



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.

Motion and Motion to be Relieved as Counsel

Age: 17	<p>MARCUS D. MAGNESS, Attorney for Julie Fulcher, Mother and Guardian of the Estate, is Petitioner.</p> <p>Petitioner states an irreconcilable conflict has arisen in that Ms. Fulcher is unresponsive to phone calls and emails.</p> <p>Guardianship Estate History:</p> <p>JULIE FULCHER, Mother, was appointed Guardian of the Estate of Matthew Fulcher on 6-9-11 without bond, with \$240,000.00 in blocked account.</p> <p>I&A Partial No. 1 filed 7-20-12 reflected \$121,103.77, which was in a blocked account (receipt filed 2-16-12).</p> <p>First Account filed 7-20-12 and settled on 9-18-12 indicated that the ward is still anticipated to receive distribution from his father's probate estate; however, because he resides in the primary asset, it is anticipated that a petition for instructions will be filed in that action regarding payment of creditors without sale of the home.</p> <p>Note: Not all anticipated assets have been received at this point, due to the incomplete probate estate (Page 1).</p> <p>When the First Account was settled, the Court set status for 8-14-14, at which time the minor will have turned 18, for filing the final account.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: The accounting in this guardianship estate appears to contain information regarding the status of the decedent's estate at Page 1 – that the family continued to reside in the home and expected to file a petition for instructions in the estate re: keeping the home with reference the debts/creditors of the estate. <u>However</u>, it appears from Mr. Magness' proof of service that the family no longer lives at that address; therefore, the Court may require the status of the house at this time. <u>See Page 1.</u></p> <p>Note: A status hearing is currently set for 8-14-14; for the filing of the final account; however, due to the attorney's request to withdraw, the Court may set sooner status hearing.</p>
Aff.Sub.Wit.		
✓ Verified		
Inventory		
PTC		
Not.Cred.		
✓ Notice of Hrg		
✓ Aff.Mail w		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
<p>Reviewed by: skc</p> <p>Reviewed on: 7-26-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2 – Fulcher</p>		

Petition for Distribution on Waiver of Accounting

DOD: 9-20-12	SANDRA AKIN , Administrator, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> The petition does not state the assets on hand pursuant to Cal. Rules of Court 7.550(b)(4). If cash, need dollar amount. Need revised order indicating dollar amount to be distributed pursuant to Local Rule 7.6.1.A.
	Accounting is waived.	
	I&A: \$388,526.86 POH: <i>Not stated</i>	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Administrator(Statutory): Waived	
<input checked="" type="checkbox"/> Inventory		
<input checked="" type="checkbox"/> PTC	Attorney (Statutory): \$10,770.54	
<input checked="" type="checkbox"/> Not.Cred.	However, Attorney has agreed to accept less than the statutory amount stated above, in an amount not yet determined, as billed on hourly basis pursuant to agreement.	
<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.	Distribution pursuant to intestate succession and disclaimer filed 1-11-13:	
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters	Jennifer I. Fisher – all assets	
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input 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: 7-26-13
		Updates:
		Recommendation:
		File 4 – Green

Age: 87	TEMP EXPIRES 7-31-13	NEEDS/PROBLEMS/ COMMENTS:
	PUBLIC GUARDIAN IS Petitioner and requests	
	appointment as Conservator of the Person and Estate	Court Investigator advised rights
	with medical consent and dementia medication	on 7-11-13
	and/or placement powers.	Voting rights affected
Aff.Sub.Wit.		– need minute order.
✓ Verified	Voting rights affected.	
Inventory	Need capacity declaration.	
PTC		1. Need Capacity Declaration
Not.Cred.	Petitioner states Mrs. Williams lives with one of her sons,	with Dementia Attachment
✓ Notice of Hrg	Alvin, in her own home. Her health has been in decline	regarding request for
✓ Aff.Mail W	since her husband passed away a few years ago. She	medical consent powers
Aff.Pub.	was referred to the Public Guardian by Adult	and dementia medication
Sp.Ntc.	Protective Services due to numerous parties reporting	and/or placement powers.
✓ Pers.Serv. W	concerns of neglect by Alvin, and theft of her money.	
Conf. Screen	Petitioner states Alvin reportedly leaves his mother in	
✓ Letters	rehab or the hospital until her check comes, then	
Duties/Supp	takes her from the facility against medical advice, and	
✓ Objections	has her cash her check. Often she ends up back in	
Video Receipt	the facility until the next check is due. Care providers	
✓ CI Report	report Alvin yelling at his mother, being rough	
9202	physically wither, acting like a bully, and being volatile	
✓ Order	at doctor's appointments. Although he is paid to care	
Aff. Posting	for her, he leaves her alone for hours, during which	
Status Rpt	time she does not eat. This is dangerous because she is	Reviewed by: skc
UCCJEA	diabetic. Her medications are not given regularly. See	Reviewed on: 7-26-13
✓ Citation	additional details in petition. Petitioner states it appears	Updates:
FTB Notice	Alvin uses his mother's social security to pay the	Recommendation:
	mortgage, and the rest on himself. There does not	File 7 – Williams
	appear to be an alternative to Public Guardian	
	involvement.	
	Alvin Williams filed an Objection on 7-23-13. Mr.	
	Williams states his mother wants to come home, she is	
	tired of being in that place. She cries all the time, she	
	tells him. She knows he takes care of her and gives her	
	whatever she wants. He loves his mother and would	
	never do anything to hurt her. Mr. Williams also filed a	
	declaration with letters in support of his objection, as	
	well as a certificate of participation in a 12-step	
	program. Letters include a letter from her other son	
	Deran stating that he has a power of attorney, from	
	Angie Valenzuela, who rents a room in the house with	
	them, and others.	
	Court Investigator Jo Ann Morris filed a report on	
	7-18-13.	

DOD:1-24-07		<p>PAUL BRADLEY, individually and in his capacity as Administrator of the Estate of CAROL JANE BRADLEY, and PEGGY RALSTON, are Petitioners.</p> <p>40 days since DOD</p> <p>No other proceedings</p> <p>Decedent died intestate</p> <p>Petitioners request determination that decedent's undivided 50% interest in real property located at 2424 E. Hammond Ave., passes to Petitioners 33.33% each pursuant to intestate succession.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> Petitioner Paul Bradley was appointed Administrator of the Estate of Carol Jane Bradley in 13CEPR00218. Letters issued 5-14-13.</p>	
	Aff.Sub.Wit.			
✓	Verified			
✓	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			w
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 7-29-13	
			Updates:	
			Recommendation: SUBMITTED	
			File 8 – Bradley	

(1) Third Account and Report of Conservator and (2) Petition for Its Settlement

Age: 21 years	TIM COLLINS , father/conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 4/1/12 – 4/23/13	
	Accounting - \$174,545.21	
	Beginning POH- \$164,743.64	
	Ending POH - \$141,978.50	
	(\$18,146.06 is cash)	
Cont. from 070313	Current bond: \$61,000.00	
<input type="checkbox"/> Aff.Sub.Wit.	Conservator - allowed \$500.00	
<input checked="" type="checkbox"/> Verified	per month per court order dated \$3/21/13.	
<input type="checkbox"/> Inventory	Petitioner prays for an Order:	
<input type="checkbox"/> PTC	1. Settling and allowing the 3 rd account;	
<input type="checkbox"/> Not.Cred.	2. Approving and confirming the acts of the petitioner as Conservator of the person and estate.	
<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		
		Reviewed by: KT
		Reviewed on: 7/29/2013
		Updates:
		Recommendation:
		File 10 – Collins

NEEDS/PROBLEMS/COMMENTS:

1. Disbursement schedule includes items that may require clarification.

- 4/23/12 – GB3 gym membership (3 years) for \$442.00 – why did the conservatee need a 3 year gym membership? Was this the best use of his funds or would a membership with a shorter term be more practical? – Declaration of Tim Collins filed on 7/12/13 states the three year membership is \$12.78 per month. A monthly contract is \$50.00 per month. Michael enjoys the gym and uses it frequently.
- 7/2/12 – Paralegal assistance 2nd account - \$400.00
1/13/13 – Paralegal assistance/typing fee - \$250.00
Note: Only a Conservator and/or his or her attorney, if any, are entitled to compensation from the estate a paralegal/typing service is not an attorney and is not entitled to payment from the estate as an attorney would be. Petitioner is self-represented and as such is responsible for the document preparation costs that he obtained. Further, any compensation related to the conservatorship estate requires petition and allowance by the Court prior to payment. See Probate Code §2647. – Declaration states he used a paralegal because the attorney for the first account charged \$4,000.00.
- 7/2/12 - Verizon/new phone and accessories - \$173.44
12/21/12 – Verizon/new iPhone - \$198.88 – court may require clarification as to why the conservatee needed a new phone twice in six months. – Declaration states Michael needed a new phone so in July 2012 they purchased a “slide” phone for him. After school started Michael wanted an i-phone so he could use the internet, play new games and have i-tunes.
- Various dates – daily allowance \$100 per month (however 2 months were \$150 and one month was \$200).
Note: California Rules of Court, Rule 7.1054 (b)(16) states the conservator of the estate must evaluate the conservatee's ability to manage cash or other assets and take appropriate action, including obtaining prior court approval when necessary or appropriate, to enable to conservatee to do so to the level of his ability. Declaration states Michael is given \$5.00 per day to help him manage his money and save for upcoming events.
- 8/23/12 – Ace Glass /Front door damages - \$699.90 – Declaration states Michael was upset and rammed the front door with his body. The door is decorated with lead glass and needed to be replaced.
- 9/17/12 – Dorie Collins/Naskin Inv/Reim - \$263.89 – Declaration states this reimbursement was for vitamins purchased for Michael.
- 12/1/12 – Angelica Cloud/grandma's gift - \$60.00 - California Rules of Court, Rule 7.1054(b)(3) states the conservator of the estate must refrain from making loans or gifts of estate property except as authorized by the court after full disclosure. – Declaration states Michael wanted to buy a birthday gift for his grandmother.
- 1/14/13 – Cash/allowance/birthday dinner - \$300.00 – why is the Conservatee paying for his own birthday dinner celebration? – Declaration states Michael invited 5 special needs friends to a birthday party at Dog House Grill.

Please see additional page

NEEDS/PROBLEMS/COMMENTS (Cont.):

- 4/23/13 – Fresno Superior Court/Court Investigator Fees - \$375.00 – Court records show that the court investigator fees paid was \$350.00 in addition the cancelled check attached to the accounting shows payment of \$350.00. – Declaration states this was a typographical error the correct charge should have been \$350.00. **Note: With this change the account no longer balances. There is a \$25.00 discrepancy.**
 - 3/21/13 – Tim Collins Compensation \$6,000.00
4/3/13/13 – Tim Collins court ordered compensation - \$6,000.00 **Note:** On 3/21/13 the court allowed Mr. Collins to pay himself \$500.00 per month as compensation for services rendered as conservator. This amount was not retroactive to the beginning of the conservatorship. Therefore it appears Mr. Collins should not have paid himself this amount and should be only be paying himself the \$500 each month. – Declaration states Mr. Collins submitted a monthly budget that showed he was spending \$500.00 per month out of his own pocket for Michael's living expense. The court approved the accounting with the \$500 for "reimbursement."
2. **Receipt Schedule includes rent for the Condo.** Declaration of filed 2/7/2013 states the condo is rented for \$850.00 per month and has since increased to \$895.00 per month. When the current lease is up the rent will increase to \$1,020.00 per month. However the receipt schedule shows receipts for rent varying from \$139.55 to \$903.50 with an average monthly rent of \$748.00. The court may require clarification. Note: If there are expenses to the rental property they should be listed in the disbursement schedule.