



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

1 Helen U. Moultrie (Spousal)

Case No. 04CEPR00952

Atty Molsenbocker, Gary L (for Petitioner, Dale Bolden, Administrator of the Estate of Odell Moultrie surviving spouse)

Atty Stokes, G. Cat (for Objector Gerald Breazell)

Spousal or Domestic Partner Property Petition (Prob. C. 13650)

DOD: 7/5/1999		DALE BOLDEN , Administrator of the Estate of Odell Moultrie, surviving spouse, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		No other proceedings	<p>Continued from 7/10/2013. Minute order states the Court indicates that it is not ordering a title search. The Court directs the parties to exchange documents with each other. Parties are directed to file any objections by 8/14/2013. Parties agree to participate in mediation today at 1:30 p.m. As of 8/9/2013 there have been no additional documents filed.</p> <p>1. Petition does not allege that the property was acquired using community funds. If the property was acquired by gift or inheritance it would not be considered community property even though it was acquired during the marriage.</p>
		Decedent died intestate.	
Cont. from 052213, 060513, 071013		Petitioner states all of the property in the petition was acquired during the marriage while the parties were legally married and domiciled in this state.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg	Petitioner requests court confirmation that ½ interest in mineral, oil, gas and hydrocarbons rights in real property located in Fresno County belongs to her and ½ interest passes to her.	
✓	Aff.Mail	W/	
	Aff.Pub.		
	Sp.Ntc.	Objections to Spousal Property Petition filed by GERALD BREAZELL on 6/13/13. Objector alleges that the subject property is "heir property" that was granted to Odell Moultrie by his mother and father "for convenience" in what can best be described as a "secret trust." The terms of the trust was to distribute whatever interest that was conveyed to him to various family members and their children.	
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report	Odell Moultrie conveyed what was conveyed to him by his parents to himself and to various other family members in the share that he was instructed to convey by his parents.	
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
Please see additional page			Reviewed by: KT Reviewed on: 8/9/2013 Updates: Recommendation: File 1 – Moultrie

Objections cont.:

Objector believes that inasmuch as whatever interest Odell Moultrie owned at the time of his death, under California Law, it was a gift or inheritance and thus his separate property and not community property, thereby defeating the propriety of the Spousal Property Petition.

Objector believes that there may be gaps in the chain of title with respect to the current ownership of the precise percentage of ownership of mineral interest by the deceased Odell Moultrie and this objector and the others owners. Objector believes that only a certified and insurable titled search can resolve this issue. The expense of same should be borne by both Petitioner and Objector since the result would benefit or damage either of them depending upon how the research turns out.

Objector prays for an Order that:

1. The Spousal Property Petition not be granted or approved at this time.
2. The court order a chain of title search back to 1961 or earlier date-certain which the court may deem appropriate.
3. The court order Petitioner and Objector to share the costs of such report equally.

Petition for Fees for Conservator and Her Attorney

Age: 66 years	PUBLIC GUARDIAN , Conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	Petitioner states the first account was approved on 5/29/2007. At that time the court dispensed with future accountings so long as the conservatorship estate continued to meet the requirements of Probate Code §2628(b). The requirements of Probate Code §2628(b) remain.	
<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	The Conservatee is on Medi-Cal, and thus is only allowed to maintain assets of \$2,000.00 otherwise she will lose her benefits eligibility. Her funds have built up to that amount, so they must be spent down. The Conservator and her attorney have provided services to the Conservatee since 2007 without payment.	
<input checked="" type="checkbox"/> Aff.Mail	W/	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	Conservator - \$1,525.00 (7.50 staff hrs at \$76 per hour and 9.95 Deputy hrs. at \$96 per hour)	
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp	Attorney - \$1,250.00	
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt	Due to the insufficiency of the estate, petitioner seeks a lien for any unpaid commissions or fees against the estate of the conservatee.	
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: KT
		Reviewed on: 8/9/2013
		Updates:
		Recommendation:
		File 2 – Jones

(1) Second Account Current and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney [Prob. C. 2620; 2623; 2942]

Age: 87 years	PUBLIC GUARDIAN , Conservator, is petitioner.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If the petition is granted, a status hearing will be set as follows:</p> <ul style="list-style-type: none"> Friday, August 28, 2015 at 9:00 a.m. in Department 303, for the third account. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>
	Account period: 7/15/11 – 6/13/13		
	Accounting - \$1,052,608.80		
	Beginning POH - \$ 924,262.38		
	Ending POH - \$ 435,757.73 (\$85,757.73 is cash)		
Cont. from	Conservator - \$23,207.00 (113.61 Deputy hours @ \$96/hr and 161.81 Staff hours @ \$76/hr)		
Aff.Sub.Wit.	Attorney - \$2,500.00 (per Local Rule)		
✓ Verified	Attorney - \$3,000.00 for sale of 3 parcels of real property)		
Inventory	Bond fee - \$546.98 (o.k.)		
PTC	<p>Petitioner prays for an Order:</p> <ol style="list-style-type: none"> Approving, allowing and settling the second account. Authorizing the conservator and attorney fees and commissions Payment of the bond fee 		
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: 8/9/2013
			Updates:
			Recommendation:
			File 3 – Hart

Filing of the Third Accounting

		BRUCE BICKEL , Trustee, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Third Account or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
		The Second Account with the account period ending 9/30/10 was approved on 5/31/2011.	
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified	The property on hand at the end of the Second Account was \$324,092.90.	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	This status hearing was set for the filing of the Third Account.	
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed on: 8/9/2013
			Updates:
			Recommendation:
			File 4 – Castillo

Waiver of Accounting and (1) Petition for Final Distribution Under Will and (2) for Allowance of Fees to Attorney [Prob. C. 11640, 10810]

DOD: 9/24/2007		DEBORAH SAFFELL , Executor, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Inventory and Appraisal, final, filed on 8/15/2008 was not signed by the attorney. California Rules of Court, Rule 7.501(c).
		Accounting is waived.	
Cont. from 071013		I & A - \$262,567.21	
		POH - \$ 41,226.02	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Executor - waives	
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC	Attorney - \$5,277.02 (statutory)	
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Closing- \$800.00	
<input checked="" type="checkbox"/>	Aff.Mail	W/	
<input type="checkbox"/>	Aff.Pub.	Distribution, pursuant to Decedent's Will, is to:	
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	1/8/2008 Deborah Saffell, as Trustee of the James M. Cooper Living Trust - \$48,612.54	
<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: 8/9/2013
			Updates:
			Recommendation:
			File 5 – Cooper

Petition Requesting Re-Appointment of Executor for Transfer of After Discovered Real Property to Decedents Beneficiaries

DOD: 6/26/2010	THOMAS JAMES SNYDER , Executor of the Will, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	Petitioner states he was appointed Executor on 8/24/2010. A final Order granted Executor's request to distribute the property remaining in the estate to all the beneficiaries named in Decedent's Will.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory	The final order also included an omnibus clause allowing all after discovered property to be distributed to the Decedent's heirs without need to reopen the probate estate.	
<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.	After termination of the estate and discharge of the executor it was discovered that the Decedent held and interest in a timeshare vacation property in Southern California.	
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters	Wherefore Petitioner requests pursuant to the provisions of the final order and specifically the omnibus clause the Court order the reappointment of Thomas James Snyder as Executor of the Estate; that letters re-issue in his name and that distribution of after discovered property be distributed to the decedent's heirs.	
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: KT
		Reviewed on: 8/9/2013
		Updates:
		Recommendation:
		File 6A – Snyder

Petition Requesting Transfer of After Discovered Real Property to Decedent's Beneficiaries Fees [Prob. C. 11642](a)]

DOD: 6/26/2010		<p>THOMAS JAMES SNYDER, Executor of the Will, is petitioner.</p> <p>Petitioner states he was appointed Executor on 8/24/2010. A final Order granted Executor's request to distribute the property remaining in the estate to all the beneficiaries named in Decedent's Will.</p> <p>The final order also included an omnibus clause allowing all after discovered property to be distributed to the Decedent's heirs without need to reopen the probate estate.</p> <p>After termination of the estate and discharge of the executor it was discovered that the Decedent held and interest in a timeshare vacation property in Southern California.</p> <p>Wherefore Petitioner requests pursuant to the provisions of the final order and specifically the omnibus clause the Court order distribution of the real property be distributed to:</p> <p>Thomas James Snyder Laurel Ann [Liefert] Snyder Mark Robert Snyder Carolyn Lee Snyder</p> <p>Inventory and Appraisal filed on 6/24/2013 shows the value of the after discovered property as \$5,000.00.</p>	NEEDS/PROBLEMS/COMMENTS:				
Cont. from 070313							
<input type="checkbox"/>	Aff.Sub.Wit.						
<input checked="" type="checkbox"/>	Verified						
<input type="checkbox"/>	Inventory						
<input type="checkbox"/>	PTC						
<input type="checkbox"/>	Not.Cred.						
<input checked="" type="checkbox"/>	Notice of Hrg						
<input checked="" type="checkbox"/>	Aff.Mail			W/			
<input type="checkbox"/>	Aff.Pub.						
<input type="checkbox"/>	Sp.Ntc.						
<input type="checkbox"/>	Pers.Serv.						
<input type="checkbox"/>	Conf. Screen						
<input type="checkbox"/>	Letters						
<input type="checkbox"/>	Duties/Supp						
<input type="checkbox"/>	Objections						
<input type="checkbox"/>	Video Receipt						
<input type="checkbox"/>	CI Report						
<input type="checkbox"/>	9202						
<input type="checkbox"/>	Order			X			
<input type="checkbox"/>	Aff. Posting						
<input type="checkbox"/>	Status Rpt						
<input type="checkbox"/>	UCCJEA						
<input type="checkbox"/>	Citation						
<input type="checkbox"/>	FTB Notice						
		<table border="1"> <tr> <td>Reviewed by: KT</td> </tr> <tr> <td>Reviewed on: 8/9/2013</td> </tr> <tr> <td>Updates:</td> </tr> <tr> <td>Recommendation:</td> </tr> <tr> <td>File 6B – Snyder</td> </tr> </table>	Reviewed by: KT	Reviewed on: 8/9/2013	Updates:	Recommendation:	File 6B – Snyder
Reviewed by: KT							
Reviewed on: 8/9/2013							
Updates:							
Recommendation:							
File 6B – Snyder							

7 Patricia Ann Peluso (CONS/E)
Atty Smith, Jane T. (for Petitioner/Conservator Public Guardian)
Atty Sanoian, Joanne (Court Appointed for Conservatee)

Case No. 11CEPR00749

(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: 2/20/2013	xxxxxxx, Conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 10/5/12 – 2/20/13	
	Accounting - \$36,944.71	
Cont. from	Beginning POH - \$29,370.87	
<input type="checkbox"/> Aff.Sub.Wit.	Ending POH - \$11,260.72	
<input checked="" type="checkbox"/> Verified	Subsequent account period: 2/21/13 – 4/19/13	
<input type="checkbox"/> Inventory	Accounting - \$13,669.85	
<input type="checkbox"/> PTC	Beginning POH - \$11,260.72	
<input type="checkbox"/> Not.Cred.	Ending POH - \$12,128.12	
<input checked="" type="checkbox"/> Notice of Hrg	Conservator - \$1,756.80 (4.05 Deputy hours @ \$96/hr and 18 Staff hours @ \$76/hr)	
<input checked="" type="checkbox"/> Aff.Mail W/	Attorney - \$625.00 (per Local Rule)	
<input type="checkbox"/> Aff.Pub.	Petition states the State of California submitted a Medi-Cal claim for \$107,327.92. After payment of fees and commissions, and said claim, there will be no assets remaining.	
<input type="checkbox"/> Sp.Ntc.	Petitioner prays for an Order:	
<input type="checkbox"/> Pers.Serv.	4. Approving, allowing and settling the second and final account.	
<input type="checkbox"/> Conf. Screen	5. Authorizing the conservator and attorney fees and commissions	
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: KT
		Reviewed on: 8/9/2013
		Updates:
		Recommendation:
		File 7 – Peluso

(1) First and Final Account and Report of Administrator and (2) Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and (3) for Distribution [Prob. C. 216; 9202; 10800; 10810; 10951; 11600; 11850(a)]

DOD: 05/09/12		PUBLIC ADMINISTRATOR , Administrator, is Petitioner. Account period: 05/09/12 – 06/07/13 Accounting - \$753,270.67 Beginning POH - \$729,541.94 Ending POH (all cash) - \$661,286.82 Administrator - \$17,943.89 (statutory less \$117.65 for accidental double payment of creditor's claim) Administrator x/o - \$1,248.00 (for sale of real property and preparation of tax returns) Attorney - \$18,061.54 (statutory) Bond Fee - \$1,883.18 (ok) Costs - \$906.50 (filing fees and certified copies) Closing - \$10,000.00 Distribution, pursuant to intestate succession, is to: Rudolph K. Kriegler - \$611,243.71	NEEDS/PROBLEMS/COMMENTS: 1. The sole beneficiary of the estate resides in Canada. Need further information regarding the necessity of notice pursuant to Probate Code § 8113 re: monies passing to a citizen of a foreign country.
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<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 type="checkbox"/>	Letters 07/11/12		
<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: JF Reviewed on: 08/09/13 Updates: Recommendation: File 9 – Kal	

10 Rebecca Hartman (Det Succ)
 Atty Hartman, Desiree D. (pro per Petitioner)
 Atty Hartman, Keith L. (pro per Petitioner)
 Atty Chronister, Sherie D. (pro per Petitioner)

Case No. 13CEPR00276

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

DOD: 7/18/2012	DESIREE D. HARTMAN, KEITH HARTMAN and SHERIE D. CHRONISTER , children of the Decedent, are petitioners.	NEEDS/PROBLEMS/COMMENTS: Continued from 7/9/13. As of 8/8/2013 the following issues remain: 1. The property must be appraised by the probate referee. Need inventory and appraisal completed by the probate referee. 2. Need date of death of deceased spouse. Local Rule 7.1.1D. 3. Order is incomplete. Order should include the complete legal description of the property and each petitioner's name and specific interest they will be receiving.
	40 days since DOD.	
	No other proceedings.	
Cont. from 050713, 070913	Decedent died intestate.	
<input type="checkbox"/> Aff.Sub.Wit.	I & A - see note #1	
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	N/A	
<input type="checkbox"/> Aff.Mail	Petitioners request Court determination that Decedent's interest in real property located at 1639 Palo Alto in Fresno passes to them 1/3 each, pursuant to intestate succession.	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed on: 8/8/13
		Updates:
		Recommendation:
		File 10 – Hartman

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

DOD: 2/26/2013		<p>ERIK SCOTT, son, is petitioner.</p> <p>40 days since DOD.</p> <p>No other proceedings.</p> <p>Will dated: 3/5/2011 devises entire estate to son, Erik Scott.</p> <p>I & A - \$145,000.00</p> <p>Petitioner requests Court determination that Decedent's interest in real property passes to him pursuant to the Decedent's Will.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
✓	Inventory		
✓	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail W/		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT
			Reviewed on: 8/9/2013
			Updates:
			Recommendation: SUBMITTED
			File 11 – Reitz

DOD: 5/31/2013		<p>ALICE G. SWANK, LINDA L. COLE and EARL H. WEBER, children of the Decedent, are petitioners.</p> <p>40 days since DOD.</p> <p>No other proceedings.</p> <p>Will dated: 4/2/2012 devises entire estate to Petitioners.</p> <p>I & A - \$76,000.00</p> <p>Petitioners request Court determination that Decedent's 100% interest in real property and personal property passes to them in equal shares.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail W/		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: KT	
		Reviewed on: 8/9/2013	
		Updates:	
		Recommendation: SUBMITTED	
		File 12 – Weber	

13 Anthony Hernandez Jr. & Isaiah Hernandez (GUARD/P)

Case No. 13CEPR00593

Atty Mares, Herman Jr. (pro per Petitioner/maternal grandfather)

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

Anthony age: 10	<u>TEMPORARY EXPIRES 8/14/2013</u>	NEEDS/PROBLEMS/COMMENTS:
Isaiah age: 7	<u>GENERAL HEARING 9/5/2013</u>	
	HERMAN MARES, JR. , paternal grandfather, is petitioner.	<ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing along with a copy of the temporary petition or Consent and Waiver of Notice or Declaration of Due Diligence for: <ol style="list-style-type: none"> a. Anthony Hernandez, Sr. (father) b. Mandy Mares (mother)
Cont. from	Father: ANTHONY HERNANDEZ, Sr.	
<input type="checkbox"/> Aff.Sub.Wit.	Mother: MANDY MARES	
<input checked="" type="checkbox"/> Verified	Paternal grandfather: Noel Hernandez	
<input type="checkbox"/> Inventory	Paternal grandmother: Isabel Trinidad	
<input type="checkbox"/> PTC	Maternal grandmother: Paula Ortiz	
<input type="checkbox"/> Not.Cred.	Petitioner states mom was recently released from jail and is threatening to abscond with the children. At mom's sentencing hearing earlier this year the Court ordered her to attend an in-patient rehab program upon her release from jail. When asked about the rehab Mom stated she did not have to go. Since her release Mom has shown up to the home drunk. Petitioner states he fears for this grandchildren's safety.	
<input type="checkbox"/> Notice of Hrg		
<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 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 type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: KT
		Reviewed on: 8/9/2013
		Updates:
		Recommendation:
		File 13 – Hernandez

Petition for Appointment of Temporary Conservatorship of the Person and Estate

DOD: 8/5/2013		SHERRY BACHMAN, daughter, is petitioner.	NEEDS/PROBLEMS/COMMENTS: Conservatee died on 8/5/2013.
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: 8/9/2013	
		Updates:	
		Recommendation:	
		File 14 – Crossman	

Atty Sanoian, Joanne, of Law Offices of Joanne Sanoian (for Christine Reynolds)

CONFIDENTIAL

		NEEDS/PROBLEMS/COMMENTS:
Cont. from		
<input type="checkbox"/>	Aff.Sub.Wit.	
<input type="checkbox"/>	Verified	
<input type="checkbox"/>	Inventory	
<input type="checkbox"/>	PTC	
<input type="checkbox"/>	Not.Cred.	
<input type="checkbox"/>	Notice of Hrg	
<input type="checkbox"/>	Aff.Mail	
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<input type="checkbox"/>	Letters	
<input type="checkbox"/>	Duties/Supp	
<input type="checkbox"/>	Objections	
<input type="checkbox"/>	Video Receipt	
<input type="checkbox"/>	CI Report	
<input type="checkbox"/>	9202	
<input checked="" type="checkbox"/>	Order	
<input type="checkbox"/>	Aff. Posting	
<input type="checkbox"/>	Status Rpt	
<input type="checkbox"/>	UCCJEA	
<input type="checkbox"/>	Citation	
<input type="checkbox"/>	FTB Notice	
		Reviewed by: LEG
		Reviewed on: 8/9/13
		Updates:
		Recommendation:
		File 15 – Smith

Age: 90 DOB: 12/10/1922	<p align="center"><u>TEMPORARY GRANTED EX PARTE:</u> <u>EXPIRES 08/14/13</u></p> <p align="center"><u>GENERAL HEARING: 09/03/13</u></p> <p>DIANE HUERTA and LINDA PLITT, daughters, are Petitioners and request appointment as temporary Co-Conservators of the Person and as temporary Co-Conservators of the Estate or, in the alternative, that Bruce Bickel be appointed as Conservator of the Estate, with bond set at \$1,850,000.00.</p> <p>Estimated Value of the Estate: Personal property - \$1,700,000.00 Annual income - 23,328.00 Bond recover amt. - 124,467.00 Total - \$1,847,795.00</p> <p>Petitioners allege that their parents had put together estate planning documents intended to provide for them during their elderly years. Recently, Michael Loeffler, son, has unduly influenced their parents to change their durable power of attorney, trustee of their trust, and advanced health care directive changed so that he is now acting on behalf of his parents under these instruments. Petitioners allege that Michael has an "atomic temper" and he uses yelling and intimidation to get his way. Petitioners believe that their parents are now afraid to express their own opinions and defer to Michael. Petitioners indicate that Michael lives in their parents home rent-free and is paid a monthly amount by their parents. The conservatee now resides in a skilled nursing facility and the staff at the facility have reported that Michael has been combative and made multiple complaints regarding the care provided to the conservatee. The conservatee and other family members have no concerns over the care received.</p> <p>Court Investigator Charlotte Bien filed a report on 08/01/13. The report states that it appears Fred Loeffler benefits from assistance in making medical decisions. His diagnosis of Alzheimer's disease prevents him from being able to provide for his personal needs. There was previously an Advanced Health Care Directive in place dated 07/13/13. It is difficult to make a finding that an emergency exists that constitutes the need for a temporary conservatorship of the person. There is conflict among the parties as to whether Dr. and Mrs. Loeffler are being unduly influenced regarding their financial affairs. Dr. and Mrs. Loeffler are the currently acting co-trustees of their trust. The court may find that a temporary conservatorship of the estate is in best interest of the conservatee pending more information.</p> <p align="center">Continued on Page 2</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p align="center">This matter will be heard in Department 502 at 9:00 a.m.</p> <p>CONTINUED FROM 08/08/13 Minute Order from 08/08/13 states: The Court orders that Fred Loeffler and Kathleen Loeffler may meet in her apartment as much as they desire so long as they are alone. If Mick Loeffler is in their presence, said meetings shall take place in the cafeteria or other neutral place. The Court orders that the trust funds not be used for any other purpose other than for Fred Loeffler and Kathleen Loeffler's personal care and needs. Mr. Janisse to file his objections by Monday.</p> <p>Court Investigator advised rights on 07/30/13.</p> <p>Note: The Ex Parte was granted with Petitioners as Co-Conservators of the Person and Bruce Bickel as Conservator of the Estate. Bond was posted on 07/31/13 and temporary Letters have issued.</p> <p>Note: The Temporary was granted Ex Parte; therefore if the temporary is extended additional Letter of Conservatorship will need to be submitted.</p> <p>Note to Judge: Bruce Bickel previously served as trustee of the Loeffler Family Trust for a period of time. He is familiar with the family and has filed declaration in support of the petition. Declarations in support of the Petition have also been filed by 3 of the Loeffler's 4 children and staff at the care facility where the Loeffler's now reside. Michael Loeffler stated to the CI that he opposes the Petition.</p>
Cont. from 080813		
Aff.Sub.Wit.		
✓ Verified		
Inventory		
PTC		
Not.Cred.		
✓ Notice of Hrg		
✓ Aff.Mail w/		
Aff.Pub.		
Sp.Ntc.		
✓ Pers.Serv. w/		
Conf. Screen x		
Letters x		
✓ Duties/Supp		
Objections		
Video Receipt		
✓ CI Report		
9202		
Order x		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
Reviewed by: JF		
Reviewed on: 08/12/13		
Updates:		
Recommendation:		
File 1 – Loeffler		

Declaration of Bruce D. Bickel Regarding Suitability for Appointment as Temporary and Permanent Conservator of the Estate filed 08/06/13 states:

1. Declarant received a letter purportedly from Fred and Kathleen Loeffler that states in part, "Kathleen and I feel you are incompetent and want nothing to do with you."
2. Declarant does not believe that the letter was composed by Fred Loeffler for the following reasons:
 - a. According to the Court Investigator's report, Fred Loeffler does not object to the proposed conservator.
 - b. Declarant served as trustee of the Fred and Kathleen for a short period of time, during which there was confusion about the payment of the Sierra View monthly rent. The facts alleged in the letter are not correct. The circumstance was straightened out to the satisfaction of Sierra View and Mrs. Loeffler. However, Mrs. Loeffler requested that Declarant resign as trustee because that was the result desired by her son, Michael, and she admitted to Declarant that, "she could not get Mick to listen to reason."
3. The tenor of the letter is consistent with behavior of Michael that Declarant witnessed, in which he inserts himself into the affairs of his parents, making demands and directions that are inconsistent with the true wishes of his parents.
4. Declarant remains available to serve as the temporary and/or permanent conservator of the estate in this matter. He does not believe that the statements in the letter are sentiments held by Kathleen and Fred Loeffler and does not affect his ability to act in the best interests of the proposed conservatees, but it does confirm his suspicion that they are vulnerable to the undue influence of their son, Michael.

Declaration of Diana Asami filed 08/06/13 states that she received a package with the restraining orders copies of which are attached to the Attachment to Declaration of Diana E. Asami filed 08/07/13.

Declaration of Melvin K. Rube in Opposition to the Petition filed 08/08/13 states:

1. On Wednesday, 08/07/13, during a phone call with Kathleen Loeffler, she confirmed that she and Fred both opposed the conservatorship and wants Declarant to represent them in this matter.
2. Kathleen Loeffler opposes the imposition of a temporary conservatorship of the Estate of Fred Loeffler because she and Fred have planned for their retirement years and created The Loeffler Family Trust. Fred and Kathleen have conveyed all of their assets into the Trust, and all of their assets, including the assets of the Trust, are the community property of Fred and Kathleen, as evidenced by the written *Community Property Agreement* executed by Fred and Kathleen on 02/14/01.
3. Pursuant to Probate Code § 3051 (b)(2), if one spouse has legal capacity and the other spouse has a conservator, the community property is not part of the conservatorship estate. Under Probate Code § 3051 (b)(1), if one spouse has legal capacity has the exclusive management and control of the community property. There is nothing in the petition that provides any legal or factual basis establishing the lack of legal capacity on the part of Kathleen. Therefore, in the event that the court imposes a conservatorship on the estate of Fred, none of the assets in the Trust would be subject to the conservatorship.
4. Further, the Trust is set up so that if Fred and Kathleen are no longer able to act, their son Michael is to appoint a professional fiduciary to act as trustee. Kathleen and Mick have contacted Pat Dicken of Perine & Dicken for the purpose of her acting as successor trustee of the Trust and as a temporary conservator of Fred's estate if conservatorship is imposed on Fred's estate.

Continued on Page 3

5. Kathleen objects to the imposition of a temporary conservatorship of the person of Fred for the following reasons:
 - a. On 07/18/13, Fred executed a California Health Care Directive under *Probate Code* § 4701 naming Mick G. Loeffler as his agent for medical decisions and as his **conservator of his person** if a conservator of the person is required to be appointed by the court. At the same time Fred also executed a revocation of all previous health care directives, which was sent to petitioners.
 - b. In anticipation of a legal challenge by Linda Plitt, Diane M. Huerta and Samuel Loeffler to the Health Care Directive, before Fred executed the document, steps were taken to ensure that Fred had the capacity to sign a new Health Care Directive and that he was not being influenced in his decision by (i) reviewing a report from Loren I. Alving, M.D. of University Neurology Associates, dated 06/20/13 regarding Fred's capacity to designate who he wants to be in charge of his health care decisions. Dr. Alving concluded that Fred's did have capacity to designate who he wants to be in charge of his health care decisions, (ii) Declarant had attorney Gary L. Motsenbocker interview Fred for approximately 30 minutes outside of the presence of Mick Loeffler and Declarant. After the conference, Mr. Motsenbocker concluded that Fred was not being influenced by Mick Loeffler and had the capacity to execute a new Health Care Directive and acted as a witness to the Health Care Directive, and (iii) pursuant to *Probate Code* § 1810, the court should honor Fred's decision to appoint Mick G. Loeffler as the conservator of the person of Fred Otto Loeffler.
6. The Petition should be denied in its entirety. Even if the Court imposes a conservatorship over the Fred's estate, the assets of the Trust are not part of Fred's estate in that said assets are the community property of Fred and Kathleen and neither the petition nor the accompanying declarations establish the "good cause" required under *Probate Code* § 2250(c) and California case law. Further, Fredn's Health Care Directive signed by him on 07/18/13 should be given preference. After all, if the court concludes that Fred had the capacity to make the statements in the probate investigator's report, then he should have the capacity to determine who he wants to make medical decisions for himself and who he wants as the conservator of his person.

Declaration of M. Kip Faria filed 08/08/13 states:

1. On 08/06/13, he traveled to the home of Kathleen Loeffler to personally serve the conservatorship documents on Mick Loeffler. When he arrived at the residence at approximately 5:24pm, he could hear a man, later identified as Mick Loeffler, talking loudly and sternly. Declarant stood at the door and listened for approximately 25 seconds during which time he heard Mick saying, "I read the court papers and Bruce pretty much lied throughout them." Declarant then rang the doorbell and Mick answered the door. Declarant identified himself and was invited inside by Mick. Kathleen and Fred Loeffler were present with Mick and they were all seated at the kitchen table eating dinner. Declarant then proceeded to serve the paperwork to all parties involved.

Petition for Appointment of Temporary Conservatorship of the Person and Estate

Age: 84 DOB: 05/11/1929	<p style="text-align: center;"><u>TEMPORARY GRANTED EX PARTE:</u> <u>EXPIRES 08/08/13</u></p> <p style="text-align: center;"><u>GENERAL HEARING: 09/03/13</u></p> <p>DIANE HUERTA and LINDA PLITT, daughters, are Petitioners and request appointment as temporary Co-Conservators of the Person and as temporary Co-Conservators of the Estate or, in the alternative, that Bruce Bickel be appointed as Conservator of the Estate, with bond set at \$1,850,000.00.</p> <p>Estimated Value of the Estate: Personal property - \$1,700,000.00 Annual income - 23,328.00 Bond recover amt. - 124,467.00 Total - \$1,847,795.00</p> <p>Petitioners allege that their parents had put together estate planning documents intended to provide for them during their elderly years. Recently, Michael Loeffler, son, has unduly influenced their parents to change their durable power of attorney, trustee of their trust, and advanced health care directive changed so that he is now acting on behalf of his parents under these instruments. Petitioners allege that Michael has an "atomic temper" and he uses yelling and intimidation to get his way. Petitioners believe that their parents are now afraid to express their own opinions and defer to Michael. Petitioners indicate that Michael lives in their parents home rent-free and is paid a monthly amount by their parents. The conservatee now resides in an independent living apartment at the same facility where her husband, Fred Loeffler, resides.</p> <p>Court Investigator Charlotte Bien filed a report on 08/01/13. The report states that it appears Kathleen Loeffler is currently capable of living in the independent setting at Sierra View Homes. She states that her basic and treatment needs are being met. She indicates that her son provides transportation to all her medical appointments. It is difficult to make a finding that an emergency exists that constitutes the need for a temporary conservatorship of the person. There is conflict among the parties as to whether or not Mrs. Loeffler is being unduly influenced regarding her and her husband's financial affairs. The court may find that a temporary conservatorship of the estate is in the proposed conservatee's best interest pending more information.</p> <p style="text-align: center;">Continued on Page 2</p>	NEEDS/PROBLEMS/COMMENTS:	
			This matter will be heard in Department 502 at 9:00 a.m.
			<u>CONTINUED FROM 08/08/13</u>
Cont. from 080813			Minute Order from 08/08/13 states: The Court orders that Fred Loeffler and Kathleen Loeffler may meet in her apartment as much as they are alone. If Mick Loeffler is in their presence, said meetings shall take place in the cafeteria or other neutral place. The Court orders that the trust funds not be used for any other purpose other than for Fred Loeffler and Kathleen Loeffler's personal care and needs. Mr. Janisse to file his objections by Monday.
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
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<input checked="" type="checkbox"/> Pers.Serv.		w/	
<input checked="" type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters		x	
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input checked="" type="checkbox"/> CI Report			
9202			
Order	x		
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
		Court Investigator advised rights on 07/30/13.	
		Note: The Ex Parte was granted with Petitioners as Co-Conservators of the Person and Bruce Bickel as Conservator of the Estate. Bond was posted on 07/31/13 and temporary Letters have issued.	
		Note: The Temporary was granted Ex Parte; therefore if the temporary is extended additional Letter of Conservatorship will need to be submitted.	
		Note to Judge: Bruce Bickel previously served as trustee of the Loeffler Family Trust for a period of time. He is familiar with the family and has filed declaration in support of the petition. Declarations in support of the Petition have also been filed by 3 of the Loeffler's 4 children and staff at the care facility where the Loeffler's now reside. Michael Loeffler stated to the CI that he opposes the Petition.	
		Reviewed by: JF	
		Reviewed on: 08/12/13	
		Updates:	
		Recommendation:	
		File 2 – Loeffler	

Declaration of Bruce D. Bickel Regarding Suitability for Appointment as Temporary and Permanent Conservator of the Estate filed 08/06/13 states:

5. Declarant received a letter purportedly from Fred and Kathleen Loeffler that states in part, "Kathleen and I feel you are incompetent and want nothing to do with you."
6. Declarant does not believe that the letter was composed by Fred Loeffler for the following reasons:
 - c. According to the Court Investigator's report, Fred Loeffler does not object to the proposed conservator.
 - d. Declarant served as trustee of the Fred and Kathleen for a short period of time, during which there was confusion about the payment of the Sierra View monthly rent. The facts alleged in the letter are not correct. The circumstance was straightened out to the satisfaction of Sierra View and Mrs. Loeffler. However, Mrs. Loeffler requested that Declarant resign as trustee because that was the result desired by her son, Michael, and she admitted to Declarant that, "she could not get Mick to listen to reason."
7. The tenor of the letter is consistent with behavior of Michael that Declarant witnessed, in which he inserts himself into the affairs of his parents, making demands and directions that are inconsistent with the true wishes of his parents.
8. Declarant remains available to serve as the temporary and/or permanent conservator of the estate in this matter. He does not believe that the statements in the letter are sentiments held by Kathleen and Fred Loeffler and does not affect his ability to act in the best interests of the proposed conservatees, but it does confirm his suspicion that they are vulnerable to the undue influence of their son, Michael.

Declaration of Diana Asami filed 08/06/13 states that she received a package with the restraining orders copies of which are attached to the Attachment to Declaration of Diana E. Asami filed 08/07/13.

Declaration of Melvin K. Rube in Opposition to the Petition filed 08/08/13 states:

7. On Wednesday, 08/07/13, during a phone call with Kathleen Loeffler, she confirmed that she and Fred both opposed the conservatorship and wants Declarant to represent them in this matter.
8. Kathleen Loeffler opposes the imposition of a temporary conservatorship of her Estate because she and Fred have planned for their retirement years and created The Loeffler Family Trust. Fred and Kathleen have conveyed all of their assets into the Trust, and all of their assets, including the assets of the Trust, are the community property of Fred and Kathleen, as evidenced by the written *Community Property Agreement* executed by Fred and Kathleen on 02/14/01.
9. Pursuant to Probate Code § 3051 (b)(2), if one spouse has legal capacity and the other spouse has a conservator, the community property is not part of the conservatorship estate. Under Probate Code § 3051 (b)(1), if one spouse has legal capacity has the exclusive management and control of the community property. There is nothing in the petition that provides any legal or factual basis establishing the lack of legal capacity on the part of Kathleen.
10. Further, the Trust is set up so that if Fred and Kathleen are no longer able to act, their son Michael is to appoint a professional fiduciary to act as trustee. Kathleen and Mick have contacted Pat Dicken of Perine & Dicken for the purpose of her acting as successor trustee of the Trust and as a temporary conservator of Fred's estate if conservatorship is imposed on Fred's estate. Kathleen is opposed to Bruce Bickel acting as the temporary conservator of her estate.

Continued on Page 3

11. Kathleen objects to the imposition of a temporary conservatorship of her person for the following reasons:
 - c. On 07/18/13, Kathleen executed a California Health Care Directive under *Probate Code* § 4701 naming Mick G. Loeffler as her agent for medical decisions and as **conservator of her person** if a conservator of the person is required to be appointed by the court. At the same time Kathleen also executed a revocation of all previous health care directives, which was sent to petitioners.
 - d. In anticipation of a legal challenge by Linda Plitt, Diane M. Huerta and Samuel Loeffler to the Health Care Directive, before Kathleen executed the document, steps were taken to ensure that Kathleen had the capacity to sign a new Health Care Directive and that she was not being influenced in her decision by (i) having attorney Gary L. Motsenbocker interview Kathleen for approximately 30 minutes outside of the presence of Mick Loeffler and Declarant. After the conference, Mr. Motsenbocker concluded that Kathleen was not being influenced by Mick Loeffler and had the capacity to execute a new Health Care Directive and acted as a witness to the Health Care Directive, and (iii) pursuant to *Probate Code* § 1810, the court should honor Kathleen's decision to appoint Mick G. Loeffler as the conservator of her person if such a conservatorship is imposed.
12. The Petition should be denied in its entirety. Even if the Court imposes a conservatorship over the Kathleen's estate, the assets of the Trust are not part of Kathleen's estate in that said assets are the community property of Fred and Kathleen and neither the petition nor the accompanying declarations establish the "good cause" required under *Probate Code* § 2250(c) and California case law. Further, Kathleen's Health Care Directive signed by her on 07/18/13 should be given preference.

Declaration of M. Kip Faria filed 08/08/13 states:

2. On 08/06/13, he traveled to the home of Kathleen Loeffler to personally serve the conservatorship documents on Mick Loeffler. When he arrived at the residence at approximately 5:24pm, he could hear a man, later identified as Mick Loeffler, talking loudly and sternly. Declarant stood at the door and listened for approximately 25 seconds during which time he heard Mick saying, "I read the court papers and Bruce pretty much lied throughout them." Declarant then rang the doorbell and Mick answered the door. Declarant identified himself and was invited inside by Mick. Kathleen and Fred Loeffler were present with Mick and they were all seated at the kitchen table eating dinner. Declarant then proceeded to serve the paperwork to all parties involved.

13. Kathleen objects to the imposition of a temporary conservatorship of her person for the following reasons:
 - e. On 07/18/13, Kathleen executed a California Health Care Directive under *Probate Code* § 4701 naming Mick G. Loeffler as her agent for medical decisions and as **conservator of her person** if a conservator of the person is required to be appointed by the court. At the same time Kathleen also executed a revocation of all previous health care directives, which was sent to petitioners.
 - f. In anticipation of a legal challenge by Linda Plitt, Diane M. Huerta and Samuel Loeffler to the Health Care Directive, before Kathleen executed the document, steps were taken to ensure that Kathleen had the capacity to sign a new Health Care Directive and that she was not being influenced in her decision by (i) having attorney Gary L. Motsenbocker interview Kathleen for approximately 30 minutes outside of the presence of Mick Loeffler and Declarant. After the conference, Mr. Motsenbocker concluded that Kathleen was not being influenced by Mick Loeffler and had the capacity to execute a new Health Care Directive and acted as a witness to the Health Care Directive, and (iii) pursuant to *Probate Code* § 1810, the court should honor Kathleen's decision to appoint Mick G. Loeffler as the conservator of her person if such a conservatorship is imposed.
14. The Petition should be denied in its entirety. Even if the Court imposes a conservatorship over the Kathleen's estate, the assets of the Trust are not part of Kathleen's estate in that said assets are the community property of Fred and Kathleen and neither the petition nor the accompanying declarations establish the "good cause" required under *Probate Code* § 2250(c) and California case law. Further, Kathleen's Health Care Directive signed by her on 07/18/13 should be given preference.

Declaration of M. Kip Faria filed 08/08/13 states:

3. On 08/06/13, he traveled to the home of Kathleen Loeffler to personally serve the conservatorship documents on Mick Loeffler. When he arrived at the residence at approximately 5:24pm, he could hear a man, later identified as Mick Loeffler, talking loudly and sternly. Declarant stood at the door and listened for approximately 25 seconds during which time he heard Mick saying, "I read the court papers and Bruce pretty much lied throughout them." Declarant then rang the doorbell and Mick answered the door. Declarant identified himself and was invited inside by Mick. Kathleen and Fred Loeffler were present with Mick and they were all seated at the kitchen table eating dinner. Declarant then proceeded to serve the paperwork to all parties involved.