



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

Stormi Sky Ybarra (GUARD/P)

Case No. 03CEPR00837

Petitioner Addington, Jamie Lynn (Pro Per – Mother – Petitioner)

Guardian Reyes, Diana (Pro Per – Maternal Grandmother – Guardian)

Petition for Termination of Guardianship

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: Minute Order 6/30/16: Parties are to give the Court Investigator their contact information. <u>If this petition goes forward, the following issue remains:</u> 1. Need Notice of Hearing and proof of service of Notice of Hearing at least 15 days prior to the hearing on the guardian and all relatives per Probate Code §1460(b)(5): - Trinidad Ybarra (Father) - Gloria Erlick (Paternal Grandmother) - James Addington (Maternal Grandfather) - Siblings age 12 or older	
Cont. from 063016				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			x
	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: skc		
		Reviewed on: 8/9/16		
		Updates:		
		Recommendation:		
		File 1- Ybarra		

Attorney Charron O'Neill, of San Luis Obispo (for Petitioner Morgan E. Willis)

Waiver of Accounting and Petition for Allowance of Attorneys' Fees for Ordinary Services and for Final Distribution

DOD: 6/22/2015	MORGAN E. WILLIS , daughter and Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Proposed order does not comply with Local Rule 7.6.1(A) and (D), providing that all probate orders must be complete in themselves, setting forth descriptions of property, monetary distributions stated in dollars, and shall be drawn so their general effect may be determined without reference to the <i>Petition</i> on which they are based. Paragraph 8 of the proposed order makes a general statement that the remaining estate property shall be distributed equally to Decedent's three children, without describing the specific cash distribution to each and the percentage or interest of the real property distributions to the three children. Need revised proposed order.
	Accounting is waived.	
Cont. from	I & A — \$329,103.77	
Aff.Sub.Wit.	POH — \$269,907.53	
✓ Verified	(all cash; no value placed on land on which Decedent's former residence stood prior to destruction by fire;)	
✓ Inventory		
✓ PTC	Administrator — waives	
✓ Not.Cred.	Attorney — \$9,582.08 (statutory)	
Notice of Hrg		
Aff.Mail	Costs — \$1,468.18 (filing fees, publication, certified copies)	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	Closing — \$2,000.00 (tax returns; any liabilities)	
Conf. Screen	Petitioner states Decedent's residence [appraised at \$265,000.00] was destroyed by fire and the inventory and appraisal did not separate the land from the improvements; the insurance proceeds collected for the loss of the residence, including a vehicle and contents of the residence, were deposited into the estate's bank account; the land itself remains and is being distributed to the estate heirs.	
Letters 122215		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
✓ Order	Distribution pursuant to intestate succession is to: <ul style="list-style-type: none"> • MORGAN E. WILLIS – 1/3 interest consisting of [\$85,619.09] cash, an undivided 1/3 interest in vacant real property; • LUCAS B. WILLIS – 1/3 interest consisting of [\$85,619.09] cash, an undivided 1/3 interest in vacant real property; • CORD L. WILLIS – 1/3 interest consisting of [\$85,619.09] cash, an undivided 1/3 interest in vacant real property. 	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 8/9/16
		Updates:
		Recommendation:
		File 6- Willis

Status RE: Filing of the Inventory and Appraisal

DOD: 8/6/00		<p>The FRESNO COUNTY PUBLIC ADMINISTRATOR was appointed Administrator with Full IAEA on 3/17/16. Letters issued 3/25/16.</p> <p>At the hearing on 3/17/16, the Court set this status hearing for the filing of the Inventory and Appraisal.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Inventory and Appraisal pursuant to Probate Code §8800 or written status report pursuant to Local Rule 7.5.</p> <p>Note re history: The petition for probate was filed by a creditor, 3B Farms, LLC, and requested appointment of the Public Administrator due to ongoing litigation in a partition action 14CECG03007 between 3B Farms, LLC, and the decedent, along with others, including Virginia Barnett, the decedent's daughter. 3B Farms, LLC originally estimated the estate to contain real property valued at \$50,000.00 and personal property of unknown value.</p>
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: skc			
Reviewed on: 8/9/16			
Updates:			
Recommendation:			
File 10- Shubin			

Status RE: Capacity Declaration

	<p>RAQUEL PINEDA, Daughter, was appointed Conservator of the Person on 5/9/16 and Letters issued 5/11/16.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
<p>Cont. from 052616, 063016</p>	<p>Petitioner had requested medical consent powers under Probate Code §2355 and dementia medication ad placement powers under Probate Code §2356.5.</p>	<p>Continued from 6/30/16.</p>
<p>Aff.Sub.Wit.</p>		<p>Note: Lisa Horton, Court-appointed attorney for Conservatee, filed a Status Hearing Report on 8/9/16.</p>
<p>Verified</p>		
<p>Inventory</p>	<p>Minute Order 5/9/16 states: Petitioner is to file a new capacity declaration; the Court grants the petition as to the person only.</p>	<p><u>SEE PAGE 2</u></p>
<p>PTC</p>		
<p>Not.Cred.</p>		
<p>Notice of Hrg</p>	<p>Examiner noted the following defects with the Capacity Declaration filed 4/1/16:</p>	
<p>Aff.Mail</p>	<p>a. Dr. Guzman did not complete #3 as to whether he is a physician or psychologist.</p>	
<p>Aff.Pub.</p>	<p>b. Dr. Guzman did not complete #4a as to when he last saw the proposed Conservatee.</p>	
<p>Sp.Ntc.</p>	<p>c. Dr. Guzman did not complete #4b as to whether the proposed Conservatee is or is not a patient under his continuing treatment.</p>	
<p>Pers.Serv.</p>	<p>d. Dr. Guzman did not complete #5 as to the proposed conservatee's ability to attend the hearing.</p>	
<p>Conf. Screen</p>	<p>e. The Dementia Attachment at Page 4 (GC-335A) is not completed.</p>	
<p>Letters</p>	<p>f. The Dementia Attachment at Page 4 appears to be signed by a <u>different</u> doctor than completed the rest of the form. If a different doctor is completing the Dementia Attachment, need all of the general information required at #1-4 of Page 1 of the Capacity Declaration, including office address, licensure, and patient information.</p>	
<p>Duties/Supp</p>		
<p>Objections</p>		
<p>Video Receipt</p>		<p>Reviewed by: skc</p>
<p>CI Report</p>		<p>Reviewed on: 8/9/16</p>
<p>9202</p>		<p>Updates:</p>
<p>Order</p>		<p>Recommendation:</p>
<p>Aff. Posting</p>		<p>File 12- Pineda</p>
<p>Status Rpt</p>		
<p>UCCJEA</p>		
<p>Citation</p>		
<p>FTB Notice</p>	<p>On 8/9/16, Lisa Horton, Court-appointed attorney for Conservatee, filed a Status Hearing Report.</p> <p><u>SEE PAGE 2</u></p>	

Page 2

On 8/9/16, Lisa Horton, Court-appointed attorney for Conservatee, filed a Status Hearing Report.

Attorney Horton states several issues have arisen since the last hearing preventing the conservator from obtaining the capacity declaration. The attorney has been in contact with the conservator Raquel Pineda, and unfortunately she has been unable to do her duties as conservator. The Conservatee and her husband do not trust her, have locked her out of the residence, and have called the police when she comes to pick up the Conservatee for doctor appointments. The Conservatee's husband, who is also conserved, has gone with the Conservatee and another daughter to the Social Security office and re-routed their Social Security payments from the conservatorship accounts and changed pharmacies for their medications. There is a complete breakdown in communication between the family members, the Conservatee, and the conservator.

Attorney Horton states on 7/25/16, she visited with her client at her adult daycare program. She is very frustrated with how things are being handled and requests that a neutral third party be her conservator.

Late yesterday (8/8/16), the conservator called and informed Attorney Horton that the Conservatee had overdosed on her seizure medication on 8/5/16. She is doing better and coming back home, but since the conserve and her husband's relationship with the conservator is severely strained, the attorney spoke to another daughter, Kathy Pineda, and she is able to assist their mother with her meds until another conservator can be appointed.

Due to the breakdown in communication and conflict within the family, Attorney Horton believes it is in her client's best interest that the **Fresno County Public Guardian** be immediately appointed as Conservator of the Person and Estate of Raquel Pineda. The current conservator has verbally agreed to this request and so has another daughter, Kathy Pineda.

Attorney Horton informed Heather Kruthers' office and Michelle Sloan, PG Manager, about this case and the current situation and humbly requests on behalf of her client that the Court immediately appoint the Fresno County Public Guardian as conservator of her person and estate.

NEEDS/PROBLEMS/COMMENTS:

- 1. If Raquel Pineda, Daughter, is removed as Conservator of the Person and the Fresno County Public Guardian is appointed as Conservator of the Person and Estate pursuant to Attorney Horton's Status Hearing Report as set forth above, need Order, Letters.**

Petitioner Sanchez, Francisco (Pro Per, brother)

Petition for Appointment of Probate Conservator of the Estate

		NO TEMPORARY REQUESTED	<p>FRANCISCO SANCHEZ-CHAVEZ, brother and Conservator of the Person appointed on 5/3/2016, is Petitioner and requests appointment as Conservator of the Estate with powers under Probate Code §2590.</p> <p style="text-align: center;"><i>~Please see Petition for details~</i></p> <p>Court Investigator's Report filed on 7/13/2016.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator advised rights on 6/29/2016.</p> <p>Continued from 7/21/2016: Minute Order states the Court Spanish interpreter interprets for Mr. Sanchez. Victor Sanchez needs to be noticed or sign a consent. (Court records do not show filing of a proof of service to or a signed consent by Victor Sanchez for the hearing on the conservatorship estate petition.)</p> <p>The following issues from the last hearing remain:</p> <ol style="list-style-type: none"> 1. There is no indication in the pleadings demonstrating a basis for the need for conservatorship of the estate, since the <i>Petition</i> lists only Social Security benefits of \$9,876.00 annually. While the <i>Petition</i> requests Probate Code § 2590 powers in Item 1 (d), the <i>Petition</i> is silent on the need for any such powers. <p style="text-align: center;"><i>~Please see additional page~</i></p>
Cont. from 072116				
<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 checked="" type="checkbox"/>	Pers.Serv.			
<input checked="" type="checkbox"/>	Conf. Screen			
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<input type="checkbox"/>	Duties/Supp			
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<input checked="" 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 checked="" type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			<p>Reviewed by: LEG</p> <p>Reviewed on: 8/9/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 14- Chavez</p>	

NEEDS/PROBLEMS/COMMENTS, continued:

2. Bond is required for all conservatorships of the estate pursuant to Probate Code § 2320 and CA Rule of Court 7.207. Item 1(c) of *Petition* requests bond for the Conservatorship estate not be required, but does not provide any reasons that the Court should waive bond. Court may require bond in the sum of **\$10,863.60** if the Court determines conservatorship of the estate is warranted.
3. Item 11 of the *Petition* listing the Conservatee's relatives lists **VICTOR ANTONIO SANCHEZ**, brother, and indicates "will provide" in the space for his residence address. Need *Notice of Hearing* and proof of service by mail of the notice with a copy of the *Petition for Appointment of Probate Conservator of the Estate* showing notice was mailed at least 15 days before the hearing pursuant to Probate Code § 1822 for **VICTOR ANTONIO SANCHEZ** pursuant to Probate Code § 1822(b)(2). The *Proof of Service by Mail of the Notice of Hearing* that must be filed with the Court shall indicate that a copy of the *Petition for Appointment of Probate Conservator of the Estate* was sent with the notice as required by Probate Code § 1822(a).

Note: If *Petition* for Conservatorship of the Estate is granted, Court will set status hearings as follows:

- **Monday, September 12, 2016 at 9:00 a.m. in Dept. 303 for filing proof of bond in the sum of \$10,863.60, if required;**
- **Monday, December 12, 2016 at 9:00 a.m. in Dept. 303 for filing of inventory and appraisal; and**
- **Monday, October 16, 2017 at 9:00 a.m. in Dept. 303 for filing of first account of the conservatorship.**

Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.

Petitioner Gregory Michael Noel (Pro Per, relationship to Decedent unspecified)

Petition for Letters of Special Administration (without General Powers)

DOD: 5/27/1998		<p>GREGORY MICHAEL NOEL, son, is Petitioner and requests appointment as Special Administrator without bond.</p> <p>Full IAEA — Not published/requested</p> <p>Decedent died intestate.</p> <p>Residence — Fresno Publication — Fresno Bee</p> <p>Estimated value of the Estate:</p> <p>Real property - \$75,000.00</p> <p>Total - \$75,000.00</p> <p>Probate Referee: Rick Smith</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 5/19/2016. Minute Order states examiner notes given.</p> <p>The following issues from the last hearing remain:</p> <ol style="list-style-type: none"> 1. Caption of <i>Petition</i> requests letters of special administration, while Item 2(b)(3) requests appointment of an administrator. Need clarification regarding the request for appointment. 2. If special administration is requested, <i>Petition</i> does not but should provide the purpose for which a special administration is sought and an estimated duration for the special administration. 3. <i>Proof of Publication</i> filed 7/8/2016 does not include the language required for granting of general powers, nor for granting full IAEA authority. If the <i>Petition</i> requests appointment as Special Administrator with general powers, and/or or as Administrator with Full IAEA, the request for those powers must be reflected in the publication, and Court will require re-publication. <p>~Please see additional page~</p>
Cont. from 051916, 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 type="checkbox"/>	Notice of Hrg <input checked="" type="checkbox"/>		
<input type="checkbox"/>	Aff.Mail <input checked="" type="checkbox"/>		
<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: LEG	
		Reviewed on: 8/9/16	
		Updates:	
		Recommendation:	
		File 15- Noel	

NEEDS/PROBLEMS/COMMENTS, continued:

4. Need *Notice of Petition to Administer Estate* that includes the Court hearing date and other required information, and a proof of mailed notice pursuant to Probate Code § 8110 for the persons required to be listed in Item 8 of the *Petition*. (Item 8 of the petition lists no persons; Petitioner's name and all heirs should be listed.) (Note: *Notice of Petition to Administer Estate* filed 7/5/2016 is blank at Item 6(a) and 6(b) where the hearing date, time and location are required to be included, rendering the document ineffective for serving notice.)
5. Item 5(a) of the *Petition* is incomplete as to (1) or (2) re: spouse, as to (3) or (4) re: registered domestic partner, (5) or (6) re: child, and (7) or (8) re: issue of a predeceased child.
6. Item 5(b) of the *Petition* is incomplete as to whether decedent was survived by a stepchild or foster child or children who would have been adopted by decedent but for a legal barrier.
7. Item 8 of the *Petition* does not list the names, relationships to decedent, ages, and addresses, so far as known to or reasonably ascertainable by Petitioner, of the persons required by Item 8 to be listed. (Note: *Notice of Petition to Administer Estate* filed 7/5/2016 lists 3 persons who are not listed and identified in the petition: Ezella Noel, Phyllis Noel, and Leeanna Story; these persons have not been properly served with notice of hearing since the notice form is defective, as noted above.)
8. If special administration is in fact requested, need proposed order, and proposed letters, which must include the expiration date for the *Letters of Special Administration* pursuant to Probate Code § 8542.

Note to Petitioner Re Estate Administration: *Petition* requests neither full nor limited *Independent Administration of Estates Act (IAEA)* authority. *Proof of Publication* filed 7/8/2016 appears to confirm that Petitioner does not seek the grant of general powers or any IAEA authority. Probate Code §§ 9610 et seq., and §§ 9650 et seq., require court supervision of specific administrative transactions and actions taken where no IAEA authority has been granted. Pursuant to Probate Code § 10401, judicial orders, authorization, approval, confirmation, or instructions, including the authority for final distribution of estate property pursuant to Probate Code § 10501(a)(4), are required for many actions during administration, which means that if Petitioner is appointed as personal representative of the estate, Petitioner must file petitions with the Court and be given Court approval to be authorized to take the necessary actions for administration of the estate.

Petition for Appointment of Guardian of the Person

		TEMP EXPIRED 6/30/16, NOT EXTENDED	NEEDS/PROBLEMS/COMMENTS:
		CONNIE SHARP , Paternal Aunt, is Petitioner.	Minute Order 6/30/16: The noticing defects need to be cured. Temporary Letters are terminated. Examiner Notes given.
Cont. from 063016		See petition for details.	***NOTE*** On 7/26/16, Petitioner filed Form ICWA-030, Notice of Child Custody Proceeding for Indian Child indicating Native America ancestry on the paternal side.
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Therefore, due to Indian Child Welfare Act (ICWA) notice requirements, the Probate Clerk has assigned a further hearing date of <u>TUESDAY, OCTOBER 11, 2016</u> and mailed notice as required under Cal. Rule of Court 7.1015 for that date.
			<u>Therefore, this matter will be continued to 10/11/16 in accordance with Probate Code §1460.2 and CRC 7.1015.</u>
			<u>SEE PAGE 2</u>
			Reviewed by: skc
			Reviewed on: 8/9/16
			Updates:
			Recommendation:
			File 16- Ysais

Page 2

NEEDS/PROBLEMS/COMMENTS: The following issues remain:

1. Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice or declaration of due diligence on:
 - Brianna Ysais (Minor)
 - Ronnie Sharp (Father)

Note: Notice of Hearing filed 7/26/16 indicates service was mailed to the minor without a copy of the petition on 7/1/16. However, the minor is entitled to personal service with a copy of the petition per Probate Code §1511 unless consent and waiver of notice is filed.

Note: Notice of Hearing filed 7/28/16 indicates service was mailed to the father in Missouri on 7/26/16; however, the father is entitled to personal service per Probate Code §1511 unless consent and waiver of notice is filed.

2. Service of the Form ICWA-030, Notice of Child Custody Proceeding for Indian Child, on the mother, Tawnia Mendez, was mailed by the Probate Clerk to the address provided for the mother on that form as required by law; however, the mailing was returned to the Court as undeliverable. Petitioner's Notice of Hearing filed 7/28/16 appears to indicate service on the mother at a different address. Need clarification re mother's current address.
3. Additional people were served that are not identified in the petition. Need clarification as to who how the following people are related to the minor: Justin Lockway and Jerri Ann Kelly of Fresno, CA, and Michelle Sharp and Shawn Sharp of Springfield, MO.