

Notice of Motion and Motion to be Relieved as Counsel

DOD: 5/23/2005	JEFF S. SHEPARD , attorney for Administrator, VIVIAN WEST, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 07/31/14</u> As of 08/07/14, nothing further has been filed.</p> <p>1. Need <i>Notice of Hearing</i> and proof of service of <i>Notice of Hearing</i> on Vivian West.</p>
	VIVIAN WEST was appointed Administrator on 08/23/05 without bond.	
Cont. from 041014, 061214, 073114	Letters were issued on 08/24/05.	
<input type="checkbox"/> Aff.Sub.Wit.	Inventory & Appraisal showing the value of the estate at \$190,700.00 was filed 12/12/05.	
<input checked="" type="checkbox"/> Verified	Petitioner states that Vivian West has ceased all contact with his office. All correspondence and telephone calls have been ignored. Petitioner states that he has sent numerous letters to Ms. West regarding her duties as the personal representative of her mother's estate, but none of the letters have been acknowledged and the most recent letters have been returned as undeliverable. Petitioner states that he cannot continue as attorney for Vivian West due to her lack of cooperation and failure to perform her duties as administrator of the estate.	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input 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	Proof of Service filed 04/04/14 indicates that the Notice of Motion and Motion to be Relieved as Counsel and Declaration in Support of Attorney's Motion to be Relieved as Counsel – Civil was mailed to the Administrator at 3 different addresses.	
<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: 08/07/14
		Updates:
		Recommendation:
		File 1A – Baker-Melton

(1) First and Final Account and Report of Administration, Petition for Final Settlement, (2) for Allowance of Statutory Fees to Attorney and Final Distribution

DOD: 05/23/05	JEFF S. SHEPARD , attorney for Vivian West, Administrator, is Petitioner.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> The Petitioner states that he has no knowledge regarding payment of any claims filed against the estate. Creditor's Claims were filed by EECU (\$9,582.67) and Selma District Ambulance (\$4,693.01). No Allowance/Rejection of the claims has been filed. Need Allowance/Rejection of Creditor's Claims. Further, notice of this hearing was not provided to the Creditors (Probate Code § 11000). The Petition proposes to distribute the property evenly to the heirs, Vivian West and Cecil Baker; however, on 12/12/05, Cecil Baker filed an Assignment assigning his interest the estate and requesting distribution of estate assets to Vivian West. In light of the Assignment of Cecil Baker, need clarification regarding the proposed distribution. The Petition does not address the Assignment. The Petition indicates that Vivian West is in possession of all estate assets and Petitioner has lost contact with and that there is no property on hand to distribute. The Petition does not address how payment of the statutory fees is to be accomplished. The Court may require more information. 	
	Account period: 08/23/05 – 05/15/13			
Cont. from	Accounting	- \$195,950.62		
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH	- \$190,700.00		
<input checked="" type="checkbox"/> Verified	Ending POH	- \$0.00		
<input checked="" type="checkbox"/> Inventory	Administrator (statutory)	- \$6,721.00		
<input checked="" type="checkbox"/> PTC	Attorney (statutory)	- \$6,721.00		
<input checked="" type="checkbox"/> Not.Cred.	Closing	- \$1,000.00		
<input checked="" type="checkbox"/> Notice of Hrg	Distribution, pursuant to intestate succession, is to:			
<input checked="" type="checkbox"/> Aff.Mail w/	Vivian West	- ½ interest		
<input type="checkbox"/> Aff.Pub.	Cecil Baker	- ½ interest		
<input type="checkbox"/> Sp.Ntc.				
<input type="checkbox"/> Pers.Serv.				
<input type="checkbox"/> Conf. Screen				
<input type="checkbox"/> Letters 08/24/05				
<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: JF
				Reviewed on: 08/07/14
				Updates:
				Recommendation:
				File 1B – Baker-Melton

Petition for Final Distribution

DOD: 1/6/2009		<p>MARY SUE LANCASTER, sister and Administrator, is Petitioner.</p> <p>Accounting is waived.</p> <p>I & A — \$164,886.42 POH — \$164,886.42 (\$6,511.42 is cash)</p> <p>Administrator — not requested Attorney — not requested</p> <p>Distribution pursuant to intestate succession is to:</p> <p>MARY SUE LANCASTER – entire estate.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED TO 9/2/2014 Per Order on Ex Parte Motion for Continuance of Status Conference filed 8/11/2014.</p> <p><u>Continued from 6/24/14.</u> Minute Order shows appearance by Larry Donaldson. The following issues remain:</p> <ol style="list-style-type: none"> Final Inventory and Appraisal filed on 1/29/2014 is incomplete at Item 5 re: property tax certificate, as required by Probate Code § 8800(d). Need statement regarding Property Tax Certificate. (Revenue and Tax Code § 480.) Petition does not contain a statement regarding whether notice has been sent to the Franchise Tax Board as required pursuant to Probate Code 9202(c)(1) for estates in which Letters were issued 7/1/2008 or after, and Court records contain no proof of service of such notice. Need proof of service of notice to the Franchise Tax Board pursuant to Probate Code 9202(c)(1). The instant Petition does not fully comply with Probate Code § 10954 and CA Rules of Court 7.550 and 7.705 for waivers of account in estate matters, including the statements regarding whether notice of hearing is required to entities such as the Department of Health Care Services and the Victims' Compensation and Government Claims Board. Court may require further information regarding whether notices pursuant to Probate Code § 9202 were required for this estate. <p align="center">~Please see additional page~</p>
Cont. from 040814, 051314, 062414			
Aff.Sub.Wit.			
Verified	?		
✓ Inventory			
PTC	X		
✓ Not.Cred.	070609		
Notice of Hrg	X		
Aff.Mail	X		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters	091509		
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202	X		
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice	X		
Reviewed by: LEG			
Reviewed on: 8/11/14			
Updates: 8/11/14			
Recommendation:			
File 2 – Lancaster			

NEEDS/PROBLEMS/COMMENTS, continued:Notes:

- *Petition for Final Distribution* filed 2/28/2014 is signed but is not verified by the Petitioner pursuant to Probate Code § 1021 and CA Rule of Court 7.103. However, *Declaration of Petitioner Mary Sue Lancaster in Support of Petition for Order of Final Distribution* filed 2/28/2014, which contains all and substantially the same assertions as the *Petition for Final Distribution*, is verified.
- *Declaration of Mary Sue Lancaster* attached to the initial *Petition for Probate* filed 6/19/2009 states the only creditors of the Decedent of which she is aware are mortgages on the real property and a Visa credit card with a balance of **\$400.00**. Verified *Declaration of Petitioner Mary Sue Lancaster in Support of Petition for Order of Final Distribution* filed 2/28/2014 states all bill[s] and obligations of the estate have been paid or assumed by [her.]
- *Receipt on Distribution* filed 2/19/2014 states **MARY SUE LANCASTER** received from Administrator Mary Sue Lancaster the entirety of the estate [as specified in the petition] including **100%** interest in real property, and that she assumes all mortgage, tax, and other obligations owing on the real property distributed to her.

1. The Decedent had five children: Dale, Jackie, Dean, Myra, and June.

The Decedent's will divided her estate into 1/5 shares, with each share going to one child, or their issue if they do not survive the Decedent, except for the share that would be June's, at Section 4(a), which instead specifically devises the 1/5 share to June and one of her daughters, Connie, share and share alike, or to the survivor. 4(a) does not include a statement like the other shares at 4(b) through 4(e) that if they do not survive the decedent, their issue would take. 4(a) is silent in that regard.

However, at Section 4(f), the will states: "*In the event any child of mine shall not survive me, and shall leave no issue who survive me, then that share shall pass to my issue who survive me, by right of representation.*"

June, a child of the decedent, did have other issue in addition to Connie: Shonnie, Lonnie, and Tonnie.

Also, the share was devised to both June and Connie. In other words, it wasn't June's share alone. Connie was a devisee in her own right. But it is not known if Connie had issue. Both June's issue and Connie's issue, if any, would be considered issue of the Decedent as well.

Because June and Connie are deceased, and Section 4(a) does not include language re: the share passing to either of their issue like the language included in Sections 4(b) through 4(e), it appears Petitioners assume that Section 4(f) regarding passing the share to surviving issue does not apply to that share, and therefore, that share lapses.

As such, Petitioners propose distribution in 1/4 shares to the Decedent's surviving children: Dale, Jackie, Dean, and Myra.

The Court may wish to discuss Petitioner's interpretation of the will, and may require further notice to June's issue and Connie's issue, if any.

June's daughters Shonnie, Lonnie, and Tonnie were sent notice of the hearing, but the notice did not include a copy of the petition with the proposed distribution. Further, it is not known whether Connie was survived by issue, as this information has never been provided.

If it is determined that the share did lapse, need order.

If it is determined that the share did not lapse, need amended petition.

Atty Matlak, Steven M., of Dowling Aaron (for Petitioner Barbara L. Pearson, Trustee)
 Atty Werner, David W., of Gresham Savage Nolan & Tilden (for Objector Tracy Spreier)

Petition for Settlement of Second Account and Report of Trustee of the LaBree Family Trust; and Approval of Trustee Fees

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED TO 9/23/2014 Per Stipulation filed 8/11/2014 [Order not yet signed]</p>
Cont. from 061914		
	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: LEG
		Reviewed on: 8/11/14
		Updates:
		Recommendation:
		File 5 - LaBree

Amended Waiver of Accounting and Petition for Final Distribution and for Allowance of Compensation

DOD: 3-31-12		<p>GREGORY TAYLOR, Executor with Full IAEA without bond, is Petitioner.</p> <p>Accounting is waived</p> <p>I&A: \$504,522.95 POH: \$504,522.95 (\$205,522.95 cash plus real property)</p> <p>Executor (Statutory): Waived</p> <p>Attorney (Statutory): \$13,090.46</p> <p>Distribution pursuant to decedent's will:</p> <p>Mason Family Trust: Entire estate</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Executor Gregory Taylor is a resident of West River, Maryland.</p> <p>Continued from 7-15-14</p> <p>It appears an amended petition may be necessary due to the following issues, which have not been addressed:</p> <ol style="list-style-type: none"> 1. <u>Prior Examiner Notes</u> stated: "Need Property Tax Certificate." This refers to #5 of the Inventory and Appraisal (Property Tax Certificate) filed 11-2-12, which is blank. <p>Petitioner attached a copy of the current property tax bill/statement to this petition; however, this does not address the issue.</p> <p><u>Need verified declaration</u> containing the information set forth in #5 of the I&A, which <u>certifies</u> that the requirements of Revenue and Taxation Code §480 have been satisfied by the filing of a change of ownership statement with the county recorder or assessor in the county in which the decedent owned property.</p> <ol style="list-style-type: none"> 2. Further, the bill/statement that Petitioner attaches indicates that there are <u>delinquent taxes</u> that may jeopardize the property. <p>The Court may require clarification: Why was the estate's real property allowed to become delinquent during administration?</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>	
Cont. from 071514				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input checked="" type="checkbox"/>	Inventory			
<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	11-9-12		
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input checked="" type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input checked="" type="checkbox"/>	FTB Notice			
Reviewed by: skc				
Reviewed on: 8-7-14				
Updates:				
Recommendation:				
File 6 - Mason				

Page 2

NEEDS/PROBLEMS/COMMENTS (Continued):

- Petitioner filed a "Trustee Acceptance of Trust" pursuant to Probate Code §10954; however, the document appears to confuse the trustee's acceptance of the trust with the executor's role in administering the decedent's estate.

The document states the trustee will "Administer the trust estate in accordance with the law and will of the testator," and will "File a final account (or waiver of) with the Court." These are duties associated with administration of this decedent's estate only, which is separate from administration of the trust created in 2004 by both the decedent and her spouse, Joseph Mason, who is not deceased, as settlors.

Acceptance of trust should reference and acknowledge the terms of the trust agreement. Therefore, need amended Acceptance of Trust.

- Need declaration pursuant to Local Rule 7.12.5., setting forth the name of the trust, its establishment date, taxpayer ID number, verifying that the trust is in full force and effect, and that the trustee has an executed copy of the trust in possession.

Note: Examiner is confused by Petitioner's statement that the trust is "not funded." Is the Mason Family Trust of 2004 actually in existence? If not, the decedent's will does makes a provision for alternate distribution at Article Fifth and complete amendment of this petition will be necessary.

- The Property On Hand Schedule lists the same exact amounts in each specific account as originally listed on the I&A as of the decedent's date of death (3-31-12), even though Petitioner states at Page 2, Line 24, that cash has been kept in interest-bearing accounts. Although accounting is waived, Cal. Rules of Court 7.550 requires the petition to state the property on hand. If this is the correct amount, then need clarification as to why these accounts have not earned any interest in over two years of estate administration. See also Duties and Liabilities of Personal Representative, #1.c. (Form DE-147, filed 10-31-12, signed by the Executor).

Note: The accounts listed include investment-type accounts at Morgan Stanley, as well as a "Western National Policy." Need clarification: Are these cash accounts? Why did they not earn interest? Alternatively, if they were converted to cash accounts, or consolidated, need explanation pursuant to Cal. Rules of Court 7.550.

- There appears to be a typo in both the I&A and the POH Schedule – cash accounts add up to \$205,522.95 (subject to clarification re interest on the accounts, as noted above). This affects both statutory fees and the distribution as follows: If I&A is \$505,522.95, statutory compensation would be \$13,110.46, and distribution to the trust would be \$205,522.95 less \$13,110.46, or \$192,412.49 plus the real property, subject to clarification above. Need revised order.
- The revised order should also include the legal description of the real property. Local Rule 7.6.1.A.

Atty Matlak, Steven M., of Dowling Aaron (for Petitioner Barbara L. Pearson, Trustee)
 Atty Werner, David W., of Gresham Savage Nolan & Tilden (for Objector Tracy Spreier)

Petition for Settlement of Second Account and Report of Trustee of the Frank H. LaBree Exemption Trust, Established Under the LaBree Family Trust; and Approval of Trustee Fee

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED TO 9/23/2014 Per Stipulation filed 8/11/2014 [Order not yet signed]</p>
Cont. from 061914		
	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: LEG
		Reviewed on: 8/11/14
		Updates:
		Recommendation:
		File 7 - Labree

(1) Petition for Final Distribution and (2) for Allowance of Compensation for Ordinary Services on Waiver of Accounting

Age: 10/1/10		RONALD T. OYE , Administrator, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Need amended petition. Petition requests the ½ share of the decedent's estate that would go to his post deceased spouse, Katharine Kawano, instead pass to the Jim I. Kawano Trust pursuant to Katharine's Will. Katharine's Will is not before the court therefore the court cannot pass her portion of this estate pursuant to her will. Katharine's share of the estate can only pass to her estate. The petition contains a math error in the statutory fees. The correct statutory fees are \$5,989.45. Need Notice of Hearing. Need proof of service of the Notice of Hearing on: <ol style="list-style-type: none"> Jim Kawano (minor beneficiary) The Personal Representative of the Estate of Katharine Kawano (beneficiary) Michiko Oye (guardian of Jim Kawano) Need Order
		Accounting is waived.	
Cont. from		I & A - \$166,315.00	
<input type="checkbox"/>	Aff.Sub.Wit.	POH - \$166,315.00	
<input checked="" type="checkbox"/>	Verified	Administrator - waives	
<input checked="" type="checkbox"/>	Inventory	Attorney - \$5,732.19 (less than statutory)	
<input checked="" type="checkbox"/>	PTC	Petitioner requests distribution as follows:	
<input checked="" type="checkbox"/>	Not.Cred.	Ron Oye, as Trustee of the Jim I. Kawano Trust - 50% interest in the real property	
<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.	Ron Oye and Michiko Oye as guardians of the estate of Jim Kawano.	
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	2/20/13	
<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 checked="" type="checkbox"/>	FTB Notice		
Reviewed by: KT			
Reviewed on: 8/8/14			
Updates:			
Recommendation:			
File 8 – Kawano			

Petition for to Determine the Validity of the Trust Modifying the Trust, Removing Trustees, Appointing Trustees Instructing the Trustee, Compelling Redress of Breach of Trust, and Preliminary Injunction Prohibition Further Distributions to Mick Loeffler

	<p>DIANE HUERTA and LINDA PLITT, daughters, are Petitioners.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
<p>Cont. from 102213, 120313, 011414</p>	<p>Petitioners state:</p>	<p><u>CONTINUED TO 09/17/14</u> To allow parties to participate in further mediation</p>
<p><input type="checkbox"/> Aff.Sub.Wit.</p>	<p>1. Dr. Fred Otto Loeffler and Kathleen Loeffler are the Trustor's of THE LOEFFLER FAMILY TRUST.</p>	<p>Note: The temporary conservatorship expired on 08/29/13 and was not extended, therefore Petitioners are no longer temporary conservators of the Person. Bruce Bickel is the current acting temporary conservator of the estate for both Dr. and Mrs. Loeffler.</p>
<p><input type="checkbox"/> Verified</p>	<p>2. Petitioners were appointed as temporary conservators of the Person of their parents, Dr. Fred Otto Loeffler and Kathleen Loeffler.</p>	<p>The Petitions for general conservatorship have been set for trial at 9:00 am on 02/24/14 in Dept. 502 before Judge Black. The conservatorship matters are schedule for a settlement conference with Judge Oliver in Dept. 303 on 11/07/13 at 1:30pm.</p>
<p><input type="checkbox"/> Inventory</p>	<p>3. Bruce Bickel is the currently acting temporary conservator of the estates of both Dr. Fred Otto Loeffler and Kathleen Loeffler.</p>	<p>1. The Petition does not state the names of the persons entitled to notice of as required Pursuant to Probate Code § 17201. Note: Fred and Kathleen Loeffler were personally served with the Notice of Hearing and a copy of the Petition and several other people were served by mail. The Examiner is unable to determine whether everyone entitled to notice has received notice due to that information not being stated in the petition.</p>
<p><input type="checkbox"/> PTC</p>	<p>4. The principal place of administration of the Trust is Fresno County.</p>	<p>2. Need Order.</p>
<p><input type="checkbox"/> Not.Cred.</p>	<p>5. Petitioners allege that Dr. and Mrs. Loeffler (hereinafter "the Loefflers") lack capacity to resist undue influence and to protect their assets for their own benefit. This case and the conservatorship cases are inextricably linked and Petitioners request that the Court take Judicial Notice of the Conservatorship proceedings and all of the filings in those matters.</p>	<p>Reviewed by: JF</p>
<p><input checked="" type="checkbox"/> Notice of Hrg</p>	<p>6. The Loefflers have 4 children, Petitioners, Diane Huerta and Linda Plitt and Samuel Loeffler (hereinafter "Sam") and Michael Loeffler (hereinafter "Mick"). Linda and Diane are also successor trustee and beneficiaries under all of the various trusts which have been created by the Trustors over the years and therefore having standing to bring this action before the Court.</p>	<p>Reviewed on: 08/08/14</p>
<p><input checked="" type="checkbox"/> Aff.Mail w/</p>	<p>7. Petitioners believe that many trusts have been made and revised by the Loefflers.</p>	<p>Updates:</p>
<p><input type="checkbox"/> Aff.Pub.</p>	<p>Continued on Page 2</p>	<p>Recommendation:</p>
<p><input type="checkbox"/> Sp.Ntc.</p>		<p>File 9 – Loeffler</p>
<p><input checked="" type="checkbox"/> Pers.Serv. w/</p>		
<p><input type="checkbox"/> Conf. Screen</p>		
<p><input type="checkbox"/> Letters</p>		
<p><input type="checkbox"/> Duties/Supp</p>		
<p><input type="checkbox"/> Objections</p>		
<p><input type="checkbox"/> Video Receipt</p>		
<p><input type="checkbox"/> CI Report</p>		
<p><input type="checkbox"/> 9202</p>		
<p><input type="checkbox"/> Order</p>		
<p><input type="checkbox"/> Aff. Posting</p>		
<p><input type="checkbox"/> Status Rpt</p>		
<p><input type="checkbox"/> UCCJEA</p>		
<p><input type="checkbox"/> Citation</p>		
<p><input type="checkbox"/> FTB Notice</p>		

8. The first Declaration of Trust was dated 08/01/72 and amended on 05/12/82 and again on 05/21/91. The trust was then restated on 02/04/01. In the restated trust, the successor disability trustees were the spouse, then Diane, then Sam and the successor death trustee were the spouse, then Sam. The 2001 trust was amended in 2003 to replace Sam with Mick as successor disability and death trustee.
9. On 12/21/06, the trust was entirely restated once again. In this restatement, under the disability provisions of the trust, a co-trustee position was established with the non-incapacitated spouse serving with a co-trustee during any period of incapacity by one of the trustors. The succession of those to serve as both successor disability and successor death trustees was Diane, then Mick, then Linda, then Sam. If the remaining spouse was unable to service, the co-trustee would serve alone.
10. Subsequently, another attorney was contacted and yet another trust was created by attorney Kevin Gunner. Mediation was held and pursuant to a mediated agreement, all trustees stepped town and Bruce Bickel, a professional fiduciary, was appointed as trustee of yet another revised trust. The trust created by Kevin Gunner was titled "The Second Amendment and Full Restatement of the Loeffler Family Trust dated 08/01/72" was signed October 18, 2011.
11. Finally, yet another trust amendment entitled "The First Amendment to the Second Amendment and Full Restatement of the Loeffler Family Trust" was signed on 03/01/12.
12. On 05/15/12, Bruce Bickel stepped down as trustee of the trust at the request of Mrs. Loeffler who admitted to him that she did not want him to step down but was asking him step down at her son, Mick's insistence

Background Leadin to Current Claims for Relief:

1. On or about March 2008, Mick was evicted from the home he shared with his girlfriend and moved into the Loeffler's home purportedly to stay for a short time until he could procure employment allowing him to move out of the Loeffler's home.
2. In approximately July 2011, Dr. Loeffler fell and required in-home care. Mick reduced the caregiver hours to the point of being useless and insisted Dr. Loeffler rely solely on Mick, further isolating the couple. With Dr. Loeffler unable to assist himself, much less others, this left Mrs. Loeffler to rely solely on Mick. When asked if they could help, the other three children were told she "didn't think it was a good idea". Towards the end of July 2011, Dr. Loeffler was moved to a skilled nursing home by Diane Huerta to protect him from Mick's unpredictable verbal tirades and to provide the necessary care that was not being provided at home.
3. In approximately October 2011, Mick had all of the locks changed on their parents' home and refused to give any copies of the keys to any of the other children. Prior to this time, all of the children had been free to come and go in their parents' home.
4. From this point on, Dr. and Mrs. Loeffler were in an atmosphere which best could be described as a siege. When the other children were admitted to the home, they witnessed significant verbal abuse, hoarding, and evidence of substantial use of pain killers by Mick Loeffler. Dr. and Mrs. Loeffler were subjected to ongoing rants replete with obscenities, were taken from professional to professional in an attempt to persuade Dr. and Mrs. Loeffler to change their estate plan, ultimately giving Mick Loeffler complete control over their funds, healthcare and changing the Testator's ultimate gifting plan during life and after death.
5. Knowing Mick had a history of violent behavior and a previous domestic abuse restraining order had been filed against him, the other children were concerned any action to protect their parents might result in harm to their parents or themselves. Hence, they chose to mediate what had, at this point, become seen to be a crisis. This resulted in the drafting of yet another trust.

Continued on Page 3

6. In February 2012, Mrs. Loeffler chose to move out of the home to an independent living apartment adjoining Dr. Loeffler's skilled nursing placement.
7. This did not end Mick's ongoing attempts to control his parents. Mick attempted to convince the facility he was the only one to make decisions for Dr. and Mrs. Loeffler's healthcare decisions, when in fact, Diane, held the power of attorney for healthcare.
8. Mick also went from attorney to attorney attempting to get the healthcare power of attorney, durable power of attorney, and the trust changed to put him in control of each instrument.
9. In the meantime, Mick was living rent free in the Loeffler's home and convinced Mrs. Loeffler she could only rely on him (Mick) for food, transportation, advice, safety, etc. and that all of the other family members, friends, advisors, etc. were not to be trusted.
10. Although mediation was attempted and although there appeared to be an agreement, the last amendment represents evidence that the mediation has failed and of further undue influence exerted on the Loefflers.

First Claim for Relief – Determining the Validity of the Trust or Modifying the Trust

1. Petitioners request the Court find that with the establishment of the conservatorships of the Loefflers, any Durable Power of Attorney which may exist is now void and there is to be no amendment or modification of the trust without prior court approval.
2. In the alternative, Petitioners request to modify Article II(B)(2) of the Trust to state, upon the finding that the Trustor lacks capacity, Article II(B)(2) is void. Petitioner submit that it is reasonably necessary for the protection of the interests of the trustee or beneficiary to insure no additional revisions are made to this trust and the trust assets are protected removing the possibility the trust might be revised to allow gifting of trust assets prior to the death of both Trustors. As indicated in this Petition, there have been an extraordinary number of changes to this trust and it is reasonable to believe that at least the last two revisions were more likely than not made as a result of the exertion of undue influence on the Trustors by Mick Loeffler.

Second Claim for Relief – Removing Trustees

1. Article II(E) of the Trust entitled Successor Trustee, provides in relevant part: "Upon the death, resignation, removal or inability to act of Bruce D. Bickel, then in such event, Fred O. Loeffler and Kathleen Loeffler shall become Co-Trustees of said trust. Upon the death, resignation, removal or inability to act of Fred O. Loeffler or Kathleen D. Loeffler, then in such event, the remaining individual shall become sole trustee hereunder. Upon the death, resignation, removal or inability to act of Fred O. Loeffler and Kathleen D. Loeffler, then in such event, a Professional Licensed Fiduciary, to be appointed by Trustors' son, Mick G. Loeffler, shall serve in this capacity. In the event Mick G. Loeffler is unable or unwilling to appoint a professional licensed fiduciary to serve in this capacity, then in such event, the adult children of Trustors, by majority vote, shall so select a professional licensed fiduciary to serve in this capacity."
2. Petitioners request that the Court remove Fred O. Loeffler and Kathleen D. Loeffler as trustees as they are no longer able to serve in that capacity as they are now conserved under a temporary conservatorship. Petitioners believe both of them lack capacity to act in their own best interest and are subject to undue influence. **Examiners Note: The temporary conservatorship of the Person of both Fred and Kathleen expired on 08/29/13. Bruce Bickel was re-appointed as temporary conservator of the estate of both Fred and Kathleen on 09/25/13 and is the currently acting temporary conservator of the estate.**
3. Petitioners also ask that Mick Loeffler be removed from any position in which he may choose a professional fiduciary or to act as trustee or personal representative. Mick has demonstrated a history of abusing any power left in his hands and it is in the interest of Dr. and Mrs. Loeffler for their estate plan to remain unchanged and to have a professional fiduciary named without Mick's attempt to control that process to his benefit.

Continued on Page 4

Third Claim for Relief – Appointing Trustees

1. With the removal of the Loefflers as trustees, a trustee will be required and will need to be appointed in order to appoint a professional fiduciary to act as the Trustee of the Trust. Given the indications of undue influence exerted on the prior trustees, Court supervision is needed to protect the trust assets and those serving as trustees or conservators.
2. Petitioners request the Court appoint both of them in conjunction with Samuel Loeffler, Dr. and Mrs. Loeffler's remaining children, to fulfill the successor trustee provision to appoint a professional fiduciary to administer the trust as provided under Article II(E) and designate that the professional fiduciary named will also serve as conservator of the estate should one be appointed.

Fourth Claim for Relief – Instructing the Trustee and Compelling Redress of a Breach of Trust

1. Petitioners request the Court to either compel or instruct the trustee as allowed under Probate Code § 12700(b)(6) to hire a forensic accountant to audit the trust along with prior trusts and provide an accounting of the trust assets beginning January 1, 2008 to the present.
2. Petitioners assert trust funds have been diverted, gifted against the terms of the trust, and/or simply squandered. Mick Loeffler lives in the family home rent free and it is believed is paid for services either unrendered or overcharged. Petitioners believe and are prepared to show that social security checks which have previously been deposited directly into an account believed to be in the trust name are no longer being deposited to that account or any account they are aware of in the name of the Trust or the Trustors, individually.
3. Petitioners request that the court direct the trustee that upon any finding by the forensic accountant indicating funds have not been used for the benefit of the Trustors, the trustee be compelled to redress the breach, that the Court maintain jurisdiction over this case and case numbers 13CEPR00655 and 13CEPR00656, and that the Court maintain oversight of the administration of the trust.

Preliminary Injunction Prohibiting Further Disbursements to Mick Loeffler

1. Petitioners request that any person acting as trustee of the Trust or as the personal representative of Dr. and Mrs. Loeffler be enjoined from distributing any assets held in Trust to Mick Loeffler without further Court order.

Petitioners pray for an Order:

1. That the Court determine the validity of Article II(B)(2) of the Trust. Petitioners request the court find that with the establishment of the conservatorships any Durable General Power of Attorney which may exist is now void, and there is to be no amendment or modification of the trust without prior court approval, or in the alternative, that Article II(B)(2) be modified to state, upon the finding that either Trustor lacks capacity, Article II(B)(2) is void and the Trust may no longer be modified without prior court approval;
2. That the Court remove Fred O. Loeffler and Kathleen Loeffler and Mick Loeffler as Trustees of the Trust, remove Mick Loeffler from any position in which he may choose a professional fiduciary or to act as trustee or personal representative;
3. That the Court appoint Petitioners in conjunction with Samuel Loeffler to choose a professional fiduciary to act as the successor trustee of the trust as provide by the Trust;
4. That the Court designate that any trustee of the Trust which is appointed will also be named as the Conservator of the Estate if one is needed;
5. That the Court compel or instruct the trustee to hire a forensic accountant to audit the trust along with prior trusts and provide an accounting of the trust assets beginning with 01/01/08 to the present;
6. That the Court direct the trustee that upon any finding by the forensic accountant or any other party indicating funds have not been used for the benefit of the Trustors, the trustee be compelled to redress the breach;
7. That the Court maintain jurisdiction over this case and case numbers 13CEPR00655 and 13CEPR00656;
8. That the Court maintains oversight of the administration of the Trust; and
9. That the Court issue a preliminary injunction enjoining any person acting as trustee of the Trust or as the personal representative of Dr. and Mrs. Loeffler from distribution any assets held in the Trust to Mick Loeffler without further order of this Court.

(1) Petition for Final Distribution on Waiver of Account and (2) for Allowance Compensation for Ordinary Services

DOD: 11/13/12	DEBRA SCHLETEWITZ , Executor, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Petition states there is a property on hand schedule attached as Exhibit "A". There is no Exhibit "A" attached to the petition. Need property on hand schedule. Paragraph 13 of the petition states there were no sales, purchases, or changes in the form of assets other than the sale of the real property. Inventory and appraisal filed on 5/15/14 lists \$83,107.46 in shares of stocks of various companies. Need the current status of all inventoried items. If the stocks were sold will need a schedule of gains or losses. If not sold they will need to be included in the proposed distribution. Inventory and appraisals are to list the property of the decedent as of the date of death. An inventory and appraisal was filed on 7/10/14 showing the gain on the sale of the real property. Gains on sales should not be reported on an inventory and appraisal but as a gain on sale in the petition.
	Accounting is waived.	
Cont. from	I & A - \$248,107.46	
<input type="checkbox"/> Aff.Sub.Wit.	POH - ????	
<input checked="" type="checkbox"/> Verified		
<input checked="" type="checkbox"/> Inventory	Executor - waives	
<input checked="" type="checkbox"/> PTC	Attorney - \$7,962.15 (statutory)	
<input checked="" type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	Distribution, pursuant to Decedent's Will, is to:	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.	Debra Schletewitz - \$80,048.44	
<input type="checkbox"/> Pers.Serv.	Carrie Jensen-Todd - \$80,048.44	
<input type="checkbox"/> Conf. Screen	Craig Jensen - \$80,048.44	
<input checked="" type="checkbox"/> Letters 12/5/13		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input checked="" type="checkbox"/> FTB Notice		
		Reviewed on: 8/8/14
		Updates:
		Recommendation:
		File 10 – Jensen

Atty Van Doren, Cynthia M. (for Stephanie Woodward –Petitioner– Cousin)

Atty LeVan, Nancy J. (for Diana M. Marinez –Temporary Guardian- Non-Relative)

Atty Walters, Jennifer L. (Court Appointed for the Minor)

Motion to Enforce Court Order; Request for Temporary Letters of Co-Guardianship and Application for Qualified Medical Support Order

Age: Age: 9	STEPHANEE WOODWARD , cousin, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	Petitioner states: she she is able to obtain medical coverage for the child through her employer AT&T Mobility. Benefits include coverage for mental health services. Access to medical, mental health, dental and vision coverage would preserve Carlie's Social Security benefits for her future needs and would be in Carlie's best interest.	Note: Petition for Appointment of Guardian of the Person filed by Diana M. Marinez; Petition for Appointment of Guardian of the Person and the Estate filed by Stephanie Woodward; and a Status Hearing are set for 08/12/2014 at 10:30am.
<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	Coverage would require Co-Guardianship of Carlie and Qualified Medical Child Support Order. This Court stated "If necessary the court would entertain the idea of co-guardianship of Carlie between the parties to effectuate insurance coverage." Carlie has no alternate means to obtain health insurance coverage. Her mother is deceased; no father is presumed or adjudicated. Petitioner is informed and believes insurance coverage is unavailable to Carlie by way of her temporary guardian, Diana Marinez.	1. Need Order.
<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 type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp	Petitioner requests that:	
<input type="checkbox"/> Objections	1. Petitioner, Stephanie Woodward be authorized to act with full authority as co-guardian of the person of Carlie De La Fuente.	
<input type="checkbox"/> Video Receipt	2. Letters of co-guardianship be issued to Stephanie Woodward without bond.	
<input type="checkbox"/> CI Report	3. An order directing Petitioner to enroll Carlie De La Fuente in the United Healthcare insurance coverage available to Petitioner via her employment with AT&T.	
<input type="checkbox"/> 9202	4. Execution of qualified Medical Child Support Order filed herewith.	
<input checked="" type="checkbox"/> Order	5. For such other relief as the Court deems proper.	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	Please see additional page	
		Reviewed by: LV
		Reviewed on: 08/08/2014
		Updates:
		Recommendation:
		File 11 – DeLa Fuente

Objections to Motion to Enforce Court Order; Request for Temporary Letters of Co-Guardianship and Application for Qualified Medical Support Order filed on 08/11/2014 by Temporary Guardian, Diana Martinez states there is no need for a co-guardianship because Carlie is currently covered under Medi-Cal and as of September 1, 2014 will be covered by Kaiser for her continued medical coverage. The statement that Carlie has no alternate means to obtain health insurance is no correct. The statement that insurance coverage is unavailable by way of the temporary guardian, Diana Martinez, is also not correct. Diana has obtained and maintained medical coverage for Carlie since the death of Carlie's mother, Santos De La Fuente in December of 2013. As of September 1, 2014, Carlie will have medical coverage by Kaiser through Cal Viva. Diana has obtained information that Carlie meets all of the criteria for this coverage. All immunizations, regular medical examinations, prescriptions, individual and family counseling, dental examinations and all of Carlie's medical needs have been provided through Medi-Cal and as of September 1, 2014 through Kaiser.

The attempt to obtain an Order from this Court for Issuance of Letters of Co-Guardianship under the premise that Carlie does not have medical coverage currently or in the future, is not correct. Carlie has had medical coverage for all her medical needs and will continue to have medical coverage through her temporary guardian, Diana Martinez. The minor has received counseling through, completed the Footsteps Grieving Program through St. Agnes Medical Center, all medical, dental, individual and family counseling through the California Youth Authority and is a happy, healthy ten year old. Considering the trauma Carlie has experienced in her short life, this speaks volumes about the loving guidance and parenting of Diana. There is nothing about the care that Diana has provided for Carlie that could be defined as lacking.

Therefore Objector requests:

1. The Request for Temporary Letters of Co-Guardianship be denied;
2. The Application for Qualified Medical Support Order be denied.

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 4-25-14		<p>RITA RANGEL MUNOZ, Mother, is Petitioner.</p> <p>40 days since DOD</p> <p>No other proceedings</p> <p>I&A: \$115,000.00 (real property)</p> <p>Will dated 8-23-99 devises personal effects to Petitioner and the residue to the Manuel Rangel Munoz Revocable Trust.</p> <p>Petitioner requests Court determination that Decedent's 100% interest in real property in Parlier passes to her as successor trustee of the trust.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. The original will has not been deposited pursuant to Probate Code §8200. Need original will. 2. Need declaration re trust pursuant to Local Rule 7.12.5.
	Aff.Sub.Wit.		
✓	Verified		
✓	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
N/A	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: 8-8-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13 – Munoz</p>			

	<p>JOSEPH PATRICK DE LOS REYES, Son, was appointed Conservator of the Person and Estate on 3-12-14 with bond of \$30,000.00.</p> <p>Bond was filed and Letters issued on 4-7-14.</p> <p>At the hearing on 3-12-14, 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. Probate Code §2610.</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		
	<p>Reviewed by: skc</p>	
	<p>Reviewed on: 8-8-14</p>	
	<p>Updates:</p>	
	<p>Recommendation:</p>	
	<p>File 14 – De Los Reyes</p>	

(1) Waiver of Accounting and (2) Petition for Final Distribution, Statutory Commissions/Fees, (3) Request to withhold in Reserve

DOD: 11/29/12	TOM STEINGRABER , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 06/24/14</u> 1. Notice to the Franchise Tax Board was mailed on 06/24/14. The Court may continue the matter to allow at least 90 days for the Franchise Tax Board to file a claim. 2. The assets to be distributed consist of cash, securities and a gun collection. The Order does not break down the assets to be distributed, stating that 1/3 or \$137,600.00 is to be distributed to each beneficiary. However, this is inaccurate because the property on hand to be distributed does not solely consist of cash. Need revised order that specifically addresses the assets of the estate to be distributed (e.g. \$9,266.66 cash, 1/3 interest in securities valued at \$129,333.33, and 1/3 interest in gun collection (\$10,000.00 value)).
	Accounting is waived.	
Cont. from 062414	I & A - \$471,980.41	
<input type="checkbox"/> Aff.Sub.Wit.	POH - \$445,800.00	
<input checked="" type="checkbox"/> Verified	(\$27,800 is cash)	
<input checked="" type="checkbox"/> Inventory	Administrator - waived	
<input checked="" type="checkbox"/> PTC	Attorney - n/a	
<input checked="" type="checkbox"/> Not.Cred.	Closing - \$3,000.00	
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail w/		
Aff.Pub.	Distribution, pursuant to intestate succession, is to:	
Sp.Ntc.	Tom Steingraber - 1/3	
Pers.Serv.	Sara Harris - 1/3	
Conf. Screen	Robert Steingraber - 1/3	
Letters 03/20/13		
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: JF
		Reviewed on: 08/08/14
		Updates:
		Recommendation:
		File 15 - Steingraber

Petition for Appointment of Temporary Guardianship of the Person

Age: 9 months		<u>GENERAL HEARING 10/6/14</u>		NEEDS/PROBLEMS/COMMENTS:	
Cont. from		LAURA LONGHAT , maternal grandmother, is petitioner.		1. Petitioner's Fee Waiver was denied. Therefore a filing fee of \$225.00 is due. Petitioner paid the filing fee for the temporary but still owes for the general petition. 2. If the Court does not dispense with notice to the father, then will need proof of service of the Notice of Hearing along with a copy of the temporary petition on the father.	
<input type="checkbox"/>	Aff.Sub.Wit.	Father: UNKNOWN – Declaration of Due Diligence.			
<input checked="" type="checkbox"/>	Verified	Mother: VALERIE NICOLE LONGHAT – consents and waives notice.			
<input type="checkbox"/>	Inventory	Paternal grandparents: Unknown			
<input type="checkbox"/>	PTC	Maternal grandfather: Douglas Longhat			
<input type="checkbox"/>	Not.Cred.	Petitioner states she has been caring for the minor for 7 months now. Her mother is incarcerated for 5 years. Father is unknown.			
<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				
				Note: Petitioner was previously appointed guardian for this minor's sibling, Dhillan Longhat.	
				Reviewed by: KT	
				Reviewed on: 8/8/14	
				Updates:	
				Recommendation:	
				File 16 – Longhat	

		TANYANNA M. GARDNER , Mother, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. If this petition goes forward, notice to the maternal grandparents will be required per Probate Code §1460(b)(5). The Court may also require further information or diligence for notice to the fathers and paternal relatives, since this petition was brought by the mother.</p>
		EMMA FRIERSON , Maternal Great-Aunt, was appointed Guardian of Travis on 11-5-13.	
	Aff.Sub.Wit.		
✓	Verified	STACY MICHELLE EDWARDS , Maternal Aunt, was appointed Guardian of Harmonee on 11-20-13.	
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X The father and paternal grandparents of both minors are unknown. The Court dispensed with notice to both fathers.	
	Aff.Mail		
	Aff.Pub.	The identity of the maternal grandparents has not been provided to the court.	
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen	Petitioner states she has made the changes necessary to create a stable living environment for her children. She completed a program and maintained her sobriety. She has also completed a parenting course and has become a mentor for other women with addiction issues. She continues to attend meetings and has a sponsor. The Petition for Termination contains the signatures of both guardians at the section entitled "Consent to Termination and Waiver of Service and Notice of Hearing."	
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order	Court Investigator Dina Calvillo filed a report on 8-7-14.	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 8-8-14
			Updates:
			Recommendation:
			File 17 – Gardeley & Gardener

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 4-12-13	<p>JEOFFERY SPEER was appointed Administrator with Full IAEA without bond on 11-18-13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
	<p>Letters issued on 11-20-13.</p>	<p><u>Continued from 4-18-14, 6-6-14, 7-1-14</u></p>
Cont from 041814, 060614, 070114	<p>At the hearing on 11-20-13, the Court set this status hearing for the filing of the Inventory and Appraisal.</p>	<p><u>Minute Order 4-18-14:</u> No appearances. Matter continued to 6-6-14. The Court orders Jeoffery Speer to be personally present on 6-6-14 if the inventory and appraisal has not been filed. A copy of the minute order was mailed to Mr. Speer on 4-18-14.</p>
Aff.Sub.Wit.		<p><u>Minute Order 6-6-14:</u> No appearances. Matter continued to 7-1-14. The Court orders Jeoffery Speer to be personally present on 6-6-14 if the inventory and appraisal has not been filed. A copy of the minute order was mailed to Mr. Speer on 6-13-14.</p>
Verified		
Inventory		<p><u>Minute Order 7-1-14:</u> No appearances. The Court sets the matter for an Order to Show Cause on 8-12-14 regarding removal of Jeoffery Spper as administrator, failure to appear, and contempt. Jeoffery Speer is ordered to be personally present on 8-12-14. The minute order and Order to Show Cause were mailed to Mr. Speer on 7-11-14.</p>
PTC		
Not.Cred.		<p><u>As of 8-7-14, nothing further has been filed.</u></p>
Notice of Hrg		
Aff.Mail		<p><u>Note:</u> The petition for probate estimated the estate value at \$341,893.00, including real and personal property.</p>
Aff.Pub.		
Sp.Ntc.		<p>1. Need I&A per Probate Code §8800 or verified written status report pursuant to local rules.</p>
Pers.Serv.		
Conf. Screen		<p>Reviewed by: skc</p>
Letters		
Duties/Supp		<p>Reviewed on: 8-7-14</p>
Objections		
Video Receipt		<p>Updates:</p>
CI Report		
9202		<p>Recommendation:</p>
Order		
Aff. Posting		<p>File 13A – Speer</p>
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Order to Show Cause Re: Removal of Jeoffery Speer as Administrator; Failure to Appear; Contempt

DOD: 4-12-13	JEOFFERY SPEER , son, was appointed Administrator with Full IAEA without bond on 11-18-13.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: The I&A was due 4-18-14. The first account or petition for final distribution is due 1-16-15.</p> <p>Note: The heirs to the estate are the decedent's six (6) children, all adults: - Jeoffery Speer (Administrator) - Jeremiah Speer - Amber Speer - Daniel Speer - Garrison Speer - Ashley Speer</p> <p>Note: According to an internet query, the decedent's residence at 6645 E. Cornel in Fresno was sold in February 2014 for \$246,000.00. Although the Administrator was granted full authority under the IAEA, the Administrator is not in compliance with applicable law requiring inventory and appraisal of the estate assets within the required time frame.</p> <p>Note: These Examiner Notes have been provided to the Fresno County Public Administrator.</p> <p>Reviewed by: skc Reviewed on: 8-7-14 Updates: Recommendation: File 18B – Speer</p>
	Letters issued on 11-20-13.	
Aff.Sub.Wit.	The original petition estimated the estate value at \$341,893.00 in real and personal property; however, no Inventory and Appraisal has been filed.	
Verified		
Inventory		
PTC		
Not.Cred.	At the hearing on 11-20-13, the Court set a status hearing for the filing of the Inventory and Appraisal for 4-18-14.	
Notice of Hrg		
Aff.Mail	No Inventory and Appraisal has been filed pursuant to Probate Code §8800, and Mr. Speer has not appeared at any of the status hearings or filed any status report pursuant to local rules.	
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		

			NO TEMP REQUESTED		NEEDS/PROBLEMS/COMMENTS:
			ASMAHAN SALAYMEH , Spouse, is Petitioner and requests appointment as Conservator of the Person.		Court Investigator advised rights on 8-1-14. Voting rights affected – need minute order.
			Note: The box for conservatorship of the estate is also checked in the title of the petition; however, Section 1.b. which is the request for conservatorship of the estate is blank.		1. Need Notice of Hearing.
	<input type="checkbox"/>	Aff.Sub.Wit.			2. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1822 on: - Bayan Salaymeh - Rawan Salaymeh - Ibrahim Salaymeh - Mohammad Salaymeh
	<input checked="" type="checkbox"/>	Verified			3. Need Citation.
	<input type="checkbox"/>	Inventory			4. Need proof of personal service of Citation with a copy of the petition at least 15 days prior to the hearing per Probate Code §1824 on the proposed Conservatee Fawzi Salaymeh.
	<input type="checkbox"/>	PTC			5. Need video receipt per Local Rule 7.15.8.
	<input type="checkbox"/>	Not.Cred.			6. Petitioner did not check box 1g of the petition, but did file a capacity declaration. Therefore, need clarification: Is Petitioner requesting medical consent powers under Probate Code §2355?
	<input type="checkbox"/>	Notice of Hrg	X	Voting rights affected.	7. The petition does not request conservatorship of the estate; however, it appears Petitioner intended to request estate powers also. The Court may require additional information regarding the estate. If estate powers are granted, additional requirements will need to be met and the Court will set status hearings to make sure that the steps are completed.
	<input type="checkbox"/>	Aff.Mail	X	Capacity Declaration was filed 12-3-13.	8. Need order and Letters.
	<input type="checkbox"/>	Aff.Pub.			Note: It appears that Petitioner may have received assistance from a document service to prepare her petitions; however, based on the numerous and continuing deficiencies in the filings, Petitioner may wish to request refund if money was paid, and seek assistance from an attorney.
	<input type="checkbox"/>	Sp.Ntc.			Reviewed by: skc
	<input type="checkbox"/>	Pers.Serv.	X	Petitioner states her husband had a heart attack on 9-9-12. Since then, he has been in a coma and non-responsive. He is on a feeding tube and is currently at Horizon nursing home.	Reviewed on: 8-11-14
	<input checked="" type="checkbox"/>	Conf. Screen			Updates:
	<input checked="" type="checkbox"/>	Letters			Recommendation:
	<input checked="" type="checkbox"/>	Duties/Supp			File 19 – Salaymeh
	<input type="checkbox"/>	Objections			
	<input type="checkbox"/>	Video Receipt	X	Court Investigator Jennifer Daniel filed a report on 8-5-14.	
	<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	X		
	<input type="checkbox"/>	FTB Notice			

Atty Shelby, Anita (pro per – paternal grandmother/Petitioner)

Atty Brown, Tamca (pro per – mother/objector)

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

Edward, 11	<u>TEMPORARY EXPIRES 08/12/14</u>		<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 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 of Guardian of the Person or Consent & Waiver of Notice or Declaration of Due Diligence</i> for: <ol style="list-style-type: none"> Edward Fragoso, Sr. (father) – personal service required Tamca Brown (mother) – personal service required Ernesto Fragoso, Sr. (paternal grandfather) – service by mail sufficient Maternal grandfather – service by mail sufficient Sherry Brown (maternal grandmother) – service by mail sufficient Need Confidential Guardian Screening Form (Form GC-212).
Edwin, 9	<p>ANITA SHELBY, paternal grandmother, is Petitioner.</p>		
Ethan, 3	<p>Father: EDWARD FRAGOSO, SR. – <i>currently incarcerated</i></p>		
	<p>Mother: TAMCA BROWN</p>		
Cont. from	<p>Paternal grandfather: ERNESTO FRAGOSO, SR.</p>		
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory	<p>Maternal grandfather: UNKNOWN Maternal grandmother: SHERRY BROWN</p>		
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg	<p>Petitioner states that the children need a stable living environment. The parents are homeless. The children were left in her care about 4 months ago. Petitioner states that she makes sure that they get to school, she attends all of their meetings and takes them to therapy.</p>		
<input type="checkbox"/> Aff.Mail	x		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.	x		
<input type="checkbox"/> Conf. Screen	x		
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input checked="" 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>Objection to Guardianship filed 07/18/14 by Tamca Brown states: She is the children's mother and she never intended for the children to remain in Petitioner's care, she intended for them to stay with Petitioner only for a short time while she got stable. She states that she has been providing money and food to Petitioner for the children. Ms. Brown further states that she has heard from people in the neighborhood that Petitioner is not watching the children closely and that they are out late at night unattended. Ms. Brown states that she wants her children returned to her care.</p>		
	<p>Court Investigator Samantha Henson filed a report on 08/04/14.</p>		
	<p>Reviewed by: JF</p>		
	<p>Reviewed on: 08/11/14</p>		
	<p>Updates:</p>		
	<p>Recommendation:</p>		
	<p>File 20 – Fragoso</p>		

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

Teresa, 11		<u>TEMPORARY EXPIRES 08/12/14</u>		<p>NEEDS/PROBLEMS/ COMMENTS:</p> <ol style="list-style-type: none"> Declaration of Due Diligence filed 07/08/14 states that the father's whereabouts are unknown. If diligence is not found, need proof of personal service at least 15 days before the hearing of <i>Notice of Hearing</i> with a cop of the <i>Petition for Appointment of Temporary Guardian of the Person</i> <u>or</u> Consent & Waiver of Notice for Eutiquio Holguin, III (father). Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a cop of the <i>Petition for Appointment of Temporary Guardian of the Person</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: <ol style="list-style-type: none"> Paternal grandparents Maternal grandfather
		<p>DANIEL REYES and ROSARIO REYES, non-relatives, are Petitioners.</p>		
		<p>Father: EUTIQUIO HOLGUIN – <i>declaration of due diligence filed 07/08/14</i></p>		
Cont. from		<p>Mother: NANCY FALCUCCI – <i>personally served on 06/20/14</i></p>		
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory	<p>Paternal grandparents: UNKNOWN</p>		
<input type="checkbox"/>	PTC	<p>Maternal Grandfather: NOT LISTED</p>		
<input type="checkbox"/>	Not.Cred.	<p>Maternal Grandmother: RAE FALCUCCI - <i>personally served on 06/20/14</i></p>		
<input checked="" type="checkbox"/>	Notice of Hrg	<p>Siblings: PETRIA FERRIS, J.F. FERRIS</p>		
<input type="checkbox"/>	Aff.Mail	<input checked="" type="checkbox"/>		
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input checked="" type="checkbox"/>	Pers.Serv.	<input type="checkbox"/>	w/	
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input 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>DSS Social Worker Irma Ramirez filed a report on 07/30/14.</p>		
		<p>Court Investigator Charlotte Bien filed a Supplemental Report on 07/30/14.</p>		
		<p>Reviewed by: JF</p>		
		<p>Reviewed on: 08/11/14</p>		
		<p>Updates:</p>		
		<p>Recommendation:</p>		
		<p>File 21 – Holguin</p>		

Atty Alvarado, Wally Lupe (pro per – maternal grandfather/Petitioner)
 Atty Martinez, Clara Mendoza (pro per – non-relative/petitioner on general petition only)
 Atty Martinez-Lucero, Andrea (pro per – non-relative/Petitioner)
 Atty Lucero, Phillip (pro per – non-relative/Petitioner)

Petition for Appointment of Temporary Guardian of the Person

Age: 3	<u>GENERAL HEARING: 10/06/14</u>	NEEDS/PROBLEMS/COMMENTS:
	WALLY L. ALVARADO , maternal grandfather, ANDREA LUCERO and PHILLIP LUCERO , non-relatives, are Petitioners.	1. Need <i>Notice of Hearing</i> .
Cont. from	Father: UNKNOWN Mother: SARAH BETH ALVARADO	2. Need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardianship or Consent & Waiver of Notice or Declaration of Due Diligence</i> for:
<input type="checkbox"/> Aff.Sub.Wit.	Paternal grandparents: UNKNOWN	a. Sarah Beth Alvarado (mother)
<input checked="" type="checkbox"/> Verified	Maternal grandmother: DECEASED	b. Father (unknown)
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	Petitioners allege that the child's mother cannot provide a safe and loving home. She is currently in a mental hospital in Modesto.	
<input type="checkbox"/> Aff.Mail		
<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: JF
		Reviewed on: 08/11/14
		Updates:
		Recommendation:
		File 22 – Alvarado

Status Hearing Re: Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 5 years	<p style="text-align: center;"><u>Temporary Expires on 8/12/14</u></p> <p>ANTOINETTE M. FULLER, paternal aunt, is petitioned to be appointed as guardian.</p> <p>The Court granted a temporary guardianship on 4/24/14.</p> <p>The petition alleged that the father was physically abusing the child.</p> <p>Father, ORRIN V. FULLER, objected stating everything alleged in the petition was false.</p> <p>Mother: MELISSA CALDERON has not been personally served. Declaration of private investigator Manuel Kip Faria states he was unable to locate the mother.</p> <p>Paternal grandfather: Anthony Fuller has not been served.</p> <p>Paternal grandmother: Jeraldine McCoy-Koontz has not been served.</p> <p>Maternal grandparents: Unknown has not been served.</p> <p>On 6/23/14 the court set this matter for a settlement conference on 7/21/14 and court trial on 8/12/14.</p> <p>On 7/23/14 the court vacated the trial date of 8/12/14 and set this status hearing re Petition for Appointment of Guardian.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>This matter is scheduled to be heard at 10:00 a.m.</p> <ol style="list-style-type: none"> 1. Need Order 2. Need Letters
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		
	<p>Reviewed by: KT</p> <p>Reviewed on: 8/11/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1 – Fuller</p>	

Attached to the petition is a notarized statement from the mother stating that she gives Diana Marie Marinez guardianship of her daughter, it states that she has been caring for the child since 08/2013.

Also attached is a California Statutory Will dated 11/18/2013 which nominates the co-petitioner, Diana Marie Marinez, to be the child's guardian upon the death of the mother.

Declaration filed 12/18/2013 by co-petitioner, Diana Marie Marinez, which includes letters of support of the guardianship. Also included is a letter from the child which states she wishes to live with Diana Marie Marinez.

Objection to Diana M. Marinez Being Appointed As Guardian of The Minor Child, Carlie Jezza De La Fuente filed by Phyllis Torres, maternal great-aunt, on 12/27/2013 states that she objects to Diana M. Marinez being appointed as guardian of Carlie; as well as request that Phyllis Torres and her husband, Jesse Torres, be appointed guardians effective immediately.

Ms. Torres does not believe that Diana M. Marinez is the fit and proper person to care for her niece; and believes that it will be detrimental to her well-being and quite possibly to her safety.

Diana M. Marinez, has a known history of drug abuse, mental health issues as well as physical illnesses that sometimes put her in the hospital for weeks at a time. She disclosed to Ms. Torres that she was hospitalized for a nervous breakdown or in her words "went crazy" in 2013 as the result of her financial difficulties and her husband leaving her. She also has a history of poor money management, and the inability to keep gainful employment. Ms. Torres believes that Diana is motivated by money; and that she is seeking guardianship of the minor to access any money that the child might be entitled to including social security benefits.

It is in the best interest of the child to be raised by her biological family, Diana is not biologically related to the child nor was she related to her mother. Objector is the minor child's great aunt, and her husband is the child's great uncle and godfather. Ms. Torres and her husband have been very close to the child and her mother their entire life.

Mrs. Torres is highly concerned about Dian's son, George Tapia, driving the child around. Mrs. Torres alleges that Mr. Tapia does not have a driver's license due to having DUI's. Ms. Torres also alleges that Diana M. Marinez' family history involves drugs, alcohol and abusive behaviors.

Ms. Torres states that the mother was diagnosed in 2009 with terminal cancer and had indicated to her that she wanted her to become the minor's guardian. In September 2013 the mother requested legal paperwork be drafted indicating her desire for Ms. Torres to become guardian of the child, at that time the mother signed a Nomination of Guardian (copy attached hereto as Exhibit A). Once the mother began residing in the home of Diana M. Marinez things began to change. Diana informed Mrs. Torres that the mother no longer wanted to have anything to do with her and was not longer welcomed in the home. Diana prevented Mrs. Torres from visiting the child and the mother. Diana took over all of the mother's possessions, allowing family members to drive the mother's car, she deleted the mother's Facebook page. Diana took over the mother's phone and began to impersonate her when Mrs. Torres would try to call her. Mrs. Torres believes that Diana M. Marinez was telling the mother that her family did not want to see her.

Please see additional page

Mrs. Torres objects to Diana having guardianship of the minor child for many reasons. Mrs. Torres believes that Diana was influencing the mother and taking advantage of her mental state to manipulate the situation. Mrs. Torres believes that the mother was made to feel guilty, and felt pressured into nominating Diana as the minor's guardian. Mrs. Torres alleges that the signature of the mother does not match any other documents that Mrs. Torres has.

Mrs. Torres believes that the temporary petition of Diana M. Martinez is filled with mistruths and lies; she believes the signature of the mother is a forgery. Mrs. Torres asks that the Court compare the signatures of the mother.

Mrs. Torres asks the Court to terminate the temporary guardianship of Carlie by Diana Martinez, and deny the permanent guardianship. Mrs. Torres is requesting that her and her husband, Jess Torres, be allowed to have guardianship of the minor child as it is in her best interest.

Filed Objection of Mrs. Torres also includes several objections of family members attached as "Exhibits".

Declaration of Diana M. Martinez, petitioner, filed on 12/30/2013, states the mother of the child passed away on 12/15/2013. She passed away with petitioner and the minor child present. She states she met with the child's father on 12/23/2013 at her home and the Court Investigator was also present. She states that the father of the minor signed the consent form, and that both he and his mother both consent to her being appointed guardian of the child.

Response to Objections to Appointment of Guardian filed by Diana Martinez on 01/31/2014 states Phyllis' allegation that Diana has a known history of drug abuse and mental health issues is not supported by any documentation. These allegations are slanderous and untrue. Diana does have asthma and has been hospitalized for this condition. Diana has never been hospitalized for mental health or drug issues.

Phyllis' allegations that Diana is motivated by money is again, untrue and slanderous. Diana receives \$620.00/month social security benefits for Carlie. Any other monies from insurance or pension benefits will be placed in a blocked account that cannot be accessed without a court order. As the Court knows, \$620.00/mo. Does not begin to cover the expense of raising a child. Diana is seeking guardianship because Carlie's mother nominated her as guardian and Diana has been caring for both Carlie and her mother since August. Carlie's latest report card shows 2 -B's, 1-B-, and one A-. Carlie received 6-outstandings and 8-satisfactories for effort and citizenship. These are not grades of a child being in a situation that is detrimental to her. In fact, considering this child just lost her mother last month, these grades are exceptional considering the trauma that the child has gone through.

Phyllis' allegation that she witnessed George Tapia driving without a license due to DUI's with Carlie in a car is again untrue. Diana's only car was out of service from the 1st week of September through the 18th of October. The last time Phyllis was at Diana's homes was during the second week of October. Further, George Tapia's driver's license was reinstated December 11, 2013. George Tapia is enrolled full-time in college to become an alcohol/drug counselor.

Phyllis' account of Santos signing the paperwork in September leaves out many important details. Santos did not request the paperwork, but Phyllis insisted on having the paperwork brought to the emergency room between midnight and three a.m. after Santos had been given Morphine and other mind altering drugs for pain, and sticking the paperwork in front of Santos and telling her to sign.

Please see additional page

Phyllis's allegations that Diana was the one that decided Santos did not want to see her family and that Santos's signature on the petition, will and other documents is totally without a factual basis. Santos was the one that decided she did not want contact with most of her family. Santos had a very unhappy childhood. Sarah, her mother, was an alcoholic and when entertaining a man, she would lock the door so Santos could not get in the house. Santos did not want to visit with her mother, Sarah, or sister and told the nurse to have them leave. Security had to be called to tell them to leave and after arguing with other family members, they finally left. Santos made it very clear to staff at the hospital, that she did not want to see her birth mother, Sarah or her sister. On Sunday, September 29, 2013, Santos dictated and signed a letter to be placed in her chart, that she did not want Sarah or Chloe to have any type of contact with Santos. Phyllis is fully aware of this situation and to allege that Diana was somehow behind these decisions is a fallacy.

Phyllis's allegations that Diana made the decision to exclude Santos's family again is not based on any fact. Phyllis and many members of the family did not want to be in the same room as Santos because Santos tested positive for MRSA and had a staph infection in an open wound. Phyllis has a newborn grandson and she felt it was too much of a risk to be near Santos. Marylou Torres and Rachel Lopez voluntarily stopped visiting Santos at the hospital because they babysit their grandchildren and they did not want to be exposed to MRSA and Staph infection.

Santos wanted to be cremated and Sarah, Santos's mother tried to halt the cremation which required the service to be delayed and Santos's body be frozen for 8 days. This put a severe emotional burden on Carlie and was definitely not in her best interest. Phyllis knows of Sarah's drinking and emotional problems, which is why Sarah was not ever considered for Guardian of Carlie. Santos did not want her mother or most of her family at her memorial service because she wanted it to be a celebration, not drama. She did not want to expose Carlie to the chaos and outbursts of her family.

When Santos told Phyllis that she did not want her for Carlie's guardian in November, Phyllis got very angry and told Santos she was making a huge mistake. She then stormed toward the door and said "Well, at least I stepped up and am paying for your funeral." This hurt Santos deeply and that was when she informed the hospital staff and Diana that she no longer wanted to visit with any of her blood family. It wasn't until Santos told Phyllis that she wanted Diana to be Carlie's guardian that Phyllis had a problem with Diana. Phyllis and Diana texted each other almost daily regarding Santos's condition until Phyllis made the "funeral" comment. Then, Phyllis's opinion and demeanor completely changed towards Diana. Not only did Phyllis's behavior change, but also Lynette's and Rachel's behavior changed.

Phyllis's allegations that Santos did not want Diana as guardian of Carlie is again without basis or merit. Santos's signature on the form giving Diana Temporary Guardianship of Carlie was notarized and witnessed by the notary. Stating Santos's signature is forgery is a result of Phyllis's jealousy that Santos chose Diana over Phyllis. Santos's Will was witnessed by two disinterested persons and this Will nominated Diana as Custodian of Carlie's assets and Guardian of Carlie's person.

Phyllis has now withdrawn her Petition for Appointment of Guardian and a 2nd cousin of Carlie's, Stephanie Woodward, has petitioned in Phyllis's place. This person was elected by the members of Santos's blood family, without any input from Carlie or Diana or Santos. Diana not only was nominated by Santos, but also has the support of Carlie's father and paternal grandmother.

Please see additional page

Pursuant to Probate Code § 1502, (a) a nomination of a guardian of a minor can be made in a writing before or after the Petition for Appointment of Guardian is filed. Further in Probate Code § 1502 (c) it states:

“Unless the writing making the nomination expressly otherwise provides, a nomination made under this article remains effective notwithstanding the subsequent legal incapacity or death of a person making the nomination.”

Santos made her nomination in her Will that was witnessed by two disinterested people. This Will was properly executed and witnessed on November 18, 2013. Santos also nominated Diana as guardian of Carlie in a notarized document dated December 05, 2013. There has been no nomination of Stephanie Woodward by Carlie's parents verbally or in any writing.

All of the other objections by Sarah DeLaFuente, Chloe Valencia, Rachel Lopez, Marlene Torres, Victoria Bertoni, Jessy B. Torres, Maryann Moreno, Linda Bertoni, Elisa Torres, Danielle DeLaFuente, Daniel DeLaFuente, and Marylou Torres are just repetitive, boiler-plate copies of the same objection with different names on them. All of these relatives were not around to help Santos when she was very ill and none of them had any problem with Diana caring for Santos and Carlie during Santos's illness. Phyllis has used her influence to rally some the "blood" relatives to file objections against Diana simply to try to thwart what Santos really wanted.

DSS Social Worker Irma Ramirez' report filed on 02/05/2014.

Court Investigator Charlotte Bien's report filed 02/05/2014

Declaration In Support of appointment of Diana Marinez as Guardian of the Person filed on 05/13/2014 by Nancy Rodriguez states she spent about 2.5 hours with Santos, the mother, and she stated that the minor would be cared for by Diana Marinez. Santos spoke of her family, her birth mother and aunt. Santos stated she was worried that her biological family would cause problems for Diana because of Carlie. Santos stated that her mother and aunt were not there for her when she was growing up or needed help, but now they are coming around because she is dying. Declarant states that Santos' mind was clear, she knew she was terminal, she also knew that she wanted Diana as guardian of Carlie and she definitely did not want her family or Carlie's father to have custody.

Declaration In Support of Appointment of Diana Marinez as Guardian of the Person filed on 07/22/2014 by Rosa Rocha states that she has known the mother, Santos De La Fuente, since 2007. She states that Santos told her about the abuse she suffered from her mother, Sarah and was distant from her family because of all issues with and other things done by her family. Ms. Rocha states that she met with Santos when she was given the diagnosis of a few weeks to live and that Santos was clear in mind, she also stated that her mother Sarah had chosen a man over her dying daughter. Santos De La Fuente also stated that the minor child would be cared for by Diana Marinez upon her death.

Needs / Problems /Comments (continued)

Note: Petitioners have included the original will of Santos L. De La Fuente. The Court may wish to have the original will returned to the petitioners. The Court does not accept an original will until the individual's death pursuant to Probate Code §8200(a)(1).

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

Age: Age: 9	STEPHANE WOODWARD , cousin, is petitioner and requests appointment as Guardian of the Person and of the Estate without bond and that any and all money of the estate be placed into a blocked account.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>This matter will be heard at 10:30am.</u></p> <ol style="list-style-type: none"> 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"> Diana M. Marinez (Temporary Guardian) 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"> Paternal Grandfather (Unknown) Cheryl Ceredi (Paternal Grandmother) Louis Silva (Maternal Grandfather) Need Child Information Attachment GC-210(CA). Petition does not indicate the nature of the assets of guardian of the estate. Need clarification so the Court can determine if guardianship of the estate is necessary. <p><u>Continued on additional pages 4 and 5</u></p> <p>Reviewed by: LV Reviewed on: 08/08/2014 Updates: Recommendation: File 1B – DeLa Fuente</p>
Cont. from 031714, 051314	DIANA M. MARINEZ , non-relative, was appointed temporary guardian of the minor on 12/12/2013.	
Aff.Sub.Wit.	Father: ADOLPH CEREDI , personally served on 04/22/2014	
<input checked="" type="checkbox"/> Verified	Mother: SANTOS L. DE LA FUENTE, Deceased	
Inventory	Paternal Grandfather: Unknown Paternal Grandmother: Cheryl Ceredi	
PTC	Maternal Grandfather: Louie Silva Maternal Grandmother: Sara De La Fuente, Consents and Waives Notice	
Not.Cred.	Estimated value of the Estate	
Notice of Hrg x	Personal Property - \$2,500.00	
Aff.Mail x	Petitioner states the minor child's mother is recently deceased; the father has never even met the child. The parents are unable/unwilling to provide for the child. The child is currently under temporary guardianship by Diana M. Marinez. However, the petitioner believes that leaving the child under the custody and care of Ms. Marinez is detrimental to the child.	
Aff.Pub.	<u>Please see additional page</u>	
Sp.Ntc.		
Pers.Serv. x		
<input checked="" type="checkbox"/> Conf. Screen		
Letters x		
<input checked="" type="checkbox"/> Duties/Supp		
Objections		
Video Receipt		
<input checked="" type="checkbox"/> CI Report		
9202		
Order x		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Continued from previous page: Ms. Marinez has no biological relationship to the child. Ms. Marinez prohibited the child's family from seeing her prior to the family obtaining a court order. Ms. Marinez excluded the child's biological family from the funeral citing a non-existent court order. It is believed that the current guardian has a prescription drug habit and has stolen prescription drugs that were prescribed to the deceased mother.

The current guardian has ongoing criminal activity in the home. The daughter-in-law of the guardian was recently arrested and forcibly removed from the home. The current guardian cannot financially provide for the child and has expressed intent to relocate the child to the San Jose area.

Objections to Appointment of Guardian filed by Stephanie Woodward on 03/06/2014 states petitioner, Diana Marinez, submits her objections to the appointment of Stephanie Woodward as guardian of the person and estate of Carlie Jezell De La Fuente.

Stephanee Woodward does not have higher priority than Diana Marinez, who was nominated by the minor's mother and father:

1. Probate Code § 1500 states "Subject to Section 1502, a parent may nominate a guardian of the person or the estate, or both, of a minor child in either of the following cases:
 - a) Where the other parent nominates, or consents in writing to the nomination of, the same guardian for the same child.
 - b) Where, at the time the petition for appointment of the guardian is filed, either (1) the other parent is dead or lacks legal capacity to consent to the nomination or (2) the consent of the other parent would not be required for an adoption of the child."
2. Probate Code § 1502 states:
 - a) "A nomination of a guardian under this article may be made in the petition for the appointment of the guardian or at the hearing on the petition or a writing signed either before or after the petition for the appointment of the guardian is filed.
 - b) The nomination of a guardian under this article is effective when made except that a writing nominating a guardian under this article may provide that the nomination becomes effective only upon the occurrence of such specified condition or conditions as are stated in the writing, including but not limited to such conditions as the subsequent legal incapacity or death of the person making nomination.
 - c) Unless the writing making the nomination expressly otherwise provides, a nomination made under this article remains effective notwithstanding the subsequent legal incapacity or death of the person making the nomination."

Santos De La Fuente nominated Diana Marinez in a properly witnessed Will, in a notarized document dated 12/05/2013 giving temporary guardianship to Diana Marinez, and under penalty of perjury in the Petitions for Appointment of Temporary and Permanent Guardian. Adolph Ceredi, father of the minor, nominated Diana Marinez as guardian of the minor, filed in this case on 02/04/2014. All of these writings satisfy the requirements of Probate Code § 1502.

Please see additional page

There has been no parental nomination of Stephanie Woodward as guardian of the minor. Ms. Woodward's familial relationship to the minor is 1st cousin, once removed. Ms. Woodward's familial relationship does not have priority over a person nominated by both parents in a writing. Family Code § 3043 mandates: "In determining the person or persons to whom custody should be granted under paragraph (2) or (3) of subdivision (a) of Section 3040, the court **shall** consider and give due weight to the nomination of a guardian of the person of the child by a parent under Article 1 (commencing with Section 1500) of Chapter 1 of Part 2 of Division 4 of the Probate Code."

Stephanie's allegations that Diana kept Santos from her family is totally without a factual basis. Santos was the one that decided she did not want contact with most of her family. Santos had a very unhappy childhood. Sarah, her mother, was an alcoholic and when entertaining man, she would lock the door so Santos could not get in the house. After a horrible scene made by Sarah and her half-sister Chloe, Santos made it very clear to staff at the hospital, that she did not want to see her birth mother, Sarah or her half-sister. On Sunday 09/29/2013, Santos dictated and signed a letter to be placed in her chart, that she did not want Sarah or Chloe to have any type of contact with Santos. Stephanie is fully aware of this situation and to allege that Diana was somehow behind these decisions is simply untrue. When Santos was at Diana's home, Stephanie was able to visit Santos. Diana kept Lynette, Rachael and Phyllis informed regarding Santos's condition by text. Phyllis stopped communicating after Santos told Phyllis she wanted Diana as guardian for Carlie. Lynette stayed in contact with Diana until after Santos died. Lynette's and Rachael's attitude toward Diana did not change until Phyllis filed her petition for guardianship.

Santos was physically, emotionally and physically abused by Sarah, Carlie's grandmother, Stephanie knows of Sarah's drinking and emotional problems, which is why Sarah did not petition for Guardian of Carlie. Sarah is bipolar, according to Phyllis, and suffers from severe emotional swings exacerbated by alcohol abuse. Santos did not want her mother and most of her family at her memorial service because she wanted it to be a celebration, not drama. Santos did not want Carlie to have contact with grandmother, Sarah, because of the cruelty and abuse that Santos suffered at the hands of Sarah. In fact, in the temporary petition for guardian, Santos requested that the Court dispense with notice to Sarah because Santos felt it would be harmful to Carlie. Stephanie allows Sarah to visit Carlie every weekend. This is evidence that Stephanie, although knowing the abuse that Sarah inflicted on Santos and Chloe, she does nothing to prevent or even discourage Carlie's exposure to Sarah's irrational behavior. In fact the opposite is true, Stephanie encourages Carlie to see her grandmother. Stephanie's behavior is exactly what Santos feared and why she did not name any of her maternal family as guardian of Carlie.

Stephanie's allegations that Santos did not want Diana as guardian of Carlie and that Diana coerced and influenced Santos to pick Diana is again without basis or merit. Santos' signature on the form giving Diana Temporary Guardianship of Carlie was notarized and witnessed by the notary. Santos' Will was witnessed by two disinterested persons and this will nominated Diana as Custodian of Carlie's assets and Guardian of Carlie's person. Santos expressed to several hospital staff, friends, and in several writings that she wanted Diana as guardian of Carlie.

Please see additional page

Stephanee's allegations that it would be detrimental for Carlie to remain in Diana's custody and care is again false. Carlie has excelled in school, received counseling, completed the Footsteps Grieving Program through St. Agnes Medical Center and is a happy, healthy nine year old. Considering the trauma Carlie has experienced in her short life, this speaks volumes about the loving guidance and parenting of Diana. There is nothing about the care that Diana has provided for Carlie that could be defined as detrimental.

Declaration in Support of Objection to Appointment of Stephanie Woodward as Guardian of Person and Estate filed on 03/06/2014 by Itatica Tapia, God-Sister to Santos De La Fuente states she has known Santos her whole life and remembers Santos as a sister to her and her brother, because she was always staying weekends and spending holidays with her family. Ms. Tapia has known Carlie since she was born. Ms. Tapia states that Santos lived with her family from her preteen to teenage years after he biological mother kicked her out of her own home. Ms. Tapia witness Santos struggle with the effects of Sarah's verbal and physical abuse and how Santos swore she would stop the cycle of child abuse. Ms. Tapia witnessed Santos putting Carlie's needs before her own. She expressed time and again that she wanted Carlie to be nurtured, loved, and parented by the only mother she had ever known, Diana.

Ms. Tapia states that in all the years she has known Santos, she never heard her express a desire for Stephanie to be Carlie's guardian. In fact, Ms. Tapia asked Santos when she first became ill if she would rather have one of her cousins act as Carlie's guardian because they were younger than Diana and Santos answered no. She didn't want her mother, aunts, or cousins to act as Carlie's guardian because of the history of alcohol, verbal and physical abuse in the family. She could never count on any of her family when he mother abused her, so she didn't want to trust them with Carlie.

Attachments to Objections to Appointment of Guardian filed by Stephanie Woodward filed on 03/07/2014.

Declaration in Support of Objections to Appointment of Stephanie Woodward as Guardian of Person and Estates filed on 03/10/2014 by Heather Martinez, close friend to Santos De La Fuente states she has known Santos since 1998, when she attended high school at the same time as her sister. Ms. Martinez states that on several occasions she would drop Santos off at her mother's boyfriend's home on the West Side. She would wait till make sure Santos go tin and many times Santos would knock on the door and no one would answer. Twice Ms. Martinez picked up Santos and her half-sister in the evening after their mother had hit them and locked them out of the house. Santos would take her laundry over to Ms. Martinez's home so that they could be washed for school the next day. Santos loved her mother, Sarah, but did not stay with her for long periods of time because of the verbal abuse. Ms. Martinez states that the horrible memories came back to her when she visited Santos in St. Agnes in September 2013 and she could hear Sarah yelling and cussing at Santos and other family members in the room. Sarah had to be escorted from the room three times that day. When she reached the hallway, Sarah made a worse scene in front of staff and other patients. Sarah was then escorted from the hospital and told she could not return. Sarah, along with her daughter, Chloe, tried to sneak back in the hospital twice more and the staff informed Santos that she may need to seek a restraining order. This prompted Santos to sign the attached document in front of hospital staff, indicating she did not want any contact with Sarah or Chloe. This was put in Santos' chart so there was no question that Santos' mother and half-sister should not be allowed to contact Santos.

Ms. Martinez states that she was asked to witness Santos's will, she was there when Santos told the nurse that she did not want any paid medication that day, so that her mind would be clear. Santos informed Ms. Martinez that her preference was for Diana to be Custodian to any monies that Carlie may receive as result of Santos's death and Carlie's guardian to take care of her until she was 18. Santos was very clear on that subject. Santos did name Lynette Bertoni, cousin of Santos's, as the Third choice for guardian, but she did not mention Stephanie or even bring her name up as a possibility.

DSS Social Worker Irma Ramirez' report filed on 02/05/2014.

Court Investigator Charlotte Bien's report filed 02/05/2014.

Needs/Problems/Comments (continued)

5. Need Letters.
6. Need Orders.
7. Need Order for Blocked Account.

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

- **Tuesday, 09/16/2014 at 9:00a.m. in Dept. 303** for the receipt of the blocked account **and**
- **Tuesday, 01/13/2015 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**
- **Tuesday, 10/13/2015 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.

Atty Van Doren, Cynthia M. (for Stephanie Woodward –Competing Petitioner– Cousin)

Atty LeVan, Nancy J. (for Diana M. Martinez – Temporary Guardian)

Atty Walters, Jennifer (Court Appointed for the Minor)

Status Hearing

	SANTOS L. DE LA FUENTE , petitioner, was appointed Temporary Guardian of the Person on 12/30/2013.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>This matter will be heard at 10:30am.</u></p> <p>1. Need report from mental health provider(s) pursuant to Minute Order of 05/13/2014.</p>
	STEPHANEE WOODWARD , filed a competing petition for Guardianship of the Person and the Estate on 01/27/2014.	
Cont. from	Minute Order of 05/13/2014 set this matter for hearing.	
Aff.Sub.Wit.	<p>Minute Order of 05/13/2014: Parties engage in settlement discussions with the Court. The temporary is extended to 08/12/2014. The Court will expect a report from the mental health provider(s) before the next hearing. Parties waive confidentiality so the Court can receive a copy of the report. Visitation during summer vacation is ordered by the Court Ms. Walters is directed to prepare the order. The trial date of 08/12/2014 is vacated.</p>	
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: 08/08/2014
		Updates:
		Recommendation:
		File 1C – DeLa Fuente