



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.

Third Account Current and Report of Conservator and Petition for Its Settlement

Age: 76 years	FRANCES KENNEDY , Conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
DOB: 11/16/1936		
	Account period: 7/1/2010 – 12/31/2012	Continued from 6/18/2013. As of 7/17/2013 the following issues remain:
	Accounting - \$256,412.82	1. This conservatorship owes filing fees in the amount of \$355.00 for the filing of the 2 nd account (fee waiver was denied).
Cont. from 061813	Beginning POH- \$152,807.00	2. This conservatorship owes court investigations fees totaling \$2,339.00
<input type="checkbox"/> Aff.Sub.Wit.	Ending POH - \$153,815.66	3. Need Notice of Hearing.
<input checked="" type="checkbox"/> Verified	Current bond is \$10,000.00	4. Need proof of service of the Notice of Hearing on:
<input type="checkbox"/> Inventory	Conservator - waives	a. Minerva Clover (conservatee)
<input type="checkbox"/> PTC	Attorney - to be paid outside of the conservatorship.	b. Curtis Rindlisbacher (attorney for conservatee)
<input type="checkbox"/> Not.Cred.	Petitioner prays for an Order:	5. Need Care Facility statements pursuant to Probate Code §2620(c)(5)
<input type="checkbox"/> Notice of Hrg <input checked="" type="checkbox"/>	1. That the Third Account and Report be approved and settled;	6. Need bank statements pursuant to Probate Code §2620(c)(2).
<input type="checkbox"/> Aff.Mail <input checked="" type="checkbox"/>	2. The acts of Conservator as shown in the account and report be approved.	7. Receipt schedule includes deposits but does not state the source of the deposits.
<input type="checkbox"/> Aff.Pub.		8. Petition states the conservatee's home has been rented during this account period. Receipt schedule does not include any rental income.
<input type="checkbox"/> Sp.Ntc.		9. Disbursement schedule does not show any disbursements for the bond premium. Court may require clarification.
<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(c) <input checked="" type="checkbox"/>		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		Reviewed by: KT
<input type="checkbox"/> Status Rpt		Reviewed on: 7/17/13
<input type="checkbox"/> UCCJEA		Updates:
<input type="checkbox"/> Citation		Recommendation:
<input type="checkbox"/> FTB Notice		File 1 - Clover

Note: If the petition is granted, status hearings will be set as follows:

- **Friday, February 27, 2015** at 9:00 a.m. in Department 303, for the filing of the fourth account.

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.

Third Account and Status Report of Executor and Petition for (1) Approval of Third Account and Report; and (2) Authorization to Continue Estate Administration

DOD: 4-13-10	<p>JOCHIM VOSS, Executor with Full IAEA and bond of \$300,000.00, is Petitioner.</p> <p>Account period: 5-1-12 through 2-28-13 Accounting: \$ 936,018.88 Beginning POH: \$ 930,126.24 Ending POH: \$ 89,760.51 (cash)</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> • Petitioner complied with the Court's July 2012 and August 2012 orders and made payments/disbursements as described in the petition. • The decedent owned property in Oregon that is subject to ancillary probate in Wallowa County. • A refund of \$317 plus \$27.06 interest was received from Oregon inheritance tax return. • Petitioner is informed and believes that all of the decedent's individual income tax matters have been resolved with the IRS. • Fiduciary income tax returns for the estate's elected fiscal years ending 2-28-11, 2012, and 2013 were filed and no taxes are due. 2014 taxes are not due until 6-15-14. <p>Petitioner states the estate is not ready to be closed because the Oregon ancillary probate is not ready to be distributed to the California probate. Therefore, Petitioner requests authority to continue administration of this estate at least through November 2014. See petition for details.</p> <p>Petitioner prays for an order:</p> <ol style="list-style-type: none"> 1. Settling, allowing and approving this 3rd account; 2. Confirming, ratifying and approving all acts and proceedings of Petitioner as Executor as disclosed herein; 3. Granting extension of time to complete administration fo this estate to allow collection of the property of the Oregon Ancillary Probate until at least December 31, 2014, and if the estate does not appear ready to close at that time, Petitioner shall file additional status report before that date describing and requesting any extensions necessary; and 4. For such other orders as the Court may deem proper. 	NEEDS/PROBLEMS/COMMENTS:
<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		
		Reviewed by: skc
		Reviewed on: 7-18-13
		Updates:
		Recommendation:
		File 3A – Fujisaka

Age: 2	TEMP EXTENDED TO 7-23-13	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Page 6C is competing petition filed 5-20-13 by Paternal Grandfather Sebastian Gomez.</p> <p>1. Notice of Child Custody Proceeding for Indian Child (Form ICWA-030) was served by the attorney on 7-12-13. Therefore, continuance for at least 60 days is necessary to ensure appropriate notice pursuant to ICWA.</p> <hr/> <p>Reviewed by: skc</p> <hr/> <p>Reviewed on: 7-17-13</p> <hr/> <p>Updates:</p> <hr/> <p>Recommendation:</p> <p>File 6A – Gomez</p>
	MONICA CHRISTINA ROSAS , Maternal Aunt, is Petitioner.	
Cont. from 052013	Father: ROBERT GILBERT GOMEZ	
Aff.Sub.Wit.	- Personally served 3-23-13	
✓ Verified	Mother: SHARYN ELIZONDO	
Inventory	- Consents and waives notice	
PTC	Paternal Grandfather: Sebastian Gilbert Gomez	
Not.Cred.	- Personally served 5-1-13	
✓ Notice of Hrg	Paternal Grandmother: Deceased	
Aff.Mail	Maternal Grandfather: Richard Elizondo	
Aff.Pub.	- Consents and waives notice	
Sp.Ntc.	Maternal Grandmother: Deceased	
✓ Pers.Serv.	Petitioner states both parents are unsuitable to care for the minor. Both have criminal histories and Petitioner believes the father continues to use illegal drugs. Petitioner states the father has sole custody and the mother has supervised visits, however, on 2-16-13, the father went to stay with the mother because he did not have a place to stay, and on 2-19-13, left the minor unsupervised with the mother. The mother, fearing she would be in trouble for having been left alone with the baby, reported herself to CPS. CPS came to the home and determined that the father had abandoned the minor, and placed the minor in Petitioner's care. Later, the father broke into the mother's home and stole several items, which were found on him later by law enforcement (police report attached). He was arrested.	
✓ Conf. Screen		
✓ Letters		
✓ Duties/Supp		
Objections		
Video Receipt		
✓ CI Report		
✓ Clearances		
✓ Order		
Aff. Posting		
Status Rpt		
✓ UCCJEA		
Citation		
FIB Notice	<p>Petitioner state she attended a family law hearing with the mother on 3-11-13 and realized that the minor will not be safe with either parent because the mother needs help, and the father came to court either high on drugs or coming off drugs. He does not have a home and moves around.</p> <p>Court Investigator Samantha Henson filed a report on 5-14-13.</p>	

		NEEDS/PROBLEMS/COMMENTS: • CONFIDENTIAL
Cont. from 052013		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 7-17-13
		Updates:
		Recommendation:
		File 6B – Gomez

Age: 8/17/2012	EDWARD SIMPSON , brother, is petitioner and requests appointment as Administrator.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Petition does not address bond. The decedent sole heir is his minor son. Therefore, bond should be set at \$1,000,000.00. Need Notice of Petition to Administer the Estate. Need proof of service of the Notice of Petition to Administer the estate on: <ol style="list-style-type: none"> Karter Simpson, minor son The person or persons having legal custody of Karter Simpson. Need Letters
Cont. from 060413	Petitioner was appointed special administrator for the sole purpose of speaking with the insurance company. Letters of Special Administration expire on 6/4/13.	
<input type="checkbox"/> Aff.Sub.Wit.	Full IAEA – o.k.	
<input checked="" type="checkbox"/> Verified	Decedent died intestate.	
<input type="checkbox"/> Inventory	Residence: Reedley	
<input type="checkbox"/> PTC	Publication: Fresno Business Journal	
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail <input checked="" type="checkbox"/>		
<input type="checkbox"/> Aff.Pub. <input checked="" type="checkbox"/>		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters <input checked="" type="checkbox"/>	Estimated value of the estate: Personal property - \$1,000,000.00	
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report	Probate Referee: Rick Smith	
<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: 7/17/13
		Updates:
		Recommendation:
		File 7 – Simpson

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

DOD: 8-7-10	JOHN P. MCCANN and COLLEEN E. DEMPSEY , two of the three named co-executors, are Petitioners.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 6-27-13: Mr. McFarlane will file brief by 7-19-13 regarding issues. Ms. Burnside will file response by 7-31-13. Continued to 7-23-13 at 9:00 am, set on 7-23-13 at 9:00 am for status. (Page 8B).</p> <p>1. Need authority for Fresno Superior Court as appropriate venue for probate and administration of this Decedent's estate, as there does not appear to be any property subject to administration here, and this is not a request for ancillary probate. See Probate Code §§ 7052 (including commentary), and 12510.</p> <p>The Decedent was a resident of Katy, Harris County, Texas, and Petitioners do not allege that the Decedent owned any property here. Rather, Petitioners allege that monies taken by Daniel J. McCann that are the subject of other ongoing litigation here <i>may</i> belong to the estate.</p> <p>Examiner notes that Daniel McCann is a resident of Quechee, Vermont.</p> <p><u>If this matter goes forward here:</u></p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p> <hr/> <p>Reviewed by: skc</p> <hr/> <p>Reviewed on: 7-17-13</p> <hr/> <p>Updates:</p> <hr/> <p>Recommendation:</p> <p>File 8A - McCann</p>
	Petitioner John P. McCann is a resident of Clovis, CA.	
Cont. from 062713		
<input checked="" type="checkbox"/> Aff.Sub.Wit.	Petitioner Colleen E. Dempsey is a resident of Katy, TX.	
<input checked="" type="checkbox"/> Verified		
Inventory	Full IAEA – ok	
PTC	Will dated 11-19-08	
Not.Cred.	Residence: Katy, Harris County, TX	
<input checked="" type="checkbox"/> Notice of Hrg	Publication: Fresno Business Journal	
<input checked="" type="checkbox"/> Aff.Mail	Estimated Value of Estate:	
<input checked="" type="checkbox"/> Aff.Pub.	Personal property: \$1,500,000.00	
Sp.Ntc.	Petitioners state there is a claim against Daniel J. McCann for monies taken by Mr. McCann from the decedent prior to her death filed in the matter of the John P. McCann and Elizabeth A. McCann Trust dated April 2, 1999, with Fresno Superior Court Case No. 11CEPR00871. The monies may belong to the decedent's estate. Petitioners state that Daniel J. McCann is the third named co-executor; however, his appointment as co-executor in the estate would be an irreconcilable conflict of interest.	
Pers.Serv.		
Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input checked="" type="checkbox"/> Objections		
Video Receipt		
CI Report		
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice	Daniel J. McCann filed Opposition to Petition on 6-21-13 states four grounds of objection. See additional pages.	
	Probate Referee: Rick Smith	
	<u>SEE ADDITIONAL PAGES</u>	

Page 2

Daniel J. McCann filed Opposition to Petition on 6-21-13 states four grounds of objection:

- 1) California Superior Court does not have jurisdiction to probate Mrs. McCann's will.
- 2) Petitioners have delayed and waived their right to appointment as personal representatives.
- 3) Petitioners are not competent to act as personal representatives because they are wasting and neglecting any assets the probate estate may have.
- 4) Petitioners are estopped from bringing their petition, which should be abated until the trust litigation is concluded.

Authorities cited include numerous cases, statutes, treatises. See objection for facts and details. Objector states the California Court's involvement with the trust does not confer probate jurisdiction. Objector requests that the petition be denied, for costs of suit, and all other proper relief.

NEEDS/PROBLEMS/COMMENTS:

2. The Court may require declination to serve from Daniel J. McCann.
3. Petitioners request appointment without bond and state the will waives bond; however, because they are only two of the three named co-executors, and due to the extensive litigation already in existence, the Court may require bond in the amount of \$1,500,000.00. Alternatively, the Court may require waiver from appropriate relatives/beneficiaries, or authority for waiver of bond as requested. (Note: Because Petitioners are also the co-trustees of the trust, waiver may be required from trust beneficiaries.)
4. The Court may require clarification regarding Fresno Business Journal as appropriate publication with regard to Probate Code §8121 (b), since the decedent did not reside here or own property here. Rather, the property that Petitioners state may be recovered is held by Daniel J. McCann, a resident of Vermont, and the Decedent was a resident of Texas.

Note to Attorney: Although the current Judicial Council form "Notice of Petition to Administer Estate" (updated 1-1-13) was used, the publication does not contain the updated language. For future petitions, please remember to note the update for publication.

DOD: 12-21-12		<p>JAIME VASQUEZ and CARO CARUSO, Grandson and Granddaughter of the decedent and Co-Trustees of the Rosa Haydee Lopez Living Trust dated April 3, 2011, are Petitioners.</p> <p>40 days since DOD</p> <p>No other proceedings</p> <p>I&A: \$95,000.00 (real property only)</p> <p>Will dated 4-3-11 devises the estate, after certain specific bequests, to The Rosa Haydee Lopez Living Trust dated April 3, 2011.</p> <p>Petitioners request court determination that the decedent's 100% interest in certain real property in Reedley, CA, passes to them as co-trustees of the trust.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
Cont. from 062613			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input checked="" type="checkbox"/> Inventory			
<input checked="" 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			
		Reviewed by: skc	
		Reviewed on: 7-17-13	
		Updates:	
		Recommendation: SUBMITTED	
		File 9 - Lopez	