



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

1 Mary Mae Neuffer (Estate)

Case No. 11CEPR00977

Atty Hazel, Donald H. (for Petitioner/Executor Colleen K. Jobe)

(1) First and Final Account and Report of Administrator with Will Annexed and (2) Petition for Its Settlement for Allowance of Compensation for Ordinary Services and for (3) Final Distribution (Prob. C. 10800, 10810, 10951)

DOD: 8/25/2011		COLLEEN K. JOBE , Executor, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 8/25/11 – 5/10/13	
		Accounting - \$889,610.96	
Cont. from		Beginning POH - \$885,476.93	
<input type="checkbox"/>	Aff.Sub.Wit.	Ending POH - \$856,857.65	
<input checked="" type="checkbox"/>	Verified	Administrator - \$20,792.22	
<input checked="" type="checkbox"/>	Inventory	(statutory)	
<input checked="" type="checkbox"/>	PTC	Attorney - \$20,792.22	
<input checked="" type="checkbox"/>	Not.Cred.	(statutory)	
<input checked="" type="checkbox"/>	Notice of Hrg	Closing - \$15,000.00	
<input checked="" type="checkbox"/>	Aff.Mail	Distribution, pursuant to Decedent's Will, is	
	W/	to:	
	Aff.Pub.	Marsha Ann Hong - \$10,000.00	
	Sp.Ntc.	Colleen Jobe - \$10,000.00	
	Pers.Serv.	Christopher Hong - \$10,000.00	
	Conf. Screen	Shriner's Hospital - \$770,273.21	
<input checked="" type="checkbox"/>	Letters		
	2/9/12		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 7/2/2013
			Updates:
			Recommendation: SUBMITTED
			File 1 – Nuefer

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

DOD: 3/3/2012	THERESA F. BARNARD , is Administrator with Will Annexed/petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> #3c of the petition was not answered re: reappraisal value within one year before the hearing. Need proof of service of the Notice of Hearing on purchasers Derek Pruett and Victoria Pruett pursuant to Probate Code 10308(c). Petition requests that no additional bond be required because the Will waives bond. Will waives bond for the named executor. Petitioner was not the named executor and therefore bond was not waived for her. If the court requires an additional bond the bond should be increased to \$311,653.00. <u>Note:</u> Petitioner is a beneficiary of 50% of the estate. Order submitted was for the Amended Petition. Need order for the Second Amended Petition.
Cont. from	Sale price - \$150,000.00	
	Overbid - 158,000.00	
	Reappraisal - \$147,000.00	
<input type="checkbox"/> Aff.Sub.Wit.	Property - 5514 E. Nevada, Fresno	
<input checked="" type="checkbox"/> Verified		
<input checked="" type="checkbox"/> Reappraisal	Publication - Not published (sale authorized per will)	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Buyers - Derek Pruett and Victoria Pruett, husband and wife as Joint Tenants	
<input checked="" type="checkbox"/> Aff.Mail W/		
<input type="checkbox"/> Aff.Pub.	Broker - \$7,350.00 (5% - 50% to Rosemarie Berrera and 50% to Joetta Winter)	
<input checked="" type="checkbox"/> Sp.Ntc. W/		
<input type="checkbox"/> Pers.Serv.	Current bond is \$162,500.00. Petitioner requests additional bond not be required because the will waives bond.	
<input type="checkbox"/> Conf. Screen	Once the real property is sold, the estate will be in a condition to close within a short period of time. Obtaining an additional bond would result in a delay in closing the estate.	
<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 X		
<input checked="" type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: KT
		Reviewed on: 7/3/2013
		Updates:
		Recommendation:
		File 2 – Frazer

3 Clarence Garrison (Estate)

Case No. 12CEPR00382

Atty Milnes, Michael A. (for Louise Tabor – Administrator – Petitioner)

(1) First and Final Report and Account or Personal Representative and (2) Petition for Allowance of Compensation to Personal Representative and (3) Attorney for Ordinary and Extraordinary Services and for (4) Final Distribution

DOD: 3-5-12		LOUISE TABOR , Administrator with Will Annexed, with full IAEA without bond, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Petition is not verified. Need verification pursuant to Probate Code §§ 1021, 1023. Need Inventory and Appraisal pursuant to Probate Code §8800. <i>Note: The petition indicates that two I&As totaling \$1,017,847.15 exist; however, none were ever filed.</i> <i>Note: Petitioner calculates statutory fees, gains, losses, etc., with reference to inventory figures; however, because no I&As have been filed, Examiner is unable to verify.</i> Petition and order both state: "Decedent's will dated November 18, 1993, was admitted to probate by order of this Court on June 5, 2012." However, Court records indicate that Decedent's Will dated 11-14-06 was admitted to probate on 6-7-12. <u>Need clarification:</u> Is this a clerical error, or are there additional details or documents that the Court is not aware of? <u>SEE ADDITIONAL PAGES</u>
		Account period: 6-7-12 through 3-31-13	
	Aff.Sub.Wit.	Accounting: \$1,027,589.03	
	Verified	Beginning POH: \$1,017,847.15	
	Inventory	(See Needs/Problems/Comments #2)	
	PTC	Ending POH: \$1,006,804.15 (cash)	
✓	Not.Cred.	Administrator (Statutory): \$23,136.25	
✓	Notice of Hrg	Administrator (Extraordinary): \$1,000.00 (per Local Rule, for sale of house)	
✓	Aff.Mail	Attorney (Statutory): \$23,136.25	
	Aff.Pub.	Closing: \$750.00	
	Sp.Ntc.	Distribution pursuant to Decedent's Will dated 11-14-06:	
	Pers.Serv.	1. Kathy Garrison: \$53,265.65	
	Conf. Screen	2. William Garrison: \$53,265.65	
✓	Letters	3. Ann Marie Tung: \$53,265.65	
	Duties/Supp	4. Steve Dustrude: \$53,265.65	
	Objections	5. Richard Garrison: \$53,265.65	
	Video Receipt	6. Dale Garrison: \$53,265.65	
	CI Report	7. Gary Tabor: \$53,265.65	
✓	9202	8. Linda Hamilton: \$53,265.65	
✓	Order	9. Suzanne Tabor Snowden: \$53,265.65	
	Aff. Posting	10. Florence Schmidt Craig: \$53,265.65	
	Status Rpt	11. Evelyn Brown: \$53,265.65	
	UCCJEA	12. James Schmidt: \$53,265.65	
	Citation	13. Nina Cook Levens: \$53,265.65	
✓	FTB Notice	14. Donna Evans: \$53,265.65	
		15. Ted Schmidt: \$53,265.65	
		16. Carolyn Wheeler: \$53,265.65	
		17. Peggy Cook Pollay: \$53,265.65	
		18. Dean Garrison: \$53,265.65	

NEEDS/PROBLEMS/COMMENTS (Cont'd):

4. Four (4) creditor's claims were filed. Need Allowance or Rejection of each claim with notice as appropriate, or withdrawals from the creditors.

Note: Petitioner indicates some were paid in full and some were negotiated; however, formal notice of Allowance or Rejection via Form DE-174 is required by Probate Code §§ 9250, 9252.

5. Disbursements Schedule indicates that Petitioner paid her own creditor's claim in the amount of \$2,323.85 without prior Court allowance in violation of Probate Code §9252. Need clarification.
6. Disbursements Schedule indicates payment to Ken and Florence Craig for expenses of administration in the amount of \$101.81; however, no explanation is provided. Need clarification.
7. One heir, Dean Garrison, resides in Thailand. Pursuant to Probate Code §8113, additional notice to a recognized diplomatic or consular official is required if property will pass to a citizen of a foreign country. Need clarification as to whether this additional notice is required. If so, further continuance may be necessary.

(1) First and Final Report of Executrix and Petition for Its Settlement, and (2) for Final Distribution Under Decedent's Will of Waiver of Accounting [Prob. C. 11640]

DOD: 11/17/2011	JUDY TOLER , Executor, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Petition was not verified. Probate Code §1021. Need property on hand schedule clearly stating the property on hand to be distributed. California Rules of Court, Rule 7.651. Petition does not contain a statement regarding if notice to the Franchise Tax Board was performed, as required by Probate Code 9202(c)(1). Need Order. Local Rule 7.1 states a proposed Order shall be submitted with all pleadings that request relief. If the proposed order is not received in the Probate Filing Clerk's Office ten (10) days before the scheduled hearing, a continuance may be required.
	Accounting is waived.	
	I & A - \$253,275.69	
	POH - ????	
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input type="checkbox"/> Verified	X Attorney - waives	
<input checked="" type="checkbox"/> Inventory	Executor - not addressed	
<input checked="" type="checkbox"/> PTC		
<input checked="" type="checkbox"/> Not.Cred.	Distribution of property on hand pursuant to decedent's will is to:	
<input checked="" type="checkbox"/> Notice of Hrg	Judy Toler	
<input checked="" type="checkbox"/> Aff.Mail	Tery Arnold Annette Nichols Steph	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" 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	X	
		Reviewed by: KT
		Reviewed on: 7/3/2013
		Updates:
		Recommendation:
		File 4 – Barnes

Atty Cunningham, Nikole E., of McCormick, Barstow (for Petitioner Michelle K. Johnson)
 Atty Sanoian, Joanne, of Law Offices of Joanne Sanoian (for Christine Reynolds, Respondent)

**Petition for (1) Finding of Financial Elder Abuse (W & I C. 15610.30),
 (2) Finding of Conversion, (3) Recovery of Estate Property (Prob. C. 850, et seq)**

DOD: 10/3/2012	MICHELLE K. JOHNSON , daughter, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 5/15/2013.</u> <i>Minute Order</i> states Ms. Sanoian advises the Court that Mr. Russo referred Ms. Reynolds to her office. Ms. Reynolds informs the Court that Mr. Russo is no longer representing her. Ms. Sanoian requests a continuance. Matter continued to 7/8/2013. At the request of Ms. Cunningham, the Court sets the <i>Petition for Letters</i> on 7/8/2013 [Please refer to Page 5B].</p> <p>Note: Please refer to Fourth Additional Page for notes on the <i>Objection of Christine Reynolds</i> filed 7/2/2013.</p> <hr/> <p>Reviewed by: LEG</p> <p>Reviewed on: 7/2/13</p> <p>Updates: 7/3/13</p> <p>Recommendation:</p> <p>File 5A – Smith</p>
	Petitioner states:	
	<ul style="list-style-type: none"> Petitioner is the only child of the Decedent and is a resident of Carmel-by-the-Sea, Monterey County, California; Respondent CHRISTINE REYNOLDS is and was residing in Fresno County at all material times alleged herein; Ms. Reynolds was the caregiver for the Decedent during the last 3 years of his life and is not related by blood or otherwise to the Decedent; Petitioner is ignorant of the true names and capacities of Respondents sued as Does 1 through 20, inclusive, and therefore sues these Respondents by fictitious names; Petitioner will amend the <i>Petition</i> to allege Doe Respondents' true names and capacities when ascertained; Petitioner believe that each of the fictitiously named Doe Respondents are responsible in some manner for the occurrences alleged herein, and that Petitioner's damages were proximately caused by those Respondents; Decedent and Deloris Smith (DOD 3/4/2009) were married on 8/13/1953, and had only one daughter together, the Petitioner; Decedent and Deloris remained married until Deloris' death; During their marriage, Decedent and Deloris purchased a Farmers Insurance Agency and named the agency "George and Dee Smith Insurance"; For ~15 years, Respondent worked on and off as a secretary in the Insurance Agency; during that time, Respondent would at times assist Decedent and Deloris around the house when they needed help with cleaning, laundry, and other errands; <p style="text-align: center;">~Please see additional page~</p>	
Cont. from 051513		
<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		
<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	X	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Petitioner states, continued:

- In February 2009, Deloris became very ill and was hospitalized; immediately after hospitalization, Respondent suddenly moved into Decedent's home and began serving as his full-time caretaker;
- Deloris died on 3/4/2009, two weeks after Respondent moved into Decedent's home;
- Although Petitioner found it strange that Respondent suddenly moved into her parents' home, she was grateful that someone was there to take care of her father;
- After Deloris died, Respondent began to slowly alienate Decedent from his family and exercise her influence over him to keep his family away and isolate him;
- Respondent changed the locks on Decedent's house and began to monitor Decedent at all times; Respondent began screening Decedent's telephone calls and made sure to be present whenever Decedent's family came to visit; Petitioner alleges that Respondent even asked neighbors to contact her if anyone came to visit Decedent while Respondent was out of the house;
- After Respondent moved into Decedent's house, personal property and money within his home began to disappear; Petitioner alleges Respondent was stealing and/or misappropriating said personal property and money; Petitioner alleges that Respondent used the missing property as a means to place a wedge between Decedent and his family in an effort to further isolate him and control his decisions; Respondent's daughter and her daughter's boyfriend also moved into Decedent's house and further isolated him from his family;
- During the time period of Respondent's control over Decedent, Decedent was diagnosed with cancer and began receiving chemotherapy, and Decedent's health deteriorated further; Respondent did not inform Petitioner that Decedent was suffering from cancer and Petitioner found out about the diagnosis from a third party;
- After learning of Decedent's cancer diagnosis, Petitioner and her husband traveled to Fresno in order to spend time with Decedent; Petitioner was shocked to discover the impact the cancer and chemotherapy had on her father; Decedent appeared incoherent, slurred his speech, and seemed to be influenced significantly by his medications;
- Despite the fact that Respondent was supposed to be maintaining the house, Decedent's home was filthy and appeared as though it had not been cleaned for an extended period of time;
- Petitioner purchased cleaning supplies and proceeded to clean the house, and when Petitioner confronted Respondent's daughter regarding the state of the house, Respondent's daughter claimed that they cleaned the house every week; however, it was apparent that the house had not been cleaned in months;
- Respondent continued to further isolate Decedent from his family; at the same time, due to Decedent's declining health, he was no longer able to run and operate the Insurance Agency, and persons working at the Insurance Agency became suspicious of Respondent's conduct and apparent influence over Decedent;
- Decedent was forced to sell the Insurance Agency; as part of the agreement to sell the Insurance Agency, Decedent was to receive 3 installment payments amounting to **~\$50,000.00**;
- Petitioner was concerned with what she was observing and hearing from others, and Petitioner contacted the Fresno Police Department on 6/22/2012 and filed a report for elder abuse; it was at that time that Petitioner learned that Respondent's name now appeared on the Deed to Decedent's house;

~Please see additional page~

Petitioner states, continued:

- Shortly thereafter, on 10/3/2012, Decedent died and after his death Respondent remained living in Decedent's house; Respondent refused to grant Petitioner access to the house and would not permit Petitioner to remove her father's belongings that were contained within the house;
- Petitioner alleges Respondent had access to Decedent's bank accounts both during and after his death; in addition to the bank account funds, Petitioner alleges Respondent also converted at least a portion of the proceeds Decedent was to receive for the sale of the Insurance Agency; after Decedent's death, Respondent contacted the Farmers Insurance Agency, stated she was the executor of Decedent's estate, and demanded that she be given the final check owed to Decedent for the sale of the Insurance Agency.
- **First Cause of Action – Financial Elder Abuse:**
 - At all relevant times, Decedent was over the age of 65; for several years prior to Decedent's death, Respondent was a "care custodian" for Decedent within the meaning of Probate Code § 21363; during the time Respondent served as a care custodian for Decedent, Respondent took, secreted, appropriated and retained both real and personal property of Decedent for wrongful use and with the intent to defraud, or by way of undue influence;
 - Respondent took and appropriated personal property and money from Decedent, including but not limited to personal property within Decedent's house and proceeds from the sale of the Insurance Agency; Respondent fraudulently or by undue influence wrongfully obtained title to real property owned by Decedent that is located on Garden Avenue in Fresno;
 - Respondent's conduct constituted "financial abuse" within the meaning of Welfare & Institutions Code 15610.3(a) in that Decedent was an "elder" within the meaning of that section during the perpetration of the acts of Respondent upon him, and that Respondent took and appropriated Decedent's property in bad faith for a wrongful use and with intent to defraud, and diminished the resources available to Decedent for his care and support during his lifetime; Decedent was harmed by Respondent's depletion of his assets; Respondent's conduct constituted "financial abuse" within the meaning of Welfare & Institutions Code § 15610.3(c) in that Decedent was an elder within the meaning of that section during the perpetration of the acts of Respondent upon him, and that Respondent took and appropriated Decedent's property by undue influence as defined in Civil Code § 1575;
 - As a direct and proximate result of this financial elder abuse, Decedent and Petitioner suffered damages in an amount according to proof at trial; in addition, Petitioner is entitled to recover punitive damages and up to 3 times those punitive damages as alleged above, and is entitled to recover remedies provided for in Welfare & Institutions Code § 15756.5, including reasonable attorney's fees and costs as provided in § 15657.5.

~Please see additional page~

Petitioner states, continued:

- **Second Cause of Action – Conversion:**
 - Both before and after Decedent's death, Respondent had access to real and personal property owned by Decedent; during that time, Petitioner alleges Respondent converted Decedent's money and personal property without his knowledge or consent, or by way of undue influence;
 - Respondent wrongfully converted at least a portion of the proceeds from the sale of the Insurance Agency; additionally, Petitioner alleges that Respondent wrongfully converted personal property and money contained within Decedent's home
 - Respondent's alleged conduct constituted conversion of Decedent's money and personal property for Respondent's personal use and consumption;
 - Petitioner alleges that Respondent was not and is not entitled to the wrongfully converted property;
 - As a direct and proximate result of such conversion, Decedent and Petitioner have suffered damages in an amount according to proof at trial.

- **Third Cause of Action – Recovery of Property Pursuant to Probate Code § 805:**
 - Petitioner, as the sole daughter and heir of the Decedent, is a person who is interested in the Decedent's estate as a successor in interest to his property and a successor in interest to any cause of action possessed by Decedent at the time of his death;
 - Respondent **CHRISTINE REYNOLDS** holds title and possession to certain real and personal property as follows: real property on Garden Ave. in Fresno; personal property of Decedent located within the home on the real property on Garden Ave.; proceeds from the sale of Decedent's Farmers Insurance Agency; and any other property, both real and personal, owned by Decedent at the time of his death;
 - Petitioner claims the right to title and possession of the foregoing property as the successor in interest to Decedent's estate.

Petitioner prays for an Order:

1. On the First Cause of Action - Financial Elder Abuse:
 - (a) For consequential and special damages proximately caused by Respondent's acts of financial elder abuse occasioned upon Decedent, according to proof at trial;
 - (b) For Respondent to be deemed to have predeceased the Decedent for purposes of inheritance pursuant to Probate Code § 259;
 - (c) For a constructive trust compelling Respondent to transfer all wrongfully obtained property to Petitioner pursuant to Civil Code § 2223 and 2224;
 - (d) For punitive damages against Respondent in amounts according to proof at trial;
 - (e) For a treble award of damages against Respondent pursuant to Civil Code § 3345;
 - (f) For an award of attorney's fees and costs pursuant to California statute.

~Please see additional page~

Petitioner prays for an Order, continued:

2. On the Second Cause of Action – Conversion:
 - (a) For consequential and special damages proximately caused by Respondent's wrongful conduct amounting to conversion in an amount according to proof at trial;
 - (b) For a constructive trust compelling Respondent to transfer all wrongfully obtained property to Petitioner pursuant to Civil Code § 2223 and 2224;
 - (c) For punitive damages against Respondent in amounts according to proof at trial;
 - (d) For a treble award of punitive damages against Respondent pursuant to Civil Code § 3345;
 - (e) For an award of attorney's fees and costs pursuant to California statute.

3. On the Third Cause of Action – Recovery of Property:
 - (a) Directing Respondent to transfer to the Trust the property that was wrongfully removed from Decedent's estate and to execute any documents or file any court proceedings necessary in order to fully complete the transfer;
 - (b) Directing Respondent to immediately deliver possession to Petitioner of property that was wrongfully taken from Decedent;
 - (c) For statutory damages in the amount of twice the amount wrongfully taken by Respondent, pursuant to Probate Code § 859;
 - (d) For an award of attorney's fees and costs pursuant to California statute.

Affidavit to Establish Successor in Interest for Commencement of Action on Behalf of Decedent was filed 4/9/2013 by Petitioner, stating a proceeding is pending for administration of Decedent's estate but Petitioner is unable to pursue the administration due to the actions of the Respondent; and affirming that Petitioner is the Decedent's successor in interest as defined in California code of Civil Procedure § 377.1, and succeeds to the Decedent's interest in the action, and that no other person has a superior right to commence the action or proceeding or to be substituted for Decedent in the pending action or proceeding.

Objection of Christine Reynolds to Petition for Finding of Financial Elder Abuse, Finding of Conversion and Recovery of Estate Property filed 7/2/2013 states:

- Respondent Christine Reynolds submits her Objection to Michelle Johnson's petition as follows; Petitioner Michelle Johnson's petition is full of conclusory and false allegations related to Ms. Reynold's alienation of Petitioner's father from others, and taking and misappropriating his property;
- It was Ms. Johnson's own actions of breaking inter her father's home and taking money from her mother which caused this alienation;
- It was Ms. Reynolds who repeatedly encouraged George (also referred to as "Decedent") to mend ways with his daughter;
- Ms. Johnson's petition is devoid of any proof of undue influence or financial elder abuse, and of the Decedent's susceptibility to said influence or abuse;
- The evidence will show that Ms. Reynolds was a longtime employee in George and Delores Smith's insurance agency, and a close and trusted friend; because of this friendship and her loyalty to George and Delores, Ms. Reynolds worked tirelessly to attend to both their professional and personal needs;

~Please see additional page~

Objection of Christine Reynolds filed 7/2/2013, continued:

- After Delores passed away, Ms. Reynolds simply continued to care for George; Ms. Johnson chose not to participate in those efforts, but to frustrate and alienate her parents with her own actions;
- It was never Ms. Reynolds' intent to prevent George from having a relationship with Petitioner or his other stepchildren; up until his death, George was fully capable of making those decisions on his own;
- It was the desire of both George and Delores to have Ms. Reynolds' ongoing caretaking and assistance;
- George's wishes with respect to his estate and business assets were of his own decision-making and execution; any suggestion to the contrary is false and entirely without evidentiary support;
- George and Delores ran a successful insurance business in Fresno for ~30 years; Ms. Reynolds worked as a secretary at the agency for a total of 20 years, beginning in 1988, and worked 35 to 40 hours per week; In the early 1990s, Ms. Reynolds took 2 years off to stay home with her newborn daughter;
- Ms. Reynolds had known George and Delores for many years prior to working at the insurance agency; while Ms. Reynolds was growing up, her grandfather operated the Headhunter Barber Shop located next to Decedent's insurance business; Ms. Reynolds felt like a granddaughter to both George and Delores, and was not only a trusted employee to them, but a good friend for many years, and very close to each of them until each of their deaths;
- In the early 2000s, Delores was in a car accident and suffered significant injuries, including a broken leg and injured ribs; because of Delores' injuries and the trusted relationship Ms. Reynolds shared with George and Delores, Ms. Reynolds began taking Delores on errands and helping George and Delores with household responsibilities as needed;
- When Delores fell ill in early 2009, Ms. Reynolds took on more responsibilities for caring for Delores and George, and for their household, while continuing to handle her responsibilities at the insurance agency, where George continued to work every day;
- After Delores' passing shortly thereafter, George realized a need to execute his own estate plan, and in April 2009 he executed a Trust naming Ms. Reynolds, Ms. Johnson (Petitioner), and his stepdaughter, **VICKI ATCHLEY**, as beneficiaries;
- Due to his trusted relationship with Ms. Reynolds, George also executed a durable power of attorney naming Ms. Reynolds as his agent, as well as power of attorney for health care also naming Ms. Reynolds as agent; at the same time, George made and paid for his own funeral arrangements;
- Prior to Delores falling ill, Ms. Johnson, who resides in Carmel, rarely called or visited her parents; once Delores passed away, however, Ms. Johnson would often come to her father's home, unannounced, and remove items and money;
- On at least one occasion, Ms. Johnson broke into the home; Ms. Johnson's actions angered her father, and he believed Ms. Johnson took money from Delores prior to Delores' death without Delores knowing;
- In April 2012, George wished to and did execute an amendment to his Trust, wherein he left his home, furniture and household belongings to Ms. Reynolds, as well as an interest in his insurance business; Ms. Johnson was not disinherited as she was left some personal property; prior to the time of his executing the amendment to his Trust, George gifted items of his personal property to other individuals of his choosing;

~Please see additional page~

Objection of Christine Reynolds filed 7/2/2013, continued:

- George worked at the insurance agency close to the time of his death and her never planned to retire; in June 2012, however, due to construction taking place to the shopping plaza in which George's agency was located, George ultimately decided it was in his best business interest to sell the agency;
- George maintained all of his mental faculties up until the time of his death, and his friends with whom he had coffee every morning at a local restaurant will attest to his mental capacities, as well as his wishes with respect to his estate;
- As stated, George made all of his own funeral arrangements and at the funeral, Mr. Reynolds was requested by certain of George's family members (not Petitioner) to take part in the funeral service, and Mr. Reynolds agreed; during the funeral service and at the time Ms. Reynolds was performing her requested role in the service, Ms. Johnson's husband interrupted the service by striking Ms. Reynolds in the face with his fist; Ms. Johnson's daughter followed said assault by hitting Ms. Reynolds in the jaw area; these attacks were witness by all of the at least 25 funeral guests in attendance.

Petitioner's First Cause of Action for Financial Elder Abuse Fails as a Matter of Law [in brief sum, sans citations]:

- Because Ms. Reynolds is not a care custodian as defined by Probate Code § 21362, there is no presumption of fraud or undue influence by Ms. Reynolds pursuant to Probate Code § 21380(a)(3); "care custodian" does not include a person who provides services without remuneration;
- Ms. Reynolds had both a personal and a professional relationship with George Smith for many years prior to his death, and she assisted both Delores and George in their home at different times as needed; there is no evidence nor any allegation that Ms. Reynolds was ever compensated for her assistance at their home, nor is it alleged what "care giving" services were even provided by Ms. Reynolds;
- Any transfer to Ms. Reynolds by George Smith of any property, or any instrument providing said transfer, does not give rise to a presumption of fraud or undue influence; there is no proof of any harm to George Smith from "depletion of assets" but there is evidence that George Smith intended that Ms. Reynolds receive the majority of his estate pursuant to his 2012 amendment to his Trust;
- Aside from mere allegations, and despite Ms. Johnson's lack of specificity as to which "property" Ms. Reynolds "took and appropriated" there is no proof of bad faith or intent to defraud; Ms. Reynolds was a lifelong, trusted and loyal employee to George Smith, and was a close friend who considered George and Delores as grandparents;
- There is equally lack of evidence, beyond general assertions, that Ms. Reynolds exerted "undue influence" of George Smith pursuant to the definition under Cal. Civil Code § 1575, and there is no evidence that Ms. Reynolds had a real or apparent "authority" over George Smith, nor that he had a "weakness of mind" making him susceptible to undue influence nor of any "grossly oppressive" taking of George Smith's necessities; George Smith, of his own free will and sound mind, consented to what property he gave to Ms. Reynolds.

~Please see additional page~

Objection of Christine Reynolds filed 7/2/2013, continued:

Petitioner's Second Cause of Action for Conversion Similarly Fails *[in brief sum, sans citations]:*

- To establish conversion a plaintiff must show "ownership or right to possession of property, wrongful disposition of the property right and damages;" Here, Petitioner's cause of action for conversion fails in the first instance because the "property" and "money" that Ms. Johnson claims to have been converted is not specifically identified; nor is there any specific allegation or evidence of wrongful disposition;
- Further, there exists no facts or evidence showing the necessary element of substantial interference with the rights to or possession of the property, that whatever alleged acts Ms. Reynolds did with the "property" was in fact enough of an interference of George Smith's property rights; this allegation is not only undermined by the fact that as of April 2012, George Smith named Ms. Reynolds as the primary beneficiary of his estate, as well as Ms. Johnson's failure to properly identify how Ms. Reynolds wrongfully "converted" the property, and how George Smith and Ms. Johnson were ultimately damaged by any alleged conversion;
- Again, it is telling that George Smith trusted Ms. Reynolds enough to name her as the primary beneficiary of the majority of his estate;
- The allegations as pled are simply not supported by specific evidence and once again, amount to only general, non-specific, and empty assertions.

Petitioner's Third Cause of Action for Recovery of Property Must Also Fail *[in brief sum, sans citations]:*

- For the reasons stated above, there is no satisfactory evidence of proof, beyond mere allegations, that Ms. Johnson has lawful title to any of the real and personal property devised to Respondent by Decedent in his 2009 Declaration of Trust, as amended on 4/12/2012, and therefore Petitioner's third cause of action must fail.

Respondent respectfully requests that this Court deny Ms. Johnson's Petition in its entirety.

Atty Cunningham, Nikole E., of McCormick, Barstow (for Petitioner Michelle K. Johnson)
 Atty Sanoian, Joanne, of Law Offices of Joanne Sanoian (for Christine Reynolds, Respondent)

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

DOD: 10/03/2012		<p>MICHELLE K. JOHNSON, daughter is petitioner and requests appointment as Administrator without bond.</p> <p>Petitioner is sole heir and waives bond.</p> <p>Full IAEA – o.k.</p> <p>Decedent died intestate</p> <p>Residence: Fresno Publication: The Business Journal</p> <p>Estimated value of the estate: Personal property - \$ 47,000.00 Real property - \$150,000.00 Total: - \$197,000.00</p> <p>Probate Referee: Steven Diebert</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If the <i>Petition</i> is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> ● Friday, 12/13/2013 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal; and ● Friday, 9/12/2014 at 9:00a.m. in Dept. 303 for the filing of the first account and/or 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 hearings will come off calendar and no appearance will be required.</p> <p>Note: Court file does not contain proposed order and letters; if <i>Petition</i> is granted, Petitioner must submit new proposed order and letters.</p>	
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		<p>Reviewed by: LV / LEG</p> <p>Reviewed on: 7/2/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5B - Smith</p>		

Amended Petition for Probate of Will and for Letters Testamentary: Authorization to Administrator Under the Independent Administration of Estates Act

DOD: 03/29/13		<p>MARK REIFF, named Executor, is Petitioner, and requests appointment as Executor with bond set at \$120,000.00.</p> <p>Mark Reiff was appointed Special Administrator on 4/10/2013. Letters of Special Administration expire on 7/8/2013.</p> <p>Full IAEA – OK</p> <p>Will dated 10/24/74 Codicil dated 03/25/13 Codicil dated 03/28/13</p> <p>Residence – Kingsburg Publication – Selma Enterprise & Kingsburg Recorder</p> <p>Estimated Value of the Estate: Personal property - \$ 43,000.00 Annual income - 73,000.00 Total - \$116,000.00</p> <p>Probate Referee: STEVEN DIEBERT</p> <p>Points and Authorities in Support of Mark Reiff's Appointment as Executor filed on 7/1/2013.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Order.</p> <p>Note: If the Petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Friday August 2, 2013 at 9:00 am in Dept. 303 for filing of bond; • Friday, December 6, 2013 at 9:00 am in Dept. 303 for filing of the Inventory & Appraisal; and • Friday, September 5, 2014 at 9:00 am in Dept. 303 for filing of the Accounting/Petition for 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>	
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		<p>Reviewed by: JF /KT</p> <p>Reviewed on: 7/3/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6 – Carlson</p>		

Atty James, Ruben (pro per – beneficiary/Petitioner)

Atty Cobb, Lee S.W. (for Karl Dewazien – co-trustee)

Petition to Compel Trustee to Account [PC 17200 (b) (7)]

Vincent DOD: 05/13/07	RUBEN JAMES aka ALFRED DEWAZIEN, is		NEEDS/PROBLEMS/COMMENTS:
Wadja DOD: 12/16/02	Petitioner.		
	Petitioner states:		Continued from 6/10/2013. Minute order states the Court orders the parties to participate in mediation.
Cont. from 061013	<ol style="list-style-type: none"> 1. He is the income beneficiary of the Vincent & Wadja Dewazien Trust, dated 06/26/92 (the "Trust"). 2. Vincent Dewazien died on 05/13/17. Since then, Karl Dewazien has been the trustee of the Trust. 3. The trustee has never provided Petitioner with an accounting of the Trust. On April 2, 3 and 9, Petitioner demanded that the trustee provide him an accounting. As of the filing of this Petition, the trustee has failed to prepare and provide Petitioner with an account or respond to the requests. 4. The trustee did not divide assets according to the will and trust. 5. The Trustee never provided Petitioner with a Notice of Proposed Action before he sold cars and other household property. 		
Aff.Sub.Wit.			<ol style="list-style-type: none"> 1. The Petition does not list the names and addresses of all persons entitled to Notice. Note: The Petition does list the names of the beneficiaries of the Trust, however, this does not necessary include all persons who are entitled to notice. Need verification of all persons entitled to notice pursuant to Probate Code § 17201. 2. Need Order.
✓ Verified			
Inventory			Note: It appears that Petitioner may be referencing additional trust instruments in addition to The Vincent & Wadja Dewazien Trust dated 06/26/92 (The Vincent Dewazien Living Trust). The matter presently before the court is only in regardgs to the Vincent & Wadja Dewazien Trust dated 06/26/92. The Court may require clarification as to the existence of additional trusts.
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Not.Cred.			Reviewed by: JF / KT
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	Petitioner requests that:		
	<ol style="list-style-type: none"> 1. Karl Dewazien, trustee, be instructed to prepare and file with this Court an account of the Vincent and Wadja Dewazien Trust since 05/13/07; 2. Karl Dewazien, trustee, be instructed to Petition this Court for the settlement of the account and give notice of hearing on the Petition. 3. The Court order attorneys' fees and costs as allowed by law. 		
	Objection to Petition to Compel Trustee to Account filed 05/17/13 by Karl Dewazien states:		
	<ol style="list-style-type: none"> 1. The Trust was established by Vincent Dewazien and Wadja Dewazien, the parents of Petitioner and Objector, on or about 06/26/92 and they served as the initial co-trustees of the Trust. 		
	Continued on Page 2		

3. Wadja died on 12/16/02 and Vincent died on 05/13/07. Under the terms of the Trust, Petitioner and Objector were nominated as the successor co-trustees of the Trust and acted as successor co-trustees of the Trust.
4. Despite being a co-trustee of the Trust along with Objector, Petitioner filed this Petition, in which he inexplicably neglects to mention that he was also a co-trustee of the Trust during the time period for which he now seeks an accounting.
5. The last remaining assets of the Trust were distributed in or about June 2008 and the administration of the Trust was brought to a close at that time.
6. Objector objects to the Petition on the grounds that
 1. There is no basis to compel an accounting because Petitioner was also acting as a Co-Trustee of the Trust. Pursuant to Probate Code § 16061, there is generally no duty to account when both the Co-Trustees and the beneficiaries are one in the same. Thus, given Petitioner's involvement as a trustee, there is no basis to compel an accounting.
 2. An account is barred by the statute of limitations. Petitioner brought this Petition roughly 6 years after the death of Vincent Dewazien and roughly 5 years after the final distribution of assets from the Trust. In light of this extended delay, Petitioner is now barred from compelling an account by the applicable statute of limitations. Probate Code § 16460(a)(2), a "claim is barred to that beneficiary unless a proceeding to assert the claim is commenced within three years after the beneficiary is discovered, or reasonably should have been discovered, the subject of the claim." Here, given that Petitioner was a co-trustee and involved in the administration of the Trust, he either was expressly aware of or should have been aware of the acts undertaken by Objector, then he had the ability as co-trustee, to immediately ascertain and investigate all pertinent facts related to the trust administration. Despite this ability, Petitioner unreasonably and inexplicably waited roughly 5 years to file this Petition. Thus, the Petition is barred by the applicable 3 year statute of limitations under Probate Code § 16460(a)(2).
 3. An account is barred by consent. Not only is the Petition untimely, it seeks an accounting of acts in which Petitioner previously consented. A beneficiary generally "may not hold the trustee liable for an act or omission of the trustee as a breach of trust if the beneficiary consented to the act or omission before or at the time of the act or omission." As co-trustee, Petitioner was involved in the administration of the Trust and the distribution of the Trust assets and the distribution of assets required the consent and signature of Petitioner as co-trustee.
 4. An account is barred by the doctrine of laches due to the unreasonable delay in filing the Petition. Preparing an account at this time would be unduly burdensome and expensive.

For all of the above reasons, the Court should deny the Petition in its entirety. In the alternative, if the Court is inclined to grant the Petition, then the costs of such accounting should be borne equally by both Petitioner and Objector who were the acting co-trustees of the Trust.

Response to Objection to Petition to Compel Trustee to Account filed 06/03/13 states:

1. Although both he and Objector were named as co-trustees, only Karl acted as the actual trustee. Petitioner was a co-trustee in name only. In reality, the only function he ever performed was signing one document, the Shareholder Request Form, in July 2008, which he does not remember signing. He can only surmise that he was led to believe the document was a routine clerical form he needed to sign after his father died. No accompanying documentation was provided and all other information about the administration of the Trust was equally withheld by Objector. Petitioner states that he was continuously told by Karl that there were no assets left in the Trust.

Continued on Page 3

2. Petitioner is now seeking to find out what the remaining assets of the Trust were, how they were distributed, and why he didn't receive any of them, despite the Will and Trust specifying that the assets were to be divided equally between he and Karl. Petitioner was not aware that the administration of the Trust was brought to a close in June 2008. Karl did not inform Petitioner that he took all the remaining assets in the Trust and put them into a new trust (the Dewazien Family Trust), removing Petitioner as Co-Trustee and beneficiary, nor did he reveal the new trust's account number until it appeared in his Objection.
3. Petitioner further responds to the objection as follows:
 - a. Petitioner was a co-trustee in name only. Karl functioned as the acting trustee and maintained the Trust and withheld relevant information about the Trust, handled all of the Trust documentation, and evaded questions about the assets of the Trust. Petitioner was told repeatedly by Karl that there was nothing in the Trust. Petitioner also now believes that he was removed as a co-trustee without his knowledge or consent. Due to Petitioner's lack of access to function as a co-trustee, an accounting is necessary.
 - b. The statute of limitations has just begun. Although it has been 5 years since the reported distribution of assets of the Trust, Petitioner did not receive any distributions other than the title to his house, which he has not learned was not titled to him as believed, it is titled in such a way that Karl still has ownership. One asset Petitioner specifically requested was their father's truck. With full knowledge that Petitioner wanted the truck, Karl sold it instead and then kept all of the proceeds from the sale. Petitioner did not receive many of their parents assets that he was entitled to including, proceeds from the sale of Vincent's vehicles, investment funds, household effects, a bank account his mother kept for him, a diamond ring his mother promised him, nor any other assets that there may have been. Petitioner states that he is unsure of all of the assets. Petitioner states that he could not have reasonably discovered sufficient information because he was told there was nothing in the Trust accounts. He was never provided with the Trust account numbers, bank statements, or on-line login information. All of which were unreasonably withheld by Karl. Given that Karl withheld information about the Trust, maintained that the Trust had no assets, evaded questions, did not consult Petitioner, made all decisions unilaterally and did not communicate those decisions to Petitioner. Because of this Petitioner was unable to ascertain any facts related to the trust administration and only discovered that the Trust administration had been closed in 2008 when he received Karl's objection. Therefore Petitioner believes that the date he received the objection, 05/21/13, is when the statute of limitations begins.
 - c. Petitioner never consented. Petitioner maintains that he never functioned as a co-trustee and did not consent to any actions taken by Karl. In fact, Petitioner filed this petition in order to find out what Karl did in the administration of the Trust. The Objection states that distribution of assets required the consent and signature of the Petitioner, however, he ever gave consent to any distribution, other than the home he was living in, was not involved in any decisions about remaining distributions and never knowingly signed for any distributions. Karl could only produce one document with Petitioner's signature (the Shareholder Request Form) which appears to be a request to transfer investment funds to the Trust and not a distribution. Petitioner maintains that he did not believe this document to have anything to do with a distribution and signed it believing that it was for simple clerical purposes as had been stated to him by Karl.
 - d. Laches does not apply because any unreasonable delay in filing the Petition is due to Karl first claiming that there were no funds remaining in the Trust to distribute, then later claiming that there were additional outstanding expenses and he used all remaining Trust funds. When asked about the disposition of the Trust assets, Karl stopped communication entirely.

Continued on Page 4

Petitioner has waited patiently for years for information from Karl. When he refused to further discuss the matter or have any communication, Petitioner realized that something was undeniably amiss and is now asking for the court's assistance.

- e. The status of the Trust is in question. Since Petitioner did not knowingly consent to the closing of the account or sign any documentation to close the account, he does not believe that the Trust account is actually closed.
- f. Petitioner is also seeking to find out what became of the property mentioned in the Vincent Dewazien Living Trust, Schedule A, #4 – Note and Deed of Trust owned by D. Cooper.
- g. On 05/24/13, Petitioner called Franklin Templeton Investments to inquire about the Dewazien Family Trust. He was shocked to discover that his SSN is not longer associated with that trust, he is no longer co-trustee and that another co-trustee has been appointed. Petitioner had no knowledge of this until 05/24/13 and did not knowingly consent to or approve these changes.
- h. The Shareholder Request Form lacks the Stamp of Seal of Eligible Guarantor Institution and the name of the institution represented. Petitioner does not remember appearing before anyone to sign this documents and does not know the identity of the person. Without the required stamp or seal how can we know if this person is truly authorized and therefore know that this document is valid.

In conclusion, Petitioner states that his aim in filing this Petition is to find out what the Trust assets were, what happened to them and to recover his losses. Petitioner does not agree that the cost of an accounting should be split between them. He states that he is not able to pay for an accounting due to his current financial situation. Additionally, since Karl made all of the decisions and administered the Trust unilaterally, he should bear the cost of an accounting and be responsible for his actions.

Mediation Status Report filed by Karl Dewazien on 6/18/2013 states the parties appeared at mediation on 6/11/2013 and participated in a half day of mediation with Mr. Fisher. The parties were unable to resolve this matter through mediation and Dewazien believes that any further Court ordered mediation, particularly with Mr. Fisher, would be neither productive nor cost effective.

Atty Roberts, Gregory J. (for Petitioner Rebecca Suzanne Perry)

Petition for Letters of Special Administration

DOD: 1/16/2012		<p>REBECCA SUZANNE PERRY is petitioner and requests appointment as Special Administrator without bond.</p> <p>Will dated: 3/5/1996</p> <p>Residence: Fresno Publication: Not required.</p> <p>Estimated value of the estate: Real property - \$-(79,750.00)</p> <p>Petitioner states a Special Administrator is needed in order to sign documents on behalf of the decedent with regard to a short sale of the real property. The real property has a market value of \$90,250.00 and the mortgage on the property is \$170,000.00. There are no other assets of Decedent's estate. The beneficiaries had anticipated allowing the property to go into foreclosure. A proposed buyer of the property has agreed to purchase the property on a short sale. The only anticipated action required of the Special Administrator will be that of the signing of the documents relating to the sale of the property.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Letters—Submitted 7/5/2013. 2. Original Will needs to be deposited with the court pursuant to Probate Code §8200. 				
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File 8 – Stotts							

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

DOD: 08/24/2012		<p>CAROL GOULART, daughter/named executor without bond, is petitioner.</p> <p>Full IAEA – o.k.</p> <p>Will dated: 07/16/1980</p> <p>Residence: Fresno Publication: The Business Journal</p> <p>Estimated value of the Estate:</p> <table> <tr> <td>Personal property</td> <td>-</td> <td>\$200,000.00</td> </tr> <tr> <td>Real property</td> <td>-</td> <td>\$750,000.00</td> </tr> <tr> <td>Total</td> <td>-</td> <td>\$950,000.00</td> </tr> </table> <p>Probate Referee: Steven Diebert</p>	Personal property	-	\$200,000.00	Real property	-	\$750,000.00	Total	-	\$950,000.00	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Friday, 12/13/2013 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Friday, 09/12/2014 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p> <p>Reviewed by: LV</p> <p>Reviewed on: 07/02/2013</p> <p>Updates:</p> <p>Recommendation: Submitted</p> <p>File 9 – Teixeira</p>
Personal property	-		\$200,000.00									
Real property	-		\$750,000.00									
Total	-		\$950,000.00									
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Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 11/28/2012		TIFFANY LEANN GALASSIE, daughter/named executor without bond, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Dana D. Walker is named in the decedent's will as the alternate executor however is not listed in section 8 of the petition. Need proof of service of Notice of the Petition to Administer Estate on Dana D. Walker, named alternate executor, pursuant to Probate Code §8110(b). Need Proof of Subscribing Witness. <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> Friday, 12/13/2013 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and Friday, 09/12/2014 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p> <p>Reviewed by: LV Reviewed on: 07/03/2013 Updates: Recommendation: File 10 – Schulteis</p>
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DOD: 11/06/2007		<p>PATRICIA PAUL TAMIYASU, daughter/named executor is petitioner.</p> <p>Full IAEA – o.k.</p> <p>Will dated: 09/21/2007</p> <p>Residence: Fresno Publication: The Business Journal</p> <p>Estimated value of the Estate: Personal property - \$32,3335.00</p> <p>Probate Referee: Rick Smith</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need name and date of death of deceased spouse pursuant to Local Rule 7.1.1D.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Friday, 12/13/2013 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Friday, 09/12/2014 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
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		Reviewed on: 07/03/2013	
		Updates:	
		Recommendation:	
		File 11 – Paul	

Atty Shekoyan, James E., of Baker Manock & Jensen (for John R. Panzak, Jr., Deceased Executor, and for Petitioner Sharon Panzak, spouse)

Atty Risner, Randy J., sole practitioner (for Competing Petitioner Gordon Panzak, son)

Probate Status Hearing Re: the Estate; and Failure to File a First Account or Petition for Final Distribution [Prob. C. 12200, et seq.]

DOD: 3/12/2010	<p>JOHN R. PANZAK, JR., son, was appointed Executor of the estate and <i>Letters</i> issued on 8/11/2010.</p> <p>Petitions by Claimants GORDON PANZAK, son, and CHARLES PANZAK, son, were filed on 3/9/2011 seeking the Court's determination of ownership of specific items of property including a pick-up truck and real property located in Santa Cruz. Following the filing of demurrers, amended petitions, and amended demurrers, an <i>Order on Demurrer to Second Amended Petition to Determine Ownership of Real Property</i> signed on 1/31/2012 sustains the general demurrer to the second amended petition without leave to amend.</p> <p>Petition for Letters of Administration with Will Annexed was filed 3/11/2013 by SHARON PANZAK, spouse, stating the Executor, JOHN R. PANZAK, JR., died on 2/15/2013, and requesting she be appointed successor administrator of the estate.</p> <p>Petition for Successor Letters Testamentary was filed 3/18/2013 by GORDON PANZAK requesting appointment as the named alternate Executor of Decedent's Will.</p> <p>Minute Order dated 4/29/2013 from the hearing on the petitions of Sharon Panzak and Gordon Panzak states the petition is denied as to Sharon Panzak, and as to Gordon Panzak, and the Court appoints the PUBLIC ADMINISTRATOR as the personal representative. Order to be prepared. The Court notes for the minute order that minimal work will need to be done. Matter is set for Status Hearing Re Filing of the Inventory and Appraisal on 10/4/2013, and Status Hearing Re the Filing of the First Account and/or petition for final distribution on 6/27/2014.</p> <p>Letters of Administration with Will Annexed issued to the Public Administrator on 6/3/2013.</p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from 090712, 011113, 041913, 042913		Page 13 is the related matter of the JOHN R. PANZAK LIVING TRUST .
Aff.Sub.W		Continued from 4/29/2013. <i>Minute Order</i> states the Court advises Mr. Shekoyan that he will be responsible for preparing the first account. Matter continued to 7/8/2013.
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~Please see additional page~		
		Reviewed by: LEG
		Reviewed on: 7/2/13
		Updates:
		Recommendation:
		File 12 – Panzak

Note for Background: Status Report of Personal Representative filed 1/8/2013 and Status Report of Personal Representative filed 8/23/2012 by John R. Panzak, Jr., state, in pertinent parts:

- The probate estate has a single asset which is a brokerage account with Merrill Lynch; most of Decedent's assets were in his living trust which are not part of the probate estate;
- Gordon Panzak filed two litigation matters between himself and Petitioner, as the Executor of the estate; one of the litigation matters involves the probate estate; the second matter is a civil litigation action filed by Mr. Panzak (Case # 11CECG00789) regarding the Decedent's trust and trust assets; the issues in the civil litigation matter are entwined with the issues in the probate estate;
- The Petitioner was prepared to commence trial in the civil litigation action, which was scheduled to begin on 12/12/2012; on 12/6/2012, just six days prior to the scheduled civil litigation action trial date, Gordon Panzak dismissed this case without prejudice, and on the same day [emphasis in original], he filed a new civil litigation action (Case # 12CECG03842) citing the same causes of action and the same grievances as alleged in the action he just dismissed – the new complaint is basically a copy of the complaint that was dismissed the same day (please refer to copy of new complaint filed 12/6/2012 attached as Exhibit A);
- The issues in the civil litigation matter are entwined with the issues in the probate estate; as soon as the civil litigation is resolved, Petitioner intends to close the probate estate.
- A Mandatory Settlement Conference in the civil litigation was scheduled for **11/13/2012**, and a trial date was set of **12/12/2012**;
- Several creditor's claims were filed with the Court or presented against the estate and have been rejected, in sum as follows: Gordon Panzak filed on 12/8/2010 several claims including ½ interest in Santa Cruz property, rent waste and damage, pick-up truck and furniture, for a claimed value totaling in excess of **\$1 million**; all rejected on 2/1/2011;
- An *Inventory and Appraisal* was filed on 4/25/2011 showing an estate value of **\$520,693.06** (please refer to *Schedule A attached for summary of the estate inventory*);
- The devisee of the estate pursuant to Decedent's Will admitted to probate on 8/22/2010 is John R. Panzak, Jr., Trustee of the John R. Panzak Living Trust.

Age: 16 years		<p>MICHELE GUERRERO, Guardian, is petitioner.</p> <p>MICHELLE GUERRERO was appointed guardian on 8/23/2012.</p> <p>Father: Deceased</p> <p>Mother: VIKKI PHILLIPS</p> <p>Paternal grandfather: Deceased Paternal grandmother: Rita McCoy Maternal grandparents: Deceased</p> <p>Petitioner states the minor has remained living with his mother since 12/21/12 and has not been in her care. She would like to terminate the guardianship so that she is relieved from all legal responsibility for the minor.</p> <p>Court Investigator Charlotte Bien's Report filed on 6/18/2013.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>	
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<input type="checkbox"/>	FTB Notice			
<p>Reviewed by: KT</p> <p>Reviewed on: 7/3/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 14 – DeLaCruz</p>				

Age: 9	<p style="text-align: center;"><u>There is no temporary</u></p> <p>ANTONIO GARCIA, step-father, is petitioner.</p> <p>Father: JUVENTINO CHAVEZ</p> <p>Mother: JULIA PATRICIA RAMIREZ</p> <p>Paternal Grandfather: Deceased Paternal Grandmother: Natalia Sosa</p> <p>Maternal Grandfather: Peter Ramirez, Deceased Maternal Grandmother: Maria Morales</p> <p>Petitioner states: the mother of the minor is homeless and abusing drugs. She recently came to the home but petitioner did not open the door. For the past seven years the minor has had stability while in petitioner's care and he does not want the mother to come around and take the child. Petitioner states that the father is not stable and is not a legal resident therefore it is difficult for him to provide the basics for the child's well-being.</p> <p>Court Investigator Charlotte Bien's Report filed on 6/14/13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Per CI report Petitioner no longer wishes to pursue guardianship. If the petition is to go forward Petitioner will need to personally serve the parents.</p>
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<p>Reviewed by: KT</p> <p>Reviewed on: 7/2/2013.</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 15 – Ramirez</p>		

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

Age: 3	<u>TEMPORARY EXPIRES 7-8-13</u>	NEEDS/PROBLEMS/COMMENTS:
	KATHRYN and DOUGLAS HAMMON , Non-relatives, are Petitioners.	Minute Order of 05/20/2013 states the mother, Jacqueline Storm, informs the Court that she is in favor of the petition and father has been deported. Per mother's representation, the Court finds this individual to be the father. The Court orders that no further action be taken regarding notice to the father. Mother is directed to provide her address and telephone number to the Clerk's Office forthwith.
Cont. from	Father: UNKNOWN , Declaration of Due Diligence filed on 06/28/2013, Court dispensed with notice pursuant to minute order of 05/20/2013	<ol style="list-style-type: none"> Need proof of personal service fifteen days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> Jacqueline Dawn Storm (Mother) Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice for: <ul style="list-style-type: none"> Paternal Grandparents (Unknown) – Unless the Court dispenses with notice.
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<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Mother: JACQUELINE DAWN STORM , Nomination of Guardian was signed on 05/17/2013, and consents to guardianship pursuant to minute order of 05/20/2013	
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<input type="checkbox"/> Aff.Pub.		
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<input type="checkbox"/> Pers.Serv.	<input checked="" type="checkbox"/>	
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	<p>Paternal Grandfather: Unknown, Declaration of Due Diligence filed 06/28/2013</p> <p>Paternal Grandmother: Unknown, Declaration of Due Diligence filed 06/28/2013</p> <p>Maternal Grandfather: John M. McNall, Consents and Waives Notice</p> <p>Maternal Grandmother: Nora McNall, Consents and Waives Notice</p> <p>Sibling: Conan Storm, served by mail 06/11/2013</p> <p>Petitioners state the mother is not able to care for the child because of her drug use and instability. The father was deported to Mexico and as far as Petitioners know, has never had contact with this child. Petitioners have had the minor in their care since January 2013 and would like to ensure that they are able to do anything necessary for the care and protection of this child.</p> <p>DSS Social Worker, Melissa Arredondo, and Social Worker, Keith M. Hodge, report filed 07/01/2013.</p>	
		Reviewed by: LV
		Reviewed on: 07/03/2013
		Updates:
		Recommendation:
		File 16 – Storm

Pro Per Rodriguez, Joann (Pro Per Petitioner, sister)

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

Age: 17 years		<p style="text-align: center;"><u>General Hearing set for 8/26/2013</u></p> <p>JOANN RODRIGUEZ, sister, is Petitioner.</p> <p>Father: UNKNOWN; <i>deceased</i>.</p> <p>Mother: CAROLINE ALVARADO; <i>deceased</i>.</p> <p>Paternal grandfather: Unknown Paternal grandmother: Unknown</p> <p>Maternal grandfather: Unknown Maternal grandmother: Unknown</p> <p>Petitioner states she is the minor's sister and he currently has no stable home, he is getting into trouble at school, and he is currently in Juvenile Hall. Petitioner states the minor does not live with her but lives with her aunt and their brother Mike, and Petitioner is going through the process of getting guardianship because their parents are deceased and she believes that in her care, the minor will improve as she is married and her husband can be a positive role model for the minor. Petitioner states the minor is in Juvenile Hall for bad behavior and the Judge wants someone to have guardianship of him because no one currently has guardianship.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Court records indicate the proposed ward, Jesse Alvarado, is a ward of the Juvenile Delinquency Court (Case 13CEJ600480-1). Delinquency Court <i>Minute Order</i> dated 6/18/2013 [Judge Kimberly Gaab] states in pertinent part that minor is to remain detained pending disposition; Probation to look into issue of minor's legal guardian; next hearing: disposition 7/2/2013. Court records do not yet show a minute order from the 7/2/2013 hearing as of 7/3/2013.</p> <p>1. Need <i>Notice of Hearing</i> and 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</i>, or <i>Consent to Appointment of Guardian and Waiver of Notice</i> for:</p> <ul style="list-style-type: none"> Jesse Alvarado, proposed ward. 	
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				Reviewed by: LEG
				Reviewed on: 7/3/13
		Updates:		
		Recommendation:		
		File 17 – Alvarado		

18 Anna Valdez, Roselinda Valdez, Kailena Valdez, Juan Valdez, Samantha Valdez, Nikkia Alvarado (GUARD/P)

Case No. 13CEPR00557

Atty Valdez, Alexandra (Pro Per – Petitioner – Paternal Aunt)

Atty Camacho, Janie (Pro Per – Petitioner – Paternal Grandmother)

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

Anna: 6	<p align="center"><u>GENERAL HEARING 08/26/2013</u></p> <p>ALEXANDRA VALDEZ, paternal aunt, and JANIE CAMACHO, paternal grandmother, are petitioners.</p> <p>Father: JUAN VALDEZ</p> <p>Father (of Nikkia): Unknown</p> <p>Mother: NIA ALVARADO</p> <p>Paternal Grandfather: Alberto Camacho</p> <p>Paternal Grandparents (of Nikkia): Unknown</p> <p>Maternal Grandparents: Unknown</p> <p>Petitioners state: the children were at risk of being removed by CPS. Petitioners want the children to be in a familiar environment with their family. A Team Decision Making Summary Report is attached to the petition stating that the children shall remain with the petitioner, Alexandra Valdez.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service five (5) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Juan Valdez (Father) • Father of Nikkia (Unknown) • Nia Alvarado (Mother) 3. UCCJEA appears to be a copy. Need original. 4. Petitioner, Janie Camacho, did not sign the temporary petition.
Roselinda: 5		
Kailena: 3		
Juan: 2		
Samantha: 1		
Nikkia: 8		
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		Reviewed by: LV
		Reviewed on: 07/05/2013
		Updates:
		Recommendation:
		File 18 – Valdez & Alvarado