



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Probate Status Hearing Re: Failure to File a Petition for Final Distribution.

| | | | |
|--------------------------|---------------|---|--|
| | | PUBLIC ADMINISTRATOR was appointed Successor Administrator on 3/8/2008. | NEEDS/PROBLEMS/COMMENTS: OFF CALENDAR. First and Final Account set for hearing on 8/17/16. |
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| Cont. from 070616 | | | |
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| | FTB Notice | | |
| | | | Reviewed by: KT |
| | | | Reviewed on: 7/28/16 |
| | | | Updates: |
| | | | Recommendation: |
| | | | File 2- O'Neal |

Petition for Court to Execute Deed in Favor of Beneficiaries and Survivor Named in Will of Mardel E. Bond

| | | |
|---|-------------------------------------|---|
| DOD: 6/10/94 | MICHAEL RECEK is Petitioner. | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 7/14/16: No appearances. Cont. to 8/3/16.</p> <p>1. Petitioner is not an heir to this estate and does not appear to have standing to file this petition.</p> <p>Because certain heirs to this estate died after the decedent, their estates would be the heirs pursuant to applicable law and subject to the abatement order entered in 1995. Petitioner may wish to seek legal advice re his options for proceeding.</p> <p>2. If this petition goes forward, need proof of service of Notice of Hearing on all interested parties at least 15 days prior to the hearing.</p> <p>Note: Because no activity has occurred in this estate since 1995, Examiner set the matter for status hearing. Curtis D. Rindlisbacher is attorney of record for the Executor. See Page B for history.</p> <p>Note: This petition was filed with a fee waiver. If assets are distributed, all filing fees will be due.</p> <p>Reviewed by: skc Reviewed on: 7/28/16 Updates: Recommendation: File 3A- Bond</p> |
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Status RE: Failure to File Final Account and Petition for Final Distribution

| | | |
|--------------------------|---|---|
| DOD: 6/10/94 | <p>HISTORY: TONY RECEK, Friend, was appointed Executor with Full IAEA without bond on 7/26/94 and Letters issued on 7/27/94. (A corrected order was entered 8/9/94 due to clerical error.)</p> <p>The Petition for Probate alleged that the decedent was not survived by spouse, issue, or issue of predeceased child, but had a will dated 5/27/94, which made various specific devises of real and personal property to various parties. The will was admitted to probate on 7/26/94.</p> <p>Final Inventory and Appraisal filed 11/8/94 indicated a total estate value of \$84,360.55 consisting of</p> <ul style="list-style-type: none"> • Cash of \$25,869.95 • Real property located at 1515 E. Fountain Way in Fresno • Personal property including vehicle, gun collection, jewelry, book collection, furnishings, personal effects <p>Various creditor's claims were filed in the estate. In addition, the decedent was named as a defendant in a quiet title action (0482628-5) involving the estate real property borders.</p> <p>Report of Status of Administration; Petition for Instructions Concerning Abatement of Property for Payment of Creditor's Claims and Expenses of Administration; Petition for Allowance on Compensation of Attorney filed 5/23/95 stated the estate was not in a condition to be closed because the lawsuit has not been finally determined. Judgment was entered in favor of the estate as to all causes of action, but the motion for costs and attorney's fees had not yet been filed or heard. Additionally, the plaintiff planned to appeal the judgment. Compensation for ordinary services to the estate will be approx. \$5,362.00. Extraordinary compensation for litigation expenses totaled \$17,650.00 to date.</p> <p style="text-align: center;">SEE ADDITIONAL PAGES</p> | <p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>Minute Order 7/14/16: No appearances. Cont. to 8/3/16.</p> <p>Note: The petition at Page A indicates that Executor Tony Recek died on 8/22/13. Examiner set the matter for status hearing and sent notice to Atty Rindlisbacher on 6/3/16. See Attorney's Status Report filed 7/11/16 for details.</p> <p>1. Need first account or petition for final distribution pursuant to Probate Code §12200 or current written status report pursuant to Local Rule 7.5.</p> |
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| | <p>Reviewed by: skc</p> <p>Reviewed on: 7/28/16</p> <p>Updates:</p> <p>Recommendation: File 3B- Bond</p> | |

Page 2

The 5/23/95 report stated the residue includes only the personal effects which have a nil value and a 1974 Plymouth Valiant valued at \$500.00, which are insufficient to pay all funeral expenses, creditor claims, and expenses of administration. The decedent's will provided specific devises including the real property and various items. The report alleged that these gifts should be abated to pay creditor's claims, administration expenses, etc., as set forth in the petition. See report for discussion, authority.

Order entered 7/17/95 authorized and directed abatement as set forth in the Order to pay administration expenses, creditor claims, and satisfy gifts, and also authorized certain attorney fees and costs. The Order authorized administration to continue until the litigation involving the estate was finally determined.

On 3/10/00, Mr. Rindlisbacher filed a Substitution of Attorney noting his move to a subsequent firm.

Nothing further was filed thereafter until the petition at Page A was filed.

Declaration and Request for Change of Date for Status Hearing filed 7/11/16 by Curtis D. Rindlisbacher states he is the attorney of record for Tony Recek, now deceased. He has not had any contact with him since before 1998. He failed to contact the attorney after repeated correspondence.

The Court has set hearing for 7/14/16 and ordered that Mr. Rindlisbacher be present. His son is graduating from Air Force Basic Training on that day and he and his wife have plans to be in San Antonio, TX. Appearing by phone would likely result in missing part of the graduation ceremonies.

Mr. Rindlisbacher hereby requests that the status hearing be moved to August 3, 4, or 5th as he is scheduled to appear in Court on these dates on other matters.

Status report was served on all interested parties on 7/11/16.

Petition for Appointment of Temporary Guardian of the Person

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| | | <p>TEMPORARY GRANTED ON COURT'S OWN MOTION EXPIRES 8/3/2016</p> <p><u>General Hearing set for 8/25/2016</u></p> <p>ROBERT SALAZAR, maternal great uncle, is Petitioner.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Pursuant to Probate Code 2250(e), need <i>Notice of Hearing</i> and proof of five (5) court days' notice by personal service of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardian</i>, or <i>Consent to Appointment of Guardian and Waiver of Notice</i>, or a <i>Declaration of Due Diligence</i> for:</p> <ul style="list-style-type: none"> Leonardo Lopez Herrera, father. <p>2. Need proposed order and proposed letters of temporary guardianship.</p> | |
| Cont. from 070616 | | | | |
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| <p>Reviewed by: LEG</p> <p>Reviewed on: 7/28/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4- Salazar</p> | | | | |

Third Account Current and Report of Conservator and Petition for Its Settlement

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|-------------------------------------|---------------|--|--|
| | | <p>KA'REN V. KETENDJIAN, Nephew and Conservator with bond of \$140,910.00, is Petitioner.</p> <p>Account period: 1/1/14 – 12/31/15 Accounting: \$335,894.51 Beginning POH: \$280,065.91 Ending POH: \$301,578.35 (\$1,578.35 cash plus real property and personal property – See #1)</p> <p>Conservator does not request compensation for his services to the Conservatee as described at Paragraph 15 of the petition.</p> <p>Petitioner prays: 1. That this account and report be approve and settled; 2. That the acts of the conservator shown in the account and report be approved; 3. That the Court grant such other and further relief as it deems just and proper.</p> <p>Court Investigator Charlotte Bien filed a review report on 1/13/16.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Petitioner indicates a \$40,000 gain on the market value of the Conservatee's residence and thus increased the carry value in this accounting. However, although Probate Code §1063 requires a market value estimate, actual gains should not be included unless a sale occurred. Therefore, the appropriate figure for Ending POH is actually \$261,578.35. Examiner has interlineated the order to reflect the proper POH figure.</p> <p>2. Petitioner states he and his family have resided with the Conservatee since August 2014. The Conservatee resided in care home from November 2014 to March 2015, but has returned home. It appears from the Notice of Hearing that another family member may also reside in the home.</p> <p>However, the Disbursements Schedule appears to indicate that the Conservatorship estate continues to pay all household bills (utilities, maintenance, etc.). The Court may require clarification regarding allocation of expenses among household members.</p> <p>3. Need statements from Oakwood Gardens Care Center pursuant to Probate Code §2620(c)(5).</p> <p>Note: The Court will set status hearing for the next account for Tues. March 1, 2018.</p> |
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| | | | <p>Reviewed by: skc</p> <p>Reviewed on: 7/28/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5- Ketendjian</p> |

Petitioner Ja-Hadrha Johnson (Pro Per, mother)
 Guardian Willie Mae Johnson (Pro Per, maternal aunt)

Petition for Termination of Guardianship

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| | | JA-HADRHA JOHNSON, mother, is Petitioner. | NEEDS/PROBLEMS/COMMENTS: Continued from 7/13/2016. Minute Order states the Court orders Willie Johnson to be personally present on 8/3/2016. Note for background: Petitioner's previous <i>Petition for Termination</i> was heard on 2/18/2016. At the hearing on 2/18/2016, the petition was denied; the <i>Minute Order</i> states: Willie Mae Johnson was admonished by the Court. She cannot violate nor ignore a Court order or she will be in danger of being removed and the matter referred to foster care. Unsupervised visits with mother are every other week starting at 5pm Friday and ending Sunday at 5pm, starting this Saturday 2/26/2016. |
| | | ~Please see Petition for details~ | |
| Cont. from 071316 | | Court Investigator's Report filed 7/8/2016. | |
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| | | Reviewed by: LEG | |
| | | Reviewed on: 7/28/16 | |
| | | Updates: | |
| | | Recommendation: | |
| | | File 9- Campbell | |

Attorney Mark S. Poochigian (for Nancy Valdez Mendez)

Probate Status Hearing Re: Informal Accounting of Closing Reserve

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| DOD: 10/7/2013 | <p>NANCY VALDEZ MENDEZ, daughter, is Administrator.</p> <p>Order Settling First and Final Account and Report of Personal Representative, etc. filed 2/3/2016 authorized Administrator to retain \$20,000.00 in cash for a closing reserve.</p> <p>Ex Parte Order Decreasing Bond Amount [to \$20,000.00] filed 5/19/2016 set a status hearing for the informal accounting of the closing reserve on 8/3/2016.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need informal account of closing reserve or verified Status Report and proof of service of notice of the Status Hearing pursuant to Local Rule 7.5(B).</p> |
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| | Reviewed by: LEG | |
| | Reviewed on: 7/28/16 | |
| | Updates: | |
| | Recommendation: | |
| | File 10- Valdez | |

Petition for Appointment of Probate Conservator of the Person

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|---|---------------|---------------------------|--|---|
| | | See petition for details. | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator advised rights on 2/22/16</p> <p>Voting rights affected – need minute order</p> <p><u>Minute Order 6/22/16:</u> The Court is inclined to deny this petition is there is another no show by the petitioner. Rosalba Camacho is ordered to be personally present or by CourtCall on 8/3/16.</p> <p><u>Note:</u> On 6/23/16, Petitioner filed an additional capacity declaration; however, it still does not contain the missing information. The following issue remains noted:</p> <p>1. The Capacity Declaration does not address <u>dementia medication powers</u>; only dementia placement. <u>See Dementia Attachment GC-335A.</u> Need clarification or revised capacity declaration.</p> | |
| Cont. from 030216, 041316, 042016, 051816, 062216 | | | | |
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| | | | Reviewed by: skc | |
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| | | | Updates: | |
| | | | Recommendation: | |
| | | | File 13- Rosales | |

Spousal or Domestic Partner Property Petition

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| DOD: 1/18/2008 | AVNELL DANIELS , surviving spouse, is petitioner. | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued to 9/7/2016 @ request of counsel</p> <p>1. Petition requests that decedent's real property pass to her pursuant to decedent's will dated 8/22/2016. However, declaration filed 5/25/2016 states petitioner is unable to locate decedent's original will. Therefore, it appears petitioner is seeking to use decedent's lost will as a basis for requesting the Court's determination that the real property pass to the surviving spouse without administration of decedent's estate. There does not appear to be authority that allows a lost will to be used in a summary proceeding.</p> <p>See additional page.</p> |
| | No other proceedings. | |
| | Will dated 8/22/1990 confirms petitioner's interest in their community property and devises the residue of his estate (that includes the real property subject to this proceeding) to petitioner. – see note 1 | |
| Cont. from 070616 | | |
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| <input type="checkbox"/> FTB Notice | <p>Petitioner has been unable to locate original will, but states she knows that the copy of will attached to petition was decedent's last will. Petitioner and husband discussed making changes to the trust, but decided not to make changes and the 1990 trust and will are still the operative documents.</p> <p>See additional page.</p> | |
| | | Reviewed by: SEF |
| | | Reviewed on: 7/26/2016 |
| | | Updates: |
| | | Recommendation: |
| | | File 15- Daniels |

Petitioner states, continued:

On 5/7/2008, subsequent to decedent's death, petitioner picked up his original will dated 8/22/1990 from Helon & Manfredo and took it to attorney Guy Johnston so he could assist petitioner with settling decedent's estate and trust administration. It was petitioner's understanding he was going to deposit the original Will with Fresno County. However, the court records do not show receipt. Mr. Johnston died several years ago. Based on petition and said declaration, petitioner believes the will attached to petition is the last will of the decedent, and accordingly, the real property subject to this petition should pass to her as surviving spouse by terms of decedent's will.

NEEDS/PROBLEMS/COMMENTS, continued:

2. Need date of death of predeceased child pursuant to Local Rule 7.1.1D.
3. Order requests court confirmation that decedent's interest in real property both *passes* and *belongs* to petitioner. Item 7 of the petition only requests the property pass to petitioner.