



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.

Atty Agabo, Rosa Maria Martinez (Pro Per Petitioner, maternal grandmother)
 Atty Rodriguez, Ramon Agabo (Pro Per Petitioner, maternal grandfather)

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

Age: 9 years	TEMPORARY GRANTED EX PARTE EXPIRES 7/21/2014	NEEDS/PROBLEMS/COMMENTS:
	<u>General Hearing set for 9/8/2014</u>	
Cont. from	RAMON AGABO RODRIGUEZ and ROSA MARIA MARTINEZ AGABO , maternal grandparents, are Petitioners.	<p>Note: Consent and Waiver of Notice filed 7/7/2014 bears the name and signature of Salomon Torres, signed on 6/2/2014. Petition states the child's father signed the consent "through a family member" as he hasn't seen the child in 8 years and doesn't want to be a part of her life.</p>
<input type="checkbox"/> Aff.Sub.Wit.	Father: SALOMON TORRES ; <i>consents and waives notice.</i>	
<input checked="" type="checkbox"/> Verified	Mother: MARIA AGABO ; <i>consents and waives notice.</i>	
Inventory	Paternal grandfather: Salomon Torres	
PTC	Paternal grandmother: Patricia Torres	
Not.Cred.	Petitioners state the child has been residing with them off and on since the child was 6 months old, and the child's parents are not capable of properly caring for her due to a long history of substance abuse. Petitioners state the child was dropped off to Petitioners for the first time when the child was ~6 months old, and the mother has used the child to get money, food and anything she could from Petitioners, and to get her way. Petitioners state the mother has been living with her boyfriend in his mother's home, and the mother has made many threats to Petitioners that she is going to take the minor child. Petitioners state the home the mother lives in is not a safe environment for the child as there is a lot going on and there is no food, causing the boyfriend's mother to call Petitioner with concern. Petitioners state the child is extremely affected every time the mother threatens to take her and Petitioners fear the mother may attempt to take her to the boyfriend's home where there is no running water or electricity or food, and is unsanitary. Petitioners state the parents are under some sort of investigation and may be in trouble with the law.	
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Aff. Posting		
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<input checked="" type="checkbox"/> UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 7/16/14
		Updates:
		Recommendation:
		File 1 - Torres

Petition to Terminate Authority of Agent for Health Care

	MICHAEL H. SMITH, Son, and FRESNO COUNTY PUBLIC GUARDIAN, Conservator of the Person and Estate, are Petitioners.	NEEDS/PROBLEMS/COMMENTS:
	Petitioners state the Conservatee's grandson, Michael H. Smith, Jr. ("Butch"), retains the authority to make all medical decisions for the Conservatee pursuant to an advance health care directive signed by the Conservatee on 6-17-11 prior to the conservatorship. This authority was clarified by the Court via a motion brought by the Conservatee, through his attorney on 3-11-13. At that hearing, the Court instructed Butch that he was henceforward to take sole responsibility for all aspects of the Conservatee's health care, including scheduling and transportation to all necessary doctor visits and ensuring that medications were given as directed by his doctors. He was instructed to coordinate and cooperate with staff from Anjaleoni, who provide care from 11am to 7pm several days per week.	Minute Order 5-29-14: Parties reach an agreement as set forth by Ms. Kruthers. Parties agree that the authority of the agent for health care will be suspended until further order of the Court. Ben Smith is to be provided with 24 hour care and be tested for TB. In addition, Ben Smith is to be placed in one of Susan Kendakur's facilities for 30 days. Ms. Kruthers is directed to prepare the order.
Cont from 052914, 062314	Petitioners seek termination of Butch's authority as agent for health care on the ground that he has failed to perform and is unfit to perform the duties required of him under the advance health care directive and is acting in a manner that is clearly contrary to the conservatee's best interest.	Update: On 6-2-14, the Conservatee was moved to Golden Care Home in Clovis.
Aff.Sub.Wit.	After numerous hearings and mediation, it was initially determined that the Conservatee could be well served by remaining in his own home with care and supervision provided by Butch and Butch's mother Robin Kent and supplemented by professional services provided by Anjaleoni. Anjaleoni originally cared for the conservatee 7 days per week, which was subsequently reduced per Butch's request to reduce expense. Butch and Robin were to provide more hours of care, including nights. All parties and Anjaleoni staff were to keep a journal regarding the Conservatee's care including meals and medication.	Note: Notice of Hearing was served on the Conservatee by email to his attorney, Jeffrey Jaech, and on Michael Smith, Jr. (Butch), by email to his attorney, Randolph Krbechek, with both attorneys' consent, on 5-23-14.
Verified		Note: On 5-28-14, Randolph Krbechek, attorney for Michael Smith, Jr. (Butch) filed "Memorandum of Points and Authorities in Opposition to Petition." Because this was titled as P&A, it was not charged a filing fee at the counter. <u>However, it appears to be an Objection to the petition; therefore a \$435 filing fee is due. As of 7-16-14, this fee has not been paid and remains due.</u>
Inventory		Note: On 7-9-14, Attorney Krbechek filed Notice of Death of Conservatee indicating that Benjamin H. Smith passed away on June 28, 2014.
PTC		Reviewed by: skc
Not.Cred.		Reviewed on: 7-16-14
Notice of Hrg		Updates:
Aff.Mail		Recommendation:
Aff.Pub.		File 7 – Smith
Sp.Ntc.		
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Citation		
FTB Notice		

SEE ADDITIONAL PAGES

Petitioner states that while the Probate Code gives an agent selected by advance health care directive priority over others, including a conservator, to make health care decisions, it is also possible to terminate such authority when necessary. Probate Code §4766(d). Over the last four months, the Conservatee's care has deteriorated seriously. The Public Guardian has determined that his home is no longer the least restrictive setting where he can receive the care he needs. Moreover, the Public Guardian has determined that Butch is likely not ensuring that the Conservatee is receiving all prescribed medications, that he is not receiving adequate nutrition, and that his personal hygiene needs are not being met. He has bed sores that are being left untreated.

Anjaleoni staff has reported to the Public Guardian that the Conservatee is receiving substandard care from Butch and Robin. For example, he remains unbathed and unshaven unless Anjaleoni is on duty. They fail to get him out of bed until after 11am, leaving him in a soiled diaper and without breakfast. Once up, he spends most of his time sitting alone watching television. He frequently skips meals and is not encouraged to eat. He receives almost no socialization except when Mike and his wife Lisa visit.

Petitioners state Butch continuously interferes with Anjaleoni staff's efforts to provide care when they are on duty, such as telling them to leave him alone, he doesn't need to eat. This encourages the Conservatee to refuse to eat. Mike and Lisa have observed similar problems to what is described above. Anjaleoni staff has requested Mike's assistance several times due to Butch's interference with their efforts to provide necessary care such as bathing or meals. Butch's interference has become so troubling that Anjaleoni started taking more aggressive action to serve the Conservatee's needs. With this care, he is more alert, whereas he rarely interacts much under Butch's and Robin's care. He also eats willingly, which he will not do otherwise.

The Public Guardian has therefore determined that it is necessary to change the conservatee's residence to the Autumn Ridge residential care facility where he will receive the care and assistance he needs daily and will benefit from socialization with other residents.

When advised of the Public Guardian's intention to move the Conservatee and the need to obtain a TB test, Butch inquired as to the cost and was informed that it would actually be less than the cost to maintain him in his home with part time care.

Counsel for Mike has repeatedly asked counsel for Butch for permission for the TB test; however, Butch has failed and refused to obtain the test or permit the Public Guardian to do so.

This Court has previously determined that the Conservatee has dementia and lacks capacity to give informed consent for medical treatment or health care issue. Therefore, Petitioners submit that he lacks capacity to execute or revoke an advance health care directive or disqualify a surrogate.

See Declarations in support filed by Catherine Amador (attorney for Michael H. Smith); Stacy Mauro, Deputy Public Guardian; Sundari Susan Kendakur, Administrator of Anjaleoni; and Lisa Smith, wife of Michael H. Smith.

Petitioners request an order:

- 1. Terminating Butch's authority to make medical decisions for Ben pursuant to the advance health care directive signed by the Conservatee on 6-17-11;**
- 2. Confirming its earlier finding that the Conservatee lacks capacity to give informed medical consent for any purpose;**
- 3. Appointing the Public Guardian, the Conservator of the Person and Estate, as the party with authority to make all medical decisions for the Conservatee, including but not limited to scheduling and attending all medical appointments, reporting symptoms to Conservatee's physicians, and directing the administration of medications per the Conservatee's physician's orders, and obtaining all tests necessary to effectuate a change of Conservatee's residence; and**
- 4. Such other and further relief as the Court deems necessary and proper.**

Status Hearing Re: (1) Filing of Bond; (2) Receipt for Funds into Blocked Account

	<p>SHELIA STEARNs was appointed Conservator of the Person and Estate with bond of \$50,000.00 and \$425,000.00 to be placed into blocked accounts pursuant to Evidentiary/Settlement Conference Minute Order dated 2-25-14. The Order was signed on 3-5-14.</p> <p>Letters have not issued.</p> <p>On 3-5-14, the Court set this status hearing and mailed Notice of Status Hearing to Attorney Feigel.</p> <p>This is the fourth (4th) status hearing on the matter. At the last hearing on 6-8-14, there were no appearances and Mr. Feigel was ordered to be personally present 7-21-14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 4-18-14, 5-16-14, 6-9-14</u></p> <p><u>Minute Order 5-16-14:</u> The Court is advised that the bond has been approved and should be issued within the next 24 hours. The Court is further advised that the money is still in the same account. Continued to 6-9-14.</p> <p><u>Minute Order 6-9-14:</u> No appearances. Order to personally appear issued for Mr. Feigel. Court needs bond and receipts from blocked accounts. Continued to 7-21-14.</p> <p><u>Note:</u> As of 7-16-14, nothing further has been filed.</p> <p>1. Need bond of \$50,000.00 and receipts re blocked accounts (MC-356) or verified written status report pursuant to local rules.</p> <p><u>Note:</u> If, per the statement in the last minute order, the money is in one account, it appears it would be over the FDIC limit. Please see applicable law regarding accounts. Need bond and receipts reflecting the blocked accounts and the amounts therein.</p>
Cont. from 041814, 051614, 060914		
Aff.Sub.Wit.		
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Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 7-16-14
		Updates:
		Recommendation:
		File 11 – Cook

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

DOD: 9-15-04	<p>ERICA HERNANDEZ, daughter, was appointed as Administrator with Full IAEA without bond and Letters issued on 5-20-05.</p> <p>The original petition alleged personal property valued at \$2,000.00 and real property valued at \$270,000.00, encumbered for \$45,000.00.</p> <p>However, no Inventory and Appraisal was ever filed pursuant to Probate Code §8800.</p> <p>No accounting or petition for final distribution was ever filed pursuant to Probate Code §12200.</p> <p>The Court set this status hearing for failure to file Inventory and Appraisal and failure to file accounting or petition for final distribution. Both attorney and personal representative are ordered to appear.</p> <p>Notice of Status Hearing was mailed to Attorney Bruce A. Neilson and Administrator Erica Hernandez on 11-21-13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 2-14-14, 5-30-14</p> <p>As of 7-16-14, nothing further has been filed.</p> <p>1. Need Inventory and Appraisal pursuant to Probate Code §8800 and accounting and petition for final distribution pursuant to Probate Code §12200, or verified written status report pursuant to local rules.</p> <p>Note: The decedent's intestate heirs are his three children: Erica Hernandez, Cristobal Hernandez, and Andrea Hernandez.</p>
Cont. from 021414, 053014		
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		<p>Reviewed by: skc</p> <p>Reviewed on: 7-16-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 18 – Hernandez</p>

Status Hearing Re: Filing of the Inventory and Appraisal; Filing of First Account and/or Petition for Final Distribution

<p>DOD: 6-9-11</p>	<p>JANETTE COURTNEY, was appointed Executor with Full IAEA without bond and Letters issued on 9-15-11.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
<p>Cont. from 040813, 062813, 072613, 100413, 011714, 032114, 042514, 060614</p>	<p>Inventory and Appraisal Partial No. 1 filed 2-13-13 included commercial real property valued at \$250,000.00, which was sold pursuant to Order Confirming Sale of Real Property.</p> <p>At hearing on 2-25-13, the Court set status hearing for 4-8-13 for the filing of the Final Inventory and Appraisal, filing of the first account, and/or petition for final distribution.</p> <p>The status hearing for filing of the final Inventory and Appraisal has been continued to 6-28-13 and now 7-26-13.</p>	<p>Minute Order 4-8-13: Mr. Keeler and Mr. Ivy are appearing via conference call. Mr. Ivy is directed to file a fully executed agreement with the court. Matter is set for Status Hearing on 5/24/13 regarding the settlement agreement and the dismissal. If the agreement and dismissal are filed by 5/24/13, no appearance will be necessary. The status hearing regarding the inventory and appraisal is continued to 6/28/13 for appearance by Mr. Neilson only. Set on 5/24/13 @ 9:00 a.m. Dept. 303 for: Status Hearing Re: Settlement Agreement and Dismissal</p>
<p>Aff.Sub.Wit.</p>	<p>Status Report filed 7-19-13 states:</p>	<p>Note: Full and Complete Settlement Agreement and Mutual Release of All Claims filed 4-11-13, and dismissal of petition filed by Dennis L. Thomas on 12-19-11 was entered on 5-1-13.</p>
<p>Verified</p>	<ul style="list-style-type: none"> Petitioner has performed all required duties as personal representative 	<p>Note: This is the 9th status hearing on this matter. As of 7-16-14, nothing further has been filed.</p>
<p>Inventory</p>	<ul style="list-style-type: none"> All known debts have been paid except for mortgage on real property which has a market value below the mortgage amount 	<p>1. Need Final I&A.</p>
<p>PTC</p>	<ul style="list-style-type: none"> All administration costs to date except for compensation to the personal representative and attorney have been paid 	<p>2. Need First Account or Petition for Final Distribution pursuant to Probate Code §12200.</p>
<p>Not.Cred.</p>	<ul style="list-style-type: none"> The estate is solvent 	<p>Reviewed by: skc</p>
<p>Notice of Hrg</p>	<ul style="list-style-type: none"> A creditor's claim filed by Steven Drummond has been rejected 	<p>Reviewed on: 7-16-14</p>
<p>Aff.Mail</p>	<ul style="list-style-type: none"> There is currently no pending litigation involving the estate; however, there is a potential claim against beneficiaries for recovery of a vehicle and reimbursement for sales tax paid 	<p>Updates:</p>
<p>Aff.Pub.</p>	<ul style="list-style-type: none"> The status of a business being operated by a beneficiary, and the estate's current interest therein, has yet to be determined/negotiated. 	<p>Recommendation:</p>
<p>Sp.Ntc.</p>	<ul style="list-style-type: none"> It is estimated that an additional three (3) months will be needed to complete administration of the estate, unless litigation is needed to recover the vehicle. 	<p>File 23 - Drummond</p>
<p>Pers.Serv.</p>	<ul style="list-style-type: none"> Petitioner requests authority to continue administration until 10-1-13. 	
<p>Conf. Screen</p>	<p>Status Report filed 10/03/13 states: Since the prior status hearing the executor has been able to locate the Chevrolet Suburban, however it is damaged and towing and storage may be equal or more than the value. A compromise with the storage facility is being negotiated. Additionally, no paperwork has been located regarding the horse that a beneficiary claims belonged to the decedent and for which he is making a claim for care and feeding. The estate has rejected the claim. As to the real property in Mariposa, CA, it was thought that the bank was foreclosing on the property, but they have not. Time is requested to appraise and inventory this property and the Suburban as well as resolve the disposition of the horse.</p>	
<p>Letters</p>		
<p>Duties/Supp</p>		
<p>Objections</p>		
<p>Video Receipt</p>		
<p>CI Report</p>		
<p>9202</p>		
<p>Order</p>		
<p>Aff. Posting</p>		
<p>Status Rpt</p>		
<p>UCCJEA</p>		
<p>Citation</p>		
<p>FTB Notice</p>		

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

DOD: 8-27-13		<p>BRENDA LONG SUTA, Sister and Named Alternate Executor without bond, is Petitioner.</p> <p>Petitioner is a resident of Salt Lake City, Utah.</p> <p>Named Executor Patricia Carr declines to act.</p> <p>Limited IAEA – ok</p> <p>Will dated 6-12-05</p> <p>Residence: Fresno Publication: Fresno Business Journal</p> <p>Estimated value of the estate: Personal property: \$163,000.00</p> <p>Probate Referee: Steven Diebert</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 6-16-14: The Court will require bond in the amount of \$163,000.00.</p> <p>Note: Bond of \$163,000.00 was filed on 7-8-14.</p> <p>Note: If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Monday, November 24, 2014 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. • Monday, November 23, 2015 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution. <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>	
Cont from 051514, 061614				
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Reviewed on: 7-16-14				
Updates:				
Recommendation:				
File 25 - Long				