



Monday, August 15, 2016

There are no approved matters.

Page 22, Guardianship of Olivia Hendrix 16CEPR00630 is continued to 8/22/16.

The following matters are off calendar:

10	15CEPR00330	Frances Lee Worthington (Estate)
15	16CEPR00398	Louie Sousa (Spousal)
21	16CEPR00618	Keovongsack Guardianship

Appearance of counsel is recommended for all remaining matters set for hearing.

Thank you.

1 Samantha McDonald and Ebony McDonald (GUARD/P)

Case No. 03CEPR01684

Guardian: Diana McDonald (pro per)

Petitioner: Steven McDonald, JR (pro per)

Petition for Termination of Guardianship

	STEVEN MCDONALD, JR., father, is petitioner.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 7/18/16. Minute Order states the Court will allow noticing for the mother through Facebook, proof needs to be filed. Maternal grandmother needs to be noticed of the new hearing and proof filed with the court.</p> <ol style="list-style-type: none"> 1. Proof of service on Yolanda Guerrero (maternal grandmother) was mailed on 8/9/16 – 6 days prior to the hearing and not the required 15 days. 2. Copy of text message to Stephanie Guerrero is illegible at the date it was sent.
	DIANA MCDONALD, paternal grandmother, was appointed guardian on 3/30/06.		
	Please see petition for details.		
	Court Investigator Report filed on 6/7/16		
	Cont. from 061316, 071816		
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	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: 8/10/16
			Updates:
			Recommendation:
			File 1- McDonald

Page 2 – Note re history: The heirs to this estate are the decedent's two living sons, Gary O'Meara and James Mara, pursuant to intestate succession and an assignment filed 11/21/14 by John G. O'Meara, Jr., son of a third predeceased son.

Gary O'Meara (represented by Attorney Melvin Rube) was appointed Administrator with Full IAEA without bond on 1/4/06. On 12/1/14, he was removed and ordered to account and turn over all paperwork pertaining to the estate to the Public Administrator. (Per Substitution filed 8/26/15, Gary O'Meara is now self-represented.)

Gary O'Meara filed his First Account as ordered on 1/22/15, and objections were filed thereon by James Mara (represented by Randolph Krbechek) and also by the Public Administrator. (Per Substitutions filed 1/15/16 and 2/2/16, James Mara is now represented by Attorney J. Stanley Teixeira.)

At Settlement Conference 4/12/16, agreement was reached for distribution as set forth in this petition.

NEEDS/PROBLEMS/COMMENTS:

1. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to hearing per Requests for Special Notice, Probate Code § 1252 on:
 - Law Office of Randolph Krbechek (former attorney for James Mara)
 - Melvin Rube, Esq. (former attorney for Gary O'Meara)
2. Petitioner states that the household furniture and furnishings valued at \$1,000.00 and mechanic's tools located at the real property valued at \$5,000.00 never came into Petitioner's possession, and neither the settlement agreement nor this petition appear to distribute them to either beneficiary. The Court may require clarification.
3. The Order for Settlement Agreement entered 4/21/16 requires that James Mara deposit funds sufficient to cover the \$55,000 distribution to Gary O'Meara and the statutory commissions and closing expenses of the estate with the PA within 90 days of signing, and indicates the PA would then petition to close and distribute the estate. Petitioner does not indicate that such funds were received from James Mara and instead requests the Court order that the Court order that James Mara be responsible for payment of Gary O'Meara and the remaining amounts as ordered.

The Court may require the amounts to be deposited with the PA for distribution pursuant to the Order for Settlement Agreement, or alternatively may set a status hearing re payment, if ordered as prayed.

4. The proposed order does not include distribution of the real property to James Mara. If granted, need revised order pursuant to Local Rule 7.6.1.A, which states the order should be complete in itself and set forth property descriptions with particularity required of judgments in civil matters.
5. Petitioner requests the entirety of the statutory compensation be paid to the Public Administrator and County Counsel (the Successor Administrator and his attorney). Need clarification with reference to Probate Code §§ 10805 and 10814, which state compensation shall be apportioned among two or more personal representatives and attorneys, or agreement with Gary O'Meara, Former Administrator, and Attorney Melvin Rube, his attorney.

3 Kathleen McCrain Special Needs Trust

Case No. 07CEPR01045

Attorney Kruthers, Heather H (for Petitioner/Trustee Public Guardian)

Second Account Current and Report of Trustee; Petition for Allowance of Compensation to Trustee and Attorney

		PUBLIC GUARDIAN , Trustee, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> Monday, May 14, 2018 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 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: 6/11/2013 – 05/10/2016	
		Accounting - \$38,392.88	
		Beginning POH - \$37,928.80	
		Ending POH - \$27,674.97	
Cont. from		Trustee - \$1,123.52 (5.37	
<input type="checkbox"/>	Aff.Sub.Wit.	Deputy hours @ \$96/hr and 8 Staff hours @ \$76/hr)	
<input checked="" type="checkbox"/>	Verified	Attorney - \$1,250.00	
<input type="checkbox"/>	Inventory	(per Local Rule for conservatorships)	
<input type="checkbox"/>	PTC	Bond fee - \$207.57 (o.k.)	
<input type="checkbox"/>	Not.Cred.	Petitioner prays for an Order:	
<input checked="" type="checkbox"/>	Notice of Hrg	1. Approving, allowing and settling the first account.	
<input checked="" type="checkbox"/>	Aff.Mail w/	2. Authorizing the trustee and attorney fees and commissions	
<input type="checkbox"/>	Aff.Pub.	3. Payment of the bond fee	
<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: LV	
		Reviewed on: 08/10/2016	
		Updates:	
		Recommendation:	
		File 3- McCrain	

Petition of Trustee for Settlement of Sixth Account Current and for Allowance of Fees and Expenses to the Trustee and Its Counsel

	PERINE & DICKEN PROFESSIONAL FIDUCIAIRES , Trustee, is Petitioner, consisting of the following individuals licensed as Private Professional Fiduciaries: PATRICIA DICKEN, RONALD DICKEN, KAREN STEELE.		NEEDS/PROBLEMS/COMMENTS:
	Account period: 5/1/15 – 4/30/16		
	Account - \$272,967.28		1. Need proof of service of the Notice of Hearing on Christopher Martin (beneficiary)
	Beginning POH - \$258,925.32		
	Ending POH - \$220,213.15		2. Notice to Tony Martin and Mary McGonigle-Martin was sent jointly. California Rules of Court, Rule 7.51(a)(3) states notice mailed to more than one person in the same household must be sent separately to each person.
Cont. from	Trustee: \$2,266.09 (.75% of the trust assets based upon the value of those assets at the beginning of each account period. \$2,120.63 has already been paid leaving a balance of \$145.46.)		
<input type="checkbox"/> Aff.Sub.Wit.	Attorney: \$1,819.00 (3.1 attorney hours @ \$250/hr, 5.9 paralegal hours @ \$90/hr, and 4.6 bookkeeper hours @ 90/hr.)		Note to Attorney: On subsequent accounts Probate Code §2620(c)(2) requires only the account statements showing the account balance as of the closing date of the accounting period of the court accounting. There is no need to file all account statements for the entire account period.
<input checked="" type="checkbox"/> Verified	Costs: \$435.00 filing fee		
<input type="checkbox"/> Inventory	Bond: Petitioners states current bond is \$355,000. Based on POH and anticipated income plus cost of recovery totaling \$289,678.97, Petitioner requests that bond be reduced to \$290,000.00.		Note: If the petition is granted, status hearings will be set as follows:
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			<ul style="list-style-type: none"> Wednesday, June 27, 2018 at 9:00 a.m. in Department 303, for the filing of the Seventh Account.
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	W/		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.
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			Reviewed by: KT
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			Reviewed on: 8/10/16
<input type="checkbox"/> Letters			Updates:
<input type="checkbox"/> Duties/Supp			Recommendation:
<input type="checkbox"/> Objections			File 4- Martin
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input checked="" type="checkbox"/> 2620(c)			
<input checked="" type="checkbox"/> Order			
	Please see additional page		
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			

Petitioner requests the appointment of Mary Vorst, CLPF 889, as an additional Co-Trustee. Adding Ms. Vorst as a Co-Trustee will not increase the cost of administration and is in the best interest of the Beneficiary because Ms. Vorst will be able to act on behalf of the Trust when the other Co-Trustees are on vacation or otherwise unavailable.

Petitioner prays for the following orders:

1. Settling the Sixth Account and allowing, confirming and approving all acts and transactions set forth therein;
2. Approving Trustee fees for services rendered through 4/30/16 of \$2,266.09 as just and reasonable;
3. Appointing Mary Vorst as Co-Trustee of the Christopher Martin Trust;
4. Approving the attorney fees and costs in the total sum of \$2,254.00;
5. Reducing the trustee's bond to \$290,000.00.

Attorney: Heather H. Kruthers (for Public Guardian – Estate only)

Attorney: Nancy J. LeVan (court-appointed attorney for Conservatee)

Third Account Current and Report of Conservator and Petition for Allowance of Compensation to Conservator and Attorney

	PUBLIC GUARDIAN , Conservator of the estate, is petitioner.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If the petition is granted, a status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Tuesday, July 31, 2018 at 9:00 a.m. in Department 303, for the filing of the fourth 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: 2/14/2014 – 5/31/2016		
	Accounting - \$268,809.48		
	Beginning POH - \$155,266.51		
	Ending POH - \$123,278.61 (\$123,178.61 is cash)		
Cont. from	Accounting - \$1,037.28		
<input type="checkbox"/> Aff.Sub.Wit.	(2.73 Deputy hours @ \$96/hr and 10.20 Staff hours @ \$76/hr)		
<input checked="" type="checkbox"/> Verified	Conservator - \$1,250.00 (less than that allowed per Local Rule)		
<input type="checkbox"/> Inventory	Bond fee - \$945.00 (o.k.)		
<input type="checkbox"/> PTC	Petitioner prays for an order:		
<input type="checkbox"/> Not.Cred.	4. Approving, allowing and settling the third account;		
<input checked="" type="checkbox"/> Notice of Hrg	5. Authorizing the conservator and attorney fees and commissions;		
<input checked="" type="checkbox"/> Aff.Mail w/	6. Payment of the bond fee.		
<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: SEF
			Reviewed on: 8/11/2016
			Updates:
			Recommendation:
			File 5- Dunn

DOD: 10/3/11		FRESNO COUNTY PUBLIC ADMINISTRATOR	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 5/4/16: The PA has no objection to Mr. Milnes' clients being appointed. The Court grants the Public Administrator the right temporarily to have control over the assets under the \$7660 petition.</u> Note: Contest and Grounds for Objection to Probate of Purported Will & of Appointment of Personal Representative was filed 3/16/16; however, no summons was submitted for issuance pursuant to Probate Code §8250 and it was not assigned it's own separate hearing date at the counter because the document referenced the hearing date for this petition. <u>Due to notice requirements, the Contest cannot be heard until defects are addressed. The Court may wish to set the Contest for noticed hearing pursuant to Probate Code §8250 at this time.</u> On 4/6/16, Mr. Milnes was admonished to address the defects in the will contest; however, nothing further has been filed.	
		is Petitioner and requests appointment as Administrator with Will Annexed with Full IAEA without bond.		
Cont. from 121515, 012716, 030216, 040616, 050416, 060116, 071816		Full IAEA – ok Will dated 8/11/09		
<input type="checkbox"/>	Aff.Sub.Wit.	S/P		Residence: Fresno
<input checked="" type="checkbox"/>	Verified			Publication: Business Journal
<input type="checkbox"/>	Inventory			Estimated value of estate: Real property: \$311,000.00
<input type="checkbox"/>	PTC			Probate Referee: Rick Smith
<input type="checkbox"/>	Not.Cred.			Contest and Grounds for Objection to Probate of Purported Will & of Appointment of Personal Representative was filed 3/16/16. See Page 2.
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			
<input checked="" type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input checked="" 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: skc	
			Reviewed on: 8/10/16	
			Updates:	
			Recommendation:	
			File 6A - Galvan	

Page 2

Contest and Grounds for Objection to Probate of Purported Will & of Appointment of Personal Representative filed 3/16/16 BY Hope De Santiago and Stephen Galvan, daughter and son, states:

A document dated 8/11/09 purporting to be the last will was filed in this court on 11/9/11. Petitioners are informed and believe and thereon allege that the decedent left no valid Will. Probate of the purported will should be denied on the following grounds:

1. The decedent was not of sound and disposing mind and therefore lacked testamentary capacity at the time of the alleged execution of the purported will.
2. At the time of signing, the decedent was fluent in the Spanish language and not the English language use dint he purported will, and the decedent was not able to read or understand documents written in the English language. As a result, the decedent was not able to understand or comprehend the meaning and effect of the English words used in the purported will and their significance, therefore the decedent lacked testamentary intent and the signature of the decedent to the purported will was executed by the decedent under a mistake as to its legal effect.
3. Petitioners allege the purported will is not and never was the decedent's will as it was made as a direct result of undue influence on the decedent by his son, **ARTHUR G. GALVAN**, and other members of his family, and it is now (sic) and never was the will of the decedent.

See contest for description of the undue influence.

Contestants also object to appointment of the Public Administrator. Petitioners state on 5/10/13, the PA was appointed under Probate Code §7660 in **13CEPR00400** and since that date has served in that capacity. In connection with this new appointment, the PA failed to give proper notice to the intestate heirs

Note: If granted, the Court will set status hearings as follows:

- **Wednesday, January 18, 2017 for fling Inventory and Appraisal**
- **Wednesday, October 18, 2017 for filing the first account or petition for final distribution**

Petition for Letters of Administration with IAEA with Limited Authority

DOD: 10/3/11		<p>DOROTHY M. GALVAN, Daughter-in-law and Creditor, is Petitioner and requests appointment as Administrator with Limited IAEA, without bond, funds to be deposited into a blocked account.</p> <p>Limited IAEA – ok</p> <p>Petitioner states Decedent died intestate. (See below.)</p> <p>Residence: Fresno Publication: Business Journal</p> <p>Estimated value of estate: Personal property: Unknown Real property: \$172,100.00</p> <p>Probate Referee: Rick Smith</p> <p>Petitioner states: The real property used in calculating the estimated value of the estate consists of three parcels located in Arvin, Kern County, CA. Title of record is in the name of the decedent but is subject to a quiet title action now pending in Kern County Superior Court.</p> <p>A document dated 8/11/09 purporting to be the last will of the decedent was filed in this court on 11/9/11. This document was the subject of the Fresno County Public Administrator's petition filed 11/19/15 to be admitted as the decedent's will. At hearing on 4/6/16, the attorney for the Public Administrator said that it had no interest in the relief sought in the will contest. On 5/4/16, the Court dismissed the petition subject to the filing of another petition for appointment of an administrator.</p> <p>Petitioner does not believe the document dated 8/11/09 is a legally valid will and therefore is alleging in this petition that the decedent died intestate.</p> <p>Petitioner states she, Dorothy M. Galvan, is a creditor of the decedent, and is entitled to appointment under §8461 (q). In addition to the Creditor's Claim filed in this proceeding, Petitioner is Plaintiff in a civil action in Kern County (Dorothy M. Galvan vs. Estate of Augustin G. Galvan by the Public Administrator, Case No. BCV-15-10080, which seeks to quiet title by adverse possession to three parcels of real property located in Arvin, Kern County, CA, titled in the name of the decedent that have been continuously occupied by Dorothy M. Galvan and Frank Galvan since the 1990s.</p> <p>Petitioner states upon dismissal of the proceeding by the Fresno County Public Administrator, Petitioner will amend the civil action to make the only the defendants all of the heirs of the decedent.</p>	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>Note: Notice of Suspension of Attorney and Substitution of Petitioner In Pro Per (pleading form) was filed on 7/14/16. However, no Substitution of Attorney has been filed (Mandatory Judicial Council Form); therefore, Court Records still reflect Mr. Milnes as attorney of record.</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>	
Conf. from 071816				
<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 Ptn Admin.			
<input checked="" type="checkbox"/>	Aff.Mail			W
<input checked="" type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			X
<input type="checkbox"/>	Duties/Supp			X
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order	X		
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		<p>Reviewed by: skc</p> <p>Reviewed on: 8/10/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6B- Galvan</p>		

Page 2 - For reference, Examiner provides the following information and history gleaned from this estate file 12CEPR00883 and related matters: Conservatorship 11CEPR00883 and §7660 13CEPR00400:

- **Augustin G. Galvan had five children:** Frank, Arthur, Steven, Hope, and Augustin Jr. Son Frank predeceased, survived by one daughter: Vanessa. Son Arthur predeceased, survived by five children: Arthur Jr., Vivian, Maryellen, Josefina, Lucy.
- On 11/20/11, **Vivian** filed for conservatorship in 11CEPR00049, with reference to a Durable General Power of Attorney dated 8/11/09 naming her, or alternatively her sister Maryellen, as attorney-in-fact. The petition stated that conservatorship was needed to settle two matters: 1) a personal injury matter in Fresno County Superior Court (10CECG00968 Augustin Galvan vs. Paul DeSantiago) that had been settled for \$3,000.00; and 2) a real property matter in Kern County (S-1500-CV-269224-SPC Dorothy Galvan vs. Augustin Galvan) that was pending settlement. The attached proposed settlement indicated Augustin was to quitclaim 1408 Haven Drive to Dorothy, and Dorothy was to quitclaim 1348 Haven Drive, plus a vacant lot of 1.75 acres, to Augustin.
- **On 3/3/11, the Court appointed Vivian Conservator of the Person and Public Guardian as Conservator of the Estate. Decedent died 10/3/11, prior to the filing of an Inventory and Appraisal.**
- **On 11/9/11, a Will dated 8/11/09 (same date as DPOA) was lodged with this court by Attorney J. Patrick Sullivan.** The self-proving will includes a Certificate of Translation of Foreign Language and devises the entire estate to Arthur, or his children.
- PG's Final I&A for the conservatorship estate filed 7/11/12 indicated a total value of \$184,293.46 at appointment (3/3/11) consisting of \$11,993.46 cash plus **one parcel** of real property in Arvin, CA (**1408 Haven Drive-\$172,000**) and misc. personal property (\$300).
- PG's Final Account did not indicate any transactions involving the litigation. Ending POH at 7/16/12 was \$1,265.22 cash plus **1408 Haven Drive (\$172,000)** and misc. personal property (\$100). **Order filed 10/17/12 provided for delivery of the assets to the Public Administrator upon appointment and authorized a lien on the estate for fees and costs.**
- **On 10/3/12, Dorothy M. Galvan**, wife of predeceased son Frank, in pro per, filed for **Letters of Administration**, along with a **Creditor's Claim for \$400,000.00**, alleged **intestate**, and estimated the estate value the same as set forth in the PG's final account.
- On 11/8/12, Dorothy did not appear; Attorney Milnes appeared and objected on behalf of daughter Hope. Dorothy's petition was denied. Minute Order states: The Court notes that counsel has made a representation that a Will will be lodged with the Court and the Public Administrator is contemplating filing a petition. (Note: The will had apparently already been lodged.)
- **On 5/10/13, Public Administrator filed for administration under §7660 (13CEPR00400)**, alleging that the value was not expected to exceed \$150,000.00 and that the decedent died intestate. Order was entered thereon on 5/14/13. **Creditor's Claims** were filed in 13CEPR00400 by Attorney Flora Istanboulian for \$1,650.00 granted 5/17/11 in the conservatorship and by the FTB for \$3,011.46, with Request for Special Notice.
- No Final I&A was ever filed in the §7660; however, **on 1/15/14**, the PG filed an "Appraisal for Sale" with a total value of **\$261,000 including all three (3) parcels:** 1) 1408 Haven Drive (\$191,000), 2) 1348 Haven Drive (\$35,000), and 3) additional parcel (\$35,000). (Note: These values appear as of filing date, not date of death, since it was filed as "Appraisal for Sale.") Nothing further was filed in 13CEPR00400, likely because the value exceeds authority under §7660 (\$150,000).
- **On 11/19/15, the PA filed the Petition for Probate of Will (Page A)** in 12CEPR00883, which estimated the estate to contain real property valued at **\$311,000.00**. This estimate appears to be a date-of-death value of **all three parcels**.

Page 3 – NEEDS/PROBLEMS/COMMENTS:

1. The Notice of Petition to Administer Estate filed 7/13/16 does not indicate that Petitioner has requested authority under IAEA at #5. This includes limited authority. The Court may require further revised notice to all parties previously served.
2. The Notice of Petition to Administer Estate filed 7/13/16 indicates service on the Public Administrator, but not on County Counsel, her attorney. The Court may require further notice pursuant to Probate Code §1214.
3. The California Franchise Tax Board filed a Creditor's Claim and Request for Special Notice in 13CEPR00400, the prior administration under §7660. Although the cases have not been formally consolidated, the Court may require special notice to the FTB of this change in administration.
4. The Court may also require notice to anyone else who may be affected, including counsel, under the various matters being litigated in Fresno County and Kern County.
5. Need Duties and Liabilities of Personal Representative, Confidential Supplement (DE-147, 147S).
6. The decedent's Will dated 8/11/09 was lodged with the Court by Attorney J. Patrick Sullivan on 11/9/11 pursuant to §8200. On its face, it appears valid. It appears to be duly executed and self-proving, contains a Certificate of Translation of Foreign Language, and is dated the same date as the Durable Power of Attorney referenced in the conservatorship estate.

The will names Arthur (deceased), or alternatively Vivian as Executor and devises the estate to Arthur or his children. The Public Administrator's petition at Page A seeks to admit the will to probate; however, Mr. Milnes, representing Hope and Steven, filed a contest, which has not yet been properly noticed or heard.

This petition simply alleges that the will is invalid and seeks to probate the estate as intestate.

The Court may require authority or further information as to why the will is alleged to be invalid and should not be admitted.

7. At Attachment 3(c), Petitioner alleges that the estate consists of three (3) parcels of real property. However, the estimated value of the estate at #3(c) is \$172,100, which is the value set forth in the final conservatorship accounting for only one parcel of real property (and personal property). The Court may require clarification as to the estimated value of the estate.
8. Petitioner states at Attachment 3(f)(2)(a) that she is seeking quiet title by adverse possession to all three parcels of real property. Examiner notes that if Petitioner is successful, it appears the estate will have no assets and will likely be closed as insolvent.

However, this stated intent appears contrary to the information that was previously provided to the Court in the form of a proposed settlement attached to Ms. Saicon's conservatorship petition, which appeared to be a property exchange.

The Court may require further clarification regarding the status of the alleged estate assets – Were all parcels held in the decedent's name at his death? Why were the other parcels not previously identified during conservatorship and prior estate proceedings?

9. The Court may also require further information and status of the various other litigation.

Note: If granted, the Court will set status hearings as follows:

- Wednesday, January 18, 2017 for filing Inventory and Appraisal
- Wednesday October 18, 2017 for filing the first account or petition for final distribution

Attorney: Heather H. Kruthers (for Public Guardian)

Attorney: Lisa Horton (for court-appointed for Conservatee)

First Account Current and Report of Conservator and Petition for Allowance of Compensation to Conservator and Attorney

		PUBLIC GUARDIAN , Conservator, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. <i>Schedule C(11) – Disbursements</i> includes:</p> <ul style="list-style-type: none"> several items listed as: “<i>withdrawals, checks, Target and WalMart</i>” totaling \$1,283.52, which were made after the date of appointment. However, there is no description of the nature and purpose of each item as required per Prob C §1062(b). two items listed as: “<i>Garnishment- DMV</i>” for a vehicle registration fee (\$249.00) and “<i>Garnishment- Citibank</i>” for a bank legal fee (\$125.00). Need clarification/explanation. <p>Note: If the petition is granted, a status hearings will be set as follows:</p> <ul style="list-style-type: none"> Tuesday, September 18, 2018 at 9:00 a.m. in Department 303, for the filing of the second 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: 8/6/2014 – 6/17/2016	
Cont. from		Accounting - \$154,634.19	
Aff.Sub.Wit.		Beginning POH - \$132,358.64	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$108,816.28 (\$13,566.28 is cash)	
Inventory			
PTC		Conservator - \$11,059.36 (88.95 Deputy hours @ \$96/hr and 33.16 Staff hours @ \$76/hr)	
Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg	Attorney - \$2,500.00 (per Local Rule)	
<input checked="" type="checkbox"/>	Aff.Mail	w/	
Aff.Pub.			
Sp.Ntc.		Bond fee - \$117.48 (o.k.)	
Pers.Serv.		Costs - \$435.00 (filing fees)	
Conf. Screen		Processing fee - \$132.50 (certified copy fees)	
Letters			
Duties/Supp			
Objections			
Video Receipt		Petitioner prays for an order:	
CI Report		7. Approving, allowing and settling the first account;	
9202		8. Authorizing the conservator and attorney fees and commissions;	
<input checked="" type="checkbox"/>	Order	9. Payment of the bond, filing and processing fees.	
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
Reviewed by: SEF			
Reviewed on: 8/10/2016			
Updates:			
Recommendation:			
File 7- Posey			

Petitioner Sanchez, Rebecca (Pro Per – Mother)

Petition for Termination of Guardianship

		REBECCA SANCHEZ, mother, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		<u>Please see petition for details</u>	
Cont. from			<ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Termination of Guardianship or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Lori McDonald (Guardian) • Scott McDonald (Father) • Scott McDonald (Paternal Grandfather)
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	x	
<input type="checkbox"/>	Aff.Mail	x	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<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	x	
<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: LV
			Reviewed on: 08/10/2016
			Updates:
			Recommendation:
			File 8- Mc-Donald-Carpio

DOD: 12/03/2013	<p>LINDA GREEN, daughter, was appointed Executor with full IAEA authority without bond on 01/07/2015.</p> <p>Letters issued on 01/07/2015.</p> <p>Partial Inventory and Appraisal No. 1 filed 05/12/2015 shows an estate valued at \$103,200.30.</p> <p>Final Inventory and Appraisal filed 07/07/2015 shows an estate valued at \$14,241.17.</p> <p>Minute Order of 01/07/2015 set this matter for the filing of the Inventory and Appraisal.</p> <p>Status Hearing Report filed 03/03/2016 (for 03/07/2016 hearing) states the decedent's residence sold, and her savings bonds have been sent off to the Treasury to be liquidated and are awaiting funds to be directly deposited into the estate account. The last remaining issue is the set up for the scholarship at San Jose State per the Decedent's will. The Decedent stated in her will that the scholarship was to go to a woman, but state universities are prohibited under Prop 29 from having specific criteria on the basis of age, gender, ethnicity or race. Attorney Horton has been working with the Associate Vice President of Development at San Jose State to fix this issue so that the gift to San Jose State would not lapse. The beneficiaries of the estate have all agreed and will sign a formal Agreement to modify the requirements of the scholarship so that it would not be prohibited, but Attorney Horton is in the process of getting the agreement language approved by San Jose State before everyone can sign. This will be the last thing needed for the final accounting and petition for distribution, as the estate cannot be closed until the agreement is signed.</p> <p>Ms. Horton asks that this matter be continued out for 60 days for further status.</p>	NEEDS/PROBLEMS/COMMENTS:
		Continued from 07/18/2016
Cont. from 030716, 051616, 071816		Minute Order of 05/16/2016: Ms. Walters represents that they are awaiting liquidation of the US savings bonds.
Aff.Sub.Wit.		1. Need First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 08/10/2016
		Updates:
		Recommendation:
		File 9- Green

11 Jose Nunez, Eron Nunez, Rodolfo Nunez (GUARD/P)

Case No. 15CEPR00632

Petitioner Nunez, Perla (Pro Per – Mother)

Petition for Visitation

		<p>PERLA NYRIA NUNEZ, mother, is petitioner.</p> <p style="text-align: center;"><u>Please see petition for details</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Notice of Hearing.</p> <p>2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Visitation for:</p> <ul style="list-style-type: none"> • Maria Elegre Nunez (Guardian) • Eron Nunez (Father) • Eron Nunez (Minor) • Jose Nunez (Minor) • Rodolfo Nunez (Minor) 																																																																			
<p>Cont. from</p> <table border="1"> <tr> <td><input type="checkbox"/></td> <td>Aff.Sub.Wit.</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Verified</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Inventory</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>PTC</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Not.Cred.</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Notice of Hrg</td> <td style="text-align: center;">x</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Aff.Mail</td> <td style="text-align: center;">x</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Aff.Pub.</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Sp.Ntc.</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Pers.Serv.</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Conf. Screen</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Letters</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Duties/Supp</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Objections</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Video Receipt</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>CI Report</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>9202</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Order</td> <td style="text-align: center;">x</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Aff. Posting</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Status Rpt</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>UCCJEA</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Citation</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>FTB Notice</td> <td></td> </tr> </table>				<input type="checkbox"/>	Aff.Sub.Wit.		<input checked="" type="checkbox"/>	Verified		<input type="checkbox"/>	Inventory		<input type="checkbox"/>	PTC		<input type="checkbox"/>	Not.Cred.		<input type="checkbox"/>	Notice of Hrg	x	<input type="checkbox"/>	Aff.Mail	x	<input type="checkbox"/>	Aff.Pub.		<input type="checkbox"/>	Sp.Ntc.		<input type="checkbox"/>	Pers.Serv.		<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"/>
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<input type="checkbox"/>	Citation																																																																					
<input type="checkbox"/>	FTB Notice																																																																					
		<p>Reviewed by: LV</p> <p>Reviewed on: 08/10/2016</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11- Nunez</p>																																																																				

DOD: 03/10/2015	<p>JANET CURTISS, Daughter was appointed Administrator with Will Annexed with Limited IAEA without bond, on 12/16/2015.</p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from	<p>Letters issued 12/17/2016</p>	
Aff.Sub.Wit.	<p>Order Confirming Sale of Real Property with funds to be placed into a blocked account, filed 06/27/2016.</p>	
Verified		
Inventory		
PTC		
Not.Cred.	<p>Minute Order of 06/27/2016 set this Status Hearing for the filing of the Proof of Funds Into Blocked Account.</p>	
Notice of Hrg		
Aff.Mail	<p>Status Report filed 08/11/2016 states the Court entered its Order Confirming Sale of Real Property on 06/27/2016, concerning the property located at 4319 N. Feland Ave. Fresno, Ca. 93722. On or about 07/26/2016, squatters were able to access the property and start a fire, damaging several rooms and structure as reflected in the attached pictures. An asbestos survey will have to be completed in order to determine the proper demolition process. Due to the age of the home, it is possible that asbestos was present. There was structural damage to the floor joists, which would require the involvement of a civil engineer. The time estimate to complete is about eight months.</p>	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt	<p>Consequently, Administrator with Will Annexed, through her Agent, is obtaining to determine whether there would be an interested buyer to buy the property on an "as-is" basis at a reduced price as, again, there are no funds or insurance to cover the cost of repairing the same.</p>	
UCCJEA		
Citation		
FTB Notice	<p>Request is made for a 90-day continuance of the hearing to deposit funds into blocked account.</p>	
		Reviewed by: LV
		Reviewed on: 08/10/2016
		Updates: 08/11/2016
		Recommendation:
		File 12- Livermore

DOD: 07/13/2015	LEONARD J. GARCIA , was appointed Executor with full IAEA without bond on 03/16/2016.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need <u>Final</u> Inventory and Appraisal 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. 2. Inventory and Appraisal Partial No. 1 and No. 2 are incomplete at #5 regarding the Property Tax Certificate. Need Corrected Inventory and Appraisal.
	Letters issued on 03/25/2016.	
Cont. from		
Aff.Sub.Wit.	Inventory and Appraisal Partial No. 1 filed 04/07/2016 shows an estate valued at \$242,348.05.	
Verified Inventory		
PTC		
Not.Cred.	Inventory and Appraisal Partial No. 2 filed 05/06/2016 shows an estate valued at \$5,000.00.	
Notice of Hrg		
Aff.Mail	Minute Order of 03/16/2016 set this Status Hearing for the filing of the Final Inventory and Appraisal	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 08/10/2016
		Updates:
		Recommendation:
		File 13- Garcia

Probate Status Hearing RE: Filing of the Inventory and Appraisal

DOD: 11/14/2015	<p>GARY D. F. POLLASTRINI, son, was appointed executor with full IAEA without bond on 1/12/2016.</p> <p>Letters issued 1/12/2016.</p> <p>Minute order dated 1/12/2016 set this status hearing for filing of the inventory and appraisal.</p> <p>Status report filed 7/13/2016 states since the last status report, the probate referee has reviewed and made his appraisal. A copy of the appraisal was forwarded to the executor for approval; however, the executor is contesting the appraisal of certain assets. Counsel requested a 30-day continuance to allow time to file the final I&A.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute order dated 7/18/2016 continued matter to 8/15/2016. As of 8/10/2016, the following issues still exist:</p> <ol style="list-style-type: none"> 1. Need inventory and appraisal. 2. Status report filed 7/13/2016 is not verified by Gary D. F. Pollastrini, Executor, pursuant to Probate Codes 1020 and 1023. 3. Need proof of service of status report on all interested parties pursuant to Local Rule 7.5. 	
Cont. from 061316, 071816			
Aff.Sub.Wit.			
Verified			
Inventory			x
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			x
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: SEF	
		Reviewed on: 8/10/2016	
		Updates:	
		Recommendation:	
		File 14- Pollastrini	

Spousal or Domestic Partner Property Petition

DOD: 10/27/14		<p>CHARLOTTE SOUZA, surviving spouse, is petitioner.</p> <p>No other proceedings</p> <p>Decedent died intestate.</p> <p>Petitioner does not allege any fact upon which the court can determine the property should be determined to pass or be confirmed to the surviving spouse.</p> <p>Petitioner requests court confirmation ?????</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR. Amended petition filed and set for 9/8/16</p> <p>Need Amended Petition based on the following:</p> <ol style="list-style-type: none"> #7 of the petition does not allege any facts upon which petitioner bases the allegations that the property should pass and/or be confirmed to the surviving spouse. #1(a) of the petition is marked asking for a determination of property passing to the surviving spouse. #1(b) of the petition is also marked asking for confirmation of property belonging to the surviving spouse. However, only #7(b) of the petition is marked requesting determination that the property belongs to the surviving spouse. #7(a) is not marked asking to pass property to the surviving spouse.
Cont. from 052416, 063016			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
<p>Reviewed by: KT</p> <p>Reviewed on: 8/10/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 15- Souza</p>			

Petition for Appointment of Guardian of the Person

		<u>NO TEMPORARY – DENIED 5/9/2016</u>	NEEDS/PROBLEMS/COMMENTS: Minute order dated 6/27/2016 states the Court will allow one continuance to 8/15/2016 per Petitioner's request to further look for the father [of minors].		
		SYLVIA GONZALES MALDONADO, maternal grandmother, is petitioner.			
Cont. from 062716		See petition for details.			
<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 checked="" type="checkbox"/>	Pers.Serv.			w/	
<input checked="" type="checkbox"/>	Conf. Screen				
<input checked="" type="checkbox"/>	Letters				
<input checked="" type="checkbox"/>	Duties/Supp				
<input type="checkbox"/>	Objections				
<input type="checkbox"/>	Video Receipt				
<input checked="" type="checkbox"/>	CI Report				
<input type="checkbox"/>	9202				
<input checked="" type="checkbox"/>	Order				
<input type="checkbox"/>	Aff. Posting				
<input type="checkbox"/>	Status Rpt				
<input checked="" type="checkbox"/>	UCCJEA				
<input type="checkbox"/>	Citation				
<input type="checkbox"/>	FTB Notice				
				Reviewed by: SEF	
				Reviewed on: 8/10/2016	
			Updates: 8/12/2016		
			Recommendation:		
			File 16- Everk		

17
 Petitioner
 Objector

Juan Galvan (GUARD/P)
 Munoz, Rosa Linda (Pro Per – Maternal Grandmother – Petitioner)
 Galvan, Gilbert, Jr. (Pro Per – Father – Objector)

Case No. 16CEPR00445

Petition for Appointment of Guardian of the Person

	See petition for details.		NEEDS/PROBLEMS/COMMENTS: <u>Continued from 6/27/16.</u> All notice issues have now been cured. <u>Note:</u> At temp hearing on 5/4/16, temporary guardianship was granted to preserve the status quo. The Court ordered that he minor shall not be placed on home studies for school. <u>Note:</u> Father's Objection was filed 5/31/16. Proof of Service filed 5/31/16 is incomplete; therefore, manner of service (mail or personal) is unclear.
	Cont. from 062716		
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
✓	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 8/10/16
			Updates:
			Recommendation:
			File 17- Galvan

Petitioner: Janna Morwill (pro per)

Petitioner: Cyd Ranae Morwill (pro per)

Petition for Appointment of Guardian of the Person

	TEMPORARY VACATED PER MINUTE ORDER DATED 8/3/16.	NEEDS/PROBLEMS/COMMENTS:
	JANNA MORWILL and CYD MORWILL, maternal aunts, are petitioners.	
	Please see petition for details.	
Cont. from		
Aff.Sub.Wit.	Court Investigator Report filed on 7/25/16	
Verified	recommended the guardianship be granted.	
Inventory		
PTC	Court Investigator Supplemental Report	
Not.Cred.	filed on 8/3/16	
Notice of Hrg	Court Investigator Supplemental Report	
Aff.Mail	filed on 8/9/16	
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 on: 8/10/16
		Updates:
		Recommendation:
		File 18- Villanueva

Probate Status Hearing Re Consideration of Medical Consent Powers

	PUBLIC GUARDIAN was appointed conservator of the person and estate on 7/18/16.	NEEDS/PROBLEMS/COMMENTS:
	Letters issued on 7/25/16.	
Cont. from		<p>1. Need 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>
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: 8/10/16
		Updates:
		Recommendation:
		File 19- Yewdall

Probate Status Hearing Re Consideration of Medical Consent Powers

	PUBLIC GUARDIAN was appointed conservator of the person and estate on 7/18/16.	NEEDS/PROBLEMS/COMMENTS:
	Letters issued on 7/25/16.	
Cont. from		<p>2. Need 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>
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		Reviewed by: KT
Order		Reviewed on: 8/10/16
Aff. Posting		Updates:
Status Rpt		Recommendation:
UCCJEA		File 20- Yewdall
Citation		
FTB Notice		

**21 Maddyn Keovongsack, Melina Keovongsack, Melissa Keovongsack (GUARD/P)
Case No. 16CEPR00618**

Petitioner Mary In (Pro Per)

Petition for Appointment of Guardian of the Person

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;">OFF CALENDAR</p> <p style="text-align: center;"><i>Request for Dismissal entered 8/3/2016.</i></p>
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<input type="checkbox"/>	Aff.Sub.Wit.	
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		Reviewed by: LEG
		Reviewed on: 8/11/16
		Updates:
		Recommendation:
		File 21- Keovongsack

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued by Court to 08/22/2016 pursuant to Minute Order of 08/02/2016.</u></p>
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	Aff.Sub.Wit.	
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	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	
		Reviewed by: LV
		Reviewed on: 08/10/2016
		Updates:
		Recommendation:
		File 22- Hendrix

Petition for Letters of Administration with IAEA

DOD: 12/31/15		<p>The FRESNO COUNTY PUBLIC ADMINISTRATOR is Petitioner and requests appointment as Administrator with Full IAEA without bond.</p> <p>Petitioner states family is out of area and declines to act.</p> <p>Full IAEA – ok</p> <p>Decedent died intestate</p> <p>Residence: Fresno Publication: Business Journal</p> <p>Estimated value of estate: Residential and commercial real property, value expected to exceed \$150,000.00, plus rental income</p> <p>Probate Referee: Steven Diebert</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Teresa Arratia of Pasadena, Texas, sister, is the only relative listed at #8. The Court may require a written declination to serve by Ms. Arratia pursuant to the priority set forth in Probate Code §8461.</p> <p><u>Note:</u> If granted, the Court will set status hearings as follows:</p> <ul style="list-style-type: none"> • Wednesday, January 18, 2017 for filing Inventory and Appraisal • Wednesday, October 18, 2017 for filing the first account or petition for final distribution
<input type="checkbox"/>	Aff.Sub.Wit.		
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		Reviewed by: skc	
		Reviewed on: 8/10/16	
		Updates:	
		Recommendation:	
		File 23- Trujillo De Leon	

Petition for Order Confirming Trust Assets

DOD: 1/18/09	<p>CHARLES TRANTHAM is Petitioner. Petitioner states he is the presently acting Trustee of the Nellie V. Trantham Family Trust dated 11/14/01. Settlor Nellie Trantham died 1/18/09.</p> <p>The trust names Charles Trantham, Nellie V. Trantham, Michael Bertelsen, Frank Parisi, and Bryan Parisi as trustees. Upon the death of Nellie V. Trantham, Petitioner agreed to serve as sole trustee. Michael Bertelsen, Frank Parisi, and Bryan Parisi declined to serve.</p> <p>Petitioner believes the trust declaration is valid and he is acting thereunder.</p> <p>At the time of execution of the trust, the settlor's residence address was 4915 E. Platt in Fresno, and she intended to transfer the real property to her trust as evidenced by a Grant Deed recorded 2/13/02.</p> <p>Petitioner is informed that the Fresno County Recorder and title companies will not recognize Petitioner as having right, title and control of the real property because the grantee of the settlor's deed is identified as the "Nellie V. Trantham Trust," rather than the trustee thereof.</p> <p>Therefore, Petitioner requests the Court confirm that the real property as an asset of the trust and is under the control of Petitioner as sole trustee.</p> <p>Contestant's Opposition to Petitioner's Request to Confirm House as a Trust Asset filed 8/1/16 by Cindy Busch states she is a granddaughter of Nellie V. Trantham, daughter of Mary Busch, who is the decedent's daughter. Mary died 5/7/16.</p> <p>Objector states she has lived in the house from 1984-1994 and from 2000-present. Her mother lived there from 1998-2016. Since 2000, she and her mother have paid all property taxes, insurance premiums, and repairs and maintenance on the property. Objector states she had an extremely close relationship with her grandmother, and she treated her as her daughter.</p>	NEEDS/PROBLEMS/COMMENTS:
		<u>SEE ADDITIONAL PAGES</u>
<input type="checkbox"/> Aff.Sub.Wit.		
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<u>SEE ADDITIONAL PAGES</u>		
		Reviewed by: skc
		Reviewed on: 8/10/16
		Updates:
		Recommendation:
		File 24- Trantham

Page 2 – Objection (Cont'd): Objector has some issues with the alleged trust presented to the Court by Petitioner. Objector states the signature attributed to her grandmother is not hers. See attached Exhibit 1 which represents her grandmother's signature on her driver's license and her signature on a patient agreement form. Those are her signatures, and they do not appear to be the same as the signature on the alleged trust. Frank Parisi's, Brian Parisi's, and Michael Parisi's signatures on the trust do not match the signatures on the declination document. None of the signatures in the alleged trust are dated. Objector states she never would have named non-relatives as trustees.

Objector states her grandmother owned the real property on Platt since 1973, and if she would have intended the property to be placed in trust, she would have done so. The deed that has "trust" written on it was signed by the Petitioner. The deed that allegedly placed the real property in trust was written by the petitioner. Again, the signature on the grant deed was not the decedent Nellie Trantham's signature. In fact, the signature on the alleged deed was signed two (2) days after the county stamped such.

A deed to the decedent Nellie V. Trantham's property in 7/16/01 has no mention of a trust. The trust has never paid any property taxes, insurance or maintenance on the house. As stated previously, Objector and her mother have paid all expenses on the house since 2009. When the decedent was alive, she made all her payments from a personal account shared with Objector's mother, Mary Busch.

Objector states Petitioner transferred the property to himself and to his wife's name so they could borrow \$100,000 against the house and to Objector's knowledge, that loan has never been paid. He has also borrowed \$6,000 from the decedent in November 2008.

Objector states she has only recently been given a copy of the alleged trust. Her mother nor the decedent never received a copy of the trust. Most of the beneficiaries have never seen the trust document. The only reason she received a copy was because she requested such via letter.

The alleged trust was created in 2001 and there has never been an accounting done by the petitioner who is the trustee and the beneficiaries. Petitioner has never given beneficiaries any information regarding the property in the alleged trust.

Objector states Petitioner has never done anything to benefit the decedent. He has taken advantage of her financially most of her life. He used the \$100,000 from the Platt residence to build his own residence. He's always dealt with the decedent in a self-serving manner.

Objector believes Petitioner has performed his duties as trustee to serve himself and not the decedent. Objector states she has always been close to the decedent and believes she could best serve the estate. Her grandmother trusted her judgment and treated her with utmost respect. Prior to the death she and petitioner had no relationship.

The following items are attached to the objection:

- a copy of the decedent's driver's license
- a copy of a patient form
- a copy of Page 18 of the alleged trust
- copies of the declinations to serve as co-trustees
- a copy of the signature page only of a will dated 1/12/09, with witness signatures by Robert Trantham, Mike Bertelsen, and Jimmie Smith
- Copy of deed with copy of driver's license
- Copy of 7/16/01 deed from grantors Charles E. Trantham and Debbie J. Trantham to Nellie V. Trantham.

Note: The objection does not appear to contain any prayer for relief.

Page 3 – NEEDS/PROBLEMS/COMMENTS:

1. Pursuant to Probate Code §15205, a trust is created only if there is a beneficiary. Although the petition sets forth the names of beneficiaries pursuant to Probate Code §17201, the trust instrument itself does not appear to name any beneficiaries. Rather, it refers to “Beneficial Interest Holders,” which are not specified anywhere in the document, and further does not appear to provide for distribution to specified beneficiaries. Therefore, need clarification and/or authority re the validity of the trust instrument.

Petition for Appointment of Temporary Guardian of the Person

		GENERAL HEARING 10/4/16	<p>LEESA KAZARIAN and GREGORY KAZARIAN, maternal aunt and uncle, are petitioners.</p> <p>Please see petition for details.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Petitioners can enroll the children in school using a Caregiver's Authorization Affidavit. Under Family Code Section 6550, any relative adult caregiver in whose home a minor resides may use this affidavit to enroll a minor in school and to authorize school-related medical care.</p>
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			Reviewed by: KT	
			Reviewed on: 8/10/16	
			Updates:	
			Recommendation:	
			File 25- Sutherland	

