

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>	
	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>
Cont. from	Father: SALOMON TORRES ; <i>consents and waives notice.</i>	
<input type="checkbox"/> Aff.Sub.Wit.	Mother: MARIA AGABO ; <i>consents and waives notice.</i>	
<input checked="" type="checkbox"/> Verified	Paternal grandfather: Salomon Torres	
Inventory	Paternal grandmother: Patricia Torres	
PTC	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.	
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
<input checked="" type="checkbox"/> Conf. Screen		
Letters		
<input checked="" type="checkbox"/> Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 7/16/14
		Updates:
		Recommendation:
		File 1 - Torres

	LARRY D. EDDE , Conservator, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:
	Account period: 1-1-11 through 12-31-12		
	Accounting: \$ 1,414,936.47		
	Beginning POH: \$ 1,022,795.11		
	Ending POH: \$ 1,089,315.85		
	(\$1,044,586.17 cash plus various personal property items)		
	Conservator: Waives		
	Attorney: \$4,484.50 (for services from 4-12-12 through 5-16-14, as itemized)		
	Costs: \$435.00 (filing fees, certified copies)		
	Bond: Petitioner states the current bond \$375,000.00 is insufficient and bond should be increased to \$431,126.81 based on the Conservatee's cash in unblocked accounts, personal property, income, and including an amount for the cost of recovery. In addition, the conservatorship estate has eight blocked accounts.		
	Alternatively, Petitioner requests to block an additional account, which would allow the current bond to remain sufficient. A blocking order is provided.		
	Petitioner prays for an Order:		
	1. Approving, allowing and settling the seventh account;		
	2. Confirming and approving all acts of Conservator;		
	3. Authorizing attorney fees and costs; and		
	4. For such other orders as the Court considers proper.		
	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		
✓	2320(c)		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
Reviewed by: skc			
Reviewed on: 7-16-14			
Updates:			
Recommendation:			
File 2 – Edde			

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

DOD: 06/03/2003	DALE ALLEN CRUTCHFIELD , son, was appointed Executor with full IAEA without bond on 08/26/2003.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR. Petition for Final Distribution and Waiver of Accounting filed 07/16/2014. Hearing set for 08/20/2014.</u></p>
	Letters issued on 08/26/2003.	
	Inventory and Appraisal was filed on 02/03/2004 shows an estate valued at \$309,517.57 consisting of real property.	
Cont. from 011014, 031014, 042114		
Aff.Sub.Wit.		
Verified		
Inventory	Notice of Status Hearing was mailed to John Garland and Dale Allen Crutchfield on 11/07/2013.	
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: LV
		Reviewed on: 07/16/2014
		Updates:
		Recommendation:
		File 3 – Crutchfield

Notice of Motion and Motion to be Relieved as Counsel - Civil

DOD: 08/15/04		<p>PHILIP M. FLANIGAN, attorney for Executor CAROLYN LEWIS, is Petitioner.</p> <p>CAROLYN LEWIS, daughter, was appointed Executor with full IAEA and without bond on 12/06/05. Letters Testamentary were issued on 12/08/05.</p> <p>Petitioner states that he has been unable to contact his client and has an outdated address and telephone number. Ms. Lewis sold the property where she was previously living and several attempts to locate her or obtain a new address and phone number have been unsuccessful. Petitioner states that the inability to contact the client renders it unreasonably difficult to close probate and carry out the representation effectively.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 06/23/14 Minute Order from 06/23/14 states: Counsel reports that they have lost contact with Carolyn Lewis.</p> <p>Note: It is unclear whether Mr. Flanigan wishes to pursue this Motion based on his filing a First & Final Account (page 4B).</p>	
Cont. from 032414, 050114, 060514, 062314				
<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 type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		Reviewed by: JF		
		Reviewed on: 07/17/14		
		Updates:		
		Recommendation:		
		File 4A – Geise		

**Amended First and Final Accounting and Report of Status of Administration;
Petition for Settlement Thereof; for Allowance of Statutory Attorney and
Administrator's Compensation; for Reimbursement of Costs Advanced; and
Petition to Close Estate**

DOD: 08/15/04	CAROLYN LEWIS , Executor, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 06/23/14</u> Minute Order from 06/23/14 states: Counsel reports that they have lost contact with Carolyn Lewis.</p> <ol style="list-style-type: none"> The Petition requests that the full statutory fee be paid to the Executor and the Attorney, however, Probate Code § 12205 states that the Court may reduce compensation to the personal representative and/or attorney when the time taken to close the estate exceeds the time prescribed in the code, etc. The decedent died in 2004 and Letters were issued on 12/08/05. No explanation is provided in the Petition indicating that there was a reason for the delay in closing the estate. The Court may consider reducing the requested compensation. The Petition indicates that after payment of the requested statutory fees and costs that \$29,462.17 will be available for distribution to Carolyn Lewis, however, the Examiner calculates there will be \$35,402.17 remaining. Need clarification. Note: It is noted that the Order lists the statutory fees as \$7,000.00 which would result in cash remaining for disbursement of \$29,462.17, however this is the incorrect statutory fee.
	Account period: 08/15/04 – 06/08/06	
	Accounting - \$200,000.00	
	Beginning POH- \$200,000.00	
	Ending POH - \$44,675.17 (all cash)	
Cont. from 062314	Executor - \$4,000.00 (statutory)	
<input type="checkbox"/> Aff.Sub.Wit.	Attorney - \$4,000.00 (statutory)	
<input checked="" type="checkbox"/> Verified	Costs - \$1,213.00 (filing fees, publication, probate referee)	
<input checked="" type="checkbox"/> Inventory	Distribution, pursuant to decedent's will, is to:	
<input checked="" type="checkbox"/> PTC	Carolyn Lewis- \$29,462.17	
<input checked="" type="checkbox"/> Not.Cred.	Status Report filed 07/16/14 states: The attorney was able to make contact with Ms. Lewis. Documents have been mailed to her to sign and will be filed when they are received back.	
<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 type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters 12/06/05		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input checked="" type="checkbox"/> FTB Notice		
	Reviewed by: JF	
	Reviewed on: 07/17/14	
	Updates:	
	Recommendation:	
	File 4B - Geise	

Fourth Account and Report of Co-Trustees and Petition for Its Settlement; Petition for Allowance of Attorneys' Fees PC 17200

		BETTY ANN BIANCHI and ROBERT W. BIANCHI Trustees, are Petitioners.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If the petition is granted, a status hearing will be set as follows:</p> <ul style="list-style-type: none"> Wednesday, February 18, 2015 at 9:00 a.m. in Department 303, for the filing of the fourth account. <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: 1/1/13 – 12/31/13	
Cont. from		Accounting - \$205,768.59	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$188,170.17	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$143,178.67	
<input type="checkbox"/>	Inventory	Trustees - waive	
<input type="checkbox"/>	PTC	Attorney - \$1,160.00 (per itemization and declaration. .70 attorney hours @ \$390/hr. and 5.90 paralegal hours @145/hr.)	
<input type="checkbox"/>	Not.Cred.	Costs - \$435.00 (filing fees)	
<input checked="" type="checkbox"/>	Notice of Hrg	Current bond: \$235,000.00	
<input checked="" type="checkbox"/>	Aff.Mail W/	Petitioner states the bond can now be reduced to \$190,000.00.	
<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	Petitioners pray for an Order that:	
<input type="checkbox"/>	Objections	1. The fourth account of the co-trustee's be approved, allowed and settled as filed;	
<input type="checkbox"/>	Video Receipt	2. Petitioners be authorized and directed to pay the attorney \$1,160.00 and costs of \$435.00. To be paid from the Vera Silberstein Conservators' Trust.	
<input type="checkbox"/>	CI Report	3. The bond be reduced to \$190,000.00	
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 7/17/14
			Updates:
			Recommendation:
			File 5 – Silberstein

		BETTY ANN BIANCHI and ROBERT W. BIANCHI	NEEDS/PROBLEMS/COMMENTS:
		Trustees, are Petitioners.	
		Account period: 1/1/13 – 12/31/13	
Cont. from		Accounting - \$2,660,156.14	<p>Note: If the petition is granted, a status hearing will be set as follows:</p> <ul style="list-style-type: none"> Wednesday, February 18, 2015 at 9:00 a.m. in Department 303, for the filing of the fourth account. <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>
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$2,617,908.07	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$2,617.737.79	
<input type="checkbox"/>	Inventory	Trustees - waive	
<input type="checkbox"/>	PTC	Attorney - \$4,589.00 (per itemization and declaration, 5.5 attorney hours @ \$295.00 - \$390/hr. and 17.60 paralegal hours @145/hr.)	
<input type="checkbox"/>	Not.Cred.	Costs - \$461.00 (filing fees, certified copies)	
<input checked="" type="checkbox"/>	Notice of Hrg	Current bond: \$77,000.00 (sufficient)	
<input checked="" type="checkbox"/>	Aff.Mail	Petitioners pray for an Order that:	
<input type="checkbox"/>	Aff.Pub.	4. The fourth account of the co-trustee's be approved, allowed and settled as filed;	
<input type="checkbox"/>	Sp.Ntc.	5. Petitioners be authorized and directed to pay the attorney \$5,050.00 for services and costs, plus \$1,595.00 for attorneys' fees and costs advanced relating to the Vera Silberstein Primary Trust for Personal Care	
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 7/17/14
			Updates:
			Recommendation:
			File 6 – Silberstein

Petition to Terminate Authority of Agent for Health Care

	<p>MICHAEL H. SMITH, Son, and FRESNO COUNTY PUBLIC GUARDIAN, Conservator of the Person and Estate, are Petitioners.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
<p>Cont from 052914, 062314</p>	<p>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.</p>	<p>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.</p>
<p>Aff.Sub.Wit.</p>	<p>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.</p>	<p>Update: On 6-2-14, the Conservatee was moved to Golden Care Home in Clovis.</p>
<p>Verified</p>	<p>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.</p>	<p>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.</p>
<p>Inventory</p>	<p></p>	<p>Note: On 5-28-14, Randolf 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></p>
<p>PTC</p>	<p></p>	<p>Note: On 7-9-14, Attorney Krbechek filed Notice of Death of Conservatee indicating that Benjamin H. Smith passed away on June 28, 2014.</p>
<p>Not.Cred.</p>	<p></p>	<p>Reviewed by: skc</p>
<p>Notice of Hrg</p>	<p></p>	<p>Reviewed on: 7-16-14</p>
<p>Aff.Mail</p>	<p></p>	<p>Updates:</p>
<p>Aff.Pub.</p>	<p></p>	<p>Recommendation:</p>
<p>Sp.Ntc.</p>	<p></p>	<p>File 7 – Smith</p>
<p>Pers.Serv.</p>	<p></p>	<p></p>
<p>Conf. Screen</p>	<p></p>	<p></p>
<p>Letters</p>	<p></p>	<p></p>
<p>Duties/Supp</p>	<p></p>	<p></p>
<p>Objections</p>	<p></p>	<p></p>
<p>Video Receipt</p>	<p></p>	<p></p>
<p>CI Report</p>	<p></p>	<p></p>
<p>9202</p>	<p></p>	<p></p>
<p>Order</p>	<p></p>	<p></p>
<p>Aff. Posting</p>	<p></p>	<p></p>
<p>Status Rpt</p>	<p></p>	<p></p>
<p>UCCJEA</p>	<p></p>	<p></p>
<p>Citation</p>	<p></p>	<p></p>
<p>FTB Notice</p>	<p></p>	<p></p>
<p></p>	<p>SEE ADDITIONAL PAGES</p>	<p></p>

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.**

DOD: 10/18/12		<p>PUBLIC ADMINISTRATOR, Conservator of the Estate, is Petitioner.</p> <p>Account period: 06/26/12 – 10/18/12</p> <p>Accounting - \$733,869.23 Beginning POH - \$655,215.93 Ending POH - \$578,727.55</p> <p>Subsequent account period: 10/19/12 – 02/20/14</p> <p>Accounting - \$728,711.54 Beginning POH - \$578,727.55 Ending POH - \$605,382.95 (\$62,645.20 is cash)</p> <p>Conservator - \$7,482.62 (26.09 staff hours @ \$76/hr. and 57.29 deputy hours @ \$96/hr.)</p> <p>Attorney - \$2,500.00 (ok per Local Rule)</p> <p>Bond fee - \$769.44 (ok)</p> <p>Costs - \$539.00 (filing fees and certified copies)</p> <p>Petitioner states that the conservatee has a trust and her assets will pass to that trust. Michael Smith, conservatee's son, is the trustee of her trust. Petitioner requests distribution of the remaining cash of \$51,354.17 and personal and real property be made to her son, in his capacity as trustee of her trust.</p> <p>Petitioner prays for an Order:</p> <ol style="list-style-type: none"> Finding that the conservatorship of the person and estate terminated on 10/18/12, the conservatee's date of death; Approving, allowing and settling the first and final account; Authorizing the conservator and attorney fees and commissions; Authorizing payment of the bond fee and costs; and Authorizing distribution of the balance of property as stated in the Petition (and above). <p style="text-align: center;">Continued on Page 2</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 06/24/14 As of 07/17/14, nothing further has been filed in this matter.</p>
Cont. from 042414, 052714, 062414			
<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 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"/>	2620 n/a		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Reviewed by: JF

Reviewed on: 07/17/14

Updates:

Recommendation:

File 8 – Smith

Objection to First and Final Account and Report of Conservator and Petition for Distribution filed 04/22/14 by Mike (Butch) Smith, Jr. states:

1. The Petition for Distribution requests to distribute the remaining assets of the conservatorship estate to the conservatee's trust – to Michael Smith, as trustee of that Trust.
2. Petitioner reports that the conservatorship estate is holding cash assets in the amount of \$62,645.29 and other non-cash assets.
3. Objecting party alleges that the Jean Smith conservatorship estate owes Ben Smith (conservatee's husband) \$116,398.12 [itemization and reasoning provided].
4. Objector further alleges that the conservatee owes \$6,203.99 to the State of California for the 2011 tax year and states this should be cleared before distribution of the conservatorship estate.

(1) First and Final Account and Report of Executor and (2) Petition for Its Settlement, for Allowance of Statutory Fees and Commissions and for (3) Final Distribution Under Will

DOD: 10/24/12	STEPHEN JOHN SCHROETER , Executor, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 10/24/12 – 3/31/14	
Cont. from	Accounting - \$265,228.01	
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH - \$247,494.38	
<input checked="" type="checkbox"/> Verified	Ending POH - \$230,188.76	
<input checked="" type="checkbox"/> Inventory	Attorney - \$7,585.15	
<input checked="" type="checkbox"/> PTC	(statutory of \$8,160.15 less remainder of costs advanced)	
<input checked="" type="checkbox"/> Not.Cred.	Executor - \$8,160.15	
<input checked="" type="checkbox"/> Notice of Hrg	(statutory)	
<input checked="" type="checkbox"/> Aff.Mail W/O	Closing - \$2,500.00	
<input type="checkbox"/> Aff.Pub.	Distribution, pursuant to Decedent's Will, is to:	
<input checked="" type="checkbox"/> Sp.Ntc. W/	Stephen John Schroeter - \$68,981.15	
<input type="checkbox"/> Pers.Serv.	David Alan Schroeter - \$68,981.15	
<input type="checkbox"/> Conf. Screen	Alisa Schroeter Davis - \$34,490.58	
<input checked="" type="checkbox"/> Letters 4/11/13	Kristina Schroeter - \$34,490.58	
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input checked="" type="checkbox"/> FTB Notice		
		Reviewed by: KT
		Reviewed on: 7/17/14
		Updates:
		Recommendation: SUBMITTED
		File 9 - Schroeter

(1) First Amended Petition for Final Distribution on Waiver of Accounting and
(2) Allowing Statutory Fees and Commissions

DOD: 6/24/2013		JEFF MEYER , son and Administrator, is Petitioner.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Page 14 is the related matter of the <i>Petition to Establish Special Needs Trust for Cheryle Moon</i> (14CEPR00410.)</p> <p>Continued from 6/25/2014. The following issues remain:</p> <ol style="list-style-type: none"> Attachment to Notice of Hearing filed 5/29/2014 indicates JEFFREY MEYER, Trustee of the CHERYLE MOON SPECIAL NEEDS TRUST has been served with notice on 5/28/2014. Further, Exhibit B, Waiver of Accounting and consent to Distribution, is signed by Jeffrey Meyer as Trustee of the CHERYLE MOON SPECIAL NEEDS TRUST, and the estate is proposed to be distributed in part to said trust. It appears Jeffrey Meyer has not yet been appointed by this Court as Trustee of the proposed special needs trust (<i>noted on Page 14 of this calendar</i>), thereby necessitating continuance of this matter until a date subsequent to the establishment of the CHERYLE MOON SPECIAL NEEDS TRUST and appointment of Jeffrey Meyer as Trustee thereof. <p>~Please see additional page~</p>
		Accounting is waived.		
		I & A — \$841,119.52		
Cont. from 062514		POH — \$812,781.76		
Aff.Sub.Wit.		(\$499,820.29 is cash)		
<input checked="" type="checkbox"/>	Verified	Administrator — \$19,899.94		
<input checked="" type="checkbox"/>	Inventory	<i>(statutory)</i>		
<input checked="" type="checkbox"/>	PTC	Attorney — \$19,899.94		
<input checked="" type="checkbox"/>	Not.Cred.	<i>(statutory)</i>		
<input checked="" type="checkbox"/>	Notice of Hrg	Closing — \$4,000.00		
<input checked="" type="checkbox"/>	Aff.Mail	<i>(for expenses including accountant's fees for preparation of final fiduciary estate income tax returns; other closing expenses;)</i>		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters	100813		
	Duties/S			
	Objections			
	Video Receipt			
	CI Report			
<input checked="" type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order	<p>Distribution pursuant to intestate succession and Assignment of Interest in Estate filed 10/11/2013 and to Assignment of Interest in Estate filed on 5/5/2014 is to:</p> <ul style="list-style-type: none"> JEFF MEYER – \$228,010.21 cash, ½ interest in two pick-up trucks, and an undivided ½ interest in real property; [?] ERYN BRASE as Trustee of the CHERYLE MOON IRREVOCABLE TRUST AGREEMENT dated 9/13/2013 [?] OR in the alternative [?] JEFFREY MEYER as Trustee of the CHERYLE MOON SPECIAL NEEDS TRUST [not yet established] [?] – \$228,010.21 cash, ½ interest in two pick-up trucks, and an undivided ½ interest in real property. 		
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
<input checked="" type="checkbox"/>	FTB Notice			
Reviewed by: LEG				
Reviewed on: 7/16/14				
Updates:				
Recommendation:				
File 10 - Meyer				

NEEDS/PROBLEMS/COMMENTS, continued:

2. *Assignment of Interest in Estate* filed 10/11/2013 is dated and signed on 9/13/2013, and states that Cheryle Moon grants, conveys and assigns any and all right, title and interest she has in the *ESTATE OF BERNARD M. MEYER* to **ERYN BRASE**, as Trustee under the **CHERYLE MOON IRREVOCABLE TRUST AGREEMENT dated 9/13/2013**. *Assignment of Interest in Estate* filed 5/5/2014 is dated and signed on 5/5/2014 and states that **ERYN BRASE**, Attorney in Fact for Cheryle Moon, assigns all interest of Cheryle Moon in the assets of the estate [of Bernard M. Meyer] to the **CHERYLE MOON SPECIAL NEEDS TRUST**. In light of the *Assignment* filed 10/11/2013, it appears that Cheryle Moon no longer has any interest in the assets of the Estate of Bernard M. Meyer that may be assigned to the **CHERYLE MOON SPECIAL NEEDS TRUST**, since they were previously assigned on 9/13/2013 to **ERYN BRASE** as the Trustee of the **CHERYLE MOON IRREVOCABLE TRUST AGREEMENT dated 9/13/2013**.

	<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><i>Note: 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.</i></p>
Cont. from 041814, 051614, 060914		
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		Reviewed by: skc
Status Rpt		Reviewed on: 7-16-14
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 11 – Cook

Atty Horton, Lisa, of Walters & Moshrefi (for Petitioner Renee Shoemaker, Administrator)

(1) Report of Waiver of Accounting and Petition for Its Settlement, (2) for Allowance of Compensation to Attorneys for Ordinary Services and Costs Advanced, (3) and for Final Distribution

DOD: 12/31/2013	RENEE SHOEMAKER , daughter and Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Accounting is waived.	
Cont. from	I & A — \$243,200.00	
<input type="checkbox"/> Aff.Sub.Wit.	POH — \$ 29,683.56 (\$19,683.56 is cash)	
<input checked="" type="checkbox"/> Verified		
<input checked="" type="checkbox"/> Inventory	Administrator — waives	
<input checked="" type="checkbox"/> PTC		
<input checked="" type="checkbox"/> Not.Cred.	Attorney — \$5,500.00 (less than statutory)	
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail W/	Costs — \$1,168.20 (filing fees, probate referee, certified copies)	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	Distribution pursuant to intestate succession is to:	
Letters 031814	<ul style="list-style-type: none"> • RENEE SHOEMAKER – \$6,507.68 cash, and an undivided ½ interest in household furnishings and furniture. • HERBERT TASKER RICHARDSON IV – \$6,507.68 cash, and an undivided ½ interest in household furnishings and furniture. 	
Duties/Supp		
Objections		
Video Receipt		
CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
<input checked="" type="checkbox"/> FTB Notice		
		Reviewed by: LEG
		Reviewed on: 7/16/14
		Updates:
		Recommendation: SUBMITTED
		File 12 – Richardson

		NEEDS/PROBLEMS/COMMENTS:
		Minute Order 7-15-14 (Settlement Conference): Matter not settled.
		Per Judge Oliver (verbally), the matters scheduled for 7-16-14 were taken off calendar.
		Also per Judge Oliver (verbally), this Petition for Order Compelling Petitioner's Release from Locked Facility will be heard at a future date, however, this hearing date of 7-21-14 will remain on calendar as a Status Hearing.
		Note: On 7-16-14, the Court signed Order Regarding Mental Examination ex parte, which was prepared by Attorney Curtis Rindlisbacher and approved as to form and content by Attorney Hornburg.
		For reference, the following petitions remain outstanding with no future dates set:
		<ul style="list-style-type: none"> • Petition to Determine Whether Advanced Health Care Directive has Terminated; Petition to Determine Whether Durable Power of Attorney has Terminated (filed 2-25-14 by Melinda Cordell) • Ex Parte Petition Regarding Mental Examination (filed 6-3-14 by Melinda Cordell) • Petition for Order Compelling Petitioner's Release from Locked Facility (filed 6-27-14 by Melinda Cordell)
		Reviewed by: skc
		Reviewed on: 7-16-14
		Updates:
		Recommendation:
		File 13 – Cordell
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		

Petition for Order Establishing Special Needs Trust Under Durable Power of Attorney; for Authority to Invest in Mutual Funds and U.S. Government Bonds with Maturity Dates Later Than 5 Years; and for Attorney Fees

Age: 58 years DOB: 4/29/1956		<p>ERYN BRASE, as agent of CHERYLE MOON, under that certain Durable Power of Attorney dated 9/13/13, is Petitioner.</p> <p>Petitioner states she is seeking an order to establish a Special Needs Trust ("SNT") with Cheryle Moon as the proposed beneficiary. The SNT will be funded with the proceeds of distribution of the Estate of Bernard M. Meyer, Cheryle's father.</p> <p>Petitioner states Cheryle has lost capacity and has been diagnosed with dementia, altered mental status, Korsakoff psychosis, hypertension and chronic obstructive pulmonary disease as set forth in the report of Olasunkami S. Fagbule, M.D. dated 1/27/14.</p> <p>Cheryle established an irrevocable trust on 9/13/13 for her benefit and assigned her interest in her father's estate to her trust. At the time, it was not clear the Cheryle would require a special needs trust. Following her rapid deterioration over the past few months, this need is now established. Petitioner request that Cheryle's interest in her father's estate be instead directed to the SNT.</p> <p>The Court has jurisdiction and authority to create the SNT under 42 United States Code §1396(d)(4)(A). The proposed SNT is required to and does comply with California Rules of Court, Rule 7.903(c).</p> <p style="text-align: center;">Please see additional page</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> Wednesday, August 20, 2014 at 9:00 a.m. in Department 303, for the filing of the bond. Wednesday, September 16, 2015 at 9:00 a.m. in Department 303, for the filing of the first account. <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 062514			
<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 type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: KT</p> <p>Reviewed on: 7/17/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 14 - Moon</p>	

Petitioner requests permission to invest in mutual funds and U.S. Government Bonds with maturity dates later than 5 years. California Rules of Court 7.903(c)(4), provides that for good cause the court can grant such a request. The ability to invest in mutual funds will permit the SNT to hold individual securities across several asset classes, while at the same time providing the flexibility to cost-effectively change its investment position in response to the shift in the market.

Petitioner proposes that **JEFFREY MEYER** be named the initial Trustee of the SNT. Jeff is Cheryle's brother. The estimated value of Cheryl's interest in her father's estate is \$390,000.00. It is estimated that this will earn an estimated 3% return or \$11,700.00. Therefore, Petitioner requests that bond be fixed at \$441,870.00.

Because the SNT is being established under Probate Code §4541 and is not a §3600 – 36013 litigation SNT, there is not legal requirement to satisfy a Medi-Cal lien prior to trust funding.

Petitioner requests that the court approve a flat legal fee in the amount of \$4,500.00 to Dowling, Aaron, Inc. in connection with their legal representation in this matter. Dowling, in the past, prepared standardized SNT forms and standardized petitions to establish SNTs which reduce the number of attorney and paralegal hours that might otherwise be spend in providing services. In addition Dowling, Aaron, Inc. incurred out of pocket costs of \$200.00 for the filing fee in this matter.

Wherefore, Petitioner prays for an Order:

1. That the Court establish the Cheryle Moon Special Needs Trust, the Petitioner is directed to execute it, and the Court has continuing jurisdiction over the SNT;
2. That Jeffrey Meyer shall serve as the initial trustee with bond fixed at \$441,870.00;
3. That the payment of monies due Cheryle from her father's estate be paid to the Trustee of the SNT;
4. That the assets of the trust estate are unavailable to the beneficiary and shall not constitute a resource to Cheryle for Cheryle's financial eligibility for Medi-Cal, SSI, regional assistance, or any other program of public benefits;
5. That the Trustee provide the Court with a biennial account and report of the SNT, beginning with the period 1 year after the date the Court approves the establishment of the SNT and every two years thereafter;
6. That the Trustee be authorized to invest in mutual funds and U.S. government bonds with maturity dates later than 5 years;
7. That the Court approve and direct the payment of \$4,500.00 for attorney fees and out of pocket costs of \$200.00.

Atty Kaufman, Jeffrey; Brawley, Mason, of Berliner Cohen of Merced (for Petitioners Eugene Espinola, Marvin Espinola, and Margaret Corvello, Beneficiaries)

Atty Esraelian, Robyn, of Richardson, Jones & Esraelian (for James Espinola and Irene Espinola St. Martin, Trustees)

Petition for Order Instructing Trustees to Provide Supporting Documentation; Compelling Trustees to Account; Instructing Trustees to Distribute Trust Assets

Oliver DOD: 9/1/2006	<p>EUGENE ESPINOLA, MARVIN ESPINOLA and MARGARET CORVELLO, children and Beneficiaries, are Petitioners.</p> <p>Petitioners state:</p> <ul style="list-style-type: none"> • Petitioners are beneficiaries of 3 irrevocable Sub-Trusts created under the ESPINOLA FAMILY TRUST of 1990, namely: SURVIVOR'S TRUST; RESIDUAL TRUST; and MARITAL TRUST (copy of trust attached as Exhibit A); • Petitioners' siblings, JAMES DOUGLAS ESPINOLA and IRENE ESPINOLA ST. MARTIN, are the current Trustees of the Sub-Trusts and are the other two beneficiaries of the Sub-Trusts; • During their administration of the Sub-Trusts, James and Irene have provided deficient accounts and have failed to fully and adequately disclose the Trustees' acts and transactions; • Throughout their administration, the Trustees have failed to promptly respond to Petitioners' questions and requests for information, resulting in increased legal fees and prolonged administration; • Over 2 years have elapsed and the Trustees have made no distributions from the Sub-Trusts, despite the fact that the Sub-Trusts hold ~8 million is assets; • Trustees have liquidated most of the Sub-Trust assets except for commercial real property located in Fresno, and Trustees have indicated they will not make distributions from the Sub-Trusts until the Petitioners accept the accounts and reports they have provided; • However, Petitioners cannot accept the Trustees' accounts and reports because the accounts and reports are deficient, and the Trustees have failed to respond to Petitioners' questions and requests for information; • Petitioners seek Court orders instructing Trustees to provide the previously requested information, compelling Trustees to submit Sub-Trust accountings for 2011, 2012 and 2013 to the Court for approval, and instructing Trustees to distribute the Sub-Trust assets according to trust terms; <p align="center">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 7/7/2014 at the request of counsel.</p> <p>1. <i>Proof of Service by Mail of the Notice of Hearing filed 5/29/2014 shows both of the Trustees were mailed notice in care of Attorney Robyn Esraelian. Notice sent by mail must be mailed individually and directly to the person entitled to notice pursuant to CA Rule of Court 7.51(a)(1) and (2). Court may require direct notice to the Trustees.</i></p>	
Virginia DOD: 4/29/2012			
Cont. from 070714			
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			
		<p>Reviewed by: LEG</p> <p>Reviewed on: 7/17/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 15 - Espinosa</p>	

Petitioners state, continued:

- On 8/18/2009, Virginia Espinola, as sole surviving Trustee following Oliver Espinola's death on 9/1/2006, appointed James and Irene to serve as Co-Trustees with her (*copy of First Amendment to the trust attached as Exhibit B*); James and Irene have continued to serve as Trustees of the Sub-Trusts since Virginia's death on 4/29/2012;
- The Sub-Trusts provide that upon Virginia's death, all of the assets of the Sub-Trusts shall be distributed outright and free of trust among the Settlor's 5 children (**EUGENE ESPINOLA, MARVIN ESPINOLA, MARGARET CORVELLO, JAMES DOUGLAS ESPINOLA and IRENE ESPINOLA ST. MARTIN**).
- Status of Trust Administration: Despite the fact that the total value of Sub-Trusts assets is **~\$8 million** (based on asset schedule provided by Trustees on 1/8/2014 showing **~\$4 million in SURVIVOR'S TRUST; ~\$2 million in RESIDUAL TRUST; and ~\$2 million in MARITAL TRUST**), the Trustees have not made any distributions to the beneficiaries in the 2 years since Virginia's death;
- The most significant asset held by each of the Sub-Trusts is an undivided interest in a commercial rental property located on Fir Avenue in Fresno; the Sub-Trusts collectively own the entire property has an estimated fair market value of **~\$4.4 million** according to schedule of assets provided by Trustees;
- Petitioners believe the Trustees have rented some of the commercial property but that a portion of the property has been vacant since it was purchased in 2007; according to the fiduciary income tax returns provided by the Trustees, the commercial property generates very little income; 2012 tax returns attributed taxable income to the commercial property of **\$24,575.00**; based on the Trustees estimated value of **\$4.4 million**, this represents an annualized return on investment before taxes of **~0.5%** (1/2 of 2 percent);
- Despite that the commercial property continues to deplete the Sub-Trusts, the Trustees have indicated that they would like to keep the commercial property in the Sub-Trust until it is sold; however, Petitioners believe the Trustees have taken little action to lease or sell the property; although they have hired a broker, the Trustee's attorney indicates the Trustees have only had 3 parties interested in purchasing the commercial property since 2007;
- The Trustees intend to keep the commercial property in the Sub-Trusts until it is sold, yet they have not make any reasonable efforts to sell it, leading Petitioners to the reasonable conclusion that the Trustees are keeping the commercial property in the Sub-Trusts so that they can remain in control of the property and profit from the ongoing administrations of the Sub-Trusts;
- **Petitioners request an order from this Court instructing the Trustees to immediately distribute the commercial property from the Sub-Trusts to the beneficiaries in equal shares.**
- Requests for Trust Accountings for 2011 through 2012: On 6/20/2012, Petitioners' former attorney (Alan Niebel) sent a letter to Trustee's attorney, Ms. Esraelian, requesting an accounting of the Sub-Trusts from 2011 through Virginia's date of death on 4/29/2012 (*see Exhibit B attached to Declaration of Mason L. Brawley filed 5/12/2014*); on 5/29/2013, Petitioners' attorney (Judy Jensen) reiterated the request for accountings from 2011 through Virginia's date of death on 4/29/2012 and requested accountings for 2012 and 2013 (*see Exhibit C attached to Declaration of Mason L. Brawley filed 5/12/2014*); on 8/26/2013, Petitioner's attorney (Mason Brawley) sent another letter to Ms. Esraelian requesting accountings of the Sub-Trusts for 2011, 2012 and the period following Virginia's date of death on 4/29/2012 (*see Exhibit D attached to Declaration of Mason L. Brawley filed 5/12/2014*).

~Please see additional page~

Petitioners state, continued:

- Accountings for 2011 through 2012 are Deficient: The Trustees finally provided the beneficiaries with partial accounts for the Sub-Trust in November 2013, after two additional emails to Ms. Esraelian in October 2013 (*copies of accounts attached as Exhibits C, D, E, F and G*); Petitioners object to these accountings due to several deficiencies [*described in significant detail at lines 12 to 28 on page 5, lines 1 to 22 on page 6 of petition; briefly, deficiencies include such things as:*
 - failing to identify the check numbers and payees of disbursements, which may have been made to themselves or relatives;
 - failing to itemize the individual securities held in investment accounts valued at **\$1,299,990** and **\$216,733**; without that information Petitioners cannot ascertain whether the investments are reasonable and prudent, or whether interest income was adequate;
 - disbursements show penalties on payment to Franchise Tax board which is unexplained as to why trust did not timely pay tax liability;
 - Payments of **\$22,752** for tax preparation services have not been confirmed as made to Irene (Trustee), who is a CPA and prepares the accountings and tax returns for the Sub-Trusts; these expenses may be excessive given that the Trustees did not provide the accountings until November 2013.Until such time as a full and complete account for each year is received, Petitioners are unable to assert additional objections with specificity.

- Petitioner's requests for further information from the Trustee: Upon receipt by Petitioners and their review, on 1/23/2014 Petitioners requested explanations and supporting documentation for several transactions, and supplemented their request in an email to Ms. Esraelian on 2/25/2014 (*see Exhibit D attached to Declaration of Mason L. Brawley filed 5/12/2014*);
- Trustees still have not provided the requested information or filed the accountings with the Court, despite that an additional two months have lapsed since Ms. Esraelian's reply on 3/11/2014 stating that the Trustees were preparing the accountings for court approval;
- Petitioners requests for information are reasonable and the Trustees are required to provide the requested information in accordance with Probate Code § 16061.

- Trustees have breached their duties to the Beneficiaries: [*List of duties breached include*]:
 - Duty to Administer the Trust according to its Terms
 - Duty to Deal Impartially with Beneficiaries
 - Duty to Make Trust Assets Productive
 - Duties to Account and Furnish Information

Until such time as a full and complete account for each year is received, Petitioners are unable to assert additional breaches of trust with specificity.

- Trustees' failure to properly account for the Sub-Trusts, refusal to comply with Petitioners' reasonable requests for information and breaches of fiduciary duties has cause unnecessary delay in the administration of the Sub-Trusts; the legal expenses uncured are driven entirely by Trustees' failures to perform their duties as required;
- Any expense uncured by the Trustees' in complying with this Petition should be borne personally by the Trustees and should not be an expense of the Trust.

~Please see additional page~

Petitioners pray for the following Court orders:

1. Instructing Trustees to prepare a complete and thorough accounting of each of the Sub-Trusts in accordance with Probate Code § 1061 through 1063, and 16060 through 16063 for the period of 1/1/2011 through 12/31/2013, and to submit such accountings to the Court for approval **no later than 30 days after the date of the order**;
2. Instructing the Trustees to provide responses to questions and requests for supporting documentation emailed to Ms. Esraelian on 1/23/2014 and 2/25/2014;
3. Instructing the Trustees to distribute the assets held by the Sub-Trusts to the beneficiaries; and
4. That the legal fees and costs incurred by the Trustees in complying with the foregoing orders be borne by the Trustees personally.

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

DOD: 05/09/2014	JOHN BIGHAM , son is petitioner and requests appointment as Administrator without bond.	NEEDS/PROBLEMS/COMMENTS: Note: If the petition is granted status hearings will be set as follows: <ul style="list-style-type: none"> • Monday, 12/22/2014 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Monday, 09/21/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. 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.	
	All heirs waive bond		
Cont. from	Full IAEA – o.k.		
<input type="checkbox"/> Aff.Sub.Wit.	Decedent died intestate		
<input checked="" type="checkbox"/> Verified	Residence: Fresno		
<input type="checkbox"/> Inventory	Publication: The Business Journal		
<input type="checkbox"/> PTC	Estimated value of the Estate:		
<input type="checkbox"/> Not.Cred.	Personal property - \$13,500.00		
<input checked="" type="checkbox"/> Notice of Hrg	Real property - \$800,000.00		
<input checked="" type="checkbox"/> Aff.Mail w/	Total - \$813,500.00		
<input checked="" type="checkbox"/> Aff.Pub.	Probate Referee: Rick Smith		
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
			Reviewed by: LV
			Reviewed on: 07/17/2014
		Updates:	
		Recommendation: Submitted	
		File 16 – Bigham	

	PUBLIC GUARDIAN is successor Conservator.	NEEDS/PROBLEMS/COMMENTS: OFF CALENDAR. 15 th Account filed and set for hearing on 8/19/14
	The Fourteenth Account was approved on 7/18/12.	
	Minute Order dated 7/18/12 set this status hearing for the filing of the Fifteenth Account.	
Cont. from 061314		
Aff.Sub.Wit.		
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Video Receipt		
CI Report		
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Aff. Posting		
Status Rpt		
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Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 7/17/14
		Updates:
		Recommendation:
		File 17 - Loveless

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		
Aff.Sub.Wit.		
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Status Rpt		
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Citation		
FTB Notice		
		<p>Reviewed by: skc</p> <p>Reviewed on: 7-16-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 18 – Hernandez</p>

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

DOD: 5/30/07	<p>LYCESTER WILLS, III and THELMA FRENCH were appointed Co-Administrators with full IAEA authority and without bond on 5/22/2007.</p> <p>Letters issued 5/22/2007.</p> <p>I & A was due 9/22/2007.</p> <p>First account or petition for final distribution was due 5/22/2008.</p> <p>Notice of Status Hearing was mailed to attorney Bruce A. Neilson on 2/5/2014.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 6/6/14.</p> <p>1. Need inventory and appraisal and first account or petition for final distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Cont. from 041814, 060614		
Aff.Sub.Wit.		
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Video Receipt		
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Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 7/17/14
		Updates:
		Recommendation:
		File 19 – Wills

Status Hearing Regarding the Sale of Real Property of the Conservatorship Estate
and Failure to File the Second Account

	<p>JEFF DALE, Husband and Successor Conservator of the Estate, filed an Ex Parte Petition for Permission to Sell Real Estate on 6-23-14.</p> <p>On 6-24-14, the Court denied the petition and set this status hearing regarding the sale of the real property and failure to file a second account.</p> <p>History: Attorney GORDON PANZAK originally petitioned for appointment as Conservator of Michelle Lloyd Dale's Estate due to a dissolution action filed by JEFF DALE, her husband, and was appointed on 1-25-08. Pursuant to an amended order on 5-7-08, no bond was required, but funds were to be blocked. Mr. Panzak later filed a petition for appointment as Conservator of her Person, and was appointed on 8-5-08, with medical consent and dementia medication and placement powers.</p> <p>On 1-30-09, Mr. Panzak filed his first account and resignation, and Mr. Dale filed a petition for appointment as Successor Conservator of the Estate, with Mr. Panzak remaining as Conservator of the Person. Mr. Dale was appointed as Successor Conservator of the Estate with bond of \$340,000.00 on 3-18-09.</p> <p>Mr. Panzak's First Account covered the period of 1-25-08 through 1-15-09, and was settled 3-18-09.</p> <p>On 4-27-10, Mr. Dale filed a Petition for Instructions was filed with regard to an inheritance that was expected, and on 4-28-10, Mr. Dale filed his first account as Successor Conservator of the Estate. Mr. Dale's accounting covered the period of 1-20-09 through 1-20-10.</p> <p>Per the minute order of 8-17-10, the Court accepted the accounting, but did not approve of Mr. Dale's actions and surcharged him \$220.00, payable to the conservatorship estate.</p> <p>Aside from a petition for compensation by Attorney Bagdasarian, court-appointed attorney for Conservatee (appointment terminated as of 9-30-10 per Minute Order), there was <u>no activity in this matter</u> for almost four years until Mr. Dale filed his ex parte motion on 6-23-14.</p> <p>Therefore, the Court denied the ex parte motion and set this status hearing regarding the real property and failure to file a second account.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> Historically, Mr. Dale, has been self-represented in his capacity as Conservator of the Estate, and Attorney Panzak separately serves as Conservator of the Person, represented by Attorney Catherine Scharbaugh.</p> <p>However, the ex parte motion was filed by Attorney Panzak <u>as attorney for Jeff Dale</u>. The Court may require clarification and the filing of a Substitution of Attorney for Court records.</p> <p><u>Note: This is a STATUS HEARING ONLY.</u></p> <ol style="list-style-type: none"> 1. Need Second Account or verified written status report pursuant to Local Rule 7.5. 2. Need status of real property. Please note the requirements of Probate Code §2540 with respect to sales of real property (requirements for seeking permission, requirement of Court confirmation of sale, etc.) <p>Reviewed by: skc</p> <p>Reviewed on: 7-17-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 20 – Dale</p>
Aff.Sub.Wit.		
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Status Rpt		
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Citation		
FTB Notice		

Probate Status Hearing for Failure to File a Second Account or Petition for Final Distribution

DOD: 10/01/08	<p>JACK LUCCHESI, son, was appointed Executor without bond on 12/16/08 and Letters Testamentary were issued on 12/17/08.</p> <p>On 09/23/10, Jack Lucchesi resigned as Executor.</p> <p>On 11/10/10, JOANN SORIA, daughter, was appointed as Administrator with Will Annexed without bond and Letters of Administration were issued to her on 11/10/10.</p> <p>The First and Final Account and Report of Former Personal Representative, Petition for Settlement, and for Waiver of Commission was filed 12/28/10 and the Order Settling First and Final Account and Report of Former Personal Representative, Petition for Settlement, and for Waiver of Commission, was filed 05/25/11.</p> <p>Notice of Status Hearing filed 08/30/13 set this matter for hearing regarding Status of the Second Account and/or Petition for Final Distribution on 11/01/13. Clerk's Certificate of Mailing states that a copy of the Notice of Status Hearing was mailed to Edward L. Fanucchi on 08/30/13.</p> <p>Status Report filed on 6/11/14 states current attorney was substituted by prior attorney Edward Fanucchi due to a disagreement in the language describing a certain piece of real property in the estate. An updated appraisal was conducted to accurately reflect the property interest. The first and final report and petition for settlement is in the process of being prepared and should be filed by the end of next week. Mr. Fanucchi filed a lien against the estate for attorney's fees and costs incurred prior to the Substitution of Attorney was executed, Administratrix disagrees with the claimed fees and has filed a separate objections discussing why she believes such fees are inappropriate.</p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from 110113, 012314, 022814, 061314		OFF CALENDAR. Petition for Final Distribution filed and set for hearing on 8/18/14
Aff.Sub.Wit.		
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Objections		
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CI Report		
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FTB Notice		
		Reviewed by: JF/KT
		Reviewed on: 7/17/14
		Updates:
		Recommendation:
		File 21 – Lucchesi

DOD: 4/23/10	<p>JoANN SORIA was appointed as Administrator, with full IAEA authority and without bond, on 11/8/2010.</p> <p>Letters issued on 11/8/2010.</p> <p>Inventory and Appraisal was due March 2011.</p> <p>The Department of Health Services filed a creditor's claim on 12/12/12 in the amount of \$74,720.18.</p> <p>First Account or Petition for Final Distribution was due December 2011.</p> <p>Notice of Status Hearing was mailed to attorney Edward Fanucchi and to Administrator JoAnn Soria on 11/18/2013.</p> <p>Inventory and Appraisal filed on 3/11/14 showing the estate⁴ valued at \$100,000.00.</p> <p>Status Report filed on 6/11/14 states current attorney was substituted by prior attorney Edward Fanucchi due to a disagreement in the language describing a certain piece of real property in the estate. An updated appraisal was conducted to accurately reflect the property interest. The first and final report and petition for settlement is in the process of being prepared and should be filed by the end of next week.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR. Petition for Final Distribution filed and set for hearing on 8/18/14</p>
Cont. from 011714, 022814, 042514, 061314		
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FTB Notice		
		Reviewed by: KT
		Reviewed on: 7/17/14
		Updates:
		Recommendation:
		File 22 – Lucchesi

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

DOD: 6-9-11	<p>JANETTE COURTNEY, was appointed Executor with Full IAEA without bond and Letters issued on 9-15-11.</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>Status Report filed 7-19-13 states:</p> <ul style="list-style-type: none"> • Petitioner has performed all required duties as personal representative • All known debts have been paid except for mortgage on real property which has a market value below the mortgage amount • All administration costs to date except for compensation to the personal representative and attorney have been paid • The estate is solvent • A creditor's claim filed by Steven Drummond has been rejected • 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 • The status of a business being operated by a beneficiary, and the estate's current interest therein, has yet to be determined/negotiated. • 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. • Petitioner requests authority to continue administration until 10-1-13. <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>NEEDS/PROBLEMS/COMMENTS:</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>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>Note: This is the 9th status hearing on this matter. As of 7-16-14, nothing further has been filed.</p> <ol style="list-style-type: none"> 1. Need Final I&A. 2. Need First Account or Petition for Final Distribution pursuant to Probate Code §12200.
Cont. from 040813, 062813, 072613, 100413, 011714, 032114, 042514, 060614		
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FTB Notice		
		Reviewed by: skc
		Reviewed on: 7-16-14
		Updates:
		Recommendation:
		File 23 - Drummond

Atty Clark, Daniel (Pro Per – Petitioner – Father)

Atty Bolech, Sherrie Marie (Pro Per – Petitioner – Mother)

Petition for Visitation

Selena Age: 3		<p>DANIEL CLARK, father, and SHERRIE BOLECH, mother, are petitioners.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Petition pertains to minor, Selena Bolech only.</p> <p>Page 24B is the Petition for Termination filed by Daniel Clark and Sherrie M. Bolech.</p> <p>Minute Order of 07/07/2014: Parties to work together to arrange visitation between the child and her siblings.</p> <ol style="list-style-type: none"> 1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Visitation on: <ul style="list-style-type: none"> • Regina Clark (Guardian) <p>Note: Personally served on 07/01/2014 only 6 days prior to the Court hearing and not the required 15 days prior to the hearing.</p> <ul style="list-style-type: none"> • Daniel W. Clark (Paternal Grandfather) • Shirley Stairs (Paternal Grandmother) • Billy Arbaugh (Maternal Grandmother) • Sherrie Arbaugh (Maternal Grandmother) <ol style="list-style-type: none"> 2. Petition was not verified by Daniel Clark.
Cont. from 070714		<p>REGINA CLARK, paternal step-grandmother, was appointed guardian on 01/27/2014. Personally served on 07/01/2014.</p>	
	Aff.Sub.Wit.		
✓	Verified	<p>Paternal grandfather: DANIEL W. CLARK Paternal grandmother: SHIRLEY STAIRS</p>	
	Inventory	<p>Maternal grandfather: BILLY ARBAUGH Maternal grandmother: SHERRIE ARBAUGH</p>	
	PTC		
	Not.Cred.	<p>Petitioners state: the child has been under a guardianship since December 2013. The guardian has not allowed the mother or father to visit with the minor per their agreement from mediation on 01/27/2014. Petitioners state that the guardian has not been cooperative in reunification. Mother has been clean and sober since January and participates in an outpatient program. The father has actively maintained his recovery by attending NA meetings. Mother is working for IHSS and is generating an income, she resides with her mother. She states that it is detrimental to the child not spending time with her parents and siblings.</p>	
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<p>Reviewed by: LV</p>			
<p>Reviewed on: 07/17/2014</p>			
<p>Updates:</p>			
<p>Recommendation:</p>			
<p>File 24A – Bolech & Abraugh</p>			

Jaiden Bolech, & Selena Bolech

Atty Bolech, Sherrie Marie (Pro Per – Petitioner – Mother)

Atty Clark, Daniel (Pro Per – Petitioner – Father)

Petition for Termination of Guardianship

Anthony Age 7	<p>DANIEL CLARK, father of Selena, and SHERRIE BOLECH, mother, are petitioners.</p> <p>REGINA CLARK, paternal step-grandmother, was appointed guardian of Selena Bolech on 01/27/2014. Personally served on 07/01/2014.</p> <p>BILLY ABRAUGH, maternal grandfather, was appointed guardian of Anthony Abraugh, Trevar Bolech, and Jaiden Bolech, on 01/18/2011. Personally served on 05/18/2014.</p> <p>Father (of Anthony, Trevar, Jaiden): John Bolech</p> <p>Paternal grandfather (of Selena): DANIEL W. CLARK Paternal grandfather (of Anthony, Trevar, Jaiden): Unknown</p> <p>Paternal grandmother (of Selena): SHIRLEY STAIRS Paternal grandmother (of Anthony, Trevar, Jaiden): Isabell Flores</p> <p>Maternal grandmother: SHERRIE ABRAUGH</p> <p>Petitioners state: Daniel Clark, father, has been clean and sober and working on himself for the past six months. He is enrolled in school and pursuing a degree. Sherrie Bolech, mother has also been working on herself.</p> <p>Court Investigator Jennifer Young's report filed 07/14/2014.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Termination of Guardian or consent and waiver of notice or declaration of due diligence for:</p> <ul style="list-style-type: none"> • John Bolech (father of Anthony, Trevar, Jaiden) • Daniel W. Clark (Paternal grandfather of Selena) • Paternal Grandfather (of Anthony, Trevar, Jaiden) Unknown • Shirley Stairs (Paternal grandmother of Selena) • Isabell Flores (Paternal grandmother of Anthony, Trevar, Jaiden) • Sherrie Abraugh (Maternal grandmother) 	
Trevar Age: 6			
Jaiden Age: 5			
Selena Age 5			
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		Reviewed by: LV	
		Reviewed on: 07/17/2014	
		Updates:	
		Recommendation:	
		File 24B – Bolech	

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

DOD: 8-27-13		BRENDA LONG SUTA , Sister and Named Alternate Executor without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont from 051514, 061614		Petitioner is a resident of Salt Lake City, Utah.	Minute Order 6-16-14: The Court will require bond in the amount of \$163,000.00.
			Note: Bond of \$163,000.00 was filed on 7-8-14.
	Aff.Sub.Wit.	S/P	Note: If the petition is granted, status hearings will be set as follows:
✓	Verified		
	Inventory		<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.
	PTC		
	Not.Cred.		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.
✓	Notice of Hrg		
✓	Aff.Mail	w/o	Reviewed by: skc Reviewed on: 7-16-14 Updates: Recommendation: File 25 - Long
✓	Aff.Pub.		
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	UCCJEA		
	Citation		
	FTB Notice		

Age: 7	TEMPORARY EXPIRES 07/21/14	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardian of the Person or Consent & Waiver of Notice or Declaration of Due Diligence</i> for: <ol style="list-style-type: none"> a. Rick Martinez (father) – personal service required; unless diligence is found. Declaration of Due Diligence filed 07/01/14 states that the mother is currently in a rehab facility and attempts to contact her have been unsuccessful as she will not respond to messages b. Linda Silva (mother) – personal service required; unless diligence is found. Declaration of Due Diligence filed 07/01/14 states that the father is homeless and currently in a rehab facility. c. Paternal grandparents – service by mail sufficient d. Olga Nielson – maternal grandmother – service by mail sufficient
	<p>MIKE E. SILVA, maternal grandfather, is Petitioner.</p> <p>Father: RICK MARTINEZ – <i>Declaration of Due Diligence</i> filed 07/01/14</p> <p>Mother: LINDA SILVA – <i>Declaration of Due Diligence</i> filed 07/01/14</p> <p>Paternal grandparents: UNKNOWN</p> <p>Maternal grandmother: OLGA NIELSON</p> <p>Petitioner states that the mother is homeless, on drugs, and abandoned the minor. Petitioner states that the minor has lived with him for the past 7 months. The mother steals from him and sometimes refuses to leave his home when he asks her to leave. She has threatened to take Josiah with her. Petitioner further states the mother is in an abusive relationship.</p> <p>Court Investigator Charlotte Bien filed a report on 07/08/14.</p>	
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<input type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 07/17/14
		Updates:
		Recommendation:
		File 26 – Silva

Alyssa, 15		TEMPORARY EXPIRES 07/21/14		NEEDS/PROBLEMS/ COMMENTS:
Haylee, 11		<p>SUSAN CAMPBELL, Maternal Grandmother, is Petitioner.</p> <p>Father: FERNANDO ESPARZA - Personally served 5-22-14</p> <p>Mother: JENNIFER ESPARZA - deceased</p> <p>Paternal Grandfather: Joe Esparza - deceased Paternal Grandmother: Anita Esparza – served by mail on 05/27/14</p> <p>Maternal grandfather: ROY DAVIDSON - deceased</p> <p>Petitioner states the minors have always lived with her. After their mother died, their father started threatening to take them. However, he has not had a lot of contact with them in the past. The paternal grandmother speaks no English and refuses to let them in the house if their father is not home. She is prejudiced because they are not Jehovah's Witness. The father also has a girlfriend in the home who speaks no English. He also has a nephew that was convicted of child molesting. The nephew is constantly present when the minors have gone to visit. He also has a brother who is known to have raped his daughter who is also always around. As a result, the girls are very uncomfortable. The girls have told their father they wish to remain with their grandmother, but he states he is coming to take them and recently bragged that he would get paid their social security benefits. The father has a record of spousal abuse and child endangerment. In addition, he has threatened their lives by holding a knife to them. He stabbed himself and attacked their mother in their presence. He buys alcohol for his minor son.</p> <p>Separately filed are letters from each minor in support of guardianship.</p> <p>Court Investigator Julie Negrete filed a report on 07/15/14.</p>		
Cont. from				
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				Reviewed by: JF
				Reviewed on: 07/17/14
				Updates:
				Recommendation:
				File 27 – Esparza
Continued on Page 2				

Objection to Guardianship filed 07/06/14 by Fernando Esparza (father) states: Guardianship is not necessary because he is the children's father and has always provided a safe and stable environment for the children when they are in his care. He shared joint custody of the minors before their mother's death. He states that the children are his number one priority. He provides health insurance for the girls and always stayed current with his child support. He states that he has a support system, residing with his mother and fiancé. Together, they will provide the children with a loving and nurturing stable home. The current visitation schedule gives him visitation alternating weekends from Friday at 6:00pm to Sunday at 6:00pm and allows additional time as mutually agreed upon. Mr. Esparza states that the visitations have been taking place including after the mother died. The current visitation schedule allowed for visitation on the 4th of July weekend, however, the guardian refused to allow the visitation to occur. Mr. Esparza feels that the guardian is trying to alienate him from his children. He states that he has never made threats that he was going to come and take the children however he did tell that guardian that he was planning to move to a new home that would allow the children to come and live with him. It is untrue that he did not have any interest in the girls until after their mother died. He states that he has always shown interest in the girls and has taken advantage of the time he has with them. If he was such a danger, the mother would not have allowed him to have visitation and the Petitioner also allowed him to continue his scheduled visitation after the temporary was established up until the 4th of July weekend. Mr. Esparza states that he believes petitioner is brainwashing the children by telling them negative things about him and discouraging the children from maintaining a relationship with him, which is to their detriment because he is the only parent they have left. Mr. Esparza believes that Petitioner's main objective is financial gain. Immediately after filing for guardianship, Petitioner contacted DCSS to transfer the child support case to her. Prior to her death, the mother asked him if she and the children could move in with him full time. He was in agreement with the children moving in with him, but not the mother. He states that the mother told him that the children would not move without her. He does not know why the mother wanted to leave the petitioner's home. He further states that it is not true that the children have lived with Petitioner most of their lives. Mr. Esparza states that he does not allow his nephew to be around the girls, nor does he allow the children's safety to be jeopardized by allowing a sex offender to be present at his home while the children are present. The children are not uncomfortable around his family and he would never put them in danger. Mr. Esparza states that his employment requires him to be randomly drug tested and he has never failed a test. In conclusion, Mr. Esparza states that he is aware that the children have a close relationship with their grandmother, however, he does not condone her behavior and her attempts to diminish the love and affection the children have for him. He believes petitioner's intentions are financial because when Jennifer (mother) passed away, she lost income. He states that he is agreeable that the children have regular visits with the children, but that it is in their best interests to live with him. He prays that the Court deny the petition for guardianship.

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

DOD: 4/24/14		<p>CAROLINA P. SMITH, FLORINA BERNAL, ANTONIO POMPA, ELISIA MARTINEZ, HILARION POMPA and JUANA GARCIA, children along with RUDY BERNAL, grandson, are petitioners.</p> <p>40 days since DOD.</p> <p>No other proceedings.</p> <p>Will dated: 2/24/11 – devises specific personal property to named individuals with the remainder to the decedent's children in equal shares.</p> <p>I & A - \$108,613.06</p> <p>Petitioners request court determination that the specific personal property be distributed to the individuals named with the remaining property consisting of real and personal property pass to the decedent's six children in equal shares.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. There is no record that the original will has been deposited pursuant to Probate Code §8200. Need original will deposited.</p> <p>2. Need date of death of deceased spouse. Local Rule 7.1.1D.</p>	
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<p>Reviewed by: KT</p> <p>Reviewed on: 7/17/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 28 – Hernandez</p>				