



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.

(1) Petition to Settle First Account Current of Trustee and for (2) Allowance of Fees and Costs to the Trustee and Its Counsel

| | | |
|--|--|---|
| Age: 12 | RONALD DICKEN, PATRICIA DICKEN, KAREN STEELE, and CHRISTOPHER KENNEDY of PERINE & DICKEN PROFESSIONAL FIDUCIARIES & CONSERVATORS, Trustee(s), is Petitioner. | <p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> The accounting shows that the trust received a total of \$7.82 in income (from interest) during the accounting period. The Court may require more information as to why the income is so low and future investment plans, especially in light of the amount of trustee's fees being paid on a monthly basis. \$1,731.25 of the trustee's fees are from 07/2012 – 02/2013, before the Trust was established and is mostly for communications with the various attorney's involved in the litigation that produced the settlement funds and in establishing the special needs trust. The Court may require further information as to whether any fees were paid prior to the Trust being established from settlement proceeds. The Court may require more information as to the appropriateness of the trustee fees in light of the inactivity in the Trust. No disbursements were made and the trust assets appear to be held in interest bearing accounts that required no management. The average monthly fee charged is \$510.46 (averaged over the 9 month accounting period), while the average monthly income was \$0.87 per month. |
| Cont. from | Account period: 03/01/13 – 02/28/14 | |
| <input type="checkbox"/> Aff.Sub.Wit. | Accounting - \$120,007.82 | |
| <input checked="" type="checkbox"/> Verified | Beginning POH - \$0.00 | |
| <input type="checkbox"/> Inventory | Ending POH - \$114,201.58 | |
| <input type="checkbox"/> PTC | Trustee - \$5,531.25 | |
| <input type="checkbox"/> Not.Cred. | (44.25 hours @ \$125/hr. (rate authorized by Court). \$4,756.25 has already been paid. Petitioner requests unpaid balance of \$775.00, itemization provided) | |
| <input checked="" type="checkbox"/> Notice of Hrg | Attorney - \$2,581.00 | |
| <input checked="" type="checkbox"/> Aff.Mail w/ | (itemized by date for 5.4 attorney hours @ \$235/hr and 2.8 attorney hours @ \$250/hr. and 6.8 paralegal and bookkeeper hours @ \$90/hr.) | |
| <input type="checkbox"/> Aff.Pub. | Attorney Costs - \$156.00 | |
| <input type="checkbox"/> Sp.Ntc. | (courtcall appearances) | |
| <input type="checkbox"/> Pers.Serv. | Petitioner requests that bond be reduced from \$134,640 to \$126,000. (OK) | |
| <input type="checkbox"/> Conf. Screen | Petitioner states that Christopher Kennedy resigned from Perine & Dicken and as co-Trustee of the trust on 11/15/13. Petitioner requests acceptance of his resignation and the discharge and exoneration of Mr. Kennedy from any further liability or responsibility as trustee upon the settlement of this account. | |
| <input type="checkbox"/> Letters | Petitioner prays for an Order: | |
| <input type="checkbox"/> Duties/Supp | 1. Approving, allowing and settling the first account; | |
| <input type="checkbox"/> Objections | 2. Approving the resignation of Christopher Kennedy as co-Trustee and discharge and exonerate him from any further liability or responsibility for the affairs of the Miranda SNT upon the approval of this account; | |
| <input type="checkbox"/> Video Receipt | 3. Approving the trustee's charges to the Trust of \$5,531.25; and | |
| <input type="checkbox"/> CI Report | 4. Authorizing the attorney's fees and costs in the total amount of \$2,737.00. | |
| <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: JF |
| | | Reviewed on: 07/31/14 |
| | | Updates: |
| | | Recommendation: |
| | | File 1 – Miranda |

Petition for Order Authorizing Settlement of Claim

| | | | |
|-------------------------------------|----------------------|--|---|
| | | J. MICHAEL FARLEY , successor trustee of the MELVIN AND RUTH FARLEY 1999 TRUST , is Petitioner. | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 7/24/14. Minute order states the matter is continued for the purpose of having Stephanie and Michael present for a brief voir dire.</p> <ol style="list-style-type: none"> 1. It doesn't appear that Stephanie Clark or Michael Clark, both beneficiaries of the trust, have ever been noticed of these proceedings. The Settlement Agreement states the settlement is on behalf of the Trustee individually and on behalf of the Farley Trust and each of the beneficiaries. Stephanie Clark and Michael Clark should have been noticed of these proceedings. Therefore need proof of service of the Notice of Hearing on Stephanie Clark and Michael Clark. 2. Need Order |
| Cont. from 072414 | | Petitioner alleges: | |
| <input type="checkbox"/> | Aff.Sub.Wit. | On or about 6/25/1999, Melvin and Ruth, as co-settlors, entered into a "Trust Agreement for the Melvin and Ruth Farley 1999 Trust," (the "Farley Trust"). | |
| <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 | On 9/27/1999 Melvin died. Ruth died on 11/9/11. | |
| <input checked="" type="checkbox"/> | Aff.Mail | W/ | |
| <input type="checkbox"/> | Aff.Pub. | On or about 5/29/13, Petitioner filed a "Petition for: 1) Order Directing Transfer of Property to Estate, 2) Resulting Trust, 3) Accounting, 4) Constructive Trust, 5) Cancellation of Deed, and 6) Declaratory Relief ("Contested Petition"). Among other things Petitioner sought to recover a 1/2 interest in property located at 3051 Carson Ave. in Clovis ("Carson property") for the Farley Trust. Diane Clark ("Respondent") objected to the Contested Petition. | |
| <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 | Petitioners negotiated in a settlement of the Contested Petition with Respondent at a Mandatory Settlement Conference before the Honorable Robert H. Oliver on 4/21/14. The principal terms are as follows: | |
| <input type="checkbox"/> | Status Rpt | <ol style="list-style-type: none"> a. Respondent shall pay Petitioner, as trustee of the Farley Trust, the sum of \$20,000.00; | |
| <input type="checkbox"/> | UCCJEA | | |
| <input type="checkbox"/> | Citation | | |
| <input type="checkbox"/> | FTB Notice | | |
| Please see additional page | | | |
| Reviewed by: KT | | | |
| Reviewed on: 7/31/14 | | | |
| Updates: | | | |
| Recommendation: | | | |
| File 2 – Farley | | | |

- b. Petitioner and Respondent, for themselves and their heirs, representatives, beneficiaries, assigns and successors, shall mutually release any and all claims known or unknown, between them, and each of their heirs, representatives, beneficiaries, assigns and successors, all as more specifically set forth in the parties' "Settlement Agreement and Mutual Release of All Claims" (the "Settlement Agreement") attached as Exhibit "A."
- c. Petitioner shall dismiss the Contested Petition with prejudice within 10 day of the entry of an order by this Court approving the settlement and this Petition.
- d. The Settlement Agreement is expressly contingent on entry of an order by this Court approving the settlement and binding all beneficiaries of the Farley Trust to the terms of the Settlement Agreement.

Petitioner believes the settlement is to the advantage of the trust estate and its beneficiaries for the following reasons:

- a. The settlement will avoid the expense and risk of litigation. The Farley Trust has no funds currently. Petitioner must overcome the burden of proof at trial and there is little, if any, direct evidence regarding the discretion exercised by Ruth Farley during her administration of the Farley Trust. Respondent also contends that the relief sought is barred by statute of limitations. These issues could result in an adverse judgment and no recovery to the Farley Trust.
- b. The settlement will allow Petitioner to distribute funds to all the beneficiaries of the Farley Trust, except Respondent and her heirs.

Wherefore Petitioner prays for an Order of the Court:

- A. Approving the settlement and the terms of the Settlement Agreement, including the releases and dismissal, as fair and reasonable under all the facts and circumstances;
- B. Authorizing petitioner to settle the claims against respondent and execute the Settlement Agreement, binding petitioner and his heirs, representatives, beneficiaries, assigns and successors to all the terms of the settlement and releases set forth in the Settlement Agreement;
- C. Determining and declaring that all beneficiaries of the Farley Trust shall be bound by the terms of the Settlement Agreement;
- D. Reliving petitioner from personal liability to anyone interested in the Farley Trust as a result of the Settlement Agreement.

Probate Status Hearing Re: Failure to File First Account or Petition for Final Distribution [Prob. C. 12200, et seq.]

| | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|--|---|-------------|--------------|---|-----------|------------|---|-------------|---------------|---|-------------|----------------|---|-------------|-----|---|-------------|-----|---|-------------|--------------|--|--------------------|
| DOD: 7/29/2010 | FRANK SCOTT HINE was appointed Administrator with Full IAEA and bond set at \$118,260.00 on 1/5/2011. | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 6/3/14. Minute order states declaration filed by counsel yesterday. There is no record in the court's case management system of any declaration being filed between the hearing on 4/22/14 and 6/3/14.</p> <p>1. Need First Account, Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p> | | | | | | | | | | | | | | | | | | | | | | | |
| | Minute order dated 6/15/2012 states the court orders bond set at \$45,000.00 and Limited IAEA authority. | | | | | | | | | | | | | | | | | | | | | | | | |
| | Bond of \$45,000.00 filed on 8/10/12. | | | | | | | | | | | | | | | | | | | | | | | | |
| | Letters issued 10/24/12. | | | | | | | | | | | | | | | | | | | | | | | | |
| | Inventory and Appraisal filed on 6/6/2012 showing the estate valued at \$134,550.00 | | | | | | | | | | | | | | | | | | | | | | | | |
| Cont. from 062113, 080213, 091313, 111513, 31714, 040214, 042214, 060314 | | | | | | | | | | | | | | | | | | | | | | | | | |
| 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>Creditor's Claims filed:</p> <table border="0"> <tr> <td>CitiBank</td> <td>-</td> <td>\$12,563.66</td> </tr> <tr> <td>DCM Services</td> <td>-</td> <td>\$ 260.80</td> </tr> <tr> <td>Frank Hine</td> <td>-</td> <td>\$ 4,743.41</td> </tr> <tr> <td>Donna Langley</td> <td>-</td> <td>\$17,625.99</td> </tr> <tr> <td>Wesley Langley</td> <td>-</td> <td>\$ 1,397.38</td> </tr> <tr> <td>FTB</td> <td>-</td> <td>\$ 2,660.09</td> </tr> <tr> <td>FTB</td> <td>-</td> <td>\$ 4,337.54</td> </tr> <tr> <td>Total</td> <td></td> <td>\$43,689.17</td> </tr> </table> <p>Former Status Report filed 9/9/13 states Mr. Krbechek met with Mr. Hine since the last status conference. Mr. Hine will be present in court on 9/13/13 to provide updated information regarding the status of the estate. The beneficiary of the estate is the decedent's minor daughter, Noelle Hine. Ms. Hine will turn 18 before the end of this year. Mr. Hine has been making all the monthly payments on the house and the loan is current. Ms. Hine's future is uncertain and she is not ready to own a house. Thus, it is in the best interest of the estate that the house be sold. The personal representative will provide an update regarding the status of the property listing at the next hearing.</p> | CitiBank | - | \$12,563.66 | DCM Services | - | \$ 260.80 | Frank Hine | - | \$ 4,743.41 | Donna Langley | - | \$17,625.99 | Wesley Langley | - | \$ 1,397.38 | FTB | - | \$ 2,660.09 | FTB | - | \$ 4,337.54 | Total | | \$43,689.17 |
| CitiBank | - | \$12,563.66 | | | | | | | | | | | | | | | | | | | | | | | |
| DCM Services | - | \$ 260.80 | | | | | | | | | | | | | | | | | | | | | | | |
| Frank Hine | - | \$ 4,743.41 | | | | | | | | | | | | | | | | | | | | | | | |
| Donna Langley | - | \$17,625.99 | | | | | | | | | | | | | | | | | | | | | | | |
| Wesley Langley | - | \$ 1,397.38 | | | | | | | | | | | | | | | | | | | | | | | |
| FTB | - | \$ 2,660.09 | | | | | | | | | | | | | | | | | | | | | | | |
| FTB | - | \$ 4,337.54 | | | | | | | | | | | | | | | | | | | | | | | |
| Total | | \$43,689.17 | | | | | | | | | | | | | | | | | | | | | | | |
| | | Reviewed by: KT | | | | | | | | | | | | | | | | | | | | | | | |
| | | Reviewed on: 7/31/14 | | | | | | | | | | | | | | | | | | | | | | | |
| | | Updates: | | | | | | | | | | | | | | | | | | | | | | | |
| | | Recommendation: | | | | | | | | | | | | | | | | | | | | | | | |
| | | File 8A - Hine | | | | | | | | | | | | | | | | | | | | | | | |

Former Status Report of Randolph Krbechek filed on 11/14/13 states he has met with Mr. Hine several times since the last hearing. Mr. Hine reports that he has completed most of the tasks to close the estate. The home is listed for sale and is in good, saleable condition. It is anticipated that they will be receiving offers in the foreseeable future. Sale of the real property must be confirmed by the court.

Order Confirming Sale of Real Property was signed on 4/22/14.

Probate Status Hearing Re: Filing Blocked Account Receipt

| | | |
|--------------------------|---|---|
| DOD: 7/29/2010 | FRANK SCOTT HINE was appointed Administrator with Full IAEA and bond set at \$118,260.00 on 1/5/2011. | NEEDS/PROBLEMS/COMMENTS: |
| | | |
| | Minute order dated 6/15/2012 states the court orders bond set at \$45,000.00 and Limited IAEA authority. | Continued from 6/3/14. Minute order states declaration filed by counsel yesterday. There is no record in the court's case management system of any declaration being filed between the hearing on 4/22/14 and 6/3/14. |
| Cont. from 060314 | | |
| Aff.Sub.Wit. | Bond of \$45,000.00 filed on 8/10/12. | <p>2. Need Receipt for Blocked Account or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p> |
| Verified | Letters issued 10/24/12. | |
| Inventory | On 4/22/14 the court signed an Order Confirming Sale of Real Property. The Order required the proceeds from the sale be placed into a blocked account. This status hearing was set for the filing of the Receipt for Blocked Account. | |
| PTC | | |
| Not.Cred. | | |
| Notice of Hrg | | |
| Aff.Mail | | |
| Aff.Pub. | | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
| Conf. Screen | | |
| Letters | | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | | |
| Order | | |
| Aff. Posting | | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |
| | | Reviewed by: KT |
| | | Reviewed on: 7/31/14 |
| | | Updates: |
| | | Recommendation: |
| | | File 8B – Hine |

| | | |
|---|--|---|
| DOD: 5-9-11 | <p>MAGDALENA MANCILLA was appointed Administrator with Full IAEA without bond on 11-29-11.</p> <p>The Administrator failed to appear for two status hearings on 1-24-13 and 2-22-13, and on 2-22-13, Ms. Mancilla was removed and the FRESNO COUNTY PUBLIC ADMINISTRATOR was appointed as Successor Administrator with full IAEA. Letters issued on 3-6-13.</p> <p>At hearing on 2-22-13, the Court set this hearing for status.</p> <p>Status Report filed 4-9-13 states the real property in Sanger is in foreclosure because there were no estate assets to pay the mortgage. There is the possibility of money coming into the estate from a civil lawsuit, <i>Analilia Anguiano v. Suzette Ihara</i> (Fresno Superior Court Case Number 11CECG01428). It is a physical injury/property damage lawsuit. On 3-19-13, a stipulation and order was filed in the civil matter to continue the trial to 4-21-2014, with mandatory settlement conference set for 3-26-14 and trial readiness hearing on 4-18-14. Therefore, the possibility of any funds coming into the estate soon is improbable. Public Administrator states the estate is not in a position to be settled and requests that further status hearing be set at least nine (9) months from the date of this hearing.</p> <p>Status Report filed 1-17-14 states the real property remains in the foreclosure process. As previously reported, there remains the possibility of money coming into the estate from a civil lawsuit. Settlement conference has been set for 3-26-14 and trial readiness for 4-18-14. The possibility of any funds coming into the estate until after the trial on 4-21-14 is improbably Public Administrator requests the next status hearing be set at least nine months from today's hearing date.</p> <p>Status Report filed 3-12-14 states the Public Administrator previously requested continuance of seven months due to the pending civil litigation. The Court instead set status for two months later. At this time, the Public Administrator is advised that a settlement has been reached but there cannot be a signed agreement until they have a final Medi-Cal statement. They expect that within 30 days. Public Administrator requests that the next status hearing not be set before June 6, 2014.</p> <p>Status Report filed 7-29-14 states it was discovered that a creditor's claim needed to be partially rejected. Because the creditor will have 30 days to appeal the rejection, additional time is needed. Petitioner requests the next hearing be set on or after 9-19-14.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Need amended Inventory and Appraisal pursuant to Probate Code §8900 et seq. Need petition for final distribution pursuant to Probate Code §12200. <p>Note: Inventory and Appraisal filed 11-1-11 by the former Administrator indicated a total estate value of \$140,000.00, which consisted of real property valued at \$65,000.00 and a pending personal injury lawsuit valued at \$75,000.00. <i>However</i>, the value of the pending lawsuit was provided by the Administrator rather than the Probate Referee.</p> <p>Note: The decedent left a spouse and five adult children, including the former Administrator, Ms. Mancilla. Ms. Mancilla's original petition listed all relatives at the same address (the decedent's former residence), and all notices were sent to this address.</p> <p>Note: A creditor has 90 days, not 30, to act on a rejected claim.</p> |
| Cont. from 041213, 011714 032114, 060614 | | |
| 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 | | |
| <input checked="" type="checkbox"/> Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |
| Reviewed by: skc | | |
| Reviewed on: 7-30-14 | | |
| Updates: | | |
| Recommendation: | | |
| File 9 - Anguiano | | |

Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

| | | |
|---------------------------|---|---|
| | <p>ROGER DAY, son, was appointed Executor with full IAEA authority with bond set at \$85,000.00 on 10/19/2013.</p> <p>Letters issued 01/14/2013.</p> <p>Inventory & Appraisal filed 03/08/2013 shows an estate valued at \$235,148.00 consisting of real property.</p> <p>Minute Order of 10/19/2013 set this matter for hearing.</p> <p>Former Status Report filed 06/02/2014 the most recent hearing on this matter was on 04/18/2014. Attorney informed the Court, he has a solid working draft of the petition for final distribution. Bank records necessary to complete the petition were subpoenaed on 04/28/2014. The subpoena requested production of the bank records by 05/23/2014. The bank has communicated that they are assembling the documents and should be able to produce them on or about 06/06/2014. With this information the schedules on the petition for final distribution can be completed. Based on the forgoing a 30 day continuance of the Status Hearing is requested in order to complete and file the petition for final distribution.</p> <p>Declaration of Randolph Krbechek filed 08/05/2014 states he cannot attend the hearing set for 08/05/2014 because he is required to be in Redwood City at the same time for the final Pre-Trial conference in a pending superior court action. The trial in San Mateo case is set to commence on 08/11/2014. Based thereon, it is respectfully requested that the court continue the hearing on this matter to its next available date.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order of 04/18/2014: The Court notes that the bond has been posted and the minute order of 10/19/2012 shows Dale G. Mell as the executor. Dale G. Mell is ordered to be personally present on 06/06/2014 if the required documents have not been filed.</p> <p>Copy of Minute Order mailed to Dale G. Mell on 04/18/2014.</p> <p>1. Need First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p> |
| Cont. from 041814, 060614 | | |
| 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: LV |
| | | Reviewed on: 08/01/2014 |
| | | Updates: |
| | | Recommendation: |
| | | File 10 – Mell |

(1) Petition for Final Distribution on Waiver of Accounting and (2) for Allowance of Statutory

| | | | |
|-------------------------------------|----------------------|---|--|
| DOD: 12/24/2004 | | PAMELA GAY LASSLEY , Executor, is petitioner. | NEEDS/PROBLEMS/COMMENTS: 1. Petitioner was formerly represented by Attorney Dorsey Dwelle. Attorney Dwelle is now deceased. His estate would be entitled to a portion of the statutory attorney fees. – Declaration of Petitioner states Mr. Dwelle was a family member and was waiving his fees. 2. Will distributes the estate equally to the decedent's four children with the share of the estate going to Richard Sharrah being placed into trust for his benefit. The proposed distribution does not distribute the remaining property equally to each beneficiary. Three of the children are to receive 38,881.79 each and the trust for the benefit of Richard is to receive \$33,381.79. Each beneficiary, including the trust for the benefit of Richard, should be receiving \$37,506.79. – Declaration of Petitioner states Richard Smith received an additional \$5,000.00 from an account that was not included in the probate proceedings. Note: Accounts outside of probate have no bearing on this proceeding and therefore distribution should be equal as designated in the decedent's will. 3. Petition and proposed order do not include the terms of the trust in its entirety. – Declaration includes a portion of the terms of the trust but fails to include the section regarding the Trustee of the Trust. 4. Order does not comply with Local Rule 7.6.1 |
| | | I & A - \$149,000.00 | |
| | | POH - \$150,027.15 | |
| Cont. from 061714 | | Executor - waives | |
| <input type="checkbox"/> | Aff.Sub.Wit. | Attorney - ??? | |
| <input checked="" type="checkbox"/> | Verified | | |
| <input type="checkbox"/> | Inventory | X | |
| <input type="checkbox"/> | PTC | X | |
| <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 type="checkbox"/> | Sp.Ntc. | | |
| <input type="checkbox"/> | Pers.Serv. | | |
| <input type="checkbox"/> | Conf. Screen | | |
| <input checked="" type="checkbox"/> | Letters | 6/7/05 | |
| <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 | N/A | |
| Reviewed by: KT | | | |
| Reviewed on: 7/31/14 | | | |
| Updates: | | | |
| Recommendation: | | | |
| File 12 - Sharrah | | | |

Petition for Visitation

| | | | |
|-------------------------------------|------------------------|--|---|
| | | <p>MARY A. HOLGUIN, Paternal Grandmother of Gabriel and Isaiah, is Petitioner.</p> <p>YOLANDA OLIVAS, Maternal Grandmother, was appointed Guardian of these minors and their half-siblings on 2-22-11.</p> <p>Father: Gabriel Garcia Mother: Esperanza Diaz</p> <p>Petitioner states she would like to visit with her grandchildren Gabriel and Isaiah Garcia. She would like to know them, see them, visit with them. She wants them to know her side of the family.</p> <p>At the hearing on 6-30-14, the matter was continued to 8-5-14 and the parties were also referred to mediation.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 6-30-14</p> <p>As of 7-30-14, the following issues remain.</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service of Notice of Hearing at least 15 days prior to the hearing on the Guardian, Yolanda Olivas. 3. The Court may also require notice to the other family members, including the parents and siblings if age 12 or older. <p>Note: Petitioner filed a "Proof of Service" indicating that the guardian was served with the mediation referral for mediation on 7-14-14; however, it does not appear that she has been served with Notice of Hearing, and nothing else has been filed. It is unclear if the parties participated in mediation or what was the outcome.</p> |
| Cont. from 063014 | | | |
| <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. | | |
| <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 | | |
| | | <p>Reviewed by: skc</p> <p>Reviewed on: 6-25-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13 – Diaz, Alvarez, Lopez & Garcia</p> | |

| | | |
|-------------------|--|---|
| Aleyna, 17 | LARRY R. GONZALES, father, is Petitioner. | <p>NEEDS/PROBLEMS/COMMENTS: CONTINUED FROM 06/10/14 Minute Order from 06/10/14 states: Also present in the courtroom are Amelia Gonzalez and Aleyna Gonzalez. The Court amends the visitation order to reflect that there will be unsupervised visitation with father as agreed upon by the parties. The Court anticipates that the minors will be spending some, or all of their summer break with their father. The Court investigator is ordered to prepare an updated report before the next hearing.</p> <p>1. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition to Terminate Guardianship or Consent & Waiver of Notice or Declaration of Due Diligence</i> for: a. Andy Gonzalez (guardian) b. Tammy L. Gonzales (mother) c. Lupe Ybarra (paternal grandmother) d. Julio Cruz (maternal grandfather)</p> |
| Amelia, 14 | <p>ANDY GONZALEZ and REBECCA GONZALES, paternal uncle and aunt, were appointed Co-Guardians of the Person on 01/26/12. – <i>Rebecca Gonzales personally served on 01/16/14</i></p> | |
| Cont. from 061014 | Mother: TAMMY L. GONZALES | |
| Aff.Sub.Wit. | Paternal grandfather: ASCENCION GONZALES – deceased | |
| ✓ Verified | Paternal grandmother: LUPE YBARRA | |
| Inventory | Maternal grandfather: JULIO CRUZ | |
| PTC | Maternal grandmother: CAROL CRUZ – deceased | |
| Not.Cred. | | |
| ✓ Notice of Hrg | Petitioner states that after 2.5 years, he is now stabilized and drug free. He states that he is now able to care for his children and wants them back. | |
| Aff.Mail | x | |
| Aff.Pub. | | |
| Sp.Ntc. | | |
| ✓ Pers.Serv. | Objection to Termination of Guardianship filed 03/04/14 by guardians, Rebecca and Andy Gonzales, states: They have recently found out that the father, Larry Gonzales, Sr. has had recent DUI's and is currently on probation that will not be completed until August 2015. Further, he is to attend court required classes. They are also aware that he is not to be driving, but they see him driving regularly. Guardians state that Mr. Gonzales has lied to the girls and told them that he has been sober for 2.5 years and they believe him. Guardians would like the court to clarify for the girls that their father has not been honest about his sobriety as evidenced by the DUI's. Further, the guardians state that the father did not follow through on his scheduled visitation and has only exercised visitation about half of the time that he is allotted. | |
| Conf. Screen | | |
| Letters | | |
| Duties/ Supp | | |
| ✓ Objections | | |
| Video Receipt | | |
| ✓ CI Report | | |
| 9202 | | |
| ✓ Order | | |
| Aff. Posting | | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | <p>Court Investigator Jennifer Young filed a report on 03/12/14.</p> <p style="text-align: center;">Continued on Page 2</p> | |
| | | |
| | | Reviewed on: 07/31/14 |
| | | Updates: |
| | | Recommendation: |
| | | File 14 – Gonzales |

Court Investigator Jennifer Young filed a supplemental report on 06/03/14.

Declaration of Rebecca Gonzalez (Guardian) filed 07/10/14 states: That since the last hearing, the father Larry Gonzalez, Sr., was arrested on federal charges of selling illegal contraband (counterfeit sunglasses) and has a hearing in Federal Court in September 2014. Therefore, the guardians request that the guardianship stay intact pending the outcome of the father's charges.

Court Investigator Jennifer Young filed a supplemental report on 07/22/14.

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

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|--|---|---|
| DOD: 11-10-13 | ERNEST and CHRISTINE ESCOBEDO, | NEEDS/PROBLEMS/COMMENTS: |
| | parents, are Petitioners and request appointment as Co-Administrators with Limited IAEA with bond of \$12,500.00. | Continued from 3-4-14, 4-15-14, 6-17-14 |
| | | As of 7-30-14, nothing further has been filed. |
| Cont. from 030414, 041514, 061714 | IAEA: Need publication | Note: Petitioners were formerly represented by Attorney Glenn R. Wilson; however, pursuant to substitutions filed 5-20-14, Petitioners are now self-represented. |
| <input type="checkbox"/> Aff.Sub.Wit. | Decedent died intestate | The following issues have not been addressed: |
| <input checked="" type="checkbox"/> Verified | Residence: Kerman, CA Publication: Need publication | 1. Need Notice of Petition to Administer Estate DE-121. |
| <input type="checkbox"/> Inventory | | 2. Need proof of service of Notice of Petition to Administer Estate on relatives listed at #8 at least 15 days prior to the hearing per Probate Code §8110. |
| <input type="checkbox"/> PTC | | 3. Need publication pursuant to Probate Code §8120 and Local Rule 7.9. |
| <input type="checkbox"/> Not.Cred. | Estimated value of estate: Personal property: \$12,501.00 | 4. On 6-5-14, Petitioners filed a bond in the amount of \$12,500.00; <u>however, the bond is incorrect.</u> The bond indicates that Petitioners are individually "bound unto Fresno Superior Court;" however, pursuant to Probate Code §8480, the bond should cover Petitioners in their capacity as Co-Administrators of the estate for the benefit of the estate, not the Court. Petitioners may wish to confirm appointment in this matter before obtaining bond. |
| <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 checked="" type="checkbox"/> | |
| <input type="checkbox"/> Sp.Ntc. | Probate Referee: Steven Diebert | |
| <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 | | <u>Based on the foregoing, Petitioners may wish to research how to probate an estate at the Fresno County Law Library or seek assistance from an attorney going forward.</u> |
| <input type="checkbox"/> Aff. Posting | | Reviewed by: skc |
| <input type="checkbox"/> Status Rpt | | Reviewed on: 7-30-14 |
| <input type="checkbox"/> UCCJEA | | Updates: |
| <input type="checkbox"/> Citation | | Recommendation: |
| <input type="checkbox"/> FTB Notice | | File 15 – Escobedo |

17 Evelyn Duran, Ernest Duran, Evette Duran & Eveonn Duran (GUARD/P)

Case No. 14CEPR00263

Atty Duran, Paula Linda (pro per – paternal grandmother/Petitioner)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

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|-------------------------------------|---|---|--|
| Evelyn, 11 | <u>NO TEMPORARY REQUESTED</u> | | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 05/27/14</u> Minute Order from 05/27/14 states: The Court finds that actual notice has been given to father. The Court dispenses with further notice to mother.</p> <p>As of 07/31/14, nothing further has been filed.</p> <p>Note: Per CI report, the minors may have Native American ancestry and an ICWA packet was mailed to Petitioner. It does not appear that anything has been received back as of 05/22/14.</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment Guardian of the Person</i> <u>or</u> <i>Consent & Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for: <ol style="list-style-type: none"> a. Ernest Duran, Sr. (father) – personal service required b. Dominga Duran (mother) – personal service required c. Alejandro Duran, Sr. (paternal grandfather) – service by mail ok d. Maternal grandparents (unknown) – service by mail ok e. Siblings 12 years of age and older – service by mail ok |
| Ernest, 10 | <p>PAULA DURAN, paternal grandmother, is Petitioner.</p> | | |
| Evette, 8 | <p>Father: ERNEST DURAN, SR. Mother: DOMINGA DURAN</p> | | |
| Eveonn, 4 | <p>Paternal grandfather: ALEJANDRO DURAN, SR.</p> | | |
| Cont. from 052714 | | | |
| <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 | | |
| | | | <p>Reviewed by: JF</p> |
| | | | <p>Reviewed on: 07/31/14</p> |
| | | | <p>Updates:</p> |
| | | | <p>Recommendation:</p> |
| | | | <p>File 17 - Duran</p> |