grandparents.

		GENERAL HEARING 8-25-14	NEEDS/PROBLEMS/COMMENTS:
		HELEN CASTANEDA , Maternal Grandmother, is Petitioner.	<p>1. The Notice of Hearing filed 7-2-14 does not indicate that a copy of the petition was served with the notice on the mother at #3 on the proof of service. The Court may require clarification.</p> <p>2. Declaration of Due Diligence for Salvador Sanchez states he was released from jail due to overcrowding on 6-22-14. Petitioner attempted to locate him but was unsuccessful. See declaration for details.</p> <p>If diligence is not found, need notice per Probate Code §2250(e).</p>
		Father: SALVADOR SANCHEZ - Declaration of Due Diligence filed 7-2-14	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	w/o	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			<p>Paternal Grandparents: Unknown Maternal Grandfather: Hector Ayala Jaime</p> <p>Petitioner states the father is incarcerated and the mother has become a drug user and has left the child with Petitioner. The mother is currently going from place to place with other drug users. She cannot provide for the child in her state of mind.</p> <p>Per the UCCJEA, the child has been with Petitioner since 5-29-14.</p>
			<p>Reviewed by: skc</p> <p>Reviewed on: 7-2-14</p> <p>Updates: 7-3-14</p> <p>Recommendation:</p> <p>File 25 - Jaime</p>

	TRINETTA JACKSON , Daughter, was appointed as Administrator with Full IAEA without bond and Letters issued on 7-25-06.	NEEDS/PROBLEMS/COMMENTS: <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p>Petition filed 6-19-14 is set for hearing on 7-23-14.</p>
Cont. from 031414, 050814	Final Inventory and Appraisal filed 11-15-06 indicates a total estate value of \$270,000.00 consisting of real property.	
Aff.Sub.Wit.		
Verified		
Inventory	On 12-20-13, the Court set status hearing for failure to file a petition for final distribution and sent notice to Attorney Susan Moore.	
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: 7-1-14
		Updates:
		Recommendation:
		File 26 – Jackson