

Notice of Motion and Motion to be Relieved as Counsel

DOD: 10/19/87		<p>DARLENE AZEVEDO KELLY, attorney for Curtis Lee, Administrator with Will Annexed, is Petitioner.</p> <p>CURTIS LEE, son, was appointed Administrator with Will Annexed with bond in the amount of \$9,000.00 on 01/13/04.</p> <p>Bond was filed 02/19/04 and Letters were issued on 03/30/04.</p> <p>I & A showing the value of the estate at \$9,000.00 was filed on 03/22/04 and Reappraisal for Sale I & A filed 04/01/01 showed the value of the estate at \$13,000.00.</p> <p>Petitioner states that this probate was commenced in November 2003. The assets consist of two real estate lots valued at \$13,000.00 that were sold during the course of the probate. The net to the estate was \$3,349.16. Since the lots were sold in 2004, petitioner has had no contact with the client despite attempts to contact him at his residence and workplace requesting that he contact petitioner to close the estate.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED TO 08/29/12</u> Per request of Counsel</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service by mail of the Notice of Hearing on: <ul style="list-style-type: none"> - Curtis Lee (personal representative) - Surety Bonding Company of America (pursuant to Probate Code § 1213) <p>Note: A Status Hearing will be set in this matter as follows:</p> <ul style="list-style-type: none"> • Friday, September 14, 2012 at 9:00 am in Dept. 303 for filing of the Account and Petition for Final Distribution <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
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<input type="checkbox"/>	Aff.Sub.Wit.		
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<input type="checkbox"/>	Citation		
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		<p>Reviewed by: JF</p> <p>Reviewed on: 08/07/12</p> <p>Updates: 08/10/12</p> <p>Recommendation:</p> <p>File 1 - Baker</p>	

Age: 41	<p>MATTHEW MILLER, Brother and Conservator of the Person, is Petitioner.</p> <p>Petitioner states the purpose of this petition is to avoid intestacy and to provide for distribution of the conservatorship estate and the Alison Miller Special Needs Trust. The Conservatee lacks capacity for the proposed action and lacks legal capacity to state a position as to the proposed action. The proposed action is only for the purposes of providing for the ultimate distribution of the conservatorship estate and special needs trust estate on the conservatee's death and will have no adverse effect on the assets available for her care. Petitioner states that the circumstances show the proposed action that Alison Miller, acting as a reasonably prudent person, would take if she had capacity to do so.</p> <p>The conservatee's existing estate plan consists of the special needs trust, which provides that the trust shall terminate on the death of the beneficiary and the trustee shall distribute the undistributed balance of the trust estate as the beneficiary may direct by the exercise of a special power of appointment, etc., subject to federal law requiring notice and reimbursement of state claims (language cited and copy provided). The trust provides that if the Conservatee fails to exercise the special power of appointment, that part must be distributed to her "heirs at law," which would be her father.</p> <p>However, based on the following facts, it is reasonable to conclude that the Conservatee would not provide for her father, but would instead provide for her brothers, Andrew Miller and Matthew Miller.</p> <p>When Alison was four months old, she became disabled after suffering a reaction to an immunization vaccine. Since that time, she has been profoundly handicapped, both physically and mentally. Shortly thereafter, her father abandoned her and has had no contact with her and provided no support in the subsequent 40+ years. Alison has a half-brother, Jeremy Miller, that she has never met.</p> <p>Until her death, Alison's mother had been solely responsible for her care, and since her death, Alison's brothers, Andrew and Matthew, have taken responsibility for her care. Since her father and half-brother have not been a part of her life, it is reasonable to conclude that Alison Miller would prefer that the trust estate be given to her brothers.</p> <p>Petitioner requests an Order authorizing Matthew Miller, as Conservator of the Person of Alison Miller, to execute the attached will under Probate Code §2580(b)(13), and for such other and further relief as the court deems proper.</p> <p>The attached will appoints Petitioner as Executor and devises the estate equally to her two brothers.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: The Special Needs Trust established in 1998 was originally created in this conservatorship file and was later assigned a different case number (09CEPR00502). All assets previously held in the conservatorship estate were transferred to the SNT. Upon the petition of Matthew Miller to become Successor Conservator of the Person and Estate; the Court did not find a need for further conservatorship of the estate, and granted conservatorship of the person only.</p> <p>Note: Alison Miller resides at Melendez Family Home, a care home in Terra Bella, CA., and receives services from CVRC.</p> <p>Reviewed by: skc</p> <p>Reviewed on: 8-9-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2 - Miller</p>
DOB: 3-20-71		
Cont. from 071612		
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Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Trustee's Second Accounting of Trust Assets and Petition for Its Approval and for Allowance of Attorney's Fees and Costs

		JOYCE A. HENRY , Trustee, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: A status hearing will be set as follows:</p> <ul style="list-style-type: none"> Friday, June 27, 2014 at 9:00 a.m. in Department 303 for the filing of the third account. <p>Pursuant to Local Rule 7.5 if the required accounting is filed 10 days prior to the hearing on the matter the status hearing will come off calendar and no appearance will be required.</p>
		Account period: 5/1/2008 – 4/30/2012	
		Accounting - \$531,259.63	
		Beginning POH - \$215,856.89	
		Ending POH - \$327,870.67	
Cont. from		Trustee - not addressed	
<input type="checkbox"/>	Aff.Sub.Wit.	Attorney - \$1,673.00 (Per declaration and itemization, 3 attorney hours @ \$280/hr and 5.95 paralegal hours @ \$140/hr)	
<input checked="" type="checkbox"/>	Verified	Attorney costs - \$775.00 (certified copy and filing fees)	
<input type="checkbox"/>	Inventory	Petitioner prays for an order:	
<input type="checkbox"/>	PTC	1. Settling and allowing the account and report and approving and confirming the acts of Petitioner and the Trust from 5/1/2008 through 4/30/2012.	
<input type="checkbox"/>	Not.Cred.	2. Authorizing and directing the Trustee to pay to John E. Barrus the sum of \$1,673.00 for legal services and the sum of \$775.00 for costs advanced.	
<input checked="" type="checkbox"/>	Notice of Hrg		
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			Reviewed by: KT
			Reviewed on: 8/14/12
			Updates:
			Recommendation:
			File 3 - Tyler

(1) Second and Final Account and Report of Conservator, (2) Petition for Allowance of Compensation to Conservator and Attorney (Prob. C. 1860, 2620, 2623, 2630, 2942)

DOD: 05/04/2012	PUBLIC GUARDIAN , Conservator, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Declaration of Due Diligence for:</p> <ul style="list-style-type: none"> • Bill Pollos (Son)
	Account period: 02/25/2011 – 05/04/2012	
Cont. from	Accounting - \$24,711.49	
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH - \$1,545.58	
<input checked="" type="checkbox"/> Verified	Ending POH - \$2,052.41	
<input type="checkbox"/> Inventory	Subsequent Account Period: 05/05/2012-06/08/2012	
<input type="checkbox"/> PTC	Accounting - \$3,420.75	
<input type="checkbox"/> Not.Cred.	Beginning POH - \$2,052.41	
<input checked="" type="checkbox"/> Notice of Hrg	Ending POH- \$1,464.75	
<input checked="" type="checkbox"/> Aff.Mail w/	Conservator - \$3,434.80	
<input type="checkbox"/> Aff.Pub.	Attorney - \$1,250.00	
<input type="checkbox"/> Sp.Ntc.	Bond - \$25.00 (o.k.)	
<input type="checkbox"/> Pers.Serv.	Petitioner request that due to the insufficiency of the estate to pay the fees and commission that a lien be imposed upon the estate for an unpaid balances of the authorized fees and commissions.	
<input type="checkbox"/> Conf. Screen	Petitioner prays for an Order:	
<input type="checkbox"/> Letters	1. Approving, allowing and settling the second account.	
<input type="checkbox"/> Duties/Supp	2. Authorizing the conservator and attorney fees and commissions.	
<input type="checkbox"/> Objections	3. Payment of the bond fee.	
<input type="checkbox"/> Video Receipt	4. Authorize petitioner to impose a lien on the estate for any unpaid balances of authorized fees and commissions.	
<input checked="" type="checkbox"/> CI Report		
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<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: KT / LV
		Reviewed on: 08/09/2012
		Updates:
		Recommendation:
		File 4 - Brittain

5 Donnie De'monty Marquise Maiden, Jr (GUARD/P) Case No. 11CEPR01109

Atty Williams, Phyllis Louise (pro per Petitioner/paternal grandmother)

Atty Schacher, Kara (for Objector/father Donnie Maiden, Sr.)

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

Age: 4 years	Temporary Expires 8/14/12	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 7/12/12. Minute order states Counsel advises the court that she has been contacted by Ms. Fradue. The Court notes for the record that Ms. Fradue is not present in court. Counsel requests a continuance.</p> <p>1. Objections are brought by Latasha Fradue on behalf of the father, Donnie Maiden, Sr. via a Power of Attorney. The Power of Attorney attached to the objections gives Latasha Fradue temporary custody of Donnie Maiden's son, Donnie Maiden, Jr. The POA does not appear to give Ms. Fradue authority to file objections on behalf of the father Donnie Maiden, Sr.</p> <p>Reviewed by: KT</p> <p>Reviewed on: 8/8/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5 - Maiden</p>
	<p>PHYLLIS LOUISE WILLIAMS, paternal grandmother, is Petitioner.</p> <p>Father: DONNIE DE'MONTY MARQUISE MAIDEN – incarcerated in Phoenix, AZ – served by mail on 3/27/12. Minute order dated 4/26/12 found father has been given notice.</p> <p>Mother: FELICIA RAMIREZ – Court dispensed with notice by minute order dated 2/23/12.</p> <p>Paternal Grandfather: Donnie Maiden Maternal Grandfather: Unknown Maternal Grandmother: Unknown</p> <p>Petitioner states the father had sole custody of the minor. Father is now incarcerated and is unable to care for the minor. Petitioner states she has been actively involved in the minor's life since birth. A guardianship is necessary so that the Petitioner can provide the minor with the proper care and support.</p> <p>Objections of Donnie Maiden, Sr. filed by Latasha Purdue on behalf of Donnie Maiden, Sr. via Power of Attorney on 4/25/12. Objections state Phyllis Williams was not involved in Donnie Maiden, Sr.'s upbringing, has past issues with drugs use and is not the party Mr. Maiden wants caring for his son. Mr. Maiden has known Latasha Fradue since childhood and they lived together since July 2010. She and Donnie Jr. have a very close relationship as she has known him since birth. Latasha Fradue is the person Mr. Maiden wants caring for his son.</p> <p>Court Investigator JoAnn Morris' Report filed on 4/11/12.</p>	
Cont. from 022312, 042612, 060712, 071212		
<input type="checkbox"/> Aff.Sub.Wit.		
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Final Account and Report and Petition for Final Distribution and for Allowance of Compensation (Independent Administration) [P.C. 10400, et seq., 10951 and 1160 et seq.]

DOD: 12-22-11		DONNA SYLVIA , Executor with full IAEA without bond, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><i>Note: Page 6B is a continued hearing on Allowance or Rejection of the Executor's Creditor's Claim (continued from 8-9-12). This matter cannot go forward until the creditor's claim matter is resolved.</i></p> <ol style="list-style-type: none"> <u>Need amended Inventory and Appraisal.</u> The I&A reflects personal property valued at \$500.00; however, the value was assigned by the Petitioner rather than the Probate Referee pursuant to Probate Code §8900 et seq. <u>Need distribution schedule pursuant to Probate Code §1063(f).</u> Neither the Petition nor the Order indicate exactly what assets or dollar amounts are to be distributed to each heir pursuant to Probate Code Local Rule 7.6.1. Examiner notes that if Shelly Karam's creditor's claim has been paid and Petitioner's creditor's claim is allowed pursuant to the hearing at Page 6B of this calendar, the probate estate is mostly depleted. The distribution schedule should account for these proposed distributions. <u>Alternatively, the Court may require amended or supplemental account for the period after 6-1-12 with regard to the Creditor's Claims paid after that date and contemplated at Page 6B.</u> Petitioner states Shelly Karam's Creditor's Claim was paid on 6-13-12, which is <u>after</u> the end of the account period. Therefore, the disbursement is not reflected on the disbursements schedule and the amount provided as POH is inaccurate for distribution based on this figure. Petitioner states distribution pursuant to the will is to the three children equally; however, Decedent's will devises his personal effects to his three children and the residue to a family trust (the KARAM 2000 REVOCABLE TRUST). <u>Therefore, Need proof of service of Notice of Hearing at least 15 days prior to the hearing on the trustee of the trust or and/or the beneficiaries pursuant to Probate Code §1208.</u> If distribution will be made to the trust, need trustee's declaration pursuant to Local Rule 7.12.5.
Account period: 10-22-11 through 6-1-12		Accounting: \$136,418.73 Beginning POH: \$136,250.02 Ending POH: \$136,418.73	
<input type="checkbox"/>	Aff.Sub.Wit.		
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<input checked="" type="checkbox"/>	Notice of Hrg		
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<input type="checkbox"/>	Aff.Pub.		
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<input type="checkbox"/>	Pers.Serv.		
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<input checked="" type="checkbox"/>	Letters	2-9-12	
<input type="checkbox"/>	Duties/Supp		
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<input type="checkbox"/>	CI Report		
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<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
		Executor (Statutory): \$5,087.50	
		Attorney (Statutory): \$5,087.50	
		Costs: \$725.00 (filing, publication)	
		Petitioner states distribution pursuant to Decedent's will is to Donna Lynn Sylvia, Shelly Karam and Robert Mark Karam equally.	
		Reviewed by: skc	
		Reviewed on: 8-9-12	
		Updates:	
		Recommendation:	
		File 6A - Karam	

Atty Armo, Lance E. (for Donna Sylvia – Executor – Creditor)
 Atty Laird, Scott (for Objector)

Allowance or Rejection of Creditor's Claim

DOD: 12-22-11	DONNA SYLVIA, Daughter and Executor with Full IAEA without bond, filed a Creditor's Claim on 4-17-12 for \$65,643.29.	NEEDS/PROBLEMS/COMMENTS:
		Continued from 8-9-12.
Cont. from 080912		Minute Order 8-9-12: Not yet available
Aff.Sub.Wit.		Note: Executor's Final Account filed 7-3-12 is set for hearing on 8-14-12.
✓ Verified		Note: The Court may wish to continue this matter to be heard on that date with the account.
Inventory		SEE PAGE 2
PTC		
Not.Cred.		
✓ Notice of Hrg		
✓ Aff.Mail w/o		
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>The claim states: Executor loaned \$55,000.00 to the decedent to help him purchase the ¼ interest of his nephew, Steve Karam, in the family ranch partnership. The promissory note provided for interest at 3% per annum on the unpaid portion. Petitioner claims the principle amount of the note plus interest.</p> <p>- Attached is a copy of the Promissory Note dated 12-14-10 and check.</p> <p>The claim also states Executor paid multiple expenses of the decedent prior to his death, including irrigation water bills, legal fees to his attorney (Lance Armo), a deposit for his apartment at an elderly care complex, meals while he resided there, purchase of equipment, vehicle and transportation expenses such as taxi rides and parking charges.</p> <p>- Attached is an itemized list.</p> <p>Executor submitted an Allowance of Creditor's Claim on 7-3-12, which required authorization by the Court pursuant to Probate Code §9252.</p> <p>On 7-9-12, the Court requested additional information and set the matter for hearing because the claim requests payment of nearly half of the value of the estate. Specifically, the Court requested information:</p> <ul style="list-style-type: none"> - Documentation evidencing purchase by Decedent of the ¼ interest in the family ranch partnership, which creditor's claim purports to be the reason for the loan and promissory note in the amount of \$55,000.00 plus interest. (I&A filed 6-15-12 does not include such partnership interest as an estate asset.) - Documentation evidencing any payments made on the promissory note by the decedent - Documentation of services rendered to support payments for attorney fees to Lance Armo totaling \$3,301.00 - Documentation and/or receipts to support the multiple expenditures totaling \$9,174.57 <p>The Order requires Executor to send notice of this hearing to all interested parties, including the Franchise Tax Board, pursuant to Probate Code §9252.</p> <p>A copy of the Order was mailed to Attorney Armo on 7-18-12.</p>	
		Reviewed by: skc
		Reviewed on: 8-9-12
		Updates:
		Recommendation:
		File 6B - Karam

Note: I&A filed 6-15-12 reflects \$135,750.02 cash and personal effects valued at \$500.00. However, the personal items were valued by the Executor and not by the Probate Referee pursuant to Probate Code 8900 et seq. This item will be noted as an issue for the upcoming hearing on the account.

Note: Decedent's will devises his personal effects to his three children, Donna Sylvia, Shelly Karam, and Robert Karam and the residue to a family trust (the **KARAM 2000 REVOCABLE TRUST**).

Note: Shelly Karam also filed a Creditor's Claim for a similar promissory note for \$55,000.00 to the decedent made the same date and payment of the Decedent's cell phone bills, for a total of \$57,687.01.

According to the Final Account set for hearing on 8-14-12, that claim was allowed and has been paid by the Executor pursuant to her authority under IAEA and Probate Code §9250. However, Examiner notes that payment is not reflected in the disbursements schedule of the account. This item will also be noted as an issue for the upcoming hearing on the account.

NEEDS/PROBLEMS/COMMENTS: The following issues remain:

1. Prior Examiner Notes stated: Need information as stated in 7-9-12 Order.

Declaration filed 8-6-12 provides information: *Petitioner loaned the funds to her father individually, and he used the funds to purchase the ranch interest as trustee of his living trust. How he chose to use the funds (individually or as trustee) was his choice alone. He was not obligated to make payments but upon his death, Petitioner would be paid back from his estate. The legal services involved the purchase of the ranch interest from the nephew Steve Karam through the bankruptcy court with the approval of the bankruptcy court, Steve Karam's bankruptcy attorney, and the US Trustee's Office. Invoices attached. Petitioner also describes the additional items and provides calculation of the interest on the loan.*

2. Notice of Hearing filed 7-24-12 reflects notice to Decedent's three children individually; however, the Decedent's will devises the estate to a family trust (the **KARAM 2000 REVOCABLE TRUST).**

There is no indication in the file of who the trustee of the trust is, or if that person received notice in his or her capacity as trustee.

Probate Code §1208: If the Executor and the Trustee are the same person, notice is required to trust beneficiaries.

Therefore, need clarification: Who is the trustee of the trust? Is notice required to trust beneficiaries?

Examiner notes that it appears from the account filed 7-3-12 that is set for hearing on 8-14-12 that these two claims, together with costs of administration, deplete the estate, and only the personal effects are to be distributed.

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

DOD: 4/7/12		<p>KATHLEEN DELSID-HOOVER and CHRISTOPHER DELSID are petitioners.</p> <p>40 days since DOD.</p> <p>No other proceedings.</p> <p>Will dated 1/26/2009 and codicil dated 6/25/2009 devises entire estate in equal shares to Kathleen Delsid-Hoover and Christopher Delsid.</p> <p>I & A - \$147,800.00</p> <p>Petitioners request court determination that decedent's 100% interest in real property located in Clovis and Decedent's 2005 Honda Civic pass to them in equal shares pursuant to Decedent's Will and Codicil.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Order.</p>				
Cont. from							
<input type="checkbox"/>	Aff.Sub.Wit.						
<input checked="" type="checkbox"/>	Verified						
<input type="checkbox"/>	Inventory						
<input type="checkbox"/>	PTC						
<input type="checkbox"/>	Not.Cred.						
<input checked="" type="checkbox"/>	Notice of Hrg						
<input checked="" type="checkbox"/>	Aff.Mail			W/O			
<input type="checkbox"/>	Aff.Pub.						
<input type="checkbox"/>	Sp.Ntc.						
<input type="checkbox"/>	Pers.Serv.						
<input type="checkbox"/>	Conf. Screen						
<input type="checkbox"/>	Letters						
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<table border="1"> <tr> <td>Reviewed by: KT</td> </tr> <tr> <td>Reviewed on: 8/7/12</td> </tr> <tr> <td>Updates:</td> </tr> <tr> <td>Recommendation:</td> </tr> <tr> <td>File 8 - Maurer</td> </tr> </table>			Reviewed by: KT	Reviewed on: 8/7/12	Updates:	Recommendation:	File 8 - Maurer
Reviewed by: KT							
Reviewed on: 8/7/12							
Updates:							
Recommendation:							
File 8 - Maurer							

Petition for Letters Administration (Prob. C. 8002, 10450)

DOD: 5/12/12	JIM D. REIS , brother, is petitioner and requests appointment as Administrator without bond.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	Full IAEA – o.k.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Decedent died intestate.	
Inventory		
PTC		
Not.Cred.	Residence: Auberry	
Notice of Hrg	Publication: Fresno Business Journal	
<input checked="" type="checkbox"/> Aff.Mail	W/	
<input checked="" type="checkbox"/> Aff.Pub.	Estimated value of the estate:	
Sp.Ntc.	Personal property - \$ 56,000.00	
Pers.Serv.	Real property - \$172,000.00	
Conf. Screen	Total - \$228,000.00	
<input checked="" type="checkbox"/> Letters	Probate Referee: Steven Diebert	
<input checked="" type="checkbox"/> Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
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Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 8/8/12
		Updates:
		Recommendation: SUBMITTED
		File 9 - Reis

Surviving settlor survived on the income from 2 rental homes in the Central California area, rental income from the Carmel property, and a small retirement pension. Surviving settlor has 2 children, both married, with 2 children each. All four adults are unemployed. To avoid putting her children and grandchildren "out on the street" the surviving settlor moved each child's family into the two rental properties. Therefore, surviving settlor now goes without this income for her survival.

Then, in November 2011, the City of Carmel began to enforce an old law restricting short term rentals. Due to this law, Surviving Settlor is living without the Carmel rental income as well.

Surviving Settlor is now supporting herself, and her children's families on her retirement income alone. Her only option is to sell the Carmel property. She is unable to do so as long as she is unable to penetrate the Disclaimer Trust.

Petitioner requests that Article THREE (3.2) of the Trust Agreement be replaced by the following Article THREE (3.2)

- A. After the death of the deceased settlor, the surviving settlor may at any time amend, revoke, or terminate, in whole or in part, any trust created by this instrument including the Disclaimer Trust. After the death of the surviving settlor none of the Trusts created by this instrument may be amended, revoked or terminated.

Petitioner alleges that the presumed remainder beneficiaries' interest in the Trust and in the subject matter of this petition are identical to those of their issue and the Trustor's unborn issue, and therefore such unborn issue and other unascertained beneficiaries are adequately represented by the presumed remainder beneficiaries and no guardian ad litem is needed.

All beneficiaries have consented and waived notice of the hearing.

Petitioner prays for an Order:

1. Determining that, with respect to this petition the interests of any unborn or unascertained beneficiaries are adequately protected without the appointment of a guardian ad litem.
2. Approving the modification of Article THREE (3.2) of the trust agreement as set forth above governing the Disclaimer Trust.

Probate Status Hearing for Failure to File a First Account or Petition for Final Distribution (Prob. C. 12200, et seq); Failure to File Inventory and Appraisal

DOD:8-27-07		<p>DALE EUGENE ANDREWS, Son, was appointed Executor with Full IAEA without bond and Decedent's Will dated 2-18-02 was admitted to probate on 1-13-09. Letters issued on 3-6-09.</p> <p>On 1-6-12, the Court set status hearing for failure to file an Inventory and Appraisal and failure to file a first account or petition for final distribution.</p> <p>On 2-21-12, counsel requested continuance.</p> <p>On 4-10-12, Attorney Ratzlaff informed the Court that they are waiting for the I&A from the referee. If I&A and final distribution are filed and approved, no appearances are needed. Matter continued to 6-5-12.</p> <p>Final Inventory and Appraisal filed 6-20-12 reflects a total estate value of \$103,918.00 (US Savings Bonds).</p> <p>Minute Order 7-17-12: Counsel advises the Court that she has not yet prepared the Petition for Final Distribution which is not her client's fault but her own. Matter continued to 8-14-12. Counsel is directed to file the First Account or Petition for Final Distribution by 8-9-12.</p> <p>As of 8-9-12, a first account, petition for final distribution, or current status report has not been filed.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: This is the 5th status hearing for failure to file.</p> <p><u>Continued from 2-21-12, 4-10-12, 6-5-12, 7-17-12.</u></p> <p>Minute Order 6-5-12: Counsel advises the Court that she does not have the inventory with the signature. Counsel requests a continuance. Matter continued to 7/17/12. If the documents are not filed by 7/17/12, Dale Eugene Andrews is to be personally present on that date.</p> <p>Minute Order 7-17-12: Counsel advises the Court that she has not yet prepared the Petition for Final Distribution which is not her client's fault but her own. Matter continued to 8-14-12. Counsel is directed to file the First Account or Petition for Final Distribution by 8-9-12.</p> <p>As of 8-9-12, nothing further has been filed.</p> <p>1. Need account or petition for final distribution or current status report.</p>
Cont. from 022112, 041012, 060512, 071712			
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	X		
UCCJEA			
Citation			
FTB Notice			
Reviewed by: skc			
Reviewed on: 8-9-12			
Updates:			
Recommendation:			
File 11 - Andrews			

Status Hearing Re: Filing of the Inventory and Appraisal

		NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR.</u> Inventory and appraisal filed on 7/30/12.
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 8/8/12
		Updates:
		Recommendation:
		File 12 - Anderson

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

Age: 2 years	THERE IS NO TEMPORARY. Temporary was denied.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Pursuant to the CI report Petitioner no longer wishes to pursue the guardianship.</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing 2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Carl Johnson, Jr. (Father) • Corina Medrano (Mother) 3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Carl Johnson, Sr. (paternal grandfather) • Lola Johnson (paternal grandmother) • Rudy Medrano (maternal grandfather) 4. UCCJEA is incomplete regarding the dates of the child's residence. 5. Petitioner's indicates on #8 of the Confidential Screening Form that she is aware of reports alleging any form of child abuse, neglect, or molestation made to any agency protecting children regarding Petitioner or any other person living in her home but does not provide an explanation as required. <p style="text-align: center;">Please see additional page</p> <p>Reviewed by: KT</p> <p>Reviewed on: 8/8/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13 - Johnson</p>
Cont. from	ELEANOR SUBIA , maternal grandmother, is petitioner.	
<input type="checkbox"/> Aff.Sub.Wit.	Father: CARL JOHNSON, JR.	
<input checked="" type="checkbox"/> Verified	Mother: CORINA MEDRANO	
<input type="checkbox"/> Inventory	Paternal grandfather: Carl Johnson, Sr.	
<input type="checkbox"/> PTC	Paternal grandmother: Lola Johnson	
<input type="checkbox"/> Not.Cred.	Maternal grandfather: Rudy Medrano	
<input type="checkbox"/> Notice of Hrg	Maternal grandmother: Eleanor Subia	
<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	Petitioner alleges: the child is residing in an unhealthy and unsafe environment due to domestic violence between the parents. Petitioner states that the Father went to jail and is on probation for domestic violence. Petitioner believes that a possible 3-5 year restraining order was issued.	
<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	Court Investigator Dina Calvillo's Report filed on 8/6/12.	
<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		

NEEDS/PROBLEMS/COMMENTS (cont.):

6. Petitioner indicates on ICWA 010A that the child may have Indian ancestry however on the Guardianship Petition – Child Information Attachment the petitioner indicates at #1 c.(2) that she has no knowledge of the child having Indian ancestry. Please clarify. (Note: If the child does have Indian ancestry then the petition will need to be continued in order to send notice required under ICWA. ICWA forms are in the file if needed.)

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

Age: 15		TEMPORARY EXPIRES 8-14-12	NEEDS/PROBLEMS/COMMENTS: 1. The paternal grandfather's name is listed on the petition as "Paul Brizendine" with an unknown address. The Notice of Hearing filed 6-7-12 indicates that "Don Brizendine" was served by mail. Is this the paternal grandfather? If not, need proof of service of Notice of Hearing with a copy of the Petition on the paternal grandfather.
		TERRY LYN ELAM , Maternal Grandmother, is Petitioner.	
		Father: PAUL BRIZENDINE - Consent and Waiver of Notice filed 6-4-12	
		Mother: CRISTAL RANDOLPH - Consent and Waiver of Notice filed 6-4-12	
		Paternal Grandfather: Paul Brizendine Paternal Grandmother: Sandy Workman - Served by mail 6-6-12	
		Maternal Grandfather: Sherman Tatum - Served by mail 6-6-12	
		Siblings: Khalfan Randolph Ayanna Randolph Sariah Tatum	
		Petitioner states the minor has lived with her most of her life. She and her husband Jerry Elam have raised her about 13 years. At this time, the minor needs medical attention so guardianship is needed.	
		Court Investigator Samantha Henson filed a report on 8-6-12.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
N/A	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 checked="" type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	Clearances		
<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: skc
			Reviewed on: 8-9-12
			Updates:
			Recommendation:
			File 14 - Brizendine

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

Jada Cameron Marshall (11)		TEMPORARY EXPIRES 8-14-12 IRENE AGUILERA , Maternal Aunt, is Petitioner. Father: ROBERT MARSHALL Mother: ALMA ROSE AGUILERA Paternal Grandfather: Unknown Paternal Grandmother: Unknown Maternal Grandfather: Ruben Aguilera Maternal Grandmother: Maria Aguilera	NEEDS/PROBLEMS/COMMENTS: Note: The Court Investigator was unable to make contact with the Petitioner. Therefore, no report or clearances have been completed. <u>If this matter goes forward, the following issues remain:</u> <ol style="list-style-type: none"> 1. Petitioner to contact Court Investigator to complete investigation. 2. Need Child Information Attachment for Diego. 3. At the temporary hearing on 6-19-12, the Court dispensed with notice to both parents until they can be served. The Court may require updated diligence at this time and/or personal service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice. 4. Need Notice of Hearing for <u>this</u> hearing and proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice on: <ul style="list-style-type: none"> - Ruben Aguilera (Maternal Grandfather) - Maria Aguilera (Maternal Grandmother) - Paternal Grandfather (if notice not dispensed) - Paternal Grandmother (if notice not dispensed)
Diego I.Xavier Aguilera (7)			
Aff.Sub.Wit.		<p>Petitioner states the mother is homeless and is heavily using methamphetamines. The father has not seen, called or supported the children since 2006. The children have largely resided with Petitioner during their lives except for a three-year time 2009-2011 when they resided with the mother in Southern California (Norwalk). The mother was clean during a small part of those years, but when she came back to Fresno in December 2011, she dropped off the children and went straight to the streets. Petitioner is concerned that once the mother finds out she will not be receiving cash aid for the children, she will come and pick them up, take them to the streets, and to abject danger.</p> <p>Petitioner states the school knows her from the years that they lived with her, and both children are in need of counseling due to the life their mother has forced them to lead for the past three years. However, she cannot obtain any insurance or medical care for them at this time. Petitioner describes violence from the mother's husband in front of the children and that there were times that he made the children sleep in the car in the driveway instead of the house because of fighting with the mother. He was ultimately incarcerated for beating the mother badly, but she maintained a relationship with him during his incarceration.</p> <p>Court Investigator Samantha Henson was unable to make contact with the Petitioner. Therefore, no report or clearances have been completed. It is recommended that the Petition be DENIED.</p>	Reviewed by: skc Reviewed on: 8-9-12 Updates: Recommendation: File 15 – Marshall & Aguilera
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg X			
Aff.Mail X			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv. X			
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
CI Report X			
Clearances X			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			

Atty RANGEL, CRUZ
Atty GUERRERO, LETICIA P.

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

Age: 7	<p>TEMPORARY EXPIRES 8-14-12</p> <p>LETICIA GUERRERO and CRUZ RANGEL, paternal aunt and uncle, are Petitioners.</p> <p>Father: ALBERT GUERRERO - <i>Incarcerated (Avenal)</i></p> <p>Mother: SYLVIA TORRES (<i>Deceased</i>)</p> <p>Paternal Grandfather: Albert Guerrero Paternal Grandmother: Sally Guerrero</p> <p>Maternal Grandfather: Unknown Maternal Grandmother: Unknown</p> <p>Petitioner states the mother passed away in June. His step-father Danny contacted Petitioner to care for the minor.</p> <p>Court Investigator Charlotte Bien filed a report on 7-24-12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 on: - Albert Guerrero (Father) 3. 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 §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Albert Guerrero (Paternal Grandfather) - Sally Guerrero (Paternal Grandmother) - Maternal Grandfather - Maternal Grandmother <p><i>Note: Petitioner states the maternal grandparents are unknown; however, the Child Information Attachment at #4 states Petitioner was friends with the mother since they were children and is in contact with the mother's husband Daniel Bonilla. Therefore, Petitioners should able to find them and provide notice as required.</i></p>	
DOB: 9-13-04			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			X
Aff.Mail			X
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			X
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
✓ Clearances			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: skc	
		Reviewed on: 8-9-12	
		Updates:	
		Recommendation:	
		File 16 - Guerrero	

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

DOD: 8-12-11		JENNIFER MARIE WEBER and ANNA LYNN WEBER , daughters, are Petitioners.	NEEDS/PROBLEMS/COMMENTS:
		40 days since DOD	<u>Need amended petition based on the following issues:</u>
		No other proceedings	
	Aff.Sub.Wit.	I&A: ???	1. Need Inventory and Appraisal pursuant to Probate Code §§ 13152(b) and 8802.
✓	Verified		
	Inventory	Decedent died intestate	<i>(Petitioners attached a blank Inventory and Appraisal along with a deed and letter to the Probate Referee at the Court's address with an attached list of numerous personal property assets, but it does not appear that Petitioners contacted the Probate Referee for appraisal of the assets. The Probate Referee's information is available at the Probate Clerk's Office.)</i>
	PTC		
	Not.Cred.	Petitioners request Court determination that Decedent's real property passes to Petitioners undivided ½ interest each.	2. Need clarification regarding the request that the estate pass only to Petitioners.
	Notice of Hrg		
	Aff.Mail	Petitioners undivided ½ interest each.	<i>According to #14 of the Petition, Petitioners also have a brother, David Kisling, who lives in Fresno. Mr. Kisling would also be an intestate heir. See Probate Code §6402.</i>
	Aff.Pub.		
	Sp.Ntc.		<i>Note: All heirs must petition if property is to pass under this summary proceeding. See Probate Code §13152.</i>
	Pers.Serv.		
	Conf. Screen		3. Need date of death of the predeceased spouse pursuant to Local Rule 7.1.1.D.
	Letters		
	Duties/Supp		4. The petition does not state the decedent's interest in the real property and other assets (i.e., a 100% separate property interest, etc.).
	Objections		
	Video Receipt		5. The order must include the full legal description of the real property and other assets that are passing to Petitioners. Need new order.
	CI Report		
	9202		Reviewed by: skc
✓	Order		
	Aff. Posting		Reviewed on: 8-9-12
	Status Rpt		
	UCCJEA		Updates:
	Citation		
	FTB Notice		Recommendation:
			File 17 – Weber

Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)

Age: 7	<p>GENERAL HEARING: 10-3-12</p> <p>MARIA AMPARO HUERTA, Paternal Grandmother, is Petitioner.</p> <p>Father: GERMAN SANCHEZ Mother: ANITA GARZA VILLARREAL Paternal Grandfather: Teofilo Sanchez Maternal Grandfather: Raul Villarreal Maternal Grandmother: Sylvia Garza</p> <p>Petitioner states the mother was recently released from jail and wants to remove the minor from Petitioner's care where she has been staying. The mother is unable to provide a safe stable home for Alicia. When Alicia came to live with her, she was breaking out in hives and wetting the bed because of the stress while being in her mother's care. Alicia has witnessed physical violence between the mother and her current boyfriend Brian Jones, and was present when he struck the mother and dragged the mother by her hair. Alicia also told Petitioner that Mr. Jones got her and threw her against the wall. Petitioner states she has witnessed him throw out Alicia's candies and stomp on her toys in a fit of anger. He has an anger issue and needs to be away from Alicia. Petitioner also suspects drug use by the mother because she has lost considerable weight in the past eight months and has a long history of drug abuse. Her second child was born with drugs in her system. Petitioner is requesting temporary guardianship to keep Alicia safe.</p> <p>Petitioner attached school attendance printouts reflecting numerous tardy and absent marks.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of Notice of Hearing at least five (5) court days prior to the hearing pursuant to Probate Code §2250(e) <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: <ul style="list-style-type: none"> - German Sanchez (Father) - Anita Garza Villarreal (Mother)
DOB: 5-18-05		
Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg X		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv. X		
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
Citation		
FTB Notice		
<p>Reviewed by: skc</p> <p>Reviewed on: 8-9-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 18 - Sanchez</p>		

Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)

Age: 4	TEMPORARY GRANTED EX PARTE EXPIRES 8-14-12	NEEDS/PROBLEMS/COMMENTS:
DOB: 11-30-07		
	GENERAL HEARING 10-9-12	<ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of Notice of Hearing at least five (5) court days prior to the hearing pursuant to Probate Code §2250(e) <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: <ul style="list-style-type: none"> - Pedro Rivera (Father) - Ila Hernandez (Mother) 3. Need UCCJEA (Form GC-120) with the minor's residence history and other information pursuant to Probate Code §1510.
	MARIA E. HERNANDEZ, Maternal Aunt, is Petitioner.	
Aff.Sub.Wit.	Father: PEDRO RIVERA	
✓ Verified	Mother: ILA HERNANDEZ	
Inventory	Paternal Grandfather: Pedro Rivera	
PTC	Paternal Grandmother: Virginia Rivera	
Not.Cred.	Maternal Grandfather: Domingo Hernandez	
Notice of Hrg X	Maternal Grandmother: Rose Angela Mejia	
Aff.Mail	<p>Petitioner states the child has been in her care for 3 ½ years. The mother is out on the streets and the father is a known drug user. The mother has been absent from the home for the past two weeks and has started making threats that she will come for her son. She has already picked up another child from her grandmother's care. She has no residence and if she takes him he will end up in one of the drug homes.</p>	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv. X		
✓ Conf. Screen		
✓ Letters		
✓ Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202	Reviewed by: skc	
✓ Order	Reviewed on: 8-9-12	
Aff. Posting	Updates:	
Status Rpt	Recommendation:	
✓ UCCJEA	File 19 - Rivera	
Citation		
FTB Notice		