



Monday, August 1, 2016

The Probate Examiner's Office recommends approval of the following Probate matters:

- 22 16CEPR00633 Lyle L. Schindler (Estate)
- 23 16CEPR00638 Elizabeth M. Helbert (Estate)

The following cases have been continued at the request of the Petitioner or the Petitioner's attorney:

- 2 07CEPR00367 James Arron McMurry (Estate) – Continued to 9/8/16

Appearance of counsel is recommended for all remaining matters set for hearing. Thank you.

Dept. 303, 9:00 a.m. Monday, August 1, 2016

1 Monica Rios & Nathaniel Rios (GUARD/P)

Case No. 05CEPR00810

Guardian: Josefina Rios (Pro per – Paternal grandmother)

Petitioner: Monica Garcia (Pro per – Mother)

Petition for Termination of Guardianship (as to Nathaniel only)

		MONICA GARCIA, mother, is petitioner	NEEDS/PROBLEMS/COMMENTS: This petition is as to <u>NATHANIEL</u> only. Minute order dated 6/20/2016 continued matter to 8/1/2016 and states examiner notes given in court. 1. Need proof of service of <i>Notice of Hearing</i> with at least 15 days notice <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: a. Pedro Rios (father) – <i>unless the Court excuses notice</i>
		JOSEFINA RIOS, paternal grandmother, was appointed guardian of Monica Rios and Nathaniel Rios on 7/18/2005.	
Cont. from 062016		<i>See petition for details.</i>	
	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		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: SEF
			Reviewed on: 7/25/2016
			Updates:
			Recommendation:
			File 1- Rios

Attorney Susan K. Arthur, of Walton & Mitchell, Sanger (for Garren J. McCurry, 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	SUSAN K. ARTHUR, of WALTON & MITCHELL, Attorney of record for Personal Representative GARREN J. MCMURRY, is Movant.	NEEDS/PROBLEMS/COMMENTS: CONTINUED TO 9/8/2016 Per Attorney Request
Cont. from	GARREN J. MCMURRY, son, was appointed Administrator with Full IAEA without bond on 5/22/2007, and Letters issued on that date.	
Aff.Sub.Wit.		<p>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 \$1,435.08, per the <i>Request for Special Notice</i> filed 7/23/2007 pursuant to Probate Code §§ 1250 and 1252.</p> <p>2. Court may require proof of service of notice of the <i>Motion to be Relieved as Counsel</i> for:</p> <ul style="list-style-type: none"> • ROBERTA L. SKOGSBERG, daughter; • CHASE BANK – Creditor's Claim filed 5/30/2007 for \$3,120.67; • SIMPSON GROUP RETIREMENT FUND – Creditor's Claim filed 9/4/2007 for \$1,248.00; • PHILIPS & COHEN for CHASE BANK – Creditor's Claim filed 11/15/2007 for \$1,281.64.
✓ Verified	Movant requests 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.	
Inventory	Motion is supported by Declaration of Susan K. Arthur, papers and records filed in this proceeding, and the following additional documents and evidence:	
PTC	<ul style="list-style-type: none"> • Letter to Garren J. McMurry dated May 15, 2015; • Letter to Roberta Skogsberg, daughter, dated May 29, 2015; • Copy of Tax Deed to Purchaser of Tax—Defaulted Property last assessed to James A. McMurry recorded on April 5, 2013; • 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; • Letter to Garren J. McMurry dated May 16, 2016 sent in care of Amparo M. McMurry. 	
Not.Cred.		
Notice of Hrg	X	
✓ Aff.Mail		
Aff.Pub.		
Sp.Ntc.	X	
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Posting		Reviewed by: LEG
Status Rpt		Reviewed on: 7/25/16
UCCJEA		Updates: 7/27/16
Citation		Recommendation:
FTB Notice		File 2- McMurry

~Please see additional page~

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

		<p>MARTHA MILAN, mother, is petitioner.</p> <p><u>Please see petition for details</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator to provide:</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"> • Father of Jose Ramon (Unknown) • Father of Jose Rosario (Unknown) • Paternal Grandparents of Jose Ramon (Unknown) • Paternal Grandparents of Jose Rosario (Unknown) 	
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 type="checkbox"/>	Notice of Hrg			x
<input type="checkbox"/>	Aff.Mail			x
<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			x
<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: LV</p> <p>Reviewed on: 07/25/2016</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3- Millan</p>		

Attorney Ruth P. Lind (for Conservator Linda S. Davis)

Fifth Account and Report of Conservator, Petition for Settlement of Account, and for Approval of Attorney Fees

	LINDA S. DAVIS , daughter and Conservator of the Person and Estate, is Petitioner.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Court will set status hearings as follows:</p> <ul style="list-style-type: none"> • Tuesday, September 6, 2016 at 9:00 a.m. in Dept. 303 for filing proof of increased reduced bond; • Tuesday, October 9, 2016 at 9:00 a.m. in Dept. 303 for filing of the sixth accounting. <p>Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.</p>
	Account period: 1/1/2014 - 12/31/2015		
	Accounting	- \$422,606.86	
	Beginning POH	- \$399,466.09	
	Ending POH	- \$405,768.97	
	(\$301,388.83 is cash)		
✓	Aff.Sub.Wit.		
✓	Verified		
	Inventory	Conservator - Not requested	
	PTC		
	Not.Cred.	Attorney - Not requested	
✓	Notice of Hrg	Bond - \$449,658.15	
✓	Aff.Mail	w/ (insufficient; Petitioner requests increase;)	
	Aff.Pub.	Petitioner states the Conservatee's husband, RICHARD P. YELL , the Petitioner, and her husband, RICHARD DAVIS , are also the successor co-trustees of the YELL REVOCABLE TRUST dated 6/28/2005 , which is outside of Court jurisdiction; Petitioner pays a portion of Conservatee's expenses from the conservatorship account with the remainder paid from the Trust; The financial arrangement is appropriate considering Conservatee has both separate and community property.	
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report	Petitioner requests that bond be increased to \$459,073.30 pursuant to computation based on assets on hand, income, and recovery.	
✓	2620(c)		
✓	Order	Petitioner requests an order:	
	Aff. Posting	1. Approving, allowing, and settling the Fifth Account and Report;	
	Status Rpt	2. The Court discharge the bond of \$449,658.15 and set new bond at \$459,073.30 .	
	UCCJEA		
	Citation		
	FTB Notice	Court Investigator's Report filed 9/29/2016.	
			Reviewed by: LEG
			Reviewed on: 7/25/16
			Updates:
			Recommendation:
			File 4 – Yell

5 Mychael John Salvador (GUARD/P)

Case No. 09CEPR00862

Petitioner Salvador, Krystal (Pro Per – Mother)

Petition for Visitation

Age: 9 years	KRYSTAL SALVADOR, mother, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 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 Visitation for: <ul style="list-style-type: none"> • Alicia Ann Bradshaw (Guardian) • Mark Thompson, Jr. (Father)
	<u>Please see petition for details</u>	
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 type="checkbox"/> Notice of Hrg	x	
<input type="checkbox"/> Aff.Mail	x	
<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 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		
		Reviewed by: LV
		Reviewed on: 07/25/2016
		Updates:
		Recommendation:
		File 5- Salvador

**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.	NEEDS/PROBLEMS/COMMENTS:
		<u>Please see petition for details</u>	
Cont. from 062016			Note: Petition pertains to Nicholas Balero only.
	Aff.Sub.Wit.		Minute Order of 06/20/2016: Examiner notes given.
✓	Verified		The following issues remain:
	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"> • Nicholas Balero (Minor) • Rosie Perez (Guardian) • Rafael Yanez (Father) • Paternal Grandparents (Unknown) • Manuel Balero (Maternal Grandfather) • Julie Salinas (Maternal Grandmother)
	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		Reviewed by: LV
	Status Rpt		Reviewed on: 07/25/2016
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 6- Duarte & Balero

7 Ava Natalya Castanon (GUARD/P) Case No. 12CEPR00852

Petitioner Castanon, Madelen (Pro Per – Mother)

Petition for Termination of Guardianship

Age: 3	Madelen Castanon, mother, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 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 for: <ul style="list-style-type: none"> • Paternal Grandfather (Not Listed) • Macy Fox (Paternal Grandmother)
	<u>Please see petition for details</u>	
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 type="checkbox"/> Aff.Mail	x	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.	w/	
<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	x	
<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: 07/25/2016
		Updates:
		Recommendation:
		File 7- Castanon

Petitioner Genia Kay Dewan (Pro Per, mother)

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

Petition for Visitation

		GENIA KAY (CHERRY) DEWAN, mother, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		~Please see Petition for details~	
Cont. from 120315			
	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	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LEG
			Reviewed on: 7/25/16
			Updates: 7/27/16
			Recommendation:
			File 8 – Bell

Attorney Lance E. Armo (for Petitioner Kevin R. Benzler, Executor)

Petition for Final Distribution on Waiver of Account and for Allowance of Compensation for Ordinary Services

DOD: 9/9/2012		<p>KEVIN R. BENZLER, son and Executor, is Petitioner.</p> <p>Accounting is waived.</p> <p>I & A — \$260,815.93 POH — \$260,815.93 (\$3,395.27 is cash)</p> <p>Executor — \$8,216.31 (statutory)</p> <p>Attorney — \$8,216.31 (statutory)</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note for Future Reference of Attorney: Based upon Court records, it appears a copy of the Decedent's original Will was never provided by the Petitioner or his attorney as required for probate proceedings where a Will is admitted. Decedent's original Will was deposited with the Court on 7/29/2014, and has been used as the basis for reviewing the instant waiver of account and petition for final distribution.</p> <p>1. Need Notice of Hearing of the <i>Petition for Final Distribution on Waiver of Accounting</i>, and proof of mailed service of 15 days' notice prior to hearing pursuant to Probate Code §§ 1220, 11000 and 11601 for the following persons:</p> <ul style="list-style-type: none"> • Eric C. Benzler, son; • Brenda L. Benzler, daughter; • Diana D. Benzler, daughter; • Karla Harris, granddaughter. <p>~Please see additional page~</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg X		
<input type="checkbox"/>	Aff.Mail X		
<input type="checkbox"/>	Aff.Pub.		
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
<input type="checkbox"/>	Amended Letters 111314		
Duties/Supp			
Objections			
Video Receipt			
CI Report			
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
<input checked="" type="checkbox"/>	FTB Notice		

Distribution pursuant to Decedent's Will is to:

- **KEVIN R. BENZLER** as Trustee of the **EDWARD K. BENZLER and JOYCE D. BENZLER REVOCABLE TRUST – \$3,395.27 cash**, shares of stock, bonds, and entire interest in real property.

Reviewed by: LEG

Reviewed on: 7/27/16

Updates:

Recommendation:

File 9- Benzler

NEEDS/PROBLEMS/COMMENTS, continued:

2. Petition and proposed order do not include an APN for the real property in the estate to be distributed, pursuant to Local Rule 7.12.1. Need statement regarding the real property APN and revised proposed order that includes the APN of the real property to be distributed.
3. *Petition* does not but should address the source of payment of the statutory attorney fees and executor commissions authorized pursuant to Probate Code § 10800, which exceed the balance of cash in the estate. Need statement regarding the payment of fees and commissions, and revised proposed order including the source of payment.
4. Proposed order includes in Paragraph 4 the statement of the estate on hand for distribution, which does not match the assets inventoried as part of the estate in the *Final Inventory and Appraisal* filed 12/29/2014. Specifically, the proposed order for distribution of the estate property must match in all details the property listed on Attachment No. 2 of the Inventory and Appraisal, to include the exact number of shares of mutual funds, common stocks, bonds, and IRA. Need revised order.
5. Proposed order includes incorrect distribution findings regarding the Decedent's Trust terms, which findings must be removed from the proposed order, leaving only distribution to Decedent's Trust as the correct distribution of the estate property. Need revised order.
6. Proposed order makes several references to a "final account" being approved by the Court. However, the accounting for this estate has been waived, and it is inappropriate for the Court to approve an order that finds an accounting is approved. Need revised order omitting all references to approval of a final account, and instead, referring to approval of the waiver of account.

Conservator: Christine Clark (pro per)

Attorney: Heather H. Kruthers (for the Public Guardian)

Probate Status Hearing Re: Possible removal of Conservator

	CHRISTINE CLARK , spouse, was appointed conservator on 8/13/14.	NEEDS/PROBLEMS/COMMENTS: Continued from 6/20/16. Minute order states, no appearances. The Court removes Christine Clark as conservator and appoints the Public Guardian until a successor conservator can be appointed. Letters are to issue from the minute order.
	Court Investigator Report filed on 4/29/16	
	Notice of Status Hearing was mailed to the Conservatee, Travis Clark, the conservator, Christine Clark and the conservatee's mother, Mary Clark on 5/6/16.	
Cont. from 062016		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 7/26/16
		Updates:
		Recommendation:
		File 10- Clark

First and Final Account and Report of Temporary Conservator;
 Petition for Allowance of Compensation to Temporary Conservator and Her Attorney

DOD: 09/21/2015	PUBLIC GUARDIAN , Conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 06/26/2015 – 09/21/2015	
	Accounting - \$104.61	
Cont. from	Beginning POH - \$0	
Aff.Sub.Wit.	Ending POH - \$104.61	
<input checked="" type="checkbox"/> Verified	Subsequent Account Period: 09/22/2015 – 03/17/2016	
Inventory		
PTC		
Not.Cred.	Accounting - \$104.61	
<input checked="" type="checkbox"/> Notice of Hrg	Beginning POH - \$104.61	
<input checked="" type="checkbox"/> Aff.Mail	Ending POH - \$104.61	
Aff.Pub.	Conservator - \$1,553.96	
Sp.Ntc.	(14.01 Deputy hours @ \$96/hr. and 2.75 Staff hours at \$76/hr)	
Pers.Serv.	Attorney - \$1,250.00 (per Local Rule 7.16(B)(1), reasonable value of services \$2,500.00)	
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters	Petitioner requests that due to the insufficiency of the estate to pay the fees and commission that lien be imposed upon the estate for any unpaid balances of the authorized fees and commissions.	
Duties/Supp		
Objections		
Video Receipt		
CI Report		
<input checked="" type="checkbox"/> 9202	Petitioner prays for an order:	
<input checked="" type="checkbox"/> Order	1. The Court find that the Conservatorship of the person and estate terminated on 09/21/2015, the conservatee's date of death;	
Aff. Posting	2. Approving, allowing and settling the first and final account and report of the conservator,	
Status Rpt	3. Authorizing the conservator and attorney fees and commissions;	
UCCJEA	4. Authorize petitioner to impose a lien on the estate for any unpaid balances of authorized fees and commissions.	
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 07/26/2016
		Updates:
		Recommendation:
		File 11- Adams

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

DOD: 12/7/14		HENRY MICHAEL PADILLA, JR., Son, is Petitioner and requests appointment as Administrator with Full Limited IAEA without bond. (Amended to request Limited IAEA pursuant to Supplement filed 7/25/16.)	NEEDS/PROBLEMS/COMMENTS:
Cont. from 050415, 072015, 083115, 092815, 010416, 022216, 050916, 062016		All heirs waive bond (?? - See note)	Note: Petitioner was previously self-represented; however, pursuant to Substitution filed 7/20/16, Petitioner is now represented by Attorney Philip Flanigan.
		Full IAEA – ok	
<input type="checkbox"/>	Aff.Sub.Wit.	Decedent died intestate	Note: This is the ninth (9th) hearing on this petition. The following issue remains: <u>SEE PAGE 2</u>
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory	Residence: Fresno	
<input type="checkbox"/>	PTC	Publication: Business Journal	
<input type="checkbox"/>	Not.Cred.	Estimated value of estate:	
<input type="checkbox"/>	Notice of Hrg	Personal property: \$1,000.00	
<input type="checkbox"/>	Aff.Mail	Real property: \$155,000.00	
<input checked="" type="checkbox"/>	Aff.Pub.	Total: \$156,000.00	
<input type="checkbox"/>	Sp.Ntc.	Probate Referee: Rick Smith	
<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. The Court may require 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.

13A Phillip Joseph George (GUARD/P)

Case No. 15CEPR00327

Petitioner: Nora V. Palomar (Pro per – Maternal grandmother)

Petitioner: Vince Palomar (Pro per – Maternal grandfather)

Objector: Rosalie George (Pro per – Paternal grandmother)

Petition for Appointment of Guardian of the Person

		<u>TEMPORARY EXPIRES 8/1/2016</u>	NEEDS/PROBLEMS/COMMENTS:	
		NORA PALOMAR AND VINCE PALOMAR, maternal grandparents, are petitioners.		Please see page 13B for competing petition filed by Rosalie George (paternal grandmother).
Cont. from 051016, 062116		<i>See petition for details.</i>	<p>Petitioners:</p> <ol style="list-style-type: none"> Need proof of service of <i>Response to Objection to Guardianship</i> filed 6/20/2016, on objector, Rosalie George. <p>Objector:</p> <ol style="list-style-type: none"> Proof of service of objections filed 6/14/2016 is incomplete at item 5b (address where the parties were served) and item 6b (city and state where the mailing took place). 	
<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 checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input checked="" type="checkbox"/>	Objections			w/
<input type="checkbox"/>	Video Receipt			
<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 checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: SEF	
			Reviewed on: 7/25/2016	
			Updates: 7/27/2016	
			Recommendation:	
			File 13A- George	

13A

13B Phillip Joseph George (GUARD/P)

Case No. 15CEPR00327

Petitioner: Rosalie George (Pro per – Paternal grandmother)

Temporary Guardian: Nora Palomar (Pro per – Maternal grandmother)

Temporary Guardian: Vince Palomar (Pro per – Maternal grandfather)

Petition for Appointment of Guardian of the Person

		TEMPORARY EXPIRES 8/1/2016 (as to Nora and Vince Palomar – related page 13A)	NEEDS/PROBLEMS/COMMENTS:
		ROSALIE GEORGE , paternal grandmother, is petitioner.	
Cont. from		NORA PALOMAR AND VINCE PALOMAR , maternal grandparents, were appointed temporary guardians on 5/10/2016. –	<ol style="list-style-type: none"> 1. Notice of Hearing filed 7/28/16 is defective at #1. It does not indicate what documents were filed. 2. Proofs of personal service filed 7/25/2016 indicate the <i>Petition for Guardianship</i> was served, but not the <i>Notice of Hearing (GC-020)</i>. 3. Need proof of service of <i>Notice of Hearing</i> with copy of petition or consents and waivers of notice <u>or</u> declarations of due diligence for: <ol style="list-style-type: none"> a. Nora Palomar (maternal grandmother/temporary guardian) b. Vince Palomar (maternal grandfather/temporary guardian) c. Joseph George (father) d. Vanessa Palomar (mother) – <i>unless the Court excuses notice</i> e. Anthony George (paternal grandfather)-served 7/17/16, 12 days notice.
<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		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.	w/	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" 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"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: SEF
			Reviewed on: 7/27/2016
			Updates:
			Recommendation:
			File 13B- George

See petition for details.

Petitioner: Terrance Bryant (pro per)

Guardian: Daynna Lynnette Wood (pro per)

Petition for Termination of Guardianship

	TERRANCE BRYANT , father, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 6/20/16. Minute order states anything filed needs to be by 7/15/16. As of 7/26/16 the following issues remain:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing on: <ol style="list-style-type: none"> a. Sabrina Frith (mother) b. Terrance Bryant (paternal grandfather) Shantel Standifer (paternal grandmother) c. Tracy Jones (maternal grandmother)
	DAYNNA WOOD , non-relative, was appointed guardian on 1/26/16. – present in court on 6/20/16.	
	Please see petition for details.	
Cont. from 050916, 062016	Court Investigator Report filed on 4/25/16.	
<input type="checkbox"/> Aff.Sub.Wit.	Declaration of Daynna Wood Filed on 6/16/16.	
<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 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 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 type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: KT
		Reviewed on: 7/25/16
		Updates:
		Recommendation:
		File 14- Bryant

Petition for Final Distribution to Sole Distributee on Waiver of Accounting, Waiver of Statutory Executor Commission; and for Allowance of Statutory Compensation to Attorneys and Extraordinary Compensation to Attorneys

DOD: 5/15/15	SANDY DUANE QUEEN , Executor with Full IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Note: The petition proposed that distribution be allocated to a subtrust; however, Examiner noted that the will does not make such allocation. Therefore, a revised proposed order was submitted for distribution to the trust pursuant to the will. Notes cleared.
	Accounting is waived.	
Cont. from	I&A: \$1,313,219.58 POH: \$522,572.92 (cash)	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input checked="" type="checkbox"/> Inventory	Executor (Statutory): Waived	
<input checked="" type="checkbox"/> PTC		
<input checked="" type="checkbox"/> Not.Cred.	Attorney: \$13,818.67 (less than statutory, based on negotiated fee bas of \$540,933.51 rather than I&A value of \$1,313,219.58, due to assets inventoried that never should have been transferred to the decedent)	
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	Attorney (Extraordinary): \$4,334.75 (for in connection with the litigation in Contra Costa County re assets inventoried in this estate that never should have been transferred to the decedent)	
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters 10/20/15		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt	Costs: \$76.50 (certified copies)	
<input type="checkbox"/> CI Report	Closing: \$1,000.00	
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order	Petitioner requests distribution pursuant to the decedent's will as follows:	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt	Sandy Duane Queen, Successor Trustee of the Sid and Gwen Lehman Living Trust dated 7/5/12: \$503,333.00	
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input checked="" type="checkbox"/> FTB Notice		
		Reviewed by: skc
		Reviewed on: 7/26/16
		Updates: 7/27/16
		Recommendation:
		File 15- Lehman

Status RE: Receipt for Blocked Account

	<p>AMALIA ALVAREZ, 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>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> <p>Letters issued 6/21/16.</p> <p>Note: Minute Order 4/4/16 states: 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>Declaration of Petitioner Amalia Alvarez in Support of Request for Monthly Support Payable from Minor’s Estate Funds; Costs and Expense Reimbursement for Petitioner; Attorney’s Fees and Cost Reimbursement for Attorney was filed 7/28/16.</p> <p style="text-align: center;"><u>SEE PAGE 2</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Receipt filed 7/26/16 reflects \$340,005.00 was deposited to a blocked account at EECU.</p> <p>I&A filed concurrently reflects this amount as well.</p> <p>However, the balance is over the FDIC limit of \$250,000.00 (see Probate Code §2453 re insured account).</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>Therefore:</p> <p>a. Need clarification re the deposit amount; and</p> <p>b. Need funds broken up so accounts do not exceed insurance limits.</p> <p>2. Declaration filed 7/28/16 requests a “flat fee” of \$1,800.00 for the attorney, plus costs of \$30.00 for e-filing fees and \$52.00 for cert. death certificate.</p> <p>Per Local Rule 7.16, the Court will allow a flat fee for services upon settling the first account; otherwise, itemization is required pursuant to Cal. Rules of Court 7.750-7.752.</p> <p>3. The Court may disallow reimbursement for e-filing charges as cost of doing business.</p>
Cont. from 051616, 061316, 071816		
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		Reviewed by: skc
Status Rpt		Reviewed on: 7/25/16
UCCJEA		Updates: 7/27/16; 7/28/16
Citation		Recommendation:
FTB Notice		File 16A- Walker

Page 2

Declaration filed 7/28/16 states at the time of Kaliah's birth, she was dating and living with Kaliah's father, Michael Walker. Although Petitioner worked full time after the first few months of her birth, Mr. Walker provided the majority of financial support for the family.

Petitioner states she has another daughter, Alexis Abarca, whose biological father is alive and they share custody 50/50. Due to that timeshare, and the fact that they make approximately the same amount of money, neither pays support to the other, and they share costs equally for Alexis.

However, Mr. Walker, as the live-in male in the house, had taken seriously the duties of Alexis' father in all ways, including her financial support. He worked full time and brought in a monthly average of between \$4,000-\$5,000 per months, which he used to support the family.

Mr. Walker died in a motor vehicle accident on 7/25/14, and Petitioner has attempted to support herself and the girls on her salary alone of approx. \$2,440 per month. She also receives a monthly stipend of \$1,049.00 per month from Social Security on Kaliah's behalf for her deceased father.

Petitioner filed an Income and Expense declaration on 5/10/16 showing her expenses are approx.. \$3,484.00 per month. After taxes from her gross pay, the net and social security barely allow her to support the girls, especially as they are growing and need clothing, school supplies, extracurricular activities, medical assistance, etc.

Petitioner states she realizes that the monies received on behalf of Kaliah in her minor's account are from the proceeds of Mr. Walker's accidental death policy and are for her future; however, he was too young to realize that by leaving the policy beneficiary directly in Kaliah's and Alexis' names, the funds would not be given to her to help raise them. This was not his intention as he told her many times that she didn't have to worry about raising the girls if something were to happen to him.

Since the gross amount that Michael brought in was in excess of \$4,000-\$6,000 per month, Petitioner asks the Court to award her support from Kaliah's account to assure that she is afforded the best opportunities she can afford.

They currently do not live in a very good area. Petitioner would like to move to a better school district and needs support to do that. **She is asking for \$2,000.00 per month from Kaliah's funds to assist with her support.**

Petitioner also requests reimbursement of the filing fee of \$435.00, which she paid from her own funds.

Petitioner states her attorney, Linda Durost, has prepared documents to initiate this guardianship and has been kind enough to charge a minimal charge of **\$1,800.00 as a flat fee**, plus **\$30.00 for Odyssey** filing fees and **\$52.00 for certified copies** of the father's death certificate. Petitioner requests to pay the attorney's fees and costs.

Status RE: Receipt for Blocked Account

	<p>AMALIA ALVAREZ, 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>NEEDS/PROBLEMS/COMMENTS:</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>4. Receipt filed 7/26/16 reflects \$85,000.00 was deposited to a blocked account at EECU.</p>
<p>Aff.Sub.Wit.</p>		<p>I&A filed concurrently reflects this amount as well.</p>
<p>Verified</p>		<p>However, Petitioner originally estimated that the minor was to receive at \$96,000.00.</p>
<p>Inventory</p>	<p>Per Minute Order 6/13/16, funds must be deposited in a blocked account.</p>	<p>The Court may require clarification regarding the amount deposited.</p>
<p>PTC</p>	<p>The Court does not order bond at this time. Letters may issue.</p>	
<p>Not.Cred.</p>	<p>Letters issued 6/21/16.</p>	<p>5. Declaration filed 7/28/16 requests a flat fee of \$1,800.00 for the attorney.</p>
<p>Notice of Hrg</p>	<p>Note: Minute Order 4/4/16 states: The Court orders that the funds be placed into a blocked account upon receipt.</p>	<p>Per Local Rule 7.16, the Court will allow a flat fee for services upon settling the first account; otherwise, itemization is required pursuant to Cal. Rules of Court 7.750-7.752.</p>
<p>Aff.Mail</p>		
<p>Aff.Pub.</p>		
<p>Sp.Ntc.</p>		
<p>Pers.Serv.</p>		
<p>Conf. Screen</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>Declaration of Petitioner Amalia Alvarez in Support of Request for Monthly Support Payable from Minor's Estate Funds; Costs and Expense Reimbursement for Petitioner; Attorney's Fees and Cost Reimbursement for Attorney was filed 7/28/16.</p>	<p>Reviewed by: skc</p>
<p>Status Rpt</p>		<p>Reviewed on: 7/25/16</p>
<p>UCCJEA</p>		<p>Updates: 7/27/16</p>
<p>Citation</p>		<p>Recommendation:</p>
<p>FTB Notice</p>		<p>File 17A- Abarca</p>
	<p style="text-align: center;">SEE PAGE 2</p>	

Page 2

Declaration filed 7/28/16 states she shares 50/50 custody of Alexis with Alexis's father, Octavio Abarca. Because they make approx. the same wages and share custody, neither pays support to the other. They do their best to share expenses, but sometimes Petitioner ends up paying more than he does.

Petitioner has another daughter, Kaliah Walker, whose father is deceased. Mr. Walker was the live-in male in the house and had taken seriously the duties of Alexis' father in all ways, including her financial support. He worked full time and brought in a monthly average of \$4,000-\$6,000 per month, which he used to support the entire family. The funds in Alexis' minor's account were proceeds from an accidental death policy that Mr. Walker carried on himself in case of disability or death.

Mr. Walker died in a motor vehicle accident on 7/25/14, and Petitioner has attempted to support herself and the girls on her salary alone of approx. \$2,440 per month gross.

Petitioner filed an Income and Expense declaration on 5/10/16 showing her expenses are approx.. \$3,484.00 per month. After taxes from her gross pay, the net and social security barely allow her to support the girls, especially as they are growing and need clothing, school supplies, extracurricular activities, medical assistance, etc.

Petitioner states she realizes that the monies received on behalf of Alexis in her minor's account are from the proceeds of Mr. Walker's accidental death policy and are for her future. However, she believes it was Michael's intent that she would receive the funds to help raise them. He told her many times that she would not have to worry about raising the girls if something were to happen to him. She doesn't think he really understood that the effect of the beneficiary designation forms for his insurance would be distributed in the manner that they are.

Since the gross amount that Michael brought in was in excess of \$4,000-\$6,000 per month, Petitioner asks the Court to award her support from Alexis' account to assure that she is afforded the best opportunities she can afford.

They currently do not live in a very good area. Petitioner would like to move to a better school district and needs support to do that. **She is asking for \$500.00 per month from Alexis' funds to assist with her support.**

Petitioner also requests reimbursement of the filing fee of \$435.00, which she paid from her own funds.

Petitioner states her attorney, Linda Durost, has prepared documents to initiate this guardianship and has been kind enough to charge a minimal charge of **\$1,800.00 as a flat fee**. Petitioner requests to pay the attorney's fee.

Petition for Appointment of Probate Conservator of the Person

	See petition for details.		NEEDS/PROBLEMS/COMMENTS: 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

DOD: 12/14/12	JODI SWAIN GALLAGHER , Daughter, is Petitioner and requests appointment as Administrator with Limited IAEA without bond, all funds to be placed into a blocked account.	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>Minute Order 6/20/16: Objections need to be filed by 7/15/16.</p> <p>Note: As of 7/28/16, no objections have been filed.</p> <p>The following issues remain noted re the petition:</p> <p style="text-align: center;"><u>SEE PAGE 2</u></p>
Cont. from 062016	Petitioner is a resident of Las Vegas, NV.	
<input type="checkbox"/> Aff.Sub.Wit.	Limited IAEA – ok	
<input checked="" type="checkbox"/> Verified	Decedent died intestate	
<input type="checkbox"/> Inventory	Residence: Clovis	
<input type="checkbox"/> PTC	Publication: Business Journal	
<input type="checkbox"/> Not.Cred.	Estimated value of estate:	
<input checked="" type="checkbox"/> Notice of Hrg	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"/> Aff.Mail	Probate Referee: Rick Smith	
<input checked="" type="checkbox"/> Aff.Pub.	Petitioner states 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"/> Sp.Ntc.	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"/> Pers.Serv.	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"/> Conf. Screen	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"/> 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: 7/28/16
Recommendation:
File 19- Swain

Page 2

1. 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.
2. It is unclear from the description in the petition and in the supplement whether the estate is expected to receive and consist of real property or cash or other assets. Need clarification.
3. Petitioner is a resident of Las Vegas, NV. 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.
4. 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

20 Jasiahy Byars, Joshua Byars (GUARD/P) Case No. 16CEPR00571

Petitioner Attaway, Jasmine Marie (Pro Per – Aunt)

Petition for Appointment of Guardian of the Person

Jasiahy Age: 6	<p align="center">NO TEMPORARY REQUESTED</p> <p>JASMINE MARIE ATTAWAY, maternal aunt, is petitioner.</p> <p align="center"><u>Please see petition for details</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Need Notice of Hearing. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> Joshua Byars (Father) Porcha Thomas (Mother) Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> Paternal Grandfather (Not Listed) Regina Byars (Paternal Grandmother) Le Dree Attaway (Maternal Grandmother) UCCJEA is incomplete. Need minors' residence information for the past 5 years. Page #5 of the Guardianship Petition – Child Information Attachment (GC 210(CA)) which pertains to whether the child has Native American Ancestry indicates at #8a that inquiry is not necessary as this petition is a guardianship of the estate only. Petition does not request guardianship of the estate therefore need declaration with page #5 attached which addresses if the child has any known Indian ancestry. 	
Joshua Age: 3			
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 type="checkbox"/> Notice of Hrg			x
<input type="checkbox"/> Aff.Mail			x
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			x
<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			
<input type="checkbox"/> CI Report	x		
<input type="checkbox"/> 9202			
<input type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input checked="" type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
		Reviewed by: LV	
		Reviewed on: 07/26/2016	
		Updates: 07/28/2016	
		Recommendation:	
		File 20- Byars	

Petition for Order Establishing Special Needs Trust; and for Attorney Fees

		<p>ISABELLA JULIET MADRID, a minor, by and through her attorney, SCOTT A VAN WAGENEN, is petitioner.</p> <p>Petitioner seeks an order under Probate Code §§ 3600 – 3613 to establish a Special Needs Trust (SNT) with ISABELLA JULIET MADRID (ISABELLA) as the proposed beneficiary. The SNT will be funded with the proceeds of a litigation settlement in Fresno County Superior Court case number 13CECG03829. ISABELLA has a disabling condition and received Medi-Cal benefits in order to meet her needs. Because these public benefits are “needs-based,” outright distribution of assets to ISABELLA will result in her losing eligibility for vital public benefits, unless the assets are directed to an SNT. Petitioner also seeks an order authorizing payment for attorney’s fees for his attorney in counseling the client, preparing the trust, preparing this petition and other related services.</p> <p>This court’s intervention is required to establish a SNT for the minor because she cannot, by herself, create an SNT that complies with the law. The court is one of the entities that is allowed under 42 United States §1396p(d)(4)(A) to establish an SNT.</p> <p>In addition to the federal requirements, California’s procedure for managing litigation settlement proceeds of a minor is described in Probate Code §§3600-3613.</p> <p>The proposed SNT is required to and does comply with California Rules of Court 7.903(c).</p> <p>The proposed SNT meets the Superior Court of Fresno County Local Rule 7.19.</p> <p style="text-align: center;">Please see additional page</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Proposed bond is insufficient. Pursuant to CRC 7.903(c)(5) and Probate Code §2320, bond should be set at \$396,550.00. Article Seven, Section 7.05 allows the trustee to purchase and maintain real estate as an asset of the trust. However, Local Rule 7.19B requires advance approval of any sale or purchases of real property. Need consent of H.F. Rick Leas to act as Trustee. <p>Note: If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> Wednesday, September 21, 2016 at 9:00 a.m. in Department 303, for the filing of the bond. Wednesday, November 1, 2017 at 9:00 a.m. in Department 303, for the filing of the first account. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p> <p>Reviewed by: KT</p> <p>Reviewed on: 7/26/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 21- Madrid</p>
Cont. from			
	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		

Petitioner proposes that H.F. RICK LEAS and Central Valley Fiduciary Services, Inc. be named the initial Trustee, of the ISABELLA JULIET MADRID SPECIAL NEEDS TRUST. H.F. RICK LEAS is a private professional fiduciary who has over five years experience administering SNTs.

Petitioner requires an order that the trustee post bond.

The Medi-Cal lien will be paid before the SNT is funded.

Petitioner requests authorization to pay his attorney in the sum of \$2,010.00 for 6.70 hours at \$300.00 per hour and for costs of \$200.00 for the filing fee.

Wherefore, Petitioner prays for an order:

1. That all notices have been given as required by law;
2. That the Court establish the ISABELLA JULIET MADRID SPECIAL NEEDS TRUST, the Petitioner, by and through her attorney, Scott A. Van Wagenen, is directed to execute it and the Court has continuing jurisdiction over the ISABELLA JULIET MADRID SPCIAL NEEDS TRUST;
3. That H. F. RICK LEAS and CENTRAL VALLEY FIDUCIARY SERVICES, INC. shall serve as the initial Trustee of the ISABELLA JULIET MADRID SPECIAL NEEDS TRUST, **with bond set in the amount of \$360,500.00**;
4. That Petitioner, ISABELLA JULIET MADRID, has a disability that substantially impairs her ability to provide for her own care and custody, and constitutes a substantial handicap;
5. That Petitioner, ISABELLA JULIET MADRID, is likely to have special needs that will not be met without the trust;
6. That money to be paid to the trust does not exceed the amount that appears reasonably necessary to meet ISABELLA JULIET MADRID'S special needs;
7. That the payment of all monies due plaintiff in the lawsuit, ISABELLA JULIET MADRID, by and through her Guardian ad Litem in Madrid v. Adventist Medical Center-Reedley, et al., shall be paid to the Trustee of the Special Needs Trust after payment of the personal injury Medi-Cal lien;
8. That nay proceeds of the judgment/settlement award received by plaintiff's attorney before the hearing of this petition and deposited in attorney's attorney/client trust account shall not be considered received by ISABELLA JULIET MADRID for public benefit eligibility purposes;
9. That the assets of the trust estate are unavailable to the beneficiary and shall not constitute a resource to ISABELLA JULIET MADRID for ISABELLA JULIET MADRID'S financial eligibility for Medi-Cal, SSI, regional center assistance, or any other program of public benefits;
10. That the Trustee provide the Court with a biennial account and report of the Special Needs Trust, beginning with the period 1 year after the date the Court approves the establishment of the trust and every two years thereafter;
11. **That the Court approve and direct the payment of \$2,010.00 to J. Stanley Teixeira**, for his legal services rendered to Petitioner and reimbursement to J. Stanley Teixeira of his **out of pocket expenses of \$200.00**; and
12. For such other and further orders be issued by the Court as it may deem just and proper.

DOD: 12/26/2015		HAROLD WOLF , friend/named executor without bond, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Monday, 01/09/2017 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Monday, 10/02/2017 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>
		Full IAEA – o.k.	
Cont. from		Will dated: 06/18/1997	
<input type="checkbox"/>	Aff.Sub.Wit.	s/p 1 st Codicil: 05/03/2006	
<input checked="" type="checkbox"/>	Verified	2 nd Codicil: 12/11/2015	
<input type="checkbox"/>	Inventory	Residence: Fresno	
<input type="checkbox"/>	PTC	Publication: The Business Journal	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Estimated value of the Estate:	
<input checked="" type="checkbox"/>	Aff.Mail	w/ Personal property - \$85,652.64	
<input checked="" type="checkbox"/>	Aff.Pub.	Real property - \$100,000.00	
<input type="checkbox"/>	Sp.Ntc.	Total - \$185,652.64	
<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: 07/26/2016	
		Updates: 07/29/2016	
		Recommendation: Submitted	
		File 22- Schindler	

DOD: 04/23/2016		<p>CYNTHIA MCTAGGART, and MICHAEL HELBERT, children are petitioners and request appointment as Co-Administrators without bond.</p> <p>All heirs nominate petitioners and waive bond.</p> <p>Full IAEA – o.k.</p> <p>Decedent died intestate</p> <p>Residence: Fresno Publication: The Business Journal</p> <p>Estimated value of the Estate:</p> <table> <tr> <td>Personal Property</td> <td>-</td> <td>\$40,000.00</td> </tr> <tr> <td>Real property</td> <td>-</td> <td>\$240,000.00</td> </tr> <tr> <td>Total</td> <td>-</td> <td>\$280,000.00</td> </tr> </table> <p>Probate Referee: Steven Diebert</p>	Personal Property	-	\$40,000.00	Real property	-	\$240,000.00	Total	-	\$280,000.00	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Monday, 01/09/2017 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Monday, 10/02/2017 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>
Personal Property	-		\$40,000.00									
Real property	-		\$240,000.00									
Total	-		\$280,000.00									
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/o										
<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											
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<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: LV</p> <p>Reviewed on: 07/27/2016</p> <p>Updates:</p> <p>Recommendation: Submitted</p> <p>File 23- Helbert</p>										

24 Elijah Mendoza, Gabbana Mendoza, Danny Mendoza (GUARD/P)
Case No. 16CEPR00702

Petitioner: Elaine Martinez (pro per)
 Petitioner: Evette Amparano (pro per)

Petition for Appointment of Temporary Guardian of the Person

	<u>GENERAL HEARING 9/6/16</u>		NEEDS/PROBLEMS/COMMENTS:
	<u>Temporary Expires 8/1/16</u>		
	ELAINE MARTINEZ , maternal great aunt and EVETTE AMPARANO , maternal grandmother, are petitioners.		1. Need Notice of Hearing. (Proof of service on the father shows he was served with a Notice of Hearing and a copy of the temporary petition however the Notice of Hearing has not been filed therefore examiner cannot verify he was served with the correct hearing date.)
	Cont. from 071816		
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W/	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT
			Reviewed on: 7/26/16
			Updates:
			Recommendation:
			File 24- Mendoza

Petition for Appointment of Temporary Guardian of the Person

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: 1. Need Child Information Attachment GC-210(CA), which contains mandatory information regarding the minor, including list of relatives entitled to notice, information re ICWA, etc. 2. Need Notice of Hearing. 3. Need proof of personal service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing per Probate Code §2250(e) on: - Lee Seng Thao (Father) - Xee Moua (Mother)											
Cont. from														
	Aff.Sub.Wit.													
✓	Verified													
	Inventory													
	PTC													
	Not.Cred.													
	Notice of Hrg			X										
	Aff.Mail													
	Aff.Pub.													
	Sp.Ntc.													
	Pers.Serv.			X										
✓	Conf. Screen													
	Letters													
✓	Duties/Supp													
	Objections													
	Video Receipt													
	CI Report													
	9202													
	Order													
	Aff. Posting													
	Status Rpt													
✓	UCCJEA													
	Citation													
	FTB Notice													
<table border="1"> <tr> <td>Reviewed by:</td> <td>skc</td> </tr> <tr> <td>Reviewed on:</td> <td>7/26/16</td> </tr> <tr> <td>Updates:</td> <td></td> </tr> <tr> <td>Recommendation:</td> <td></td> </tr> <tr> <td>File</td> <td>25- Thao</td> </tr> </table>				Reviewed by:	skc	Reviewed on:	7/26/16	Updates:		Recommendation:		File	25- Thao	
Reviewed by:	skc													
Reviewed on:	7/26/16													
Updates:														
Recommendation:														
File	25- Thao													