



Thursday, August 4, 2016

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

22 16CEPR00672 Robert Emerzian (Det. Succ)

The following cases have been taken off calendar:

7 15CEPR00955 Ronnie G. Mekealian (Estate)

11 16CEPR00069 Virginia Anderson (Estate)

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

Thank you.

Ninth Account and Report of Conservator and Petition for Settlement Thereof and for Allowance of Attorneys' Fees

		LARRY D. EDDE , Brother/Conservator with bond of \$375,000.00, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: The Court will set a status hearing for the filing of the next account as follows:</p> <ul style="list-style-type: none"> • Thursday, June 7, 2018
		Account period: 1/1/14 – 12/31/15	
		Accounting: \$ 1,503,740.36	
		Beginning POH: \$ 1,089,315.85	
		Ending POH: \$ 1,229,013.24	
		(\$1,215,648.21 cash plus various personal property items)	
		Conservator: Waives	
		Attorney: \$7,002.00 (for 37.7 attorney and paralegal hours in connection with accounting, general matters, and the conservatee's move, as itemized)	
		Costs: \$435.00 (filing fee)	
		Bond: In lieu of increasing bond, Petitioner requests to transfer \$170,000.00 to a blocked account, which would allow the current bond to remain sufficient.	
		Petitioner prays for an Order:	
		1. Approving, allowing and settling the ninth account;	
		2. Confirming and approving all acts of Conservator;	
		3. Authorizing the transfer of \$170,000.00 to a blocked account;	
		4. Authorizing attorney fees and costs; and	
		5. For such other relief as the Court considers proper.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	2620(c)		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Reviewed by: skc	
		Reviewed on: 7/29/16	
		Updates: 8/2/16	
		Recommendation:	
		File 1- Edde	

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

Case No. 11CEPR00795

Petitioner: Jennifer Cedano (pro per)

Objector: Raul Pallares, Jr. (pro per)

Petition for Visitation

		JENNIFER CEDANO , mother, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>This petition is as to NOAH and GABRIEL only.</p> <p>Continued from 6/16/16. Minute order states the Court Investigator is ordered to speak with the children regarding visiting with mother.</p> <ol style="list-style-type: none"> 1. Notice of Hearing filed on 7/18/16 is defective. It does not state that a Petition for Visitation was filed at #1. 2. Need Proof of service of the Notice of Hearing (showing that a Petition for Visitation was filed) on: <ol style="list-style-type: none"> a. Raul Pallares, JR. (guardian) b. Noah Cedano (minor) c. Gabriel Cedano (minor)
		RAUL PALLARES, JR. paternal cousin, was appointed as guardian of Noah and Gabriel on 11/16/11	
		Please see petition for details.	
Cont. from 040716, 061616			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	X	
<input type="checkbox"/>	Aff.Mail	X	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 8/4/16
			Updates:
			Recommendation:
			File 2- Cedano

Attorney Nancy J. LeVan (Court-appointed for Conservatee)

Petition for Attorney Fees and Order Terminating Appointment as Counsel For Conservatee

DOD: 3/11/2015	NANCY J. LeVAN , Attorney court-appointed on 5/14/2013 to represent the Conservatee, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. <i>Order Settling Second and Final Account and Report of Conservator; Petition for Allowance of Compensation to Conservator and Her Attorney, and Distribution</i> filed 7/5/2016 authorizes final distribution, after payment of allowed commissions, fees, and costs, of the entirety of the Conservatorship Estate assets. The instant <i>Petition for Attorney Fees and Order Terminating Appointment as Counsel for Conservatee</i> was filed 6/27/2016. Local Rule 7.15.9(E) provides that if an attorney is appointed by the Court to represent a proposed conservatee in connection with appointment of a conservator, any request for attorney fees in relation to the appointment shall be made within 90 days of the appointment of a conservator. If the attorney fees requested related to any other matter involving the conservatee, such as sales or accountings, said fee request shall be made no later than 90 days after the hearing on or conclusion of the matter. If the Court does not discharge counsel for a conservatee at the hearing of a matter and continues the appointment, any final fee request of court-appointed counsel shall be made within 90 days after the Court later discharges counsel, but in no event later than the hearing on a final account.</p> <p align="center"><i>~Please see additional page~</i></p>
Cont. from	PUBLIC GUARDIAN was appointed Conservator of the Person and Estate on 6/19/2013.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory	Petitioner requests:	
<input type="checkbox"/> PTC	<ul style="list-style-type: none"> • Payment of fees from the Conservatorship Estate in connection with the representation of the Conservatee for the Public Guardian's petition to appoint a conservator from the period of 5/21/2013 through 7/5/2016; • That she be paid for 6.90 hours, including for appearance at Court on 7/5/2016 for the hearing on the Second Account, at \$200.00 per hour; • That the filing fee of \$435.00 for this petition be reimbursed to Petitioner; and • That the Public Guardian as Conservator be of the Estate be directed to pay for her services from the conservatorship estate; 	
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Aff.Mail	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input 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: 8/1/16
		Updates:
		Recommendation:
		File 3- Westenrider

3 Additional Page, Lavon Westenrider (CONS/PE) Case No. 13CEPR00393

Petitioner states:

- On 6/14/2016, she received the *Second and Final Account and Report of Conservator; Petition for Allowance of Compensation to Conservator and her Attorney; and Distribution*, and upon reviewing the file she discovered she had never petitioned for attorney fees; on 6/26/2016, she prepared this petition for attorney fees;
- The value of her services connected with this matter is **\$1,380.00** (6.9 hours at **\$200.00/hour**); since this petition is very late, she will reduce her rate by **15%** pursuant to the rules of the Superior Court's instructions for Claims Processing Policy for Court Appointed Attorney effective 6/1/2013;
- Therefore, the value of her services minus **15%** (calculated as **\$207.00**) is **\$1,173.00**;
- Petitioner requests she be paid a total of **\$1,608.00**.

Services are itemized by date and include review and draft of documents, visits with client, and court appearances.

NEEDS/PROBLEMS/COMMENTS, continued:

2. Court records do not show notice of the instant request for fees was served on the Public Guardian pursuant to Probate Code § 1470 et seq.
3. Itemization includes time entry dated 7/5/2016 at a charge of **\$200.00** for attendance at hearing. However, the *Minute Order* dated 7/5/2016 from the hearing on the Public Guardian's *Second and Final Account* does not show that Attorney LeVan appeared at the 7/5/2016 hearing.

4 Gabriella Krystal Simental (GUARD/E)

Case No. 14CEPR00657

Petitioner **Melinda C. Simental (Pro Per, mother, Guardian of the Estate)**

First Account and Report of Melinda C. Simental of Gabrielle Krystal Simental and Estate

		MELINDA C. SIMENTAL , mother and Guardian of the Estate, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. <i>Petition</i> shows that all cash of the Guardianship Estate is held in a single blocked account valued at \$286,623.65. Petitioner will need to reduce the amount of the single bank account from its current balance of \$286,623.65 to a maximum of \$250,000.00 in order for the bank accounts to be insured by the Federal Deposit Insurance Corporation (FDIC), which has a coverage limit of \$250,000.00 per single account. Petitioner did not comply with the Court's <i>Minute Order</i> dated 3/4/2015 stating that the Court orders that the funds be placed into two fully insured blocked accounts. <i>Order to Deposit Money Into Blocked Account</i> filed 3/9/2016 indicates Petitioner was ordered to deposit \$200,000.00 into one account, and to deposit all remaining funds of ~\$90,000.00 into a separate account.</p> <p>2. <i>Notice of Hearing</i> has not been filed showing proof of notice to the ward, GABRIELLA KRYSTAL SIMENTAL, pursuant to §§ 2621 and 1460. However, Court may excuse notice to the ward under Probate Code § 1460.1, if the Court determines that notice was properly given to a parent or guardian with whom the minor resides; or that the petition is brought by a parent or guardian with whom the minor resides. If Court confirms that the ward resides with the Petitioner, Court may excuse proof of service of notice to the ward.</p>
		<u>Account period: 3/10/2015 – 6/16/2016</u>	
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.	Accounting - Not stated	
<input type="checkbox"/>	Verified	Beginning POH - \$291,827.58	
<input checked="" type="checkbox"/>	Inventory	Ending POH - \$286,623.65 (all cash)	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	Guardian - waives	
<input type="checkbox"/>	Notice of Hrg	Petitioner requests the Court waive future accounts for the guardianship estate.	
<input 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 type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	2620	Non-original	
<input type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
Reviewed by: LEG			
Reviewed on: 8/1/16			
Updates:			
Recommendation:			
File 4- Simental			

Probate Status Hearing RE: Filing of First Account or Petition for Final Distribution

DOD: 9/22/14	<p>JENNIFER A. WILLIAMSON, Sister, was appointed Executor with Full IEAE without bond on 11/3/14 and Letters issued on 11/10/14.</p> <p>Notice of Setting Status Hearing filed 1/22/15 set this status hearing re the filing of the first account or petition for final distribution.</p> <p>Status Report filed 12/9/15 states the estate includes an undivided one-half interest in the decedent's residence in Fresno which must be sold to pay estate expenses. The property has been listed with a broker for sale since approx. January 2015. The price has been reduced several times, but it remains unsold. The Executor requests the status hearing be continued for six months to allow the decedent's interest in the residence to be sold.</p> <p>Status Report filed 7/28/16 states the property has been sold and escrow closed last week. Some matters remain unresolved such as a dispute with the co-owner of the property over the liability for expenses. Executor intends to resolve all matters as soon as possible and file the petition for final distribution. As such, a three (3) month continuance is requested.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need first account or petition for final distribution pursuant to Probate Code §12200.</p>
Cont. from 010716		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p>Reviewed by: skc</p> <p>Reviewed on: 7/29/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5- Williamson</p>	

6 Maggie Hooker (Estate)

Case No. 14CEPR00951

Attorney Fanucchi, Edward L. (for Herminia Hawkins – Petitioner – Executor)

First and Final Account and Report of Executor and Petition for its Settlement;

Allowance of Compensation to Executor and Attorneys for Ordinary and Extraordinary Services;

Reimbursement of Costs Advanced and for Final Distribution

DOD: 09/09/2016	HERMINIA HAWKINS , Executor, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 09/09/2014 – 06/15/2016	
	Accounting - \$100,057.41	
	Beginning POH - \$65,000.00	
	Ending POH - \$94,040.48	
	(cash)	
Cont. from	Executor - \$4,000.00	
<input type="checkbox"/> Aff.Sub.Wit.	(statutory)	
<input checked="" type="checkbox"/> Verified	Executor costs - \$3,882.87 (for	
<input checked="" type="checkbox"/> Inventory	maintaining residence, insurance, utilities)	
<input type="checkbox"/> PTC	Attorney - \$4,000.00	
<input checked="" type="checkbox"/> Not.Cred.	(statutory)	
<input checked="" type="checkbox"/> Notice of Hrg	Attorney x/o - \$1,265.00	
<input checked="" type="checkbox"/> Aff.Mail w/	(extraordinary fees in connection with sale	
<input type="checkbox"/> Aff.Pub.	of real property)	
<input type="checkbox"/> Sp.Ntc.	Costs - \$1,731.50	
<input type="checkbox"/> Pers.Serv.	(filing fees, probate referee, publication,	
<input type="checkbox"/> Conf. Screen	certified copies)	
<input checked="" type="checkbox"/> Letters 05/21/15	Closing - \$500.00	
<input type="checkbox"/> Duties/Supp	(taxes)	
<input type="checkbox"/> Objections	Distribution, pursuant to Decedent's Will, is	
<input type="checkbox"/> Video Receipt	to:	
<input type="checkbox"/> CI Report	Herminia Hawkins - \$32,222.36	
<input checked="" type="checkbox"/> 9202	Myrna Campbell - \$32,222.36	
<input 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: LV
		Reviewed on: 08/01/2016
		Updates:
		Recommendation:
		File 6- Hooker

Attorney **Gary G. Bagdasarian (for Connie Mekealian, Administrator)**

Probate Status Hearing Re: Proof of Proceeds in Blocked Account

DOD: 2/27/2014	<p>CONNIE MEKEALIAN, niece, was appointed Administrator with Limited IAEA without bond on 11/19/2015.</p> <p>Order to Deposit Money into Blocked Account filed 5/31/2016 authorizes deposit of the net proceeds from the sale of real property.</p> <p>First Amended Order Confirming Sale of Real Property filed 6/20/2016 confirmed the sale of real property for \$129,500.00, with net sale proceeds to be deposited into a blocked account.</p> <p>Status Report filed 7/5/2015 states a <i>First Amended Order Confirming Sale</i> was filed 6/20/2016 as a result of an Ex Parte Application filed with the Court explaining the vesting of the buyer; Attorney Bagdasarian was on vacation until 6/29/2016, at which time a certified copy of the <i>First Amended Order Confirming Sale</i> was provided to the Escrow Officer at Fidelity National Title Company, who indicates that the sale should close on Friday [July] 8, 2016; request is made for an additional 21 days to file a <i>Receipt and Acknowledgment of Order for the Deposit of Money Into Blocked Account</i>.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR</p> <p><i>Receipt and Acknowledgment of Order for Deposit of Funds into Blocked Account filed 7/20/2016.</i></p>
Cont. from 070716		
Aff.Sub.Wit.		
Verified		
Reappraisal		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p>Reviewed by: LEG</p> <p>Reviewed on: 8/1/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 7- Mekealian</p>	

Guardian/Petitioner: Maria Guadalupe Andrade de Zamora (Pro per)

Guardian/Petitioner: Antonio Zamora Cuellar (Pro per)

Petition for Termination of Guardianship

		<p>MARIA GUADALUPE ANDRADE DE ZAMORA and ANTONIO ZAMORA CUELLAR, paternal grandparents/guardians, are petitioners.</p> <p>Petitioners were appointed co-guardians of the minor on 1/7/2016.</p> <p>Court Investigator report filed 7/26/2016.</p> <p><i>See petition for details.</i></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of service of <i>Notice of Hearing</i> <u>or</u> consents and waivers of notice <u>or</u> declarations of due diligence for: <ol style="list-style-type: none"> a. Jocelyn Zamora Diaz (ward) b. Juan Antonio Zamora Andrade (father) c. Laura Catalina Diaz Becerra (mother) d. Gonzalo Diaz Esqueda (maternal grandfather) e. Maria Del Socorro Becerra Araiza (maternal grandmother)
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg x		
<input type="checkbox"/>	Aff.Mail x		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: SEF</p> <p>Reviewed on: 8/1/2016</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8- Diaz</p>	

Petitioner: Willie Jean Bass (pro per)

Petition for Appointment of Probate Conservator

		<u>TEMPORARY EXPIRES 8/4/16</u>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator advised rights on 01/22/16.</p> <p>Voting rights affected, need Minute Order.</p>	
		<p>WILLIE JEAN BASS, mother, is petitioner</p> <p>Please see petition for details.</p> <p>Court Investigator filed a report on 02/04/16.</p>		
Cont. from 052616, 063016				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail	W/		
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input checked="" type="checkbox"/>	Video Receipt			
<input checked="" 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 checked="" type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
				Reviewed by: KT
				Reviewed on: 8/2/16
			Updates:	
			Recommendation:	
			File 9- Rogers	

First and Final Account and Report of Administrator and Petition for Its Settlement, for Allowance of Statutory Commissions and for Final Distribution

DOD: 10/15/15		MICHELE O. SPENCER , Administrator, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Stephen Diebert was appointed as the probate referee for this matter pursuant to the order dated 2/16/16. However, Peter Jensen completed the inventory and appraisal. The inventory and appraisal must be completed by the appointed probate referee. Distributee, Paul Oesterle's address is listed as being in Canada. Probate Code §8113 states that if property will pass to a citizen of a foreign country, notice shall be given to a recognized diplomatic or consular official of the foreign country maintaining an office in the United States.
		Account period: 10/15/15 – 6/20/16	
Cont. from		Accounting - \$503,723.49	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$490,000.00	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$470,414.39	
<input checked="" type="checkbox"/>	Inventory	Administrator - Waives	
<input checked="" type="checkbox"/>	PTC	Attorney (statutory) - \$13,070.00	
<input checked="" type="checkbox"/>	Not.Cred.	Costs - \$1,864.00 (filing fees, publication, probate referee, certified copies)	
<input checked="" type="checkbox"/>	Notice of Hrg	Closing - \$1,000.00	
<input checked="" type="checkbox"/>	Aff.Mail	<input type="checkbox"/> W/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	Distribution, pursuant to intestate succession, is to:	
	Conf. Screen	Michele O. Spencer, Pam Kania, Stephen Oesterle, Mary Elise Schlichtenmyer, Ellen Aeling, Christin Espinola, Carla Oesterle, Paul Oesterle, Maureen Oesterle - \$45,448.04 each;	
<input checked="" type="checkbox"/>	Letters	2/16/16 Christopher Wedge and Jeremy Wedge - \$22,724.02 each.	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 8/2/16
			Updates:
			Recommendation:
			File 10- Oesterle

Probate Status Hearing RE: Filing of the Inventory and Appraisal

DOD: 10/29/2015	<p>KEVIN J. ANDERSON, son, was appointed executor with full IAEA without bond on 3/3/2016.</p> <p><i>Letters issued 3/3/2016.</i></p> <p>Minute order dated 3/3/2016 set this status hearing for filing of the I&A.</p>	NEEDS/PROBLEMS/COMMENTS:
		<p>OFF CALENDAR Final I&A filed 4/13/2016.</p>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: SEF
		Reviewed on: 8/1/2016
		Updates:
		Recommendation:
		File 11- Anderson

12 Mason Gonzales (GUARD/P)

Case No. 16CEPR00317

Attorney: Julie Hicks (for Petitioner Catherine Bernal)

Petitioner: Valentin Bernal (pro per)

Attorney: Amy Lopez (for Objector/Father Adrian Mendoza)

Petition for Appointment of Guardian of the Person

		TEMPORARY was terminated on 5/25/16	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 6/9/16. Minute order states matter is continued due to the late filed document. The Court orders that the minor is to remain with his father between now and 8/4/16.</p> <ol style="list-style-type: none"> 1. Need proof of service of the Notice of Hearing along with a copy of the petition or consent and waiver of notice or declaration of due diligence for: <ol style="list-style-type: none"> a. Paternal grandparents b. Maternal grandfather. 2. Confidential Guardian Screening form for both petitioners is incomplete at #1 whether or not they are required to register as a sex offender.
		<p>CATHERINE BERNAL, maternal grandmother, and VALENTIN BERNAL, step maternal grandfather, is petitioner.</p> <p>Please see petition for details.</p>	
Cont. from 052516, 060916			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
		Reviewed by: KT	
		Reviewed on: 8/2/16	
		Updates:	
		Recommendation:	
		File 12- Gonzales	

Petitioner Gretta Christa (Pro Per, daughter)
 Attorney Curtis Rindlisbacher (Court-appointed for Conservatee)

Petition for Appointment of Probate Conservator of the Person

		<p>GRETta CHRISTA, daughter, is Petitioner and requests appointment as Conservator of the Person.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
		<p>~Please see <i>Petition for details</i>~</p>	<p>Court Investigator Advised Rights on 5/24/2016.</p>
<p>Cont. from 060216, 063016</p>		<p>Court Investigator's Report was filed on 6/27/2016.</p>	<p>Continued from 6/30/2016. Minute Order states Mr. Rindlisbacher needs more time, as he was just recently appointed as counsel for the proposed conservatee.</p>
	Aff.Sub.Wit.		
✓	Verified		<p>1. Need Conservatorship Video Viewing Certificate pursuant to Local Rule 7.15.9(A). Court's website http://www.fresno.courts.ca.gov/Probate/conservatorship provides a link to view the video and a printable receipt for viewing by the Petitioner that must be filed with the Court.</p>
	Inventory		
	Cap. Dec.	X	
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W/	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.		
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt	X	
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
✓	Citation		
	FTB Notice		
			<p>Reviewed by: LEG</p>
			<p>Reviewed on: 8/1/16</p>
			<p>Updates:</p>
			<p>Recommendation:</p>
			<p>File 13- Petrossian</p>

14 Inez Talley (Estate)

Case No. 16CEPR00566

Attorney Fletcher, Robert J (of Tulare, Ca. for Russell Mayfield – Petitioner – Grandson)

Petition for Probate of Will and for Letters Testamentary

DOD: 05/27/2006		<p>RUSSELL MAYFIELD, grandson/named executor without bond, is petitioner.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order of 07/21/2016: Verified declaration by petitioner needs to be filed by 08/01/2016.</p> <p>Note: An Inventory and Appraisal was filed on 05/27/2016, however it is incomplete as the <i>Statement of the Bond</i> portion was not complete, nor was it signed by the Attorney; the caption does not if this is the Final Inventory and Appraisal; and it is not completed at #5 regarding property tax certificate. Pursuant to the Court's policy Steven Diebert should be the designated Probate Referee, however Rick P. Smith completed the appraisal. Therefore, Court may designate RICK P. SMITH as the Probate Referee for this case pursuant to Probate Code § 8902 based on the appraisal work having already been completed by him.</p> <p style="text-align: center;"><u>Please see additional page for Status Hearings</u></p>
		<p>Full IAEA – ok</p>	
Cont. from 072116		<p>Will dated: 11/18/1998</p>	
<input type="checkbox"/>	Aff.Sub.Wit.	s/p	
<input checked="" type="checkbox"/>	Verified		
<input checked="" 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 checked="" type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
<p>Residence: Reedley Publication: The Reedley Exponent</p> <p>Estimated value of the Estate: Real property - \$233,345.00</p> <p>Probate Referee: Steven Diebert</p>			
		<p>Reviewed by: LV</p>	
		<p>Reviewed on: 08/01/2016</p>	
		<p>Updates:</p>	
		<p>Recommendation:</p>	
		<p>File 14- Talley</p>	

Note: If the petition is granted status hearings will be set as follows:

- **Thursday, 01/05/2017 at 9:00a.m. in Dept. 303** for the filing of the Corrected Inventory and Appraisal **and**
- **Thursday, 10/05/2017 at 9:00a.m. in Dept. 303** for the filing of the first account and final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.

Petitioner: Marie Latea Adams (Pro per)

Petition for Appointment of Guardian of the Person

		<u>TEMPORARY DENIED</u>	NEEDS/PROBLEMS/COMMENTS:
		MARIA ADAMS, paternal aunt, is petitioner	<ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 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> consents and waivers of notice <u>or</u> declarations of due diligence for: <ol style="list-style-type: none"> a. Dale Gilmore (father) – <i>unless the Court excuses notice</i> b. Erica Campbell (mother) 3. Need proof of 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 grandfather b. Pauline Williams (paternal grandmother) c. Maternal grandparents
		Court Investigator report filed 7/12/2016.	
Cont. from		<i>See petition for details.</i>	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		x
<input type="checkbox"/>	Aff.Mail		x
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		x
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: SEF
			Reviewed on: 8/1/2016
			Updates:
			Recommendation:
			File 15- Campbell

16 Clark Melvin, Seth Melvin (GUARD/P)

Case No. 16CEPR00589

Petitioner Jordan, Paulette (Pro Per – Maternal Grandmother)

Petition for Appointment of Guardian of the Person

Clark Age: 6	<p align="center"><u>NO TEMPORARY REQUESTED</u></p> <p>PAULTETTE JORDAN, maternal grandmother, is petitioner.</p> <p align="center"><u>Please see petition for details</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Paternal Grandmother, Marsha Melvin, filed a competing petition on 08/02/2016. Hearing is set for 10/03/2016.</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Paul T. Melvin (Father) • Krista Melvin (Mother) 3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • David Melvin (Paternal Grandfather) • Marsha Melvin (Paternal Grandmother) • Michael H. Reynolds (Maternal Grandfather) 	
Seth Age: 6			
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input type="checkbox"/> Notice of Hrg			x
<input type="checkbox"/> Aff.Mail			x
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			x
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input checked="" type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input checked="" type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
		Reviewed by: LV	
		Reviewed on: 08/02/2016	
		Updates:	
		Recommendation:	
		File 16- Melvin	

17 Francine Conae (Estate)

Case No. 16CEPR00639

Attorney Istanbulian, Flora (for Carol Ann Madruga – Petitioner)

Petition for Probate of Will and for Letters of Administration with Will Annexed (Lost Will);

Authorization to Administer Under the IAEA

DOD: 05/29/2016	CAROL ANN MADRUGA , is petitioner and requests appointment as Administrator with Will Annexed, without bond.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Probate Code §6124 states if the testator's will was last in the testator's possession, the testator was competent until death, and neither the will nor a duplicate original of the will can be found after the testator's death, it is presumed that the testator destroyed the will with intent to revoke it. This presumption is a presumption affecting the burden of producing evidence. Petitioner has not provided anything to rebut the presumption that the will was not destroyed with the intent to revoke.</p> <p>2. Order does not comply with the Probate Code §8223, copy of the will must be included with the order.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Thursday, 01/05/2017 at 9:00a.m. in Dept. 303 for the filing of the Inventory and Appraisal <u>and</u> • Thursday, 10/05/2017 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
Cont. from	Full IAEA – o.k.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Lost Will dated: 05/02/2003	
<input type="checkbox"/> Inventory	Residence: Fresno	
<input type="checkbox"/> PTC	Publication: The Business Journal	
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Estimated value of the Estate:	
<input checked="" type="checkbox"/> Aff.Mail	Personal property - \$14,900.00	
<input checked="" type="checkbox"/> Aff.Pub. w/	Real property - \$220,000.00	
<input type="checkbox"/> Sp.Ntc.	Less encumbrances - \$11,000.00	
<input type="checkbox"/> Pers.Serv.	Total - \$224,900.00	
<input type="checkbox"/> Conf. Screen	Probate Referee: Steven Diebert	
<input checked="" type="checkbox"/> Letters	Petitioner states: decedent, Francine Conae, left a last will dated 05/02/2003, which Petitioner believes and therefore alleges is the last will of the decedent. The will has never been revoked, but is lost. Petitioner has made an extensive search of the decedent's house trying to locate the will, but has been unsuccessful.	
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 08/02/2016
		Updates:
		Recommendation:
		File 17- Conae

Page 2 – Petitioners state on 4/22/16, Cottonwood Court sent a written itemized statement to Respondent at his address, which shows an outstanding balance of \$18,360.00 through May 2016. The balance of \$13,770.00 through April 2016 was past due, and \$4,590.00 for May was due and payable on 5/1/16.

On 4/24/16, in order to prevent Cottonwood Court from evicting L. Schengel, Petitioner Christopher Kennedy paid the past due amount of \$13,770.00 out of his own personal assets, and subsequently made an oral demand upon Respondent to reimburse him the \$13,770.00, which Respondent failed and refused and continues to fail and refuse to do.

Petitioner's counsel sent a letter dated 5/24/16 to Respondent's address demanding reimbursement and that Respondent immediately pay Cottonwood Court's May invoice of \$4,590.00, which became due and owing on 5/10/16.

As of 6/16/16, Respondent has not paid L. Schengel's living expenses at Cottonwood Court for May and June 2015, which total \$9,180.00, once again subjecting L. Schengel to eviction.

Petitioners state Respondent's refusal to pay L. Schengel's living expenses and reimburse Petitioner for his payment thereof amounts to a violation of the trust and therefore a material breach of the trust. By reason of Respondent's conduct as described above, Respondent has demonstrated unfitness to serve as trustee and his removal and appointment of a successor trustee is necessary for the future protection and proper administration of the trust.

Upon his removal, there will be a vacancy, as C. Kennedy is deceased. The trust does not provide a practical method for appointing a trustee and does not name a person to fill the vacancy. Petitioners therefore nominate **BRUCE D. BICKEL** as successor trustee. See consent at Exhibit 6.

Petitioners pray for an order:

1. Instructing John A. Schengel, as trustee of the Alfred Schengel Testamentary Trust, to:
 - a. Immediately pay from the assets of the Alfred Schengel Testamenatry Trust the total amount of \$9,180.00 to Cottonwood Court for the months of May and June 2016;
 - b. Immediately pay Petitioner Christopher Kennedy from the assets of the Alfred Schengel Testamentary Trust the total amount of \$13,770.00 as reimbursement for his payment to Cottonwood Court in the amount of \$13,770.00;
 - c. Pay from the assets of the Alfred Schengel Testamentary Trust the monthly costs for L. Schengel's living expenses at Cottonwood Court by the 10th of every month for so long as L. Schengel resides at Cottonwood Court and for as long as John A. Schengel is the trustee of the Alfred Schengel Testamentary Trust;
 - d. Pay in a timely manner from the assets of the Alfred Schengel Testamentary Trust the monthly living expenses for L. Schengel at any subsequent facility should L. Schengel ever move from Cottonwood Court for so long as John A. Schengel is the trustee of the Alfred Schengel Testamentary Trust.
2. Removing John A. Schengel as Trustee of the Alfred Schengel Testamentary Trust;
3. Appointing Bruce D. Bickel as Successor Trustee of the Alfred Schengel Testamentary Trust and vesting him with all the powers vested in the office of the trustee under the trust instrument;
4. Requiring Bruce D. Bickel to give a surety bond in the amount of \$450,000.00 and that the cost of the bond be charged against the Alfred Schengel Testamentary Trust;
5. Compelling John A. Schengel to account fully for all trust property;
6. Compelling John A. Schengel to turn over to Bruce D. Bickel all original documents, deeds, bank and investment statements whether said statements are monthly, quarterly, or annual statements, all tangible and intangible personal property of the Alfred Schengel Testamentary Trust, and all bank accounts, investment accounts, mutual funds accounts, stocks, bonds, and keys to all real property that is an asset of the testamentary trust.;
7. Awarding Petitioners their attorney's fees and costs of the suit incurred herein; and
8. For such other orders as the Court may deem proper.

Page 3 – Successor Trustee John A. Schengel’s Objection filed 8/1/16 admits or denies various statements in the petition and states Lenore F. Schengel passed away on 7/11/16. Objector states that upon the death of his sister

(C. Kennedy), he became sole successor trustee. He was not represented by counsel and was unsure how to proceed. He consulted with an attorney re steps needed to administer the trust and began to carry out the instructions given to him. Mr. Schengel had no prior experience with such matters. Following the filing of the instant petition, Mr. Schengel retained Dowling Aaron Incorporated and is now being advised re his role and responsibilities as successor trustee.

Mr. Schengel states that because Mrs. Schengel's expenses at Cottonwood were paid by his sister, Mr. Schengel had no information regarding the cost of the facility or the amount of the monthly invoices. He took active steps to administer the trust in accordance with its terms: He attempted to gain access to the funds in a Union Bank account to pay Mrs. Schengel's expenses, but was unable to do so as the account was held in the name of Mrs. Schengel and C. Kennedy, individually. Upon advice, he completed the paperwork at Morgan Stanley, and understood there would be additional documents to sign before he could access the funds.

After being served with the petition, he was referred to the law office of Dowling Aaron Incorporated and retain said firm to assist with administration of his father's testamentary trust and his mother's trust. With the firm's guidance, he has begun administering the trusts, including paying his mother's expenses and the ongoing expenses of the trusts. Accordingly, he is acting appropriately in his role as trustee and following the terms of the trust.

Mr. Schengel received a statement from Cottonwood in late April 2016; however, at the time, he believed a long-term care policy paid her expenses. After some research, Mr. Schengel confirmed that there was such a policy, but that it paid monthly proceeds to the account at Union Bank that he could not access. He did not know that the Morgan Stanley funds could be used to pay the invoice.

Mr. Schengel states he was presented with documents supporting the allegation that Christopher Kennedy paid the outstanding amounts due to Cottonwood and has reimbursed him \$13,770 by delivering payment to his attorney, Melvin Rube, on 8/1/16, and he has now made full payment to Cottonwood for the entire outstanding amount.

Mr. Schengel states he took active steps to administer the trust as described above. Upon service of the petition, he retained Dowling Aaron Incorporated and has begun administering the trust and paying ongoing expenses. Accordingly, he is acting appropriately in his role as trustee.

The petition fails to state facts sufficient to support the request for his removal and for an accounting. He has rectified the situation by making full reimbursement to Petitioner, paying arrearage to Cottonwood Court, and by retaining counsel to assist with administration. Prior to the death of Mrs. Schengel on 7/11/16, Petitioners were not entitled to an accounting because she was the only beneficiary with right to distribution. Petitioners' allegations that he failed to reimburse Petitioner or pay Cottonwood Court – both debts that have now been paid in full – are not sufficient basis to compel accounting at this time. Mr. Schengel has an obligation to account annually to Petitioners for the period commencing 7/11/16, the day Mrs. Schengel passed away, and his first account is not due until next year unless he proposes to complete trust administration before that time.

Objector prays the Court issues an order as follows:

1. Denying the petition and all relief requested therein;
2. Granting Mr. Schengel reasonable costs of suit; and
3. Awarding any and all other relief the Court deems just and proper.

Page 2

Petitioners state the trustor's living expenses at Cottonwood Court are \$4,590/month. On 4/22/16, Cottonwood Court sent a written itemized statement to Respondent at his address, which shows an outstanding balance of \$18,360.00 through May 2016. The balance of \$13,770.00 through April 2016 was past due, and \$4,590.00 for May was due and payable on 5/1/16.

On 4/24/16, in order to prevent Cottonwood Court from evicting L. Schengel, Petitioner Christopher Kennedy paid the past due amount of \$13,770.00 out of his own personal assets, and subsequently made an oral demand upon Respondent to reimburse him the \$13,770.00, which Respondent failed and refused and continues to fail and refuse to do.

Petitioner's counsel sent a letter dated 5/24/16 to Respondent's address demanding reimbursement and that Respondent immediately pay Cottonwood Court's May invoice of \$4,590.00, which became due and owing on 5/10/16.

As of 6/16/16, Respondent has not paid L. Schengel's living expenses at Cottonwood Court for May and June 2015, which total \$9,180.00, once again subjecting L. Schengel to eviction.

The trust provides that during the trustor's lifetime, the entire net income, and principal as needed, shall be paid to or for the benefit of the trustor to maintain the standard of living that she enjoyed on the date of execution.

Petitioners state Respondent's refusal to pay L. Schengel's living expenses and reimburse Petitioner for his payment thereof amounts to a violation of the trust and therefore a material breach of the trust. By reason of Respondent's conduct as described above, Respondent has demonstrated unfitness to serve as trustee and his removal and appointment of a successor trustee is necessary for the future protection and proper administration of the trust.

The trust provides that if C. Kennedy should be unwilling or unable to act, John Alfred Schengel is nominated as successor trustee. Should all of named trustees be deceased, unable or unwilling to act, any beneficiary named herein may petition the superior court in the County of Fresno for the appointment of a successor trustee. Petitioners therefore nominate **BRUCE D. BICKEL** as successor trustee. See consent at Exhibit 7.

SEE ADDITIONAL PAGES

Page 3**Petitioners pray for an order:**

9. Instructing John A. Schengel, as trustee of the Lenore F. Schengel Living Trust, to:
 - a. Immediately pay from the assets of the Lenore F. Schengel Living Trust the total amount of \$9,180.00 to Cottonwood Court for the months of May and June 2016;
 - b. Immediately pay Petitioner Christopher Kennedy from the assets of the Lenore F. Schengel Living Trust the total amount of \$13,770.00 as reimbursement for his payment to Cottonwood Court in the amount of \$13,770.00;
 - c. Pay the monthly costs for L. Schengel's living expenses at Cottonwood Court by the 10th of every month for so long as L. Schengel resides at Cottonwood Court and for as long as John A. Schengel is the trustee of the Lenore F. Schengel Living Trust;
 - d. Pay in a timely manner from the assets of the Lenore F. Schengel Living Trust the monthly living expenses for L. Schengel at any subsequent facility should L. Schengel ever move from Cottonwood Court for so long as John A. Schengel is the trustee of the Lenore F. Schengel Living Trust.
10. Removing John A. Schengel as Trustee of the Lenore F. Schengel Living Trust;
11. Appointing Bruce D. Bickel as Successor Trustee of the Lenore F. Schengel Living Trust and vesting him with all the powers vested in the office of the trustee under the trust instrument;
12. Requiring Bruce D. Bickel to give a surety bond in the amount of \$105,000.00 and that the cost of the bond be charged against the trust;
13. Compelling John A. Schengel to account fully for all trust property;
14. Compelling John A. Schengel to turn over to Bruce D. Bickel all original documents, deeds, bank and investment statements whether said statements are monthly, quarterly, or annual statements, all tangible and intangible personal property of the trust, and all bank accounts, investment accounts, mutual funds accounts, stocks, bonds, and keys to all real property that is an asset of the trust.;
15. Awarding Petitioners their attorney's fees and costs of the suit incurred herein; and
16. For such other orders as the Court may deem proper.

Page 4 – Successor Trustee John A. Schengel’s Objection filed 8/1/16 admits or denies various statements in the petition and states Lenore F. Schengel passed away on 7/11/16. Objector states that upon the death of his sister (C. Kennedy), he became sole successor trustee. He was not represented by counsel and was unsure how to proceed. He consulted with an attorney re steps needed to administer the trust and began to carry out the instructions given to him. Mr. Schengel had no prior experience with such matters. Following the filing of the instant petition, Mr. Schengel retained Dowling Aaron Incorporated and is now being advised re his role and responsibilities as successor trustee.

Mr. Schengel states that because Mrs. Schengel’s expenses at Cottonwood were paid by his sister, Mr. Schengel had no information regarding the cost of the facility or the amount of the monthly invoices. He took active steps to administer the trust in accordance with its terms: He attempted to gain access to the funds in a Union Bank account to pay Mrs. Schengel’s expenses, but was unable to do so as the account was held in the name of Mrs. Schengel and C. Kennedy, individually. Upon advice, he completed the paperwork at Morgan Stanley, and understood there would be additional documents to sign before he could access the funds.

After being served with the petition, he was referred to the law office of Dowling Aaron Incorporated and retain said firm to assist with administration of his father’s testamentary trust and his mother’s trust. With the firm’s guidance, he has begun administering the trusts, including paying his mother’s expenses and the ongoing expenses of the trusts. Accordingly, he is acting appropriately in his role as trustee and following the terms of the trust.

Mr. Schengel received a statement from Cottonwood in late April 2016; however, at the time, he believed a long-term care policy paid her expenses. After some research, Mr. Schengel confirmed that there was such a policy, but that it paid monthly proceeds to the account at Union Bank that he could not access. He did not know that the Morgan Stanley funds could be used to pay the invoice.

Mr. Schengel states he was presented with documents supporting the allegation that Christopher Kennedy paid the outstanding amounts due to Cottonwood and has reimbursed him \$13,770 by delivering payment to his attorney, Melvin Rube, on 8/1/16, and he has now made full payment to Cottonwood for the entire outstanding amount.

Mr. Schengel states he took active steps to administer the trust as described above. Upon service of the petition, he retained Dowling Aaron Incorporated and has begun administering the trust and paying ongoing expenses. Accordingly, he is acting appropriately in his role as trustee.

The petition fails to state facts sufficient to support the request for his removal and for an accounting. He has rectified the situation by making full reimbursement to Petitioner, paying arrearage to Cottonwood Court, and by retaining counsel to assist with administration. Prior to the death of Mrs. Schengel on 7/11/16, Petitioners were not entitled to an accounting because she was the only beneficiary with right to distribution. Petitioners’ allegations that he failed to reimburse Petitioner or pay Cottonwood Court – both debts that have now been paid in full – are not sufficient basis to compel accounting at this time. Mr. Schengel has an obligation to account annually to Petitioners for the period commencing 7/11/16, the day Mrs. Schengel passed away, and his first account is not due until next year unless he proposes to complete trust administration before that time.

Objector prays the Court issues an order as follows:

4. Denying the petition and all relief requested therein;
5. Granting Mr. Schengel reasonable costs of suit; and
6. Awarding any and all other relief the Court deems just and proper.

20 Sarah Marple (Estate)

Case No. 16CEPR00667

Attorney Esraelian, Robyn L (for Nancy Ramos – Petitioner)

Petition for Letters of Administration and Authorization to Administer Under the IAEA

DOD: 10/09/2002		<p>NANCY RAMOS, petitioner, requests appointment as Administrator with bond set at \$25,000.00.</p> <p>Full IAEA – o.k.</p> <p>Decedent died intestate</p> <p>Residence: Fresno Publication: The Business Journal</p> <p>Estimated value of the Estate: Real property - \$21,000.00</p> <p>Probate Referee: Rick Smith</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Petitioner is not listed on #8 of the petition as required and it is unclear what the relationship is to the decedent. Notice of Petition to Administer Estate indicates that Michelle Marple was served c/o Deann. Service must be directly on the individual. Service in care of another person is insufficient pursuant to CA Rules of Court 7.51(a)(1). <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> Thursday, 09/08/2016 at 9:00a.m. in Dept. 303 for the filing of the Bond and Thursday, 01/05/2017 at 9:00a.m. in Dept. 303 for the filing of the Inventory and Appraisal and Thursday, 10/05/2017 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/		
<input checked="" type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
Reviewed by: LV			
Reviewed on: 08/02/2016			
Updates:			
Recommendation:			
File 20- Marple			

21 Donald I. Templer (Estate)

Case No. 16CEPR00669

Attorney Ramirez, Edward R., JR (for Diane Cercado – Petitioner – Friend)

Attorney Cunningham, Nikole (for Mark Templer – Objector – Cousin)

Petition for Probate of Will and for Letters Testamentary with IAEA

DOD: 06/02/2016		DIANE CERCADO , friend/named Executor without bond, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note: If the petition is granted status hearings will be set as follows:</u></p> <ul style="list-style-type: none"> • Thursday, 01/05/2017 at 9:00a.m. in Dept. 303 for the filing of the Inventory and Appraisal and • Thursday, 10/05/2017 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
		Full IAEA – o.k.	
		Will dated: 09/08/2015	
Cont. from		Residence: Fresno	
<input type="checkbox"/>	Aff.Sub.Wit.	s/p	
<input checked="" type="checkbox"/>	Verified	Publication: The Business Journal	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	w/o	
<input checked="" type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input checked="" 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		
		<p>Estimated value of the Estate:</p> <p>Personal property - \$80,075.20</p> <p>Real property - \$200,000.00</p> <p>Total - \$280,075.20</p> <p>Probate Referee: Rick Smith</p> <p>Objection to Admission of Will to Probate and to Appointment of Personal Representative filed 08/04/2016 states Objector is informed and believes and thereon alleges the purported Will of the Decedent, that is the subject of the June 27, 2016 Petition for Probate of Will and for Letters Testamentary and Authorization to Administrator Under the Independent Administration of Estates Act filed by Petitioner Diane Cercado (hereinafter "Petitioner"), was the product of undue influence by the Petitioner, who was the Decedent's caregiver prior to and subsequent to the execution of the purported Will.</p> <p style="text-align: center;"><u>Please see additional page</u></p>	
		Reviewed by: LV	
		Reviewed on: 08/02/2016	
		Updates: 08/03/2016	
		Recommendation:	
		File 21- Templer	

The purported Last Will and Testament of Donald Templer dated 09/08/2015 names the Petitioner – non-family member and paid caregiver- as the Proposed Executor and sole beneficiary of Decedent's estate. Objector is Decedent's cousin, and as such Objector is an "interested person" entitled to contest the admission of the purported will to probate as that term is defined in Probate Code Section 48(a)(1).

Objector intends, within 30 days, to file a Contest and Grounds of Opposition to Admission of Will to Probate and Opposition to Appointment of Personal Representative under Probate Code Sections 8004 and 8250, but due to the recent retention of legal counsel is unable to file such Contest in advance of the August 4, 2016 hearing.

Wherefore, Objector prays for an Order of the Court as follows:

- 1) The Court deny the admission of the purported Will to probate and continue hearing on the Petition of Diane Cercado for Letters of Testamentary to allow Objector insufficient time to file his intended Contest of Will; and
- 2) For such other and further Order or Orders as the Court may deem appropriate.

Petition to Determine Succession to Real Property

DOD: 3/15/13		<p>STANLEY EMERZIAN and NANCY SUGLIAN, Son and Daughter, are Petitioners.</p> <p>40 days since DOD</p> <p>No other proceedings</p> <p>I&A: \$80,000.00 (a 2/3 interest in real property located at 2927 E. Harvard in Fresno)</p> <p>Will dated 6/11/59 devises the entire estate to Petitioners in the event that the decedent's wife, Dorothy Emerzian, is not living. (Dorothy predeceased the decedent on 11/29/05.)</p> <p>Petitioners request Court determination that the decedent's 2/3 interest in the real property passes to them in 1/2 undivided interests each as tenants in common.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
	Aff.Sub.Wit.		
✓	Verified		
✓	Inventory		
	PTC		
	Not.Cred.		
N/A	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		<p>Reviewed by: skc</p> <p>Reviewed on: 8/2/16</p> <p>Updates:</p> <p>Recommendation: SUBMITTED</p> <p>File 22- Emerzian</p>	

Petition for Appointment of Temporary Guardian of the Person

	GENERAL HEARING 9/22/16	NEEDS/PROBLEMS/COMMENTS:
	TAISHA PAGGETT , sister, is petitioner.	1. Need Notice of Hearing. 2. Need proof of personal service of the Notice of Hearing along with a copy of the temporary petition on: a. Kapria Armstrong (mother)
	Please see petition for details.	
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: 8/2/16
		Updates:
		Recommendation:
		File 23- Paggett

Petitioner Day, Shameka Shanae (Pro Per – Maternal Aunt – Petitioner)
 Petitioner Taylor-Anderson, JoAnn (Pro Per – Paternal Grandmother of Sylvester – Petitioner)
 Petitioner Taylor, Josephine Shanae (Pro Per – Paternal Aunt of Sylvester – Petitioner)

Petition for Appointment of Temporary Guardian of the Person

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: 1. If diligence is not found, need personal service of Notice of Hearing with a copy of this temp petition at least five court days prior to the hearing per Probate Code §2250(e) on: - Nijah's father - Christopher King (Kai's father)	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			W
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 8/2/16	
			Updates:	
			Recommendation:	
			File 24- Montgomery/ Taylor/ King	

25 Elizabetha Lynne Godina, Micheal Godina, Emily Williams

(GUARD/P)

Case No. 15CEPR00615

Petitioner: Melissa Katherine Meno (pro per)

Petitioner: Jackalyn Nicole Meno (pro per)

Petition for Appointment of Temporary Guardian of the Person

	TEMPORARY EXPIRES 8/4/16		NEEDS/PROBLEMS/COMMENTS:
	GENERAL HEARING 9/26/16		
	MELISSA MENO and JACKALYN NICOLE MENO , maternal cousins, are petitioners.		This petition is as to EMILY WILLIAMS only.
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail		W/	
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input 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: 8/2/16
			Updates:
			Recommendation:
			File 25- Godina/ Williams

Petitioner: Carla Alaniz (Pro per – Sister)

Petition for Appointment of Temporary Guardian

		<u>GENERAL HEARING 9/26/2016</u>	NEEDS/PROBLEMS/COMMENTS:
		CARLA ALANIZ, sister, is petitioner	
		<i>See petition for details.</i>	<ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of personal service at least five court days before the hearing of <i>Notice of Hearing</i> with copy of temporary petition or consents and waivers of notice or declarations of due diligence for: <ol style="list-style-type: none"> a. Jesse Andrews Salazar (father) b. Bibiana Castro (mother) c. Bibiana Salazar (ward)
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: SEF
			Reviewed on: 8/2/2016
			Updates:
			Recommendation:
			File 26- Salazar

**27 In the Matter of Brian Jacob Lande and Melissa Annette Carleton
Case No. 16CEPR00720**

Attorney John Hastrup (for Brian Jacob Lande, Conservator of the Person and Estate)

**Petition for Approval of Transaction Involving Community Property Where
One Spouse Lacks Capacity**

	<p>BRIAN JACOB LANDE, spouse and Conservator of the Person and Estate of MELISSA ANNETTE CARLETON appointed on 8/25/2016 in Case 16CEPR00606, is Petitioner.</p>		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 7/28/2016.</u></p> <p>Note Re Related Case: Minute Order dated 10/21/2015 from the status hearing for the filing of the first and/or final account of the Conservatorship of Melissa Annette Carleton, Case 16CEPR00606, states the Court agrees that no formal accounting needs to be filed, and grants the request that a separate inventory and appraisal not be filed.</p>
	<p><i>~Please see Petition for details~</i></p>		
	<p>Declaration of Brian Jacob Lande Re Characterization of Property to be Acquired in Transaction Where One Spouse Lacks Capacity filed 7/28/2016.</p>		
	<p>Declaration of John W. Hastrup Re Characterization of Property to be Acquired in Transaction Where One Spouse Lacks Capacity filed 7/28/2016.</p>		
	<p>Cont. from 072816</p>		
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			<p>Reviewed by: LEG</p>
			<p>Reviewed on: 8/1/16</p>
			<p>Updates:</p>
			<p>Recommendation:</p>
			<p>File 27- Lande/ Carlton</p>