

**Probate Status Hearing Re: (1) Failure to File Inventory & Appraisal; (2) Failure to File a First Account or Petition for Final Distribution [Prob. C. 12200, et seq.]**

<p><b>DOD: 12/21/2005</b></p>	<p><b>KAMLJIT K. ASHAT</b>, surviving spouse, was appointed as Administrator with full IAEA authority and without bond on 2/10/2009.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>
<p><b>Cont. from 022213, 032213, 051013, 053113, 071913</b></p>	<p>At the time of the filing of the Petition for Probate the estate was estimated to be \$2,761,000.00.</p>	<p><b><u>Continued from 2-22-13, 3-22-13, 5-10-13, 5-31-13, 7-19-13</u></b></p>
<p><b>Aff.Sub.Wit.</b></p>	<p>The decedent died intestate survived by his spouse and three children, one of which is a minor.</p>	<p>1. Need Inventory and Appraisal, first account, petition for final distribution or current written status report pursuant to Local Rule 7.5 which states in all matter set for Status Hearing (unless inventory and appraisal <u>and</u> accounting or petition for final distribution has been filed) <b>verified Status Reports must be filed no later than ten (10) days before the hearing</b> and shall be served on all interested parties.</p>
<p><b>Verified</b></p>	<p><b>Inventory and appraisal was due July 2009.</b></p>	<p><b>Reviewed by: KT</b></p>
<p><b>Inventory</b></p>	<p><b>First account or a petition for final distribution was due April of 2010.</b></p>	<p><b>Reviewed on:</b></p>
<p><b>PTC</b></p>	<p>Notice of Status Hearing was mailed to attorney William Cowin on 12/19/2012.</p>	<p><b>Updates: 8-12-13 (skc)</b></p>
<p><b>Not.Cred.</b></p>	<p><b>Preliminary Status Report filed on 2/21/13 states</b> but for several lawsuits that arose after the death of the decedent, this probate could have been finalized at an earlier date. With the exception of a parcel of real property located on Blackstone Avenue, all real and personal property assets on the estate are community property. The piece of property on Blackstone was purchased with community funds by the decedent when Mrs. Ashat was temporarily out of the country and title was taken in the name of the decedent temporarily. The above referenced litigation involved a case where Mrs. Ashat and the Estate brought an unlawful detainer action against tenants regarding a portion of the Blackstone property. That case was settled. The second case is a Federal case, case no. 1:121-CV-00224-AWI-SMS styled <i>Delgado v. Abdo Saleh, USA Gas &amp; Grocery and Kamaljit K. Ashat</i>. This issue is a man in a wheel chair who habitually files complaints against businesses whose bathrooms do not meet code standards. The estate attorney is of the opinion that the estate cannot be closed until this Federal case is concluded. The Federal case has finally been resolved and closed in late 2012 and the attorney's office was only recently informed that the Federal case has been concluded. They will now be moving forward with completing a final accounting, transfer of title to Mrs. Ashat and closing this estate.</p>	<p><b>Recommendation:</b></p>
<p><b>Notice of Hrg</b></p>		<p><b>File 1 - Ashat</b></p>
<p><b>Aff.Mail</b></p>		
<p><b>Aff.Pub.</b></p>		
<p><b>Sp.Ntc.</b></p>		
<p><b>Pers.Serv.</b></p>		
<p><b>Conf. Screen</b></p>		
<p><b>Letters</b></p>		
<p><b>Duties/Supp</b></p>		
<p><b>Objections</b></p>		
<p><b>Video Receipt</b></p>		
<p><b>CI Report</b></p>		
<p><b>9202</b></p>		
<p><b>Order</b></p>		
<p><b>Aff. Posting</b></p>		
<p><b>Status Rpt</b></p>		
<p><b>UCCJEA</b></p>		
<p><b>Citation</b></p>		
<p><b>FTB Notice</b></p>		

**Status Report filed on 5/30/13 states** since the last hearing Attorney Cowin was finally able to have a telephone call with Ms. Ashat and she confirmed that the federal case had been settled and that she would send the settlement documents and litigation cost billings to him. Since he had not received the information, Mr. Corwin states he contacted her again and she reassured him that she was sending the information right away. Mr. Cowin states he has not received the information nor any communication from her since that time, and, accordingly have not been in a position to finalize the documentation to close the probate at this time.

On Thursday, May 30<sup>th</sup> he was able to contact Mrs. Ashat's husband on his cell phone. He assured Mr. Cowin that he would help Mrs. Ashat gather the requested information and provide the same to him. Mr. Cowin request an additional 30 to 45 days to finalize this probate.

**Declaration of William Cowin Re Request for Continuance of Status Conference filed 7-16-13 states** he has not been able to finalize this estate due to needing information from Mrs. Ashat. His office did receive a telephone call from her on 7-15-13, during which she informed the office that her daughter would email some documents to provide information. Once the information is received, the attorney should be in a position to finalize the estate.

**Status Hearing Re: Filing of the Inventory and Appraisal**

Age: 85	<p><b>PUBLIC GUARDIAN</b> was appointed Conservator of the Person and Estate on 01/13/13.</p> <p><b>Inventory &amp; Appraisal, Partial No. 1 filed 05/14/13 - \$0.00</b></p> <p><b>Status Conference Statement</b> filed 05/31/13 by Michael H. Smith, Sr. states: The parties are currently awaiting the completion of the Inventory &amp; Appraisal by the Public Guardian. Declarant states that conservatee's grandson, Michael H. Smith, Jr. ("Butch") has failed to provide certain bank account records required by the Public Guardian, despite his previous assurances to the Court that all such records would be provided promptly. Months have passed and these records are needed to determine the use of certain funds belonging to conservatee which were distributed to Butch for the benefit of the conservatee. The Conservator's inability to obtain these records is preventing them from completing the Inventory &amp; Appraisal.</p> <p>Once the Inventory &amp; Appraisal is complete, the parties need to collaborate to divide the community estate belonging to conservatee and his deceased wife, so that her portion of the estate can be distributed according to her estate plan. This work is also being delayed due to the lack of cooperation demonstrated by Butch.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u><b>CONTINUED FROM 06/17/13</b></u></p> <p><b>As of 08/12/13, nothing further has been filed.</b></p>	
Cont. from 061713			
Aff.Sub.Wit.			
Verified			
Inventory			x
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Notice of Hrg			
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FTB Notice			
		<b>Reviewed by:</b> JF	
		<b>Reviewed on:</b> 08/12/13	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 2A – Smith</b>	

**Motion to Terminate Authority of Agent for Health Care**

<b>Age:</b> 85	<b>MICHAEL H. SMITH, SR.</b> , son is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>Petitioner states:</b>	<u>CONTINUED FROM 06/17/13</u>
	1. The Public Guardian was appointed as Conservator of the Person and Estate, however, the conservatee's grandson, Michael H. Smith, Jr. ("Butch"), retains the authority to make all medical decisions for the conservatee pursuant to an advance health care directive signed by the conservatee on 06/17/11.	<b>As of 08/12/03, nothing further has been filed.</b>
<b>Cont. from 060713; 061713</b>	2. The conservatee has been adjudged to lack the capacity to give informed consent to medical treatment.	<b>Note:</b> The parties participated in Mediation
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	3. Petitioner seeks the termination of Butch's authority as agent for health care under the advance health care directive on the ground that Butch has failed to perform and is unfit to perform the duties required of him under the advance health care directive and is acting in a manner that is clearly contrary to the conservatee's best interest.	
<input checked="" type="checkbox"/> <b>Verified</b>	4. Under the direction of the Public Guardian, health care workers are present in the conservatee's home from 11am to 7pm daily. Butch and his mother, Robin Kent, provide care for the balance of each day/night.	
<input type="checkbox"/> <b>Inventory</b>	5. Butch clarified his authority to make all medical decisions for conservatee via a motion brought by conservatee, through his attorney, to clarify the Court's previous order appointing the Public Guardian as Conservator of the person and estate. At the hearing on 03/11/13, the Court specifically instructed Butch that he was to take sole responsibility for all aspects of conservatee's health care, including ensuring that he was scheduled for and transported to all necessary doctor visits and that is medications were administered as directed by his physicians. Butch was also instructed to coordinate and cooperate with the staff caring for the conservatee.	
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
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<input type="checkbox"/> <b>Citation</b>		
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	Continued on Page 2	
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 08/12/13
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 2B – Smith</b>

6. While the Probate Code gives an agent selected under an advance health care directive priority over others, including a conservator, to make health care decisions, it is also possible to terminate such agent's authority when necessary. Probate Code § 4766(d) provides that a petition may be filed seeking an order declaring that the authority of an agent is terminated where the Court determines both of the following:
  - (1) The agent...has violated, has failed to perform, or is unfit to perform, the duty under an advance health care directive to act consistent with the patient's desires or, where the patient's desires are unknown or unclear, is acting (by action or inaction) in a manner which is clearly contrary to the patient's best interest.
  - (2) At the time of the determination by the court, the patient lacks capacity to execute or revoke an Advance Health Care Directive...
7. Starting immediately after the hearing on 03/11/13, Butch initiated a program whereby he kept personal control of all of the conservatee's medications, despite the fact that he is frequently not at the conservatee's home between the hours of 11:00am and 7:00pm and the fact that the conservatee requires the administration of medication during these hours. Butch refuses to leave any of conservatee's medications in the house or allow the staff hired to care for the conservatee to administer any medication during their shift. Specifically, the conservatee is scheduled to take medication in the morning, at 2:00pm at 7:00pm and at bedtime. Butch frequently leaves the home before the conservatee wakes up in the morning and often does not return during the day to administer the medications for the morning or the afternoon. It is unclear whether Butch is administering the 7:00pm or evening dose as directed by the conservatee's physician. Butch has also been discovered to have administered medication to conservatee that was prescribed to Butch himself.
8. Butch also refuses to keep the staff or the conservator informed about the conservatee's medical appointments. Instead he will simply show up and take the conservatee out of the house with no warning and no information about where he is going. He has also provided incorrect information to staff and the conservator about prescriptions and dosing of medications. He appears to confuse which of conservatee's doctors provide the various parts of conservatee's care and confuses appointments on occasion. It has been necessary for the Public Guardian to contact conservatee's doctors directly to confirm dates and times of appointments to ensure that the staff has the conservatee ready to go when it is time for Butch to take him to a doctor's appointment and to maintain some information about the directions conservatee's various doctors have given for his care, including medication dosing.
9. Butch has unilaterally decided to stop giving conservatee some of the medications prescribed for him, especially Risperidone, during the day. This medication is intended to treat conservatee's anxiety and is especially important in controlling his dementia symptoms later in the day. Without it, conservatee becomes increasingly agitated and combative in the afternoons. It is often difficult to control him and the staff is forced to staff his care with men only. In contrast, conservatee's anxiety and conduct were fairly well controlled when he was taking Risperidone throughout the day as prescribed by his physician.
10. Conservatee's overall health and well-being appear to have deteriorated significantly since Butch was given control over his medical care. Prior to Butch's control, conservatee's medications were consistently given as prescribed during the staff's working hours, his sleep was better regulated, and his dementia and anxiety symptoms were better controlled. Now his symptoms are poorly controlled and staff is concerned that his heart medication is also not being administered as directed.

Continued on Page 3

11. Petitioner believes that Butch has failed to perform or is unfit to perform his duties under the advance health care directive, and that Butch is acting in a manner that is clearly contrary to the conservatee's best interests.
12. This Court has previously determined that the conservatee has dementia and lacks capacity to give informed consent for any form of medical procedure or health care issue. Petitioner submits that, therefore, conservatee lacks the capacity to execute or revoke an advance health care directive or to disqualify a surrogate.

**Petitioner prays for an Order:**

1. Terminating Butch's authority to make medical decisions for conservatee pursuant to the advance health care directive signed by conservatee on 06/17/11;
2. Confirming its earlier finding that the conservatee lacks capacity to give informed medical consent for any purpose;
3. Appointing the Public Guardian, the Conservator of the Person and Estate, as the party with authority to make all medical decisions for conservatee, including, but not limited to, scheduling and attending medical appointments, reporting symptoms to conservatee's physicians, and directing the administration of medications per the conservatee's physician's orders; and
4. Such other and further relief as the Court deems necessary and proper.

**Declaration of Deputy Public Guardian Youa Her in Support of Petition to Terminate Authority of Agent for Health Care in Favor of Conservator filed 05/24/13** states: during the first weeks of the conservatorship, the Public Guardian supervised and attended medical appointments, the administration of medication, and all necessary follow-up care pursuant to doctors' instructions. Throughout this time period, there were regular and sometimes serious problems with Butch interfering with the provisions of necessary medical care for the conservatee. Butch and Robin provided inaccurate information to conservatee's various physicians, were frequently confused about appointments, medication dosages and timing of dosages. On at least one occasion, Butch administered medication not prescribed for the conservatee. Declarant further states that she is informed that Butch refuses to administer certain medications prescribed for the conservatee to address is mounting anxiety and agitation and that the conservatee's medical condition is deteriorating as a result. Shortly after the Public Guardian was appointed conservator, the conservatee required a procedure to clear his arteries. There were numerous doctor's involved and it was clear to the declarant that Butch did not understand the role that each doctor played or care each would provide. He confused the doctors, their roles, and confused appointments. It became necessary for the declarant to confirm all appointments, and to make arrangements for the care staff (Anjaleoni Enterprises) to take the conservatee to those appointments to ensure that everything was done as it should be.

Declarant further states that she is aware that Butch and Robin made very different reports to Anjaleoni staff regarding the conservatee's sleep and well-being at night. While they reported to the staff that the conservatee generally did well at night, they reported to Dr. Sheriffs in mid-February that the conservatee got up frequently during the night. Declarant is also aware of an incident in which Butch administered an inhaler to the conservatee that was not prescribed for the conservatee. Staff followed up and obtained an appropriate prescription for the conservatee to have his own inhaler. Apparently, it did not occur to Butch that he should not give the conservatee medication which was prescribed for another person or that he should address the issue with the conservatee's physician.

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On 03/11/13m Butch clarified his authority to make medical decisions for the conservatee. At the hearing, the Court made clear that Butch was henceforward to take sole responsibility for all aspects of conservatee's health care, including ensuring that he was scheduled for and transported to all necessary doctor visits and that his medications were given as directed by his physicians. Butch was also instructed to coordinate and cooperate with the staff that assists the conservatee from 11am – 7pm.

Declarant states that on 03/02/13, Butch took conservatee's medications from the house and informed Susan from Anjaleoni that he intended to maintain custody of all the medications himself and manage administration of said medications. Conservatee requires medication in the morning, at 2:00 pm, at 7:00 pm and at bedtime. The Anjaleoni caregivers had previously been giving the daytime doses with the occasional exception of the morning dose. If the conservatee woke up before 11 am, Robin or Butch would give the morning dose prior to leaving the house. Declarant states that she tried calling Butch about the issue, but had to leave a voice message. Declarant indicated in her message that Butch could not take the conservatee's medications out of the conservatee's home, despite having the advance health care directive. She further instructed him that he could not prevent the Anjaleoni staff from giving the conservatee his prescribed medications during the day unless he made arrangements to do so himself. She requested that the medications be returned to the house immediately; however, Butch continues to maintain custody of the medications and insists on administering them himself. Conservatee is often not awake when Butch leaves the house in the morning and Butch is often late or does not appear for the mid-day dose. It is unclear whether the conservatee is given the early evening or bedtime dose.

Declarant states that on 03/25/13, Butch informed Susan from Anjaleoni that the conservatee no longer needs to take Risperidone, which was prescribed by the conservatee's primary care physician, Dr. Sheriffs for agitation/anxiety. At the same time, she was informed that the conservatee regularly displays increased anxiety and agitation during the daytime hours. Butch appears to discount conservatee's increasing anxiety and the incidents of violence and does not seem to understand that conservatee's physician prescribed the Risperidone in order to control the conservatee's symptoms and that failure to administer the medication as prescribed is contrary to the conservatee's best interests. Declarant states that the conservatee has attempted to attack female care givers and has had to be restrained. Declarant is informed that the conservatee's actions on both occasions is reminiscent of violence he previously displayed on his now deceased wife and that he appears to have confused the caregivers with his memory of his wife. Declarant further states that she is aware that the conservatee threatened Michael Smith's (petitioner's) wife in a similar fashion on a recent dinner outing. All of these incidents have occurred since the conservatee's Risperidone dosage was reduced and two of them have occurred since Butch determined to stop giving the medication altogether. The conservatee has become much less cooperative with the caregivers since the Risperidone has been stopped.

Declarant states that Butch is now refusing to inform the Anjaleoni staff when the conservatee has doctor's appointments and instead simply comes and picks up the conservatee and refuses to state where he is taking the conservatee and why. This makes it difficult for the caregivers to ensure that the conservatee is ready to go when an appointment is scheduled. Declarant has had to contact the conservatee's doctor's herself and provide appointment information to the Anjaleoni staff.

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Declarant further states that Butch and Robin have moved into the conservatee's home. It is Declarant's opinion that the conservatee's overall well-being has deteriorated since Butch became solely responsible for his medical care. Butch is unwilling or unable to manage conservatee's care properly, either because he does not have a complete grasp of the nature of the care conservatee requires or because he fails or refuses to take proper and full responsibility for all aspects of necessary care. In either case, the conservatee's health is suffering because of it. Declarant is concerned that it may become necessary to remove the conservatee from his home and place him in an assisted living facility. There are concerns about exposing female caregivers to potential violence against them by the conservatee. The conservatee has also been unwilling to cooperate with male caregivers. It is possible that, if this situation continues to deteriorate, it will no longer be possible to care for the conservatee safely in his home.

**Declaration of Sundari Susan Kendakur in Support of Petition to Terminate Authority of Agent for Health Care filed 05/24/13** states: She is the Executive Director & Administrator of Anjaleoni Enterprises, which has been contracted to provide in home care for the conservatee from 11:00 am – 7:00pm. Conservatee's grandson Butch and Butch's mother Robin, provide the care to the conservatee for the balance of each day. Anjaleoni staff attempts to coordinate daily activities and the administration of medication with Butch and Robin and the staff relies on reports from them to understand how the conservatee is doing during the hours when staff is not in the home. Initially, they took direction regarding medical care for the conservatee from the Public Guardian, because the conservatee lacks capacity and her staff took conservatee to his medical appointments, usually with Butch and sometimes Robin in attendance as well. Anjaleoni staff handled the administration of medication all necessary follow-up care during the hours they were with the conservatee pursuant to doctors' instructions. During this time, there were regular and sometimes serious concerns with Butch confusing the directions or medications for conservatee by his physicians, confusing which doctors provided what type of care and why and even interfering with the provisions of necessary medical care for the conservatee. On the very first day they began providing care, they discovered that Butch was administering an inhaler to the conservatee that had been prescribed for Butch. They contacted conservatee's primary care physician and obtained a prescription for the conservatee. They have attempted to ensure that the conservatee is only given medications that are specifically prescribed for him, according to the dosing instructions given by the physician for that medication and have attempted to ensure that all medications are given as prescribed.

On 01/29/13, Butch informed Anjaleoni that conservatee's physician changed his albuterol (inhaler) dosing. They asked Butch which doctor had given that order for documentation purposes and he stated it was Dr. Fong. Dr. Fong is a surgeon who performed a cardiac procedure on conservatee in mid-February and was not involved in prescribing the albuterol. Declarant contacted the Public Guardian to confirm the change since she had attended the appointment. It turned out Dr. Fong had given specific instructions for another medication, but nothing was discussed about the albuterol.

On 02/08/13, Butch informed Anjaleoni that conservatee had a pre-op appointment the following Monday with Dr. Sheriffs, his primary care physician. This didn't make sense because Dr. Sheriffs was not involved in the upcoming surgery. Declarant contacted the Public Guardian and confirmed that the pre-op appointment was with Dr. Boran, conservatee's cardiologist, not Dr. Sheriffs as Butch had stated. Declarant confirmed that conservatee had a separate appointment scheduled with Dr. Sheriffs the same day that had nothing to do with the surgery. Had they relied on the information provided by Butch, conservatee would have missed his scheduled appointment with Dr. Sherriffs that day and would have gone to the wrong office potentially missing his pre-op appointment with Dr. Boran and possibly delaying an urgent surgical procedure.

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On 02/11/13, Butch relayed different facts to Dr. Sherriffs than he had been relaying to the care staff who he had previously told that the conservatee was sleeping well at night. At the appointment with Dr. Sherriffs he reported that conservatee was up as many as 7 times during the night. Over the course of this time, Declarant states that she and the Anjaleoni staff have been unable to rely on Butch or Robin to provide accurate information on conservatee's condition or activities while he is under their care, making it much more difficult for them to provide appropriate care for him during the hours they are caring for conservatee.

On 03/06/11, Anjaleoni staff member Ruby Watson accompanied conservatee to an appointment with Dr. Sherriffs. Butch and Robin were also present. Butch described symptoms to Dr. Sherriffs and based on Butch's information Dr. Sherriffs reduced conservatee's regular dose of Risperidone from two tablets to one. Later that evening, Butch contacted Declarant to inquire as to why the conservatee was only taking one Risperidone now instead of two. He had forgotten about Dr. Sherriffs reducing the dosage based on Butch's account of conservatee's symptoms. At a subsequent visit with Dr. Sherriffs it was determined that a second tablet of Risperidone could be given if conservatee was agitated or anxious and the first tablet did not allay his symptoms.

On 03/11/11, Butch obtained authority to make medical decisions for the conservatee and was specifically instructed by the Court that he was to take sole responsibility for all aspects of conservatee's health care, including ensuring that he attended all scheduled appointments and medications were administered as prescribed. Butch was also told to coordinate and cooperate with the Anjaleoni staff.

On 03/20/13, Butch took possession of all of conservatee's medications and made them unavailable to the Anjaleoni staff thereby restricting the staff from being able to give conservatee his medications at the prescribed times. Declarant contacted Butch about this situation and he stated that the medications were at the house. However, the staff searched the house and was unable to locate the medication. In a second call, Butch informed Declarant that he was handling the medications and there was no medication prescribed for the daytime. Declarant inquired about the afternoon dose of Risperidone and Butch stated that there was no need to take medication in the afternoon. Declarant has sought the assistance of the Public Guardian in this matter, but Butch continues to maintain possession of the conservatee's medications.

On 03/25/13, Butch informed Declarant that conservatee no longer needed to take the Risperidone. Although it was prescribed by Dr. Sherriffs. It is Declarant's understanding that Butch continues to give the conservatee Risperidone at night, but maintains that daytime doses are unnecessary. The conservatee exhibits "sundowners" symptoms in which his agitation and anxiety become more prevalent toward the end of the afternoon. Using Risperidone during the day when needed was keeping these symptoms relatively well controlled. However, since Butch decided to stop the daytime dosing, conservatee exhibits anxiety and agitation on a daily basis, especially in the late afternoon and early evening. He also exhibits fairly serious episodes of combativeness and bouts of violence toward staff on a regular basis and on occasion toward Robin. These symptoms were not present when Anjaleoni initially started caring for conservatee, during the time when his medication was administered routinely as prescribed.

Further, Butch currently keeps all medication information to him, including information about appointments and their outcomes. Butch will come to take the conservatee to an appointment without any notice and it is difficult to ensure that he is ready to leave the house.

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Declarant is also concerned that conservatee's sleep schedule and his medication schedule have been skewed to his detriment, especially given his susceptibility to Sundowner symptoms. Declarant is informed that conservatee often stays up very late and the time he wakes up is erratic. There are days when staff arrives to find the conservatee up and seated in his favorite chair having already eaten his breakfast and taken his morning medication. Some days they arrive to find conservatee still in bed and sleeping. Other days he is in bed but awake and no one has helped him out of bed. He is usually still in his pajamas when staff arrives. Typically, morning medication would be given much earlier than 11am, but this is not possible due to conservatee's sleep schedule. Declarant is concerned that he is not receiving proper dosing of medications associated with his cardiac condition based at least in part on his skewed sleep schedule.

Conservatee's son Mike and his wife Lisa visit with conservatee twice a week, often taking him out for a meal. Staff has observed a pattern of behavior on days when the visits are scheduled where Butch has conversations with the conservatee. Following those conversations, conservatee will exhibit agitation about the impending visit with Mike and Lisa. It has become necessary for staff to request that Butch leave the house before each visit to allow them to calm the conservatee down and get him ready for the visit. At the conclusion of most of these visits, it is clear that conservatee enjoyed himself during the visit and usually asks whether Mike and Lisa will come back to visit again soon.

Declarant states that it is her opinion that conservatee's overall well-being has deteriorated since Butch became solely responsible for his medical care. Butch is unable or unwilling to manage that care properly, either because he does not have a complete grasp of the nature of the care conservatee requires, because he fails or refuses to take proper and full responsibility for all aspects of necessary care, or because he simply disagrees with conservatee's doctors and refuses to follow their medical advice and/or direction. Whatever the case, conservatee's health is suffering as a result. Additionally, Declarant and her staff are unable to provide full and appropriate care to conservatee because Butch refuses to keep them informed of his physician's orders and refuses access to provide care appropriately.

Declarant states that she has observed and it has been reported to her that Butch and Robin are living in the conservatee's home and have their personal possessions in the home. Robin stays at the home every night and Butch stays there most nights. Additionally, Robin's husband is present at the home on many occasions when staff arrives in the morning and Butch's son is present at the home on many weekends.

**Declaration of Mike (Butch) Smith, Jr. in Opposition to Motion to Terminate Authority of Agent for Healthcare** filed 05/31/13 states: This dispute stems from issues concerning visitation of conservatee. Declarant states that he and his father (petitioner, Michael Smith) have had disagreements in the past regarding visitation, however, they have entered into a stipulation concerning visitation.

Within minutes after returning home from the court hearing appointing the Public Guardian as conservator, Declarant was contacted at conservatee's house by a member of the Public Guardian's staff and a daytime caregiver. Declarant and his mother, Robin, were informed that they could not be at the home between 11am and 7pm. Declarant states that the office for his business is located in the house and he was subsequently allowed to enter the house during daytime hours for business purposes.

Continued on Page 7

The daytime caregivers do not bathe or dress conservatee. Declarant and his mother take care of those essential needs. He often will not eat the lunch they prepare for him because they don't make him what he likes. To keep his mind active, Declarant often takes conservatee with him when he goes out for certain business functions and to visit family and friends. Declarant enjoys the conservatee's company.

Petitioner's allegation that Declarant refuses to leave conservatee's medications in the house or allow Anjaleoni staff to administer any medications is a gross distortion of the facts. Declarant states that he leaves conservatee's inhaler, which is the only necessary daytime medication. The other medications are administered by Robin and Declarant as prescribed in the morning and the evening. Petitioner's allegation that medication is to be administered at 2pm and 7pm is not correct. The main drug at issue is Risperidone which is prescribed to treat sundowner's symptoms. Declarant states that he has been informed by conservatee's doctor that Risperidone is very potent and carries the risk of certain adverse side effects, including, paradoxically, an increase in agitation. At the end of February 2013 conservatee started to exhibit tremors, which he never had before. In mid-March 2013, Declarant learned that the staff was administering Risperidone to conservatee in the afternoon. However, the staff did not leave the log book or notify either himself or Robin of any changes in conservatee's medication. Declarant states that he was concerned that the increased dosage in Risperidone contributed to the tremors. Conservatee's physician told Declarant that even one Risperidone carries the risk of inducing tremors. In March 2013, the staff obtained an additional prescription for Risperidone from a second doctor, thus two different doctors were writing prescriptions for Risperidone for the conservatee and Declarant was extremely concerned about this.

Declarant states that the allegation that he is sometimes not present at the home when the caregivers arrive is false. He states that he is always present when the caregivers arrive and he administers the daytime medications before he leaves. There are no afternoon medications to administer and he gives the conservatee his evening medication when he returns in the evening.

Declarant states that Petitioner's allegation that he administered his own inhaler to conservatee is not accurate. Declarant states that he and the conservatee have a prescription for the same inhaler (Albuterol Sulfate). He has no knowledge of conservatee using his inhaler, but if he did, it's inconsequential because it is the same medication that's prescribed for the conservatee.

Declarant states that the allegation that he refuses to keep the Anjaleoni staff or conservator informed of conservatee's appointments is not correct. He states that he provides 24 hour advance notice to the daytime staff. Further, you never know what conservatee will be doing from one day to the next, sometimes he will make plans to go somewhere and sometimes he changes his mind. Declarant states that he never forces conservatee to come with him.

Declarant states that he has not provided incorrect information to staff and the conservator about prescriptions and dosing of medications. Further, he did not unilaterally decide to stop giving the conservatee some of his prescribed medications, especially Risperidone, during the day. Declarant states that the daytime staff obtained a second prescription for Risperidone from a second doctor. The benefits provided by Risperidone are often evaluated in subjective terms, balancing the agitation against the side effects, including tremors. Declarant does not want a situation where conservatee is turned into a Zombie because of excessive medication for agitation.

Continued on Page 8

The allegation that conservatee's overall health and well-being appear to have deteriorated significantly since Declarant was given control over his medical care is a damn lie. Declarant states that throughout this entire period, his focus has been on conservatee's care. Conservatee was always proud and independent. Declarant and his mother work every day to allow conservatee to continue to live as independently as possible, in his own home, with regular social contact with family and friends. If Petitioner had his way, conservatee would be shut away in an old folk's home. Conservatee, who served in the Pacific theater as a Marine during WWII and who was a farmer and rancher his whole life would never want to be shut away.

Petitioner alleges that the staff is concerned that conservatee's heart medication is not being administered as directed. Declarant is not aware of "heart medication". He is prescribed and administered medications for cholesterol, high blood pressure, and Plavix.

Declarant states that it is and has always been his intention to treat conservatee with the dignity and respect he earned during a long, hard-working, and honorable life. He saw how his grandmother, Jean Smith, was treated when she was placed in a home after Petitioner and the Public Guardian were appointed as her conservator. He has a picture of her lying on the floor of the facility "so she wouldn't fall". Declarant brought her a mat and pillow for her basic comfort. Declarant vowed that conservatee would receive better treatment and have devoted years to caring for him as he aged.

Petitioner continues to use conservatee as a vehicle to engage in conflict with Declarant. Whatever the family disputes, conservatee's care rises above everything. Petitioner seems to have a different agenda, perhaps tied to his concerns about his prior financial dealings with the conservatee,

**2C Ben H. Smith (CONS/PE)**  
**Atty Amador, Catherine A. (for Michael H. Smith, Sr. – son/Petitioner)**  
**Atty Krbechek, Randolph (for Michael Smith, Jr. – Objector)**  
**Atty Motsenbocker, Gary (for Public Guardian – Conservator)**  
**Atty Jaech, Jeffrey (for Ben H. Smith – Conservatee)**

**Case No. 11CEPR00782**

**Status Hearing**

<b>Age: 85</b>	<b>PUBLIC GUARDIAN</b> was appointed Conservator of the Person and Estate on 01/13/13.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b><u>CONTINUED FROM 06/17/13</u></b>  <b>Note:</b> The parties participated in Mediation on 06/17/13, 06/21/13 and 08/12/13.					
<b>Cont. from</b>							
<b>Aff.Sub.Wit.</b>							
<b>Verified</b>							
<b>Inventory</b>							
<b>PTC</b>							
<b>Not.Cred.</b>							
<b>Notice of Hrg</b>							
<b>Aff.Mail</b>							
<b>Aff.Pub.</b>							
<b>Sp.Ntc.</b>							
<b>Pers.Serv.</b>							
<b>Conf. Screen</b>							
<b>Letters</b>							
<b>Duties/Supp</b>							
<b>Objections</b>							
<b>Video Receipt</b>							
<b>CI Report</b>							
<b>9202</b>							
<b>Order</b>							
<b>Aff. Posting</b>							
<b>Status Rpt</b>							
<b>UCCJEA</b>							
<b>Citation</b>							
<b>FTB Notice</b>							
	<p><b>MICHAEL H. SMITH, JR.</b>, grandson, retains the authority to make all medical decisions for the conservatee pursuant to an advance health care directive signed by the conservatee on 06/17/11.</p> <p>On 05/24/13, <b>MICHAEL H. SMITH, SR.</b>, son, filed a Motion to Terminate Authority of Agent for Health Care.</p> <p><b>Minute Order from hearing on 06/07/13 set this matter for status and states:</b> Also present in the courtroom is Youa Her. The Court directs that Ben Smith be seen by Dr. Sherriffs. The Court further directs that Michael Smith, Jr. and a representative of the Public Guardian be present during the visit with Dr. Sherriffs. The Court orders that Dr. Sherriffs be informed of what has been going on with Ben Smith during the day and evening. The Court orders counsel to submit a status report regarding what occurred with Dr. Sherriffs. Parties agree to participate in mediation on 06/17/13 at 2:00 p.m. Mediation to include Michael Smith, Jr., Michael Smith, Sr., and the Public Guardian. Mr. Fischer is directed to keep the Court apprised of the status of mediation.</p> <p><b>Declaration of Randolph Krbechek Regarding Status of Conservatorship</b> filed 08/12/13 states: Since the last hearing date Mike Smith, Sr. and Butch Smith have made genuine efforts to respect each other's beliefs concerning the care and comfort of Ben Smith. There have been no major issues regarding Ben's healthcare and living arrangements since the last hearing. The parties and their counsel have engaged in substantive discussions regarding the characterization and distribution of the assets held in the Jean Smith Conservatorship. It is anticipated that the parties will continue with their good faith efforts to complete the actions needed in the Jean Smith Conservatorship proceeding. A continuance of 90 days is respectfully requested.</p>	<table border="1" style="width: 100%;"> <tr> <td><b>Reviewed by:</b> JF</td> </tr> <tr> <td><b>Reviewed on:</b> 08/12/13</td> </tr> <tr> <td><b>Updates:</b> 08/13/13</td> </tr> <tr> <td><b>Recommendation:</b></td> </tr> <tr> <td><b>File 2C – Smith</b></td> </tr> </table>	<b>Reviewed by:</b> JF	<b>Reviewed on:</b> 08/12/13	<b>Updates:</b> 08/13/13	<b>Recommendation:</b>	<b>File 2C – Smith</b>
<b>Reviewed by:</b> JF							
<b>Reviewed on:</b> 08/12/13							
<b>Updates:</b> 08/13/13							
<b>Recommendation:</b>							
<b>File 2C – Smith</b>							

<b>DOD: 12-18-12</b>	<p><b>KEVIN HUDGINS and DANIELLE DUTRA</b>, Son and Daughter, were appointed Co-Executors with Full IAEA without bond on 2-7-13.</p> <p>At hearing on 2-7-13, the Court set status hearing for the filing of the Inventory and Appraisal for 7-12-13. The matter was continued to 8-16-13.</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<u><b>Continued from 7-12-13</b></u>
<b>Cont. from 071213</b>		<b>Note: There were no appearances on 7-12-13. The Court continued the matter and ordered Attorney Shepard to be personally present if the I&amp;A is not filed.</b>
<b>Aff.Sub.Wit.</b>		<b>1. Need Inventory and Appraisal. Probate Code §8800(b).</b>
<b>Verified</b>		<b>Note: The original petition estimated the value of the estate as follows:</b>
<b>Inventory</b>		Personal property: \$1,000,000.00
<b>PTC</b>		Annual income: \$ 130,000.00
<b>Not.Cred.</b>		Real property \$ 383,000.00
<b>Notice of Hrg</b>		<b>Total: \$1,513,000.00</b>
<b>Aff.Mail</b>		<b>Note: The Co-Executors are the sole heirs per the decedent's will; however, there has been a creditor's claim filed for \$76,595.32.</b>
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		<b>Reviewed by: skc</b>
<b>Status Rpt</b>		<b>Reviewed on: 8-12-13</b>
<b>UCCJEA</b>		<b>Updates:</b>
<b>Citation</b>		<b>Recommendation:</b>
<b>FTB Notice</b>		<b>File 3 – Hudgins</b>

**4A Violet Goorigian Revocable Trust**

**Case No. 13CEPR00365**

**Atty Rube, Melvin K. (for Petitioner Gary C. Goorigian)**  
**Atty Glasrud, Donald H (for Co- Trustees, Ben Krikorian and Aaron Krikorian)**  
**Atty Magnus, Marcus (for Respondent, Holy Trinity Armenian Apostolic Church)**  
**Atty Brilliant, David (for Respondent, American Cancer Society)**  
**Atty Sanoian, Joanne (for Respondent, Charlie Keyan Armenian Community School)**

**Petition to Ascertain Beneficiaries and Determine Distribution of Property on Final Termination of Trust**

		<b>GARY C. GOORIGIAN</b> is petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u><b>Continued from 6-19-13</b></u></p> <p><u><b>Minute Order 6-19-13:</b></u> Counsel David Brilliant is present on behalf of the American Cancer Society. Ms. Sanoian advises the Court that she was just retained by the school so she needs additional time to file a response. Mr. Glasrud advises the Court that he is estimating the value of the estate to be between 3.5 and 4.5 million dollars. Continued to 8-16-13 at 9am in Dept 303. Set on 8-16-13 at 9am in Dept 303 for Status Conference. cd 6-20-13</p> <p>1. Need Order. Local Rule 7.1 states a proposed Order shall be submitted with all pleadings that request relief. If the proposed order is not received in the Probate Filing Clerk's Office ten (10) days before the scheduled hearing, a continuance may be required.</p>
		Petitioner states he is the only child of <b>VIOLET GOORIGIAN</b> and therefore an interested party.	
<b>Cont. from 061913</b>		<b>Petitioner states:</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	<ul style="list-style-type: none"> <li>On 10/6/2008 Violet Goorigian established the <b>VIOLET GOORIGIAN REVOCABLE TRUST AGREEMENT.</b></li> <li>On 2/26/2009 Violet Goorigian executed the <b>FIRST AMENDMENT TO THE VIOLET GOORIGIAN REVOCABLE TRUST AGREEMENT.</b></li> <li>On 3/9/12 Violet Goorigian executed revoked the 1<sup>st</sup> Trust Amendment and executed the <b>SECOND AMENDMENT TO THE VIOLET GOORIGIAN REVOCABLE TRUST AGREEMENT.</b></li> <li>On 3/9/12 Violet Goorigian further amended the Trust by executing the <b>THIRD AMENDMENT TO THE VIOLET GOORIAN REVOCABLE TRUST AGREEMENT.</b></li> <li><b>VIOLET GOORIGIAN</b> died on 12/3/13</li> <li>The Trust is now irrevocable.</li> <li><b>BEN KRIKORIAN</b> and <b>AARON KRIKORIAN</b> are the currently acting co-trustees of the Trust.</li> </ul>	
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input checked="" type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>	X	
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<b>Petitioner now requests</b> Court determination that he is the sole beneficiary of the assets of the Trust and that upon termination of the Trust the Co-Trustees distribute all the assets of the Trust to him.	
		<b>Please see additional page</b>	
		<b>Reviewed by: KT</b>	
		<b>Reviewed on:</b>	
		<b>Updates: 8-12-13 (skc)</b>	
		<b>Recommendation:</b>	
		<b>File 4A – Goorigian</b>	

**Petitioner's request is based on the following:**

In or about 1984 Petitioner's parents AARON GOORIGIAN and VIOLET GOORIGIAN, were the owners of two parcels of real property in Fresno County, one on South Avenue and the other on Peach Avenue. Petitioner has never had an ownership interest in either parcel of real property. Both parcels of real property are assets of the Trust.

In or about 1984 Petitioner began to farming the South Avenue property and continued to farm the property thereafter for approximately 10 to 12 years. During that period of time AARON GOORIGIAN and VIOLET GOORIGIAN made oral promises to petitioner that he would inherit all of the real property, which included at the time the Peach Avenue property and the South Avenue property, all tangible personal property and all intangible personal property owned by AARON GOORIGIAN and VIOLET GOORIGIAN. Petitioner alleges these promises were made to induce petitioner to make improvements in the residence located on the South Avenue property. In reliance upon the oral promises made Petitioner was induced to and did make improvements to the residence located on the South Avenue property in the amount of approximately \$100,000.00, which resulted in a monetary benefit to AARON GOORIGIAN and VIOLET GOORIGIAN.

Petitioner alleges on 3/11/91 he and his father, AARON GOORIGIAN, were the owners of IDS Mutual Fund account, a financial account held by IDS Financial Services.

On or about 3/11/91, VIOLET GOORIGIAN and AARON GOORIGIAN presented documents, which Petitioner believes was an *Assignment Separate From Certificate Form*, to Bank of America for the purpose of obtaining a signature guarantee. Petitioner states without his knowledge, consent or authorization and with the intent to defraud petitioner, VIOLET GOORIGIAN forged the name of Petitioner to said document. Bank of America guaranteed the signature as that of Petitioner.

On March 22, 1991 VIOLET GOORIGIAN and AARON GOORIGIAN, with the intent to deceive and defraud Petitioner, presented the forged document to IDS Financial Services, Inc. which resulted in the removal of Petitioner's name from IDS Mutual Fund and transfer the assets of IDS Mutual Fund to AARON GOORIGIAN and VIOLET GOORIGIAN. Petitioner believes the assets fraudulently transferred amounted to approximately \$60,000.00.

Upon learning of the fraudulent transfer, Petitioner approached AARON GOORIGIAN and informed him that he wanted to be compensated for his loss. AARON GOORIGIAN with the intent to deceive and defraud Petitioner and to preclude Petitioner from proceeding legally against AARON GOORIGIAN and VIOLET GOORIGIAN informed Petitioner that he would take care of the matter.

On 2/15/1993, Petitioner wrote a letter to Mrs. S. Briones, whom Petitioner believes, was an employee of Bank of America requesting Bank of America notify IDS Financial Services, and rescind the signature guarantee contained in the forged document so that the transaction transferring the assets would be reversed (copy of letter attached as Exhibit E).

**Please see additional page**

The letter was sent to Bank of America because as of 2/15/1993, neither AARON GOORIGIAN nor VIOLET GOORIGIAN had compensated Petitioner for his loss.

As a result of the letter, AARON GOORIGIAN made a promise to Petitioner that if he would refrain for proceeding legally against himself and VIOLET GOORIGIAN that all of the real property, intangible personal property and tangible personal property owned by AARON GOORIGIAN and VIOLET GOORIGIAN would be left to Petitioner.

In reliance upon said promise made to Petitioner, Petitioner did not attempt to recover the assets fraudulently transferred.

AARON GOORIGIAN died on 7/22/1999. Petitioner believes that at his death neither AARON GOORIGIAN nor VIOLET GOORIGIAN had established an estate plan that would, upon their deaths, leave all of their property to petitioner in conformance with the above said promises.

On 10/6/2008 VIOLET GOORIGIAN established the Trust. Petitioner alleges that Article FOURTH of the Trust document, essentially complies with the oral promises made to Petitioner by AARON GOORIGIAN and VIOLET GOORIGIAN.

On 3/9/12, VIOLET GOORIGIAN executed the 3<sup>rd</sup> Trust Amendment. However, under the 3<sup>rd</sup> Trust Amendment, Petitioner was completely disinherited so that assets would be distributed to HOLY TRINITY ARMENIAN APOSTOLIC CHURCH; the CHARLIE KEYAN ARMENIAN COMMUNITY SCHOOL; and the AMERICAN CANCER SOCIETY.

Petitioner believes that at the time of her death, VIOLET GOORIGIAN was the owner of a certificate of deposit or an investment account in the approximate amount of \$200,000.00, that is not an asset of the Trust, and is being probated in Fresno County Superior Court case no. 13CEPR00098.

Petitioner further alleges that the Will of VIOLET GOORIGIAN dated 3/9/12 directs that all her assets in the probate estate be given to the Trustee of the VIOLET GOORIGIAN REVOCABLE LIVING TRUST and that this distribution of non-trust assets does not comply with the promises made to petitioner by AARON GOORIGIAN and VIOLET GOORIGIAN, as described above.

Petitioner states VIOLET GOORIGIAN has acknowledged the debts owed to petitioner for remodeling of the residence located on South Avenue and for the fraudulent transfer of the IDS asset because said acknowledgment is contained in a document dated 5/6/1995 which is all in the handwriting of VIOLET GOORIGIAN (copy of letter attached as Exhibit F).

**Please see additional page**

**Wherefore Petitioner prays for an Order:**

1. Ascertaining the beneficiaries of the VIOLET GOORIGIAN REVOCABLE LIVING TRUST and determining distribution of all real property, intangible personal property or tangible personal property from the VIOLET GOORIGIAN REVOCABLE LIVING TRUST, including real property, intangible personal property or tangible personal property distributed to the VIOLET GOORIGIAN REVOCABLE LIVING TRUST from the probate of the distributed to Petitioner GARY C. GOORIGIAN.
2. For costs herein.
3. For such other orders as the court may deem proper.

**General Appearance and Notice of Neutrality by Respondents BEN KRİKORIAN and AARON KRİKORIAN, co-Trustees of the VIOLET GOOGORIAN REVOCABLE LIVING TRUST.** Co-Trustees state they shall remain neutral in connection with the petition and take no position with respect to the merits or outcome of such petition. Co-Trustees state they will appear at the hearing for the purpose of providing any assistance to the court which the court may request.

**Holy Trinity Armenian Apostolic Church's Response to Petition filed on 6/14/2013. Holy Trinity responds, opposes, and objects to the petition.** Holy Trinity pleads the following affirmative defenses:

1. The Petition fails to state a claim for which relief can be granted.
2. The Petitioner fails to name the correct parties. Other parties should be named.
3. Petitioner's relief is barred by one or more of the statutes of limitations set for the in the C.C.P. and the Probate Code.
4. Petitioner does not have standing to bring this Petition under Probate Code §17200(b).
5. Petitioner claims oral agreements were created in the 1980's and in 1990's yet has made no effort to enforce the agreement until now. The lengthy delay in seeking relief is without justification and is to the prejudice of Holy Trinity.
6. Petitioner has unclean hands and should be denied relief sought under the Petition.

**Wherefore, Holy Trinity prays:**

1. That the Petitioner take nothing;
2. For costs of suit including attorney fees under common fund doctrine;
3. For such other and further relief as the court deems just.

**Objection from American Cancer Society to Gary Goorigian's Petition to Ascertain Beneficiaries and Determine Distribution of Property on Final Termination of Trust filed on 6/18/2013.** American Cancer Society pleads the following affirmative defenses:

1. The Petition and each and every cause of action and part thereof, fails to state facts sufficient to constitute a cause of action.
2. The Petition and each and every cause of action and part thereof, is barred by all applicable statutes of limitations, including but not limited to, C.C.P. §§338 and 338 and California Probate Code §16061.7.
3. Petitioner has unreasonably delayed commencement of this action to the prejudice of this Respondent, and as a result, each purported cause of action is barred by the doctrine of laches.
4. Petitioner waived his right to recovery and/or remedies requested.
5. Petitioner is estopped from claiming rights to recovery and/or remedies requested.
6. Decedent duly performed, satisfied and discharged all duties and obligations she may have owed to Petitioner arising out of any and all agreements, representations, contracts or relationships.
7. Petitioner's claims are uncertain.

**Wherefore, Respondent prays:**

1. That the Petitioner take nothing by reason of this Petition;
2. That Respondent be awarded attorney's fees and costs incurred in this action, and;
3. For such other and further relief as the court deems just and proper.

**Ojbection from Respondent Charlie Keyan Armenian Community School filed 8-5-13** provides affirmative defenses and requests that the Court deny the petition in its entirety, award Respondent its attorney fees and costs incurred herein, and grant any further relief the Court deems just and proper.



**Probate Status Hearing Re: Issuance of Amended Letters of Conservatorship**

<b>Age: 58 years</b>	<p><b>SYLVIA GONZALEZ</b>, is the sole remaining Conservator, Co-Conservator Guadalupe Pena passed away.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Continue4d from 8-2-13</u></p> <p><b>Minute Order 8-2-13: No appearances. Matter continued to 8-16-13. The Court orders Ruth Ratzlaff to be personally present on 8-16-13. If there is no appearance at the next hering and the amended letters are not filed, the Court will remove Sylvia Gonzalez as the conservator and appoint the Public Guardian.</b></p> <p><u>As of 8-13-13, nothing further has been filed.</u></p> <p>1. Need amended Letters to issue 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>
	<p>Order Settling the Twelfth Account ordered new Letters to issue reflecting Sylvia Gonzalez as the sole conservator.</p>	
	<p>Notice of Status Hearing was mailed to attorney Ruth Ratzlaff on 6/24/2013.</p>	
<b>Cont. from 080213</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<p><b>Reviewed by: KT / skc</b></p> <p><b>Reviewed on: 8-13-13</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 5 – Larssen</b></p>

**Status Hearing Re: Final Account**

<b>Age:</b>		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p style="text-align: center;"><b><u>OFF CALENDAR</u></b></p> <p>Final Account filed 7-22-13 is set for hearing 8-28-13</p>
<b>DOD:</b>		
<b>Cont. from</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
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<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 8-12-13
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 6 – Setrakian</b>

**Probate Status Hearing Re: Filing of Inventory and Appraisal**

<b>DOD: 10/22/11</b>	<b>WILL SCOTT, JR.</b> , surviving spouse, was appointed successor Administrator on 02/08/13.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>CONTINUED FROM 06/21/13</b>  <b>Minute Order from 06/21/13 states: Counsel informs the Court that they are trying to figure out the inventory &amp; appraisal. Counsel request a 60 day continuance. Matter continued to 08/16/13. Counsel is ordered to file a status report before the next hearing.</b></p> <p>1. Need <b>Inventory &amp; Appraisal</b> <u>or</u> 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>
	Letters of Administration were issued on 02/08/13.	
<b>Cont. from 052413, 062113</b>	<b>Status Report filed 05/17/13</b> states: Counsel and the Administrator have not had time to determine what assets remain in the estate and what assets have been determined to be joint tenancy property. A continuance is requested so that counsel and the Administrator can meet to prepare the Inventory & Appraisal and forward it to the Probate Referee for appraisal and subsequent filing with the Court.	
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>	x	
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 08/12/13
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 7 – Scott</b>

<b>DOD: 2-24-12</b>	<p><b>KENNETH ROBERTS</b>, Father, was appointed Administrator with Full IAEA with bond of \$20,000.00 on 10-18-12.</p> <p>At hearing on 10-18-12, the Court set this status hearing for filing of the Inventory and Appraisal.</p> <p>Bond was filed on 2-22-13. Letters issued 3-14-13.</p> <p><b>Status Hearing Statement (unverified) filed by Mr. Donaldson states Letters were obtained 3-14-13 and he will prepare the I&amp;A before 3-30-13 and forward it to the Probate Referee.</b></p> <p><b>Mr. Donaldson states it is the intent of the administrator to transfer the property 50/50 to Jessica Roberts and to the Jennifer Roberts SNT., and he believes the above tasks can be completed by 7-30-13 and the First and Final Accounting can be filed before 8-15-13.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>Continued from 3-15-13, 5-10-13</u></b></p> <p><b>Note: On 5-10-13, there were no appearances. A copy of the minute order was mailed to Attorney Donaldson on 5-10-13.</b></p> <p><b><u>As of 8-12-13, nothing further has been filed. The following issues remain:</u></b></p> <ol style="list-style-type: none"> <li>1. Need <u>Inventory and Appraisal</u>.</li> <li>2. Joanne Sanoian, attorney for Christina Roberts, Trustee of the Jennifer Roberts Special Needs Trust, filed a Request for Special Notice on 2-19-13. If this matter is continued, need proof of service of Notice of Hearing pursuant to the Request for Special Notice.</li> </ol> <p>(Jessica Roberts is the decedent's daughter.)</p>
<b>Cont. from 031513, 051013</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
	<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 8-12-13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 8 - Roberts</b></p>	

DOD:		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p style="text-align: center;"><b><u>OFF CALENDAR</u></b></p> <p>First Account filed 8-1-13 is set for hearing on 9-9-13.</p>
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: skc
		Reviewed on: 8-12-13
		Updates:
		Recommendation:
		File 9 – Leong

**Status Hearing Re: Filing of the First Account**

<b>Age: 83</b>	<p><b>CHARLOTTE A. YOUNG</b>, Daughter, was appointed Conservator of the Person and Estate on 8-20-12 with bond of \$20,875.16.</p> <p>At hearing on 8-20-12, the Court set this status hearing for filing of the first account.</p> <p>On 1-11-13, the Court waived bond and Letters issued on 4-4-13.</p> <p>Inventory and Appraisal was filed 1-22-13 indicating \$601 cash.</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>		
<b>Aff.Sub.Wit.</b>				
<b>Verified</b>				
<b>Inventory</b>				
<b>PTC</b>				
<b>Not.Cred.</b>				
<b>Notice of Hrg</b>				
<b>Aff.Mail</b>				
<b>Aff.Pub.</b>				
<b>Sp.Ntc.</b>				
<b>Pers.Serv.</b>				
<b>Conf. Screen</b>				
<b>Letters</b>				
<b>Duties/Supp</b>				
<b>Objections</b>				
<b>Video Receipt</b>				
<input checked="" type="checkbox"/> <b>CI Report</b>				
<b>9202</b>				
<b>Order</b>				
<b>Aff. Posting</b>				
<b>Status Rpt</b>				
<b>UCCJEA</b>				
<b>Citation</b>				
<b>FTB Notice</b>				
			<b>Reviewed by:</b> skc	
			<b>Reviewed on:</b> 8-13-13	
			<b>Updates:</b>	
		<b>Recommendation:</b>		
		<b>File 10 – Hopkins</b>		

Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

Age:		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><b><u>OFF CALENDAR ORDER FOR FINAL DISTRIBUTION SIGNED ON 02/20/2013.</u></b></p>
DOD:		
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: LV
		Reviewed on: 08/13/2013
		Updates:
		Recommendation:
		File 11 – Nagel

Age:		NEEDS/PROBLEMS/COMMENTS:  <p style="text-align: center;"><b><u>OFF CALENDAR</u></b>  <b>Order on Waiver of First &amp; Final Account and Report of Executor was filed 12/05/12</b></p>
DOD:		
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: JF
		Reviewed on: 08/13/13
		Updates:
		Recommendation:
		File 12 – Anderson

Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

Age:		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p style="text-align: center;"><b><u>OFF CALENDAR</u></b>  <b>Decree of Final Distribution  on Waivers of Accounting  and Notice and Allowing  Requested Fees to Attorney  filed 02/07/13</b></p>
DOD:		
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: JF
		Reviewed on: 08/13/13
		Updates:
		Recommendation:
		File 13 – Berry

**Status Hearing Re: Filing of the Inventory and Appraisal**

<b>DOD: 07/17/12</b>	<p><b>KATHRYN LOPEZ</b>, daughter, was appointed Administrator with limited IAEA authority and bond set at \$150,000.00 on 10/03/12. Letters were issued on 10/26/12.</p> <p><b>Minute Order from hearing on 10/03/12</b> set this matter for status regarding filing of the Inventory &amp; Appraisal.</p> <p><b>Inventory &amp; Appraisal, partial #1 filed 03/05/13</b> - \$138,225.00</p> <p><b>Inventory &amp; Appraisal, partial #2 filed 05/06/13</b> - \$9,500.00</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>CONTINUED FROM 05/10/13</b>  <b>Minute Order from 05/10/13 states: Counsel informs the Court that the document regarding the non-cash personal assets has been filed. At counsel's request, the Court orders that the listing agreement run through 08/04/13.</b></p> <p>1. It appears that the I&amp;A Partial #1 filed 3-5-13 includes an appraisal by the Administrator of a Deed of Trust with Assignment of Rents for certain real property in Marysville, CA. However, this type of non-cash asset requires appraisal by the Probate Referee pursuant to Probate Code §8900-8902.</p> <p>Therefore, need amended or I&amp;A Partial #1.</p> <p>2. Need Final Inventory &amp; Appraisal.</p>	
<b>Cont. from 051013</b>			
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
			<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 08/12/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 14 – Lopez</b></p>

<b>DOD: 3/17/2012</b>	<b>JOSHUA HOUSSIERE and CARA HOUSSIERE</b> were appointed co-Executors with full IAEA and without bond on 9/11/2012.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Continued from 02/15/2013</b>
<b>Cont. from 021513</b>	Letters issued on 9/11/12.	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>	Inventory and Appraisal was due on 1/11/13.	
<b>Inventory</b>		
<b>PTC</b>	<b>Status Report filed on 08/08/2013</b> states the Executors are not aware of any assets owned by the decedent in California. The Executors are aware of assets in Louisiana consisting of mineral rights. The state of Louisiana does not have any summary proceedings for distributing such mineral rights. Therefore, the Executors initiated this probate proceeding, so that an ancillary proceeding could be initiated in Louisiana for purposes of transferring the mineral rights owned by the decedents to the Executors as the sole beneficiaries of the decedent's estate.	
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>	The Executors signed documents for purposes of opening the Louisiana Probate on 07/22/2013.	
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>	The Executors are unable at this time to proceed in California until such time as the Louisiana probate is completed. The Executors are relying on their legal counsel in Louisiana to complete the Louisiana probate and do not yet have a time frame for the completion of the Louisiana probate proceeding.	
<b>Aff. Posting</b>		
<input checked="" type="checkbox"/> <b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by: LV</b>
		<b>Reviewed on: 08/13/2013</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 15 - Houssiere</b>

	<b>JENNIE MILLER REDFERN and JOHN A. CLACK</b> , Petitioners, filed a PETITION TO COMPEL TRUSTEE TO ACCOUNT TO THE BENEFICIARIES AND DIRECTING DISTRIBUTION AND TERMINATION OF THE TRUST on 12/07/13.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from</b>	<b>Minute Order from Settlement Conference held on 05/23/13</b> states: Both counsels and their clients are present in the courtroom. Matter is continued to 07/11/13. Counsel is directed to submit their revised settlement conference statements regarding the outstanding issues by the preceding Monday. The trial date of 07/10/13 is vacated.	
<b>Aff.Sub.Wit.</b>		<b>Minute Order from Settlement Conference held on 07/11/13</b> states: Parties reach a resolution as set forth by Ms. Burnside. Upon inquiry by the Court, parties individually agree to the terms and conditions of the agreement. Matter set for a status hearing on 08/16/13. If all documents regarding the settlement agreement are signed by 08/16/13, no appearance will be necessary.
<b>Verified</b>	<b>Status Declaration filed 08/09/13</b> states: On 07/11/13 the parties participated in a settlement conference and reached an agreement to resolve the dispute between the parties. The terms were recited by counsel and consented to by the parties. Following the settlement conference, counsel for Philip Williams, Leigh Burnside, prepared a written settlement agreement and mutual release and e-mailed it to counsel for John Clack and Jennifer Redfern, Jennifer Walters. Ms. Walters raised the matter of her clients' attorney's fees being paid out of the Trust estate. That item was not part of the agreement reached at the settlement conference. Declarant explained that such fees could be paid out of her clients' shares of the Trust. Additionally, under the terms of the settlement, Mr. Williams, as Trustee has submitted 3 real estate agents names to Ms. Walter's clients for them to select one. To date no response has been received from Ms. Walters as to which of the 3 agents her clients have selected to handle the sale of the Clovis property. On 08/05/13, a letter was sent to Ms. Walters asking about the status of the settlement agreement, as of the date of this declaration, no response has been received.	
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed on:</b> 08/13/13
		<b>Updates:</b> 08/14/13
		<b>Recommendation:</b>
		<b>File 16 – Clack</b>

Status Hearing Re: Settlement Agreement

<b>DOD: 12/05/12</b>	<p><b>SUSAN GARBERICK BAXTER</b>, sister, filed a Petition for Probate on 12/13/12 seeking to admit a Will dated 10/05/12 to Probate and be appointed as Executor under such will.</p> <p><b>Opposition to Petition for Probate</b> was filed 01/22/13 by Devon R. Gass.</p> <p><b>Susan Garberick Baxter</b> was appointed Executor without bond on 02/04/13 and Letters were issued on 02/04/13.</p> <p><b>Minute Order from Settlement Conference re: Will Contest</b> dated 06/10/13 states: Parties reach a settlement agreement as set forth by Ms. Shehadey. Parties agree that each grandchild as indicated will receive \$32,000.00. Said funds are to be placed in trust or other device as deemed satisfactory by Ms. Baxter. Payment to be made within 65 days. Parties agree that the costs will be taken from the \$32,000.00. The Court indicates for the minute order that this will be a settlement of all claims known and unknown. Upon inquiry by the Court, each party individually agrees to the terms and conditions of the settlement. The Court directs Ms. Shehadey to prepare the agreement for circulation to the parties.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need <b>Settlement Agreement</b> 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>
<b>Cont. from</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 08/13/13
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 17 – Garberick</b>

**Status Hearing Re: Filing of the Inventory and Appraisal**

<b>DOD: 01/12/2013</b>		<p><b>WANDA JUNE TIMMONS</b>, mother, was appointed Executor with full IAEA authority without bond on 03/19/2013.</p> <p>Letters issued on 03/21/2013.</p> <p>Inventory &amp; Appraisal Partial No. 1 filed 04/10/2013 - \$577,500.00</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need Final Inventory and Appraisal or need current written status report pursuant to Local Rule 7.5 which states 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 the all necessary parties.</p>
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input type="checkbox"/>	<b>Verified</b>		
<input checked="" type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>		
<input type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b> x		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
<b>Reviewed by:</b> LV			
<b>Reviewed on:</b> 08/13/2013			
<b>Updates:</b>			
<b>Recommendation:</b>			
File 18 – Bier			

		<p><b>On 5-21-13</b>, pursuant to Amended Petition filed by <b>David and Arlene Liles</b>, Guardians Ad Litem for Raven Nicole Bailey, minor beneficiary, the Court appointed <b>H.F. RICK LEAS</b>, a licensed professional fiduciary, as Successor Trustee of the Amended Carol Baily Living Trust with bond of \$500,000.00 on 5-21-13. Bond was filed on 5-31-13.</p> <p>Order 5-21-13 also requires <b>ALLISON ST. LOUIS</b>, as successor or representative of the prior trustee <b>DAVID J. ST. LOUIS</b>, to file an accounting with the Court, which accounting shall be prepared by Dritsas, Groom and McCormick, LLP, within four weeks of the order.</p> <p>The Court set this status hearing for the filing of the accounting.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Continued from 6-14-13</u></p> <p><b>Note: There were no appearances on 6-14-13. A copy of the minute order was mailed to Attorney Winter on 6-14-13. As of 8-12-13, no account has been filed.</b></p>
<b>Cont. from 061413</b>			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p><b>Reviewed by:</b> skc</p>	
		<p><b>Reviewed on:</b> 8-12-13</p>	
		<p><b>Updates:</b></p>	
		<p><b>Recommendation:</b></p>	
		<p><b>File 19 - Bailey</b></p>	

Atty Istanbulian, Flora, sole practitioner (for Terri May, Administrator)

Status Hearing Re: Filing of Bond

DOD: 5/9/2013		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p style="text-align: center;"><b>OFF CALENDAR</b>  <i>Proof of Qualifying Bond was filed                  7/29/2013.</i></p>
Cont. from		
<input type="checkbox"/>	Aff.Sub.Wit.	
<input type="checkbox"/>	Verified	
<input type="checkbox"/>	Inventory	
<input checked="" type="checkbox"/>	Proof Bond	
<input type="checkbox"/>	Not.Cred.	
<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 by: LEG
		Reviewed on: 8/13/13
		Updates:
		Recommendation:
		File 20 – Nichols

<b>DOD: 8-21-12</b>		<p><b>GILDA N. WALKER</b>, Daughter, was appointed as Administrator with Full IAEA with bond of \$187,115.00 on 7-15-13.</p> <p>The Court set this status hearing for filing the bond.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. <b>Need bond of \$187,115.00.</b></p> <p><b>Note: Petition estimated \$75,700.00 in personal property (nature unknown) and the remainder in real property. A status hearing was also set for filing the I&amp;A for 12-20-13.</b></p>	
<b>Aff.Sub.Wit.</b>				
<b>Verified</b>				
<b>Inventory</b>				
<b>PTC</b>				
<b>Not.Cred.</b>				
<b>Notice of Hrg</b>				
<b>Aff.Mail</b>				
<b>Aff.Pub.</b>				
<b>Sp.Ntc.</b>				
<b>Pers.Serv.</b>				
<b>Conf. Screen</b>				
<b>Letters</b>				
<b>Duties/Supp</b>				
<b>Objections</b>				
<b>Video Receipt</b>				
<b>CI Report</b>				
<b>9202</b>				
<b>Order</b>				
<b>Aff. Posting</b>				
<b>Status Rpt</b>				
<b>UCCJEA</b>				
<b>Citation</b>				
<b>FTB Notice</b>				
				<b>Reviewed by:</b> skc
				<b>Reviewed on:</b> 8-13-13
				<b>Updates:</b>
				<b>Recommendation:</b>
		<b>File 21 – Miles</b>		

Pro Per Midkiff, Margaret (Pro Per Petitioner, Administrator)

## Status Hearing Re: Filing of the First Account or Petition for Final Distribution

DOD: 2/21/2009	<b>MARGARET A. MIDKIFF</b> , daughter, was appointed Administrator with Limited IAEA authority without Bond on 3/15/2012. Letters issued on 3/29/2012.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Cont. from		
Aff.Sub.Wit.		
✓ Verified		
Inventory	<b>Partial No. 1 &amp; 2 Inventory and Appraisal filed 7/2/2012</b> shows property consisting of bank accounts, life insurance policy, mineral rights, real property, vehicles, and personal property items valued at <b>\$331,374.34</b> .	<b>Note:</b> Court records do not show a <u>Final Inventory and Appraisal</u> has been filed in this matter.
PTC		
Not.Cred.		
Notice of Hrg	<b>Declaration filed by Margaret A. Midkiff on 7/15/2013 states:</b>	
Aff.Mail	<ul style="list-style-type: none"> <li>• She requests to step down as Administrator of her father's estate, and requests that the Fresno County Public Administrator take over this probate case or whomever the Court deems appropriate;</li> <li>• The reason she requests this is because she has been sick since approximately August 2012 and was diagnosed with Stage 4 breast cancer in December 2012 and it has spread to her lungs, liver and bones, and she has been going through weekly chemotherapy and radiation for the last 6 months and still receives treatment (<i>copies of medical documents included</i>);</li> <li>• Because of her illness and receiving treatment for it, she has been unable to work on completing her father's probate case;</li> <li>• She knows there is a status hearing on 8/16/2013 and she is sending this declaration to explain why she has not responded to the Court sooner;</li> <li>• She requests that she be kept informed on the progress of this case if possible, and she will check the status online also;</li> <li>• She thanks the Court for its assistance with this matter.</li> </ul>	1. Need final accounting and/or petition for final distribution pursuant to Probate Code § 1060, et seq., 10950 et seq., and 11000 et seq.
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		<b>Reviewed by:</b> LEG
Status Rpt		<b>Reviewed on:</b> 8/13/13
UCCJEA		<b>Updates:</b>
Citation		<b>Recommendation:</b>
FTB Notice		<b>File 22 – Meisel</b>

<b>DOD: 05/19/12</b>	<p><b>SUZIE ANTUNA</b>, daughter, was appointed Administrator with Full IAEA and without bond on 08/22/12.</p> <p><b>Letters of Administration</b> were issued on 08/22/12.</p> <p><b>Minute Order from status hearing regarding filing of the Inventory &amp; Appraisal dated 01/25/13</b> set this matter for a Status Hearing and states: Ms. Antuna informs the Court that the Inventory &amp; Appraisal was filed this morning, however, a \$2,000.00 check was not included. Matter set for a Status Hearing on 05/10/13. The Court directs Ms. Antuna to meet with Court Examiner Sarah Campbell forthwith.</p> <p><b>Inventory &amp; Appraisal filed 01/25/13 - \$57,287.66</b></p> <p><b>Supplemental Inventory &amp; Appraisal filed 04/25/13 - \$2,000.00</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>CONTINUED FROM 07/12/13</b>  <b>Minute Order from 07/12/13 states: Inventory &amp; Appraisal is not completed. The Court asks the petitioner to meet with the examiner</b></p> <p><b>As of 08/12/13, nothing further has been filed in this matter:</b></p> <ol style="list-style-type: none"> <li>1. Need Supplemental Inventory &amp; Appraisal and/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.</li> </ol>
<b>Cont. from 051013, 071213</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
<b>Reviewed by: JF</b>		
<b>Reviewed on: 08/12/13</b>		
<b>Updates:</b>		
<b>Recommendation:</b>		
<b>File 23 – Rocha</b>		

Status Hearing Re: Receipts for Blocked Accounts

	<p><b>ESTELA CRUZ</b>, mother, is conservator of the person and estate.</p> <p>Order approving 6<sup>th</sup> account was signed on 5/14/13. Order states that <b>\$150,000</b> was to be withdrawn from the blocked account at WestAmerica Bank and that <b>\$75,000</b> each would be deposited into Murphy Bank and Bank of the Sierra.</p> <p>Receipt for Blocked Account was filed for Murphy Bank on 5/22/13.</p> <p><b>Status Report filed 6/28/2013</b> states the Conservator withdrew <b>\$75,000</b> from WestAmerica, but was unable to deposit the funds at Bank of the Sierra because that account is a certificate of deposit and additional deposits cannot be made until its maturity date of July 28, 2013. On 6/21/13, conservator opened a new savings account at Bank of the Sierra, and deposited <b>\$75,000</b> from WestAmerica into this account.</p> <p>On 7/29/13 the funds from the new savings account will be transferred to the CD.</p> <p><b>Declaration of Joanne Sanoian filed 8/9/2013 states:</b></p> <ul style="list-style-type: none"> <li>On 8/8/2013, in preparation for this hearing, she discovered that the Receipt which was filed with the Court, although correct in all respects, might be misleading to the Court in its reference in Item #7 to an "initial deposit" of <b>\$50,000.00</b>;</li> <li>Although <b>\$75,002.88</b> (\$2.88 interest accrued on the funds) was in fact deposited into the blocked account at Bank of the Sierra on 7/29/2013, it was not the "initial deposit" into this account;</li> <li>Item #8 on the form correctly reflects the current balance of the blocked account <i>after [emphasis in original] the deposit of the \$75,002.88 and accrued interest on the blocked account;</i></li> <li>The Sixth Account and Report of Conservator (on Page 49) reflects a balance of <b>\$59,099.18</b> on 12/28/2012;</li> <li>Attached as <i>Exhibit A</i> is a copy of the Bank of the Sierra transaction receipt reflecting the transfer of <b>\$75,002.88</b> from account ending in [omitted] to the blocked account number [omitted].</li> </ul>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>OFF CALENDAR</b></p> <p><b>Receipt and Acknowledgment of Order for the Deposit of Money Into Blocked Account was filed 8/12/2013.</b></p> <p><b>Continued from 7/5/13.</b> Minute Order states Counsel informs the Court that they should be able to move the money and have the receipt before the next hearing.</p> <p><b>Note:</b> Receipt and Acknowledgment of Order for the Deposit of Money Into Blocked Account filed 8/12/2013 includes clarification letter dated 8/9/2013 from Bank of the Sierra explaining an additional deposit of <b>\$75,002.88</b> was made on 7/29/2013; the initial deposit of <b>\$50,000.00</b> indicated on the receipt filed 7/30/2013 represents an initial deposit made on 6/28/2006; the blocked account has a present balance of <b>\$134,232.63.</b></p> <p><b>Reviewed by: KT / LEG</b></p> <p><b>Reviewed on: 8/13/2013</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 24 – Cruz</b></p>
Cont. from 062113, 070513, 080913		
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		

**Status Hearing Re: Settlement Agreement**

	<p><b>JAMES LOUIS ROBERTS</b>, Executor, filed a petition for determination of the beneficiaries under the will and for final distribution.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>
<p>Cont. from 032913, 051013, 060713, 071213, 080913</p>	<p>Executor requested the court find that West Park Baptist Church was the beneficiary of the remaining estate consisting of \$119,359.98.</p>	<p><b>1. Need Final Order for Distribution according to Settlement Agreement.</b></p>
<p>Aff.Sub.Wit.</p>		
<p>Verified</p>	<p><b>ANNA B. HINLEY and FRANCES ALBERS</b>, Trustees of the Chester and Lorene Living Trust dated 4/12/07 filed objections requesting distribution of 50% interest in the net Estate be made to the Chester and Lorene Living Trust dated 4/12/2007, and that the Estate be ordered to reimburse Gary Bagdasarian the sum of \$18,095.71 as compensation for services on behalf of the Objectors.</p>	
<p>Inventory</p>		
<p>PTC</p>		
<p>Not.Cred.</p>		
<p>Notice of Hrg</p>		
<p>Aff.Mail</p>		
<p>Aff.Pub.</p>		
<p>Sp.Ntc.</p>		
<p>Pers.Serv.</p>		
<p>Conf. Screen</p>		
<p>Letters</p>		
<p>Duties/Supp</p>		
<p>Objections</p>		
<p>Video Receipt</p>		
<p>CI Report</p>		
<p>9202</p>		
<p>Order</p>	<p><b>Minute Order 1-2-13:</b> Greg Roberts appearing via conference call. Ms. Lind objects to the payment of fees to Mr. Bagdasarian's client. The Court sets a Settlement Conference on 3/4/13. The Court directs counsel to submit their Settlement Conference Statements on week before the hearing. Matter set for Court Trial on 3/15/13 with a one day estimate.</p>	
<p>Aff. Posting</p>		
<p>✓ Status Rpt</p>	<p><b>Minute Order 3-4-13:</b> Also present in the courtroom are Donna Wyatt and Gail Brown. Frances Albers is appearing via conference call. Parties reach a settlement agreement as fully stated on the record by Mr. Roberts. Parties agree that the trust will waive any and all claims as to the Probate estate. In addition, parties agree to waive further accountings of the trust and estate and all objections are withdrawn. Upon inquiry by the Court, each party individually agrees to the terms and conditions of the settlement agreement. Mr. Roberts is directed to prepare the settlement agreement. The settlement agreement and order regarding the withdrawals from the blocked account(s) to be submitted on an ex parte basis. Set on 3/29/13 at 9am in Dept 303 for Status Re: Settlement Agreement</p>	
<p>UCCJEA</p>		
<p>Citation</p>		
<p>FTB Notice</p>		
	<p><b>Order signed 3-15-13 provides at #8: "The beneficiary of the amount of \$119,359.98 will be covered in the Settlement Agreement.</b></p>	
	<p><b>Settlement Agreement signed by all parties has been filed in counterparts on 7-22-13 and 8-9-13.</b></p>	

**Status Hearing Re: Filing of Receipts for the Blocked Accounts**

	<b>TIMOTHY JOHNSON</b> , Administrator, filed his First and Final Account and Report of Personal Representative on 06/12/13.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p style="text-align: center;"><b><u>OFF CALENDAR</u></b>  <b>Receipts filed 08/13/13</b></p>
	<b>Order</b> Settling First and Final Account and Report of Personal Representative was signed 07/15/13. Pursuant to the Order, the funds to be distributed to Marshall Johnson and Kimberly Johnson were to be deposited into blocked accounts.	
<b>Cont. from 080913</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>	<b>Minute Order from 07/15/13</b> set this matter for status regarding Receipts for the Blocked Accounts.	
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>	<b>Order to Deposit Money into Blocked Account</b> was signed 07/23/13.	
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 08/12/13
		<b>Updates:</b> 08/13/13
		<b>Recommendation:</b>
		<b>File 26 – Johnson</b>