



ATTENTION

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

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

Thank you for your patience.

1 Estate of Allen James Nichelini aka Allen J. Nichelini, Jr. Case No. 0485451
Attorney Sahin, Peter A. (of Long Beach, CA, for Allen J. Nichelini, Jr. – Petitioner)
Petition to Enforce Settlement Agreement

DOD: 1/3/92	ALLEN J. NICHELINI, JR., Son, is Petitioner.	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p><u>SEE ADDITIONAL PAGES</u></p>
	Petitioner states he and Respondent Penny Raven entered into a written settlement agreement effective 11/15/94 to resolve litigation surrounding a will contest over the decedent's estate. Respondent has not performed the promises contained therein. The terms relating to the distribution of estate corporate shares in A. Nichelini Family, Inc., have not been carried out. The lack of performance has led to a material breach of the settlement agreement thus warranting court issuance of an order enforcing the settlement terms. Petitioner requests that this court issue an order distributing the subject corporate shares pursuant to the settlement terms.	
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<input type="checkbox"/> FTB Notice	<p>Petitioner provides background information as follows: On 2/24/93, a purported will was alleged to have been created. Decedent died 1/3/92, survived by his wife Patricia E. Nichelini and two issue, Petitioner and Respondent. The true names and capacities of Respondents DOES 1 through 10 whether individual, corporate, associate, or otherwise, are unknown to Petitioner at the time of filing this petition; therefore, Petitioner sues said Respondents by such fictitious names and will ask leave of court to amend this contest when ascertained.</p> <p>On or about 2/24/93, Respondent filed a Petition for Probate of Will and Letters Testamentary. On 6/21/93, Petitioner opposed and contested Respondent's petition and a will contest ensued. Respondent was appointed Special Administrator sometime between 6/21/93 and 6/16/95.</p> <p>On 6/16/95, the Probate Administration was terminated based on a petition by Respondent that the assets subject to administration were worth less than \$60,000.00.</p> <p><u>SEE ADDITIONAL PAGES</u></p>	
		Reviewed by: skc
		Reviewed on: 8/11/15
		Updates:
		Recommendation:
		File 1 – Raven/Nichelini

Petitioner states as confirmed in the Petition for Termination of Further Proceedings, the sole estate asset was 3,600 shares in A. Nichelini Family, Inc., a California Corporation. The parties entered into a written settlement agreement (attached) to resolve litigation surrounding a will contest. Respondent has not performed the promises contained therein. The agreement provides that Penny shall receive all shares as set forth in the will, but agrees to give 30% of said shares to Petitioner, provided that she retains all of the voting rights for those shares until her death, at which time the voting rights for those shares shall vest in Allen, his heirs, successors, or assigns. The settlement also provides for recovery of costs of suit and reasonable attorney fees by the prevailing party in any action brought to enforce or interpret the agreement. Petitioner alleges that Respondent has failed to transfer 30% of the subject shares, which instead have been retained exclusively by Respondent.

Petitioner provides points and authorities citing CCP §664.6 and various case law and prays for an order as follows:

1. Confirming Petitioner as the prevailing party in this action and awarding his costs and reasonable attorney fees payable by Respondent;
2. Entering judgment in favor of Petitioner transferring from Respondent the undistributed present day equivalent (incorporating any stock splits, buybacks, etc., since 6/16/95) of the 1,080 shares of A. Nichelini Family, Inc., and ordering that the acting Secretary of A. Nichelini Family, Inc., effectuate said transfer; and
3. For such other and further relief as the court deems just and proper.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS:

1. This petition is not appropriately filed in this Probate Court. There is no open probate proceeding, and Petitioner has not cited Probate Code that allows the requested relief pursuant to Local Rule 7.1.1.C. Need authority for requesting relief in this closed estate case from this Probate Court in Fresno Superior Court. If Petitioner feels litigation within this estate case is appropriate, need authority for doing so without formally opening a probate estate.

Examiner notes case history as follows: On 4/27/93, Patricia Raven filed a Petition for Probate of Decedent's Will dated 4/15/87 which devises all business interests solely to Ms. Raven. Ms. Raven was appointed as Special Administrator without bond on 6/18/93 with only the power to vote the estates shares of stock in A. Nichelini Family, Inc.

Allen J. Nichelini, Jr., filed a will contest on 6/22/93. The Court's Minute Order of 4/11/94 states the matter was settled "as stated in record" and the trial was vacated. On 5/10/95, Patricia Raven filed a Petition for Termination of Further Proceedings stating that the property is not subject to administration due to the value of \$10,000.00 (less than \$60,000.00), and on 6/16/95, the Court entered its Order Terminating Proceedings.

Note that no personal representative was ever appointed, no will was ever admitted to probate, and this Court did not enter any judgment on the agreement.

Examiner notes that termination of administration based on the value of the estate implies that some other small estate procedure to pass the shares to the appropriate successor, such as a personal property collection affidavit, may have been intended. However, whether that occurred is unknown; however, any disputes thereafter would simply be civil litigation between the parties regarding their agreement unless an estate is opened and the shares are marshaled by a court appointed personal representative.

2. If this matter goes forward, need date of death of Patricia Nichelini pursuant to Local Rule 7.1.1.D.
3. Petitioner did not submit a proposed order pursuant to Local Rules 7.1.1.F, 7.6.1. If this matter goes forward, need proposed order.

Second and Final Report of Administration of Estate by LaVerne T. Coelho as Executor, and Petition for Final Distribution on waiver of Account, and Waiver of Compensation of Personal Representative and Attorney

DOD: 4/7/96		<p>LAVERNE T. COELHO, Surviving Spouse and Executor with Full IAEA without bond, is Petitioner.</p> <p>Accounting is waived.</p> <p>I&A: \$329,250.00 (real property) POH: \$8,000.00 (fractional interests in certain real property)</p> <p>Petitioner states the decedent's interest in the Kearney Vineyard was conveyed in settlement of litigation without monetary consideration.</p> <p>Executor (Statutory): Waived Executor (Extraordinary): Waived</p> <p>Attorney (Statutory): Waived Attorney (Extraordinary): Waived</p> <p>Distribution pursuant to decedent's will: Laverne T. Coelho, Trustee of the Frank and Laverne Coelho Family Trust: Entire estate</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 7/14/15. The following issue remains:</p> <p>1. Written Acceptance of Trust filed 6/8/15 waives accounting, but does not contain all of the information required by Local Rule 7.12.5, including TIN and verification that the trust is in full force and effect and that the trustee has an executed copy of the trust in her possession.</p> <p>Therefore, need Declaration pursuant to Local Rule 7.12.5.</p>
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		<p>Reviewed by: skc</p> <p>Reviewed on: 8/11/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2 - Coelho</p>	

DOD: 3/7/06		<p>HAL B. HAVLISCH, Executor with Full IAEA without bond, is Petitioner.</p> <p>Accounting is waived by Bethesda Lutheran Communities, Inc., successor to Good Shepherd Lutheran Home of the West, sole distribute pursuant to the decedent's will.</p> <p>I&A: \$148,162.92 POH: \$102,900.14 (cash)</p> <p>Executor (Statutory): \$5,570.46</p> <p>Closing: \$1,025.00 (for closing costs and accountant's fees)</p> <p>Distribution pursuant to Decedent's will:</p> <p>Bethesda Lutheran Communities, Inc., successor to Good Shepherd Lutheran Home of the West: \$38,476.95 (\$102,900.14, less Personal Representative's claim \$57,802.73 and reserve, for a balance of \$38,476.95)</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR</u> Amended petition filed 8/7/15 is set for hearing on 9/21/15.</p>	
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	Pers.Serv.			
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	Objections			
	Video Receipt			
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✓	9202			
	Order			X
	Aff. Posting			
	Status Rpt			
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	Citation			
N/A	FTB Notice			
Reviewed by: skc				
Reviewed on: 8/11/15				
Updates:				
Recommendation:				
File 3 - Muhley				

4 Joann L. McClay (Estate)

Case No. 06CEPR00372

Atty Alexander, Thomas M., Jr. (of Beverly Hills, CA, for Former Administrator Jeffrey McClay)
Atty Kruthers, Heather H. (for Public Administrator)
Atty Stevenson, Tracy A. (of Orange, CA, for Surety, American Contractors Indemnity Company)
Probate Status Hearing

DOD: 7/27/05	PUBLIC ADMINISTRATOR was appointed Successor Administrator on 1/20/15. Letters issued 2/5/15.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 6/9/15: Ms. Kruthers has not yet seen the Declaration of Tracy Stevenson; she requests 60 days.</p> <p>Note: The above minute order appears to refer to the Declaration filed 6/5/15 by Tracy A. Stevenson, Attorney for Surety, American Contractors Indemnity Company. See Page 2.</p> <p>As of 8/11/15, nothing further has been filed.</p>
Cont from 042115, 060915	History: JEFFREY MCCLAY , Son, was appointed Administrator with Full IAEA with bond of \$252,000.00 on 5/23/06. Bond was filed and Letters issued 8/31/06. I&A filed 2/7/07 indicated residential real property valued at \$300,000.00.	
Aff.Sub.Wit.	On 5/10/07, a Request for Special Notice was filed by Probate Referee Steven Diebert. On 10/12/07, a Creditor's Claim of \$1,105.65 was filed by Cancer Care Associates of Fresno. There was no further activity in the estate the Court set the matter for status hearing in 2013.	
Verified	On 9/10/14, Attorney Alexander filed a petition for final distribution on behalf of his absconded client pursuant to Probate Code §10953(c). The petition indicated that the Administrator borrowed a sum of money to satisfy obligations and expenses of the estate, secured by the real property, and intended to make a distribution to his sister, make necessary repairs, and assume the loan after closing. The attorney was unaware whether any distribution of loan proceeds was made, whether any payment to the sister was made, or whether any repairs were made on the residence. The attorney requested surcharge of the Administrator to the extent of any breach of fiduciary duty, etc., and also requested statutory and extraordinary attorney's compensation.	
Inventory	Minute Order 1/20/15 states: The Court removes Jeffrey McClay and appoints the Public Administrator in order for them to pursue surcharging Mr. McClay on the bond. Tracy Stevenson requests time to have subpoenas issued and gather information. The Public Administrator is to submit a written status report for the 4/21/15 hearing.	
PTC	Status Report Re Estate Assets filed 4/14/15 by Public Administrator states Deputy PA Noe Jimenez spoke with Mr. Alexander, who believed that the only asset, the residence, was lost to foreclosure. He later found out that Mr. McClay may have benefited from a loan he secured against the residence – a line of credit for \$120,000.00 on the house in 2007. It appears he pulled all the credit line money out, and the residence was sold at a trustee sale in 2010 for \$155,000.00. Mr. Jimenez believes he has found an accurate address for Mr. McClay in Sacramento, CA. The PA and counsel agree that Mr. McClay should be surcharged the full amount of the property listed on the I&A, \$252,100 of which should be paid by the bond company, less any amounts that the company can recover or show were paid to benefit the estate.	
Not.Cred.		
Notice of Hrg		
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FTB Notice		
		<p>Reviewed by: skc</p> <p>Reviewed on: 8/11/15</p> <p>Updates:</p> <p>Recommendation: File 4 - McClay</p>

Declaration of Tracy A. Stevenson Regarding Discharge of Surety's Liability Upon Bankruptcy of Personal Representative filed 6/5/15 states: Jeffrey M. McClay, the decedent's son, was appointed administrator of the decedent's estate on or about 5/23/06. ACIC filed its administrator's bond on behalf of Jeffrey M. McClay in the penal sum of \$252,100 on or about 8/31/06. In applying for that bond, McClay executed an indemnity agreement wherein he agreed to indemnify and reimburse the surety for all losses, attorney fee, and costs of any nature resulting from issuance of the bond.

On or about 7/8/08, while still acting as administrator of the estate, Jeffrey M. McClay filed a Voluntary Petition for Bankruptcy in the Eastern District of California, Case Number 2008-14472. That petition disclosed that he was administrator of the estate and as such held titled to the decedent's real property, subject to an encumbrance, and that he was an heir of the estate.

Because he was administrator at the time he filed for bankruptcy protection, the estate is charged with having knowledge of the bankruptcy filing and will failing to take action to seek relief from the bankruptcy court to protect its interests or pursue a claim. As such the estate's claim against McClay has been discharged by the bankruptcy court and the estate is barred from pursuing surcharge against him.

Because a claimant is required by law to obtain a surcharge judgment against a fiduciary before the surety's liability arises, the estate is legally precluded from proceeding against the surety in this matter.

Because McClay is bound by an indemnity agreement to indemnify the surety for all losses and fees and costs in connection with the bond, pursuing the surety would cause post-discharge economic loss to McClay and interfere with the fresh start granted by his bankruptcy discharge. (The surety did not receive notice of the bankruptcy action and the bankruptcy discharge does not preclude the surety from seeking indemnity from McClay, which it would do.)

See authority provided.

The declaration concludes that the estate's ability to pursue surcharge against Jeffrey McClay has been discharged by the bankruptcy court, and the estate's ability to pursue the surety on its bond is also discharged for two reasons: 1) a surcharge against McClay is a prerequisite to pursuing the surety, and a surcharge cannot be sought; and 2) pursuit of the surety would violate the fresh start objective of the Bankruptcy Code.

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

		PUBLIC GUARDIAN , Conservator, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If the petition is granted, a status hearing will be set as follows:</p> <ul style="list-style-type: none"> Wednesday, June 21, 2017 at 9:00 a.m. in Department 303, for the filing of the fourth account. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>
		Account period: 3/23/13 – 4/30/15	
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.	Accounting - \$98,524.86	
<input type="checkbox"/>	Verified	Beginning POH - \$32,948.63	
<input checked="" type="checkbox"/>	Inventory	Ending POH - \$31,903.02	
<input type="checkbox"/>	PTC	Conservator - \$904.02	
<input type="checkbox"/>	Not.Cred.	(4.67 Deputy hours @ \$96/hr and 6 Staff hours @ \$76/hr)	
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	Attorney - \$1,250.00	
<input type="checkbox"/>	Aff.Pub.	(Less than allowed per Local Rule)	
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	Bond fee - \$316.80 (o.k.)	
<input type="checkbox"/>	Conf. Screen	Petitioner prays for an Order:	
<input type="checkbox"/>	Letters	1. Approving, allowing and settling the third account;	
<input type="checkbox"/>	Duties/Supp	2. Authorizing the conservator and attorney fees and commissions;	
<input type="checkbox"/>	Objections	3. Payment of the bond fee.	
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
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<input type="checkbox"/>	Citation		
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		Reviewed by: KT	
		Reviewed on: 8/12/15	
		Updates:	
		Recommendation:	
		File 5 – Frantz	

DOD: 06/24/10	<p>ROGER ROWELL and DAVID E. ROWELL, were appointed as Co-Administrators with Full IAEA without bond on 02/17/11. Letters were issued on 02/17/11.</p> <p>On 10/21/11, David E. Rowell resigned as Co-Administrator. New Letters were issued to Roger Rowell as the sole Administrator on 11/01/11.</p> <p>Inventory & Appraisal filed 11/29/11 shows an estate value of \$289,000.00 (1/7th of a 40% interest in real property).</p> <p>On 02/08/13, the Court removed Roger Rowell and appointed the Public Administrator as Successor Administrator.</p> <p>Numerous Status Hearings have been heard since 2013. Minute order from the last Status Hearing Re Filing of the First and Final Account on 06/09/15 set this matter for status and states: Counsel is to file a verified Status Report regarding the assets in the estate, the original Inventory & Appraisal, what assets remain, and the efforts to contact the former Administrators; a petition to close the estate and request discharge may also be filed. The status hearing may come off calendar if the petition is filed at least two court days prior to 08/18/15.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Status Report and/or Petition to Close the Estate.</p>		
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UCCJEA				
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FTB Notice				
			Reviewed by: JF	
			Reviewed on: 08/12/15	
			Updates:	
		Recommendation:		
		File 7 – Rowell		

8 Cain Blanco, Trinity Blanco and Vanity Blanco (GUARD/P)

Case No. 11CEPR00659

Petitioner: Oriana S. Blanco (pro per)
 Guardian: Rosemary Blanco (pro per)

Petition for Termination of Guardianship

		ORIANA S. BLANCO , mother, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing on: <ol style="list-style-type: none"> a. Rosemary Blanco (guardian) b. Anthony Blanco (father) c. Cain Blanco (minor) d. Trinity Blanco (minor) e. Jesse Blanco (paternal grandfather) f. Joe Rodriguez (maternal grandfather) g. Grace Amerino (maternal grandmother) 	
		ROSEMARY BLANCO , paternal grandmother, was appointed guardian on 1/15/13.		
Cont. from		<p>Please see petition for details.</p> <p>Court Investigator filed 8/11/15</p>		
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				Reviewed by: KT
			Reviewed on: 8/12/15	
			Updates:	
			Recommendation:	
			File 8 – Blanco	

9 Morgan Elizabeth Pasley (CONS/PE) Case No. 12CEPR00938

Attorney Erlach, Mara M. (for Debra Pasley – Conservator – Petitioner)

**Second Amended Account Current and Report of Conservator; Petition of Conservator
Petition for its Settlement, for Allowance of Attorneys Compensation and for its Termination**

		<p>DEBRA PASLEY, Mother and Conservator of the Person and Estate with bond of \$15,000.00, is Petitioner. <i>(Not verified.)</i></p> <p>Account period: 3/28/13 – 10/17/14 Accounting: <u>Not provided</u> Beginning POH: \$13,438.31 Ending POH: \$70,195.61 (\$1,715.61 plus a 1/5 interest in real property in Virginia valued at \$68,480.00)</p> <p>Petitioner states: Inventory and Appraisal was filed 6/5/13 showing the value of the estate to be \$13,438.31. Summary of account and supporting schedules are provided at Exhibit B. <i>(See #1.)</i></p> <p>As reflected in prior pleadings, the Conservator and Conservatee moved out of state. The Conservator was appointed Guardian of the Conservatee in Oklahoma by Court order and Letters issued on 8/13/14.</p> <p>Petitioner does not request compensation for her services.</p> <p>Petitioner requests attorney's compensation as set forth in Exhibit "C." <i>(See #3.)</i></p> <p>Petitioner prays:</p> <ol style="list-style-type: none"> 1. That this account and report be approved and settled; 2. That the acts of the Conservator shown in the account and report be approved; 3. That, upon settlement of this account, the Conservator be directed to pay her attorneys, McCormick Barstow, LLP, compensation for services rendered and, as yet, unpaid; 4. That the Conservatorship in California be terminated; and 5. That the Court grant such other and further relief as it deems just and proper. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 6/2/15: Counsel (John Hastrup) advises that previous counsel, Ms. Erlach, has resigned from their practice. Counsel is directed to obtain the signature of the Conservator for the account, with all additional documents being filed no later than 8/4/15.</p> <p>As of 8/11/15, nothing further has been filed.</p> <p>Note: A Substitution of Attorney has not been filed; therefore, Mara M. Erlach remains attorney of record.</p> <p><u>SEE ADDITIONAL PAGES</u></p>
Cont. from 042315, 060215			
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<input type="checkbox"/>	UCCJEA		
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<input type="checkbox"/>	FTB Notice		
			<p>Reviewed by: skc</p> <p>Reviewed on: 8/11/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 9 – Pasley</p>

9 Morgan Elizabeth Pasley (CONS/PE) Case No. 12CEPR00938

1. This petition does not provide any accounting in the form required by Probate Code §§ 2620, 1060, or any mandatory schedules on the required Judicial Council forms.

Need amended petition with accounting, schedules, including required mandatory form for summary. Although Petitioner has been appointed Guardian in Oklahoma, this Court retains jurisdiction for settling accounts pursuant to Probate Code §2630.

The only schedule provided at Exhibit B is a statement of property on hand, labeled as "receipts," but which does not show any account summary, receipts, disbursements, etc., and further indicates that the conservatorship estate cash has been reduced by \$11,722.70 without explanation.

Note: The Conservatee's interest in the Virginia real property is not an asset of this conservatorship estate, but should be referenced in its own schedule pursuant to §1063(h).

2. This petition is not verified by the Conservator as required by Probate Code §§ 1021, 1023. (Note: §1023 provides that an attorney may sign or verify on a client's behalf if he or she is absent from the county unless the person is a fiduciary appointing in the proceeding.)
3. Petitioner requests attorney's compensation pursuant to Exhibit C, but no Exhibit C is attached.
4. Need Notice of Hearing.
5. Need proof of service of Notice of Hearing at least 15 days prior to the hearing pursuant to Probate Code §1460(b)(6) on:
 - Morgan Elizabeth Pasley (Conservatee)
 - Debra Pasley (Conservator/Fiduciary, since the petition is not verified by her)
 - David Hal Jones (Father)
6. *The Court may also require notice to the surety of any continued or future hearings.*

DOD: 3-29-13		See petition, objections for details.	NEEDS/PROBLEMS/COMMENTS: Minute Order 7/14/15: Parties are waiting for determination to be made by Justice Dibiaso regarding the disputed issues. Update: Status reports were filed 8/12/15 and 8/13/15 by both attorneys. It is expected that a stipulation can be circulated so that the mediator can render his decision. Note: The Order Settling Executor's First Account entered 12-8-14 authorized continuation of the administration for up to one year. A status hearing is set for 1-11-16 for the filing of the Second/Final Account.	
Cont from 020315, 031015, 051215, 061615, 071415				
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<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input checked="" type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		Reviewed by: skc		
		Reviewed on: 8/11/15		
		Updates: 8/13/15		
		Recommendation:		
		File 10 - Carlson		

11C AujaNeek Moore & Mary Jane Roberts (GUARD/P) Case No. 13CEPR01049

Petitioner Debra D. Johnson (Pro Per – Maternal Grandmother – Petitioner)

Petitioner Sherrelle Moore (Pro Per – Maternal Aunt – Competing Petitioner)

Petition for Appointment of Guardian of the Person (Mary Jane)

		See petition for details.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice on: <ul style="list-style-type: none"> - Mary Jane Roberts (Minor) 2. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice or declaration of due diligence on: <ul style="list-style-type: none"> - Donald "Ray" Roberts (Paternal Grandfather), if diligence not found. 	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			X
	Aff.Mail			X
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			X
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 8/12/15	
			Updates:	
			Recommendation:	
			File 11C – Moore/Roberts	

11C

Petition for Settlement and Final Distribution on Waiver of Accounting, Report of Administrator, and Petition for Allowance of Compensation to Administrator and Attorneys for Ordinary Services

DOD: 6/13/12		ELLEN ELLERBROCK , Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Accounting is waived.	
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.	I & A - \$213,513.05	
<input checked="" type="checkbox"/>	Verified	POH - \$213,517.81	
<input checked="" type="checkbox"/>	Inventory	Administrator (statutory) - \$7,270.27	
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.	Attorney (statutory) - \$7,270.27	
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	Costs (certified copies) - \$50.00	
	W/		
	Aff.Pub.		
<input checked="" type="checkbox"/>	Sp.Ntc.	Distribution, pursuant to intestate succession, is to:	
	W/		
	Pers.Serv.		
	Conf. Screen	Ellen Ellerbrock - \$97,090.19	
<input checked="" type="checkbox"/>	Letters	Jerry Crippen - \$97,090.19	
	5/28/14		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 8/12/15
			Updates:
			Recommendation: SUBMITTED
			File 12 – Abston

15 Josephine Hinckley Family Trust 10/6/92 - 4/4/14 Case No.14CEPR00920

Attorney **Jaech, Jeffrey A. (for Gregory Hinckley – Trustee – Petitioner)**

First and Final Account and Report of Trustee and Petition for Its Approval

DOD: 4/26/14	GREGORY HINCKLEY , Successor Trustee, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS:
	Account period: 4/25/14 – 5/2/15	<p>Note: The petition does not specify the proposed distribution. The proposed order indicates distribution as follows:</p> <ul style="list-style-type: none"> - Howard L. Hinckley: 1/2 of the trust estate (\$596,228.73) - Claremont McKenna College: 2/3 of residue for the General Scholarship Fund Foundation (\$237,485.81) - UC Berkeley: 1/3 of residue for scholarships for engineering students attending UC Berkeley. (\$118,742.91)
	Accounting: \$1,270,435.14	
	Beginning POH: \$1,215,537.10	
	Ending POH: \$ 962,457.45	
<input type="checkbox"/> Aff.Sub.Wit.	<p>Petitioner states about 10/14/14, Petitioner filed a petition to establish claim of ownership in favor of trust, etc., under Probate Code §850, seeking recovery of various personal items from Howard L. Hinckley (Chines snuff bottle collection, ivory figurines, silver). The parties reached settlement before hearing, attached as Exhibit 2.</p> <p>The beneficiaries entitled to notice are:</p> <ul style="list-style-type: none"> • Howard Hinckley • Claremont McKenna College • UC Berkeley Foundation <p>Prior distributions:</p> <ul style="list-style-type: none"> • Gloria Taylor: \$10,000.00 (Article Six, ¶1 6.0.1.D) • Gregory Hinckley: Snuff Bottle Collection (Article Six, ¶16.01.C) • Bruce Bickle, as Trustee of the Derek Hinckley Trust: \$200,000.00 (Article Six, ¶16.01.B) <p>Petitioner states under Article Eleven, ¶11.03, Gregory Hinckley is authorized to purchase any tangible personal property for fair market value. He has purchased the trust estate's ivory and silver settings for \$7,700 and \$3,500 respectively, based on appraisal and/or comparable sale prices.</p> <p>Reserve: \$10,000.00 for closing expenses, final income tax returns, and attorneys' fees and costs.</p> <p>Petitioner prays for an order that:</p> <ol style="list-style-type: none"> 1. The first and final account of Petitioner as Trustee be settled, allowed, and approved as filed; 2. All acts and proceedings of Petitioner as Trustee be confirmed and approved; 3. The proposed distribution of the remaining assets of the trust as set forth herein be approved; and 4. Such further order be made as the Court considers proper. 	
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail		W
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		<p>Reviewed by: skc</p> <p>Reviewed on: 8/13/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 15 – Hinckley</p>

Second Amended Petition to Determine Succession to Real Property (Prob. Code §13150)

DOD: 11/28/14		<p>MARY BROWN, WILLIAM DOYLE, and GLENDA THOMPSON, adult children of the decedent, are Petitioners.</p> <p>40 days since DOD</p> <p>No other proceedings</p> <p>I&A: \$65,000.00 (real property located at 1237 Irwin Avenue in Fresno)</p> <p>Decedent died intestate</p> <p>Petitioners request Court determination that the Decedent's 100% interest in the real property passes to them in undivided one-third interests each, as tenants in common.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>	
	Aff.Sub.Wit.			
✓	Verified			
✓	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 8/13/15	
			Updates:	
			Recommendation: SUBMITTED	
			File 16 – Doyle	

Petition for Probate of Will and Letters Testamentary; Authorization to Administer Under the Independent Administration of Estates Act (no orders or letters submitted)

DOD: 12/13/13	TOSHI SAKAI , surviving spouse/named Executor without bond, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 07/30/15 As of 08/11/15, nothing further has been filed and the following notes remain:</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Petition to Administer Estate</i> and proof of service by mail at least 15 days before the hearing of the Notice on all interested parties. 2. Need proof of publication. 3. Need Order and Letters. <p>Note: See page 17B for Report of Special Administrator; Waiver of Accounting; Request for Discharge of Special Administrator; and Request for Dismissal of Petition for Probate.</p>
	Full IAEA – NEED PUBLICATION	
	Will dated 05/09/11	
Cont. from 062515, 073015	Residence: Fresno	
<input type="checkbox"/> Aff.Sub.Wit. s/p	Publication: NEED PUBLICATION	
<input checked="" type="checkbox"/> Verified	Estimated Value of the Estate:	
<input type="checkbox"/> Inventory	Real Property - \$20,000.00	
<input type="checkbox"/> PTC	Probate Referee: RICK SMITH	
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg x		
<input type="checkbox"/> Aff.Mail x		
<input type="checkbox"/> Aff.Pub. x		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters x		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order x		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 08/11/15
		Updates:
		Recommendation:
		File 17A - Sakai

When Petitioner was appointed as Special Administrator, the court required that Petitioner also file a Petition for Probate to administer the estate. A Petition for Probate was filed on 05/13/15, however, there are no assets of the decedent to be administered in a probate proceeding and there are no creditors of the estate. Therefore, there is no reason to administer the decedent's estate and the Petition for Probate should be dismissed.

All beneficiaries of the Trust (Petitioner and her daughters, Carrie Sakai and Leslie Nesley) have signed Waivers of Account and Request for Dismissal requesting that no accounting be required of Petitioner as Special Administrator and that she be discharged as Special Administrator and that the Petition for Probate be dismissed.

Petitioner prays for an Order:

1. Discharging Petitioner as Special Administrator of the Estate without the necessity of an accounting;
2. Dismissing the Petition for Probate filed on 05/13/15 and that this proceeding be brought to an end.

Probate Status Hearing RE: Receipt for Blocked Account

Age:		NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> Receipt filed 8/6/15
DOD:		
Cont. from		
<input type="checkbox"/>	Aff.Sub.Wit.	
<input type="checkbox"/>	Verified	
<input type="checkbox"/>	Inventory	
<input type="checkbox"/>	PTC	
<input type="checkbox"/>	Not.Cred.	
<input type="checkbox"/>	Notice of Hrg	
<input type="checkbox"/>	Aff.Mail	
<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: skc
		Reviewed on: 8/11/15
		Updates:
		Recommendation:
		File 18 – Cantu

Petitioner: Cheri Patterson (pro per)

Petition for Appointment of Guardian of the Person

		TEMPORARY EXPIRES 8/18/15	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of the Notice of Hearing along with a copy of the petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> a. Hannah-Mercedes Gail Clifford (mother) b. Ralph Davidson III (father) – unless court dispenses with notice. 3. Need proof of service of the Notice of Hearing along with a copy of the petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> a. Paternal grandparents b. Maternal grandfather 4. Petition does not include the names and current addresses of the paternal grandparents or the maternal grandfather. 5. Petition does not indicate whether or not the minor has Native American Ancestry (Item 1c(2) and item # 8 of the child attachment).
		<p>CHERI PATTERSON, maternal grandmother, is petitioner.</p> <p>Please see petition for details.</p> <p>Court Investigator Report filed on 8/12/15</p>	
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	X	
<input type="checkbox"/>	Aff.Mail	X	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	X	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			<p>Reviewed by: KT</p> <p>Reviewed on: 8/13/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 19 – Patterson</p>

Waiver Of Accounting and Petition for Final Distribution and Report and Statutory Attorney's Fees

DOD: 5/30/14		<p>CRAIG R. HANSEN, Executor with Full IAEA without bond, is Petitioner.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
		Accounting is waived	<p>Continued from 8/4/15. The following issues remain:</p>
Cont. from 080415		I&A: \$735,000.00	<p>1. The petition does not address whether notice was given to the CA Franchise Tax Board pursuant to Probate Code §9202(c). Declaration filed 8/5/15 states notice was given, but does not indicate when. The Court may require clarification and time for response, if notice was only recently given.</p> <p>2. Need consent to distribution of real property in undivided interests from Lena R. Hansen pursuant to Local Rule 7.12.4.</p>
	Aff.Sub.Wit.	POH: \$735,000.00 (real property consisting of 26.04 acres in Fresno County)	
✓	Verified		
✓	Inventory		
✓	PTC	Executor (Statutory): Waived	
✓	Not.Cred.		
✓	Notice of Hrg	Attorney (Statutory): \$17,700.00 (to be paid from Idaho probate)	
✓	Aff.Mail		
	Aff.Pub.	Costs: \$395.00 (publication, letters)	
	Sp.Ntc.	Distribution pursuant to Decedent's will:	
	Pers.Serv.		
	Conf. Screen	Craig. R. Hansen: An undivided one-half interest in the real property	
✓	Letters		
	Duties/Supp	Lena R. Hansen: An undivided one-half interest in the real property	
	Objections		
	Video Receipt		
	CI Report		
✓	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	FTB Notice	X	
			Reviewed by: skc
			Reviewed on: 8/11/15
			Updates:
			Recommendation:
			File 22 – Hansen

Age: 9		KIMBERLY ANN BRYANT , maternal grandmother, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 06/09/15</u></p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i> (form GC-020). 2. Proof of Service filed 08/05/15 states that Demonte Wilson (father) was served on 07/08/15 by delivering the documents to Ada Miles a person authorized to accept service. Parents of a minor are to be personally served according to the Probate Code. The Court may require a proof of service reflecting personal service. Note: It is noted that the father is currently incarcerated. <p>Note: Status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Tuesday, September 22, 2015 at 9:00am in Dept. 303 for filing of the Receipt for Blocked Account; • Tuesday, January 19, 2016 at 9:00am in Dept. 303 for filing of the Inventory & Appraisal; and • Tuesday, October 18, 2016 at 9:00am in Dept. 303 for filing of the First Account.
Cont. from 060915, 080415			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	x	
	Aff.Mail	n/a	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	x	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report	n/a	
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA	n/a	
	Citation		
	FTB Notice		
		<p>KIMBERLY ANN BRYANT and W. KEVIN BRYANT, maternal grandparents, were appointed Guardian of the Person in case no. 14CEPR00086 on 04/03/14. - <i>Consent & Waiver of Notice of W. Kevin Bryant filed 07/13/15</i></p> <p>Father: DEMONTE WILSON – currently incarcerated; served by substituted service on 07/08/15</p> <p>Mother: SANDRA LITTLE – deceased</p> <p>Paternal grandparents: DECEASED</p> <p>Maternal grandfather: W. KEVIN BRYANT -<i>Consent & Waiver of Notice filed 07/13/15</i></p> <p>Petitioner states that guardianship of the estate is necessary because the minor will be receiving a settlement related to her mother's death.</p> <p>Estimated Value of the Estate: Personal property - \$15,000.00</p>	
		<p>Reviewed by: JF</p> <p>Reviewed on: 08/12/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 23 – Wilson</p>	