



## 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.

Attorney Susan K. Arthur, of Walton & Mitchell, Sanger (for Garren J. McMurry, Administrator)  
 Attorney James R. Walton (retired; formerly for Garren J. McMurry, Administrator)

Notice of Motion and Motion to be Relieved as Counsel

DOD: 11/13/2006	<b>SUSAN K. ARTHUR, of WALTON &amp; MITCHELL</b> , Attorney of record for Personal Representative <b>GARREN J. MCMURRY</b> , is Movant.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need proof of service of notice of the <i>Motion to be Relieved as Counsel</i> for Wells Fargo Card Services, based on Creditor's Claim filed 7/23/2007 for <b>\$1,435.08</b> , per the <i>Request for Special Notice</i> filed 7/23/2007 pursuant to Probate Code §§ 1250 and 1252.  2. Court may require proof of service of notice of the <i>Motion to be Relieved as Counsel</i> for: <ul style="list-style-type: none"> <li>• <b>ROBERTA L. SKOGSBERG</b>, daughter;</li> <li>• <b>CHASE BANK</b> – Creditor's Claim filed 5/30/2007 for <b>\$3,120.67</b>;</li> <li>• <b>SIMPSON GROUP RETIREMENT FUND</b> – Creditor's Claim filed 9/4/2007 for <b>\$1,248.00</b>;</li> <li>• <b>PHILIPS &amp; COHEN for CHASE BANK</b> – Creditor's Claim filed 11/15/2007 for <b>\$1,281.64</b>.</li> </ul>
Cont. from	<b>GARREN J. MCMURRY</b> , son, was appointed Administrator with Full IAEA without bond on 5/22/2007, and <i>Letters</i> issued on that date.	
Aff.Sub.Wit.	<b>Movant requests</b> under Code of Civil Procedure § 284(2) and CA Rule of Court 3.1362 an order permitting her to be relieved as attorney of record in this proceeding.	
✓ Verified	<b>Motion is supported by Declaration of Susan K. Arthur, papers and records filed in this proceeding, and the following additional documents and evidence:</b>	
Inventory	<ul style="list-style-type: none"> <li>• Letter to Garren J. McMurry dated May 15, 2015;</li> <li>• Letter to Roberta Skogsberg, daughter, dated May 29, 2015;</li> <li>• Copy of Tax Deed to Purchaser of Tax—Defaulted Property last assessed to James A. McMurry recorded on April 5, 2013;</li> <li>• Photocopy of the envelope of returned certified letter our office sent to Garren McMurry; the letter was returned to our office on June 11, 2015;</li> <li>• Letter to Garren J. McMurry dated May 16, 2016 sent in care of Amparo M. McMurry.</li> </ul>	
PTC		
Not.Cred.		
Notice of Hrg	X	
✓ Aff.Mail		
Aff.Pub.		
Sp.Ntc.	X	
Pers.Serv.		
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Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
~Please see additional page~		Reviewed by: LEG Reviewed on: 7/25/16 Updates: Recommendation: File 2- McMurry

**Declaration of Susan K. Arthur in Support of Motion to be Relieved as Counsel filed 6/17/2016 states:**

- Attorney James R. Walton retired on May 11, 2011; prior to retirement, he represented Garren J. McMurry in a probate matter which was filed on April 12, 2007. Mr. Walton had difficulty maintaining contact with Mr. McMurry throughout the probate proceeding;
- On June 4, 2009, Mr. Walton sent a letter to Mr. McMurry; the letter stated that he had not heard from Mr. McMurry in over a year; Mr. McMurry met with Mr. Walton July 7, 2009 and promised to stay in touch and work to close the estate. Our office has had no further contact with Mr. McMurry since July 7, 2009;
- An Inventory and Appraisal was filed in the probate estate on August 22, 2007; The assets of the estate were: real property located on Elwood Road, Squaw Valley, valued at **\$190,000.00** [vacant lot and mobile home], a 1983 Nissan Pickup valued at **\$500.00** and a 1988 Ford Aerostar valued at **\$700.00**;
- The real property was sold at public auction on or about March 14, 2013, by the Fresno County Tax Collector; they are unable to locate the two vehicles;
- On May 15, 2015, their office once again tried to locate Mr. McMurry by calling his last known telephone numbers, mailing letters to his last known address, searching various web sites for information on him and checking to see if Mr. McMurry is incarcerated;
- On May 29, 2015, they spoke with former family member **JULIE SKOGSBERG** who lost contact with Mr. McMurry several years ago and is unable to provide us with any information regarding his current whereabouts;
- On June 11, 2015, they received back from the post office a certified letter we sent to Mr. McMurry; the letter was marked returned to sender, not deliverable as addressed, unable to forward;
- On May 16, 2016, their office again tried to locate Mr. McMurry by searching his name in the Whitepages Premium; they called his last known phone number, which is disconnected; the last known address is listed as the same address they have previously sent letters to and they were returned with no forwarding address;
- Through Whitepages Premium they located a potential relative of Garren McMurry, **AMPARO M. MCMURRY**; Amparo has a common previous address as Garren; Amparo McMurry's phone number is disconnected; they sent another letter on May 16, 2016 to Garren McMurray at Amparo McMurray's address in Sanger; they received no answer to this letter;
- They are asking to be relieved as counsel of record in this probate matter because there is nothing our office can do to complete this probate; no hearing other proceedings are presently scheduled in this probate matter.

**Movant states the court should grant attorney's motion to be relieved as counsel of record because the Attorneys hands are tied in this matter. The probate cannot be completed without client's cooperation.**

**~Please see additional page~**

**Notes:**

- Tax Deed to Purchaser of Tax-Defaulted Property recorded 4/5/2015 shows based on a tax lien for Fiscal Year 2006 -2007, the estate real property last assessed to **JAMES A. MCCURRY** was conveyed to purchaser *[name omitted]* at a public auction held on 3/14/2013 – 3/18/2013, pursuant to statutory powers of sale under the Revenue and Taxation Code for the sum of **\$22,430.00**.
- Because the personal representative **GARREN J. MCMURRY** has not communicated with the Attorney and has not been located, the granting of the Attorney's motion to be relieved as counsel will leave no person to close this apparently insolvent estate, since real property was sold pursuant to the tax lien default, and pursuant to the *Notice of Motion Judicial Council form MC-051* itself: "the client will be solely responsible for the case." Probate Code § 7621 (b) provides that appointment of the **PUBLIC ADMINISTRATOR** may be made on the Court's own motion, after notice as provided in Probate Code § 1220 (that is, 15 days before hearing.) Attorney has not requested such appointment and has not served any notice to that office nor to County Counsel's Office.

**3 Jose Ramon Millan & Jose Rosario Millan (GUARD/P)**

**Case No. 07CEPR00475**

**Petitioner Millan, Martha (Pro Per – Mother)**

**Petition for Termination of Guardianship**

		<b>MARTHA MILAN</b> , mother, is petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Court Investigator to provide:</b></p> <p>1) CI Report 2) Clearances</p> <p>1. Need Notice of Hearing.</p> <p>2. Unless the Court dispenses with notice; need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Termination of Guardianship for:</p> <ul style="list-style-type: none"> <li>• Father of Jose Ramon (Unknown)</li> <li>• Father of Jose Rosario (Unknown)</li> <li>• Paternal Grandparents of Jose Ramon (Unknown)</li> <li>• Paternal Grandparents of Jose Rosario (Unknown)</li> </ul>
		<u>Please see petition for details</u>	
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>	x	
<input type="checkbox"/>	<b>Aff.Mail</b>	x	
<input 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 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>	x	
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
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<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by:</b> LV
			<b>Reviewed on:</b> 07/25/2016
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 3- Millan</b>



**6 Lucas Duarte, Starr Duarte, Dominick Duarte & Nicholas Balero (GUARD/P)  
Case No. 11CEPR00774**

Petitioner Balero, Vanessa (Pro Per – Mother)

Petition for Termination of Guardianship

		VANESSA BALERO, mother, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<u>Please see petition for details</u>	
<b>Cont. from 062016</b>			<b>Note: Petition pertains to Nicholas Balero only.</b>
	Aff.Sub.Wit.		<b>Minute Order of 06/20/2016: Examiner notes given.</b>
✓	Verified		<b>The following issues remain:</b>
	Inventory		1. Need Notice of Hearing.
	PTC		2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Termination of Guardianship or consent and waiver of notice or declaration of due diligence for:
	Not.Cred.		<ul style="list-style-type: none"> <li>• Nicholas Balero (Minor)</li> <li>• Rosie Perez (Guardian)</li> <li>• Rafael Yanez (Father)</li> <li>• Paternal Grandparents (Unknown)</li> <li>• Manuel Balero (Maternal Grandfather)</li> <li>• Julie Salinas (Maternal Grandmother)</li> </ul>
	Notice of Hrg	x	
	Aff.Mail	x	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		<b>Reviewed by: LV</b>
	Status Rpt		<b>Reviewed on: 07/25/2016</b>
	UCCJEA		<b>Updates:</b>
	Citation		<b>Recommendation:</b>
	FTB Notice		<b>File 6- Duarte &amp; Balero</b>

Petitioner Genia Kay Cherry (Pro Per)

Attorney Jonette M. Montgomery, of Hanford (for Guardian Josephine M. Longoria-Contente)

Petition for Visitation

		<b>GENIA KAY CHERRY</b> , mother, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>					
		<b>JOSEPHINE M. LONGORIA-CONTENTE</b> , paternal grandmother, was appointed Guardian on 6/5/2013.						
<b>Cont. from 120315</b>		Father: <b>MATTHEW J. BELL</b>	<ol style="list-style-type: none"> <li>1. Need <i>Notice of Hearing</i>.</li> <li>2. Pursuant to Probate Code §§ 1460 and 1511, need proof of 15 days' service prior to the hearing of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Visitation or Consent and Waiver of Notice, or Declaration of Due Diligence</i>, for: <ul style="list-style-type: none"> <li>• Josephine Longoria-Contente, Guardian.</li> </ul> </li> </ol>					
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Paternal grandfather: Michael W. Bell Maternal grandfather: Unknown Maternal grandmother: Sherill Wyatt						
<input checked="" type="checkbox"/>	<b>Verified</b>							
<input type="checkbox"/>	<b>Inventory</b>							
<input type="checkbox"/>	<b>PTC</b>							
<input type="checkbox"/>	<b>Not.Cred.</b>							
<input type="checkbox"/>	<b>Notice of Hrg</b>	<b>Petitioner states</b> she requests the Court order visitation with the minors based on the following:						
<input type="checkbox"/>	<b>Aff.Mail</b>							
<input type="checkbox"/>	<b>Aff.Pub.</b>	<ul style="list-style-type: none"> <li>• She has made every effort over the last 3 years to contact her girls through phone calls, letter correspondence, proposed home visits in their home, and she has only been able to see her girls one time in October 2015 for one weekend;</li> <li>• From her efforts, she gets only unanswered calls and no response messages; the times the Guardian has answered or let Petitioner talk with her girls, the Guardian makes it a point to inform Petitioner of their difficulties at returning to a normal life; the girls would have several fights or outbursts within the home and at school, allegedly due to talking to Petitioner;</li> </ul>						
<input type="checkbox"/>	<b>Sp.Ntc.</b>							
<input type="checkbox"/>	<b>Pers.Serv.</b>							
<input type="checkbox"/>	<b>Conf. Screen</b>							
<input type="checkbox"/>	<b>Letters</b>							
<input type="checkbox"/>	<b>Duties/Supp</b>							
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<input type="checkbox"/>	<b>Video Receipt</b>							
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<input type="checkbox"/>	<b>9202</b>							
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<input type="checkbox"/>	<b>UCCJEA</b>							
<input type="checkbox"/>	<b>Citation</b>							
<input type="checkbox"/>	<b>FTB Notice</b>							
~Please see additional page~			<table border="1"> <tr> <td><b>Reviewed by:</b> LEG</td> </tr> <tr> <td><b>Reviewed on:</b> 7/25/16</td> </tr> <tr> <td><b>Updates:</b></td> </tr> <tr> <td><b>Recommendation:</b></td> </tr> <tr> <td><b>File 8 – Bell</b></td> </tr> </table>	<b>Reviewed by:</b> LEG	<b>Reviewed on:</b> 7/25/16	<b>Updates:</b>	<b>Recommendation:</b>	<b>File 8 – Bell</b>
<b>Reviewed by:</b> LEG								
<b>Reviewed on:</b> 7/25/16								
<b>Updates:</b>								
<b>Recommendation:</b>								
<b>File 8 – Bell</b>								

**Petitioner states, continued:**

- Petitioner offered several times to leave her last place of residence in Alameda County, Oakland, to come and help the Guardian with the girls, to give them a chance to reunify and bond again, and assist with the aid of her mother and herself; the Guardian has refused;
- Since then she failed to make it to her last visitation hearing [on 2/4/2016] due to financial hardship and that is why she has moved out here with nothing, in hopes to build something with her girls being the primary goal and focus;
- She feels that by granting her visitation with her girls on a more consistent basis without someone emotionally involved, to dictate yes one minute and no the next, would be the start of a beautiful turnaround and chance for them to start mending some of those wounds, filling in the gaps that were placed by opinions or resentments;
- Not granting this petition for visitation would only be hindering the reunification process and only giving them a false sense of love between a mother and her children;
- Stalling this out any further would only make their emotional and possible potential mental state of mind be affected.

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

<b>DOD: 12/7/14</b>		<p><b>HENRY MICHAEL PADILLA, JR.</b>, Son, is Petitioner and requests appointment as Administrator with Full IAEA without bond.</p> <p>All heirs waive bond (?? - See note)</p> <p>Full IAEA – ok</p> <p>Decedent died intestate</p> <p>Residence: Fresno Publication: Business Journal</p> <p>Estimated value of estate: Personal property: \$1,000.00 Real property: \$155,000.00 Total: \$156,000.00</p> <p>Probate Referee: Rick Smith</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> Petitioner was previously self-represented; however, pursuant to Substitution filed 7/20/16, Petitioner is now represented by Attorney Philip Flanigan.</p> <p><b>Note:</b> This is the ninth (9<sup>th</sup>) hearing on this petition. The following issue remains: <b><u>SEE PAGE 2</u></b></p>	
Cont. from 050415, 072015, 083115, 092815, 010416, 022216, 050916, 062016				
<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 type="checkbox"/>	Notice of Hrg			x
<input type="checkbox"/>	Aff.Mail			x
<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: skc		
		Reviewed on: 7/25/16		
		Updates:		
		Recommendation:		
		File 12 - Padilla		

**Page 2 - NEEDS/PROBLEMS/COMMENTS (Updated 5/4/16):**

**Note:** Declaration of Michelle Nino filed 8/17/15 states she is one of two children of the decedent and waives NOTICE and also waives ANY INTEREST in the estate (*emphasis in original*). This declaration appears to be an irrevocable disclaimer of interest as discussed in Probate Code §§ 265, 275 et seq.

Pursuant to Probate Code §282, a disclaimer, when effective, is irrevocable and binding, and the disclaimed interest shall descend to the issue of the disclaimant as if the disclaimant had predeceased the decedent.

Petitioner has now provided the names, ages, and addresses of Ms. Nino's two children in his Declaration filed 5/4/16.

Because Ms. Nino has disclaimed her interest in the estate, her two children (both adults) are now heirs.

**Therefore:**

1. **Notice of Petition to Administer Estate was served on Tim Nino and Jacqueline Nino by mail on 6/13/16, which is only one week prior to this hearing. Need further continuance for proper notice pursuant to Probate Code §8110.**
2. **Need waivers of bond from Tim Nino and Jacquelyn Nino, or bond of \$156,000.00.**

**Note:** If granted, the Court will set status hearings as follows:

- **Monday, Sept. 19, 2016 for filing of bond, if required**
- **Monday, Jan. 23, 2017 for filing of Inventory and Appraisal**
- **Monday, Oct. 16, 2017 for filing first or final account**

If the proper items are filed prior to the status hearing dates pursuant to Local Rule 7.5, the status hearings may come off calendar.

**Status RE: Receipt for Blocked Account**

	<p><b>AMALIA ALVAREZ</b>, Mother, was appointed Guardian of the Estate on 4/4/16 with bond of \$422,400.00 and all funds placed into a blocked account.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>
<p>Cont. from 051616, 061316, 071816</p>	<p>At the hearing on 4/4/16, the Court set this status hearing re receipt for blocked account.</p>	<p>1. On 7/21/16, Petitioner filed an “Affidavit under California Probate Code §§ 2892 et seq.” that indicates a blocked account was established at EECU for this guardianship estate with an opening balance of \$340,005.00.</p>
<p>Aff.Sub.Wit.</p>	<p>Per Minute Order 6/13/16, funds must be deposited in a blocked account. The Court does not order bond at this time. Letters may issue.</p>	<p>However, this type of Affidavit does not constitute the receipt for blocked account as required and does not indicate that the account insured. Need receipt on mandatory Judicial Council form MC-356.</p>
<p>Verified</p>	<p>Letters issued 6/21/16.</p>	<p>Further, the opening balance is over the FDIC limit of \$250,000.00 (see Probate Code §2453 re insured account).</p>
<p>Inventory</p>	<p>Note: Minute Order 4/4/16 states:</p>	<p>Additionally, Petitioner originally estimated the amount the minor was to receive at \$384,000.00, but the amount deposited was only \$340,005.00.</p>
<p>PTC</p>	<p>The Court orders funds be placed into a blocked account upon receipt. This Court would be open to investment of the funds in the future, and would be looking for Counsel to provide specifications/projections with regard to the investment.</p>	<p>Therefore: a. Need clarification re the deposit amount; and b. Need receipt(s) for blocked account(s) on the mandatory Judicial Council receipt Form MC-356.</p>
<p>Not.Cred.</p>		<p><u>Note:</u> As previously noted, because the original order required bond rather than blocking, it appears a separate Order to Deposit Money Into Blocked Account (Mandatory Judicial Council Form MC-355) will also be necessary.</p>
<p>Notice of Hrg</p>		
<p>Aff.Mail</p>		<p>Reviewed by: skc</p>
<p>Aff.Pub.</p>		<p>Reviewed on: 7/25/16</p>
<p>Sp.Ntc.</p>		<p>Updates:</p>
<p>Pers.Serv.</p>		<p>Recommendation:</p>
<p>Conf. Screen</p>		<p>File 16A- Walker</p>
<p>Letters</p>		
<p>Duties/Supp</p>		
<p>Objections</p>		
<p>Video Receipt</p>		
<p>CI Report</p>		
<p>9202</p>		
<p>Order</p>		
<p>Aff. Posting</p>		
<p>Status Rpt</p>		
<p>UCCJEA</p>		
<p>Citation</p>		
<p>FTB Notice</p>		



Status RE: Receipt for Blocked Account

		<p><b>AMALIA ALVAREZ</b>, Mother, was appointed Guardian of the Estate on 4/4/16 with bond of \$102,000.00 and all funds placed into a blocked account.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>2. On 7/21/16, Petitioner filed an "Affidavit under California Probate Code §§ 2892 et seq." that indicates a blocked account was established at EECU for this guardianship estate with an opening balance of \$85,005.00.</p> <p>However, this type of Affidavit does not constitute the receipt for blocked account as required and does not indicate that the account insured. Need receipt on mandatory Judicial Council form MC-356.</p> <p>Additionally, Petitioner originally estimated the amount the minor was to receive at \$96,000.00.</p> <p>Therefore:</p> <p>a. Need clarification re the deposit amount; and</p> <p>b. Need receipt(s) for blocked account(s) on the mandatory Judicial Council receipt Form MC-356.</p> <p><u>Note:</u> As previously noted, because the original order required bond rather than blocking, it appears a separate Order to Deposit Money Into Blocked Account (Mandatory Judicial Council Form MC-355) will also be necessary.</p>
<p>Cont. from 051616, 061316, 071816</p>			
Aff.Sub.Wit.		<p>At the hearing on 4/4/16, the Court set this status hearing re receipt for blocked account.</p>	<p>Per Minute Order 6/13/16, funds must be deposited in a blocked account. The Court does not order bond at this time. Letters may issue.</p>
Verified			
Inventory		<p>Letters issued 6/21/16.</p>	<p>Reviewed by: skc</p>
PTC			
Not.Cred.		<p>Note: Minute Order 4/4/16 states: The Court orders that the funds be placed into a blocked account upon receipt. This Court would be open to investment of the funds in the future, and would be looking for Counsel to provide specifications/projections with regard to the investment. The issue of bond is taken under advisement by the Court. Counsel may provide additional justification regarding the support issue in this matter.</p>	<p>Reviewed on: 7/25/16</p>
Notice of Hrg			
Aff.Mail		<p>Order</p>	<p>Updates:</p>
Aff.Pub.			
Sp.Ntc.		<p>Aff. Posting</p>	<p>Recommendation:</p>
Pers.Serv.			
Conf. Screen		<p>Status Rpt</p>	<p>File 17A- Abarca</p>
Letters			
Duties/Supp		<p>UCCJEA</p>	
Objections			
Video Receipt		<p>Citation</p>	
CI Report			
9202		<p>FTB Notice</p>	
Order			



**Petition for Appointment of Probate Conservator of the Person**

		See petition for details.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need continuance for advisement of rights and investigation per Probate Code §§ 1823, 1826.  2. Need video receipt per Local Rule 7.15.8.A.	
Cont. from 061616				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			W
	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			X
	CI Report			X
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
✓	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 7/25/16	
			Updates:	
			Recommendation:	
			File 18- Brown	

**Petition for Letters of Administration; Limited Authority under IAEA**

<b>DOD: 12/14/12</b>	<b>JODI SWAIN GALLAGHER</b> , Daughter, is Petitioner and requests appointment as Administrator with Limited IAEA without bond, all funds to be placed into a blocked account.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Minute Order 6/20/16</u>: Objections need to be filed by 7/15/16.</p> <p><u>Note</u>: As of 7/25/16, no objections have been filed, and nothing further has been filed by Petitioner. The following issues remain noted:</p> <p style="text-align: center;"><b><u>SEE PAGE 2</u></b></p> <hr/> <p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 7/25/16</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 19- Swain</b></p>
<b>Cont. from 062016</b>	<b>Petitioner is a resident of Las Vegas, NV.</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Limited IAEA – ok	
<input checked="" type="checkbox"/> <b>Verified</b>	Decedent died intestate	
<input type="checkbox"/> <b>Inventory</b>	Residence: Clovis	
<input type="checkbox"/> <b>PTC</b>	Publication: Business Journal	
<input type="checkbox"/> <b>Not.Cred.</b>	<b>Estimated value of estate:</b>	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Real property: \$300,000.00 (Whittier Trust has indicated the estate's interest in the trust could be as little as \$150,000 or as high as \$600,000)	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	Probate Referee: Rick Smith	
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>	<b>Petitioner states</b> the sole purpose of opening this estate is to receive a distribution from the Clairice Benezra Trust. The trust has been being administered since before the decedent's death. There was litigation within the trust and other issues that have delayed the receipt and distribution of its assets. Currently, the Estate of Clairice Benezra, Nevada Case No. P061254 is open and awaiting assets which will pour into the trust. The trust is working to sell its remaining assets and deal with a 706 issue.	
<input type="checkbox"/> <b>Sp.Ntc.</b>	Hence, the Helen Swain Estate is being opened to receive asset from a trust, which is waiting to receive asset from an estate via pour-over will.	
<input type="checkbox"/> <b>Pers.Serv.</b>	Many things will need to occur before assets are distributed to this estate. However, the institutional trustee appears to be currently charging the trust \$50,000/year to administer the \$300,000 it is holding in reserve pending the assets pouring into it. When Petitioner objected, the trustee responded that a personal representative needed to be appointed.	
<input type="checkbox"/> <b>Conf. Screen</b>	Since there are no assets to pay a bond premium from, combined with the fact that the assets realistically may not be received for years, Petitioner requests the Court order that any and all assets received be deposited into a blocked account in lieu of requiring a bond at this time.	
<input type="checkbox"/> <b>Letters</b>		
<input checked="" 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>		

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1. Need date of death of deceased spouse per Local Rule 7.1.1.D.
2. Heir Judy Swain appears to have been given notice at a business address ("Bamboo 2 U" in Leucadia, CA). The Court may require clarification regarding use of this address.
3. Need clarification re the nature of the anticipated estate assets. Petitioner indicates at #3c that the estate is expected to contain real property valued at \$300,000\*, with the \* referring to Attachment 3c. There is no Attachment 3c; however, Attachment 2d provides the information summarized above, and estimates the estate's "interest in the trust" at between \$150,000 and \$600,000. Is the estate expected to contain real property or cash or other assets?
4. The Court may require waivers of bond from the two other heirs, Judy Swain and James Swain, or bond in an appropriate amount subject to #2 above.
5. The Court may require clarification regarding the status of the referenced pending cases in Nevada and the estimated time frame for closing this estate with reference to Probate Code §12200.

**Note:** If granted, the Court will set status hearings as follows:

- Monday, Sept. 19, 2016 for filing of bond, if required, or receipt for blocked account.
- Monday, Jan. 23, 2017 for filing of Inventory and Appraisal
- Monday, Oct. 16, 2017 for filing first or final account