



## 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) Third Account and Report of Trustee Together With (2) Petitions for Approval Thereof, for (3) Award of Attorney's Fees [Prob. C.2403, 2422, 2551, 2620, 2640, 172000(b)(5)]**

<b>Age: 13 years</b>		<b>CAROLYN BATES-WELCH</b> , Trustee, is petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>Summary of Account totals are rounded to the nearest dollar. There is no provision in the Probate Code for rounding.</li> <li>Beneficiary Cynthia Welch was noticed "in care of" her Edward Welch. California Rules of Court, Rule 7.51 requires direct notice.</li> <li>Need bank statements pursuant to Probate Code §2620(c)(2).</li> <li>Order does not comply with Local Rule 7.6C. Orders settling accounts shall contain a statement as to the balance of the estate on hand, specifically noting the amount of cash in the balance.</li> </ol> <p><b>Note:</b> If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> <li><b>Friday, August 9, 2014</b> at 9:00 a.m. in Department 303, for the filing of the increased bond.</li> <li><b>Friday, February 27, 2013</b> at 9:00 a.m. in Department 303, for the filing of the fourth account.</li> </ul> <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>
		Account period: 1/1/11 – 12/31/12	
		Accounting - <b>\$1,154,317.00</b>	
<b>Cont. from</b>		Beginning POH - <b>\$1,050,841.00</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Ending POH - <b>\$1,098,136.00</b> (\$981,104.00 is cash)	
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>	<b>Current bond is \$125,000.00.</b> Petition requests bond be increased to \$250,000.00.	
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	Attorney fees - <b>\$3,437.00</b> (per itemization and declaration, 28.8 hours at \$50.00 per hour for paralegal work and \$175.00 - \$300.00 per hour for attorney work)	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	W/	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>	<b>Petitioner prays for an Order:</b>	
<input type="checkbox"/>	<b>Letters</b>	1. Confirming, ratifying, and approving all acts and transactions of Petitioner as reported herein;	
<input type="checkbox"/>	<b>Duties/Supp</b>	2. Approving Petitioner's 3 <sup>rd</sup> Account and Report as presented;	
<input type="checkbox"/>	<b>Objections</b>	3. Allowing the sum of \$3,437.50 in attorneys' fees.	
<input type="checkbox"/>	<b>Video Receipt</b>	4. Increasing the bond to \$250,000.00	
<input type="checkbox"/>	<b>CI Report</b>	5. Requiring the next accounting of the Trustee be for the period of 1/1/2013 through 12/21/2014.	
<input checked="" type="checkbox"/>	<b>2620(c)</b>	X	
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
<b>Reviewed by: KT</b>			
<b>Reviewed on: 7/11/2013</b>			
<b>Updates:</b>			
<b>Recommendation:</b>			
<b>File 1 – Welch</b>			

**Atty Elizondo, Rebecca (pro per Co-Guardian)**

**Atty Elizondo, Abraham (pro per Co-Guardian)**

**Atty Elizondo, Lisa (pro per Co-Guardian)**

**Atty Vasquez, Elizabeth (pro per Mother)**

**Atty Vasquez, Michael Jay (pro per Father)**

**Ex Parte Motion for Modification OF Child Visitation**

Elijah age: 8	<p><b>REBECCA ELIZONDO</b>, maternal aunt, <b>ABRAHAM ELIZONDO</b>, maternal grandfather and, <b>LISA ELIZONDO</b>, maternal grandmother, are petitioners.</p> <p>Petitioners were appointed guardians on 9/7/2011.</p> <p>Father: <b>MICHAEL JAY VASQUEZ</b> – present in court on 3/11/2013</p> <p>Mother: <b>ELIZABETH VASQUEZ</b>; personally served on 1/8/2013.</p> <p><b>Petitioners state</b> the motion is brought on the grounds that Michael Vasquez and Elizabeth Vasquez are a danger and threat to the children. The Family Court has granted permanent restraining orders protecting the children from their respective parents, however the Family Court deferred the issue of the parents having visitation with the children to the Probate Court.</p> <p><b>Petitioners allege</b> that since the establishment of the guardianship both parents have habitually made false claims of abuse against the guardians to both the Fresno Police Department and Child Protective Services. The parents both use their time at CYS to interrogate the children. Then they proceed to call the Fresno Police Department and Child Protective Services to make false allegations. The police have come to the Guardians' home to question the children. The children have told police officers again and again that they are not being harmed. Both children are very frightened and cry after being interrogated by the police and social workers.</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Elaina age: 6		
Cont. from 011613, 031113		
Aff.Sub.Wit.		
✓ Verified		
Inventory		
PTC		
Not.Cred.		
✓ Notice of Hrg		
✓ Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
✓ Pers.Serv. W/		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
<b>Please see additional page</b>		<p><b>Reviewed by:</b> KT</p> <p><b>Reviewed on:</b> 7/9/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 2A - Vasquez</b></p>

**Petitioners allege, continued:**

Both children have received extended therapy sessions with their individual licensed mental health clinicians due to all the continued false allegations and lies by the parents. Both children are in counseling and Petitioners have spoken to each child's counselor and they have informed Petitioners that the children continue to need intense and extended therapy which Petitioners believe is a direct result of their parents' continued actions.

**Petitioners request** the court grant a temporary order of no contact between the children and Elizabeth Vasquez and Michael Vasquez pending a full hearing on the issue.

**Declaration of Elizabeth Vasquez (mother) filed on 1/14/13.** Mother states she is objecting to the modification of the visitation. Visitation with the children is conducted at CYS for two hours. Visitation has strict guidelines with rules and regulations. Before visits were started both parties had to attend orientation and sign and initial all the rules and regulations which must be followed for visits to occur. She has concerns about the well-being of the children. On the visit on Wednesday, July 11, 2012, Elijah kept complaining about a headache that he got from being out in the sun all day. There was a heat advisory that day and the temperature was 105. After the visit mom states she was concerned and sent a text to her mother, Lisa Elizondo, simply asking if Elijah was okay, and if he was getting plenty of water to keep hydrated since he had a headache. Lisa Elizondo's response was LEAVE ME ALONE. On the Wednesday, 8/26/12 visit Elijah had a black eye and scratches all over his face. It looked as if he had been punched. CYS documented this. Mom states she was truly concerned about her son because the Elizondo's 18 year old son, Andrew was living with them and had been constantly bullying Elijah. Elijah stated on one occasion, "Uncle Andrew throws chips on the floor and makes me eat them like a dog." Mom alleges the Elizondo's refuse to have any kind of contact with her about her children. She has not contacted them in the past to bother them, she just simply wanted to know about her children. Mom states she has been making positive changes in her life since the guardianship was granted. She is trying with all her heart to regain custody of her children. Mom states she truly believes that the guardians will do anything in their power to try to destroy any kind of relationship and bond that she has with her children.

**Declaration of Michael Vasquez (father) filed on 1/15/13.** Father states the visits with his children are held at a supervised agency where the visits are monitored and documented. Since the visits have been supervised father state he has only had great visits. They watch movies, play board games, read books together and have really started to bond again since the guardianship was granted. Father alleges that the guardians are not abiding by the court's order for visitation. The last time he was able to speak to his children was on 11/4/12. The last time he was able to speak to the children was on 11/12/12. Father states on 11/15/12 he called to speak to the kids for his scheduled telephone visit, there was no answer. Father states he called three more times, again no answer. On 11/18/12 Father states he went to CYS for his scheduled visit he saw Rebecca Elizondo waiting outside. When he walked to the door a man approached and served him with paperwork for a Temporary Restraining Order. This is in violation of CYS' rules and procedures that state there will be no serving of court documents on CYS property. On 12/5/12 Father states he attended the Restraining Order hearing where the Elizondo's asked the Family Court Judge to take away his visitation. The Restraining Order was granted but since there was a probate case open the child visitation was to remain. Father states he contacted CYS on 12/19/12 and showed them that he should still be having visits. CYS stated they had filled his visitation day and that they had to contact the Elizondo's to schedule a different date for the visits. Father states he has been in contact with CYS for 4 weeks and that the Elizondo's have not been in contact with CYS. The guardians refuse to have any contact with CYS or to allow him to visit. Father is requesting to have all his back visits that he has missed since 11/4/12.

**Please see additional page**

**Order After Hearing dated 3/11/2013 ordered:**

1. Neither parent shall have telephone communication with the minor children.
2. The parents shall have separate therapeutic visitation through Comprehensive Youth Services or a comparable agency that provides therapeutic visitation with the children. All therapeutic visitation shall be arranged by the agency and/or therapeutic counselor with dates and times to be arranged by the agency and/or therapeutic counselor.
3. The children's therapists shall each provide the Court and the Court Investigator with a letter regarding the children's progress in therapy, any issues pertinent and relevant regarding the children's contact with their parents, and any other issues the therapist deems pertinent. The letters shall be provided to the court prior to July 11, 2013.
4. The mother and/or father shall provide the Court Investigator proof of any mental health treatment they are engaged in or have engaged in.
5. The parties shall not discuss the substance of this matter around the children.
6. The matter is set for review hearing on July 11, 2013.

**Confidential Psychological Assessment filed by mother, Elizabeth Vasquez on 7/8/2013**

Atty Elizondo, Rebecca (pro per Co-Guardian)  
 Atty Elizondo, Abraham (pro per Co-Guardian)  
 Atty Elizondo, Lisa (pro per Co-Guardian)  
 Atty Vasquez, Elizabeth (pro per Mother)  
 Atty Vasquez, Michael Jay (pro per Father)

**Ex Parte Petition for Visitation**

Elijah age: 8	ELIZABETH VASQUEZ, mother, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Elaina age: 6	REBECCA ELIZONDO, maternal aunt, ABRAHAM ELIZONDO, maternal grandfather and, LISA ELIZONDO, maternal grandmother, were appointed guardians on 9/7/2011.	
Cont. from 011613, 031113	Father: MICHAEL JAY VASQUEZ – present in court on 7/9/2013	
Aff.Sub.Wit.	<b>Petitioner states</b> the guardians are not fulfilling their duties and caretakers. They are not following the court's orders which grant her telephone visitation on Mondays and Thursdays and visitation two hours per week at CYS.	
✓ Verified	The guardians did not bring the children for their visit at on Sunday, January 6, 2013.	
Inventory	Petitioner states CYS called her on 1/6/13 stating that the Guardians are not returning their calls and cancelled visitation because of the hearing. The Guardians also owe several outstanding balances to CYS.	
PTC	On Monday, November 12, 2012 Petitioner states she called the Guardian's residence to speak to the children. Petitioner state she spoke to Elijah for 6 minutes and the Guardians hung up and would not let her speak to Elaina.	
Not.Cred.	On Monday, 12/24/12 at 6:31 and 6:35 Petitioner states she called the Guardian's residence to have her visit but there was no answer, the call went to voicemail. On Monday, 1/7/13 at 6:31 Petitioner states she called for her telephone visit there was no answer. Petitioner states she called a second time and someone intentionally hung up the phone.	
Notice of Hrg	<b>Petitioner states</b> if the court did not suspend visitation then the Guardians are not following the court's order which grants her visitation.	
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		
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 7/9/13</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 2B - Vasquez</b>

**Order After Hearing dated 3/11/2013 ordered:**

7. Neither parent shall have telephone communication with the minor children.
8. The parents shall have separate therapeutic visitation through Comprehensive Youth Services or a comparable agency that provides therapeutic visitation with the children. All therapeutic visitation shall be arranged by the agency and/or therapeutic counselor with dates and times to be arranged by the agency and/or therapeutic counselor.
9. The children's therapists shall each provide the Court and the Court Investigator with a letter regarding the children's progress in therapy, any issues pertinent and relevant regarding the children's contact with their parents, and any other issues the therapist deems pertinent. The letters shall be provided to the court prior to July 11, 2013.
10. The mother and/or father shall provide the Court Investigator proof of any mental health treatment they are engaged in or have engaged in.
11. The parties shall not discuss the substance of this matter around the children.
12. The matter is set for review hearing on July 11, 2013.

**Confidential Psychological Assessment filed by mother, Elizabeth Vasquez on 7/8/2013**

**Petition to Compel Turnover of the Betty Ruth Cozby Trust Pursuant to Probate Code Section 16061.5 and for Damages and Attorney's Fees Pursuant to Probate Code Section 16061.9**

		<b>JANICE POTTER</b> is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 6/13/2013.</b></p> <p>1. Need Order.</p>
		<b>Petitioner states</b> she is an heir at law, and believes she is a beneficiary of the Betty Ruth Cozby Trust.	
		Betty Ruth Cozby died in April 2011.	
<p><b>Cont. from 022912, 040412, 060412, 081312, 100412, 111512, 010413, 021513, 022213, 032913, 051613, 061313</b></p>		Betty Cozby was unmarried and did not have children, and her parents and siblings predeceased her. Petitioner is a niece of Betty Cozby and heir at law under applicable Probate Code intestacy statutes.	
	<b>Aff.Sub.Wit.</b>	Petitioner believes Betty Cozby's friend, Edward D. Reimer, is the named successor Trustee of the Betty Ruth Cozby Trust.	
✓	<b>Verified</b>		
	<b>Inventory</b>	Upon the death of Ruth Cozby the Trust became irrevocable. Petitioner states she requested orally, and then more formally, through counsel, a copy of the Trust. The formal request was made on 8/17/2011. No response has been received to the request.	
	<b>PTC</b>		
	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>	Probate Code §16061.5 provides that a trustee has a duty to provide a true and complete copy of the terms of an irrevocable trust, or irrevocable portion of a trust, to any beneficiary who requests it, and to any heir of a deceased settlor who requests it.	
✓	<b>Aff.Mail</b>	W/	
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>	<b>Wherefore, Petitioner seeks relief as follows:</b>	
	<b>Letters</b>	1. For an Order compelling Edward D. Reimer to provide full and complete copies of the Betty Ruth Cozby trust, including any applicable schedules and amendments, if any;	
	<b>Duties/Supp</b>	2. For an Order compelling turnover of relevant information on the administration of assets of the Trust pursuant to Probate Code section 16061;	
	<b>Objections</b>	3. That Edward D. Reimer be ordered to personally pay Petitioner's attorney's fees and costs in filing and prosecuting this petition.	
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
	<b>Order</b>	X	
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>	<b>Statement of Assets Held in The Betty Cozby Living Trust filed by Edward D. Reimer and Ola May Langley on 6/4/12.</b>	
	<b>FTB Notice</b>		
		<b>Reviewed by: KT</b>	
		<b>Reviewed on: 7/9/13</b>	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 3A - Cozby</b>	

**Petition for Settlement of Account and Approval of Trustee Fees [Prob. C. 17200(b)(5)]**

		<b>EDWARD D. REIMER and OLA MAE LANGLEY</b> , Trustees, are petitioners.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 6/13/2013. Minute order states Mr. Gilmore informs the Court that they have negotiated a resolution as to the objections to the accounting that will require an amended petition.</b></p> <ol style="list-style-type: none"> <li>Petition was not signed or verified by Petitioner Ola Mae Langley. Probate Code §1020 states the petition must be signed by all petitioners.</li> <li>It appears that the trustee (Edward Reimer) has paid himself an amount monthly (approximately \$3,000 per month) regardless of the time spent on trustee tasks. The Trustee declaration should clearly state the amount of time spent on each task and the hourly rate for the services performed.</li> <li>Disbursement schedule includes cell phone payments at approximately \$43 per month. Court may require clarification.</li> <li>Disbursement schedule includes payments to State Farm totaling \$436.14. Court may require more information regarding this disbursement.</li> <li>Order submitted includes a closing reserve of \$25,000.00 that was not included in the accounting presented to the court or noticed on all parties.</li> <li>Order submitted includes distribution of the assets to the various beneficiaries however the distribution was not included in the accounting presented to the court and noticed on all parties.</li> </ol>
		Account period: 4/30/11 – 2/28/13 (22 months)	
Cont. from 051613, 061313			
<input type="checkbox"/>	Aff.Sub.Wit.	Accounting - <b>\$945,634.96</b>	
<input checked="" type="checkbox"/>	Verified	Beginning POH- <b>\$938,966.68</b> Ending POH - <b>\$849,957.59</b>	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Trustee - <b>\$66,182.50</b> (already paid, requesting the court approve said fees)	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	Attorney - <b>\$3,908.85</b> (already paid)	
<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 checked="" type="checkbox"/>	Objections	<p><b>Petitioner prays for an Order:</b></p> <ol style="list-style-type: none"> <li>Finding that all facts stated in the Petition are true and that all notices required by law have been given.</li> <li>This account and report be settled, allowed and approved, and all acts and transactions of Reimer set forth in it, or relating to the matters set forth in it, be ratified, confirmed and approved;</li> <li>Compensation in the amount of \$66,182.50 already paid to Reimer be allowed and approved;</li> <li>The Trust be distributed pursuant to the terms of the Trust Agreement</li> </ol>	
<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	<b>Please see additional page</b>	

**Reviewed by: KT**  
**Reviewed on: 7/9/13**  
**Updates:**  
**Recommendation:**  
**File 3B – Cozby**

**Objections to Trustee's Fees and Request for Attorney Fees and Costs filed by Janice Potter on 5/10/2013.**

Janice Potter states there are two issues that need to be resolved the first is the matter of Trustee's fees already taken by Trustee, Edward Reimer, which in her opinion are excessive, especially in light of the Trustee's performance in this matter and, second, the costs and attorney's fees Janice Potter has incurred in petition to get a copy of the Trust from Mr. Reimer, to get a statement of the Trust assets from him and, after that, to force him to account and get the Trust to the point of a distribution, something that took nine court appearances, and the threat of removal of Mr. Reimer on several occasions, to accomplish.

**The Issue of Trustee's Fees**

Mr. Reimer's seeks approval of \$66,182.50 in Trustee's fees he has already taken. The accounting reveals Mr. Reimer immediately started paying himself "round numbers", for example paying himself \$1,500.00 May 2, 2011 and \$500.00 May 23, 2011 and he continued this pattern right on through February of 2013 taking the total noted above.

Article XII of the Trust does provide that the Trustee is entitled to pay himself "reasonable compensation" from time to time without court approval, but the amounts taken by Mr. Reimer are clearly excessive.

Beginning assets for this Trust were, according to the accounting, \$938,966.68. That would mean the Trustee's fees charged by Mr. Reimer totaled about 7% of the total Trust assets, clearly an excessive amount, even if he had done a diligent job, which he clearly did not.

Using the time submitted by Mr. Reimer, he spent 93.6 hours to date on the Trust. At a generous rate of \$75.00 per hour, this would calculate out to \$7,042.50 in total Trustee's fees.

In summary on this point \$7,042.50, at most should be allowed in trustee's fees and the balance of the funds taken by Mr. Reimer (\$59,140.00) should be remitted by him to the trust. If the Court uses a percentage as a gauge for fees, as opposed to time, at 1% per annum the amount allowed for Trustee's fees should not exceed \$18,909.28.

**The Issue of a Surcharge Against Trustee for Ms. Potter's Attorney Fees and Costs**

As the Court will recall, Mr. Reimer, before he retained counsel, refused to provide Janice Potter a copy of the Trust, despite her being named as a Trust beneficiary. It to a Petition to get Mr. Reimer to retain counsel, who then secured a copy of the Trust for Ms. Potter. Mr. Reimer should be personally surcharged the attorney's fees and costs incurred by Ms. Potter to compel him to do what he was obligated to do, as a matter of law, from the start of his trusteeship.

The attorney fees and costs total \$7,238.96, which includes the filing fee and telephonic appearance fees.

Probate Code 16061.9 doe provide that the Trustee is responsible for damages, as well as liable for attorney's fees and costs, cause by the Trustee's failure to make reasonable diligent effort to comply with Section 16061.7. Here, the Trustee clearly did nothing, even a letter demanding the information from counsel, forcing Ms. Potter to petition the Court for relief.

The Court will no doubt recall he saga of getting Mr. Reimer to provide an accounting as well.

**Please see additional page**

Accordingly, under the above Code provisions and the facts of this case, Mr. Reimer should be surcharged the fees and costs incurred to compel him to do his job as Trustee, and to get us to the point of distribution.

**Wherefore, Janice Potter requests:**

1. That the Trustee be ordered to return excessive compensation taken by him to the Trust, in the sum of \$59,140.00;
2. That the Trustee be surcharged the attorney's fees and costs incurred by Ms. Potter in the amount of \$7,238.96, and that the same be paid to Ms. Potter
3. That the account otherwise be approved and the trustee ordered to make distribution.



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

<b>DOD: 2/24/12</b>	<b>MARY JO CARDOZA</b> , daughter, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Continued from 6/6/2013.</b> As of 7/8/2013 no additional documents have been filed.					
	40 days since DOD.						
	No other proceedings.						
<b>Cont. from 022113, 022813, 032813, 060613</b>	I & A - <b>\$80,000.00</b>						
<b>Aff.Sub.Wit.</b>	Will dated 1/14/12 devises decedent's ½ interest in real property to Mary Jo Cardoza.						
<input checked="" type="checkbox"/> <b>Verified</b>	<b>Petitioner requests</b> Court determination that Decedent's ½ interest in real property located in Selma California passes to her pursuant to Decedent's Will.						
<input checked="" type="checkbox"/> <b>Inventory</b>							
<input checked="" type="checkbox"/> <b>PTC</b>							
<b>Not.Cred.</b>	<b>Objections to Petition to Determine Succession filed by Michele Cardoza on 3/22/13.</b> Objector states the real property identified in the petition (the Property) was and is subject to an agreement (the Agreement) between decedent, Emily Scharer and Mary Jo Cardoza, Joseph Cardoza, William Cardoza, Michael Cardoza and Objector.						
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	To understand the terms of the Agreement, reference is made to case no. 219958-6, the Estate of Mary Silva. Mary Silva died in 1977 and was the mother of Emily Scharer, and grandmother of Mary Jo Cardoza, Joseph Cardoza, William Cardoza, Michael Cardoza and Objector.						
<input checked="" type="checkbox"/> <b>Aff.Mail</b> W/	The Last Will and Testament of Mary Silva devised her entire estate to her six grandchildren and made no provisions for her daughter, Emily Scharer.						
<b>Aff.Pub.</b>	Included in her estate was an undivided ½ interest in the Property. During the course of the administration of the estate of Mary Silva, the Agreement was made between Emily Scharer, who held the other ½ interest in the Property, and the six grandchildren of Mary Silva, who were to receive Mary Silva's ½ interest in the Property.						
<b>Sp.Ntc.</b>							
<b>Pers.Serv.</b>							
<b>Conf. Screen</b>							
<b>Letters</b>							
<b>Duties/Supp</b>							
<b>Objections</b>							
<b>Video Receipt</b>							
<b>CI Report</b>							
<b>9202</b>							
<input checked="" type="checkbox"/> <b>Order</b>							
<b>Aff. Posting</b>							
<b>Status Rpt</b>							
<b>UCCJEA</b>							
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<b>Reviewed by: KT</b>							
<b>Reviewed on: 7/11/2013</b>							
<b>Updates:</b>							
<b>Recommendation:</b>							
<b>File 4 - Scharer</b>							

The material terms of the Agreement were that Emily Sharer would receive all income/profit from the Property during her life and, in exchange for the grandchildren foregoing any interest in the income/profit during her life, she would, upon her death, give the exempted portion of the real property contained in the legal description of the Property to her children equally. Thus, upon the death of Emily Scharer, the farmland and the portion surrounding and containing the residence would be merged and the ownership of the parcels would be held equally by the six grandchildren of Mary Silva.

The Agreement was prepared and executed by the law offices of Shepard, Shepard and Janian, and resulted in a Grant Deed being recorded with the County Recorder on 6/13/1978, whereby Emily Scharer was given a life estate in the Property.

As also part of the Agreement, final distribution of the estate of Mary Silva was entered on 10/23/1978. The decree distributes the Property to the six grandchildren without reference to the Agreement and the previously recorded Grant Deed.

Objector states she contacted the law offices of Shepard, Shepard and Janian about obtaining a copy of the Agreement. Objector was told that Mary Jo Cardoza obtained Emily Scharer's file and the office did not keep a copy.

Of the six grandchildren of Mary Silva who might attest to the existence of the Agreement, Objector states she is the only one able and willing to step forward; Margaret died in 2004, William died in 2005, Joseph has dementia, Michael, for whatever reason, has aligned himself with Mary Jo, and the interests of Mary Jo.

Objector states that while she is unable to produce the written Agreement, the written documents available provide evidence that the parties to the Agreement acted and performed according to the terms of the Agreement, save for Emily Scharer completing her performance as required.

**Minute order dated 3/28/2013 states** the Court directs counsel to submit a joint document showing the chain of title and what it represents.

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

<b>Age: 49 years</b>		<p><b>MICHAEL NEAL</b>, brother, is petitioner and requests appointment of the Public Guardian as conservator of the person.</p> <p><b>Estimated value of the estate:</b></p> <table> <tr> <td>Personal property</td> <td>-</td> <td>\$102,170.00</td> </tr> <tr> <td>Real property</td> <td>-</td> <td>\$450,000.00</td> </tr> <tr> <td>Total</td> <td>-</td> <td>\$552,107.00</td> </tr> </table> <p><b>Petitioner states</b> Christopher Neal is missing and his whereabouts are unknown. He is currently believed to be a fugitive from the law possibly residing somewhere in South America. In the year 2012 he had four criminal cases filed against him in Sacramento County for felony charges, in addition to four misdemeanor charges. On 2/13/13 Christopher failed to appear at his preliminary hearing and has implied in e-mails to Petitioner that he may possibly be in Columbia or Ecuador.</p> <p>Christopher is a beneficiary of real and personal property held in a trust established by his late mother. The property will require attention, supervision and care. Transfer of the property directly to Christopher is impossible at this time, given the circumstances.</p> <p>Even if Christopher appears in or returns to California, he faces probable incarceration on the felony charges pending against him. He may also be addicted to and acting under the influence of illegal narcotics. He is substantially unable to manage his own financial resources, necessitating the appointment of a conservator for the proper management and protection of his real and personal property.</p> <p><b>Court Investigator Charlotte Bien's Report filed on 5/15/2013</b></p>	Personal property	-	\$102,170.00	Real property	-	\$450,000.00	Total	-	\$552,107.00	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>This petition is for Conservatorship of a Missing Person.</b></p> <p><b>Continued from 6/6/2013. Minute order states Mr. O'Lane requests a continuance to follow-up on the issue regarding a possible power of attorney.</b></p> <ol style="list-style-type: none"> <li>#1a of the Petition is completed requesting appointment of the Public Guardian as conservator of the person. Based on the information in the petition it appears that the Petitioner is requesting appointment of the Public Guardian as conservator of the estate (item 1b petition which was not completed)</li> <li>Probate Code 1846(b) states the petition shall include that the missing person has not been heard from by the persons most likely to hear (naming them and their relationship to the missing person) since the time of the disappearance and that the whereabouts of the missing person is unknown to those persons and the petitioner.</li> <li>Probate Code 1846(d) states the petition shall include a description of any search or inquiry made concerning the whereabouts of the missing person. - <b>Please see additional page for Supplement to Petition.</b></li> </ol>
Personal property	-		\$102,170.00									
Real property	-		\$450,000.00									
Total	-		\$552,107.00									
<b>Cont. from 060613</b>												
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>											
<input checked="" type="checkbox"/>	<b>Verified</b>											
<input type="checkbox"/>	<b>Inventory</b>											
<input type="checkbox"/>	<b>PTC</b>											
<input type="checkbox"/>	<b>Not.Cred.</b>											
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>											
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> W/											
<input checked="" type="checkbox"/>	<b>Aff.Pub.</b>											
<input type="checkbox"/>	<b>Sp.Ntc.</b>											
<input type="checkbox"/>	<b>Pers.Serv.</b>											
<input type="checkbox"/>	<b>Conf. Screen</b>											
<input type="checkbox"/>	<b>Letters</b> X											
<input type="checkbox"/>	<b>Duties/Supp</b>											
<input type="checkbox"/>	<b>Objections</b>											
<input type="checkbox"/>	<b>Video Receipt</b>											
<input checked="" type="checkbox"/>	<b>CI Report</b>											
<input type="checkbox"/>	<b>9202</b>											
<input checked="" type="checkbox"/>	<b>Order</b>											
<input type="checkbox"/>	<b>Aff. Posting</b>											
<input type="checkbox"/>	<b>Status Rpt</b>											
<input type="checkbox"/>	<b>UCCJEA</b>											
<input type="checkbox"/>	<b>Citation</b>											
<input type="checkbox"/>	<b>FTB Notice</b>											
		<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 6/3/13</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 5 - Neal</b></p>										

**Supplement to Petition filed on 6/5/2013** states since the filing of the petition, Petitioner has received an e-mail correspondence from his brother, Christopher Neal, the proposed conservatee. Christopher will not disclose his specific whereabouts, but says only that he and his wife are in South America. Petitioner has no physical address for Christopher or Christopher's wife.

Petitioner believes that Christopher has made similar representations to members of the Public Guardian's office, although he has told the Public Guardian's office that he and his wife are "on holiday." Petitioner believes that Christopher is not on vacation, but instead left the country due to criminal charges pending against him.

Petitioner has not received any objection from Christopher to the petition for conservatorship.

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

Age: 51	<b>TEMPORARY EXPIRES 7/11/2013</b>		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Court Investigator Advised Rights on 06/27/2013.</b></p> <ol style="list-style-type: none"> <li>1. Citation does not include the Court Seal. It is the conformed copy. Need original citation.</li> <li>2. Need Duties of Conservator.</li> <li>3. Need Capacity Declaration.</li> <li>4. Petition requests 2590 powers. Local Rule 7.15.2 states it is the policy of the court to grant a conservator only those independent powers necessary in each case to administer the estate. Petition does not state which specific powers are requested and why they are necessary.</li> </ol>
	<p><b>KELLY MARIE KISLING GALLAGHER</b>, daughter, is petitioner and requests appointment as Conservator of the person with medical consent powers and the estate with 2590 powers and without bond.</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.			
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp	x		
<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 type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
	<p><b>Petitioner states:</b> Mr. Kisling was in a serious automobile accident on May 25, 2013 and suffered brain damage. He had surgery on May 25 and is in a medically induced coma.</p> <p><b>Petitioner states</b> bond is not necessary because she is the daughter of the proposed conservatee. She states that he prepared a will and trust for his estate and appointed Myron F. Smith, Attorney, as the executor and trustee, in both cases he waived the requirement of bond for the trustee and executor. Conservator is willing to submit monthly reports from the corporate CPA, Leslie H. Kos Townsend, showing the funds received, salary paid to employees only, costs paid, and tax deposits made. Any funds in excess of those necessary for payment of the monthly expenses and a reasonable living expense for his spouse will be prepared and filed with the Court monthly.</p> <p><b>Estimated Value of the Estate – \$3,237,932.00</b></p> <p><b>Court Investigator Jennifer Young's Report filed on 7/3/2013</b></p>		
			<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 7/9/2013</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 6 – Kisling</b></p>

<b>DOD: 02/26/2013</b>	<b>SHAWN M. MURPHY</b> , son is petitioner and requests appointment as Administrator without bond.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need named and date of death of deceased spouse per Local Rule 7.1.1D.</p> <p><b>Note: If the petition is granted status hearings will be set as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>Friday, 12/13/2013 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <b>and</b></li> <li>• <b>Friday, 09/12/2014 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.</li> </ul> <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
<b>Cont. from</b>	Full IAEA – o.k.	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>	Decedent died intestate	
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>	Residence: Reedley Publication: The Reedley Exponent	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	w/	
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>	<b>Estimated value of the Estate:</b> Personal property - \$415,000.00	
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>	Probate Referee: Steven Diebert	
<input type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> LV
		<b>Reviewed on:</b> 07/09/2013
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 8 – Murphy</b>

<b>DOD: 07/14/2011</b>		<b>LINDA E. WILLIAMS</b> , sister, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		40 days since DOD.	
		No other proceedings.	
<b>Cont. from</b>			
	<b>Aff.Sub.Wit.</b>	Will dated 06/08/2011 devises any and all interest in the real property located at 411 E. Dayton Ave Fresno to Linda E. Williams.	
✓	<b>Verified</b>		
✓	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>	I&A - <b>\$30,000.00</b>	
✓	<b>Notice of Hrg</b>		
✓	<b>Aff.Mail</b>	w/	
	<b>Aff.Pub.</b>	Petitioner requests Court determination that decedent's ½ interest in real property located at 411 E. Dayton Ave., Fresno, pass to Linda E. Williams pursuant to decedent's will.	
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
			<b>Reviewed by:</b> LV
			<b>Reviewed on:</b> 07/09/2013
			<b>Updates:</b>
			<b>Recommendation:</b> Submitted
			<b>File 9 – Pascoe</b>

**Probate Status Hearing Re: Filing of the Inventory and Appraisal, and Petition for Final Distribution or Release from Ward Pursuant to Probate Code 2627**

<b>DOD: 12-14-06</b>	<p><b>JOANNE MILLER</b>, sister, was appointed Administrator without bond and Letters were issue on 07/17/07. Ms. Miller is a resident of Battleground, WA.</p> <p>Inventory and Appraisal filed 7-9-07 indicates the only asset of the estate as residential real property located at 638 N. Fisher Street in Fresno, which was valued at \$185,000.00 as of the decedent's date of death, which was 12-14-06.</p> <p>Two creditor's claims were filed:</p> <ul style="list-style-type: none"> <li>• City of Fresno \$40,755.99</li> <li>• DHS \$76,161.31</li> </ul> <p><b>On 5-16-13, after numerous status hearings regarding closing the estate, the Court removed Ms. Miller and appointed the Public Administrator.</b></p> <p>On 6-27-13, Public Administrator filed a Reappraisal for Sale indicating the value of the real property at \$33,000.00.</p> <p>On 7-2-13, Public Administrator filed a Notice of Proposed Action indicating a purchase price of \$48,500.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>1. Need status of estate or Petition for Final Distribution.</b></p>
<b>Cont. from 062712, 083112, 102612, 012513, 042513, 051613</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
	<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 7-9-13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 10 - Murchison</b></p>	

Age:		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>OFF CALENDAR.</b> 2<sup>nd</sup> Account filed and set for hearing on 8/6/2013.</p>
DOD:		
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: KT
		Reviewed on: 7/9/2013
		Updates:
		Recommendation:
		File 11 – Bryant

**12A Angel David Miramontes & Yareli Gutierrez (GUARD/P)**

**Case No. 12CEPR00048**

**Atty Corona, Maria (pro per Petitioner/guardian/maternal grandmother)**

**Atty Miramontes, Paloma (pro per maternal aunt)**

**Petition for Termination of Guardianship**

Angel age: 9	<b>MARIA CORONA</b> , maternal grandmother/guardian, is petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>Petition does not list the names and current address of the parents and grandparents.</li> <li>Need proof of service of the Notice of Hearing on:                     <ol style="list-style-type: none"> <li>Luis Gutierrez (Angel's paternal grandfather)</li> <li>Mrs. Gutierrez (Angel's paternal grandmother)</li> <li>Fernando Miranda (Yareli's paternal grandfather)</li> <li>Liliana Miranda (Yareli's paternal grandmother)</li> <li>Hector Miramontes (maternal grandfather)</li> </ol> </li> </ol>
Yareli age: 2	<b>MARIA CORONA</b> , maternal grandmother, was appointed guardian on 4/17/2012.	
Cont. from 062013	Father (Angel): <b>NOT LISTED</b> (ANGEL MIRANDA) - personally served on 5/28/13	
Aff.Sub.Wit.		
✓ Verified		
Inventory	Father (Yareli): <b>NOT LISTED</b> (LUIS FABIAN GUTIERREZ) - personally served on 5/28/13	
PTC		
Not.Cred.		
✓ Notice of Hrg	Mother: <b>YAIRA MIRAMONTES</b> – personally served on 5/28/13	
✓ Aff.Mail	W/	
Aff.Pub.	Paternal grandfather (Angel): Not listed (Luis Gutierrez)	
Sp.Ntc.	Paternal grandmother (Angel): Not listed (Mrs. Gutierrez)	
Pers.Serv.	Paternal grandfather (Yareli): Not listed (Fernando Miranda)	
Conf. Screen	Paternal grandmother (Yareli): Not listed (Liliana Miranda)	
Letters	Maternal grandfather: Not listed (Hector Miramontes)	
Duties/Supp		
Objections		
Video Receipt		
✓ CI Report	<b>Petitioner states</b> she has been feeling really sick lately, she's been tired and there are times she does not want to get out of bed. She believes the children would be better off with her daughter, Paloma Miramontes.	
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA	<b>Court Investigator Samantha Henson's Report filed on 6/13/13.</b>	
Citation		
FTB Notice		
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 7/9/2013</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 12A – Miramontes</b>

**12A**

**12B Angel David Miramontes & Yareli Gutierrez (GUARD/P)**

Case No. 12CEPR00048

Atty Corona, Maria (pro per guardian/maternal grandmother)

Atty Miramontes, Paloma (pro per Petitioner/maternal aunt)

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

Angel age: 9	PALOMA L. MIRAMONTES, maternal aunt, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  Continued from 6/20/2013. Minute Order states the parties are advised that the Court received information that the father, Angel Miranda, is unable to be present due to circumstances involving his wife's pregnancy. The parties are further advised that the father is requesting a continuance and is objecting to the petition.  3. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: f. Luis Gutierrez (Angel's paternal grandfather) g. Mrs. Gutierrez (Angel's paternal grandmother) h. Fernando Miranda (Yareli's paternal grandfather) i. Liliana Miranda (Yareli's paternal grandmother) j. Hector Miramontes (maternal grandfather)
Yareli age: 2	MARIA CORONA, maternal grandmother, was appointed guardian on 4/17/2012. – consents and waives notice.	
Cont. from 062013	Father (Angel): <b>ANGEL MIRANDA</b> - personally served on 5/28/13	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory	Father (Yareli): <b>LUIS FABIAN GUTIERREZ</b> - personally served on 5/28/13	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Mother: <b>YAIRA MIRAMONTES</b> – personally served on 5/28/13	
<input type="checkbox"/> Aff.Mail	X	
<input type="checkbox"/> Aff.Pub.	Paternal grandfather (Angel): Luis Gutierrez	
<input type="checkbox"/> Sp.Ntc.	Paternal grandmother (Angel): Mrs. Gutierrez	
<input checked="" type="checkbox"/> Pers.Serv.	W/ Paternal grandfather (Yareli): Fernando Miranda	
<input checked="" type="checkbox"/> Conf. Screen	Paternal grandmother (Yareli): Liliana Miranda	
<input checked="" type="checkbox"/> Letters	Maternal grandfather: Hector Miramontes	
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt	<b>Petitioner states</b> her mother (current guardian) wants to give her the guardianship. The current guardian is having health problems.	
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting	<b>Court Investigator Samantha Henson's Report filed on 6/13/13.</b>	
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Reviewed by: KT
Reviewed on: 7/9/2013
Updates:
Recommendation:
File 12B – Miramontes

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

<b>Moses (15)</b>		<p align="center"><b>TEMP EXPIRES 6-20-13</b></p> <p><b>FRED ALBARRAN</b>, maternal uncle, is Petitioner.</p> <p>Father: <b>MOSES DeLEON, III</b> - Notice waived per Minute Order 4-30-13</p> <p>Mother: <b>ARLENE E. DELEON</b> - Consents and waives notice.</p> <p>Paternal grandfather: Moses DeLeon, II Paternal grandmother: Arlene Hernandez</p> <p>Maternal grandfather: Ruben Garcia - Deceased.</p> <p>Maternal grandmother: Rosemarie Chavez-Gonzales</p> <p><b>Petitioner states</b> the mother is in sober living rehabilitation and wants the children to be in a safe and familiar home while she completes her program. Petitioner states the father has a protection order against him for the children and Petitioner, due to his violent nature and pending criminal court proceedings for assault with a deadly weapon, which occurred on 4/7/2013 when he used his car as a weapon and struck Petitioner and the children's maternal grandmother, then fled the scene, and the children witnessed the acts and are traumatized. Petitioner is currently the caregiver of the children and has enrolled them in school, and he needs to be able to make necessary decisions for the children.</p> <p><b>Court Investigator Julie Negrete filed a report on 6-13-13. Based on information received, guardianship appears appropriate; however, Petitioner does not appear to be an appropriate guardian. Mr. Albarran was arrested in September 2012, and while he was not convicted, it was not his first arrest for domestic violence. The Investigator is further concerned because the alleged victim states it was not the first domestic violence incident between them, and per the Fresno Police report, Mr. Albarran was intoxicated at the time of arrest. It is therefore recommended that this case be referred to DSS for further assessment. See CI Report for details.</b></p> <p><b>Court Investigator Julie Negrete filed a supplemental report on 7-8-13.</b></p> <p align="center"><b><u>SEE ADDITIONAL PAGE</u></b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note: This petition is for minors Moses (15), Joseph (8), Jesse (6), and Richard (6) only.</b> Rosemarie Chavez-Gonzales, maternal grandmother, was appointed guardian of sibling Xavier Zachariah Chavez on 3-4-13.</p> <p><b>Minute Order 4-30-13 (temp):</b> The Court notes for the minute order that there is a restraining order against the father that will be in effect for three years. The Court waives further notice to the father and extends the temporary to 6/20/13. The General Hearing remains set for 6/20/13. The Court directs the Petitioner to complete the UCCJEA Form. Temp Letters extended to 6-20-13.</p> <p><b>Minute Order 6-20-13:</b> Also present in the courtroom is Pastor Edward Coleman. Mother indicates to the Court that she is in favor of the petition. The Court orders the court investigator to conduct a further investigation of the parties and also contact Pastor Edward Coleman and Rosemarie Chavez-Gonzales. Pastor Edward Coleman provides contact information. The matter is continued to 7/11/13. The temporary is extended to 7/11/13.</p> <p><b>The following issues remain: See Page 2.</b></p>
<b>Joseph (8)</b>			
<b>Jesse (7)</b>			
<b>Richard (6)</b>			
<b>Cont. from 062013</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b> x		
<input type="checkbox"/>	<b>Aff.Mail</b> x		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b> x		
<input checked="" type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input checked="" type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>Clearances</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input checked="" type="checkbox"/>	<b>UCCJEA</b> x		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 7-9-13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b> File 13 – Chavez &amp; DeLeon</p>	

Court Investigator Julie Negrete filed a supplemental report on 7-8-13. The report states that as a result of the previous reported concerns, Petitioner and his girlfriend Michelle Camarena will begin couple's counseling through their church, which will help improve their relationship and assist them in finding better ways to deal with conflict. Based on this new information, it is recommended that the guardianship be GRANTED.

NEEDS/PROBLEMS/COMMENTS:

As of 7-9-13, the following issues still remain:

1. Need Notice of Hearing.
2. Need proof of personal service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 or consent and wavier of notice on:
  - Moses Deleon (minor age 15)
3. Need proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 or consent and wavier of notice or declaration of due diligence on:
  - Moses DeLeon, II (paternal grandfather)
  - Arlene Hernandez (paternal grandmother)
  - Rosemarie Chavez-Gonzales (maternal grandmother and guardian of sibling Xavier)
4. Need completed UCCJEA (five yr residence history).

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

Age: 1 year	<u>TEMPORARY EXPIRES 7/11/13</u>		<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. <b>The minor is Native American.</b> Notice of Child Custody Proceeding was filed on 7/5/2013. Probate Code 1460.2 (b) (1) states the notice shall be sent by registered or certified mail with return receipt requested. California Rules of Court, Rule 7.10159(c)(4) states when the petitioner is not represented by an attorney the clerk of the court must serve the notice. In this case the notice was sent by the paralegal however it does not indicate the date of mailing, or if the mailing was sent by certified or registered mail and it wasn't sent at least 60 days prior to the hearing as required. A new Notice of Child Custody Proceeding has been completed and mailed via certified mail for the future hearing date of 9/19/2013. <b>Therefore this matter must be continued to 9/19/2013.</b>  2. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: a. Edwin Hitchcock (father) b. Andrea Martinez (mother). <u>Note:</u> Minute order from the temporary hearing states mom was in favor of the petition.
	<b>THOMAS MARTINEZ</b> , maternal grandfather, is petitioner.		
Cont. from	Father: <b>EDWIN HITCHCOCK</b>		
<input type="checkbox"/> Aff.Sub.Wit.	Mother: <b>ANDREA MARTINEZ</b>		
<input checked="" type="checkbox"/> Verified	Paternal grandfather: Deceased Paternal grandmother: Esther Rodriguez – served by mail on 6/10/2013. Maternal grandmother: Deceased.		
Inventory	Petitioner states the minor suffers from a medical condition called Reacted Airway Disease. She has a double aortic arch that requires surgery. Her mother is currently unable to provide a stable environment for the child.		
PTC			
Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	W/		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.	X		
<input checked="" type="checkbox"/> Conf. Screen	<b>Court Investigator Jennifer Daniel's Report filed on 7/3/2013.</b>		
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
Objections			
Video Receipt			
<input checked="" type="checkbox"/> CI Report			
9202			
<input checked="" type="checkbox"/> Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed on: <b>7/9/2013</b>
			Updates:
			Recommendation:
			File 14 - Hitchcock

**NEEDS/PROBLEMS/COMMENTS (Cont.):**

3. UCCJEA is incomplete. Need residence information for 12/16/2011 to 3/2013.

Atty Herrera, Lourdes (Pro Per – Maternal Grandmother – Petitioner)

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

Giselle Herrera (7)		<p><b>TEMP GRANTED EX PARTE EXPIRES 7-11-13</b></p> <p><b>LOURDES HERRERA</b>, Maternal Grandmother, is Petitioner.</p> <p>Father (Giselle and Priscila): Unknown Father (Bianca): Unknown</p> <p>Mother: <b>BRENDA HERRERA</b></p> <p>Paternal Grandparents (all): Unknown</p> <p>Maternal Grandfather: Jose Manuel Herrera</p> <p><b>Petitioner states</b> temporary guardianship is needed immediately because the mother has mental issues and refuses to acknowledge she is in need of psychiatric help, therefore, she is under no medication. She sees things that are not real and has bad mood swing. She is verbally abusive to the children to the point where she makes them cry. The mother has told Petitioner she is looking for a house to move, but Petitioner has been told by CPS that if the mother leaves with the girls, they will remove them and will not place them with Petitioner, since she failed to protect them. Petitioner fears for the children if the mother takes them.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need proof of personal service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing per Probate Code §2250(e) on: - Brenda Herrera (Mother)</p> <p><u>Note:</u> The mother resides with Petitioner and the minors.</p> <p>2. Petitioner filed declarations of due diligence for the unknown fathers and states the mother does not know who the father is.</p> <p>If diligence is not found, need proof of personal service of Notice of Hearing with copy of temp petition pursuant to Probate Code §2250(e).</p>
Priscila Herrera (7)			
Bianca Herrera (1 month)			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
✓	Conf. Screen		
	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
		<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 7-9-13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 16 – Herrera</b></p>	

17 **Patricia Stott (CONS/PE)**  
 Atty Nuttall, Natalie R. (for Brooke Castle – granddaughter/Petitioner)  
 Atty Franco, Paul C. (for Clayton James Stott – stepson)  
 Atty Rindlisbacher, Curtis D. (Court Appointed for Conservatee)

Case No. 13CEPR00432

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

Age: 90		<b><u>TEMPORARY EXPIRES 07/11/13</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<p><b>BROOKE CASTLE</b>, is Petitioner, and requests appointment as Conservator of the Person and Estate without bond.</p>		<p><b>CONTINUED FROM 07/01/13</b>  <b>Minute Order from 07/01/13 states: Ms. Nuttall requests a continuance to have the matter heard by Judge Oliver. Matter is continued to 07/11/13. The temporary is extended to 07/11/13.</b></p>	
Cont. from 070113		<b>Estimated Value of Estate:</b>		<p><b>Court Investigator advised rights on 05/17/13.</b></p>	
	Aff.Sub.Wit.		Personal property: \$ 2,500.00	1. Need receipt for viewing conservatorship video.	
✓	Verified		Annual income: \$ 26,400.00	2. Petitioner requests appointment as conservator of the estate without bond. Effective 1/1/2008, pursuant to CRC 7.207, except as otherwise provided by statute, every conservator or guardian of the estate appointed after 12/31/2007, must furnish a bond, including a reasonable amount for the cost of recovery to collect the bond under Probate Code 2320(c)(4)). Based on the information provided in the Petition, bond should be set at \$31,790.00.	
	Inventory		<b>Total: \$ 28,900.00</b>	3. Order submitted is incomplete. Need revised, completed, Order.	
	PTC		Cost of Recovery: \$ 2,890.00	<p><b>Note:</b> If the Petition is granted, Status hearings will be set as follows:</p> <ul style="list-style-type: none"> <li>• <b>Friday, 12/06/13, at 9:00am in Dept. 303</b> for filing of the Inventory &amp; Appraisal; and</li> <li>• <b>Friday, 09/05/14, at 9:00am in Dept. 303</b> for filing of the First Account and Report of Conservator.</li> </ul>	
	Not.Cred.		<b>Total Bond: \$ 31,790.00</b>	<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>	
✓	Notice of Hrg		<p><b>Petitioner states:</b> Patty is 90 years old and has lived at Green Gables Assisted Living in Clovis since October 2012. Patty's husband passed away in 1999, and her son Timothy, Petitioner's father, passed away in July of 2012. Her granddaughters, Timothy's two daughters, Brook (Petitioner) and Molly, also live in Clovis and are close to Patty.</p>	<p><b>Reviewed by:</b> JF</p>	
✓	Aff.Mail	w/	<p>Patty has nominated Brooke to be her conservator because she is being badgered and controlled by her stepson, Jim, who lives in Washington state. Patty is not able to stand up to Jim and feels intimidated to the point that she gives in to his wishes and orders. He has been known to cause Patty to become visibly upset.</p>	<p><b>Reviewed on:</b> 07/09/13</p>	
	Aff.Pub.		<p>Petitioner states Jim recently caused Patty to change her Trust to name Jim as sole acting trustee, as well as give Jim Power of Attorney. He recently sent a 30-day notice to her residence that she will be moving to Woodland Hills in Southern California at the end of this month (May 2013). Patty has no plans or desire to move there, where she has no relatives or acquaintances.</p>	<p><b>Updates:</b></p>	
	Sp.Ntc.		<p>Petitioner states that in December 2012, Jim informed Brooke of the POA, and in February 2013 Jim informed Brooke that Patty had revised her trust, revoking her original trust, as executed between Patty and her husband in 1986.</p>	<p><b>Recommendation:</b></p>	
✓	Pers.Serv.	w/		<p><b>File 17 – Stott</b></p>	
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt	x			
✓	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA				
✓	Citation				
	FTB Notice				

**Continued on Page 2**

Further, in March 2013, Jim "fired" Patty's longtime financial advisor, Joe Rinaldi of Quantum Financial Advisors, through which Patty had an account at Charles Schwab. **Upon doing so, Jim transferred approx. \$550,000.00 from Patty's account into his own bank accounts. It is unknown at this time where these funds are now located or if they have been spent.**

Petitioner states Patty then revoked Jim's POA on 3-23-13, giving Brooke POA, but it is feared that Jim will again force Patty to change her POA to him. Conservatorship is necessary because without it, Jim is able to force Patty to sign testamentary documents which put Jim in control of not only her finances, but where she lives. Temporary Conservatorship is necessary to revoke the 30-day notice to her residence and to protect Patty's estate assets to see that they are not misappropriated or further depleted.

**Court Investigator Jennifer Daniel filed a report on 5-21-13.**

**Court Investigator Jennifer Daniel filed a Supplemental Report on 06/24/13.**

On 06/18/13, the parties engaged in a settlement conference. **Minute Order from Settlement Conference on 06/18/13** states: Also present in the courtroom are David Castle and Darlene McCallum. Parties engage in settlement discussions with the Court. Matter remains set for 07/01/13.