



## ATTENTION

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

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

Thank you for your patience.

Atty Alabart, Javier A. (for Petitioner Alfredo Banda Arriaga, father)  
 Atty Fanucchi, Edward L. (for Respondent Maria Luisa Sanchez, purported spouse)  
 Atty Kruthers, Heather H. (for Public Administrator, Administrator of the Estate)

Probate Status Hearing Re: Settlement Agreement Filed

<b>DOD: 5/14/2004</b>	<p><b>ALFREDO BANDA ARRIAGA</b>, father, filed a <i>Petition for Preliminary Distribution of Decedent Estate Assets</i> on 10/2/2013, requesting an order for a preliminary distribution of the estate assets, representing that the Petitioner is the sole-surviving parent of the Decedent, and the sole-surviving devisee of the Will signed by the Decedent on 10/16/1997.</p> <p><b>MARIA LUISA SANCHEZ</b>, purported spouse, filed an <i>Opposition to Alfredo Banda Arriaga's Petition for Preliminary Distribution of Decedent Estate Assets</i> on 10/25/2013, representing that this Court ruled 6 years ago that distribution of the estate is controlled by the decree of the Mexican court finding that Ms. Sanchez is the sole heir to the Decedent's estate.</p> <p><b>Order on Arriaga's Petition for Preliminary Distribution of Decedent's Estate's Assets filed on 1/24/2014</b> denies Arriaga's Petition and declines to distribute further assets to Sanchez. The Order concludes:</p> <ul style="list-style-type: none"> <li>• Court has expressly found that two issues remain to be tried as to the parties' relative claims to the estate: (1) whether Arriaga's challenge to the orders in Sanchez' favor are untimely and barred; or (2) whether Sanchez' challenge to the estate's distribution was untimely, void and barred;</li> <li>• These two issues depend on disputed issues of fact: (1) the address of Arriaga and his wife before and after the time of the filing of the <i>Petition for Probate</i>; (2) the Arriagas' contact, direct or indirect, with the Public Administrator who provided notice of the Petition; and (3) Arriagas' knowledge of the ongoing probate.</li> <li>• Also to be tried is the validity of the order for preliminary distribution to Sanchez, as set forth by the Court in its last order dated 8/21/2013.</li> </ul>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 8/4/2014.</b> Minute Order states the Court orders Attorney Alabart to be personally present in Court with the stipulation and explain any disagreement he may have. Clerk's Certificate of Mailing shows a copy of the Minute Order dated 8/4/2014 was mailed to Attorney Alabart on 8/4/2014.</p> <p>1. Need settlement agreement from Attorney Alabart.</p> <p><b>Notes for Background:</b></p> <ul style="list-style-type: none"> <li>• Minute Order dated 7/7/2014 states counsel reports that changes have been made to the order. "Order for Settlement and Release" was submitted by Attorney Fanucchi with a runner's tag dated 7/8/2014.</li> <li>• Minute Order dated 4/22/2014 from the Settlement Conference states the Court signs Order Appointing Court Approved Reporter as Official Reporter Pro Tempore. Clients are not present in court. Agreement stated in open court and is on record. Mr. Alabart will prepare the settlement agreement. Status hearing set for 6/6/2014 can come off if agreement filed. The Court Trial date of 6/2/2014 is vacated.</li> <li>• <b>PUBLIC ADMINISTRATOR'S Amended First and Final Account</b> of the Public Administrator was approved on 6/25/2012 via <i>Order After Hearing Settling Amended First and Final Account, etc.</i>, finding that after payment of commissions, fees and costs in the amount of <b>\$19,643.43</b>, there will be <b>\$89,703.10</b> to distribute upon further Court order regarding entitlement to final distribution. (Note: Sum of <b>\$90,226.70</b> was subsequently stated by the Court as the balance of the estate; a difference of <b>\$523.60</b>.)</li> </ul>
Cont. from 070714, 080414		
Aff.Sub.W		
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Duties/S		
Objection		
Video Rct		
CI Report		
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Status Rpt		
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Citation		
FTB Notice		
<b>Reviewed by:</b> LEG		
<b>Reviewed on:</b> 8/13/14		
<b>Updates:</b>		
<b>Recommendation:</b>		
<b>File 1 – Banda-Nieto</b>		

**Status Report filed by Attorney Fanucchi on 8/1/2014 for the previous status hearing states [brief sum]:**

On 4/22/2014, the parties entered into a stipulation for settlement to be prepared by Mr. Alabart; when he did not, counsel herein prepared a Mutual Stipulation and sent it to Mr. Alabart for approval and that of his client; Mr. Alabart would not approve the Stipulation, so counsel prepared an Order for Settlement and Release which was approved by Mr. Alabart and sent to the Court on 7/8/2014; as of [7/31/2014], Mr. Alabart has not provided to counsel the signature of Mr. Arriaga, and calls and emails to Mr. Alabart have not been returned to counsel; the Court is requested to approve the Order for Settlement and Release submitted on 7/8/2014, under its powers of retained jurisdiction per CCP § 664.6.

**Note: Text of West's Ann. Cal. C. C. P. § 664.6. Entry of judgment pursuant to terms of stipulation for settlement:** If parties to pending litigation stipulate, in a writing signed by the parties outside the presence of the court or orally before the court, for settlement of the case, or part thereof, the court, upon motion, may enter judgment pursuant to the terms of the settlement. If requested by the parties, the court may retain jurisdiction over the parties to enforce the settlement until performance in full of the terms of the settlement. Credits (Added by Stats.1981, c. 904, p. 3437, § 2. Amended by Stats.1993, c. 768 (S.B.252), § 1; Stats.1994, c. 587 (A.B.3600), § 7.)

Atty Lanier, Brandi

Atty Lanier, Kenneth

Status Hearing Re: Filing of Final Inventory and Appraisal

Age:			NEEDS/PROBLEMS/COMMENTS:
DOD:			
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
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	Notice of Hrg		
	Aff.Mail		
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	Letters		
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	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		OFF CALENDAR. Calendared in error.	
		Reviewed by: KT	
		Reviewed on: 8/13/14	
		Updates:	
		Recommendation:	
		File 3 – Lanier	

Atty Bagdasarian, Gary G., sole practitioner (for Petitioner Sarah (Freeman) Smith-Barry)  
 Atty Flanigan, Philip M., sole practitioner (for Jacqueline C. Gammon, Executor)

**Petition for Suspension of Powers and Summary Removal of Administrator; for Appointment of Successor Administrator and for Recovery of the Estate of the Decedent Remaining Unadministered; and for Recovery of Double Damages**

<b>DOD: 5/24/2006</b>	<p><b>SARAH FREEMAN</b> aka <b>SARAH SMITH-BARRY</b>, granddaughter and Beneficiary, is Petitioner.</p> <p><b>Petitioner requests the Court revoke the Letters of Administration issued to JACQUELINE C. GAMMON as [Administrator], based upon the following:</b></p> <ul style="list-style-type: none"> <li>• She is the daughter of the Decedent's predeceased daughter [ROSE MARY A. FREEMAN, DOD 10/27/1990];</li> <li>• <b>JACQUELINE C. GAMMON</b>, daughter, was appointed Administrator of Decedent's estate and <i>Letters of Administration</i> were issued 1/26/2012;</li> <li>• The only asset of the estate was an undivided ½ interest in real property located at 96 N. Cypress Ave., Clovis;</li> <li>• Ms. Gammon was the owner of the other undivided ½ interest;</li> <li>• The property was not sold during the administration of the estate and a <i>Petition</i> was filed to distribute the undivided real property interest to the beneficiaries;</li> <li>• An <i>Order Settling First and Final Report of Status of Administration on Waiver of Accounting and Petition for Settlement Thereof; for Allowance of Attorney's Statutory Compensation; for Reimbursement of Costs Advanced; and for Final Distribution</i> was filed 7/18/2013, providing that Petitioner would be distributed a <b>25%</b> fee simple interest in the real property;</li> <li>• The Order was never recorded and on 9/30/2013, an Escrow was closed whereby a Grant Deed dated 9/17/2013, almost 2 months after the Order was filed, was executed by Ms. Gammon, both as an individual owner of a ½ interest and on behalf of the Estate of Rose Mary Freeman, deceased, selling the full interest of the property for a total value of <b>\$245,000.00</b> as reflected by the documentary transfer tax of <b>\$269.50</b> (<i>copy of Deed attached as Exhibit A</i>);</li> <li>• The estate's interest of <b>50%</b> would be valued at <b>\$122,500.00</b>; each <b>50%</b> beneficiary value would be as follows: Ms. Gammon @ <b>\$61,250.00</b> and Petitioner @ <b>\$61,250.00</b>;</li> <li>• No distribution was made to Petitioner;</li> </ul> <p style="text-align: center;"><b>~Please see additional page~</b></p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
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<input type="checkbox"/> <b>Not.Cred.</b>		
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<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 checked="" type="checkbox"/> <b>Order</b>		
<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>Reviewed by:</b> LEG
		<b>Reviewed on:</b> 8/13/14
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 5 – Freeman</b>

**Petitioner states, continued:**

- Ms. Gammon took, concealed and disposed of the property belonging to Petitioner by failing to follow the provisions of the Order;
- Ms. Gammon was represented by Attorney Philip M. Flanigan, who also did not see to the recording of the Order in Fresno County;
- Ms. Gammon's whereabouts are unknown, although she is believed to be living in the State of Texas;
- It is alleged that she is in contempt for disobeying an Order of the Court pursuant to Probate code § 8505(a), and therefore, notwithstanding any other provision, a citation is not necessary to be issued to her and she should be removed as personal representative from the office by a Court Order reciting the facts and without further showing or notice;
- Since Ms. Gammon has concealed and disposed of property belonging to the estate and to Petitioner, and thereafter disposed of said property, it is alleged that Ms. Gammon should be liable for twice the value of the property recovered pursuant to Probate Code § 859, or the sum of **\$122,500.00 (\$61,250.00 times two)**, plus attorney's fees and costs;

**Petitioner prays for an Order that:**

1. The powers of **JACQUELINE C. GAMMON** as Administrator of the Estate of Rose Mary Freeman be immediately revoked;
2. The Court appoints **SARAH SMITH-BARRY** as Administrator of the Estate of Rose Mary Freeman without bond;
3. **JACQUELINE C. GAMMON** be surcharged the sum of **\$122,500.00** for the actions taken while she was personal representative; and
4. **JACQUELINE C. GAMMON** be additionally surcharged attorney's fees and costs incurred by Petitioner in bringing this Petition and recovering the property concealed by **JACQUELINE C. GAMMON**.

**Notes for background:**

- **Final Inventory and Appraisal filed 3/30/2011** shows an estate consisting of a **50%** interest in real property on 96 N. Cypress, Clovis, valued at **\$190,000.00** as of 5/24/2006 (valued at **\$380,000.00** as to **100%** interest).
- **Minute Order dated 3/12/2012** from the Probate Status Hearing for filing proof of deposits into a blocked account (pursuant to the *Ex Parte Order on Application to Amend Order to Allow for Blocked Account* filed 12/6/2011) states: Mr. Flanigan informs the Court that the Administrator is living in the residence and the beneficiaries do not want to sell the property. The matter was not continued. The next filing in the matter was the *First and Final Report of Administration on Waiver of Accounting and Petition for Settlement* on 6/14/2013.
- **Order Settling First and Final Report of Status of Administration on Waiver of Accounting and Petition for Settlement Thereof; for Allowance of Attorney's Statutory Compensation; for Reimbursement of Costs Advanced; and for Final Distribution filed 7/18/2013** distributes the estate pursuant to Probate Code § 6402(c) as follows:
  - **JACQUELINE C. GAMMON** – **25%** fee simple interest in real property located at 96 N. Cypress, Clovis; and
  - **SARAH SMITH-BARRY** – **25%** fee simple interest in real property located at 96 N. Cypress, Clovis.

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

<b>DOD: 09/01/2012</b>	<b>JULIE RAVISCIONI</b> , daughter was appointed Administrator with full IAEA authority without bond on 05/15/2013.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Page 6B is the Order to Show Cause for Failure to Appear.</b></p> <p><b>Minute Order of 07/18/2014 (Judge Kristi Culver Kapetan): No appearances. Order to personally appear issued for Mr. Krbecheck.</b></p> <p>1. Need First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
	Letters issued 05/16/2013	
<b>Cont. from 071814</b>	Final Inventory and Appraisal filed 11/06/2013 shows an estate valued at \$182,150.00.	
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>	Minute Order of 05/15/2014 set this status hearing for the filing of the First Account and/or Petition for Final Distribution.	
<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>Declaration of Randolph Krbecheck Regarding the Status of Action and Request for Continuance filed 08/11/2014</b> states he cannot attend the hearing set for 08/18/2014 because he is required to be in Redwood City at the same time for trial in a pending superior court action. The trial is set to commence on 08/11/2014. Attorney Krbecheck respectfully requests the court continue the hearing on this matter to the next available date.	
<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: LV</b>
		<b>Reviewed on: 08/13/2014</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 6A – Dupree</b>

<b>DOD: 09/01/2012</b>	<b>JULIE RAVISCIONI</b> , daughter was appointed Administrator with full IAEA authority without bond on 05/15/2013.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from</b>	<b>Minute Order of 07/18/2014 (Judge Kristi Culver Kapetan):</b> No appearances. Order to personally appear issued for Mr. Krbecheck.	
<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> LV
		<b>Reviewed on:</b> 08/13/2014
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 6B – Dupree</b>

**8 Mary Margaret Walsh (Estate)**

**Case No. 13CEPR00686**

**Atty Neilson, Bruce A. (for John J. Walsh, Jr. and David T. Walsh – Co-Executors/Petitioners)**

**First and Final Account and Report of Executor and Petition for Its Settlement, for Allowance of Compensation for Ordinary and Extraordinary Services and for Final Distribution (Prob. C. 10800, 10801, 10951, 11640)**

<b>DOD: 05/29/13</b>	<b>JOHN J. WALSH and DAVID T. WALSH,</b> Co-Executors, are Petitioners.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>The account period is not stated in the petition.</li> <li>The petition does not specifically address the required notice to the Victims Compensation Board or the Franchise Tax Board as required by Probate Code § 9202(b) &amp; (c)(1).</li> </ol>
	Account period: <b>NOT STATED</b>	
<b>Cont. from</b>	Accounting - <b>\$200,124.29</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Beginning POH - <b>\$200,065.29</b>	
<input checked="" type="checkbox"/> <b>Verified</b>	Ending POH - <b>\$95,854.06</b>	
<input checked="" type="checkbox"/> <b>Inventory</b>	(all cash)	
<input checked="" type="checkbox"/> <b>PTC</b>	Executors - <b>waived</b>	
<input checked="" type="checkbox"/> <b>Not.Cred.</b>	Attorney - <b>\$2,531.25</b>	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	(less than statutory)	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/	Closing - <b>\$500.00</b>	
<input type="checkbox"/> <b>Aff.Pub.</b>	<b>Distribution, pursuant to decedent's will, is to:</b>	
<input type="checkbox"/> <b>Sp.Ntc.</b>	John J. Walsh, Jr. - \$9,282.28	
<input type="checkbox"/> <b>Pers.Serv.</b>	William E. Walsh - \$9,282.28	
<input type="checkbox"/> <b>Conf. Screen</b>	Maureen A. Walsh - \$9,282.28	
<input type="checkbox"/> <b>Letters</b> 09/12/13	Michael R. Walsh - \$9,282.28	
<input type="checkbox"/> <b>Duties/Supp</b>	Kathleen A. Walsh - \$9,282.28	
<input type="checkbox"/> <b>Objections</b>	Kevin F. Walsh - \$9,282.28	
<input type="checkbox"/> <b>Video Receipt</b>	Patricia M. Bonnel - \$9,282.28	
<input type="checkbox"/> <b>CI Report</b>	Linda M. Anderson - \$9,282.28	
<input type="checkbox"/> <b>9202</b> x	Denise E. Walsh - \$9,282.28	
<input checked="" type="checkbox"/> <b>Order</b>	David T. Walsh - \$9,282.29	
<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> x		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 08/14/14
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 8 – Walsh</b>





**12 Espinola Family Trust of 1990**

**Case No. 14CEPR00430**

**Atty Kaufman, Jeffrey; Brawley, Mason, of Berliner Cohen of Merced (for Petitioners Eugene Espinola, Marvin Espinola, and Margaret Corvello, Beneficiaries)**  
**Atty Esraelian, Robyn, of Richardson, Jones & Esraelian (for James Espinola and Irene Espinola St. Martin, Trustees)**  
**Atty Rube, Melvin K., sole practitioner (also for James Espinola and Irene Espinola St. Martin, Trustees)**

**Petition for Order Instructing Trustees to Provide Supporting Documentation; Compelling Trustees to Account; Instructing Trustees to Distribute Trust Assets**

Oliver DOD: 9/1/2006	<p><b>EUGENE ESPINOLA, MARVIN ESPINOLA and MARGARET CORVELLO</b>, children and Beneficiaries, are Petitioners.</p> <p><b>Petitioners state:</b></p> <ul style="list-style-type: none"> <li>Petitioners are beneficiaries of 3 irrevocable Sub-Trusts created under the <b>ESPINOLA FAMILY TRUST of 1990</b>, namely: <b>SURVIVOR'S TRUST; RESIDUAL TRUST;</b> and <b>MARITAL TRUST</b> (copy of trust attached as Exhibit A);</li> <li>Petitioners' siblings, <b>JAMES DOUGLAS ESPINOLA</b> and <b>IRENE ESPINOLA ST. MARTIN</b>, are the current Trustees of the Sub-Trusts and are the other two beneficiaries of the Sub-Trusts;</li> <li>During their administration of the Sub-Trusts, James and Irene have provided deficient accounts and have failed to fully and adequately disclose the Trustees' acts and transactions;</li> <li>Throughout their administration, the Trustees have failed to promptly respond to Petitioners' questions and requests for information, resulting in increased legal fees and prolonged administration;</li> <li>Over 2 years have elapsed and the Trustees have made no distributions from the Sub-Trusts, despite the fact that the Sub-Trusts hold <b>~8 million</b> is assets;</li> <li>Trustees have liquidated most of the Sub-Trust assets except for commercial real property located in Fresno, and Trustees have indicated they will not make distributions from the Sub-Trusts until the Petitioners accept the accounts and reports they have provided;</li> <li>However, Petitioners cannot accept the Trustees' accounts and reports because the accounts and reports are deficient, and the Trustees have failed to respond to Petitioners' questions and requests for information;</li> <li>Petitioners seek Court orders instructing Trustees to provide the previously requested information, compelling Trustees to submit Sub-Trust accountings for 2011, 2012 and 2013 to the Court for approval, and instructing Trustees to distribute the Sub-Trust assets according to trust terms;</li> </ul> <p align="center"><i>~Please see additional page~</i></p>	<p><b>NEEDS/PROBLEMS/ COMMENTS:</b></p>
Virginia DOD: 4/29/2012		<p><b>Continued from 7/21/2014.</b> Minute Order states Ms. Esraelian is appearing specially for Attorney Melvin Rube.</p> <p>1. <i>Proof of Service by Mail</i> of the Notice of Hearing filed 5/29/2014 shows both of the Trustees were mailed notice in care of Attorney Robyn Esraelian. Notice sent by mail must be mailed individually and directly to the person entitled to notice pursuant to CA Rule of Court 7.51(a)(1) and (2). Court may require direct notice to the Trustees.</p>
Cont. from 070714, 072114		<p><b>Reviewed by:</b> LEG</p>
Aff.Sub.Wit.		<p><b>Reviewed on:</b> 8/13/14</p>
✓ Verified		<p><b>Updates:</b></p>
Inventory		<p><b>Recommendation:</b></p>
PTC		<p><b>File 12 - Espinosa</b></p>
Not.Cred.		
✓ Notice of Hrg		
✓ Aff.Mail W /		
Aff.Pub.		
Sp.Ntc.		
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Conf. Screen		
Letters		
Duties/Supp		
Objections		
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9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

**Petitioners state, continued:**

- On 8/18/2009, Virginia Espinola, as sole surviving Trustee following Oliver Espinola's death on 9/1/2006, appointed James and Irene to serve as Co-Trustees with her (*copy of First Amendment to the trust attached as Exhibit B*); James and Irene have continued to serve as Trustees of the Sub-Trusts since Virginia's death on 4/29/2012;
- The Sub-Trusts provide that upon Virginia's death, all of the assets of the Sub-Trusts shall be distributed outright and free of trust among the Settlor's 5 children (**EUGENE ESPINOLA, MARVIN ESPINOLA, MARGARET CORVELLO, JAMES DOUGLAS ESPINOLA and IRENE ESPINOLA ST. MARTIN**).
- Status of Trust Administration: Despite the fact that the total value of Sub-Trusts assets is **~\$8 million** (based on asset schedule provided by Trustees on 1/8/2014 showing **~\$4 million in SURVIVOR'S TRUST; ~\$2 million in RESIDUAL TRUST; and ~\$2 million in MARITAL TRUST**), the Trustees have not made any distributions to the beneficiaries in the 2 years since Virginia's death;
- The most significant asset held by each of the Sub-Trusts is an undivided interest in a commercial rental property located on Fir Avenue in Fresno; the Sub-Trusts collectively own the entire property has an estimated fair market value of **~\$4.4 million** according to schedule of assets provided by Trustees;
- Petitioners believe the Trustees have rented some of the commercial property but that a portion of the property has been vacant since it was purchased in 2007; according to the fiduciary income tax returns provided by the Trustees, the commercial property generates very little income; 2012 tax returns attributed taxable income to the commercial property of **\$24,575.00**; based on the Trustees estimated value of **\$4.4 million**, this represents an annualized return on investment before taxes of **~0.5%** (1/2 of 2 percent);
- Despite that the commercial property continues to deplete the Sub-Trusts, the Trustees have indicated that they would like to keep the commercial property in the Sub-Trust until it is sold; however, Petitioners believe the Trustees have taken little action to lease or sell the property; although they have hired a broker, the Trustee's attorney indicates the Trustees have only had 3 parties interested in purchasing the commercial property since 2007;
- The Trustees intend to keep the commercial property in the Sub-Trusts until it is sold, yet they have not make any reasonable efforts to sell it, leading Petitioners to the reasonable conclusion that the Trustees are keeping the commercial property in the Sub-Trusts so that they can remain in control of the property and profit from the ongoing administrations of the Sub-Trusts;
- **Petitioners request an order from this Court instructing the Trustees to immediately distribute the commercial property from the Sub-Trusts to the beneficiaries in equal shares.**
- Requests for Trust Accountings for 2011 through 2012: On 6/20/2012, Petitioners' former attorney (Alan Niebel) sent a letter to Trustee's attorney, Ms. Esraelian, requesting an accounting of the Sub-Trusts from 2011 through Virginia's date of death on 4/29/2012 (*see Exhibit B attached to Declaration of Mason L. Brawley filed 5/12/2014*); on 5/29/2013, Petitioners' attorney (Judy Jensen) reiterated the request for accountings from 2011 through Virginia's date of death on 4/29/2012 and requested accountings for 2012 and 2013 (*see Exhibit C attached to Declaration of Mason L. Brawley filed 5/12/2014*); on 8/26/2013, Petitioner's attorney (Mason Brawley) sent another letter to Ms. Esraelian requesting accountings of the Sub-Trusts for 2011, 2012 and the period following Virginia's date of death on 4/29/2012 (*see Exhibit D attached to Declaration of Mason L. Brawley filed 5/12/2014*).

~Please see additional page~

**Petitioners state, continued:**

- Accountings for 2011 through 2012 are Deficient: The Trustees finally provided the beneficiaries with partial accounts for the Sub-Trust in November 2013, after two additional emails to Ms. Esraelian in October 2013 (*copies of accounts attached as Exhibits C, D, E, F and G*); Petitioners object to these accountings due to several deficiencies [*described in significant detail at lines 12 to 28 on page 5, lines 1 to 22 on page 6 of petition; briefly, deficiencies include such things as:*
  - failing to identify the check numbers and payees of disbursements, which may have been made to themselves or relatives;
  - failing to itemize the individual securities held in investment accounts valued at **\$1,299,990** and **\$216,733**; without that information Petitioners cannot ascertain whether the investments are reasonable and prudent, or whether interest income was adequate;
  - disbursements show penalties on payment to Franchise Tax board which is unexplained as to why trust did not timely pay tax liability;
  - Payments of **\$22,752** for tax preparation services have not been confirmed as made to Irene (Trustee), who is a CPA and prepares the accountings and tax returns for the Sub-Trusts; these expenses may be excessive given that the Trustees did not provide the accountings until November 2013.

Until such time as a full and complete account for each year is received, Petitioners are unable to assert additional objections with specificity.

- Petitioner's requests for further information from the Trustee: Upon receipt by Petitioners and their review, on 1/23/2014 Petitioners requested explanations and supporting documentation for several transactions, and supplemented their request in an email to Ms. Esraelian on 2/25/2014 (*see Exhibit D attached to Declaration of Mason L. Brawley filed 5/12/2014*);
- Trustees still have not provided the requested information or filed the accountings with the Court, despite that an additional two months have lapsed since Ms. Esraelian's reply on 3/11/2014 stating that the Trustees were preparing the accountings for court approval;
- Petitioners requests for information are reasonable and the Trustees are required to provide the requested information in accordance with Probate Code § 16061.
- Trustees have breached their duties to the Beneficiaries: [*List of duties breached include*]:
  - Duty to Administer the Trust according to its Terms
  - Duty to Deal Impartially with Beneficiaries
  - Duty to Make Trust Assets Productive
  - Duties to Account and Furnish Information

Until such time as a full and complete account for each year is received, Petitioners are unable to assert additional breaches of trust with specificity.

- Trustees' failure to properly account for the Sub-Trusts, refusal to comply with Petitioners' reasonable requests for information and breaches of fiduciary duties has cause unnecessary delay in the administration of the Sub-Trusts; the legal expenses uncured are driven entirely by Trustees' failures to perform their duties as required;
- Any expense uncured by the Trustees' in complying with this Petition should be borne personally by the Trustees and should not be an expense of the Trust.

**~Please see additional page~**

**Petitioners pray for the following Court orders:**

1. Instructing Trustees to prepare a complete and thorough accounting of each of the Sub-Trusts in accordance with Probate Code § 1061 through 1063, and 16060 through 16063 for the period of 1/1/2011 through 12/31/2013, and to submit such accountings to the Court for approval **no later than 30 days after the date of the order**;
2. Instructing the Trustees to provide responses to questions and requests for supporting documentation emailed to Ms. Esraelian on 1/23/2014 and 2/25/2014;
3. Instructing the Trustees to distribute the assets held by the Sub-Trusts to the beneficiaries; and
4. That the legal fees and costs incurred by **JAMES DOUGLAS ESPINOLA** and **IRENE ESPINOLA ST. MARTIN**, as the Trustees, in complying with the foregoing orders shall be borne by **JAMES DOUGLAS ESPINOLA** and **IRENE ESPINOLA ST. MARTIN** personally.

***Response of Irene E. St. Martin and James D. Espinola, Co-Trustees of the Espinola Family Trust of 1990, to the Petition for Order 1) Instructing Trustees to Provide Supporting Documentation; 2) Compelling Trustees to Account; and Instructing Trustees to Distribute Trust Assets was filed by Melvin Rube on behalf of Irene E. St. Martin and James D. Espinola, Co-Trustees, on 7/18/2014.***

- Respondents admit and deny specified paragraphs of the *Petition*;
- Regarding allegations set forth on Page 5, line 1 through line 6, line 24, the Respondents submit the documents, listed below:
  - Accounting of the **MARITAL TRUST** from 1/1/2011 through 12/31/2011 attached as Exhibit 1;
  - Accounting of the **RESIDUAL TRUST** from 1/1/2011 through 12/31/2011 attached as Exhibit 2;
  - Accounting of the **MARITAL TRUST** from 1/1/2012 through 12/31/2012 attached as Exhibit 3;
  - Accounting of the **RESIDUAL TRUST** from 1/1/2012 through 12/31/2012 attached as Exhibit 4;
  - Accounting of the **SURVIVOR'S TRUST** from 4/29/2012 through 12/31/2012 attached as Exhibit 5;
  - Accounting of the **MARITAL TRUST** from 1/1/2013 through 12/31/2013 attached as Exhibit 6;
  - Accounting of the **RESIDUAL TRUST** from 1/1/2013 through 12/31/2013 attached as Exhibit 7;
  - Accounting of the **SURVIVOR'S TRUST** from 1/1/2013 through 12/31/2013 attached as Exhibit 8;
- Regarding allegations set forth on Page 6, Paragraph 6, line 25 through Page 7 line 8, the Respondents submit the documents, listed below:
  - Response to 2011 Schedule C Disbursements Questions attached as Exhibit 9;
  - Response to 2012 Schedule C Disbursements Questions attached as Exhibit 10;

**Respondents pray for an order denying and dismissing the petition, and for costs.**

Atty Kruthers, Heather H., of County Counsel's Office (for Petitioner Public Guardian)  
 Atty LeVan, Nancy J., sole practitioner (Court-appointed for Conservatee)

**Petition for Appointment of Probate Conservator of the Person and Estate  
 (Prob. C. 1820, 1821, 2680-2682)**

Age: 73 years		<p><b>TEMPORARY GRANTED EX PARTE EXPIRES                  7/16/2014; extended to 8/18/2014</b></p> <p><b>PUBLIC GUARDIAN</b> is Petitioner and requests appointment as Conservator of the Person and Estate with medical consent and dementia powers to administer dementia medications, and for placement in a secured-perimeter facility.</p> <p><b>Capacity Declaration of Hoyle Leigh, M.D. filed 7/2/2014 supports request for medical consent and dementia powers.</b></p> <p><b>Estimated Value of the Estate:</b>                  Personal property - <b>\$40,000.00</b>                  Annual income - <b>\$ 600.00</b>  <b>Total - \$40,600.00</b></p> <p><b>Voting Rights Affected</b></p> <p><b>Petitioner states</b> the proposed Conservatee suffers from diabetes, hypertension and other medical conditions, and uses the assistance of a wheelchair due to hip and leg pain; in addition she has a history of depression and suffers from dementia. Petitioner states the proposed Conservatee has been married to <b>RESENDO TOSCANO</b> since 1962, they have 7 children, and there is a long history of domestic abuse between the proposed Conservatee and her husband, as well as financial abuse from some of their children. Petitioner states the family is well-known by several agencies including Adult Protective Services (APS) and the Police Department, the latter agency having received 39 calls in 12 months for physical abuse, financial abuse, warrants and various criminal activity;</p> <p align="center">~Please see additional page~</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Court Investigator Advised Rights on 8/1/2014.</b></p> <p><b>Voting Rights Affected – Need Minute Order.</b></p> <p><b>Note:</b> Petition for Appointment of Probate Conservator filed by the Public Guardian for <b>RESENDO TOSCANO</b>, the spouse of this proposed Conservatee, is set for hearing on <b>8/28/2014</b> (Case 14CEPR00641).</p> <p>1. Need declaration regarding discussion with the proposed Conservatee for the sale of her residence, pursuant to Probate Code § 2540(b).</p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input checked="" type="checkbox"/>	Cap. Dec.			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W/
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input checked="" type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input checked="" type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 8/13/14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 13 – Toscano</b></p>		

**Petitioner states, continued:**

- The APS referral indicates the proposed Conservatee was admitted to Community Regional Medical Center 10 times from January to June 2013 due to being a dependent adult unable to provide care for herself, she has been discharged 7 times to skilled nursing facilities and each time has returned home, and that her home is filthy and cockroach infested;
- The proposed Conservatee's Social Security benefits are allegedly taken by certain of her sons, rather than used for her needs.

**Petitioner requests** the authority to sell the proposed Conservatee's **50%** interest in her home located at 1310 N. Thorne Ave., Fresno, and authority to retain the services of a licensed real estate broker to assist in the sale of the real property (per *Amendment* filed 7/30/2014 to the *Petition for Appointment of Probate Conservator*; *Amendment* states it is also being requested in the *Petition* filed for the appointment of Conservator of **RESENDO TOSCANO** (Case 14CEPR00641), who holds joint tenancy in the home with proposed Conservatee, that sale of his **50%** interest in the home be authorized.)

**Note:** *Order Appointing Temporary Conservator* filed 7/21/2014 grants the following additional powers to the Public Guardian as Temporary Conservator:

- (1) Authority to make medical decisions;
- (2) Authority to keep the Conservatee's whereabouts confidential pending further order of the Court;
- (3) No visitation is allowed with the Conservatee by anyone other than the Conservator pending further order of the Court. (*Please refer to Minute Order dated 7/16/2014.*)

**Court Investigator Dina Calivillo's Report was filed on 8/12/2014.**

<b>DOD: 03/15/2014</b>	<b>EMILY PRIOLEAU</b> , daughter, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need Order.
	40 days since DOD	
	No other proceedings	
<b>Cont. from</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>	I&A - <b>\$126,500.00</b>	
<input checked="" type="checkbox"/> <b>Inventory</b>	Decedent died intestate	
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Petitioner requests Court determination that decedent's 100% interest in real property located at 260 N. Adoline Ave, Fresno, Ca. and 100% of household furnishings and personal effects pass to Emily Prioleau pursuant to intestate succession.	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	w/	
<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>	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>Reviewed by: LV</b>
		<b>Reviewed on: 08/14/2014</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 16 – Snyder</b>

**Probate Status Hearing Re: Failure to File the Inventory and Appraisal and for Failure to File a First Account or Petition for Final Distribution**

<b>DOD: 06/13/2003</b>	<b>RICHARD MONIZ</b> and <b>HELEN MONIZ</b> , were appointed Executors with full IAEA authority without bond on 09/30/2002.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute Order of 07/07/2014: Counsel reports that he has been unable to locate Richard Moniz and Helen Moniz.</b></p> <p><b>Minute Order of 05/30/2014: No appearances. The Court sets the matter for an Order to Show Cause on 07/07/2014 regarding failure to appear. The Court orders Michael Milnes to be personally present on 07/07/2014.</b></p> <p><b>Copy of Minute Order mailed to Michael Milnes on 05/30/2014.</b></p> <p><b>Minute Order of 02/07/2014: No appearances. Mr. Milnes is directed to contact his clients regarding this matter.</b></p> <p><b>Copy of Minute Order mailed to Michael Milnes on 03/06/2014.</b></p> <p>1. Need Final Inventory and Appraisal and First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
	Letters issued on 02/23/2004.	
	Inventory and Appraisal was due 02/23/2004.	
<b>Cont. from 020714, 032814, 053014, 070714</b>	First Account or Petition for Final Distribution was due on 11/2004.	
<b>Aff.Sub.Wit.</b>	Notice of Status Hearing was mailed to Michael Milnes, Attorney, Richard Moniz, and Helen Moniz on 11/20/2013.	
<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: LV</b>
		<b>Reviewed on: 08/13/2014</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 17 – Gracie</b>

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution

<b>DOD: 9/8/2004</b>	<p><b>GARY W. O'MEARA</b> was appointed Administrator with full IAEA authority and without bond on 1/4/2006.</p> <p>Letters issued on 1/4/2006.</p> <p>Inventory and appraisal filed on 12/19/2006 shows the estate valued at \$378,000.00.</p> <p><b>Status Report filed on 6/17/14 states</b> on Friday, June 13, 2014 Mr. Rube received the bank statements for the estate account for the years 2006 – 2014, which now allows him to complete and file the first and final report and account and petition for final distribution. Mr. Rube request a 30 day continuance.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. <b>Need Petition for Final Distribution or current written status report</b> 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 030714, 050914, 061914</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</b></p> <p><b>Reviewed on: 8/13/14</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 18 – Mara</b></p>	

Status Hearing Re: (1) Filing of Bond; (2) Receipt for Funds into Blocked Account

	<b>SHELIA STEARNS</b> was appointed Conservator of the Person and Estate with bond of \$50,000.00 and \$425,000.00 to be placed into blocked accounts pursuant to Evidentiary/Settlement Conference Minute Order dated 2-25-14. The Order was signed on 3-5-14.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Continued from 4-18-14, 5-16-14, 6-9-14, 7-21-14</u>  <b>Minute Order 5-16-14:</b> The Court is advised that the bond has been approved and should be issued within the next 24 hours. The Court is further advised that the money is still in the same account. Continued to 6-9-14.  <b>Minute Order 6-9-14:</b> No appearances. Order to personally appear issued for Mr. Feigel. Court needs bond and receipts from blocked accounts. Continued to 7-21-14.  <b>Note:</b> On 8-13-14, bond of \$50,000.00 was filed; however, Letters need to be submitted in order to issue.  1. Need receipts re blocked accounts (MC-356) or verified written status report pursuant to local rules.  <i>Note: If, per the statement in the last minute order, the money is in one account, it appears it would be over the FDIC limit. Please see applicable law regarding accounts. Need receipts reflecting the blocked accounts and the amounts therein.</i>
<b>Cont. from 041814, 051614, 060914, 072114</b>	Letters have not issued.	
<b>Aff.Sub.Wit.</b>	On 3-5-14, the Court set this status hearing and mailed Notice of Status Hearing to Attorney Feigel.	
<b>Verified</b>	This is the fifth (5 <sup>th</sup> ) status hearing on the matter. At the hearing on 6-8-14, there were no appearances and Mr. Feigel was ordered to be personally present 7-21-14.	
<b>Inventory</b>	On 7-21-14, Mr. Rindlisbacher appeared for the conservator and stated that a substitution would be filed; however, no substitution has been filed yet.	
<b>PTC</b>	On 8-13-14, bond of \$50,000.00 was filed; however, Letters need to be submitted in order to issue.	
<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> 8-13-14	
	<b>Updates:</b>	
	<b>Recommendation:</b>	
	<b>File 19 – Cook</b>	

**Petition for Termination of Guardianship**

Age: 10	<b>EBONY JOHNSON</b> , mother, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>CONTINUED FROM 05/19/14</b>  1. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Termination of Guardianship</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: a. Darrell Carter, Jr. (father)
	<b>DARRELL CARTER, SR.</b> , paternal grandfather, was appointed guardian on 09/16/13. – <i>Personally served on 04/18/14</i>	
	Father: <b>DARRELL CARTER, JR.</b>	
	Paternal grandmother: ROSEMARY JOHNSON – <i>deceased</i>	
Cont. from 051914	Maternal grandfather: JB JOHNSON – <i>Consent &amp; Waiver of Notice filed 03/17/14</i>	
Aff.Sub.Wit.	Maternal grandmother: GWENDOLYN BABER – <i>Consent &amp; Waiver of Notice filed 03/17/14</i>	
✓ Verified	<b>Petitioner states</b> that she can provide a home and life for Essence now. She has been clean and sober for 13 months and is currently in maintenance attending NA meetings 4-5 times a week. She graduated from a women's support group and has completed a parenting class. She is currently residing in transitional housing through a program she completed with her 2 other daughters. Petitioner feels that it is in Essence's best interest that she be back with her mother.	
Inventory		
PTC		
Not.Cred.		
✓ Notice of Hrg		
Aff.Mail	x	
Aff.Pub.		
Sp.Ntc.		
✓ Pers.Serv.	w/	
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
✓ CI Report	<b>Court Investigator JoAnn Morris filed a report on 05/12/14.</b>	
9202		
✓ Order	<b>Declarations filed by Darrell Carter, Guardian on 08/13/14</b> attaches letters from Darrell Carter, Jr. (father) and Darrell Carter (guardian) expressing that they both feel that the guardianship should remain in place at this time to allow both of the parents more time to exhibit stability and sobriety.	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 08/13/14
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 21 - Carter</b>

Pro Per Mack, Wealthy (Pro Per Petitioner, maternal great grandmother)  
 Pro Per Wilson, Shamika (Pro Per Guardian, maternal aunt)

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

Hasainah Age: 8 years	<p><b>General Hearing set for 10/9/2014</b></p> <p><b>WEALTHY MACK</b>, maternal great grandmother, is Petitioner.</p> <p><b>SHAMIKA WILSON</b>, maternal aunt, was appointed Guardian on <b>2/7/2011</b>.</p> <p>Father: <b>HASAIN MUHAMMAD, SR.</b>                  Mother: <b>SHAUNTÉ SUZETTE MADDEN</b></p> <p>Paternal grandfather: Hasaam Muhammad                  Paternal grandmother: Sherly An Muhammad</p> <p>Maternal grandfather: Patrick Madden, Sr.                  Maternal grandmother: Janelle Wilson</p> <p><b>Petitioner states</b> the Guardian is no longer able to care for the children as her health is deteriorating fast due to multiple sclerosis, and she is unable to provide them with a safe home as she allows her newly acquainted men into the home with the children. Petitioner states the Guardian's man friend is a convicted felon and moved in immediately into the home where the children are staying;</p> <p><b>~Please see additional page~</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> Guardian Shamika Wilson petitioned to be guardian of the children's estates in Case 14CEPR00482 and Case 14CEPR00483 to collect life insurance proceeds of ~\$800.00 to be distributed to each child. Status Hearing is set on <b>10/2/2014</b> for filing of the receipts for the blocked accounts that were authorized by the Court.</p> <p>1. There is currently no vacancy for a guardian, as Shamika Wilson was appointed as Guardian of the children on 2/7/2011. Petitioner would need to file a petition for removal of the guardian pursuant to Probate Code § 2650, or file a declaration from the current Guardian tendering her resignation as guardian of the children pursuant to Probate Code § 2660.</p> <p>2. Need <i>Notice of Hearing</i> and proof of five (5) court days' notice by personal service of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence</i> for:</p> <ul style="list-style-type: none"> <li>• Shamika Wilson, Guardian;</li> <li>• Shaunté S. Madden, mother;</li> <li>• Hasain Muhammad, Sr., father.</li> </ul> <p><b>~Please see additional page~</b></p>	
Hasain Age: 6 years			
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input type="checkbox"/> Notice of Hrg			X
<input type="checkbox"/> Aff.Mail			
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			X
<input checked="" type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Aff. Posting			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input checked="" type="checkbox"/> Letters			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
		Reviewed by: LEG	
		Reviewed on: 8/14/14	
		Updates:	
		Recommendation:	
		File 25 – Muhammad & Madden	

**Petitioner states, continued:**

- Less than a month ago, another man moved in to the Guardian's home and the children reported to Petitioner that they saw a video on the Guardian's phone showing the man and the Guardian performing various sex acts;
- The Guardian has allowed the man to roam around the house naked, and when Hasain reported to the Guardian that the man hit him with a belt the Guardian did not believe it;
- Also, the man has a picture of Hasainah in her pajamas on his cell phone which he has shown his friend, and this concerns Petitioner greatly;
- The Guardian has told the children not to report to anyone what goes on in their home and if they do she will call the police and they will be taken away;
- The Guardian yells at the children and tells them she hates them, and calls Hasainah a [curse word omitted], and as a result Hasainah ran away and called Petitioner to go for her, and Petitioner did;
- The Guardian handed Petitioner a handwritten note stating that Petitioner could keep the children for the summer; (note dated 5/10/2014 attached to Petition); however, now the Guardian is calling and asking that Petitioner return the children to her immediately or she will call the police on her;
- Petitioner fears for the children's safety because the Guardian is not keeping her psychotherapeutics appointments, and Petitioner is afraid for the children especially because the Guardian states she wants to go join her deceased mother;
- In order to keep the children safe, Petitioner is asking for [temporary guardianship].

**Petitioner attaches to the *Petition* a signed handwritten note dated 5/10/2014 stating:** "I Shamika T. Wilson legal guardian of Hasainah J. Muhammad am giving legal guardianship to Wealthy M. Mack."

**NEEDS/PROBLEMS/COMMENTS, continued:**

3. Need UCCJEA form to be filed with the Court showing the children's current and past residences for the last 5 years.