

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution [Prob. C. 12200, et seq.]

DOD: 12-1-02	RICHARD ALLEN CANADA , Son, was appointed Administrator with Full IAEA with bond of \$17,000.00 on 5-4-04.	NEEDS/PROBLEMS/COMMENTS:
	Bond of \$17,000.00 was filed and Letters issued on 5-7-04.	<u>Minute Order 4-12-13:</u> Counsel informs the Court that Mr. Canada has agreed to work with him with respect to this matter.
Cont from 041213, 062113, 092013, 120613, 022714, 052814	Inventory and Appraisal filed 7-6-04 indicates a total estate value of \$90,000.00 consisting of real property located at 2365 South Lily in Fresno.	<u>Minute Order 6-21-13:</u> No appearances. The Court removes Richard Canada as the administrator and appoints the Public Administrator as the personal representative. Continued to 9-20-13.
Aff.Sub.Wit.	On 2-25-13, Attorney C. Michael Farmer filed a Notice of Change of Address, which prompted review of the status of this case.	<u>Minute Order 9-20-13:</u> Ms. Kruthers informs the Court that she will be filing a petition for surcharge and will provide notice to the bonding company at that time. The Court sets the matter for an Order to Show Cause on 12/6/13 regarding failure to appear and imposition of sanctions in the amount of \$500.00 as to Richard Canada. Richard Canada is ordered to be personally present on 12/6/13. Continued to: 12/6/13 at 09:00a.m. in Dept 303. Set on: 12/6/13 at 09:00a.m. in Dept 303 for: Order to Show Cause Re: Failure to Appear; Imposition of Sanctions in the Amount of \$500.00
Verified	On 3-1-13, the Court set status hearing for 4-12-13 for failure to file a first account or petition for final distribution.	<ol style="list-style-type: none"> 1. Need first account or petition for final distribution <u>or current status report.</u> 2. Need proof of service of Notice of Hearing with a copy of the status report on parties that have requested special notice pursuant to Probate Code §1252.
Inventory	The matter was continued to 6-21-13. On that date, there were no appearances. The Court removed Mr. Canada and appointed the FRESNO COUNTY PUBLIC ADMINISTRATOR.	<u>Note:</u> The file indicates that the decedent left a spouse who relocated to Lapu Lapu City, Philippines, after the decedent's death, and two adult children, including the Administrator, who reside in Fresno.
PTC	Status Report filed 9-9-13 states the Public Administrator has attempted to contact the former administrator by contacting his daughter and the attorney; however, has not been able to make contact. The former administrator's former attorney, C. Michael Farmer, reported that the former administrator may have distributed the proceeds from the sale of the house, the only asset, to him and his sister. If so, the surviving spouse did not receive her 1/3 share, and none of the several creditors were paid. The Public Administrator will continue to attempt to find the former administrator, and requests the Court set an Order to Show Cause requiring Mr. Canada to personally appear, and that this matter be set out for at least 60 days to allow time to investigate.	<u>Note:</u> There have been numerous creditor's claims filed in this estate totaling \$11,748.70.
Not.Cred.		Reviewed by: skc
Notice of Hrg		Reviewed on: 7-17-14
Aff.Mail		Updates:
Aff.Pub.		Recommendation:
Sp.Ntc.		File 1A - Canada
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Status Hearing Re: Petition for Surcharge

	RICHARD ALLEN CANADA , Son, was appointed Administrator with Full IAEA with bond of \$17,000.00 on 5-4-04.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p>Petition For Surcharge Against Former Administrator for Breach of Fiduciary Duty filed 7-22-14 is set for hearing on 8-26-14.</p>
	Bond of \$17,000.00 was filed and Letters issued on 5-7-04.	
Cont. from 052814		
Aff.Sub.Wit.	Inventory and Appraisal filed 7-6-04 indicates a total estate value of \$90,000.00 consisting of real property located at 2365 South Lily in Fresno.	
Verified		
Inventory		
PTC		
Not.Cred.	On 2-25-13, Attorney C. Michael Farmer filed a Notice of Change of Address, which prompted review of the status of this case.	
Notice of Hrg		
Aff.Mail		
Aff.Pub.	On 3-1-13, the Court set status hearing for 4-12-13 for failure to file a first account or petition for final distribution.	
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	The matter was continued to 6-21-13. On that date, there were no appearances. The Court removed Mr. Canada and appointed the FRESNO COUNTY PUBLIC ADMINISTRATOR.	
Letters		
Duties/Supp		
Objections	The status hearing for failure to file, etc., (Page 1A) has been continued numerous times. On 2-27-14, the Court set this status hearing re Petition for Surcharge.	
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 7-17-14
		Updates:
		Recommendation:
		File 1C - Canada

Age: 78 years	PUBLIC GUARDIAN , Conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	Petitioner states on 2/23/10 the court approved the petitioner's second account, including the dispensation of further accountings. All of the requirements set forth in Probate Code 2628(b) remain. The conservatee is on Medi-Cal. The State allows the share of cost normally paid to the facility for Medi-Cal clients to be used to pay a conservator's fees instead. It requires a court order stating that fees are owed and approved.	
<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>The Conservator and her attorney have provided services to the conservatee without payment since October 26, 2009.</p> <p>Petitioner requests the court approve payments to the conservator and her attorney as follows:</p> <p>Conservator - \$3,640.24 (9.15 Deputy hours @ \$96/hr and 36.34 Staff hours @ \$76/hr)</p> <p>Attorney - \$750.00 (5 hrs @ \$150/hr)</p> <p>Petitioner request that due to the insufficiency of the estate to pay the fees and commissions that a lien be imposed upon the estate for any unpaid balances of the authorized fees and commissions.</p> <p>Petitioner prays for an Order:</p> <ol style="list-style-type: none"> 1. Authorizing the conservator and attorney fees and commissions 2. Authorize petitioner to impose a lien on the estate for any unpaid balances of authorized fees and commissions 	
		Reviewed by: KT
		Reviewed on: 7/21/14
		Updates:
		Recommendation:
		File 2 - Williams

Age: 75 years	PUBLIC GUARDIAN , Conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Notice of Hearing filed on 7/3/14 shows the hearing date as <u>June 23, 2014</u> and not <u>July 23, 2014</u> . Need proof of service of the Notice of Hearing with the correct hearing date served on the conservatee Stella Hagopian.
Cont. from	Petitioner states on 2/22/11 the court approved the petitioner's second account, including the dispensation of further accountings. All of the requirements set forth in Probate Code 2628(b) remain. The conservatee is on Medi-Cal. The State allows the share of cost normally paid to the facility for Medi-Cal clients to be used to pay a conservator's fees instead. It requires a court order stating that fees are owed and approved.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail	The Conservator and her attorney have provided services to the conservatee without payment since September 23, 2010.	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	Petitioner requests the court approve payments to the conservator and her attorney as follows:	
Conf. Screen	Conservator - \$3,201.36 (17.91 Deputy hours @ \$96/hr and 19.50 Staff hours @ \$76/hr)	
Letters	Attorney - \$750.00 (5 hrs @ \$150/hr)	
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order	Petitioner request that due to the insufficiency of the estate to pay the fees and commissions that a lien be imposed upon the estate for any unpaid balances of the authorized fees and commissions.	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice	Petitioner prays for an Order: 3. Authorizing the conservator and attorney fees and commissions 4. Authorize petitioner to impose a lien on the estate for any unpaid balances of authorized fees and commissions	
		Reviewed by: KT
		Reviewed on: 7/21/14
		Updates:
		Recommendation:
		File 3 - Hagopian

Petition on Deferral of Filing Fee for Termination of Administration of Estate Having No Assets and for Discharge of Representative

DOD: 07/13/07		<p>MICHELLE SEYMOUR, Administrator, is Petitioner.</p> <p>Petitioner states:</p> <ol style="list-style-type: none"> The only asset of the estate at the time Letters were issued was real property located at 1240 Klette in Fresno. However, the property was lost to foreclosure before it could be sold. All other personal property was abandoned. There are unpaid creditors of the estate as follows: <ol style="list-style-type: none"> St. Agnes Medical Center - \$887.75 Hematology Oncology Medical Group - \$3,512.00 There is no other property of any kind inventoried or known to belong to the estate and subject to administration, and there is no longer any necessity for continuing the administration of the estate. There remains costs and expenses of administration incurred by the Administrator's attorney and creditor's claims that remain unpaid, however, there is no property on hand to pay any expenses of administration nor is it expected any property will later be discovered to pay any of these expenses or creditor's claims. <p>Petitioner requests that the Court accept this petition on deferral of the filing fee for this Petition, terminate the proceedings for the administration of the estate and discharge the Administrator.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters 09/12/07		
<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: JF</p> <p>Reviewed on: 07/21/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 - Mayfield</p>	

Atty Roberts, Gregory J., of Barrus and Roberts (for Petitioner Louis McPhederain, Conservator)

(1) Second Account and Report of Conservator, (2) Petition for its Approval, for Withdrawal of Funds from Blocked Account, and for (3) Allowance of Fees and Reimbursement of Costs

Age: 85 years	LOUIS McPHERAIN , Grandson and Conservator of the Person and Estate, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS</p> <ol style="list-style-type: none"> <i>Confidential Accounting Statement</i> filed 6/9/2014 indicates the Conservatee has funds on deposit at one bank in a single blocked savings account totaling \$423,519.23 as of 3/31/2014. It appears this balance exceeds the federal insurance limit of \$250,000.00 for bank accounts, and therefore, the single account should be broken down into two federally insured bank accounts. Need Judicial Council form <i>Order for Withdrawal of Funds from Blocked Account</i>.
Cont. from	Account period: 2/17/2012 - 2/18/2014	
<input type="checkbox"/> Aff.Sub.Wit.	Accounting - \$557,168.49	
<input checked="" type="checkbox"/> Verified	Beginning POH - \$527,811.01	
Inventory	Ending POH - \$479,335.97 (\$439,085.97 is cash)	
PTC	Conservator - waives (health insurance premium paid by Consevatorship in lieu of commissions; total of \$4,752.90 paid during this account period;)	
<input type="checkbox"/> Not.Cred.	Attorney - \$4,435.00 (per Declaration and itemization attached as Exhibit 2, from 2/5/2014 to 5/26/2014 for 25.75 hours @ \$140.00 to \$280.00 attorney and paralegal rates per hour, plus costs of \$375.00 for filing fee;)	
<input checked="" type="checkbox"/> Notice of Hrg	Bond - \$42,000.00 (sufficient)	
<input checked="" type="checkbox"/> Aff.Mail w/	~Please see additional page~	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 2620		
<input checked="" type="checkbox"/> Order Need order to w/draw		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 7/21/14
		Updates:
		Recommendation:
		File 5 - Dix

Petitioner requests:

1. In lieu of Conservator fees, that the Court continue to allow payment of, and to approve the payments made during the account period totaling **\$4,752.90**, for Petitioner's health insurance premiums because he is not employed elsewhere and cannot afford such coverage; and
2. Authorization to withdraw the sum of **\$8,500.00** at this time from the blocked account to cover a portion of the remaining **\$12,710.00** expenses (*annual 2014 expenses estimated at \$38,464.20*) anticipated for July 2014 through December 2014 (*Court allowed withdrawal of \$12,710.00 for the first half of 2014 by Ex Parte Order filed 1/23/2014.*)

Petitioner prays for an order:

1. Settling and allowing the Second Account;
2. Approving and confirming all acts and transactions of the Conservator relating to the conservatorship during this account period;
3. Authorizing the Attorney fees and costs;
4. Authorizing Petitioner to continue paying the Conservatorship estate the Petitioner's monthly medical and dental insurance costs; and
5. Authorizing Petitioner to withdraw the sum of **\$8,500.00** from the blocked account to be used toward net expenses of the Conservatorship for the last 6 months of 2014.

Court Investigator Samantha Henson's Report filed 9/5/2013 recommends the conservatorship continue as is with the current Conservator.

(1) First Account Current and Report Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney

Age: 84	PUBLIC GUARDIAN , Conservator of the Estate, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: A status hearing will be set as follows:</p> <ul style="list-style-type: none"> • Wednesday, 09/23/15 for filing of the second account (if a 1 year accounting is due); or • Wednesday, 09/21/16 for filing of the second account (if a 2 year accounting is due)
	Account period: 11/15/12 – 04/15/14	
	Accounting - \$190,167.53	
	Beginning POH - \$155,947.26	
	Ending POH - \$139,898.87	
Cont. from	Conservator - \$2,066.72 (12.68 staff hours @ \$76/hr. and 11.49 Deputy hours @ \$96/hr.)	
<input type="checkbox"/> Aff.Sub.Wit.	Attorney - \$2,000.00 (less than allowed per Local Rule)	
<input checked="" type="checkbox"/> Verified	Bond fee - \$601.58 (ok)	
<input type="checkbox"/> Inventory	Costs - \$130.00 (certified letters)	
<input type="checkbox"/> PTC	Petitioner prays for an Order:	
<input type="checkbox"/> Not.Cred.	1. Approving, allowing and settling the first account;	
<input checked="" type="checkbox"/> Notice of Hrg	2. Authorizing the conservator and attorney fees and commissions;	
<input checked="" type="checkbox"/> Aff.Mail w/	3. Authorizing payment of the bond fee and costs.	
<input type="checkbox"/> Aff.Pub.	Court Investigator Kathleen Thomson (Solano County), filed a report on 06/27/14.	
<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 checked="" type="checkbox"/> CI Report		
<input 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		
		Reviewed by: JF
		Reviewed on: 07/21/14
		Updates:
		Recommendation:
		File 6A - Chrest

Petition for Court Authorization to Sell Mobile Home (Former Residence) and Other Personal Property of the Estate

Age: 84	PUBLIC GUARDIAN , Conservator of the Estate, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	w/	
<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>Petitioner states:</p> <ol style="list-style-type: none"> The conservatee is 84 years old and is no longer residing in her mobile home located at 2706 W. Ashlan, Space 264, Fresno. She is currently residing at Emeritus-Vacaville and has no desire to return to her home. Conservatee's funds are depleting and there is currently a monthly space rental at the mobile home park. The amount varies monthly, but ranges from \$750 to \$900 per month. The property is a burden to the conservatee and it would benefit her to sell the mobile home and any personal property she no longer needs. Proceeds from the sale would be utilized for her cost of care. <p>Declaration of Deputy Public Guardian, Renee Garcia, states that on 05/30/14, she spoke to Ms. Chrest regarding the sale. She stated that she loves her apartment at Emeritus-Vacaville where she has her medications administered to her daily and has 24 hour on-site staff in case of emergencies. Ms. Chrest is in agreement with selling her mobile home and inquired about her personal effects. She stated that she wanted to keep her family photos and costume jewelry, but agreed to the sale of the remaining property.</p> <p>Petitioner requests authority to sell conservatee's mobile home located at 2706 W. Ashlan Ave, Space 264, Fresno, CA and other personal property items that she no longer needs.</p>	<p>Reviewed by: JF</p> <p>Reviewed on: 07/21/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6B - Chrest</p>

7 The Smothers Family Living Trust 02-11-91 (Trust) Case No. 14CEPR00498

Atty Roberts, Gregory J., of Barrus and Roberts (for Petitioner Floyd Wyatt, Jr., Successor Trustee)
Atty Kaufman, Jeffrey; Brawley, Mason; of Berliner Cohen, Merced (for Dianne S. Collins, Successor Trustee)

Petition for Order Confirming Successor Trustees and Trust Assets Belonging to the Marital Trust

Garnold DOD: 6/3/1991	<p>FLOYD WYATT, JR., son and Trustee of the MARITAL TRUST, [sub-trust of] the SMOTHERS FAMILY LIVING TRUST, is Petitioner.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> • Petitioner became Trustee of the MARITAL TRUST pursuant to the deaths of the Settlor and Trustees of the SMOTHERS FAMILY LIVING TRUST established on 2/11/1991, GARNOLD GARTH SMOTHERS and VELMA L. SMOTHERS (Surviving Spouse); (copies of death certificates attached as Exhibit A; copy of Trust attached as Exhibit B1); • On 2/11/1991, Settlor executed a Community Property Agreement relative to ownership of their assets (copy attached as Exhibit B2); • Upon the death of the Deceased Spouse, the Trust was to be divided into sub-trusts: EXEMPTION TRUST and MARITAL TRUST; per Trust terms, the MARITAL TRUST is revocable by the Surviving Spouse [Velma]; • The Surviving Spouse amended the MARITAL TRUST by a First Amendment executed on 7/7/1997, a Second Amendment on 4/24/2001, a Fourth Amendment on 3/5/2009, and a Final Amendment on 2/11/1991 (copies of all amendments attached as Exhibits B3 to B6); • Petitioner believes the Fourth amendment was incorrectly designated as "Fourth" and that it is the Third Amendment to the MARITAL TRUST; (also the Final Amendment bears the notarized signature of Surviving Spouse only as Trustee and the omission of her signature as Trustor is believed to be clerical error); <p style="text-align: center;">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
Velma DOD: 11/27/2013		
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail W/		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input checked="" type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input 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: LEG
		Reviewed on: 7/22/14
		Updates:
		Recommendation:
		File 7 - Smothers

Petitioner states, continued:

- The division of the Trust into the **EXEMPTION TRUST** and **MARITAL TRUST** was done on a pro-rata basis rather than an item-by-item basis;
- The Surviving Spouse executed 3 separate Declarations of Trust Split: first on 6/25/1991, second on 9/23/1996, the last on 8/19/1998; however, although all 3 Declarations refer to Schedule A and B, there is only one Schedule A and Schedule B in existence among the Settlor's estate planning binders (*copies of the 3 Declarations and the only Schedule A and Schedule B attached as Exhibit C*);
- Schedules A and B indicate that the Settlor's residence on Childs Ave in Merced, which was designated in the Trust documents as the Deceased Spouse's separate property, was allocated **10%** to the **MARITAL TRUST** and **90%** to the **EXEMPTION TRUST**; pursuant to Trust terms, there was no physical segregation or division required except as necessary to make distribution as provided in the Trust;
- Surviving Spouse recorded Affidavits as to the residence and Deed of Trust, but never recorded a designation of either asset as belonging to the **MARITAL TRUST** or to the **EXEMPTION TRUST** (*copies of affidavits attached as Exhibit D*);
- Surviving Spouse sold the residence on Childs Ave. in Merced and purchased a new residence on San Gabriel Ave. in Fresno, and then transferred title to the new residence to herself as successor sole Trustee of the **SMOTHERS FAMILY LIVING TRUST** (*copy of transfer deed attached as Exhibit E*);
- Surviving Spouse may have used some of the proceeds from the sale of the Childs residence to purchase the new San Gabriel residence; however, Petitioner has not been able to determine what funds were used to purchase the new residence;
- Surviving Spouse lived 22 years after the death of Deceased Spouse, and was to receive principal distribution for support, education, care, health and maintenance from both the **MARITAL TRUST** and the **EXEMPTION TRUST**, and she also had the right to withdraw the greater of **\$5,000.00** or **5%** of the principal of the **EXEMPTION TRUST** each calendar year;
- Petitioner believes the Surviving Spouse over the period of 22 years withdrew more than \$110,000.00 from the principal of the **EXEMPTION TRUST** such that at the time of her death, there were no longer any assets in the **EXEMPTION TRUST**;
- Upon the death of the Surviving Spouse, the last named Trustee of the **EXEMPTION TRUST** was **DIANNE S. COLLINS**, step-daughter of Velma (Surviving Spouse);
- On 1/30/2014, **DIANNE COLLINS** executed an Affidavit of Change of Trustee declaring she was the successor Trustee of the **SMOTHERS FAMILY LIVING TRUST**, and on the same day she executed a Grant Deed transferring title to the entire new residence on San Gabriel to the **EXEMPTION TRUST** (*copies attached as Exhibit F*);
- Petitioner believes that he (**FLOYD WYATT, JR.**) is the Successor Trustee of **SMOTHERS FAMILY LIVING TRUST** and that the new residence on San Gabriel was not and is not an asset of the **EXEMPTION TRUST**, and believes that the transfer of the new residence on San Gabriel was inappropriate in that, pursuant to the Division Schedules, the **MARITAL TRUST** owned at least **10%** of the residence and that the new residence on San Gabriel was purchased in part with the proceeds of the sale of the old residence on Childs and with her own funds in Trust A to complete the purchase of the new residence on San Gabriel;
- Petitioner believes that the majority if not all of the new residence on San Gabriel and the Deed of Trust are subject to his control as Trustee of the **MARITAL TRUST**;
- **DIANNE COLLINS** claims that the new residence on San Gabriel is **100%** owned by the **EXEMPTION TRUST** and that she is the Trustee of the **EXEMPTION TRUST**;

~Please see additional page~

Petitioner states, continued:

- Petitioner has attempted to resolve the differences between the **MARITAL TRUST** and the **EXEMPTION TRUST** and offered to split the proceeds for the sale of the new residence on San Gabriel **50%** to the **MARITAL TRUST** and **50%** to the **EXEMPTION TRUST**, but this offer was rejected by **DIANNE COLLINS**;
- As Petitioner and **DIANNE COLLINS** cannot agree on the division of ownership of the new residence on San Gabriel, Petitioner is asking the Court to determine whether the new residence on San Gabriel is an asset of the **MARITAL TRUST** or the **EXEMPTION TRUST** or both;

Petitioner prays for an Order of the Court that:

1. The **MARITAL TRUST** of the **SMOTHERS FAMILY LIVING TRUST** is valid, and that the **EXEMPTION TRUST** of **SMOTHERS FAMILY LIVING TRUST** had no assets at the date of death of Surviving Spouse Velma L. Smothers on 11/27/2013;
2. **FLOYD WYATT, JR.** is confirmed as the Successor Trustee of the **MARITAL TRUST** of the **SMOTHERS FAMILY LIVING TRUST**; and
3. All of the real property on San Gabriel, and the Deed of Trust, are assets subject to the management and control of **FLOYD WYATT, JR.** as successor Trustee of the **MARITAL TRUST** of the **SMOTHERS FAMILY LIVING TRUST**.

Objection to Petition for Order Confirming Successor Trustees and Trust Assets Belonging to the Marital Trust filed by DIANNE S. COLLINS, step-daughter of Velma Smothers, on 7/11/2014 states:

- **GARNOLD GARTH SMOTHERS** and **VELMA L. SMOTHERS** married late in life, both having children from previous relationships;
- Although Garnold and Velma created their **SMOTHERS FAMILY LIVING TRUST** jointly, the Trust provides that upon the death of either of them, the Decedent's assets shall be allocated to the **EXEMPTION TRUST**, which is distributable to the Decedent's issue upon the death of the surviving spouse;
- This type of trust is common in second marriages where a couple wants the surviving spouse to be able to benefit from the trust assets during their remaining lifetime, but ensure that their assets ultimately pass to their children and issue;
- Garnold died ~4 months after creating the Trust, and the Trust was funded almost entirely with Garnold's separate property and all of those separate property assets, as well as all of his interest in he and Velma's community property, should have been allocated to an **EXEMPTION TRUST** – an irrevocable sub-trust which benefitted Velma for her lifetime, but which passed to Garnold's issue at Velma's death;
- Unfortunately, Velma failed to properly fund the **EXEMPTION TRUST** with Garnold's share of the Trust assets; Velma died on 11/27/2013, and Velma withdrew and spent all of the Trust assets except for a residence she purchased with **EXEMPTION TRUST** funds in 1998;
- Petitioner is now relying on Velmas' failure to fund the **EXEMPTION TRUST** to asset that Garnold's assets are assets of the **MARITAL TRUST**, and thus distributable to Petitioner and Velma's other children;
- This Court should deny Petitioner's requests and confirm that the [new residence on San Gabriel] is an asset of the **EXEMPTION TRUST**;

~Please see additional page~

Objection to Petition for Order Confirming Successor Trustees and Trust Assets filed by DIANNE S. COLLINS on 7/11/2014, continued:

- The Trust provides that upon Garnold's death, his separate property and all of his interest in Velma and his community property should have been allocated to the **EXEMPTION TRUST** (see *Exhibit B1 to the Petition*);
- As the Surviving Spouse, Velma's separate property and her interest in her community property should have been allocated to the **MARITAL TRUST**;
- The **EXEMPTION TRUST** became irrevocable on Garnold's death, and the **EXEMPTION TRUST** was to be held for the benefit of Velma during her lifetime, but at Velma's death the assets in the **EXEMPTION TRUST** are distributable to Garnold's issue (see *Exhibit B1 to the Petition*);
- On the other hand, the **MARITAL TRUST** continued to be revocable during Velma's lifetime; the Trust provided initially that any assets remaining in the **MARITAL TRUST** at the death of the surviving spouse shall be distributed to Garnold's issue;
- Velma and Garnold expressly disinherited Velma's children (see *Trust at Paragraph 8.14, page 17 of Exhibit B1 to the Petition*); [Note: Velma's children are FLOYD WYATT, JR., LEONARD EUGENE WYATT, and DARRELL RAY WYATT];
- However, Velma executed a series of amendments to the **MARITAL TRUST** which later included her children as beneficiaries;
- Respondent believes that following Garnold's death, Velma never provided a Notification of Trustee to Garnold's heirs, which was required pursuant to Probate Code § 16061.7;
- Upon Velma's death, Respondent became Trustee of the **EXEMPTION TRUST** (both other named successor trustees ROBERT G. SMOTHERS and RONALD G. SMOTHERS, Garnold's sons, are deceased);
- **The Bulk, if not all, of the Trust Assets were Garnold's Separate Property:** The primary Trust assets at the time of Garnold's death were (1) the real property on Childs Ave. in Merced, and (2) a Promissory Note dated 1/2/1985 owed to Garnold by his son and daughter-in-law; the property on Childs Ave. in Merced was Garnold's separate property and he transferred it to his Trust on 2/11/1991 by Quitclaim Deed; Petitioner failed to provide the Court with a copy of the Quitclaim Deed which clearly indicates that the real property on Childs Ave. in Merced was Garnold's separate property when he transferred it to the Trust (copy of Quitclaim Deed attached as Exhibit A); the Promissory Note was also Garnold's separate property (copy of Promissory Note and Substitution of Trustee and Full Reconveyance stating the lender was "Garnold Smothers, a married man, as his separate property" attached as Exhibits B and C);

[review in progress]

- **Velma Failed to Properly Allocate the Trust Assets to the Sub-Trusts upon Garnold's Death.**
- **The Funds used to Purchase the Fresno [San Gabriel] Property came from Assets Owned by the EXEMPTION TRUST.**
- **Velma did not Exercise her Right of Withdrawal from the EXEMPTION TRUST.**

~Please see additional page~

Respondent requests that the Court:

1. Deny Petitioner's request for an order that the property on San Gabriel in Fresno is an asset of the **MARITAL TRUST** under the **SMOTHERS FAMILY LIVING TRUST**;
2. Confirm that the real property on San Gabriel in Fresno is an asset of the **EXEMPTION TRUST** under the **SMOTHERS FAMILY LIVING TRUST** subject to the management and control of **DIANNE S. COLLINS**, Successor Trustee; and
3. Confirm that an property or funds traceable to the Promissory Note be confirmed as an asset of the **EXEMPTION TRUST** under the **SMOTHERS FAMILY LIVING TRUST**, subject to the management and control of **DIANNE S. COLLINS**, Successor Trustee.

8 Evelyn I. Ford (Estate)

Case No. 14CEPR00536

Atty Keeler, William J. (for Petitioner Susan Jean Frantzich)
Atty Cobb, Lee S.W. (for Objector Casey S. Rogers)

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

DOD: 12-23-13	SUSAN JEAN FRANTZICH,	NEEDS/PROBLEMS/COMMENTS:
	Daughter, is Petitioner and requests appointment as Executor with Full IAEA without bond.	<u>Note:</u> Competing petition filed by Casey Scott Rogers is set for hearing on 8-20-14.
	Full IAEA – need publication	<u>Note:</u> Related trust matter 14CEPR00485 has an upcoming hearing date of 8-7-14 (Ms. Frantzich's petition and Mr. Rogers' demurrer thereon).
<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.	X	
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters	X	
<input checked="" type="checkbox"/> Duties/Supp		
<input checked="" type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order	X	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Will dated: 7-9-09
 1st Codicil dated 10-28-09
 2nd Codicil dated 5-10-12
 3rd Codicil dated 3-14-13
 4th Codicil (Holographic Writing) dated 3-6-13

Residence: Clovis
 Publication: need

Estimated value of estate:
 Unknown

Probate Referee:
 Steven Diebert

Casey Scott Rogers, Grandson, Named Executor, and Trustee of Eugene M. and Evelyn I. Ford Family Trust, filed his Opposition to this petition as well as a competing petition on 7-11-14 that is set for hearing on 8-20-14.

Opponent requests the Court deny this petition for the reasons provided. Opponent specifically objects to admission of the handwritten document dated on or about 3-6-13 to probate. See Opposition for details.

1. Petitioner is not the named Executor. Decedent's 3rd Codicil dated 3-14-13 nominates Casey Scott Rogers as Executor and James M. Bell as first alternate Executor. If both fail to act, then Petitioner, along with her two siblings, Nancy Lee Ford and Patricia Elaine Coffman, are named as 2nd alternate co-executors.

Petitioner states Mr. Rogers and Mr. Bell have failed to act and requests that she be appointed as sole Executor, but does not state why she should be appointed without the other named 2nd alternate co-executors.

Need authority for appointment or declinations to serve from Mr. Rogers, Mr. Bell, Ms. Ford, and Ms. Coffman.

Note: Mr. Rogers has filed a competing petition that is set for hearing on 8-20-14. It would appear he has priority under §8420.

2. Petitioner requests appointment without bond because the will waives bond for named executors. However, Petitioner is named as 2nd alternate executor along with two additional co-executors. Therefore, need waivers of bond from all heirs or estimated value of estate for basis of bond. Probate Code §8002(a)(4).

3. Need publication. Probate Code §8120.

4. Need dates of death of the decedent's deceased spouse and all other deceased relatives listed at #8. Local Rule 7.1.1.D.

Reviewed by: skc
Reviewed on: 7-17-14
Updates:
Recommendation:
File 8 - Ford

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

DOD: 09/09/2012	KEVIN R. BENZLER, son is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need original will to be deposited with the Court pursuant to Probate Code §8200(a)(1). Note: The Decedent's Living Will and Revocable Trust was deposited with the Court as if it were the decedent's Last Will however the Living Will that was deposited in short, is a Health Care Directive. The Court has stricken the Living Will and Revocable Trust from the Court file as it should not have been deposited with the Court. The Court cannot proceed with this petition as it is unclear if the decedent died intestate or testate. Note: If the petition is granted status hearings will be set as follows: <ul style="list-style-type: none"> • Wednesday, 01/07/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Wednesday, 09/23/2015 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.
	Full IAEA – o.k.	
	Residence: Fresno	
	Publication: The Business Journal	
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	w/	
<input checked="" type="checkbox"/> Aff.Pub.		
<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: 07/21/2014 Updates: Recommendation: File 9 - Benzler

Petition by Attorney on Deferral of Filing Fee for Termination of Administration of Estate Having No Assets and for Discharge of Representative

DOD: 07/24/04	MICHELLE SEYMOUR , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. The Petition is not verified by the Administrator, or Administrator's attorney.
Cont. from	Petitioner states:	
<input type="checkbox"/> Aff.Sub.Wit.	5. The only asset of the estate at the time Letters were issued was real property located at 1944 N. McCaffrey. The property was listed for sale on or about January 2007. No offers were received and the market decline quickly caused the property to be worth less than the amount owed on the loan. The property was lost to foreclosure.	
<input type="checkbox"/> Verified <input checked="" type="checkbox"/>	6. There is no other property of any kind inventoried or known to belong to the estate and subject to administration, and there is no longer any necessity for continuing the administration of the estate.	
<input checked="" type="checkbox"/> Inventory	7. There were no Creditor's Claims filed.	
<input type="checkbox"/> PTC	8. There remaining costs and expenses of administration incurred by the Administrator's attorney remain unpaid, however, there is no property on hand to pay any expenses of administration nor is it expected any property will later be discovered to pay any of these expenses.	
<input type="checkbox"/> Not.Cred.	9. This Petition is made on behalf of the Administrator who cannot now be located.	
<input checked="" type="checkbox"/> Notice of Hrg	10. There are no assets on hand or in the estate from which to pay any court costs, and therefore Petitioner's Attorney files this Petition on waiver or deferral of the filing fee to be paid to the court if any assets subsequently come into the estate.	
<input checked="" type="checkbox"/> Aff.Mail <input type="checkbox"/> 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 07/25/06		
<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		
	Petitioner requests that the Court accept this petition on deferral of the filing fee for this Petition, terminate the proceedings for the administration of the estate and discharge the Administrator.	
		Reviewed by: JF
		Reviewed on: 07/21/14
		Updates:
		Recommendation:
		File 10- Jackson

Status Hearing Re: Filing of Petition for Final Distribution

DOD: 06/22/12	<p>KAREN K. WILLIAMS, daughter, was appointed as Administrator with limited IAEA and funds to be deposited into a blocked account on 06/04/13. Letters of Administration were issued on 06/10/13.</p> <p>Inventory & Appraisal, Final – filed 12/09/13 - \$179,919.84</p> <p>Minute Order from hearing on 03/28/14 set this matter for status regarding filing the Accounting/Report of Administrator and Petition for Final Distribution.</p> <p>Clerk’s Certificate of Mailing filed 06/13/14 states that a copy of the Minute Order from 06/13/14 was mailed to Richard Hemb on 06/13/14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p style="text-align: center;">First & Final Account and Report of Executor and Petition for Settlement filed 07/21/14 and set for hearing on 08/21/14</p>
Cont. from 052814, 061314		
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: JF
		Reviewed on: 07/18/14
		Updates: 07/21/14
		Recommendation:
		File 11 - Williams

Amended Petition for Termination of Guardianship

Savanah, 10	ANGELA AMAVISCA, mother, is Petitioner.	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>Note: Per Notice of Limited Scope Representation filed 5-22-14, Attorney Zepure Attashian represented Angela Amavisca for the hearing on 5-14-14 only.</p> <p>Minute Order 06/18/14: The visitation order remains in full force and effect.</p> <p>Mediation Agreement filed 5-15-14 by Guardian Sally Munoz provides a visitation schedule and states continued mediation will be held on 6-18-14.</p> <p>As of 7/21/14, nothing further has been filed regarding this petition.</p> <p>Reviewed by: JF</p> <p>Reviewed on: 07/21/14</p> <p>Updates:</p> <p>Recommendation: File 12A - Murillo</p>
Ruben, 9	SALLY MUNOZ, maternal grandmother, was appointed as Guardian of the minors on 03/27/06. – Personally served on 04/24/14	
	Father: RUBEN MURILLO – served by mail on 04/24/14	
Cont. from 051414, 061814	Paternal grandfather: RUBEN MURILLO – served by mail on 04/24/14	
Aff.Sub.Wit.	Paternal grandmother: JUANITA MURILLO – served by mail on 04/24/14	
✓ Verified		
Inventory	Maternal grandfather: RUDY AMAVISCA – served by mail on 04/24/14	
PTC		
Not.Cred.	Petitioner states that she has been clean and sober since she completed a drug rehab program in April 2009. She has been gainfully employed since July 2009 and has been caring for the children since April 2009, first when she moved into her mother's home with the children and then in their own home from February 2011 until the guardian removed the children from her home upon learning of her petition to terminate the guardianship. Petitioner states that she appreciates the help her mother provided to her children when she was unable to care for them, but she is now fully capable and ready to care for her children and requests that the guardianship be terminated. Petitioner states that her mother will object to the termination and try to accuse her of using drug, therefore, she has voluntarily attached a hair follicle drug test showing negative results over a 90 day period. Petitioner further states that the guardian uses foul language, including making repeated disparaging remarks about Petition in front of the children and may be motivated by money to keep the guardianship in place due to the public assistance she received on behalf of the children.	
✓ Notice of Hrg		
✓ Aff.Mail	w/	
Aff.Pub.		
Sp.Ntc.		
✓ Pers.Serv.	w/	
Conf. Screen		
Letters		
Duties/Supp		
Objections	Objection to Termination of Guardianship filed 04/30/14 states: that there has been domestic violence between the parents and they have now split up. Guardian suspects that the mother is drinking heavily and possible using drugs. Guardian states that the mother is bringing strange men to the home and she fears for the minor's safety. She does not agree with terminating the guardianship at this time. She states that the mother was doing better at one time, but has slipped again.	
Video Receipt		
✓ CI Report		
9202		
✓ Order	Court Investigator Jo Ann Morris filed a report on 05/05/14.	
Aff. Posting	Declaration filed 06/13/14 by Objector/Guardian, Sally Munoz attaches a letter from Choices Compliance Solutions stating that the drug test form provided by Petitioner in her Petition to Terminate the guardianship is fabricated, fake and states that she has never drug tested at their facility. The letter states that the fake drug test should be considered as a positive drug test with severe consequences.	
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Savanah, 10	<p>ANGELA AMAVISCA, Mother, filed an Amended Petition for Termination of Guardianship on 4-24-14.</p> <p>SALLY MUNOZ, Guardian, filed an Objection on 4-30-14.</p> <p>The parties were referred to mediation on 5-14-14.</p> <p>Per mediation agreement, additional mediation is to occur on 6-17-14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 06/18/14</u></p>
Ruben, 9		
Cont. from 061814		
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		
	<p>Reviewed by: JF</p> <p>Reviewed on: 07/21/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12B - Murillo</p>	

13 Regina Ann Connelly (Estate)

Case No. 13CEPR00848

Atty Connelly, Betty Ann (Pro Per – Petitioner – Mother)

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

DOD: 06/20/2013	BETTY ANN CONNELLY , mother is petitioner and requests appointment as Administrator without bond.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Confidential Supplement to Duties & Liabilities of Personal Representative, Mandatory Judicial Council Form DE-147S.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Wednesday, 01/07/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Wednesday, 09/23/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <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>
	Sole heir waives bond	
Cont. from	Full IAEA – o.k.	
<input type="checkbox"/> Aff.Sub.Wit.	Residence: Fresno	
<input checked="" type="checkbox"/> Verified	Publication: The Fresno Bee	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Estimated value of the Estate:	
<input checked="" type="checkbox"/> Notice of Hrg	Personal property - \$2,000.00	
<input checked="" type="checkbox"/> Aff.Mail w/	Real property - \$100,000.00	
<input checked="" type="checkbox"/> Aff.Pub.	Total - \$102,000.00	
<input type="checkbox"/> Sp.Ntc.	Probate Referee: Steven Diebert	
<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: 07/21/2014		
Updates:		
Recommendation:		
File 13 – Connelly		

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

DOD: 03/31/2014	ROSIE H. ACOSTA , mother, is petitioner and requests appointment as Administrator without bond.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. #5a(7) or #5a(8) was not answered regarding issue of predeceased child.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Wednesday, 01/07/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Wednesday, 09/23/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <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>	
	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 Fresno Bee		
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg	Estimated value of the Estate:		
<input checked="" type="checkbox"/> Aff.Mail w/o	Personal Property \$572,640.00		
<input checked="" type="checkbox"/> Aff.Pub.	Real property \$227,000.00		
<input type="checkbox"/> Sp.Ntc.	Total \$799,640.00		
<input type="checkbox"/> Pers.Serv.	Probate Referee: Rick Smith		
<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: 07/18/2014
		Updates:	
		Recommendation:	
		File 19 - Acosta	

Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820, 1821, 2680-2682)

		NO TEMP REQUESTED	NEEDS/PROBLEMS/COMMENTS: <u>Court Investigator advised rights on 7-11-14</u> <u>Voting rights affected – need minute order</u> 1. Notice was served to CVRC on 7-1-14, which does not provide the 30 days' notice required by Probate Code §1822(e). 2. Need conservatorship video receipt. Local Rule 7.15.8.
		VERONICA ANGULO , Mother, is Petitioner and requests appointment as Conservator of the Person with medical consent powers.	
		Voting rights affected	
		A Capacity Declaration was filed 6-11-14.	
		Petitioner states the proposed Conservatee suffers from Dandy Walker Syndrome with Hydrocephalus. He does not possess the skills necessary to live independently.	
		Court Investigator Jennifer Daniel filed a report on 7-16-14.	
<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 checked="" type="checkbox"/>	Pers.Serv.		
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt	X	
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input checked="" type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: skc
			Reviewed on: 7-21-14
			Updates:
			Recommendation:
			File 15 - Sanchez

	<p>TERRY and LINDA CHEEK, paternal grandparents, were appointed as guardians on 12-1-08.</p> <p>TANIA CHEEK, mother, filed a petition for termination of the guardianship, which was denied on 7-24-13.</p> <p>On 7-24-13, the Court referred the case to CPS to check on who is living in the home with the child and its safety. DSS Social Worker Keith Hodge was present in Court. Mr. Hodge was asked to submit a report to the Court and to the other parties. The Court ordered a marginal increase in visitation between the mother and the children and set a status hearing for 2-11-14.</p> <p>On 2-11-14, the matter was set for trial on 3-24-14; however, on 3-11-14, Karen Mathis, attorney for Guardians, filed a Statement of Disqualification of Judge Robert Oliver. The trial date was vacated pending resolution of the motion for disqualification. On 4-1-14, Madera Superior Court Judge Charles A. Wieland denied the challenge/ disqualification. Judge Oliver thereafter filed an Answer and set a status hearing for 4-24-14 re: visitation for 4-24-14.</p> <p>On 4-23-14, Attorneys Mathes and Ruiz filed a joint status statement requesting to vacate the status hearing and proceed pursuant to the Court's order of 3-18-14; however, the document was not filed timely and further was not filed as an ex parte request for order; therefore appearance was required at the hearing on 4-24-14.</p> <p>On 4-24-14, there were no appearances. The Court set a status hearing as a courtesy to counsel to choose a hearing date for evidentiary hearing to accommodate all parties' calendars. The Order to Appear was mailed to the attorneys on 4-25-14.</p> <p>On 6-3-14, the Court set Settlement Conference for 6-24-14 and Court Trial for 9-30-14.</p> <p>Minute Order 6-24-14 (Settlement Conference): Both counsel are ordered to work together regarding the evaluation of Byron. Therapeutic visits shall continue and all prior orders shall remain in full force and effect. Further orders of the Court are as fully set forth on the record. Ms. Mathes is directed to prepare the order. Trial remains set for 9/30/14. Set on 7/23/14 @ 10:00 a.m. Dept. 303 for: Status Hearing</p>	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p><u>Note:</u> This matter will be heard at 10:00 am.</p> <p>Update: Guardians' Status Statement; Memorandum of Points and Authorities filed 7-21-14 states the Court must vacate all visitation orders made herein. Should another request for visitation be made, the Court must follow the law and serve the children's interests above all while giving the Guardians' decisions due respect. The Court must entertain a visitation request only upon sufficient, credible, and admissible evidence that the visitation is in the best interest of the children. See Statement for details.</p>
Aff.Sub.Wit.		
Verified		
Inventory		
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Notice of Hrg		
Aff.Mail		
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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: 7-17-14
		Updates: 7-21-14, 7-22-14
		Recommendation:
		File 1 – Cheek