



## ATTENTION

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

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

Thank you for your patience.

**(1) First Account and Report of Conservator, (2) Petition for Allowance of Fees for Attorney and (3) Petition for Waiver of Further Accounting (Prob. C. 2620, 2623, 2640, 2942)**

<b>DOD: 05/05/09</b>		<b>PAT MIRANDA</b> , Conservator, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>CONTINUED FROM 06/18/12</u>  As of 07/17/12, no additional documents have been filed and following items remain:</p> <ol style="list-style-type: none"> <li>1. Need Order.</li> <li>2. Previous status reports filed in this matter indicate that the conservatee died on 05/05/09, this account only covers the period from 08/21/03 – 07/18/06. Need accounting for period of 07/19/06 – 05/05/09.</li> <li>3. Distributions reflect monthly payment to Conservator, Pat Miranda, of \$400.00 for <u>room and board</u>; however, there are multiple distributions to grocery stores as follows:  - 10/11/03 Food Maxx - \$186.09  - 10/28/03 Savemart - \$36.70  - 11/08/03 Savemart - \$89.47  - 01/05/03 Savemart - \$65.30  - 02/02/04 RN Market - \$70.31  - 05/12/04 Food 4 Less - \$87.06  - 06/24/04 Savemart - \$87.65  - 07/12/04 Savemart - \$86.83  - 08/02/04 RN Market - \$43.37  - 08/05/04 Food Maxx - \$88.14  - 09/16/04 Vons - \$59.64  - 01/12/05 RN Market \$58.40  Court may require clarification of charges at grocery stores, were these groceries purchased for the Conservatee? Was food not included in the <u>Room &amp; Board</u> charge? Also there are payments to PG&amp;E as follows:  - 01/15/04 \$200.00; 03/04/04 \$167.01; 08/20/04 \$150.00; 09/20/04 \$100.00; 12/17/05 \$150.00; 01/07/05 \$100.00; 02/08/05 \$150.00; 03/08/05 \$150.00; 04/05/05 \$100.00; 05/06/05 \$100.00; 07/11/05 \$155.45; 10/06/05 \$100.00. Was PG&amp;E not included in the room &amp; board payment, if not, why aren't payments made each month. The court may require more information. <p style="text-align: center;">Continued on Next Page</p> </li> </ol>
		Account period: <b>08/21/03 – 07/18/06</b>	
Cont. from 032712, 050712, 061812		Accounting - \$51,525.40	
		Beginning POH - \$22,168.18	
		Ending POH - \$381.16	
Aff.Sub.Wit.		Conservator - waives	
✓ Verified		Attorney - \$2,000.00	
Inventory		(ok per Local Rule)	
PTC		Petitioner states that there are no assets remaining in the estate and requests that the Conservatorship be terminated.	
Not.Cred.		<b>Petitioner requests an Order:</b>	
✓ Notice of Hrg		1. Approving, allowing, and settling the first account; and	
✓ Aff.Mail	w/	2. Authorizing payment of attorney's fees;	
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order	x		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

4. Distributions schedule has several additional items that are unexplained and/or require more information showing how they benefited the conservatee, those items are as follows:
- 09/23/03 – Walgreens \$116.10
  - 10/11/03 – Simonian Farms \$14.08
  - 11/03/03 – SBC \$113.27
  - 11/03/03 – Target \$119.80
  - 11/03/03 – Sears \$87.31
  - 11/03/03 – Sears \$21.58
  - 11/13/03 – Walmart \$82.90
  - 12/22/03 – Target/Gift Cert. for x-mas \$167.30 – See CRC 7.1059 (b)(3)
  - 02/09/04 – Transfer to Acct. XXXXXX-8485 \$400.00 – Is this another account of the conservatee?
  - 04/17/04 – Walgreens \$72.36
  - 04/20/04 – Transfer to Acct. XXXXXX-8485 \$1,700.00 - Is this another account of the conservatee?
  - 04/26/04 – Sears \$228.31
  - 05/13/04 – Transfer to Acct. XXXXXX-8485 \$200.00 - Is this another account of the conservatee?
  - 05/22/04 – Down payment on El Camino \$1,000.00 – Did the Conservatee drive? Was this car for the conservatee?
  - 06/03/04 – Carol Howard \$35.00
  - 06/05/04 – Walmart \$246.24
  - 07/16/04 – Chapel of the Light \$450.00
  - 08/03/04 – Transfer to Acct. XXXXXX-8485 \$400.00 - Is this another account of the conservatee?
  - 09/01/04 – Savings Overdraft Fee \$10.00 – see CRC 7.1059(b)(1)
  - 10/10/04 – Walmart \$99.92
  - 10/21/04 – Wells Fargo Financial - \$70.00
  - 10/27/04 – Savings overdraft fee - \$10.00 - see CRC 7.1059(b)(1)
  - 11/02/04 – Savings overdraft fee - \$10.00 - see CRC 7.1059(b)(1)
  - 11/08/04 – Walter Clarke & Assoc. \$150.00
  - 11/08/04 – Transfer to Acct. XXXXXX-8485 \$400.00 - Is this another account of the conservatee?
  - 12/02/04 – Savings overdraft fee - \$10.00 - see CRC 7.1059(b)(1)
  - 12/15/04 – Transfer to Acct. XXXXXX-8485 \$1,200.00 - Is this another account of the conservatee?
  - 01/03/05 – Transfer to Acct. XXXXXX-8485 \$500.00 - Is this another account of the conservatee?
  - 01/12/05 – Walmart \$43.33
  - 01/14/05 – Rite Aid \$29.40
  - 01/14/05 – Transfer to Acct. XXXXXX-8485 \$150.00 - Is this another account of the conservatee?
  - 01/14/05 – Savings overdraft fees - \$10.00 - see CRC 7.1059(b)(1)
  - 01/21/05 – Overdraft charge - \$5.00 - see CRC 7.1059(b)(1)
  - 01/24/05 – Overdraft charge - \$5.00 - see CRC 7.1059(b)(1)
  - 01/25/05 – Overdraft charge - \$5.00 - see CRC 7.1059(b)(1)
  - 02/04/05 – Transfer to Acct. XXXXXX-8485 \$400.00 - Is this another account of the conservatee?
  - 02/15/05 – Transfer to Acct. XXXXXX-8485 \$400.00 - Is this another account of the conservatee?
  - 03/02/05 – Transfer to Acct. XXXXXX-8485 \$500.00 - Is this another account of the conservatee?
  - 03/02/05 – Transfer to Acct. XXXXXX-8485 \$200.00 - Is this another account of the conservatee?
  - 03/03/05 – Overdraft fee - \$22.00 - see CRC 7.1059(b)(1)
  - 03/04/05 – Check 1156 payee not listed \$50.00
  - 03/10/05 – Transfer to Acct. XXXXXX-8485 \$200.00 - Is this another account of the conservatee?
  - 03/14/05 – Check 1157 payee not listed \$25.00
  - 03/18/05 – Transfer to Acct. XXXXXX-8485 \$400.00 - Is this another account of the conservatee?
  - 04/05/05 – Transfer to Acct. XXXXXX-8485 \$200.00 - Is this another account of the conservatee?
  - 04/07/05 – Transfer to Acct. XXXXXX-8485 \$200.00 - Is this another account of the conservatee?
  - 04/08/05 – Check 1159 payee not listed \$507.25
  - 04/18/05 – Overdraft fee \$10.00 - see CRC 7.1059(b)(1)
  - 04/18/05 – Check 1160, payee not listed \$250.00

04/29/05 - Transfer to Acct. XXXXXX-8485 \$10.00 - Is this another account of the conservatee?  
05/05/05 - Transfer to Acct. XXXXXX-8485 \$400.00 - Is this another account of the conservatee?  
05/16/05 - Transfer to Acct. XXXXXX-8485 \$500.00 - Is this another account of the conservatee?  
06/03/05 - Check 1161, payee not listed \$500.00  
06/16/05 - Transfer to Acct. XXXXXX-8485 \$100.00 - Is this another account of the conservatee?  
06/16/05 - Check 1162, payee not listed \$505.50  
06/16/05 - Check 1163, payee not listed \$60.00  
07/01/05 - Share of Cost of IHSS - \$377.00  
07/12/05 - Check 1164, payee not listed \$20.00  
07/12/05 - Check 1165, payee not listed \$10.00  
07/11/05 - Check 1166, payee not listed \$10.00  
07/15/05 - Check 1167, payee not listed \$30.00  
07/21/05 - Transfer to Acct. XXXXXX-8485 \$60.00 - Is this another account of the conservatee?  
07/22/05 - Check 1168, payee not listed \$27.96  
07/26/05 - Check 1169, payee not listed \$25.00  
07/27/05 - Overdraft fee - \$22.00  
07/29/05 - Overdraft fee - \$5.00  
08/04/05 - Share of cost IHSS - \$377.00  
08/08/05 - Check 1170, payee not listed \$500.00  
08/16/05 - Transfer to Acct. XXXXXX-8485 \$200.00 - Is this another account of the conservatee?  
09/15/05 - Share of cost IHSS - \$377.00  
09/16/05 - Check 1171, payee not listed \$500.00  
09/28/05 - Transfer to Acct. XXXXXX-8485 \$100.00 - Is this another account of the conservatee?  
10/04/05 - Share of cost IHSS - \$377.00  
10/07/05 - Check 1172, payee not listed \$50.00  
10/11/05 - Check 1173, payee not listed \$150.00  
10/13/05 - Online transfer to Pat Miranda - \$100.00  
10/17/05 - Check 1174, payee not listed \$250.00  
11/17/05 - Online transfer, payee not listed \$589.00  
11/21/05 - Check 1301, payee not listed \$352.50  
11/22/05 - Check 1302, payee not listed \$65.00  
12/09/05 - Pat Miranda, IHSS \$589.00  
12/12/05 - Check 1303, payee not listed \$25.00  
12/29/05 - Transfer to Acct. XXXXXX-8485 \$150.00 - Is this another account of the conservatee?  
01/03/06 - Pat Miranda, Share of Cost IHSS - \$589.00  
01/10/06 - Arizona Mail Order - \$50.00  
01/20/06 - Check 1304, payee not listed \$25.00  
01/20/06 - Check 1305, payee not listed \$50.00  
01/31/06 - Check 1306, payee not listed \$6.94  
02/03/06 - Pat Miranda, Share of Costs IHSS - \$589.00  
02/07/06 - Transfer to Acct. XXXXXX-8485 \$200.00 - Is this another account of the conservatee?  
02/08/06 - Returned check fee \$30.00 - see CRC 7.1059(b)(1)  
02/14/06 - Bill Pay Arizona Mail order - \$10.00  
03/03/06 - Pat Miranda, share of costs IHSS - \$589.00  
03/06/06 - Transfer to Acct. XXXXXX-8485 \$150.00 - Is this another account of the conservatee?  
03/06/06 - Transfer to Acct. XXXXXX-8485 \$100.00 - Is this another account of the conservatee?  
03/07/06 - Returned check fee \$30.00 - see CRC 7.1059(b)(1)  
03/22/06 - Transfer to Acct. XXXXXX-8485 \$50.00 - Is this another account of the conservatee?  
04/03/06 - Pat Miranda, share of costs IHSS - \$589.00  
04/04/06 - Check 1308, payee not listed \$20.00  
04/05/06 - Transfer to Acct. XXXXXX-8485 \$75.00 - Is this another account of the conservatee?

04/19/06 – Check 1309, payee not listed \$25.00  
04/24/06 - Transfer to Acct. XXXXXX-8485 \$100.00 - Is this another account of the conservatee?  
04/24/06 – Bill Pay Arizona Mail Order \$10.00  
05/08/06 – Pat Miranda, Share of costs IHSS \$402.00  
05/11/06 – Merrick Bank Credit Card Payment \$310.76 – Is this the conservatee's credit card?  
05/24/06 – Check 1311, no payee listed \$15.00  
05/26/06 – Check 1312, no payee listed \$638.00  
06/13/06 – Check 1313, no payee listed \$638.00  
07/14/06 – Check 1315, no payee listed \$1,224.00  
07/14/06 – Transfer to Checking? \$350.00

<b>Age: 76 years</b>	<b>CONNIE RANA</b> , Conservator, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>DOB: 2/11/1936</b>		
	Account period: 1/8/08 – 12/31/09	<p><b>Continued from 6/18/12.</b> Minute order states the court removes Ms. Rana as Conservator of the estate and appoints the Public Guardian. This accounting was continued to today's date and the court set a status hearing on 8/27/12 for the filing of the final accounting by the conservator and for a status report from the Public Guardian. As of 7/17/12 there have been no additional documents filed.</p> <p>1. <b>Order dated 3/16/05 allowed the Conservator to fix the residence of the Conservatee to Las Vegas Nevada. With a provision that a conservatorship or its equivalent be established in the new state (Nevada) within 4 months. However, no conservatorship has been established in Nevada. Court may want to inquire about the establishment of a conservatorship in Nevada. – A copy of the Petition for Appointment of Guardian of the Person and Estate filed in Clark County, Nevada on 1/20/12 has been presented to the court.</b></p> <p style="text-align: center;"><i>Please see additional page</i></p>
	Accounting - <b>\$782,889.76</b>	
	Beginning POH- <b>\$642,039.07</b>	
	Ending POH - <b>\$496,754.10</b>	
	Conservator - <b>waives</b>	
	Attorney - <b>\$2,000.00</b> (per Local Rule)	
<b>Cont. from 102511, 120611, 012412, 030812, 050712, 061812</b>	<b>Petitioner prays for an Order:</b>	
<input type="checkbox"/> Aff.Sub.Wit.	1. Settling and allowing the third account and report and approving and confirming the acts of petitioner as filed;	
<input checked="" type="checkbox"/> Verified	2. Authorizing Petitioner to pay her attorney the sum of \$2,000.00 for ordinary legal services provided to the conservator and the estate during the period of the account.	
<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 checked="" type="checkbox"/> 2620(c)		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 6/11/12</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 2 - Parks</b>

- 2. Disbursement schedule shows payments bi-monthly of \$2,700 to Rana and Rana for rent. The court may require clarification regarding these rent payments and whether or not Rana and Rana has any relationship to the conservator. California Rules of Court 7.1059(a)(4) states the conservator must not engage his or her family members to provide services to the conservatee for a profit of fee when other alternatives are available. Where family members do provide services, their relationship must be fully disclosed to the court and their terms of engagement must be in the best interest of the conservatee compared with the terms available from other independent service providers.** – Declaration of Conservator filed on 11/30/11 states the rental property is owned by the conservator and her husband; however, the sub-market rent is not sufficient to pay the mortgage, property taxes, insurance, and maintenance costs for the property. Conservator states she and her husband do not make any profit from the conservatee's tenancy.
- 3. Disbursement schedule shows several months where it appears the conservatorship is paying the cell phone of the live in care provider Sandra Martin. Court may require clarification.** – Declaration of Conservator filed on 11/30/11 states the cell phone payments for Sandra Martin, live in care provider, because the care provider would often take the conservatee to various places and therefore, it was required that the care provider have a cell phone. Because it was a requirement for this care provider, it was agreed that the conservatorship would pay the costs.
- 4. Disbursement schedule shows several months where there are two payments per month for Las Vegas Valley Water (utilities), Pesky Pete's Pest control, Embarq (phone), Cox Enterprises (cable service), Southwest Gas (utilities), Republic Service (trash), Nevada Power (utilities). It appears the conservatorship may be paying for more than just the conservatee's expenses. Court may require clarification.** – Declaration of Conservator filed on 11/30/11 states some payment were made, on behalf of the care providers, as part of the "barter" agreement between the care providers and the conservator. The various utilities or cable services expenses would be paid, on occasion, for the conservatee at her residence and on occasion as the "barter" for services by a care provider.
- 5. Disbursement schedule shows items purchased that should be included on the property on hand schedule such as:**

  - a. 3/11/08 – TV Surround + patio furniture for \$1,723.65**
  - b. 4/22/08 – Washer and dryer for \$1,578.90**
  - c. 12/22/09 – firmer sofa(?) – for \$2,196.19** - Declaration of Conservator filed on 11/30/11 states the purchases were necessary.
- 6. Disbursement schedule shows gifts of cash on 12/28/09 to the conservatee's great nephews, Josh Rana - \$250.00 and Jacob Rana - \$200.00. California Rules of Court, Rule 7.1059(b)(3) states the conservator must refrain from making loans or gifts of estate property, except as authorized by the court after full disclosure.** – Declaration of Conservator filed on 11/30/11 states the cash gifts are minimal reflections of the conservatee's affection for her great nephews.

**Please see additional page**

## 2 (additional page 2 of 3) Darleen Joyce Parks (CONS/PE) Case No. 03CEPR01192

7. Disbursement schedule shows payments identified as Summerlin Dues (without stating the nature and purpose of the payment) as follows:

- 4/15/08 - \$271.00
- 4/15/08 - \$271.00
- 8/26/08 - \$271.00
- 8/26/08 - \$271.00 - Declaration of Conservator filed on 11/30/11 states Summerlin is the name of the large planned development where the Conservatee (and conservator and her husband) reside. Because of the lower rental payments Conservator states she has paid (quarterly) the Summerlin assessment for the rental house. The four assessment payments are the only ones paid and the conservatorship has not been further charged for these homeowner assessments.

8. Disbursement schedule shows a transfer correction of \$250.00 on 12/22/08. Court may require clarification.

- Declaration of Conservator filed on 11/30/11 states the payment of \$250.00 was to the Nevada DMV to license Darlene's 2003 Jaguar.

9. Disbursement schedule shows a disbursement for "Home Warranty" in the amount of \$313.95 on 5/27/09. Court may require explanation as to why the conservatorship is paying for home warranty when renting (see item #2 above). - Declaration of Conservator filed on 11/30/11 states this is a 50-50 split for payment on the home warranty for the rental house.

10. Need Bank Statements as required by Probate Code 2620(c)(2).

11. This conservatorship was established in 2003. Property on hand schedule from the 2<sup>nd</sup> account ending on 12/31/2007 shows promissory notes (all apparently established during the 2<sup>nd</sup> account period) as follows:

- \$38,000 dated 6/27/05 from Aaron Wallace secured by a Deed of Trust with interest at 16% per annum
- \$252,000.00 dated 7/19/05 from Aaron Wallace secured by a Deed of Trust with interest at 13% per annum.
- \$60,000.00 dated 10/11/05 from John P. Rana and Kea Rana with interest at 4% per annum. (It appears that John P. Rana is the son of the petitioner.)

Probate Code §2570 requires the Conservator to obtain prior court approval before investing money of the estate. There is nothing in the file to indicate the conservator obtained permission from the Court to invest money of the estate. - Declaration of Conservator filed on 11/30/11 states the promissory notes contained in the 2<sup>nd</sup> account were paid current, principal and interest included. All the notes were first trust deeds secured by real properties with sufficient equities. However, because the notes were of such a high rate of return (16% and 13% interest annum), the mortgagor was in danger of being unable to make further payments, which would have resulted in the requirement of the conservatorship to foreclose on the properties. To avoid foreclosure and subsequent costs incurred, and to avoid owning the properties, the conservator, through her husband who is a real estate investor, replaced these notes with other notes also secured by first trust deeds which are now paying at a more normal rate of return of 4%.

**Please see additional page**

12. Property on hand schedule for this (the 3<sup>rd</sup>) accounting shows two promissory notes as follows:

- \$95,000 secured by 1209 Coral Isle Way, Las Vegas, NV with interest at 4% per annum and an outstanding balance of \$95,000.00
- \$205,000 secured by 11464 Crimson Rock, Las Vegas, NV with interest at 4% per annum and an outstanding balance of \$191,286.22.

It appears that the promissory notes in the second account are not the same promissory notes in the third account. What happened to the promissory notes in the second account? Where they paid in full?

**Need clarification and need change in asset schedule.** – Declaration of Conservator filed on 11/30/11 states the questions raised herein are addressed in the answer above. All principal and interest payments and current interest rates and principal balances are recorded on the Third Account and Report are accurate.

**Failure to File a First Account or Petition for Final Distribution (Prob. C. 12200, et seq)**

<b>DOD: 9/20/03</b>	<p><b>CRYSTAL RUTH PUCKETT</b>, daughter and sole heir, was appointed as Administrator without bond on 11/18/2003 and Letters issued.</p> <p>I &amp; A - <b>\$395,387.86</b></p> <p>The first or final account was due in November 2004 and has not been filed.</p> <p>This status hearing was set for the filing of the first account or petition for final distribution.</p> <p>Notice of the status hearing was mailed to attorney, Curtis Rindlisbacher on June 14, 2012.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>
<b>Cont. from</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
	<b>Reviewed by: KT</b>	
	<b>Reviewed on: 7/17/12</b>	
	<b>Updates:</b>	
	<b>Recommendation:</b>	
	<b>File 3 - Swope</b>	

**4A Jack H. Boghosian (Estate)**  
 Atty Kruthers, Heather H (for Petitioner Public Administrator)  
 Atty Bagdasarian, Gary (for beneficiary California Armenian Home)  
 Atty Mosenbocker, Gary (for beneficiary Trinity Home Health Services)  
 Atty Poochigian, Mark (for Mike Shahinian)

**Case No. 11CEPR01034**

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

<b>DOD: 10/18/11</b>	<b>PUBLIC ADMINISTRATOR</b> is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note:</b> Additional analysis of this matter was completed by the research attorney. These examiner notes were prepared prior to the research attorney's involvement.  <b>Continued from 6/18/12.</b>  <b>1. Petition requests that the Decedent's audio Will dated 9/2/1993 be admitted to probate. Probate Code §6110 states in relevant part "a will shall be in writing." Need authority that allows the court to admit an audio will to probate. – Memorandum of Points and Authorities filed on 2/1/2012 by the California Armenian Home.</b>  <b>2. Need proof of holographic instrument for the handwritten notations on the will if the court is going to consider said handwritten notations as a codicil to the decedent's witnessed will. – Declaration of Herbert I. Levy filed on 3/29/12 states he has known Mr. Boghosian approximately 55 years. He has listened to the audio tape and it is very apparent to him that the voice on the tape is that of Mr. Boghosian.</b>
	<b>PUBLIC ADMINISTRATOR</b> was appointed Special Administrator with general powers on 2/16/2012. Letters of Special Administration expire on 7/23/12.	
<b>Cont. from 011912, 021612, 040512, 050212, 060612, 061812</b>	Full IAEA – o.k.	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Will dated: 8/11/1972 Audio Will dated: 9/2/1993	
<input checked="" type="checkbox"/> <b>Verified</b>	Residence: Fresno Publication: Fresno Business Journal	
<input type="checkbox"/> <b>Inventory</b>	<b>Estimated value of the Estate:</b>	
<input type="checkbox"/> <b>PTC</b>	Personal property - \$464,027.00	
<input type="checkbox"/> <b>Not.Cred.</b>	Real property - \$130,000.00	
<input type="checkbox"/> <b>Notice of Hrg</b>	<b>Total - \$594,027.00</b>	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> W/	<b>Probate Referee: STEVEN DIEBERT</b>	
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 7/17/12</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 4A - Boghosian</b>

**Memorandum of Points and Authorities in Support of Petition for Probate filed by the California Armenian Home on 2/1/12.**

A holographic codicil may be placed on the face of a witnessed will, and is valid if it meets the requisites of a holographic instrument (written in the testator's hand, dated and signed). [*Estate of Nielson* (1980) 105 Cal.App.3d 796, 802-805] Witkins defines "codicil" as "a later testamentary instrument or entry on an original testamentary instrument that supplements or otherwise affects its validity or terms." [14 Witkin, *Summary of California Law* (10th ed.(2005), Wills, §159]

The handwritten notation of Mr. Boghosian on the face of his witnessed will appears to constitute a holographic codicil, since it appears to be in his handwriting, is dated and signed, and supplements or otherwise affects the validity or terms of his earlier witnessed will.

A holographic codicil may incorporate by reference another writing (formal or informal, attested or unattested) as long as the reference is unmistakable or can be deemed unmistakable by reference to extrinsic evidence. [*In re Foxworth's Estate* (1966) 240 Cal.App.2d 784, 788] The required elements to establish incorporation by reference are: (1) the incorporated writing must be in existence at the time the codicil makes reference to it; (2) the codicil must identify the incorporated writing by a sufficiently certain description, and extrinsic evidence is admissible to aid the identification; and, (3) it must appear that the testator intended to incorporate the writing for the purpose of carrying out his testamentary desires. [*id.* at pages 788-789]

The handwritten notation of Mr. Boghosian on his witnessed will appears to constitute a holographic codicil that incorporates by reference two separate writings for the purpose of carrying out his testamentary desires.

First, the holographic codicil incorporates the tape recording that Mr. Boghosian specifically identifies and states that he "made" on September 2, 1993 "to supersede" his witnessed will. This establishes the elements of existence, identification and intent. The element of identification is also established by the extrinsic evidence consisting of Mr. Boghosian's handwritten notations on the tape itself, and on the envelope in which his witnessed will and tape were found.

Second, the holographic codicil incorporates Mr. Boghosian's witnessed will by referring to "this will" as the testamentary instrument he sought to "supersede" with the tape recorded instructions.

Finally, the tape recording should be considered a proper matter to be incorporated by reference notwithstanding that case law on the issue generally refers to "documents" being incorporated by reference. Probate Code §6130 governs incorporation by reference, and refers to a "writing" as the type of matter which may be incorporated by reference (not a "document" or "paper"). The Probate Code does not define the word "writing" and does not exclude probate proceedings from the rules of evidence, so the provisions of the Evidence Code may be applied to determine the meaning of the word "writing" used in Probate Code §6130. [Evidence Code §300; and see, *Estate of Nicholas* (1986) 177 Cal.App.3d 1071, 1088]

Evidence Code §250 provides the following definition for the word "writing:'

"'Writing' means handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting, by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereby created, regardless of the manner in which the record has been stored."

Tape recordings are considered "writings" under the Evidence Code. [*Darley v. Ward* (1980) 28 Cal.3d 257,261] Since the tape recording made by Mr. Boghosian is a "writing" it is subject to being incorporated by reference in his holographic codicil.

Therefore, request is made that the Will of Jack H. Boghosian dated August 11, 1972 be admitted with the taped testamentary document described in Attachment 3e(2) to the Petition of the Fresno County Public Administrator as the codicil of the Decedent.

**Memorandum of Points and Authorities filed by Trinity Home Health Services dba Saint Agnes Home Health and Hospice, beneficiary filed on 2/14/12.**

Atty Kruthers, Heather H (for Petitioner Public Administrator)

Atty Bagdasarian, Gary (for beneficiary California Armenian Home)

Atty Motsenbocker, Gary (for beneficiary Trinity Home Health Services)

Atty Poochigian, Mark (for Mike Shahinian)

**Petition for Approval of Settlement Agreement**

		<p><b>MIKE SHAHINIAN</b>, intestate heir, is petitioner.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>Analysis of this matter was completed by the research attorney therefore examiner notes have not been prepared.</p>
Cont. from 060712, 060712			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: KT	
		Reviewed on: 7/17/12	
		Updates:	
		Recommendation:	
		File 4B - Boghosian	

Atty Kruthers, Heather H (for Petitioner Public Administrator)  
 Atty Bagdasarian, Gary (for beneficiary California Armenian Home)  
 Atty Motsenbocker, Gary (for beneficiary Trinity Home Health Services)  
 Atty Poochigian, Mark (for Mike Shahinian)

**Notice of Demurrer and Demurrer to Petition for Probate of Will and for Letters of Administration With Will Annexed**

		<p><b>MIKE SHAHINIAN</b>, intestate heir, is petitioner.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>Analysis of this matter was completed by the research attorney therefore examiner notes have not been prepared.</p>
<b>Cont. from 060712</b>			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202 Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p><b>Reviewed by:</b> KT</p>	
		<p><b>Reviewed on:</b> 7/17/12</p>	
		<p><b>Updates:</b></p>	
		<p><b>Recommendation:</b></p>	
		<p><b>File 4C - Boghosian</b></p>	

Age: 4		<p align="center"><b>No Temporary Requested</b></p> <p><b>DIANA RUIZ</b>, maternal grandmother is petitioner</p> <p>Father: <b>RALPH BEJAR</b>, Court waives notice per minute order of 07/02/2012</p> <p>Mother: <b>ERICA ALCORN</b>, personally served 05/02/2012</p> <p>Paternal grandparents: Unknown, Court waives notice per minute order of 07/02/2012</p> <p>Maternal grandfather: Ivan Alcorn, sent notice by mail 05/04/2012.</p> <p><b>Petitioner alleges:</b> she fears for the safety and welfare of the child. Mother was arrested 03/12/2012 for possession of a controlled substance, she was arrested when officers found narcotics in her youngest child's jacket. Petitioner believes that the Mother leaves the child in the care of felons, drug users and drug distributors. Petitioner is fearful that the Mother will take the child out of California and hide the child from the Petitioner. Mother sent the Petitioner a text that stated she was on her way to Vegas and that the Petitioner would never see the child again. On two occasions the Petitioner picked the child up and the child had an injury to her head and an injury to her foot. Petitioner states that she has filed multiple CPS reports.</p> <p>Petitioner requests that notice for the Father be dispensed as indicated in her Declaration Regarding Efforts to Find Minor's Father and Minor's Paternal Grandparents. The declaration states that Father was not present at the child's birth and has only seen the child once in her life when she as a few weeks old. Child's Mother never disclosed the names or address of the paternal grandparents. Petitioner requests supervised visitation between the mother and the child with Petitioner supervising visits.</p> <p><b>Court Investigator Charlotte Bien's report filed 06/25/2012.</b></p> <p><b>DSS Social Worker Jennifer Cooper's report filed 06/26/2012.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Continued from 07/02/2012</u>  <b>Minute order, Judge John Vogt presiding, states the Court orders that a Court Investigator re-refer this matter to CPS within 10 days. Matter to be expedited.</b></p> <p>Court Investigator Charlotte Bien to provide:                      1. Supplemental Report regarding DSS re-referral.</p> <p>DSS Social Worker to provide Report.</p>
Cont. from 070212			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg	w		
✓ 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 Appointment of Guardian of the Estate (Prob. C. 1510)

Age: 15 years DOB: 3/29/1997	<p><b>THERE IS NO TEMPORARY.</b>  <b>No temporary was requested.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>Local Rule 7.8 I states absent a showing of good cause, it is the policy of the court to block all funds in Guardianship Estates. If the court requires the funds to be placed into a blocked account will need blocking order.</li> <li>Notice to Carol Dondlinger, paternal grandmother was sent "in care of" Victoria Dondlinger. California Rules of Court, Rule 7.51 requires direct notice, unless the person entitled to notice is an adult and has directed the party giving notice in writing to send the notice in care of the second person.</li> </ol> <p><b>Note:</b> If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> <li><b>Friday, August 17, 2012</b> at 9:00 a.m. in Department 303, for the filing of the bond or receipt for blocked account;</li> <li><b>Friday, November 30, 2012</b> at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal; and</li> <li><b>Friday, September 20, 2013</b> at 9:00 a.m. in Department 303, for the filing of the first account.</li> </ul> <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
	<p><b>CYNTHIA DONDLINGER</b>, mother, is petitioner and requests appointment as Guardian of the estate with bond set at \$26,376.98.</p>	<p><b>Estimated value of the Estate:</b>  <b>\$26,376.98</b></p>
Cont. from	<p>Father: <b>ANTHONY DONDLINGER</b> – deceased.</p>	<p>Paternal grandfather: Bill Dondlinger – deceased          Paternal grandmother: Carol Dondlinger – served on 5/31/12.          Maternal grandfather: Frederic Tosi – deceased          Maternal grandmother: Freda Tosi – consents and waives notice.</p>
Aff.Sub.Wit.		
✓ Verified	<p>Minor: Tyler Dondlinger – consents and waives notice.</p>	<p><b>Petitioner states</b> the minor is a beneficiary under his father's Annuity Trust Fund at Carpenter Funds. Carpenter Fund requires a guardianship in order to distribute the funds to her.</p>
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 N/A		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 7/17/12</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 7 - Dondlinger</b></p>