

Atty Knudson, David N. (for Paul A. Dictos – Administrator)
 Atty Treder, Edward (for Bank of America, N.A. – Respondent)

Petition to Determine Administration Expenses Allocable to Encumbered Property Prior to Satisfaction of Lien, and for Deposit of Purchase Money with Court in Satisfaction of Lien and Expenses [Prob. C. 10361.5, 10362]

DOD: 11-23-06		<p>TRO restraining Trustee's Sale and further Proceedings Regarding Premises at 4086 W. San Jose, Fresno, CA expires 7-18-13.</p> <p>Petitioner states one of the assets of the estate is real property located at 4086 W. San Jose in Fresno, originally appraised at \$275,000.00 at Decedent's date of death. Due to the decline in the real estate market, and based on Internet valuation website, Petitioner believes the house is valued at this time at approx. \$133,000.00.</p> <p>Decedent's spouse Maria Raquel Petrogonas ("Raquel") has continued to reside in the residence and on 8-24-10 was granted a probate homestead.</p> <p>At the date of death, the house was encumbered in the initial amount of \$91,751.00, with the mortgage payable at a rate of \$848.26/month. During the initial period of estate administration, the Administrator made payments from estate funds, and later, Raquel made payments to the Administrator for the mortgage. Raquel's sole source of income is Social Security Disability payments of only \$850/month.</p> <p>The property subsequently went into default. Anticipating funds from the sale of properties in Argentina and/or Greece, Petitioner advanced \$7,650 to cure the default on the loan. When the estate was unable to pay property taxes and/or insurance, the bank subsequently raised the monthly payment to more than \$1,600.00. Petitioner tried on numerous occasions to negotiate a loan modification with Bank of America, who steadfastly refused to consider it.</p> <p>The current arrearages are \$19,327.00 and the present balance due is \$47,565.64 (Exhibit C). A Trustee's (foreclosure) sale was set for 11-29-12.</p> <p>Petitioner states the estate has incurred substantial administrative expenses with respect to the administration of this property and brings this petition pursuant to Probate Code §10361.5 to determine the amount of expenses of administration reasonably associated with the administration of the encumbered property, and to determine the expenses of the sale payable from the sales proceeds.</p> <p>In the event the property is sold, whether at Trustee's sale or otherwise, the estate lacks assets to pay administration expenses and seeks an order determining same.</p> <p style="text-align: center;">SEE PAGE 2</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: This is the 6th hearing on this petition. Continued from 1-17-13, 3-21-13, 4-25-13, 5-9-13, 6-20-13</p> <p>As of 7-15-13, nothing further has been filed.</p> <p>Minute Order 1-17-13: The Court directs Mr. Knudson to submit a declaration specifically outlining what is happening in the other jurisdictions that would preclude further inventory and appraisals. Matter continued to 3/21/13. Mr. Knudson is directed to provide Mr. Lucich notice of the next hearing. The temporary restraining order restraining the trustee's sale is extended to 3/21/13. Continued to 3/21/13.</p> <p>Minute Order 3-21-13: Ms. Hubbell is appearing specially for Thomas Agawa. Joint request for continuance. Matter continued to 4-25-13. TRO remains in full force and effect and is extended to 4-25-13.</p> <p>Minute Order 6-20-13: Mr. Knudson is also appearing specially for Edward Treder. Mr. Knudson advises the Court that they are still working on settling this matter. Mr. Knudson requests a continuance. Matter continued to 7/18/13. The TRO is extended to 7/18/13. Continued to 7-18-13</p> <p>Note: Points and Authorities in Support of Petition were filed 3-19-13 by Attorney Knudson. See file.</p> <p>Reviewed by: skc</p> <p>Reviewed on: 7-16-13</p> <p>Updates:</p> <p>Recommendation: File 1 - Petrogonas</p>
Cont. from 011713, 032113, 042513, 050913, 062013			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
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<input type="checkbox"/>	Not.Cred.		
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<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input checked="" type="checkbox"/>	Response		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
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<input type="checkbox"/>	FTB Notice		

Petitioner states the expenses of administration reasonably related to the administration of the encumbered property are \$46,167.18, computed at Exhibit E, which includes:

- Estimated statutory fees allocable to the property, based on the estimated current value;
- Extraordinary fees payable to Petitioner and his attorney for the sale of the property at a minimal rate pursuant to Local Rule 7.18;
- Filing fees;
- Additional attorney's fees incurred in bringing this petition, together with costs advanced; and
- Expenses paid for the care preservation and maintenance of said property during the course of administration, including mortgage payments, homeowner's insurance and property taxes.

No additional expenses of sale are requested at this time. If the property is ultimately sold pursuant to the power of sale under the deed of trust, said expenses will be borne by the Bank. However, if Petitioner is successful in negotiating a short sale or otherwise reaching accommodation with the lender, this petition will be amended accordingly.

Petitioner will incur additional charges in serving notice of hearing on this petition and may incur additional attorney's fees for appearing at the hearing(s) on this petition. Said additional fees will be presented in a supplement to this petition prior to the hearing date.

Petitioner requests the Court order that following the hearing and approval of this petition, any proceeds of sale be paid to the clerk of the court to be disbursed as provided in Probate Code § 10362 as follows:

- First in payment of costs of administration attributable to this property;
- Second towards payment of the lien held by Bank of America, and thereafter
- To lenders with secured interests in the property, including Paul A. Dictos (\$7,650.00) and Atkinson, Andelson, Loya, Ruud and Romo (\$106,767.00)

Petitioner requests:

1. That the Court determine the amount of expenses of administration reasonably related to the administration of the encumbered property;
2. That the Court determine the expenses of sale of said property, if any there be;
3. That the Court order the proceeds from the sale to be paid to the Clerk of the Court to be disbursed as provided in Probate Code § 10362
4. For an order that upon such payment the lien on the property be discharged; and
5. For such further orders that the Court may deem proper.

Bank of America, N.A., Respondent/Secured Party filed:

- **Memorandum of Points & Authorities in Response to Petition to Determine Administrative Expenses Pursuant to Cal. Prob. Code §§ 10361.5, 10362**
Respondent requests the Court deny any order compelling Respondent to accept less than the entire amount due under its security interest and/or deny any order requiring a Reconveyance of its lien, and further deny Petitioner any fees and costs claimed to be related to the sale and administration of the property, particularly any fees and costs derived from proceeds from the sale of Respondent's secured property. See pleading for details.
- **Request for Judicial Notice in Support of its Response to Petition to Determine Administrative Expenses Pursuant to Cal. Evid. Code §§ 452(c), (g), 453 & Appendix of Exhibits**
12 exhibits provided. See pleading for details.

Atty Bagdasarian, Gary G.

Atty Sanoian, Joanne

Petition for Order Authorizing Payment of Fees to Guardian of the Estate [Prob. C. 2640 & 2641]

Age:		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR</u></p> <p>Petition dismissed per Request for Dismissal filed 7-3-13</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: skc
		Reviewed on: 7-3-13
		Updates:
		Recommendation:
		File 2 - Molina

Atty Bagdasarian, Gary G.

Atty Sanoian, Joanne

Petition for Order Authorizing Payment of Fees to Guardian of the Estate [Prob. C. 2640 & 2641]

Age:		NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> Petition dismissed per Request for Dismissal filed 7-3-13
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
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Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
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Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on:
		Updates:
		Recommendation:
		File 3 – Molina

(1) First and Final Account and Report of Administrator and (2) Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and (3) for Distribution [Prob. C. 9202; 10800; 10810; 10951; 11600; 11850(a)]

DOD: 07/23/09	PUBLIC ADMINISTRATOR , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 10/16/09 – 10/10/12	CONTINUED FROM 01/23/13, 04/03/13 and 05/20/13
Cont. from 012313, 040313, 052013	Accounting - \$2,662,040.72 Beginning POH - \$2,391,992.13 Ending POH - \$109,170.64	Minute Order from 05/20/13 states: Mr. Janisse informed the Court that he has been unable to obtain any of the source documents.
Aff.Sub.Wit.	Administrator - \$39,489.54 (statutory)	As of 07/15/13, nothing further has been filed in this matter.
<input checked="" type="checkbox"/> Verified	Administrator x/o - \$27,253.92 (per itemization for 351.24 Staff hours @ \$76/hr. and 1.80 Deputy hours @ \$96/hr. for a total of \$26,867.04 for services provided in the continued management of decedent's business and \$386.88 per Local Rule for the sale of real property)	
<input checked="" type="checkbox"/> Inventory	Attorney - \$39,489.54 (statutory)	
<input checked="" type="checkbox"/> PTC	Attorney x/o - \$4,500.00 (per itemization for 30 hours @ \$150/hr. for services related to the continuation of decedent's business, litigation regarding decedent's spouse claims for support & wages, and participation in settlement negotiations)	
<input checked="" type="checkbox"/> Not.Cred.	Bond Fee - \$19,965.33 (ok)	
<input checked="" type="checkbox"/> Notice of Hrg w/	Costs - \$690.00 (for certified copies and filing fees)	
Aff.Mail	Preliminary Distributions to heirs:	
Aff.Pub.	Jesus Esther Bise - \$1,172,877.80	Reviewed by: JF
Sp.Ntc.	Ruth Rios - \$733,525.38	Reviewed on: 07/15/13
Pers.Serv.	Petitioner states that the property on hand (\$109,170.64) is not sufficient to pay all of the fees and costs (\$133,388.33). Petitioner requests that the beneficiaries each pay 1/2 of the outstanding fee balance (\$22,217.69 total) \$11,108.84 each.	Updates:
Conf. Screen	Petitioner prays for an Order:	Recommendation:
Letters 01/12/10	1. Settling, allowing and approving the final account and all proceedings of Petitioner as Administrator be confirmed and approved;	File 4 - Bise
Duties/Supp	2. Authorizing the statutory fees to the Administrator and Attorney;	
Objections	3. Authorizing the extraordinary fees to the Administrator and Attorney;	
Video Receipt	4. Authorizing payment of the bond fee and costs; and	
CI Report	5. Directing the two beneficiaries pay the outstanding balance of fees.	
<input checked="" type="checkbox"/> 9202	Continued on Page 2	
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
<input checked="" type="checkbox"/> FTB Notice		

Objection to First and Final Account and Report filed 01/18/13 by Jesus Esther (Sylvia) Bise ("Objector")
states:

1. **Objection 1:** Objector objects to the Administrator's request for extraordinary compensation on the grounds that it fails to comply with California Rule of Court 7.7.02. Specifically, the accounting fails to show the nature and difficulty of tasks performed, the results achieved, or the benefit of the services to the Estate. In the accounting, the Administrator states it, "provided many hours of extraordinary services to continue running the decedent's furniture business." The Administrator only calculates the time for the "first few weeks" and provides a "conservative estimate" of the amount of time spent per week thereafter and states the reasonable fee for running the decedent's business is \$26,867.07. Such statement fails to comply with Rule 7.702 and no extraordinary compensation can be awarded.
2. **Objection 2:** Objector objects to the Administrator's request for extraordinary compensation on the grounds that the Administrator improperly handled Decedent's business, Bise Furniture, and caused loss to the estate. Extraordinary compensation may be awarded to the personal representative for carrying on the decedent's business if necessary to preserve the estate or under court order. Cal Rule of Court 7.703(b)(2); See *Estate of King* (1942) 19 C2d 354, 358. Determining the value of these services is within the power of the probate court. The burden of proof for the need for extraordinary expenses and their extent is on the attorney and the personal representative, even when no objections are filed. *Estate of Fulcher* (1965) 234 Cal.App.2d 710; *Estate of Gopcevic* (1964) 228 Cal.App.2d 280. Objector states that there is no will and no court order for the Administrator to carry on the Decedent's business. Further, running the Decedent's business was not necessary to preserve the Estate. The Administrator took control of the Corporation and marshaled its assets. In doing so, it treated all of the Corporation assets as if they were Decedent's individual assets. This was improper. The only Corporation assets that should have come into the estate were Decedent's shares in the Corporation. Dividends, if any, paid by the Corporation during the course of Estate administration would have been added to the Estate. No such dividends were paid during the course of Estate administration. The Administrator commingled the estate assets with the Corporation assets. This has resulted in loss to the Estate in that it has created excessive administrative costs in the form of compensation and accounting fees and enabled the Administrator to improperly pay for other Estate expenses out of Corporation assets. The appropriate management of a closely held corporation upon the death of a shareholder requires the corporation to call a special meeting and vote to fill the vacancy caused by decedent's death. The personal representative would vote on behalf of decedent's shares and could vote for themselves to fill the vacancy if they are qualified to run the business. In this situation, the business assets would not become part of the estate; rather the shares would be inventoried and any dividends would be added to the estate. When the personal representative lacks the expertise to run the corporation, the personal representative would be under a duty to vote to appoint someone qualified to fill such vacancy. In this case, no special meeting was held and rather than having a vote to appoint someone, the Administrator unilaterally stepped in, without a court order or direction in a will and attempted to run the corporation. Unfortunately for the estate, the administrator was ill equipped to do so. While the Administrator was in charge of the corporation, the business accounting was entirely mismanaged. After the corporation was distributed to objector, she hired James Braun as an accountant for the Corporation. Mr. Braun estimates that it would cost approximately \$30,000.00 in forensic accounting fees to unwind the activity that occurred while the Administrator ran the business. While it was necessary for the corporation to do business to preserve the estate assets, it was not necessary or appropriate for the Administrator to do so given the fact that it was not competent to take such action. Administrator should not be compensated for its work associated with the corporation when it was not necessary for the administrator to perform services to preserve the estate and ultimately caused harm to the estate.

Continued on Page 3

3. **Objection 3:** Objector objects to the approval of the accounting on grounds that the Administrator employed an accountant to perform services that would normally be the Administrator's responsibility as the Administrator did not seek a corresponding reduction in compensation. Ordinary services by a representative include the preparation of the fiduciary accounting. If the representative chooses to employ an agent to perform services that are attributable to carrying out the representative's ordinary duties, the fees for those services will be charged against the representative's ordinary compensation. Preparing the fiduciary accounting is considered part of the representative's ordinary duties; therefore, if the representative hires an accountant to prepare the accounting, the accountant's fees will be paid from the representative's ordinary compensation. *Estate of Billings* (1991) 228 Cal.App.3d 426 (court ordered amounts payable to accounting firm for services normally part of representative's responsibility for ordinary services to be paid by representative from her statutory executrix's fees and reduced her compensation accordingly.) Administrator paid accounting fees in the amount of \$49,396.01. \$39,883.30 of those fees were incurred in connection with the corporation during the time period in which the corporation's accounting records are incomplete and "a mess". It appears the accountant hired by the administrator (Ms. Stevens) was paid for services from February 2011 – June 24, 2011 while failing to perform any accounting services during this time frame. Administrator's compensation should be reduced by the full amount Ms. Stevens was paid in connection with the corporation. Administrator paid Ms. Stevens \$9,485.71 to prepare the estate accounting. Therefore, Administrator's compensation should be further reduced by that amount. The total fees paid to Ms. Stevens is excessive and the administrator should not be awarded compensation where he appointed an agent to perform services and such services were performed poorly at great expense and at great cost to the estate.
4. **Objection 4:** Objector objects to the approval of the Accounting on the grounds that the Administrator fails to provide sufficient information to comply with Probate Code § 1062, which provides that the summary account shall be supported by detailed schedules showing receipts, which show the nature or purpose of each item, the source of the receipt, and the date thereof. The administrator has provided woefully insufficient information. Specifically, the administrator provides for corporation sales from 10/16/09 – 03/15/12 in a single line item which accounts for \$126,955.98. This entry is little more than a "fill" number. Administrator is required to show all receipts individually. This is particularly egregious since the administrator paid an accountant almost \$40,000.00 to track this information so it could be reported on the accounting. This entry is particularly concerning because it occurs during the time period Objector asserts employee embezzlement was occurring. As such, the accounting cannot be approved without providing further information.
5. **Objection 5:** Objector objects to the approval of the accounting on grounds that the administrator fails to provide sufficient information to comply with Probate Code § 1062 in that the administrator provides receipts for various income from 10/16/09 – 03/15/12 which account for \$5,574.41. This entry is little more than a "fill" number. Administrator is required to show all receipts individually. As such, the accounting cannot be approved.
6. **Objection 6:** Objector objects to the approval of accounting on grounds that the administrator allocates disbursements for rental property as a disbursement attributable to the corporation. Objector alleges that all of the disbursements on Schedule D described as "Repairs and Maintenance" associated with the corporation are actually expenses associated with the rental properties owned by the estate and not used by the corporation. The administrator also commingled corporate and rental transaction and activities in the bank account. Therefore, they are miscategorized. Objector requests that the court require the administrator account for each and every entry and confirm what the expenses were used for. This miscategorization is of particular concern because the corporation was distributed to the objector and real properties were distributed to the other beneficiary, Ruth Rios.

Continued on Page 4

7. **Objection 7:** Objector objects to the approval of the accounting on grounds that the administrator has failed to file any fiduciary tax returns. Objector's accounting, Mr. Braun has made repeated requests to see the estates fiduciary tax return. All such requests have been ignored. Objector believes that Ms. Stevens never filed such returns because she never prepared them. Paragraph 9 of the accounting, which is verified by the administrator, states that all California and Federal taxes have been paid. Until proof that the estate has filed is 1041 for each year required, the accounting cannot be approved.
8. **Request for Surcharge for Breach of Fiduciary Duty.** The objections to an account may raise claims of breach of the personal representative's duties, and the objector may seek appropriate redress. (Probate Code § 11001.) The personal representative has a duty to use ordinary care and diligence in controlling, managing, protecting, and preserving the assets and collecting rents, issues, and profits. (Probate Code §§ 9600, 9560.) The Administrator breached its duty of care. An ordinary person does not run a business with such incompetence and significant funds can be lost to embezzlement without noticing and taking corrective actions. This did not preserve or protect the assets of the estate. Further, the records maintained by the administrator make it impossible for the corporation to determine its income and loss because it is not possible to determine the costs of goods sold or the basis in its remaining assets. The estate is entitled to the value of the loss, with interest, resulting from the administrator's breach (Probate Code § 9601). The probate court has broad authority to fashion an appropriate remedy for a breach of duty. Monetary liability arising from a fiduciary's breach of duty may be charged against the fiduciary's compensation (Probate Code § 12205). Objector requests that the fiduciary's statutory compensation be reduced to zero and the administrator be surcharged in amount to be determined at an evidentiary hearing for its breach of its fiduciary duty in the management of the corporation.
9. **Request for cost and attorney's fees under common fund doctrine.** When a benefit has been conferred on an estate by the creation or protection of a common fund, it is possible to seek reimbursement from that fund. *Estate of Stauffer* (1959) 53 Cal.2d 124,132. If objectors objections are granted, the estate will be preserved by preventing unwarranted extraordinary compensation to be paid, the Administrator's statutory compensation will be reduced by the amount paid to the administrator's accountants, and the statutory compensation will be surcharged for Administrator's breach of duty of care. This will protect the estate and create a common fund. Objector should be entitled to reimbursement from such fund.

Objector requests that:

1. The Administrator's request for extraordinary compensation be denied on grounds it did not comply with Rule of Court 7.702;
2. The Administrator's request for \$26,867.04 in extraordinary compensation for running the corporation be denied;
3. The Administrator's statutory compensation be reduced by \$49,396.00, which is the amount paid to the accountants to perform the Administrator's normal duties;
4. The Administrator's Accounting be denied for failure to provide sufficient information on Schedule A;
5. The Administrator's accounting be denied for improperly categorizing disbursements for rental properties as corporation disbursements;
6. The Administrator's account be denied for failing to file the required state and federal tax returns;
7. That the Administrator be surcharged for breaching its duty of care in an amount to be determined at trail; and
8. Objector recover costs and attorney fees (based on the common fund doctrine) from the estate.

Continued on Page 5

Declaration of James P. Braun, CPA/ABV/CFF filed 01/18/13 states:

1. He was hired by Sylvia Bise on 06/24/11 to provide accounting services for Bise Furniture (the "Corporation"). He has been working to file delinquent corporate tax returns for the Corporation. Mr. Braun states that he has been unable to complete the tax filings because he cannot determine the corporate tax basis in its inventory or the cost of goods sold which is a starting point for equity. This is the result of poor bookkeeping by the Corporation's previous accountant, Theresa Stevens, CPA and by the estate administrator, the Public Administrator, who was ultimately responsible for the Corporation.
2. It took many months and multiple requests to obtain the source documents from Ms. Stevens. To date, Mr. Braun states that he still has not received all of the documents requested including the analysis of the shareholder loan account for the Corporation which appears to have been misused.
3. Upon reviewing the source documents which were provided, Mr. Braun states that he is lacking documents in the following areas: inventory, cash, and fiduciary tax filings.
4. The inventory records received contain only a hand written list of inventory at the end of the fiscal years. In addition, no purchase journals were received.
5. In the area of cash, the payments received by the Corporation in cash appear to have been placed in the store cash drawer. Mr. Brauns states that he was not provided with the majority of the petty cash logs showing the dates the cash was received and expenses paid from the till. Also, according to daily cash logs, rental income payments were recorded even though the business does not own any rental property.
6. The corporation's financial transactions were managed through the Public Administrator's account. In this account, there are a number of rental transactions commingled with the store operations transactions even though the Corporation owns no rental property.
7. Mr. Braun has not undertaken a forensic accounting to determine whether money was embezzled from the Corporation. However, he is informed that the corporate employees believe that embezzlement occurred. Based on the information he has seen and in his experience in conducting forensic accountings, he estimates such work to cost approximately \$30,000.00.
8. Ms. Stevens was paid for accounting services through the date of her termination on June 24, 2011. The books received from Ms. Stevens had not been updated since February 2011. In addition, Ms. Stevens turned over a large pile of original records that she had never dealt with prior to her termination. It appears Ms. Stevens was paid by the Administrator for services she never performed.
9. Ms. Stevens also ran the rental activity through the Corporation on tax returns. She did this through misusing the shareholder loan account. The misuse of the shareholder loan account begins immediately upon Ms. Stevens being retained by the Administrator.
10. Mr. Braun is aware of no fiduciary tax returns being filed during the course of the administration. He has repeatedly requested copies of such returns, and Ms. Stevens will not provide them. Thus he believes they were never filed.
11. IRS Form 1041 needs to be prepared and filed for the time period Ms. Stevens was the estate's accountant. Mr. Braun does not believe Ms. Stevens ever elected a tax year for the estate. Because Ms. Stevens has provided no 1041, it is believed that no such filings have ever been made by the estate.

(1) First and Final Report of Status of Administration on Waiver of Accounting and Petition for Settlement Thereof; and (2) for Allowance of Statutory Attorney's Compensation and (3) for Reimbursement of Costs Advanced and (4) for Final Distribution

DOD: 05/24/07	JACQUELINE C. GAMMON, Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	Accounting is waived.	
<input type="checkbox"/> Aff.Sub.Wit.	I & A - \$190,000.00	
<input checked="" type="checkbox"/> Verified	POH - \$190,000.00 (no cash)	
<input checked="" type="checkbox"/> Inventory	Administrator - waived	
<input checked="" type="checkbox"/> PTC	Attorney - \$6,700.00	
<input checked="" type="checkbox"/> Not.Cred.	(statutory) (to be paid outside of the estate)	
<input checked="" type="checkbox"/> Notice of Hrg	Costs - \$1,500.00 (for Publication, filing fees, certified copies, probate referee) (to be paid outside of the estate)	
<input checked="" type="checkbox"/> Aff.Mail w/	Petitioner requests that the fees and costs owed to attorney be allowed and that such fees be ordered as a judicial lien against the real property asset of the estate.	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters 01/26/12		
Duties/Supp		
Objections		
Video Receipt		
CI Report	Distribution, pursuant to intestate succession, is to:	
<input checked="" type="checkbox"/> 9202	Jacqueline C. Gammon – 25% fee simple interest as tenant in common to real property located in Clovis, CA	
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation	Sarah Freeman – 25% fee simple interest as tenant in common to real property located in Clovis, CA	
<input checked="" type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 07/15/13
		Updates:
		Recommendation:
		File 5 – Freeman

Atty Tomassian, Gerald M (for Douglas J. Cooper – Petitioner- Spouse)

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

DOD: 3/10/2012		<p>DOUGLAS J. COOPER, spouse and named Executor without bond, is Petitioner.</p> <p>Full IAEA – O.K.</p> <p>Will Dated: 9/16/2009</p> <p>Residence: Sanger</p> <p>Publication: Sanger Herald</p> <p>Estimated value of the Estate: Real property - \$175,000.00 Personal property - \$ 5,000.00 Total - \$180,000.00</p> <p>Probate Referee: Rick Smith</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If petition is granted, Court will set status hearings as follows:</p> <ul style="list-style-type: none"> • Friday, December 20, 2013 at 9:00 a.m. in Dept. 303 for filing of the final inventory and appraisal; and • Friday, September 19, 2014 at 9:00 a.m. in Dept. 303 for filing of first account and/or petition for final distribution. <p>Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.</p>
Cont. from 070213			
<input type="checkbox"/>	Aff.Sub.Wit. S/P		
<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/O		
<input checked="" type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Aff. Posting		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input checked="" type="checkbox"/>	Letters		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
		<p>Reviewed by: LEG</p> <p>Reviewed on: 7/15/13</p> <p>Updates:</p> <p>Recommendation: SUBMITTED</p> <p>File 6 - Cooper</p>	

DOD: 04/23/12		SANDRA GAIL RACO , trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Petitioner states:

1. She is the presently acting Trustee of the REVOCABLE LIVING TRUST OF MILDRED JO RACO (the "Trust") established 03/04/10.
2. Mildred Jo Raco ("Grantor") was the Grantor and initial trustee. She acted as trustee of the Trust until her death.
3. Schedule A of the trust instrument includes a description of the property to be owned by the trust.
4. On 03/04/10, Grantor signed a deed purporting to transfer her interest in the property described on Schedule A to the Trust.
5. The Deed sets forth an incorrect legal description of the real property described on Schedule A of the Trust, which Grantor intended to be transferred to the Trust. The Deed sets forth an exception to the real property description that actually excepts from the real property transferred the property described as item 1 of Schedule A to the Trust, and includes one acre of real property situated in a different location of the real property, that was not owned by Grantor at the time the Trust was established but which had been transferred from Grantor to her daughter in 1977. Based on Schedule A to the Trust, it appears the Grantor intended to set forth an exception to the real property description of that one acre portion of the real property that had been previously granted to her daughter, but that the property described in item 1 of Schedule A to the Trust was inadvertently excepted instead. Additionally, the deed fails to include an exception for a 20 foot strip of land that was originally a right of way and that was transferred to Burlington North Santa Fe Railroad in 2002. The actual legal description of the real property that is referenced in items 1 and 2 of Schedule A to the Trust is set forth in Exhibit C to this Petition.

Continued on Page 2

Reviewed by: JF
Reviewed on: 07/15/13
Updates: 07/17/13
Recommendation:
File 7 – Raco

6. Petitioner is informed and believes it was Grantor's intention and understanding that all of the property described in Exhibit C to the Petition was to be held in the Trust. Therefore, Petitioner believes that all of the property described in Exhibit C to the Petition is subject to her control as Trustee.

Petitioner prays for an Order that:

1. The Property described in Exhibit C to the Petition is held in the Trust and is subject to the management and control of Sandra Gail Raco, as Trustee of the REVOCABLE LIVING TRUST OF MILDRED JO RACO established March 4, 2010.

Atty Rudy, Christine M. (of Roseville for Jamie Starr Thomas – beneficiary/Petitioner)

Atty Sanoian, Joanne (for Gary Hamilton – Trustee/Respondent)

Verified Petition for Removal of Trustee, Accounting, Surcharge, and Approval of Attorney Fees

DOD: 03/13/11	JAMIE STARR HAMILTON , beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need Order.
Cont. from	Petitioner states:	
<input type="checkbox"/> Aff.Sub.Wit.	1. She is an heir of James O. Hamilton ("Decedent") and a beneficiary of the JAMES O. HAMILTON LIVING TRUST (the "Trust"). Gary C. Hamilton ("Respondent") is the trustee of the Trust.	
<input checked="" type="checkbox"/> Verified	2. Decedent created the Trust on 04/16/03 and amended the Trust on 12/20/07. The Trust named Gary C. Hamilton as the successor trustee upon the death of James O. Hamilton.	
<input type="checkbox"/> Inventory	3. The dispositive terms of the Trust set out in Article Five of the Trust as amended on 12/20/07 state in relevant part: "Upon the death of the settlor, \$1.00 shall be paid to Gary K (sic) Hamilton and \$1.00 shall be paid to Terry Lee Hamilton as they are already provided for elsewhere. The balance of the trust assets shall be divided into four (4) shares and allocated as follows: 25% to Wade Hamilton, 25% to Jamie Star Hamilton Thomas, 25% to Cynthia Ann Thomas, and 22% to Allen Richard Thomas. Each share of these beneficiaries shall remain in this trust until the particular beneficiary attains the age of 60 at which time the trustee shall distribute the share in 200 monthly installments. The monthly payments shall be \$1,000 per month unless the trustee must adjust the amounts depending on the trust assets. It is anticipated that by the time the first beneficiary attains the age of 60, all assets of this trust will be liquid. <i>If the trust does not contain assets that are liquid, the trustee shall use his or her best efforts to liquidate those assets (emphasis added).</i> "	
<input type="checkbox"/> PTC	Continued on Page 2	
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail		
<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		
<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		
		Reviewed by: JF
		Reviewed on: 07/16/13
		Updates:
		Recommendation:
		File 8 – Hamilton

4. Decedent died more than 2 years ago and Respondent has failed to liquidate the assets, make a single distribution to Petitioner or provide an accounting of the trust assets.
5. At the time of Decedent's death, Petitioner was over the age of 60 (DOB: 07/10/46) and entitled to immediate distributions. Despite several requests, no accounting or distributions have been made. Petitioner believes that there was a fair amount of cash in the Trust at the time of Decedent's death and income has been received since Decedent's death.
6. In addition to the failure to account and properly distribute trust assets, Respondent has failed to liquidate trust assets.
7. The most obvious breach of trust that requires immediate removal and surcharge, is the self-dealing and conflict of interest Respondent has with regard to money owed the Trust. A big reason Respondent has not liquidated the assets of the Trust is that several of the assets are promissory notes secured by deeds of trust on properties owned by Respondent. Respondent owes the Trust in excess of \$400,000 for two separate promissory notes secured by deeds of trust on properties owned by Respondent.
8. Petitioner is informed and believes that Respondent is not and has not made payments to the Trust for the promissory notes.
9. Respondent has also failed to act impartially in violation of Probate Code § 16003. Wade Hamilton, who has just attained the age of distribution has been receiving monies from Respondent. Petitioner is informed and believes that Wade Hamilton has received monies from the Trust even before reaching the age of distribution for so called "management" of the Trust. Respondent is clearly favoring Wade Hamilton over the other beneficiaries and improperly delegating trustee duties.
10. Respondent has failed in every duty required by him and has acted in a self-serving manner since the death of the Decedent. These conflicts and breaches of trust require his immediate removal as trustee.
11. The Trust states that Wade Hamilton is next in line to serve as successor trustee and if he is unwilling or unable to serve that Petitioner would serve. Based on the collusion between Respondent and Wade Hamilton, Wade Hamilton should be barred from serving as trustee. Petitioner would decline to act in favor of a disinterested third party trustee and believes that a third party trustee is the only appropriate remedy to impartially and properly administer the Trust.
12. Respondent has failed to provide an annual accounting as required by Probate Code § 16062. The Trust does not waive the requirement of an accounting. Petitioner requests the Court order Respondent to file an accounting detailing his actions as trustee within 30 days.
13. Respondent is chargeable and responsible for the breaches, self-dealing, mismanagement and misconduct as trustee of the Trust and subject to surcharges. Respondent has breached his fiduciary duties in every way and therefore Petitioner requests the Court surcharge Respondent for his abuse of office, self-dealing, and failure to use ordinary care and diligence in managing the Trust estate in an amount no less than \$50,000.
14. Petitioner believes that compensation in the amount of \$3,000 is reasonable for her attorney's fees for this Petition plus filing fee in the amount of \$435.

Petitioner requests that:

1. Respondent be removed as Trustee of the Trust and appoint an independent 3rd party as successor Trustee;
2. The Court order Respondent to file an accounting with the Court within 30 days detailing his actions as Trustee;
3. The Court surcharge Respondent in an amount deemed reasonable by this Court for his breaches of Trust
4. The Court authorize and direct the Trustee to pay Petitioner's attorney's fees and costs.

Continued on Page 3

Response of Gary Hamilton filed 07/12/13 admits and denies certain allegations in the Petition and states:

1. Respondent has only acted in good faith with respect to the Trust and his duties as Trustee. Respondent provided his version of an accounting in October 2012 with a document titled "Assets" that was sent via certified mail to each Trust beneficiary. In this document Respondent listed what he believes are the Trust assets. Respondent has not been contacted by any beneficiary about the accounting document. Currently Respondent is preparing a subsequent accounting which he will file with the Court and distribute to the beneficiaries. Respondent has been unable to make a distribution to Petitioner because there is not enough cash in the Trust to make beneficiary distributions. Currently there is \$1,500.00 cash in the Trust. While Respondent has not liquidated any trust assets, this is not due to lack of effort on his part, as he has used his best efforts to liquidate Trust assets. Respondent has been attempting to sell certain Trust real property – 638.88 acres of farmland in Choctaw County, Oklahoma (the "Oklahoma Property") in order to make the distributions to the beneficiaries. This farmland is an original asset of the Trust and was appraised at \$863,000 in May 2012. Respondent believes he has an Oklahoma buyer for the Oklahoma Property and is hopeful that the sale will take place within 45 to 60 days. Once this property is sold, Respondent will be able to make distributions to the beneficiaries.
2. Respondent purchased real property from Decedent and a \$100,000.00 promissory note was executed. The real property is located in Tollhouse (the "Tollhouse Property") and is subject to a Deed of Trust dated 03/29/07. Pursuant to the terms of the Promissory Note, Respondent would pay Decedent \$500.00 per month. Respondent is current with the payments and he has not missed one payment on the note. The other alleged Promissory Note was secured by a Deed of Trust dated 02/05/07 for approximately 20 acres of real property in Fresno (the "Fresno Property"). The Fresno Property is currently an asset of the Trust. Originally Respondent purchased the Fresno Property from Decedent but because Respondent was unable to make payments on the property, Respondent transferred the property back into the Trust. Respondent is currently seeking to sell the Fresno Property. Therefore Petitioner's allegation that Respondent owes the Trust in excess of \$400,000.00 is false. Respondent is making the mandatory payments on the Tollhouse Property and he has deeded the Fresno Property back to the Trust. Petitioner's allegations that Respondent's self-dealing and conflict of interest with money owed to the Trust are baseless.
3. Respondent admits the Joel Wade Hamilton is a Trust beneficiary, however, the money that Wade has received was primarily money Wade lent to Respondent to initially fund the Trust. Respondent denies any assertion that he has favored Wade over the other beneficiaries.
4. Respondent denies that he has failed in fulfilling his fiduciary duties as Trustee of the Trust and denies he has acted in a self-serving manner, he further denies that any of his actions with respect to the Trust warrant his removal as Trustee.
5. Neither Respondent nor Wade should be barred from serving as Trustee of the Trust. If anything, respondent and Wade have acted in only the best interest of the Trust, the Trust assets, and the beneficiaries. Respondent has been making true efforts to liquidate the Trust properties.
6. Respondent denies that he should be charged for Petitioner's attorney's fees and costs.

Respondent prays for an Order denying the Petition.

Age: 15 years	CYNTHIA DIANE PETERSON, mother, was appointed Guardian of the Estate on 1/25/08 with bond of \$85,000.00 and all funds held in blocked accounts.	NEEDS/PROBLEMS/COMMENTS: OFF CALENDAR. Accounting filed and set for hearing on 8/26/2013.
	First Account (for the account period ending on 12/31/2010) was approved on 6/6/2011 showing property on hand of \$518,918.52.	1. Need 2 nd account or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
	Minute Order dated 6/6/2011 set this status hearing for the filing of the 2 nd account.	
Cont. from 060613		
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: 7/16/2013
		Updates:
		Recommendation:
		File 9 – Murrin

Age: 3	ADRIANNE MOUTON , Maternal Aunt and Guardian, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 5-30-13: The Court directs Petitioner to submit a detailed declaration setting forth her plans and intentions. Petitioner is directed to meet with the Court Examiner forthwith. Matter continued to 7-18-13.</p> <p>See declaration filed 6-13-13.</p> <p>1. The Court may require proof of service of Notice of Hearing at least 15 days prior to the hearing per Probate Code §§ 2352(c), 1460, 1511 on: - Patrick Burns (Father) - Paternal Grandparents</p> <p>Note: If granted, Petitioner will be required to establish guardianship, or its equivalent in Nevada pursuant to Probate Code §2352(d) and (e). The Court will set status hearing for the filing of the petition in the appropriate Court in Nevada, as well as the filing of a <u>Post-Move Notice of Change of Residence Form GC-080</u> with appropriate service to relatives on <u>FRIDAY 10-4-13</u>.</p> <p>Reviewed by: skc</p> <p>Reviewed on: 7-15-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10 - Collins</p>
	Petitioner was appointed Guardian on 7-25-11.	
Cont. from 053013		
<input type="checkbox"/> Aff.Sub.Wit.	Father: Patrick Burns	
<input checked="" type="checkbox"/> Verified	Mother: Natasha Collins - Served by mail 6-10-13	
<input type="checkbox"/> Inventory	Paternal Grandparents: Unknown	
<input type="checkbox"/> PTC	Maternal Grandfather: Unknown	
<input type="checkbox"/> Not.Cred.	Maternal Grandmother: Melinda Collins - Served by mail 6-10-13	
<input type="checkbox"/> Notice of Hrg	Petitioner requests the Court authorize that the residence for the minor be fixed outside the State of California to the State of Nevada, address not yet determined, to provide a better environment for the minor as well as Petitioner's own children.	
<input type="checkbox"/> Aff.Mail	Petitioner states she will be able to gain better and higher paying employment and opportunity to allow for greater physical, mental and financial stability.	
<input type="checkbox"/> Aff.Pub.	Petitioner's Declaration filed 6-13-13 states she plans to move to Las Vegas, Nevada, because she has an opportunity to attain a higher paying job that will allow for more financial stability and savings for her family.	
<input type="checkbox"/> Sp.Ntc.	She has been offered a job with a friend's company that will allow her the opportunity to buy a home, start savings for her children, and pay off bills. It will also be beneficial for the health of Jalon as well as Petitioner's son, who both have asthma and breathing problems.	
<input type="checkbox"/> Pers.Serv.	Petitioner states she will never withdraw the opportunity for Jalon to spend time with his mother, as long as she is drug-free and making positive moves in her life. Since Jalon has been in Petitioner's custody since May 2011, the mother has visited three (3) times and all of those times, Petitioner took Jalon to see her.	
<input type="checkbox"/> Conf. Screen	Petitioner states there are no visitation orders or other restrictions. She plans to visit California often and will contact the mother when she does, and will also keep her contact information updated with the courts.	
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

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

Allias Age: 15 yrs	TEMP EXPIRES 7-18-13 MELVA D. PALMS , family friend, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Minute Order 4-16-13 (Temp): Mother objects to the petition. Mother provides contact information for each father. The Court finds that removing the children from their stable home with the guardian would not be in their best interest at this time. The Court extends the temporary to 6/6/13. The General Hearing remains set for 6/6/13. The Court notes for the record that prior to the conclusion of today's hearing, mother refused to participate in mediation and stormed out of the courtroom. Temporary extended to 6/6/13.
Blakki Age: 1 1/2 yrs		
	Father (Allias): THEODOR YANCY	1. Need Child Information Attachment for Blakki Hall, Jr.
	Father (Blakki): BLAKKI HALL, SR.	
Cont. from 0606013	Mother: ASHANTI R. JACKSON - Objection filed 4-9-13 - Appeared at hearing 4-16-13. - Declaration filed 7-11-13	2. Need Notice of Hearing. 3. Need proof of personal service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 on: - Theodor Yancy (Father Allias) - Blakki Hall, Sr. (Father Blakki) - Ashanti R. Jackson (Mother)
<input type="checkbox"/> Aff.Sub.Wit.	<i>Minor Allias Yancy consents and waives notice.</i>	
<input checked="" type="checkbox"/> Verified	Paternal grandparents of Allias: <i>Not listed</i> Paternal grandparents of Blakki: <i>Not listed</i>	4. Need proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 on: - Paternal grandparents of Allias - Paternal grandparents of Blakki (Danny Jackson and Lorea Julian)
<input type="checkbox"/> Inventory	Maternal grandfather: Danny Jackson Maternal grandmother: Lorea Julian	
<input type="checkbox"/> PTC	Petitioner states mother was recently released from Chowchilla State Prison for stabbing Blakki Hall, Sr., for the second time, and the mother plans on reuniting with him. The oldest child is afraid as he is not sure what will happen to him and his younger brother (Blakki Jr.), and he wants no contact with Blakki, Sr. Petitioner is a long-time family friend of the children's mother, the children know her as their aunt, and she has been with them through many episodes and has always been reliable to the children. The children have lived in her home for two years and Allias' grades have dramatically improved in the two years he has lived with her. The mother has no home for the children now, she is fighting to get back her 4 other children, and does not have a bond with the children since she has been in prison; the mother has no means without the children's welfare money. Petitioner states the mother tried to pick up the children on 4/2/2013 and the oldest child refused to go and trashed his room when the mother refused to leave without him. Petitioner's husband calmed the child down and he was O.K. once he didn't have to leave home. Both children are emotionally damaged and traumatized by the mother and Mr. Hall.	
<input type="checkbox"/> Not.Cred.		Reviewed by: skc
<input checked="" type="checkbox"/> Notice of Hrg		Reviewed on: 7-15-13
<input checked="" type="checkbox"/> Aff.Mail		Updates:
<input type="checkbox"/> Aff.Pub.		Recommendation:
<input type="checkbox"/> Sp.Ntc.		File 11 – Yancy & Hall
<input checked="" type="checkbox"/> Pers.Serv.		
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input checked="" type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
SEE ADDITIONAL PAGES		

Petitioner requests: The Court excuse her from giving notice to Theodor Yancy, father of Allias, as he has not been around for at least 5 years or more; and to Blakki A. Hall, Sr., father of Blakki Jr., as he has been absent from his son's life for the past two years and even though he knows where his son is and has been to Fresno 10 times, he never bother to see him.

Objection to Guardianship filed by Ashanti R. Jackson, mother, on 4/9/2013 states:

- She and her children's fathers are not incarcerated or dead;
- None of them were notified of this matter;
- Her children are unsafe with the person who petitioned for the guardianship;
- On 3/31/2012, her son, Allias Yancy, was asked at 10:00 p.m. to leave the Petitioner's home; she was not notified for over an hour and a half;
- The Petitioner kept her sons from her the entire time she was incarcerated; she was released on 3/24/2013;
- The Petitioner keeps leaving her text messages stating basically that she has to do what she says;
- She objects to the guardianship; her 15-year-old son does not want to be there;
- The Petitioner never served any of the parents any paperwork nor notified anyone of Court dates;
- She feels her children will be in great danger if left with the Petitioner;
- She is capable of taking care of her children;
- The Petitioner is a non-relative ; she has hit on her 15-year-old;
- When she did see her children, her 15-year-old had on dirty clothes and shoes with holes in them;
- Her 1-year-old stays ill and keeps a diaper rash [because of] Petitioner;
- On 4/8/2013, her 1-year-old was vomiting and the Petitioner took him to the day care instead of to the doctor to be taken care of;
- The Petitioner refuses phone calls from me, her son's fathers, and other family.

Ms. Jackson filed additional declarations on 7-3-13 and 7-11-13. The declarations contain letters of support for the mother in her objection to guardianship from family and friends, including a letter from Allias (15), stating that he wants to stay with his mom, and feels his brother should also get to know their mom. Also attached are certificates of achievement of various programs. See declarations and attached letters. Ms. Jackson states that Ms. Palms does not communicate with her and her son has become a truant while living with her, involved with gangs, tags, tickets, suspended, etc.

DSS Social Worker Keith Hodge filed a report pursuant to Probate Code §1513(a). See report attached to Supplemental Report filed by Court Investigator Jennifer Young on 7-15-13.

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

Honey age: 8	TEMPORARY EXPIRES ON 7/18/2013	NEEDS/PROBLEMS/COMMENTS: 1. 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. Shane Brown (father) 2. Need proof of service of the Notice of Hearing along with a copy of the petition or Consent and Waiver of Notice or Declaration of Due Diligence on: a. Paternal grandfather b. Tina (?) paternal grandmother 3. Proof of service of the Notice of Hearing filed on 7/11/13 does not include the name and address of the person serving the documents at item #6.
Chase age: 4	DARLENE PEREZ , maternal grandmother, is petitioner.	
	Father: SHANE BROWN	
	Mother: DELIA CERVANTES – personally service on 6/14/2013.	
Cont. from	Paternal grandfather: Unknown Paternal grandmother: Tina (?) Maternal grandfather: Deceased.	
Aff.Sub.Wit.		
✓ Verified		
Inventory		
PTC		
Not.Cred.		
✓ Notice of Hrg	Petitioner states the parents have a history of drug addiction and both have been arrested for this issue. Both children are with petitioner. CPS strongly encouraged Petitioner to file for guardianship.	
Aff.Mail	X	
Aff.Pub.		
Sp.Ntc.		
✓ Pers.Serv.	W/	
✓ Conf. Screen	Court Investigator Samantha Henson's report filed 7/11/2013	
✓ Letters		
✓ Duties/Supp		
Objections		
Video Receipt		
✓ CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
✓ UCCJEA		
Citation		
FTB Notice		

Reviewed by: **KT**
 Reviewed on: **7/16/2013**
 Updates:
 Recommendation:
 File **12 – Brown**

Pro Per Santillan, Irene (Pro Per Petitioner, paternal aunt)

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

Age: 2 ½ months		<p>IRENE SANTILLAN, paternal aunt, is Petitioner.</p> <p style="text-align: center;">NO TEMPORARY REQUESTED</p> <p>Father: THOMAS GARCIA, JR.; <i>consents and waives notice.</i></p> <p>Mother: JENNY SAO; <i>consents and waives notice.</i></p> <p>Paternal grandfather: Thomas Garcia Paternal grandmother: Adrian A. Garcia</p> <p>Maternal grandfather: Sarom Sao Maternal grandmother: Boun Sisanoy</p> <p>Petitioner states she has had care of the child since the child's birth, neither of the parents are in a position to care for the child at this time, and both have consented.</p> <p>Court Investigator Charlotte Bien's Report was filed on 7/2/2013.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. <i>Proof of Service by Mail of the Notice of Hearing</i> filed 5/22/2013 contains the following defects:</p> <ul style="list-style-type: none"> Form is not signed by Georgina Salazar, the person who is indicated as having completed the form and performed the service; Item 5 is not marked to show that a copy of the <i>Petition</i> was served with the notice as required by Probate Code § 1511; Service to Sarom Sao, maternal grandfather, does not indicate he was served by mail individually, and does not indicate he was mailed at the federal prison in Texas where the <i>Petition</i> states he is located.
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/O		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input checked="" type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Aff. Posting		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	Clearances		
<input checked="" type="checkbox"/>	Order		
<input checked="" type="checkbox"/>	Letters		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: LEG</p> <p>Reviewed on: 7/16/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13 – Sao-Garcia</p>	

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

Age: 13 years		<p align="center">THERE IS NO TEMPORARY. No temporary was requested.</p> <p>MINDY IVISON, mother, is petitioner and requests JIM CRAWFORD, maternal great grandfather, be appointed as guardian.</p> <p>Father:</p> <p>Paternal grandfather: Paternal grandmother: Maternal grandfather: Maternal grandmother:</p> <p>Petitioner states the minor wishes to continue to live with her great grandparents. All parties agree that it is in the best interest of the minor at this time.</p> <p>Court Investigator Jo Ann Morris' Report filed on 7/10/2013.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Petition does not include the Guardianship Petition Child Information Attachment (Judicial Council form GC-210CA). This is a mandatory form. Need Notice of Hearing. 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: <ol style="list-style-type: none"> Father (not listed in the petition) Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> Paternal grandparents (not listed in the petition) Maternal grandparents (not listed in the petition) Because the Guardianship Petition Child Information Attachment was not filed it is unclear whether or not the Indian Child Welfare Act (ICWA) is an issue. Need Duties of Guardian (signed by Jim Crawford).
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 type="checkbox"/>	Notice of Hrg X		
<input type="checkbox"/>	Aff.Mail X		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv. X		
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp X		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: KT	
		Reviewed on: 7/16/2013	
		Updates:	
		Recommendation:	
		File 14 – Crawford	

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

DOD: 12/04/12	LEONEL RIOS, Jr. , son, is Petitioner, and requests appointment as Executor with full authority.	NEEDS/PROBLEMS/COMMENTS: Need Amended Petition based on the following: 1. Petitioner requests that Decedent's will and codicil's, if any, be admitted to probate and for appointment as Executor at item 2; but then requests appointment as Administrator at item 3(f)(2). The Petition is not marked at item 3(e) regarding whether decedent died intestate or not. It is noted that no copy of a will is attached to the Petition and no will has been deposited with the Court. Need clarification. 2. The Petition is not marked at item 2(d) regarding Bond. Need will nominating Petitioner as Executor without bond or Waivers of Bond from all beneficiaries or Bond in the amount of \$200,000.00. 3. The Petition does not state the decedent's residence at the time of death at item 3(b) and is not marked at item 3(a)(1) or (2) regarding whether he was a resident of this County (Fresno County) or not. It is noted that his place of death is listed as Hanford, CA. If the Decedent was domiciled in Kings County at the time of his death then Kings County would most likely be the appropriate venue for this proceeding. Need more information. 4. The Petition is not marked at item 3(c)(d) regarding bond. 5. The Petition states that decedent had a predeceased spouse. Name and date of death of predeceased spouse should be listed in item 8 of the Petition. 6. The Petition is not marked at item 5(a)(6) or (7) regarding issue of a predeceased child. 7. The Petition does not state the relationship to Decedent for the persons listed in item 8. 8. Need Publication. 9. Need Duties and Liabilities of Personal Representative (Form DE-147) and Confidential Supplement to Duties and Liabilities of Personal Representative (Form DE-147S). 10. Need Notice of Petition to Administer Estate. 11. Need proof of service by mail at least 15 days before the hearing of Notice of Petition to Administer Estate. 12. Need Order and Letters.
Cont. from	Full IAEA – Need Publication	
<input type="checkbox"/> Aff.Sub.Wit.	Residence: NOT STATED	
<input checked="" type="checkbox"/> Verified	Publication: NEED	
<input type="checkbox"/> Inventory	Estimated Value of the Estate:	
<input type="checkbox"/> PTC	Personal property - \$200,000.00	
<input type="checkbox"/> Not.Cred.	Probate Referee: RICK SMITH	
<input type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<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 Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
Reviewed by: JF		
Reviewed on: 07/16/13		
Updates:		
Recommendation:		
File 15 – Rios		