



Tuesday, August 2, 2016

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

15 15CEPR01041 Cheryl Ann Edwards (Estate)

The following case has been taken off calendar:

10 13CEPR00789 David J. St. Louis (2468)

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

Dept. 303, 9:00 a.m. Tuesday, August 2, 2016

Attorney: Jeffrey D. Simonian (for Petitioner/Special Administrator Hrant George)

**First and Final Report of Special Administrator of Status of Administration;
Waiver of Accounting; and Petition for Allowance of Statutory Attorneys'
Compensation; and for Final Distribution.**

DOD: 10/8/04		<p>HRANT L. GEORGE, Special Administrator, is petitioner.</p> <p>Leon Y. George and Armen L. George were appointed co-Administrators on 1/25/15. Leon Y. George died on 4/10/15. Armen L. George was removed on 11/30/15.</p> <p>I & A - \$301,457.66 POH - \$179,793.93</p> <p>Administrator - waives</p> <p>Attorney - \$9,024.58</p> <p>Distribution, pursuant to intestate succession is to:</p> <p>Louise K. George - \$701.56, ½ of the stocks and securities, ½ interest in household, furniture, furnishings and personal effects and ½ interest in real property.</p> <p>Armen L. George, as personal representative of the Estate of Leon K. George - \$701.56, ½ of the stocks and securities, ½ interest in household, furniture, furnishings and personal effects and ½ interest in real property.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 6/21/16. Minute order states this potentially will be the last continuance to be granted. As of 7/27/16 the following issues remain:</p> <ol style="list-style-type: none"> 1. Need Allowance or Rejection of Creditor's Claim for the following claims: <ol style="list-style-type: none"> a. Franchise Tax Board- \$11,714.20 2. Schedule A – Sales of Assets does not include the sales price of the assets sold. Probate Code §10800 requires any loss on sales to be included in the determination of the statutory fee base therefore the amount the asset was sold for should be included in the Sales of Assets schedule. 3. Petition states between 10/28/04 and 12/31/15 certain securities were sold by E*Trade Securities and the proceeds were applied to satisfy a margin loan secured by said assets. The assets sold include 22,573 shares of Nortel Network Common Stock valued at \$75,168.09 and 19,072 s/hares of Valence Technologies valued at \$63,223.68. Court may require more information regarding said margin loan. <p style="text-align: center;">Please see additional page</p>
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<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
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<input type="checkbox"/>	FTB Notice N/A		
		<p>Reviewed by: KT</p> <p>Reviewed on: 7/27/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1- George</p>	

4. Proposed distribution appears incorrect. The proposed distribution does not appear have accounted for the attorney fees (distribution includes 100% of the assets on hand). In addition, property on hand shows 227.391 shares of Berkshire Focus Fund; however; distributes 256.40 shares (128.197 to each beneficiary).

Ex Parte Application for Order to Deposit Money into a Blocked Account

DOD: 11/27/05	ANITA CHOPERENA, Administrator, is Petitioner.		NEEDS/PROBLEMS/COMMENTS: Note: This Application was filed ex parte but is trailing the Amended Second and Final Account at Page B.
	<p>Petitioner states the sole heirs of the estate are the decedent's two sons, Antonio, now an adult, and Peter, a minor. Both live with their mother, Rosario Catalan.</p> <p>Petitioner states Ms. Catalan has refused to appear before this Court. There have been attempts to solicit her involvement by the Administrator and her attorney. The most recent effort is to involve Ms. Catalan in the process of determining if the funds for her minor son Peter shall be deposited into a blocked account.</p> <p>Probate Code §3600 authorizes blocked account; therefore, Petitioner requests the Court issue an ex parte order that distribution of assets may be to a blocked account for minor heir Peter Choperena.</p> <p>Attached declaration states on or about 3/19/16, Petitioner went to the home of Rosario Catalan and knocked, but no one answered. She called from her cell phone and left a voice mail message that she was there to discuss the estate. Ms. Catalan came to the door, but refused to discuss. She said that by paying the promissory note which the estate owed to her, that she had "robbed" her children of their inheritance, and said that Ms. Choperena should have been satisfied with what her son had left her.</p> <p>Petitioner states she attempted to explain the debts against the estate, but Ms. Catalan did not seem to care. She implied that Ms. Choperena had taken over everything and had not let her take over the estate. She ended the conversation and would not discuss distribution and did not want Ms. Choperena to communicate with her grandsons, the heirs.</p> <p>Petitioner states Ms. Catalan has not appeared at any hearings. She did see her at the courthouse, but did not see her in the courtroom. At present, she has no reason to believe that Ms. Catalan wishes to or has the ability to manage the assets that are to be distributed to Peter. As such, Petitioner feels the money should be deposited into a blocked account.</p>		
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Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: skc
			Reviewed on: 7/26/16
			Updates:
			Recommendation:
			File 2A- Choperena

Petitioner states all investments were authorized and proper investments under the laws of the State of California and were made, retained, and charged as set forth in this account for the best interests of the estate and all persons interested therein. Petitioner has kept all cash in the estate checking account.

The inventoried items in Schedule E were stolen on or about 6/3/11; loss not covered by insurance.

Independent actions taken without notice of proposed action:

- a) Administrator has managed the almond orchard in the decedent's estate in the form of paying bills and receiving income into the estate checking account.
- b) On or about 2/16/16, Petitioner sold the real property for \$875,000.00, for a net to the estate of \$365,950.08. (Order Confirming Sale entered 2/8/16.)
- c) On or about 7/8/16, because of the dilapidated condition of the John Deere Drill, Petitioner purchased the drill for the sum of \$1,500.00.

The following creditor's claim was properly filed, allowed, and paid:

- 1) Date filed: 6/20/06
Amount claimed: \$150,000.00 plus accrued interest
Amount paid: \$454,066.45 (paid on 2/16/16 – see Order 5/11/15.)

Petitioner states the estate is in a condition to be closed. The residue consists of \$598,158.22 cash held in Chase Premier Platinum Checking Account, misc. furnishings valued at \$1,000, and a tractor that will be sold as scrap metal.

Petitioner requests distribution as follows:

- **Antonio E. Choperena: 50% (\$280,538.13)**
- **Peter Choperena, a minor: 50% (\$280,538.13), to be deposited into two separate blocked accounts at Chase Bank and Wells Fargo Bank, subject to withdrawal only by court order.**

SEE ADDITIONAL PAGES

Petitioner requests this Court to order:

1. The First Amended Second and Final Account of Petitioner as Administrator be settled, allowed, and approved as filed;
2. All reported acts and proceedings of Petitioner as Administrator as set forth in this petition be confirmed and approved;
3. Petitioner has waived all rights to compensation for ordinary services rendered in administering the estate;
4. Petitioner be authorized and directed to pay to Brian T. Austin, the initiating attorney of the estate, \$2,073.28 as compensation for attorney's fees in this matter;
5. Petitioner be authorized and directed to pay to Linneman Law, LLP, \$27,309.50 as compensation for ordinary services to Petitioner and to estate, and the sum of \$2,699.18 for costs advanced;
6. Petitioner be authorized to retain \$2,500 for closing expenses as a contingent reserve, plus \$2,500 for final tax liabilities, for a total of \$5,000 to be withheld for the estate, and to deliver the unused to the beneficiaries without further court order;
7. Distribution of the estate in Petitioner's hands and any other property of the decedent or the estate not now known or discovered that may belong to the estate or in which the decedent or the estate may have had any interest be made to the persons entitled to it as set forth in this petition;
8. That the estate be distributed in accordance with California laws of intestate succession to the decedent's heirs as follows:
 - a. to Antonio E. Choperena, cash of \$280,538.13, plus accrued interest, and ½ personal property;
 - b. to Peter Choperena, a minor, cash of \$280,538.13, plus accrued interest, to be deposited into two separate blocked accounts, Chase Bank and Wells Fargo Bank, subject to withdrawal only by order of the court; and ½ personal property
9. On filing the receipts, petitioner be discharged and released from all liability to be incurred hereafter; and that
10. Such further orders be made as the Court considers proper.

Probate Status Hearing RE: Next Account

	JEFFREY H. DALE , Spouse, is Successor Conservator of the Estate with bond of \$340,000.00.	NEEDS/PROBLEMS/COMMENTS:
	Conservator's Third Account covering five separate account periods from 1/12/10 through 6/30/14 was settled on 2/4/15.	
Cont. from 093015, 111015, 011216, 041916	At the hearing on 2/4/15, the Court set this status hearing for the filing of the next account.	Minute Order 4/19/16: Mr. Marshal represent that there are zero assets in the estate. The Court orders that the conservator is to file a verified accounting no later than 15 days prior to the 8/2/16 hearing.
Aff.Sub.Wit.		As of 7/26/16, nothing further has been filed in this conservatorship estate.
Verified		1. Need Fourth Account or written status report pursuant to Local Rule 7.5.
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
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Letters		
Duties/Supp		
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		Reviewed by: skc
		Reviewed on: 7/26/16
		Updates:
		Recommendation:
		File 3 – Dale

Sixth Account and Report of Conservator and Petition for Its Settlement

		TIM COLLINS , father/conservator, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need itemization of the \$500 per month for conservator fees per minute order dated 9/15/15.</p> <p>Note: If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> Wednesday, July 11, 2018 at 9:00 a.m. in Department 303, for the filing of the seventh 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>
		Account period: 4/16/15 – 4/23/16	
Cont. from		Accounting - \$148,225.44	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH- \$129,453.19	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$126,831.98	
<input type="checkbox"/>	Inventory	Conservator - allowed	
<input type="checkbox"/>	PTC	\$500.00 per month per court order dated 4/13/13.	
<input type="checkbox"/>	Not.Cred.	Current bond- \$61,000.00	
<input checked="" type="checkbox"/>	Notice of Hrg	(sufficient)	
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<input type="checkbox"/>	Aff.Pub.	Petitioner prays for an Order:	
<input type="checkbox"/>	Sp.Ntc.	1. Settling and allowing the sixth account and report;	
<input type="checkbox"/>	Pers.Serv.	2. Approving and confirming the acts of the petitioner as Conservator of the person and estate of Michael Collins.	
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		Reviewed by: KT	
		Reviewed on: 7/27/16	
		Updates: 7/29/16	
		Recommendation:	
		File 4- Collins	

Probate Status Hearing RE: Petition Filed 4/6/11

DOD: 5-21-08	<p>DEBBIE DUEHNING, as Guardian ad Litem for GEORGE MCLAIN, IV, filed the following petitions:</p> <ul style="list-style-type: none"> • Petition for Order Compelling Trustee to Make Distribution to Trust Beneficiary; for Imposition of a Constructive Trust; and for an Accounting (filed 4/6/11) • Petition to Review Reasonableness of Trustees Compensation, Reasonableness of Attorney's Fees and Costs; for an Accounting and for Removal of the Trustee (filed 8/25/11) <p>On 2/13/15, JEFF DALE, Successor Trustee, filed a Motion to Dismiss various petitions.</p> <p>On 3/30/15, DEBBIE DUEHNING filed a Motion to Amend Petition.</p> <p>Pursuant to the Court's Order on 1) Motion to Dismiss; and 2) Motion for Leave to Amend Petition entered 9/29/15, Mr. Dale's Motion to Dismiss was denied, and Ms. Duehning's Motion for Leave to Amend was granted, and Ms. Duehning was ordered to file and serve her amended petition.</p> <p>The Order also set status hearings re the 4/6/11 Petition (This Page A) and the 8/25/11 Petition, which was set for trial on 8/23/16. (See Minute Orders of 4/19/16 and Order on Stipulation to Continue Trial entered 6/2/16.)</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: The following matters were heard on 4/19/16: A - Status RE Ptn filed 4/6/11 B - Status RE Ptn filed 8/25/11 C - Conservator's 2nd Amended Ptn</p> <p>This matter (RE Ptn filed 4/6/11) and the 2nd Amended Ptn were both continued to 8/2/16. See Page B.</p> <p><u>The matter RE Ptn filed 8/25/11 was set for trial (8/23/16 per stip).</u></p> <p>An additional matter (motion to disqualify counsel) was denied per Order entered 7/7/16</p> <p>Note: On 7/20/16, Jeff Dale, Gordon Panzak, Dalpar Investments, and Dalpar Investments LLC filed a <u>Motion to Dismiss for Failure to Prosecute</u>, which is set for hearing on 9/1/16.</p> <p>Note: Per Minute Order 1/12/16, this matter and the similar status hearing re the petition filed 8/25/11 were trailing a Demurrer and Motion to Strike, which were under advisement. Order was entered 3/30/16. See order for details.</p>
Cont'd from 111015, 011216, 041916		
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FTB Notice		
	Reviewed by: skc	
	Reviewed on: 7/26/16	
	Updates:	
	Recommendation:	
	File 5A - McClain	

Dept. 303, 9:00 a.m. Tuesday, August 2, 2016

Status Report filed 7/26/16 by Attorney Jared Marshall states: Pursuant to stipulation, the Court entered an order on 6/2/16 continuing the trial date on Petitioner's Petition to Review Reasonableness of Trustees Compensation, Reasonableness of Attorney's Fees and Costs, for Accounting, and for Removal of Trustee (the 8/25/11 Petition), and postponing further discovery so that the parties could attempt to negotiate a settlement. Despite several offers and counter offers, the parties were unable to resolve the dispute.

The parties have resumed written discovery in connection with the 8/25/11 petition and the Second Amended Petition for Orders originally filed 4/6/11. As of filing, all discovery responses have been timely and forthcoming.

On 7/7/16, this Court denied a motion filed by Petitioner to disqualify Respondents' counsel.

On 7/20/16, Respondents filed a motion to dismiss Respondent Jeffrey Dale, in his individual and representative capacities, from the 4/6/11 petition. The motion will not affect the 8/25/11 petition.

Respondents are currently preparing to go forward with trial on the 8/25/11 petition on 8/23/16 at 8:30 in Dept. 303.

Discovery on the 4/6/11 petition is ongoing.

5B In Re the Trust of Elaine A Mclain (Trust) Case No. 11CEPR00028

Attorney Freed, William J. (of Oceanside, CA, for Petitioner Debbie Duehning – Conservator of George McLain, IV – Beneficiary)

Attorney Marshall, Jared C. (for Objectors Jeffrey Dale, Gordon Panzak, and Dalpar Investments, LLC)

Conservator's Second Amended Petition for Orders: 1) Compelling Trustee to Make Distribution to Trust Beneficiary; 2) For Damages for Breach of Trust/Fiduciary Duties; 3) For Damages for Fraud/Concealment; 4) for Recovery of Trust Property/Quiet Title; 5) For Recovery of Trust Assets; 6) Compelling Trustee to Perform and Accounting; 7) for Removal of Trustee; 8) for Cancellation of Deeds

		<p>DEBBIE DUEHNING, Conservator of the Person and Estate of GEORGE MCLAIN IV, beneficiary, is Petitioner.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> On 4/19/16, the Court set trial in the matter titled Status RE Ptn filed 8/25/11. Per stipulation, trial was continued to 8/23/16.</p> <p><u>Note:</u> On 7/20/16, Jeff Dale, Gordon Panzak, Dalpar Investments, and Dalpar Investments LLC filed a <u>Motion to Dismiss for Failure to Prosecute</u>, which is set for hearing on 9/1/16.</p> <p><u>Note:</u> This petition is titled:</p> <p>Debbie Duehning, Conservator for George McLain, IV, Petitioner,</p> <p>v.</p> <p>Jeffrey Dale, as Trustee of the Elaine A. McLain Trust dated 3/19/96; Jeffrey Dale as Conservator of Michele L. Dale; Jeffrey Dale, an individual; Gordon Panzak, an individual; Dalpar Investments, an unknown entity; Dalpar Investments, LLC, a California limited liability company, and DOES 1-40, inclusive, Respondents.</p> <p><u>Examiner's Note:</u> Although Petitioner references Probate Code §§ 850 and 17200 in the title, it does not appear that much of the relief requested herein necessarily falls under the Probate Code.</p>
Cont'd from 111815, 011216, 041916			
<input type="checkbox"/>	Aff.Sub.Wit.	<p>Petitioner states: Respondent JEFFREY DALE (DALE) is currently the Conservator of the Person and Estate of MICHELE L. DALE (MICHELE) and has been so since approx. March of 2009. This conservatorship is managed in Fresno Superior Court Case No. 07CEPR01207. DALE is also MICHELE's husband.</p> <p>This trust was created pursuant to written declaration of trust of ELAINE A. MCLAIN (ELAINE) dated 3/19/96. Elaine died 5/26/08 and the trust is irrevocable. At her death, Elaine was a resident of the County of San Diego, CA. Administration of the trust is in Fresno County, CA. DALE is currently acting successor trustee of the trust.</p> <p>GEORGE is a beneficiary of the trust as to a one-half interest.</p> <p>At the time of its creation, the trust was the owner of real property known as 528 Dawson and 1095 Allesandro in Morro Bay, CA, and money invested in the Franklin California Tax Free Income Fund, Inc., Acct. xx1500.</p> <p><u>SEE ADDITIONAL PAGES</u></p>	
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<p>Reviewed by: skc</p> <p>Reviewed on: 7/26/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5B – Mclain</p>			

Petitioner states: Persons having an interest in the trust are as follows:

- Jeff Dale, as trustee of the trust, and as conservator of the estate of Michele Dale
- George McLain, IV, Beneficiary
- Michele Dale, Beneficiary
- Debbie Duehning, Conservator of the Person and Estate of George McLain, IV
- Gordon Panzak, Attorney for Jeff Dale and Conservator of the Person of Michele Dale
- Dalpar Investments, LLC, a California limited liability company, Jeff Dale, Agent for Service of Process)
- Gary F. Bagdasarian, Court-appointed attorney for Michele Dale

Paragraph Fourth, Section E, of the Elaine Trust, provides that "Upon the death of Trustor, the trust shall terminate and be distributed to Trustor's children, George McLain, IV, and Michele L. Dale, equally."

Despite Petitioner's repeated demand, and the duty imposed on him by the trust, Dale has failed and refused to distribute that portion of the trust to which George is entitled.

At all times a confidential relationship existed between George and Dale in that Dale was serving as trustee of the trust and George was a beneficiary. Further, Dale was aware or had reason to believe that George was suffering from a form of dementia and was unable to understand the location and nature of his assets or give informed consent to any actions of Dale in connection with trust administration.

Petitioner states **GORDON PANZAK (PANZAK)** is a licensed attorney and was formerly the conservator of the estate of Michele beginning in early 2008 and continuing until Dale took over as conservator of the estate. Panzak remained and continues to serve as conservator of the person of Michele. Panzak served as conservator when the Michele conservatorship was first established and managed property in the name of the Michele conservatorship at that time.

Petitioner is unaware of the true identity of Respondents **DOES 1-40**. When Petitioner becomes aware, Petitioner will name them in place of the Doe respondents.

Testamentary trust: On or about 7/22/91, the George M. McLain (III) Testamentary Trust was created by and through the Decree Settling Report of Administration on Waivers of Accounting filed in the Estate of George M. McLain, Fresno Superior Court Case No. 023159. The testamentary trust held half of the community property assets of George M. McLain and Elaine McLain, with the other half remaining with Elaine. George M. McLain's share of the community assets, which was placed into the testamentary trust, consisted of his one-half interest in various accounts, personal property, and real property (**528 Dawson, 1176 Morro, and 1095 Allesandro, in Morro Bay, CA**). See petition for specific list, total value \$299,454.59 at George M. McLain's date of death (8/29/90).

Elaine retained the other half of the community assets.

ELAINE was to receive the income from the testamentary trust assets, and if insufficient, the trustee could apply principal for her benefit. Upon her death, the balance was to be distributed equally to George M. McLain's issue, **GEORGE and MICHELE**.

SEE ADDITIONAL PAGES

The testamentary trust provided that George and Michele would be co-trustees; nothing was provided in the event one or both was unable to serve.

On 3/19/96, Elaine established the Elaine A. McLain Trust of 1996 (the instant trust), which originally contained as trust assets only one account and a one-half interest in only two properties in Morro Bay, CA.

George and Michele were named co-trustees of the trust, and if either were unable or unwilling to serve, Dale was the named successor co-trustee or sole trustee.

For either to be deemed unable to serve, one of the following conditions was required:

- a. One or both co-trustees resigned;
- b. A conservatorship is established over a co-trustee; or
- c. Two physicians certify incompetence.

Petitioner states Elaine moved in with Petitioner in San Diego County in 1991 when George McLain III passed away. Petitioner Debbie is the ex-wife of **GEORGE** and remained close to Elaine. Elaine lived with Petitioner for 17 years until her death in 2008.

Due to a familial genetic condition, Elaine's mental capacities were already beginning to rapidly deteriorate around the time the trust was created. Not long after, Elaine became completely unable to manage her financial affairs. Unfortunately, both George and Michele inherited the same condition and both of their mental facilities began deteriorating shortly after the time the trust was established. They were likewise unable to adequately take care of their own or anyone else's financial affairs.

Petitioner agreed that she would take care of Elaine's physical concerns, and Dale would exclusively handle Elaine's economic affairs, including those regarding the trust. Dale would also manage the testamentary trust, since George and Michele were incapable of doing so. No paperwork was created and no petitions were filed re this agreement. This agreement occurred in approx. 1996. After this, neither Petitioner nor George had access to either this trust's or the testamentary trust's financial documents, and have remained substantially in the dark as to such affairs.

1176 Morrow: Shortly before creation of this trust, George and Michele as co-trustees of the testamentary trust, sold one of the Morro Bay properties (1176 Morrow). At that time, one-half belonged to the testamentary trust and the other belonged to Elaine. Therefore, 50% of the proceeds were supposed to be placed in the testamentary trust, and 50% given to Elaine (as an individual).

SEE ADDITIONAL PAGES

528 Dawson: Dale had been managing Elaine's and the trust's financial affairs for several years and was making every economic decision. To accomplish financial transactions due to the deteriorated mental state of George and Michele, he would simply tell them what to sign, and they would do as requested, since they could not understand. George trusted Dale to act in his best interest. Dale would also go to Petitioner's house when it was necessary for Elaine to sign documents. Elaine never questioned Dale when he would tell Elaine or George to sign a document. In 2003, Dale took it upon himself to procure the sale of 528 Dawson. Dale was completely aware of both Michele's and George's inability to properly manage financial affairs due to their mental impairment. On or about 4/15/03, two (2) grant deeds to 528 Dawson were recorded. The first grantors were: Elaine and the testamentary trust trustees. The signatures were George and Michele, who each signed as co-trustees of the testamentary trust, and as POA for Elaine. Petitioner alleges that neither George nor Michele were capable of understanding this transaction at that time, and that Dale was aware of this, but nevertheless imposed his will on them to have them sign the deed.

The purchaser of 528 Dawson was **PANZAK**, an attorney, an associate of Dale, and soon to be Michele's conservator. Petitioner alleges that Panzak paid substantially less than fair market value for 528 Dawson and was fully aware of the windfall profit that he was receiving at the expense of a family afflicted with mental illness.

Immediately before receiving title to the property, but allegedly believing he was conveying good title, Panzak transferred 528 Dawson to an entity known as **DALPAR INVESTMENTS**. At the time it took title, its entity type was merely a "partnership," and its owners were unknown to Petitioner or George. Petitioner alleges that at the time of the transfer, **DALE** was one of the partners of Dalpar Investments.

Since Dale was entirely managing Elaine's assets and the trust's assets, he was serving in a fiduciary capacity to both Elaine and the beneficiaries. Further, by purporting to act on behalf of George and Michele, he took on fiduciary responsibilities for both of them as beneficiaries of the testamentary trust.

Despite not being the official trustee, beginning in 1996, Dale was acting as the trustee *de son tort* of the testamentary trust and the Elaine trust. As a fiduciary to the owners of record and trust beneficiaries of 528 Dawson, Dale had an obligation to fully disclose his interest in acquiring 528 Dawson, and also had a duty not to profit at the expense of the trusts or their beneficiaries.

Petitioner alleges that in order to secretly obtain an ownership interest without alerting Elaine, George, Michele, or Petitioner, he agreed with Panzak to have Panzak act as a "strawman" to obtain title and then transfer it to Dalpar Investments, in order to conceal the fact that Dale was receiving an ownership interest in 528 Dawson. Dale and Panzak were aware it would be improper for them to purchase at substantially less than fair market value, and neither informed the parties that Panzak was merely acting as a "strawman" to make an improper sale appear legitimate, or that Dale was part of Dalpar Investments and was obtaining an ownership interest in the property.

Petitioner only learned of this connection and concealment within the last two (2) years. Petitioner alleges that Panzak was aware that his role as the "strawman" was to aid and abet otherwise improper, unethical and voidable transaction appear to be legitimate.

SEE ADDITIONAL PAGES

Dalpar Investments: Petitioner alleges that Dalpar Investments, for whom Panzak originally purchased 528 Dawson, was originally a partnership between Dale and his brother, Jerry H. Dale. Dalpar Investments converted to and filed to be a California limited liability company on 3/24/10, with Jerry Dale being agent for service of process. Dalpar's address listed with the California Secretary of State is 1408 H Street, Fresno, CA 93721, the same address that Dale has listed for administration of the trust and for the conservatorship of Michele. It is also the same address that Panzak lists as his legal office with the State Bar of California. Petitioner alleges that Dalpar still holds title to 528 Dawson.

Petitioner states the sale of 528 Dawson to Panzak was a fiction created by Dale and Panzak so that Dale, through Dalpar Investments, could take title and conceal that fact from Elaine, George, and Michele, all of whom lacked capacity to understand the details and fairness of the sale.

Elaine Trust and Testamentary Trust assets as of January 2007: After filing her original petition in this action on 4/6/11, Petitioner became aware of financial documents re various Mainstay Investment Accounts dated 1/4/07, which indicated an account in the name of the testamentary trust, with George and Michele as co-trustees, and with an address of 365 N. Emperor Ave., which is where Dale was living at that time. As of 1/4/07, the testamentary trust's Mainstay Account had a little over \$10,000 in it.

The documents also showed two other accounts:

- a. An account titled in the name of Elaine and Michele, which Dale has since admitted that this account rightfully belonged to Elaine's trust. On 1/4/07 this account had over \$275,000 in it.
- b. An IRA for Elaine, with George and Michele as beneficiaries, with over \$60,000 on 1/4/07.

Petitioner alleges that Dale has had full control over all of the Mainstay accounts since at least 2001.

Petitioner states the testamentary trust held nearly \$300,000 in assets at its creation, mostly real property. In the present litigation, Dale has alleged that nearly all of the testamentary trust assets were depleted to provide for Elaine's support; however, Dale has never explained how much testamentary trust assets were actually used and has never provided an accounting as to the amounts transferred to Elaine's trust for her support.

Since Petitioner was personally responsible for purchasing Elaine's necessities and providing for her care from when she moved in with Petitioner in 1991 until her death, Petitioner is uniquely aware of Elaine's financial obligations. All money from Dale for Elaine's support went first to Petitioner. Petitioner alleges that Dale did not spend enough money on Elaine's support prior to her death to justify depleting the testamentary trust assets. Petitioner alleges that little of the approx. \$300,000 testamentary trust value was ever spent on Elaine's support.

Petitioner states George never received a testamentary trust distribution. Petitioner alleges that Dale removed virtually all assets from the testamentary trust and used them for purposes other than the care of Elaine.

Examiner's note: The testamentary trust is not before the court at this time.

SEE ADDITIONAL PAGES

Dept. 303, 9:00 a.m. Tuesday, August 2, 2016

Divorce: Dale filed for divorce from Michele in 2007. Following this petition, Panzak petitioned for appointment as Michele's conservator, stating that conservatorship was needed due to the pending divorce, and also because Michele's condition had left her substantially unable to manage her financial affairs. Panzak was appointed conservator of Michele's person and estate on 1/25/08.

Death of Elaine: After living with Petitioner continuously since 1991, Elaine passed away 5/26/08. Beginning in the early 2000s and continuing through the present, George also lived with Petitioner. Although Petitioner and George were previously divorced George was completely incapable of caring for himself or his financial affairs, and so Petitioner took him in to care for him. He was previously homeless, living on the streets.

Following Elaine's death, neither Petitioner nor George received George's distribution from Elaine's trust or any documentation from Dale as to status. On or about 9/12/08, Panzak updated the Court for Michele's conservatorship that Elaine had passed away. Although George was not placed under conservatorship for another three years, Panzak asserted that both Michele and George had "been placed under a conservatorship," and thus Dale was acting sole successor trustee of Elaine's trust.

Petitioner states at no point did any of the required conditions occur that would enable Dale to assume formal sole trusteeship of Elaine's trust prior to early 2012.

Also in the 9/12/08 update, Panzak asserted that the trust owned an account with "approximately \$400,000" in it.

On or about 11/3/08, Panzak filed an ex parte application to have various accounts titled in Elaine's name, or in the name of the trust, placed into accounts titled in the name of the Michele conservatorship. Panzak alleged that there were two primary accounts, one belonging to Elaine's trust valued over \$200,000, and an IRA with George and Michele named as beneficiaries, valued at just under \$50,000.

Petitioner alleges that Panzak never explained why Elaine's trust assets went from "approximately \$400,000" in September to a little over \$200,000 in November of the same year.

Michele Conservatorship gains control of Elaine Trust assets; Dale decides he no longer wants a divorce so he can take over conservatorship: Petitioner states in January 2009, Panzak filed an I&A in the Michele conservatorship stating that there was approx. \$214,000 from the Elaine trust accounts now in the name of the Michele conservatorship. Again, Panzak never explained why in September there was approx. \$400,000 and just a few months later there was only \$214,000. Along with informing the court that the Michele conservatorship now had full possession of the Elaine trust assets, Panzak indicated that Dale no longer wanted to divorce Michele, and desired to take over as conservator of Michele's estate. Panzak would continue as conservator of her person, as Dale only wanted to make decisions regarding the money.

At the time Panzak made these statements, the Michele conservatorship had the \$214,000 from the Elaine trust Mainstay Investments account, divided into two separate accounts, each containing \$107,000, representing each of George and Michele's beneficial interest.

SEE ADDITIONAL PAGES

On or about 1/30/09, Dale petitioned to be successor conservator of Michele's estate, declaring under oath that "Michele received money following her mother's death ... which is her separate property." At that time and continuing to the date of this petition, neither George nor Petitioner on George's behalf has received any distribution from Elaine's estate or trust.

On or about 3/18/09, Dale was appointed conservator of Michele's estate and the court ordered all accounts unblocked *including the accounts containing Elaine trust assets*. Thus, as of 3/18/09, Dale, as conservator of Michele's estate and as the self-declared sole trustee of the Elaine trust, had full control over the trust funds without Court supervision.

Dale's 2010 Conservatorship Accounting: On or about 4/28/10, Dale filed a Second Accounting in the Michele conservatorship, reporting two accounts, each with \$107,000, representing Michele's and George's shares of the Elaine trust Mainstay Investments account. Both accounts existed when he took over as conservator.

As of 4/28/10, George had not received any distribution from Elaine's trust assets. Dale stated under penalty of perjury that the \$214,000 that Panzak received as Michele's conservator belonged to the trust, not the conservatorship.

Dale stated in the 2010 accounting that during the first year of being conservator, he combined some of the previous accounts. However, after combining the accounts, there was one account with \$108,000, but no other accounts over \$78,000. Petitioner believes Dale failed to keep separate accountings for the trust and the conservatorship and in fact commingled the funds for the two entities. Petitioner also alleges that Dale failed to keep two accounts representing George's and Michele's individual interest in the trust Mainstay account separate, and in fact commingled George and Michele's shares of the Elaine trust funds.

Pursuant to his declaration, Dale also petitioned the court to transfer the \$214,000 to the trust concurrently with the 2010 accounting, stating that money was held in certain accounts at Bank of the West (xx851 and xx373).

In his accounting, Dale stated that xx851 contained \$78,342.92, and xx373 was not included in the accounting. An account xx372 previously representing George's share of the trust contained \$108,576.14.

Current litigation: Although most of the Michele conservatorship filings dealt with the Elaine trust assets, and although Michele and George were the two sole beneficiaries of the Elaine trust, Petitioner and George were uninformed of pertinent facts until George received notice of Dale's April 2010 conservatorship petition for instructions to transfer funds into the Elaine trust. In May 2010, shortly after notice, Petitioner assisted George in retaining an attorney, James Pasto, SBN 48445. Mr. Pasto contacted Dale and demanded George's distribution share of Elaine trust. On or about 1/13/11, Dale filed a petition in the current matter requesting instructions re distribution (the 2011 petition for instructions).

SEE ADDITIONAL PAGES

Petitioner states although the accountings from the Michele conservatorship failed to support him, Dale alleged in his 2011 petition that the \$214,000 still remained in two separate accounts of \$107,000 each for the benefit of Michele and George, respectively. On or about 4/4/11, Dale filed a supplement to his petition. For the first time since Dale closed the Mainstay Investments account, Dale requested that only \$107,000 (instead of \$214,000) be paid to the Elaine trust. He did not explain why he only sought half of the money for the trust or explain what was going to happen to the \$107,000 remaining in the Michele conservatorship.

Petitioner alleges that the \$107,000 (approx.) transferred from the Michele conservatorship to the Elaine trust represented only George's interest of the \$214,000; the other half remaining is Michele's share.

On or about 4/21/11 (re Dale's 2011 petition), the Court signed the order Dale submitted authorizing transfer of George's \$107,000 to the Elaine trust.

On or around 4/6/11, Petitioner, on behalf of George, filed a companion petition in the instant matter (see Page A) requesting distribution of the Elaine trust assets, the imposition of a constructive trust over any assets held by the Michele conservatorship, and for an accounting. Mr. Pasto was the attorney of record at that time.

Dale's first account dated 7/29/11 indicated:

- a. A single bank account containing \$109,451.02
- b. A Franklin Templeton Investment account with a balance of \$21,631.91
- c. Elaine's IRA with a value of \$28,469.65 (which was valued at nearly \$50,000 in 2007)

In his account, Dale sought payment of \$14,400 as trustee even though for most of the time, the trust had very few assets – less than \$5,000 until 2011, when the Court ordered the Michele conservatorship to transfer the \$107,000 to the trust.

The 7/29/11 trust accounting also indicated that Panzak incurred \$19,500 in fees working for Dale as trustee, *while he was acting as conservator of Michele's estate and marshaling Elaine Trust assets away from the Elaine Trust and into the Michele conservatorship.*

Additionally, Panzak was representing Dale as trustee, even though he was the purchaser of the property at 528 Dawson.

Petitioner on behalf of George filed a petition to review the reasonableness of Dale's and Panzak's compensation, for accounting, and for removal of Dale as trustee, which petition raised the same discrepancies noted above, mainly that Dale and Panzak were seeking payment for several years in which there had been no trust activity. Mr. Pasto was still attorney of record for Petitioner. On 9/6/11, Petitioner moved to amend her original petition to add Dale as an individual defendant, and the matter was continued. Minute Order 10/3/11 reflects that Panzak stated in open court that he had placed \$170,000 and \$25,000 into separate Elaine trust accounts. The matter was continued to 1/23/12 based on representation that progress was being made toward settlement.

SEE ADDITIONAL PAGES

Mr. Pasto: Petitioner states Mr. Pasto failed to appear at the January hearing, and the court took the petition re reasonableness off calendar at Panzak's request. When Petitioner finally reached Mr. Pasto, he agreed to file an ex parte application to have the funds transferred to petitioner, as the newly appointed conservator for George. **On 3/20/12, the Court granted the ex parte application and ordered Dale to pay all funds payable to George to Petitioner as his conservator. Petitioner states neither Dale nor Panzak ever complied with this order.**

Not long afterward, Petitioner again had trouble reaching Mr. Pasto. Although he never informed, her, it was later learned that he was suspended and not eligible to practice law on 8/11/12 and voluntarily became inactive on 12/16/13, and was ultimately disbarred on 12/20/14, all relating to allegations that he mishandled trust funds and failed to perform adequate legal representation in trust matters.

In August 2014, Petitioner retained the services of William J. Freed, current attorney of record. With his help, and after obtaining records and filings from both the Elaine trust and the Michele conservatorship, and a "skeleton" legal filed from Mr. Pasto, Petitioner, for the first time, suspected Dale and Panzak had actively concealed their activity, which was detrimental to George's interest in the Elaine trust and the Testamentary Trust. Previously, Petitioner was solely concerned with Dale's failure to distribute.

Prior to, and just after, Petitioner retained Mr. Freed, Dale, by and through Panzak, stated that the Elaine trust only had approx. \$100,000 and that half of that belonged to Michele. Neither Dale nor Panzak has explained what happened to the rest of the money.

First request for relief: Against Dale, as an individual and Trustee of the Elaine Trust, for an order directing Dale or the current trustee to forthwith distribute George's beneficial interest in the Elaine Trust.

Second request for relief: Against Dale, as successor trustee and trustee *de son tort* of the Elaine Trust, and Panzak, for damages for breach of trust/fiduciary duty and aiding and abetting trustee in breach of trust.

Third request for relief: Against Dale, Panzak, and Does 1-20, for damages for fraud/concealment.

Fourth request for relief: Against Dale, Panzak, Dalpar Investments, LLC, and Does 21-30, for quiet title.

Fifth request for relief: Against Dale, as conservator of Michele, Dale, individually, and Dale, as trustee of the Elaine Trust; Dalpar Investments, LLC, and Does 31-40, for recovery of trust assets.

Sixth request for relief: Against Dale, as trustee and trustee *de son tort* of the Elaine Trust, for an order compelling trustee to perform an accounting.

Seventh request for relief: Against Dale, for removal of trustee.

Eighth request for relief: Against Dale, Panzak, Dalpar Investment, and Dalpar Investment, LLC, for cancellation of deeds.

SEE ADDITIONAL PAGES

Petitioner prays as follows:As to the first cause of action:

1. For an order directing Dale, as trustee of the Elaine Trust and/or as Conservator of the Michele Conservatorship, to pay the sum of \$109,451.00 to George;
2. For an Order directing Dale, as trustee of the Elaine Trust and/or as Conservator of the Michele Conservatorship, to pay simple interest at the legal rate of 7% per annum on the sum of \$109,451.00 from 3/20/12 to date of judgment;
3. For Attorneys fees pursuant to W&I Code §15657(a) or 15657.5(a);
4. For punitive damages according to proof;

As to the second cause of action:

5. For damages to George according to proof;
6. For punitive damages against Dale and Panzak according to proof;

As to the third cause of action:

7. For damages to George according to proof;
8. For punitive damages against Dale and Panzak according to proof;

As to the fourth cause of action:

9. To quiet title to the real property at 528 Dawson, Morro Bay, CA, and render judgment that George is the 50% tenant in common owner of said property and that Repsondents have no ownership interest in the property adverse to George;

As to the fifth cause of action:

10. For an Order granting George an undivided 50% TIC ownership interest in the real property at 528 Dawson;
11. For recovery of the sum of at least \$109,451.00 from the Elaine Trust and/or the Conservatorship of Michele, according to proof;
12. For imposition of a constructive trust over the real property at 528 Dawson and the sum of \$109,451.00;

As to the sixth cause of action:

13. For an Order directing Dale to account for all transactions involving the Elaine Trust in the format set forth in Probate Code §16063, from 1996 to the present;
14. For an Order directing Dale to immediately turn over to George for copying, or his legal representative, all original bank records, financial records, real estate records, trust administration papers and records and any other document concerning current or past assets of the Elaine Trust from 1996 to present;

As to the seventh cause of action:

15. For the immediate suspension of Dale as trustee of the Elaine Trust;
16. For the removal of Dale as trustee of the Elaine Trust;
17. For the appointment of Debbie Duehning as temporary and permanent trustee of the Elaine Trust, or in the alternative, for an appointment of a professional private fiduciary of the Court's choosing;

SEE ADDITIONAL PAGES

As to the eighth cause of action:

18. For the cancellation of a grant deed for 528 Dawson from George and Michele, as attorneys in fact for Elaine McLain and as trustees of the Testamentary Trust to Panzak, recorded in the Official Records of the County of San Luis Obispo as Doc #2003037973 on 4/15/03;
19. For cancellation of a grant deed for 528 Dawson from Panzak to Dalpar Investments, recorded in the Official Records of the County of San Luis Obispo as Doc #2003037974 on 4/15/03;
20. For cancellation of a grant deed for 528 Dawson from Dalpar Investments, an California Partnership to Dalpar Investments, LLC, a California Limited Liability Company, recorded in the Official records of San Luis Obispo County as Doc #2010033932 on 7/21/10;

For all causes of action:

21. For pre-judgment interest according to proof;
22. For costs of suit;
23. For such other and further relief as the court may deem equitable, just and proper.

6 Alexis Cedano, Victor Cedano, Gabriel Cedano, Noah Cedano, Jayden Cedano, Reyna Cedano, Victoria Cedano, Jonah Cedano (GUARD/P)

Case No. 11CEPR00795

Guardian: Nicole Tafoya (pro per)
 Petitioner: Rosemary Sendejas (pro per)
 Petitioner: Paul Sendejas (pro per)

Petition for Visitation

		<p>PAUL SENDEJAS and ROSEMARY SENDEJAS, father and step-mother, are petitioners.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>This petition is as to JONAH CEDANO only.</p>
		<p>NICOLE TAFOYA, maternal aunt, was appointed guardian on 11/16/11. – personally served on 6/20/16.</p>	
Cont. from		<p>Please see petition for details.</p>	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
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<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		
<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: KT</p> <p>Reviewed on: 7/27/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6- Cedano</p>

Attorney Deborah K. Boyett (for Petitioner Patricia "Patti" A. Crable, Trustee)

Second Account and Report of Trustee

		PATRICIA "PATTI" A. CRABLE , mother and Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Note: Petitioner provides satisfactory explanation as to the reason she has not provided original bank statements for this account period as required by Probate Code § 2620(c). 1. Need proposed order pursuant to Local Rule 7.1.1(F) providing that a proposed order shall be submitted with all pleadings that request relief. Note: Court will set a status hearing as follows: • Tuesday October 2, 2018 at 9:00 a.m. in Dept. 303 for filing of the third account. Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the dates listed, the hearing will be taken off calendar and no appearance will be required. Reviewed by: LEG Reviewed on: 7/27/16 Updates: Recommendation: File 7- Crable
		Account period: 11/27/2014 – 5/31/2016	
		Accounting - \$9,253.13	
		Beginning POH - \$9,251.63	
		Ending POH - \$9,253.13 (all cash in blocked savings account)	
Cont. from		Trustee - waived	
	Aff.Sub.Wit.	Attorney - not addressed	
✓	Verified	Petitioner states:	
	Inventory	• Petitioner's First Account covered the period 9/25/2012 through 11/26/2014; on 1/14/2016, this Court entered its <i>Order on Fourth Amended First Account and Report of Trustee</i> , approving the account; Bond was waived;	
	PTC	• On 6/2/2016, a Substitution of Attorney was filed in this matter whereby Attorney Boyett substituted in as legal counsel for Petitioner, replacing Attorney Jay T. Jambeck; Attorney Boyett and Petitioner are sisters;	
	Not.Cred.	• On or about June 10, 2016, Petitioner contacted LOLA DOSS , Assistant Branch Manager at Bank of the West, and requested bank statements for the period of the Second Account; however, as the blocked account had been dormant with no activity since 2014 other than interest received, Petitioner was told the blocked account would have to be re-activated in order for statements to be generated (<i>copy attached as Exhibit A of letter dated 6/16/2016 to Bank of the West</i>);	
✓	Notice of Hrg	• On 6/17/2016, Ms. Doss confirmed statements going back to 2014 for the blocked account were not available, and that she had prepared a report with all of the transactions of the blocked account as far back as 4/30/2015 (<i>Exhibit "B" contains copy of a report dated 6/17/2016 reflecting transactions and account balance from 4/30/2015 – 5/31/2016.</i>)	
✓	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	2620	X	
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Petitioner prays for an order approving, allowing and settling the Second Account and Report of the Trustee.	

Status RE: Proof of Conservatorship in DE

	<p>PAEK LEE, Mother, was appointed Conservator of the Person on 9/25/13.</p> <p>On 1/5/16, the Court granted the Conservator's Petition to Fix Residence Outside the State of Californian to an address in Delaware.</p> <p>Per Minute Order 5/31/16, Ms. Lee represents that she has not yet moved to Delaware. She will be going there at the end of the month, but it is unclear whether she intends to move there or visit and return.</p> <p>On 5/31/16, the Court set this status hearing re proof of conservatorship in Delaware.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need status report re move. If appropriate, need proof of conservatorship or equivalent in Delaware pursuant to Probate Code §2352.</p>
Cont. from		
Aff.Sub.Wit.		
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Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 7/26/16
		Updates:
		Recommendation:
		File 9- Smith

Status RE: Filing of the Next Account

DOD:10/7/12		NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> Second and Final Account filed 7/25/16 is set for hearing on 9/6/16
Cont. from 062816		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
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Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	Reviewed by: skc	
	Reviewed on: 7/26/16	
	Updates:	
	Recommendation:	
	File 10- St. Louis	

11 Penny Elizabeth Slaton (GUARD/P)

Case No. 13CEPR00870

Guardian: Roy Oken (pro per)

Guardian: Doreen Oken (pro per)

Petitioner: Amie Eliza Visser (pro per)

Petitioner: Jay Matthew Visser (pro per)

Petition for Appointment of Temporary Guardian of the Person

		GENERAL HEARING 9/20/16	NEEDS/PROBLEMS/COMMENTS: This matter will be heard in Department 54. Judge Kazanjian has recused herself. (Examiner notified petitioner Amie Visser by telephone on 7/28/16 about the change in location of the hearing.) 1. There is no vacancy in the office of Guardian. Need either a petition for removal or resignation of both current guardians. 2. Need Notice of Hearing. 3. Need proof of personal service, no later than 5 court days prior to the hearing, of the Notice of Hearing along with a copy of the Temporary Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: a. Roy Oken (guardian) b. Doreen Oken (guardian) c. Penny Slaton (minor, age 12) d. Elizabeth Slaton (mother)
		JAY VISSER and AMI VISSER , non-relatives, are petitioners.	
Cont. from		ROY OKEN and DOREEN OKEN , non-relatives, were appointed co-guardians on 12/3/2013.	
<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	
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<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Please see petition for details.	
		Reviewed by: KT	
		Reviewed on: 7/28/16	
		Updates:	
		Recommendation:	
		File 11- Slaton	

12 Alyssa Esparza & Haylee Esparza (GUARD/P)

Case No. 14CEPR00451

Petitioner Esparza, Fernando Salazar (Pro Per – Father)

Petition for Termination of Guardianship

Alyssa, 17	<p>FERNANDO ESPARZA, father, is petitioner.</p> <p><u>Please see petition for details</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order of 07/05/2016: Examiner notes given.</p> <p>1. A Notice of Hearing was filed on 07/14/2016 for each of the following persons:</p> <ul style="list-style-type: none"> • Susan Campbell • Anita Esparza • Alyssa Esparza • Haylee Esparza <p>Service is defective as the Notice of Hearing does not include the date or place of mailing at #4 of the Proof of Service.</p> <p>2. Attached to the Notice of Hearing filed 07/14/2016 is a declaration signed by the petitioner. If the petitioner's intent is that the Court consider this declaration, it must be filed as a stand-alone document and not attached to the notice of hearing.</p>
Haylee, 13		
Cont. from 070516		
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<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: 07/28/2016</p>		
<p>Updates:</p>		
<p>Recommendation:</p>		
<p>File 12- Esparza</p>		

13A Polly Ann White (Estate)

Case No. 14CEPR00469

Attorney Catherine A. Amador (for Dearil White, Administrator)
 Petitioner Mercedez White (Pro Per, niece)
 Petitioner James Henderson (Pro Per, relationship unspecified)

Petition for Settlement of First and Final account; Petition for Final Distribution and for Allowance of Compensation for Ordinary and Extraordinary Services

DOD: 12/13/2013		<p>DEARIL WHITE, son and Administrator, is Petitioner.</p> <p>Account period: 12/12/2014 – 5/1/2016</p> <p>Accounting - \$150,000.00 Beginning POH - \$150,000.00 Ending POH - \$150,000.00 (no cash; real property in Riverdale;)</p> <p>Administrator - waives</p> <p>Attorney - \$5,500.00 (statutory; to be paid as a lien on estate real property;)</p> <p>Attorney X/O - \$3,037.50 (per Declaration filed 5/20/2016; for unlawful detainer action related to estate real property; Attorney Abrams' fees and costs advanced attached as Exhibit "A"; to be paid as a lien on estate real property;)</p> <p>Costs - \$1,450.00 (filing fees, probate referee, publication, certified copies; to be paid as a lien on estate real property;)</p> <p>Dept. of Health Care - \$23,160.33 (to be paid as a lien on estate real property;)</p> <p>Distribution pursuant to intestate succession and Assignment of Interest filed 6/23/2016 by SAM WHITE is to:</p> <ul style="list-style-type: none"> DEARIL WHITE – entire estate consisting of 100% interest in real property in Riverdale. <p>~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Page 13B is the <i>Petition for Letters of Administration</i> filed by MERCEDEZ WHITE and JAMES HENDERSON.</p> <p>Continued from 6/30/2016.</p> <p>The following issues remain:</p> <ol style="list-style-type: none"> Court records show a <i>Notice of Lien</i> filed 12/15/2014 against DEARILL ANTHONY WHITE in the sum of \$36,547.07 plus \$5.00/day owed to creditor Fresno County DCSS. Paragraph 25 of the <i>Petition</i> regarding proposed distribution to DEARIL WHITE is silent on the status of the lien, and whether the estate distribution is subject to such lien in addition to the first, second, and third liens in the proposed distribution. <p>~Please see additional page~</p>
Cont. from 063016			
<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 checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail W /		
<input type="checkbox"/>	Aff.Pub.		
<input checked="" type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters 12/12/14; amended 042216		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" 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: LEG</p> <p>Reviewed on: 7/28/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13A- White</p>	

13A First Additional Page, Polly Ann White (Estate) Case No. 14CEPR00469

Declaration in Support of Attorneys' Compensation for Extraordinary Services filed by CATHERINE AMADOR on 5/20/2016 states:

- The estate has one asset, a parcel of real property in Riverdale, California, containing a single family residence and ~**8.5** acres of farm land;
- The Decedent allowed her niece, **MERCEDEZ WHITE**, to reside at the residence free of charge during the latter part of her life; Ms. White remained after her death;
- After seeking and obtaining appointment as the personal representative of the estate, Petitioner determined it was necessary and appropriate to sell the property;
- It was subject to a reverse mortgage, which had become due and payable in full upon Decedent's passing, and the estate had no funds with which to pay the balance;
- Petitioner attempted to enter the property to clean up the vacant portion of the acreage and to inspect the condition of the residence; however, Ms. White refused to allow him access to the property; she and her boyfriend threatened Petitioner with a firearm if he returned;
- Petitioner then engaged **PASCUZZI, PASCUZZI & STOKER, APC**, to prosecute an unlawful detainer action to remove Ms. White and her boyfriend from the property; Attorney **ROBERT ABRAMS** performed the necessary work; a complaint was filed on March 19, 2015; Ms. White eventually filed an answer, and the matter was set for trial;
- After hearing the testimony and considering the evidence, the Court found in favor of **MERCEDEZ WHITE**, on the ground that Decedent had given her permission to reside on the property for an unspecified period of time; the Court interpreted this to mean she could remain there until Decedent's estate was distributed; after that, the new owner would have the right to demand that she vacate the residence.

NEEDS/PROBLEMS/COMMENTS, continued:

2. *Creditor's Claim* was filed 4/15/2016 by Department of Health Care Services in the amount of **\$23,160.33**. Paragraph 8 of the *Petition* states the Department of Health Care Services has consented to distribution of the estate with "Lien Order" in favor of the State of California in the full amount of its claim with interest at the rate of **7%** per annum from the date of the Order for Distribution, payable in monthly installments to be determined by the Department of Health Care Services, until paid in full, but all due and payable upon (1) the death of distributees, (2) the sale or transfer of the property, (3) payoff through an escrow, or (4) a default in payments. Need written consent from the Department of Health Care Services to the proposed lien and the repayment terms of the proposed lien to be filed with the Court.
3. Court records show a *Notice of Lien* filed 12/15/2014 against **SAM WHITE, JR.** in the sum of **\$88,667.38** plus **\$30.00/day** owed to creditor Fresno County DCSS. *Assignment of Interest* filed 6/23/2016 by **SAM WHITE**, Decedent's son, appears to be improper unless it is demonstrated that upon **SAM WHITE** having accepted his interest in the estate prior to assignment, he satisfied the Fresno County DCSS lien. **SAM WHITE**, as Decedent's son and an estate heir, accepts his interest in the estate first, and following his acceptance is then assigning it away, such that it appears **SAM WHITE** must satisfy the lien of **\$88,667.38** plus **\$30.00/day**, prior to his written assignment of his interest to the other estate heir, **DEARIL WHITE**.

Attorney Catherine A. Amador (for Dearil White, Administrator)
 Petitioner Mercedez S. White (Pro Per, niece)
 Petitioner James Henderson (Pro Per, relationship unspecified)

Petition for Letters of Administration

DOD: 12/13/2013	MERCEDEZ S. WHITE , niece, and JAMES HENDERSON , relationship unspecified, are Petitioners and request appointment as Co-Executors or Co-Administrators without bond.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. No vacancy exists in the office of personal representative, as DEARIL WHITE was appointed on 12/12/2014 with Full IAEA authority, reduced by Court on 3/17/2016 to Limited IAEA authority, with <i>Amended Letters</i> having issued to him on 4/22/2016. Petitioner would need to file a petition for removal of personal representative and for appointment of a successor personal representative under Probate Code §§ 8500 et seq. and 8520 et seq.</p> <p>~Please see additional page~</p>
Cont. from	Full IAEA — Need publication	
Aff.Sub.Wit.		
✓ Verified	Will dated: 4/18/2013	
Inventory		
PTC		
Not.Cred.	Residence — Riverdale	
Notice of Hrg	Publication — Need publication	
Aff.Mail	X	
Aff.Pub.	Estimated value of the Estate:	
Sp.Ntc.	Personal property - \$100,000.00	
Pers.Serv.	Income from RP - \$ 5,000.00	
Conf. Screen	Income from PP - \$ 1,000.00	
Letters	Real property - \$100,000.00	
✓ Duties/Supp	Total - \$206,000.00	
Objections	Probate Referee: Previous appointment is RICK SMITH. Final Inventory and Appraisal filed 12/16/2014 shows an estate value of \$150,000.00.	
Video Receipt		
CI Report		
9202		
Order	X	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 7/28/16
		Updates:
		Recommendation:
		File 13B- White

NEEDS/PROBLEMS/COMMENTS, continued:

2. Based upon the issues raised regarding the lack of vacancy and the need for petition for successor personal representative, the instant *Petition* has been cursorily reviewed and the following non-exhaustive list of defects are noted:
 - *Petition* is marked to request appointment as both an executor of Decedent's Will and an administrator.
 - *Petition* states Decedent died testate, but no Will has been deposited with the Court and no copy of the Will is attached to the *Petition*.
 - *Petition* is completely blank at Page 3.
 - Item 8 of the *Petition* lists only the Petitioners and omits Decedent's two sons.
3. *Petition* requests no bond be required and states Decedent's Will waives bond. It appears Decedent died intestate. Based upon the estimated value of the estate indicated in the *Petition* of **\$206,000.00**, bond is required in that sum pursuant to Probate Code § 8480 et seq.
4. Need *Affidavit of Publication* showing newspaper publication of the Petitioners' request for appointment pursuant to Probate Code §§ 8120 – 8124, and Local Rule 7.9.
5. Need *Notice of Petition to Administer Estate* and proof of mailed notice pursuant to Probate Code § 8110 for the persons required to be listed in Item 8 of the *Petition*.

First and Final Report of Administrator; Petition for Final Distribution Without an Accounting and for Allowance of Compensation for Ordinary Services

DOD: 9/5/15	<p>CHRIS EDWARDS, Son and Administrator with Full IAEA without bond, is Petitioner.</p> <p>Accounting is waived</p> <p>I&A: \$190,500.00 POH: \$59,497.79</p> <p>Administrator (Statutory): \$7,520.00</p> <p>Administrator (Reimburse costs): \$11,250.25 (utilities, creditor's claims, certified letters)</p> <p>Attorney (Statutory): \$7,520.00</p> <p>Closing: \$2,000.00</p> <p>Distribution pursuant to intestate succession:</p> <p>Chris Edwards: \$15,603.77 Ryan Edwards: \$15,603.77</p>	NEEDS/PROBLEMS/COMMENTS:		
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 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.				
<input type="checkbox"/> Conf. Screen				
<input checked="" type="checkbox"/> Letters				
<input type="checkbox"/> Duties/Supp				
<input type="checkbox"/> Objections				
<input type="checkbox"/> Video Receipt				
<input type="checkbox"/> CI Report				
<input checked="" type="checkbox"/> 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 checked="" type="checkbox"/> FTB Notice				
			Reviewed by: skc	
			Reviewed on: 7/27/16	
		Updates:		
		Recommendation: SUBMITTED		
		File 15- Edwards		

Petition for Appointment of Guardian of the Person

		See petition for details.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> All receipts for the mailed notice re ICWA have been filed.</p> <p><u>Minute Order 6/21/16:</u> Petitioner is to have the father Colton Lewis personally served and his parents can be noticed by mail at least 2 weeks before the hearing.</p> <p><u>Note:</u> As of 7/26/16, nothing further has been filed. The following issue remains:</p> <ol style="list-style-type: none"> 1. Petitioner states the father and paternal grandparents are unknown; however, does not indicate any effort to identify or give notice to them. <p>Per Minute Order of 6/21/16, the father is Colton Lewis and Petitioner is to have him personally served and have the paternal grandparents served by mail.</p> <p>Therefore, need Notice of Hearing and proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing Probate Code §1511 on father and paternal grandparents.</p> <p><u>Note:</u> The paternal grandparents' names have not been provided to the Court. Need declaration containing this information.</p>
Cont. from 062116			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 7/26/16
			Updates:
			Recommendation:
			File 16- Bill

Petitioner: Ge Her (Pro per – Maternal grandmother)

Competing Petitioner: Surapol Vue (Pro per – Paternal uncle)

Petition for Appointment of Guardian of the Person

		<u>NO TEMPORARY REQUESTED</u>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Competing petitions filed by Surapol Vue (paternal uncle) are set for 8/8/2016 (temporary) and 9/29/2016 (general).</p> <p>1. Proof of service of Notice of Hearing filed 6/1/2016 is incomplete at item 4 re: the mailing date and the proof is not dated at the signature line.</p> <p>2. Need proof of service of Notice of Hearing with copy of petition <u>or</u> consents and waivers of notice for:</p> <ul style="list-style-type: none"> a. Paternal grandfather (unknown) – <i>unless the Court excuses notice</i> b. Mao Vue (paternal grandmother) c. Vang Koua Vang (maternal grandfather) 	
		<p>GE HER, maternal grandmother, is petitioner.</p> <p>Court Investigator report filed 7/26/2016.</p>		
Cont. from		<p><i>See petition for details.</i></p>		
	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: 7/27/2016	
			Updates: 8/1/2016	
			Recommendation:	
			File 17- Yang	

Petition for Appointment of Guardian of the Person (as to Rubiana only)

		<u>TEMPORARY DENIED 6/13/2016</u>	NEEDS/PROBLEMS/COMMENTS:
		MARIA MONTALVO, maternal grandmother, is petitioner	This petition is as to <u>Rubiana</u> only. Per declaration filed 7/7/2016 and per CI report filed 7/18/2016, petitioner no longer wishes to pursue guardianship of Elijah, because he has been safely placed with his father.
Cont. from			Minute order dated 6/13/2016 from temporary hearing states CPS, at their team decision meeting, placed Elijah with his father and Rubiana with petitioner. The children are to stay where they are since CPS placed them. All parties are to give the Court their contact information for the Court Investigator.
	Aff.Sub.Wit.		
✓	Verified		<ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i> (for 8/2/2016 hearing date). 2. Need proof of personal service at least 15 days before the hearing of <i>Notice of Hearing</i> with copy of petition <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence for: <ol style="list-style-type: none"> a. Christina Montalvo (mother) 3. Need proof of personal service at least 15 days before the hearing of <i>Notice of Hearing</i> with copy of petition <u>or</u> consents and waivers of notice <u>or</u> declarations of due diligence for: <ol style="list-style-type: none"> a. Paternal grandparents b. Maternal grandfather
	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		
		See petition for details.	
			Reviewed by: SEF
			Reviewed on: 7/27/2016
			Updates:
			Recommendation:
			File 19- Arellano/ Gonzalez

Guardian Bowman, Kyra Cowardin (Pro Per – Temporary Guardian - Non-Relative)

Attorney Amador, Catherine (for Deborah Thomas & Donald Thomas – Petitioners)

Petition for Appointment of Temporary Guardian of the Person

Age: 2	TEMPORARY GUARDIANSHIP was granted to		NEEDS/PROBLEMS/COMMENTS:
	<u>Kyra Cowardin Bowman on 07/29/2016;</u>		
	<u>Letters were extended to 08/15/2016</u>		Note: Kyra Cowardin Bowman, non-relative, was appointed Temporary Guardian on 06/29/2016. Letters were extended on 07/27/2016 to 08/15/2016 which is the General Hearing on Ms. Bowman's guardianship petition.
	<u>GENERAL HEARING 09/19/2016</u>		
Cont. from	DEBORAH THOMAS, and DONALD THOMAS,		<p>1. Need proof of <u>personal service</u> five (5) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Temporary Guardian or consent and waiver of notice or declaration of due diligence for:</p> <ul style="list-style-type: none"> • Anthony Sema (Father) • Kyra Cowardin Bowman (Temporary Guardian) <p>Note: Kyra Cowardin Bowman was served by mail on 07/19/2016.</p> <p>2. Petition lists father's name as Anthony Sema however minute order of 06/29/2016 states the father's name is Pete Cerna.</p>
<input type="checkbox"/> Aff.Sub.Wit.	great aunt and uncle, are petitioners.		
<input checked="" type="checkbox"/> Verified	<u>Please see file for details</u>		
<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			
<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 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 checked="" type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
			Reviewed by: LV
			Reviewed on: 07/28/2016
			Updates: 07/29/2016
			Recommendation:
			File 20- Hendrix

Attorney Mark S. Poochigian (for Nicholas Chapman and Lucinda Chapman, children)

Petition for Probate of Will and for Letters Testamentary with IAEA

DOD: 3/17/2016		<p>NICHOLAS CHAPMAN, son and named Executor without bond, and LUCINDA CHAPMAN, daughter, are Petitioners.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need original Will of Decedent to be filed with the Court pursuant to Probate Code § 8200(a)(1). <i>Petition</i> contains a copy of Decedent's Will, which was executed in Fremont, California; however, Court records do not show an original Will has been deposited with this Court. 2. Decedent's Will is not self-proving. Need <i>Proof of Subscribing Witness</i> to the will pursuant to Probate Code § 8220. <p>Note: If <i>Petition</i> is granted, Court will set Status Hearings as follows:</p> <ul style="list-style-type: none"> • Monday, January 9, 2017 at 9:00 a.m. in Dept. 303 for the filing of the final inventory and appraisal; and • Monday, October, 2017 at 9:00 a.m. in Dept. 303 for the filing of the first account and/or petition for final distribution. <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>
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.	X		
<input checked="" type="checkbox"/> Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	N/A		
Aff.Mail			
<input checked="" type="checkbox"/> Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
<input checked="" type="checkbox"/> Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Full IAEA: OK

Will Dated: 11/4/1980

Residence: Fresno

Publication: Business Journal

Estimated value of the Estate:

Real property	-	\$300,000.00
Personal property	-	\$ 6,000.00
Total	-	\$306,000.00

Probate Referee: Rick Smith

Reviewed by: LEG

Reviewed on: 7/27/16

Updates:

Recommendation:

File 21- Chapman

Attorney Jeff S. Shepard, of Selma (for Petitioner Kenneth L. McEwen, spouse)

Petition for Probate of Will and for Letters Testamentary with IAEA

DOD: 12/24/2014		<p>KENNETH L. MCEWEN, spouse and named Executor without bond, is Petitioner.</p> <p>Full IAEA: Need publication</p> <p>Will Dated: 7/1/2014</p> <p>Residence: Fresno</p> <p>Publication: Need</p> <p>Estimated value of the Estate: Real property - \$1,200,000.00 Annual income RP - \$ 60,000.00 Total - \$1,260,000.00</p> <p>Probate Referee: Steven Diebert</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Affidavit of Publication pursuant to Probate Code §§ 8120 – 8124, and Local Rule 7.9.</p> <p>Note: If <i>Petition</i> is granted, Court will set Status Hearings as follows:</p> <ul style="list-style-type: none"> Monday, January 9, 2017 at 9:00 a.m. in Dept. 303 for the filing of the final inventory and appraisal; and Monday, October, 2017 at 9:00 a.m. in Dept. 303 for the filing of the first account and/or petition for final distribution. <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>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit. S/P		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail W/		
<input type="checkbox"/>	Aff.Pub. X		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input 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: LEG	
		Reviewed on: 7/27/16	
		Updates:	
		Recommendation:	
		File 22- McEwen	

Petition for Appointment of Temporary Guardian of the Person

		See petition for details.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of Notice of Hearing with a copy of the petition at least five court days prior to the hearing per Probate Code §2250(e) <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: <ul style="list-style-type: none"> - Jesus Acuna, Jr. (Father) - Amy Siyavong (Mother) 	
	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			
			Reviewed by: skc	
			Reviewed on: 7/27/16	
			Updates:	
			Recommendation:	
			File 23- Acuna	

Petitioner Christopher Lee Hoke (Pro Per Petitioner, father)
 Petitioner Lisa Brigette Hoke (Pro Per Petitioner, mother)

Petition for Appointment of Temporary Conservator of the Person

	TEMPORARY GRANTED EX PARTE, FOR INSURANCE COVERAGE ONLY, EXPIRES 8/2/2016		NEEDS/PROBLEMS/COMMENTS: Court Investigator Advised Rights on 7/22/2016.
	GENERAL HEARING SET FOR 8/31/2016		
Cont. from			1. Need the original <i>Capacity Declaration</i> of Harry Jameson, M.D., to be filed confidentially with the Court in support of Petitioners' request for medical consent powers. Note Re Confidential Document: <i>Petition</i> filed 2/25/2016 contains a copy of the <i>Capacity Declaration</i> , such that this document has become part of public Court records. Probate Code § 2620(c)(7) provides in sum that if any document to be filed with the Court contains personal information regarding the proposed Conservatee that would not ordinarily be disclosed in pleadings filed in the action, the document shall be filed confidentially. Court may order that the copy of the <i>Capacity Declaration</i> be stricken and removed from the <i>Petition</i> filed 7/20/2016, and may instruct the Clerk to re-scan the <i>Petition</i> into Court records without the copy of the <i>Capacity Declaration</i> , to ensure the information is protected. (Reference also Probate Code § 1851(b)(2).)
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	W/		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
✓ Conf. Screen			
Letters	X		
✓ Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
	CHRISTOPHER LEE HOKE and LISA BRIGETTE HOKE, parents, are Petitioners and request appointment as Co-Conservators of the Person. ~Please see <i>Petition</i> for details~ Court Investigator's Report was filed 7/27/2016.		
	Reviewed by: LEG		
	Reviewed on: 7/28/16		
	Updates:		
	Recommendation:		
	File 24- Hoke		

Petition to Appoint Temporary Guardian

		GENERAL HEARING 9/22/16	NEEDS/PROBLEMS/COMMENTS:
		CHARLES DICKERSON , maternal grandfather, is petitioner.	
		Please see petition for details.	<ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service, 5 court days prior to the hearing, of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> a. Camron Tolbert (Camri's father) b. Jermaine (father of Egypt) c. Shequana Ford (mother) 3. UCCJEA is incomplete. It fails to include the dates for the period of residence for each child (3a and 3b)
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		
<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		
<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: KT
			Reviewed on: 7/27/16
			Updates:
			Recommendation:
			File 25- Tolbert/ Ford-Medley