

1 Leona Geise (Estate)

Case No. 05CEPR01277

Atty Flanigan, Philip M. (Petitioner – attorney for Carolyn Lewis/Executor)

**Second Amended First and Final Accounting and Report of Status of Administration;
Petition for Settlement Thereof; for Allowance of Statutory Attorney and
Administrator's Compensation; for Reimbursement of Costs Advanced; and
Petition to Close Estate**

DOD: 08/15/04		CAROLYN LEWIS, Executor, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. The Petition requests that the full statutory fee be paid to the Attorney, however, Probate Code § 12205 states that the Court may reduce compensation to the personal representative and/or attorney when the time taken to close the estate exceeds the time prescribed in the code, etc. The decedent died in 2004 and Letters were issued on 12/08/05. The Court may consider reducing the requested compensation.</p>
		Accounting is waived.	
		I & A - \$200,000.00	
		POH - \$44,675.17	
Cont. from		Executor - waived	
<input type="checkbox"/>	Aff.Sub.Wit.	Attorney - \$4,000.00 (statutory)	
<input checked="" type="checkbox"/>	Verified	Costs - \$1,213.00 (filing fees, publication, probate referee)	
<input checked="" type="checkbox"/>	Inventory	Distribution, pursuant to decedent's will, is to:	
<input checked="" type="checkbox"/>	PTC	Carolyn Lewis- \$39,462.17	
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters	12/06/05	
	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: JF
			Reviewed on: 08/20/14
			Updates:
			Recommendation:
			File 1 - Geise

**Second Account and Report of Trustee of Christine Romar Beneficiary Trust;
 Petition to Settle Account; and to Fix & Allow Trustee and Attorney Fees**

Beneficiary Age: 15	GOOD SHEPHERD FUND , trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 05/01/11 – 04/30/13	CONTINUED FROM 07/09/14
Cont. from 070914	Accounting - \$72,885.82	<p>Note: A status hearing will be set as follows:</p> <ul style="list-style-type: none"> • Wednesday, 06/22/16 at 9:00 am in Dept. 303 for filing of the 3rd Account
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH - \$66,961.53	
<input checked="" type="checkbox"/> Verified	Ending POH - \$67,078.18	
<input type="checkbox"/> Inventory	Trustee - \$2,656.25 (per itemization and declaration for 21.25 hours @ \$125/hr.)	
<input type="checkbox"/> PTC	Attorney - \$1,095.00 (per itemization for 2.4 hours @ \$275/hr. and costs of \$435 for filing fees)	
<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.	Petitioner prays for an Order:	
<input type="checkbox"/> Conf. Screen	1. Approving, allowing and settling the second account;	
<input type="checkbox"/> Letters	2. Authorizing the trustee fees; and	
<input type="checkbox"/> Duties/Supp	3. Authorizing the attorney fees and costs reimbursement.	
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 2620(c)		Reviewed by: JF
<input checked="" type="checkbox"/> Order		Reviewed on: 08/20/14
<input type="checkbox"/> Aff. Posting		Updates: 08/22/14
<input type="checkbox"/> Status Rpt		Recommendation:
<input type="checkbox"/> UCCJEA		File 2 - Romar
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

(1) First and Final Report of Administrator on Waiver of Account and Petition for its Settlement; (2) for Allowance of Statutory and Extraordinary Fees to Attorney for Services; and (3) for Order for Final Distribution Pursuant to Probate Code 3600 et seq.

DOD: 3/31/10	JOSEPH WILLIAM MARTIN , Administrator, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> It appears that the Joseph W. Martin Irrevocable Trust established on 1/16/14 is not a valid "special needs" trust. The requirements for creation of a special needs trust are that the beneficiary must be under the age of 65 at the time of the trust's creation. Mr. Martin is 86. (Title 42 United States Code section 1396p(d)(4)(A)). The copy of the Joseph W. Martin Irrevocable Trust established on 1/16/14 attached to the petition is missing pages 2 through 7. Petition requests the distribution to the Joseph W. Martin Irrevocable Special Needs Trust, dated 1/16/14. The trust attached to the petition is entitled the The Joseph W. Martin Irrevocable Trust established on 1/16/14 with no mention of a special needs trust. <p style="text-align: center;">Please see additional page</p>
	Accounting is waived.	
Cont. from 082514	I & A - \$125,873.74	
<input type="checkbox"/> Aff.Sub.Wit.	POH - \$127,424.94	
<input checked="" type="checkbox"/> Verified	Administrator - waives	
<input checked="" type="checkbox"/> Inventory	Attorney (statutory) - \$4,776.22	
<input checked="" type="checkbox"/> PTC	Attorney x/o - \$9,100.00 (40.75 hours @ \$100 – 250/hr for services in connection with the civil litigation and creation of the special needs trust)	
<input checked="" type="checkbox"/> Not.Cred.	Costs - \$1,304.32 (probate Referee, publication, certified copies)	
<input checked="" type="checkbox"/> Notice of Hrg W/	Petitioner states he established the JOSEPH W. MARTIN IRREVOCABLE SPECIAL NEEDS TRUST , ("SNT") dated 1/16/14, Donald Fischer, trustee. The SNT currently contains proceeds from the settlement of the civil litigation by order of the Honorable Kristi Culver-Kapetan in the matter entitled <i>Joseph W. Martin v. Mary Quin, et. al</i> , case no. 12CECG03130 filed on 4/2/14. Petitioner requests the court take judicial notice of the order.	
<input checked="" type="checkbox"/> Aff.Mail	Please see additional page	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
<input checked="" type="checkbox"/> Letters 4/2/13		
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: 8/20/14
		Updates:
		Recommendation:
		File 3 - Martin

Petitioner request the assets of the estate be distributed to Donald E. Fischer, Trustee of the Joseph W. Martin Irrevocable Special Needs Trust dated 1/16/14.

NEEDS/PROBLEMS/COMMENTS (cont.):

4. Extra ordinary fee requests appear to include attorney services that benefited the administrator, Joseph Martin, personally and not the estate. For instance, Mr. McCloskey states he assisted Mr. Martin in a civil case for financial elder abuse against his daughter, Mary J. Quin entitled *Joseph W. Martin v Mary J. Quin*, case no. 12CECG03130. The action sought to recover assets Mr. Martin alleged were fraudulently taken by his daughter, Mary J. Quin. Mr. Martin was represented by Attorney Babette Fischer in the civil matter and not Mr. McCloskey. Mr. McCloskey also states he assisted in the creation of the Special Needs Trust for Mr. Martin. The special needs trust would be solely for the benefit of Mr. Martin and not for the benefit of the estate. In addition, there are questions regarding the validity of the Special Needs Trust. It appears any attorney fees incurred by the civil case or for Mr. Martin personally should be recovered from Mr. Martin personally outside of the estate. California Rules of Court, Rule 7.702(3) requires the declarant to show the benefit of the services to the estate. - **Declaration of Attorney Daniel T. McCloskey filed on 8/15/14 states** he feels the extraordinary fees are justified due to the unusual circumstances presented by the case, including but not limited to; preparation, filing and related actions to create the Special Needs Trust; preparation and filing and prosecution of the Petition to Determine Title; protracted civil litigation regarding the Petition to Determine Title and Petitioner's physical incapacity and mobility issues after his fall requiring travel to and from the convalescent home and hospital; that the misconduct alleged by his daughter occurred in 2010 and that it was his only daughter, a licensed attorney, who aggressively defended against the complaint and petition.

DOD: 05/22/13	<p>TERRI JEAN, spouse, was appointed as Administrator with limited IAEA and bond in the amount of \$64,400.00 on 10/30/13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>																																														
	<p>Bond was filed 11/12/13 and Letters of Administration were issued on 11/20/13.</p>	<p>Minute Order of 08/04/2014: Attorney's represent to the Court that the Inventory and Appraisal is almost complete.</p>																																														
<p>Cont. from 040414, 043014, 061814, 080414</p>																																																
<table border="1"> <tr><td>Aff.Sub.Wit.</td><td></td></tr> <tr><td>Verified</td><td></td></tr> <tr><td>Inventory</td><td></td></tr> <tr><td>PTC</td><td></td></tr> <tr><td>Not.Cred.</td><td></td></tr> <tr><td>Notice of Hrg</td><td></td></tr> <tr><td>Aff.Mail</td><td></td></tr> <tr><td>Aff.Pub.</td><td></td></tr> <tr><td>Sp.Ntc.</td><td></td></tr> <tr><td>Pers.Serv.</td><td></td></tr> <tr><td>Conf. Screen</td><td></td></tr> <tr><td>Letters</td><td></td></tr> <tr><td>Duties/Supp</td><td></td></tr> <tr><td>Objections</td><td></td></tr> <tr><td>Video Receipt</td><td></td></tr> <tr><td>CI Report</td><td></td></tr> <tr><td>9202</td><td></td></tr> <tr><td>Order</td><td></td></tr> <tr><td>Aff. Posting</td><td></td></tr> <tr><td>Status Rpt</td><td></td></tr> <tr><td>UCCJEA</td><td></td></tr> <tr><td>Citation</td><td></td></tr> <tr><td>FTB Notice</td><td></td></tr> </table>	Aff.Sub.Wit.		Verified		Inventory		PTC		Not.Cred.		Notice of Hrg		Aff.Mail		Aff.Pub.		Sp.Ntc.		Pers.Serv.		Conf. Screen		Letters		Duties/Supp		Objections		Video Receipt		CI Report		9202		Order		Aff. Posting		Status Rpt		UCCJEA		Citation		FTB Notice		<p>Inventory & Appraisal, Partial No. 1 filed 03/12/14 - \$486,277.83</p>	<p>Minute Order of 06/18/2014 (Judge Cardoza): Mr. Garland is appearing specially for the Office of Joanne Sanoian. Mr. Roberts requests a continuance.</p> <p>Minute Order of 04/30/2014 (Judge Whitehead): Mr. Garland is appearing specially for the Office of Joanne Sanoian. Mr. Roberts advises the Court that he is substituting in as counsel for Terri Jean.</p> <p>1. Need Inventory and Appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Aff.Sub.Wit.																																																
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		<p>Reviewed on: 08/20/2014</p>																																														
		<p>Updates:</p>																																														
		<p>Recommendation:</p>																																														
		<p>File 4 - Jean</p>																																														

Atty Pape, Jeffrey B., of Pape & Shewan (for Raheleh Gohari, Trustee)

Status Hearing Re: Filing of the Bond and Proof of Deposit into a Blocked Account

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR Calendared in error.</p>
Cont. from		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	
		Reviewed by: LEG
		Reviewed on: 8/19/14
		Updates:
		Recommendation:
		File 5 – Gohari

	NEEDS/PROBLEMS/COMMENTS:
	<u>Continued from 7-21-14, 8-11-14</u>
	Minute Order 7-15-14 (Settlement Conference): Matter not settled.
	Per Judge Oliver (verbally), the matters scheduled for 7-16-14 were taken off calendar.
	Also per Judge Oliver (verbally), this Petition for Order Compelling Petitioner's Release from Locked Facility will be heard at a future date, however, the hearing date of 7-21-14 will remain on calendar as a Status Hearing.
	<u>Note:</u> On 7-16-14, the Court signed Order Regarding Mental Examination ex parte, which was prepared by Attorney Curtis Rindlisbacher and approved as to form and content by Attorney Hornburg.
	<u>Note:</u> Per Minute Order 7-21-14, Mr. Rindlisbacher reports that an agreement has been reached. However, nothing further has been filed.
	<u>Minute Order 8-11-14:</u> The Court orders that \$1000.00 be made available for Ms. Cordell's personal use forthwith. The Court would like to have a date set for the evaluation at the next hearing. Attorney Rindlisbacher and his client with complete the document as requested. Continued to 8/25/14 at 9:00 a.m. in Dept 303.
	<u>For reference, the following petitions remain outstanding with no future dates set:</u>
	<ul style="list-style-type: none"> • Petition to Determine Whether Advanced Health Care Directive has Terminated; Petition to Determine Whether Durable Power of Attorney has Terminated (filed 2-25-14 by Melinda Cordell) • Ex Parte Petition Regarding Mental Examination (filed 6-3-14 by Melinda Cordell). • Petition for Order Compelling Petitioner's Release from Locked Facility (filed 6-27-14 by Melinda Cordell)
	Reviewed by: skc
	Reviewed on: 8-19-14
	Updates:
	Recommendation:
	File 6A – Cordell
Cont. from 072114, 081114	
Aff.Sub.Wit.	
Verified	
Inventory	
PTC	
Not.Cred.	
Notice of Hrg	
Aff.Mail	
Aff.Pub.	
Sp.Ntc.	
Pers.Serv.	
Conf. Screen	
Letters	
Duties/Supp	
Objections	
Video Receipt	
CI Report	
9202	
Order	
Aff. Posting	
Status Rpt	
UCCJEA	
Citation	
FTB Notice	

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 05/21/14		<p>JAMES C. SCHAEFFER, son/named alternate Executor without bond, is Petitioner.</p> <p>Full IAEA – ok</p> <p>Will dated 04/16/92</p> <p>Residence: Fresno Publication: The Business Journal</p> <p>Estimated Value of the Estate:</p> <table> <tr> <td>Personal property</td> <td>-</td> <td>\$ 2,000.00</td> </tr> <tr> <td>Real property</td> <td>-</td> <td>360,000.00</td> </tr> <tr> <td>Total</td> <td>-</td> <td>\$362,000.00</td> </tr> </table> <p>Probate Referee: STEVEN DIEBERT</p>	Personal property	-	\$ 2,000.00	Real property	-	360,000.00	Total	-	\$362,000.00	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> Status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Monday, 01/05/15 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Monday, 09/28/15 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter, the status hearing will come off calendar and no appearance will be required.</p>
Personal property	-		\$ 2,000.00									
Real property	-		360,000.00									
Total	-		\$362,000.00									
Cont. from 072814												
<input type="checkbox"/>	Aff.Sub.Wit.		s/p									
<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 checked="" type="checkbox"/>	Aff.Pub.											
<input type="checkbox"/>	Sp.Ntc.											
<input type="checkbox"/>	Pers.Serv.											
<input type="checkbox"/>	Conf. Screen											
<input checked="" type="checkbox"/>	Letters											
<input 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 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: JF</p> <p>Reviewed on: 08/20/14</p> <p>Updates:</p> <p>Recommendation: SUBMITTED</p> <p>File 7 - Schaeffer</p>												

DOD: 6-22-07		<p>LAURA LEONARD, Beneficiary, is Petitioner.</p> <p>Petitioner states she is the step-daughter of the decedent and a beneficiary under the 2007 Paul Harvey Wallace Family Trust created 5-2-07. Petitioner's brother Timothy Leonard is an additional beneficiary.</p> <p>Larry Donaldson, Esq., has served as trustee from inception of the trust through the present. Mr. Donaldson by way of correspondence dated 5-30-14 has resigned effective upon the appointment of a successor.</p> <p>The named successor Martin Kozanowics declines to serve.</p> <p>The Fresno County Public Administrator has been apprised of the resignation and declination and has agreed to act as successor trustee.</p> <p>Administration of the estate of the decedent is pending in 08CEPR00294 with the Fresno County Public Administrator acting as successor administrator to Larry Donaldson pursuant to Court order dated 7-26-13.</p> <p>Petitioner requests that the resignation of Larry Donaldson be accepted and that the Fresno County Public Administrator be appointed as successor trustee, and that upon acknowledgment of receipt of the trust assets by the Public Administrator, the Court discharge Larry Donaldson from all duties and responsibilities as trustee.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: The petition and the Notice of Related Case filed 7-2-14 provide an incorrect case number for the related estate matter. The Estate of Paul Harvey Wallace is Case #08CEPR00294. There is a continued status hearing in that matter set for 9-8-14, as well as a continued Order to Show Cause re Sanctions imposed on Mr. Donaldson.</p> <ol style="list-style-type: none"> The petition does not state the names and addresses of each person entitled to notice of this petition pursuant to Probate Code §17201. Need verified declaration with this information. Need Notice of Hearing (<u>mandatory</u> Judicial Council form DE-120) and proof of service of Notice of Hearing at least 30 days prior to the hearing pursuant to Probate Code §12203 on each person entitled to notice. <p>Note: Petitioner's "Notice of Hearing" filed 7-2-14 is not sufficient and is also <u>incomplete and does not contain the date of the hearing</u> (spaces for date location are blank). Also, Petitioner's brother, the only other person entitled to notice that the Court is aware of, is not included in the service list of the blank notice. Continuance may be required for proper notice.</p> <ol style="list-style-type: none"> The service list for the above-referenced Notice of Hearing includes attorneys for "Defendant Larry Donaldson" and "Defendant Cota Cole LLP." The Court may require clarification regarding whether there is litigation pending and whether this petition for <u>discharge</u> of Mr. Donaldson may affect such litigation or the estate matter in this Court, since "discharge" typically refers to completion of duty and discharge of <u>liability</u>. See DE-295. Need acceptance of trust from Public Administrator. <p>Reviewed by: skc</p> <p>Reviewed on: 8-20-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8 – Wallace</p>	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			X
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Atty Poochigian, Mark S., of Baker Manock & Jensen (for Petitioners Analisa England and Mark Lane)

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

DOD: 8/27/2010	ANALISA ENGLAND and MARK LANE, children, are Petitioners.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Caption of <i>Petition</i> lists JAMES W. ASHLEY as the person whom is represented by Attorney Poochigian, rather than the names of the Petitioners. (<i>Note: Pleadings should explain such discrepancy to help avoid the issue of potential clerical error being raised.</i>) —Declaration of Mark S. Poochigian in Support of <i>Petition to Determine Succession to Real Property and Personal Property [to be filed 8/22/2014]</i> confirms the representation of James W. Ashley.</p> <p>2. Attachment 11 to the <i>Petition</i> and Attachment 9a to the proposed Order do not specify what percent interest Decedent held in the personal property listed in Items 2 and 3 on the attachment, as required by Item 11(2) of the <i>Petition</i>. —Declaration of Mark S. Poochigian in Support of <i>Petition to Determine Succession to Real Property and Personal Property [to be filed 8/22/2014]</i> states 100% interest in personal property.</p> <p>Reviewed by: LEG Reviewed on: 8/20/14 Updates: 8/21/14; 8/22/14 Recommendation: SUBMITTED File 9 – Lane</p>
Cont. from	40 days since DOD.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	No other proceedings.	
<input checked="" type="checkbox"/> Inventory		
<input checked="" type="checkbox"/> PTC	I & A - \$146,500.00	
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	N/A Decedent died intestate.	
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	Petitioners request Court determination that Decedent's 50% interest in real property located at 442 E. Cole Ave., Fresno, and 100% interest in personal property consisting of household furniture, furnishings, personal effects and vehicle, passes to the Petitioners pursuant to intestate succession.	
<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		

Age: 14	<u>GENERAL HEARING 10/20/2014</u>	NEEDS/PROBLEMS/COMMENTS:
	WENDY TINER , maternal step-grandmother, is petitioner.	1. Need Notice of Hearing.
	Father: BRANDON LEBAR	2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:
Cont. from	Mother: AMY TINER	<ul style="list-style-type: none"> • Brandon LeBar (Father) • Amy Tiner (Mother) • Rhonda LeBar (Minor)
<input type="checkbox"/> Aff.Sub.Wit.	Paternal Grandfather: Marty LeBar	
<input checked="" type="checkbox"/> Verified	Paternal Grandmother: Rhonda LeBar, Deceased	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	Maternal Grandfather: Lonnie Tiner	
<input type="checkbox"/> Aff.Mail	Maternal Grandmother: Theresa Green	
<input type="checkbox"/> Aff.Pub.	Petitioner states: she was married to the child's maternal grandfather but divorced in 1999. She states that she has maintained a close relationship with the child's mother and the minor. Petitioner alleges that the mother is using drugs and is moving around from place to place camping out with her boyfriend. The mother dropped the minor off with the petitioner for a visit over the summer. The minor want to remain with the petitioner and have a stable home.	
<input type="checkbox"/> Sp.Ntc.	Petitioner states that the minor is to begin high school this year and does not believe that she is enrolled anywhere. Mother moves frequently and continues to use drugs. Temporary guardianship is requested so that the minor can stay with the petitioner in the even the mother comes to pick her up.	
<input type="checkbox"/> Pers.Serv.		
<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 type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		Reviewed by: LV
<input type="checkbox"/> Status Rpt		Reviewed on: 08/20/2014
<input checked="" type="checkbox"/> UCCJEA		Updates:
<input type="checkbox"/> Citation		Recommendation:
<input type="checkbox"/> FTB Notice		File 10 – Lebar

DOD: 02/16/06	<p>JACQUELINE SHELTON and ANNA SHELTON, daughters, were appointed as Co-Administrators as the estate with full IAEA and without bond on 09/19/06. Letters of Administration were issued on 09/19/06.</p> <p>Inventory & Appraisal, Final, filed 03/19/07 - \$230,049.53</p> <p>Notice of Status Hearing set this matter for a status hearing regarding failure to file a First Account or Petition for Final Distribution.</p> <p>Clerk's Certificate of Mailing indicates that the Notice of Status Hearing was mailed to Stanley Teixeira on 11/14/13.</p> <p>Status Report filed 05/22/14 states: that on 01/19/14, the Co-Administrators agreed to sell the real property asset of the estate. During the escrow process, it was discovered that Capital One through Household bank recorded an Abstract of Judgment against the real property pertaining to the decedent in the amount of \$6,705.61. On 05/02/14, written acknowledgment from Capital One was received stating that no claim will be made. After receiving the notice of no claim, attorney for Petitioner contacted the title company who handled the escrow on the sale of the real property, unfortunately, the title company had stated that the letter is insufficient for release of all funds held by the title company and that a Release of Abstract or Acknowledgement of Full Satisfaction is required. Attorney is now currently in the process of obtaining the needed documentation from Capital One.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 05/30/14</u></p> <p>1. Need Final Account and Petition for Final Distribution.</p>
Cont. from 013114, 032814, 053014		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p>Reviewed by: JF</p> <p>Reviewed on: 08/20/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11 – Shelton</p>	

DOD: 02/23/09	<p>DYANNA MATTHEWS, Executor, filed a Report of Sale and Petition for Order Confirming Sale of Real Property on 05/16/14. Order Confirming Sale of Real Property was filed 07/08/14 indicating that the net sales proceeds are to be deposited into a blocked account at Wells Fargo Bank. Order to Deposit Money into Blocked Account was filed 07/08/14.</p> <p>Minute Order from 07/07/14 set this matter for a status hearing regarding the deposit of money into blocked account.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Receipt and Acknowledgement of Order for the Deposit of Money into Blocked Account.</p> <p>Note: It is noted that the Petitioner attempted to file a Confirmation of Deposit in Blocked Account, however the filing was rejected and returned to Petitioner by the Probate clerk on 08/19/14. The filing was rejected because Petitioner did not use the required Judicial Council form.</p>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 08/20/14
		Updates:
		Recommendation:
		File 12 – Brazeal

13A Peter Jeffery Garza, Jr. (GUARD/E)

Case No. 12CEPR00928

Atty Garza, Peter Jeffery (pro per – father/Petitioner)

Atty Kruthers, Heather H. (for Public Guardian – successor guardian of the estate)

Status Hearing for the Filing of the Inventory and Appraisal

Age: 18	<p>PETER JEFFREY GARZA, father, was appointed as Guardian of the Estate on 11/29/12.</p> <p>Notice of Status Hearing filed 12/20/13 set this matter for status regarding filing of the Inventory & Appraisal on 03/28/14.</p> <p>Clerk’s Certificate of Mailing filed 05/16/14 states that the Minute Order from hearing on 05/16/14 and Order to Show Cause was mailed to Peter Jeffery Garza, Sr. on 05/16/14.</p> <p>Declaration of Peter Garza filed 08/20/14 states: he has not received any of the life insurance proceeds on behalf of his son who is now an adult. As Peter Garza, Jr. is now over 18, he will be responsible for the insurance claims going forward.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 07/07/14</u></p> <p>1. Need <i>Inventory & Appraisal</i>.</p>
Cont. from 032814, 051614, 070714		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p>Reviewed by: JF</p> <p>Reviewed on: 08/20/14</p> <p>Updates: 08/21/14</p> <p>Recommendation:</p> <p>File 13A – Garza</p>	

Age: 18	<p>PETER JEFFERY GARZA, SR., father, was appointed Guardian of the Estate on 11/29/12. The Order specified that all funds received were to be placed into a blocked account. Order to Deposit Money into Blocked Account was filed 11/29/12.</p> <p>Clerk's Certificate of Mailing filed 05/16/14 states that the Minute Order from hearing on 05/16/14 and Order to Show Cause was mailed to Peter Jeffery Garza, Sr. on 05/16/14.</p> <p>Letters of Guardianship were issued to the Public Guardian on 05/28/14.</p> <p>Declaration of Peter Garza filed 08/20/14 states: he has not received any of the life insurance proceeds on behalf of his son who is now an adult. As Peter Garza, Jr. is now over 18, he will be responsible for the insurance claims going forward.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 07/07/14</u> Minute Order from 07/0714 states: Mr. Garza, Sr. reports that the money has been with the insurance companies with the exception of the money recently requested by Peter Garza, Jr. Mr. Garza, Sr. is directed to submit a declaration regarding the accounting. At the request of Ms. Kruthers, the Public Guardian is discharged.</p> <p>As of 08/20/14, nothing further has been filed.</p> <p>1. Need Receipt for the Deposit of Funds into blocked account <u>or</u> current written status report.</p>
Cont. from 012414, 051614, 070714		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 08/20/14
		Updates:
		Recommendation:
		File 13B – Garza

14 Luv Unique Vindiola (GUARD/P)

Case No. 09CEPR00853

Atty Vindiola, Martina R. (pro per – paternal grandmother/Guardian)

Atty Vindiola, Jesse (pro per – father/Petitioner)

Petition for Termination of Guardianship

Age: 10	JESSE VINDIOLA , father, is Petitioner.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 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> <i>Consent & Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for: <ol style="list-style-type: none"> a. Adrian Vindiola (paternal grandfather) b. Randy Vidal (maternal grandfather) c. Teresa Frajo-Sotelo (maternal grandmother)
	MARTINA VINDIOLA , paternal grandmother, was appointed as Guardian of the Person on 06/05/13. – <i>Served by mail on 06/??/14 (Date not complete)</i>		
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified	Mother: CHRISTINA QUINONES – deceased		
<input type="checkbox"/> Inventory	Paternal grandfather: ADRIAN VINDIOLA		
<input type="checkbox"/> PTC	Maternal grandfather: RANDY VIDAL		
<input type="checkbox"/> Not.Cred.	Maternal grandmother: TERESA FRAJO-SOTELO		
<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.	Petitioner requests that the guardianship be terminated [no reason provided in Petition].		
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters	Court Investigator Jennifer Young filed a report on 08/14/14.		
<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 type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
			Reviewed by: JF
			Reviewed on: 08/20/14
			Updates:
			Recommendation:
			File 14 – Vindiola

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR</u></p> <p>Amended Account filed 8-14-14 is set for hearing on 9-24-14</p>	
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters		4-4-13
	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
	Order		X
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Reviewed by: skc	
		Reviewed on: 8-19-14	
		Updates:	
		Recommendation:	
		File 15 - Hopkins	

Petition to Amend Order

DOD: 4-4-13		SALVADOR DIAZ, Father, is Petitioner.		NEEDS/PROBLEMS/COMMENTS: 1. Need order. <u>Note:</u> A proposed order was attached to the petition as an attachment. The proposed order must be presented separately. Also, please remember that a signature line for the judge should be provided on the last page of the order.
		Petitioner states the Order Determining Succession to Real Property and Personal Property signed on 10-3-13 included a sketchy legal description of the real property in Orange Cove, CA.		
	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		X	
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
Reviewed by: skc Reviewed on: 8-20-14 Updates: Recommendation: File 16 – Diaz				

Age: 7	TEMPORARY EXPIRES 07/21/14	NEEDS/PROBLEMS/COMMENTS:
	MIKE E. SILVA, maternal grandfather, is Petitioner.	CONTINUED FROM 07/21/14
	Father: RICK MARTINEZ – Declaration of Due Diligence filed 07/01/14	Minute Order from 07/21/14 states: Ms. Silva objects to the guardianship. The Court finds that due diligence has been exercised as to father. The petitioner is directed to explore the possibilities of visiting at the Spirit of Women program. The Court orders that Jesus Emmanuel Silva not reside anywhere the child is residing. Matter is continued to 08/25/14. The temporary is extended to 08/25/14.
Cont. from 072114	Mother: LINDA SILVA – Declaration of Due Diligence filed 07/01/14	
<input type="checkbox"/> Aff.Sub.Wit.	Paternal grandparents: UNKNOWN	
<input checked="" type="checkbox"/> Verified	Maternal grandmother: OLGA NIELSON	
<input type="checkbox"/> Inventory	Petitioner states that the mother is homeless, on drugs, and abandoned the minor. Petitioner states that the minor has lived with him for the past 7 months. The mother steals from him and sometimes refuses to leave his home when he asks her to leave. She has threatened to take Josiah with her. Petitioner further states the mother is in an abusive relationship.	1. Need Notice of Hearing. 2. Need proof of service at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Temporary Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: a. Rick Martinez (father) – personal service required; unless diligence is found. Declaration of Due Diligence filed 07/01/14 states that the mother is currently in a rehab facility and attempts to contact her have been unsuccessful as she will not respond to messages b. Linda Silva (mother) – personal service required; unless diligence is found. Declaration of Due Diligence filed 07/01/14 states that the father is homeless and currently in a rehab facility. c. Paternal grandparents – service by mail sufficient d. Olga Nielson – maternal grandmother – service by mail sufficient
<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 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	Court Investigator Charlotte Bien filed a report on 07/08/14.	
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		Reviewed by: JF
<input type="checkbox"/> Status Rpt		Reviewed on: 08/20/14
<input checked="" type="checkbox"/> UCCJEA		Updates:
<input type="checkbox"/> Citation		Recommendation:
<input type="checkbox"/> FTB Notice		File 17 – Silva

Pro Per Strother, Lisa (Pro Per Petitioner, mother)
 Pro Per Williams, Orlando (Pro Per Petitioner, brother)

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

Age: 30 years		<p align="center">TEMPORARY GRANTED ON COURT'S OWN MOTION EXPIRES 8/25/2014</p> <p>LISA STROTHER, mother, and ORLANDO WILLIAMS, brother, are Petitioners and request appointment as Co-Conservators of the Person with medical consent powers.</p> <p>Need Capacity Declaration.</p> <p>Voting Rights Affected.</p> <p>Petitioners state the proposed Conservatee has recently been diagnosed with paranoid schizophrenia and has become delusional and he admittedly takes drugs regularly, including meth and marijuana. Petitioners state the proposed Conservatee often refuses to eat or take any medication, as he believes people (including Petitioners) are trying to poison him and that the food is contaminated. Petitioners state the proposed Conservatee was dishonorably discharged from the U.S. military in March 2012, and Petitioners are disputing the dishonorable discharge and seeking Veteran's assistance. Petitioners state the proposed Conservatee is obsessed with violence and guns and seeks out confrontation, and on one occasion he was attacked at a store in December 2013 and his shoulder was dislocated in the attack. Petitioners state the proposed Conservatee is convinced there is a conspiracy against him and people are trying to kill him, and his erratic behavior is getting worse, he is gone for days at a time, and on 4/12/2014 he was diagnosed with schizophrenia after being found in the middle of the street attempting to be hit by cars. Petitioners state the proposed Conservatee refuses to take his antipsychotic medication and his mental health is rapidly declining.</p> <p align="center"><i>~Please see additional page~</i></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator Advised Rights on 7/2/2014.</p> <p>Voting Rights Affected – Need Minute Order.</p> <p><u>Continued from 7/28/2014.</u> Minute Order [Judge Smith] states the Court on its own motion grants a temporary conservatorship of the person in favor of Lisa Strother for the limited purpose of assisting the conservatee with the Veterans benefits appeals process. The temporary expires on 8/25/2014.</p> <p align="center"><i>~Please see additional page~</i></p>
Cont. from 072814			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
Cap. Dec.	X		
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	W/		
Aff.Pub.			
Sp.Ntc.			
✓ Pers.Serv.			
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt	X		
✓ CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
✓ Citation			
FTB Notice			
		Reviewed by: LEG	
		Reviewed on: 8/19/14	
		Updates:	
		Recommendation:	
		File 18 – Williams	

Additional Page 18, Johanton Derrell Williams (CONS/P) Case No. 14CEPR00517

Petitioners request the Court's assistance in having the proposed Conservatee evaluated by a doctor to complete the *Capacity Declaration*, which will more than likely not be filed prior to the hearing, as the Petitioners are having difficulty finding a doctor that is willing to complete the form, since the only doctors who have seen the proposed Conservatee are emergency room physicians, none of whom are willing to complete the *Capacity Declaration*. Petitioners state the proposed Conservatee has no primary care physician, fears medical treatment and doctors and refuses to go visit a doctor, as he believes everyone is conspiring to kill or hurt him.

Court Investigator Dina Calvillo's Report was filed on 7/23/2014.

NEEDS/PROBLEMS/COMMENTS, continued:

1. *Petition* requests medical consent [and dementia] powers. Need *Medical Capacity Declaration* (Judicial Council form GC-335) in support of Petitioner's request pursuant to Probate Code § 1890(c).
2. Need *Conservatorship Video Viewing Certificate* pursuant to Local Rule 7.15.9(A).

Note: Probate Code § 2356(a) provides no conservatee may be placed in a mental health treatment facility under this Probate Code division against the will of the conservatee; therefore, the proposed conservatee cannot be placed for even temporary residence in a locked facility and given antipsychotic medication against his will. Involuntary civil placement of a proposed conservatee in a mental health treatment facility may be obtained only pursuant to § 5150 or 5350 of the Welfare and Institutions Code (commonly known as LPS Conservatorship.)

Age: 1	TEMPORARY EXPIRES 08/25/2014	NEEDS/PROBLEMS/COMMENTS:
	HELEN CASTANEDA , Maternal Grandmother, is Petitioner.	1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:
Cont. from	Father: SALVADOR SANCHEZ , Court dispenses with notice per Minute Order of 07/07/2014	<ul style="list-style-type: none"> • Paternal Grandparents (Unknown) • Hector Ayala Jaime (Maternal Grandfather)
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory	Mother: VERONICA JAIME , Consents and waives notice	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Paternal Grandparents: Unknown Maternal Grandfather: Hector Ayala Jaime	
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.	Petitioner states the father is incarcerated and the mother has become a drug user and has left the child with Petitioner. The mother is currently going from place to place with other drug users. She cannot provide for the child in her state of mind.	
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections	Court Investigator Samantha D. Henson's report filed 08/18/2014.	
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 08/20/2014
		Updates:
		Recommendation:
		File 19 – Jaime

Pro Per Singleton-Carter, Gloria Jean (Pro Per Petitioner, maternal grandmother)
 Pro Per Henderson, Latawnya (Pro Per Objector, mother)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 11 years	TEMPORARY DENIED	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Minute Order dated 7/7/2014 states the Court notes that the child is with the mother. The Court cannot find by clear and convincing evidence that a temporary guardianship is necessary. The petition is denied. The General Hearing remains set for 8/25/2014.</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing and proof of 15 days' notice by personal service of the Notice of Hearing with a copy of the Petition for Appointment of Temporary Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence for: <ul style="list-style-type: none"> • Latawnya Henderson, mother; • Father. 2. Need proof of service by mail of the Notice of Hearing with a copy of the Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence, for: <ul style="list-style-type: none"> • paternal grandparents; • maternal grandparents; • Vontinique Edwards, sibling (if age 12 or older); • Enchoh DaShawn Fletcher, sibling (if age 12 or older).
	<p>GLORIA JEAN SINGLETON-CARTER, maternal grandmother, is Petitioner.</p> <p>Father: UNKNOWN</p> <p>Mother: LATAWNYA HENDERSON</p> <p>Paternal grandfather: <i>Not listed</i> Paternal grandmother: <i>Not listed</i></p> <p>Maternal grandfather: <i>Not listed</i></p> <p>Petitioner states the child is currently residing with her and she receives welfare and food stamps for the child, and that the child's mother was receiving them before Petitioner, and Petitioner was providing food, clothing and housing for the mother and the child, while the mother was selling the food stamps and spending the money on drugs rather than using the money toward the child's well-being or care. Petitioner states the child's mother is on drugs and is taking the child from house to house instead of letting her have stability like when the child is with Petitioner where she has her own room. Petitioner states the mother lets the child stay with her estranged husband, DONALD WARD, and stepdad and his two brothers, and the child does not know how to protect herself around a house full of men at 11 years old. Petitioner states the mother has told her several times that Donald Ward is a methadone addict, and that the mother is bi-polar, triple C.M.S., and she doesn't always take her medication.</p> <p>Court Investigator Jennifer Young's Report was filed on 8/19/2014.</p> <p align="center">~Please see additional page~</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 checked="" type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> Clearances		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LEG
		Reviewed on: 8/20/14
		Updates:
		Recommendation:
		File 20 – Fletcher

Additional Page 20, Sanjarie Shrane Fletcher (GUARD/P) Case No. 14CEPR00552

Petitioner states, continued:

- Petitioner did not file for custody before because she thought the mother would come to her senses, but Petitioner has given her 3 years and it's only getting worse;
- Petitioner is worried for the child's well-being, care and safety.

Objection to Guardianship filed by Latawnya Henderson, mother, on 6/24/2014 states:

- Petitioner is very negative towards her and her husband, Donald Ward, who is her daughter's stepdad since birth;
- Petitioner is violent, and does not take care of all of her daughter's needs because she takes high prescription medicines and she gets IHSS and can barely take care of herself while medicated;
- She and Donald are always buying her daughter's hygiene necessities, food, shoes, clothing, phone, and basically financially taking care of her;
- Petitioner gets AFCD for her daughter and food stamps, but she is making false allegations about her and her husband;
- She wants her daughter with her every day, all day;
- She has 3 children ages 24, 19, and 12; none of her children have ever been in the CPS system;
- She used to have a problem with drugs and alcohol, which is behavior she learned from the Petitioner and her step-father, who molested her at age 10; her mother chose to believe her stepdad and told her to say she was raped in an alley by some guys;
- She loves her daughter very much and so does her husband, Donald Ward; he is a teacher at West Fresno Elementary and would never hurt or let anyone hurt our daughter;
- She was living with her mother for about 8 months with her daughter, and her mother is money hungry, but she loves her;
- She is on the right track and her daughter is living with her now, but she does not need her mother lying about her.

NEEDS/PROBLEMS/COMMENTS, continued:

Note for Objector:

1. Need proof of service by mail of a copy of the *Objection to Guardianship* filed on 6/24/2014 for the following persons:
 - Gloria Singleton-Carter, Petitioner (maternal grandmother);
 - Father of Sanjarie Fletcher;
 - maternal grandfather;
 - paternal grandparents.

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

Age:		NEEDS/PROBLEMS/COMMENTS: Continued to 9/23/14 at the request of the petitioner.
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 8/21/14
		Updates:
		Recommendation:
		File 21 – Irlas

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

DOD: 02/26/14	JOANN LOFORTI and PETER CAROLLO, are Petitioners.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. The Petition is not marked at item 6 (a) or (b) or 7 – regarding proceedings for the administration of decedent's estate. 2. The Petition is not marked at item 9(a)(7) or (8) regarding issue of a pre-deceased child. 3. The Petition indicates that the decedent had a predeceased spouse. Name and Date of deceased spouse should be listed on attachment 14. 4. The Petition is missing attachment 11 which is to include the legal description and APN of the property as well as the decedent's interest in the property (100%, 50%, etc.) 5. The Petition is blank at item 13, which is to state the specific property interest claimed by each petitioner. 6. The Petition is missing attachment 14 which is to list the names, relationships to decedent, ages, and residence or mailing addresses so far as known to or reasonable ascertainable by petitioner of all heirs of the decedent, including deceased persons. Petitioners and their relationship to the decedent should be included in attachment 14. 7. Need Order.
	40 days since DOD	
Cont. from	No other proceedings - ??	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	I & A - \$145,000.00	
<input checked="" type="checkbox"/> Inventory	Decedent died intestate	
<input type="checkbox"/> PTC		
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<input type="checkbox"/> Notice of Hrg	x Petitioners request Court determination that decedent's interest in real property located at 2745 E. Garland, Fresno pass to them pursuant to intestate succession.	
<input type="checkbox"/> Aff.Mail	x	
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<input type="checkbox"/> UCCJEA		
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		Reviewed by: JF
		Reviewed on: 08/20/14
		Updates:
		Recommendation:
		File 22 – Carollo

Atty Quintana, Teresa (pro per – maternal grandmother/Petitioner)

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

Brandon, 16		<p align="center">GENERAL HEARING: 10/15/14</p> <p>TERESA QUINTANA, maternal grandmother, is Petitioner.</p> <p>Father (Brandon): INDALBER ARELLANO Father (Amalia & Amy): JUAN VILLALOBOS-AGUERO Mother: DENISE ARELLANO</p> <p><i>Declaration of Due Diligence filed 08/12/14 states that the whereabouts of all parents is unknown.</i></p> <p>Paternal grandparents (all): UNKNOWN</p> <p>Maternal grandfather: DECEASED</p> <p>Petitioner alleges that the parents cannot care for the minors or provide a safe and stable home. Petitioner alleges that the mother is surrounded by and participates in criminal activity.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Declaration of Due Diligence filed 08/12/14 states that the whereabouts/current addresses of the parents are unknown. If diligence is not found, need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardian or Consent & Waiver of Notice</i> for: <ol style="list-style-type: none"> a. Denise Arellano (mother) b. Indalber Arellano (father of Brandon) c. Juan Villalobos-Aguero (father of Amalia & Amy) 	
Amalia, 4				
Amy, 1				
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		Reviewed by: JF		
		Reviewed on: 08/20/14		
		Updates:		
		Recommendation:		
		File 23 – Arellano & Villalobos Aguero		

1 The Smothers Family Living Trust 02-11-91 (Trust) Case No. 14CEPR00498

Atty Roberts, Gregory J., of Barrus and Roberts (for Petitioner Floyd Wyatt, Jr., Successor Trustee)
Atty Brawley, Mason L.; of Murphy & Brawley (for Objector Dianne S. Collins, Successor Trustee)

Petition for Order Confirming Successor Trustees and Trust Assets Belonging to the Marital Trust

Garnold DOD: 6/3/1991	<p>FLOYD WYATT, JR., son and Trustee of the MARITAL TRUST, [sub-trust of] the SMOTHERS FAMILY LIVING TRUST, is Petitioner.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> Petitioner became Trustee of the MARITAL TRUST pursuant to the deaths of the Settlers and Trustees of the SMOTHERS FAMILY LIVING TRUST established on 2/11/1991, GARNOLD GARTH SMOTHERS and VELMA L. SMOTHERS (Surviving Spouse); (copies of death certificates attached as Exhibit A; copy of Trust attached as Exhibit B1); On 2/11/1991, Settlers executed a Community Property Agreement relative to ownership of their assets (copy attached as Exhibit B2); Upon the death of the Deceased Spouse, the Trust was to be divided into sub-trusts: EXEMPTION TRUST and MARITAL TRUST; per Trust terms, the MARITAL TRUST is revocable by the Surviving Spouse [Velma]; The Surviving Spouse amended the MARITAL TRUST by a First Amendment executed on 7/7/1997, a Second Amendment on 4/24/2001, a Fourth Amendment on 3/5/2009, and a Final Amendment on 2/11/1991 (copies of all amendments attached as Exhibits B3 to B6); Petitioner believes the Fourth amendment was incorrectly designated as "Fourth" and that it is the Third Amendment to the MARITAL TRUST; (also the Final Amendment bears the notarized signature of Surviving Spouse only as Trustee and the omission of her signature as Trustor is believed to be clerical error); <p style="text-align: center;">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Settlement Conference is set on 8/25/2014 at 1:30 p.m. in Dept. 303.</p> <p>Continued from 7/23/2014. Minute Order states the Court sets the matter for Settlement Conference on 8/25/2014. Counsel is directed to submit their settlement conference statements along with a courtesy copy for the Court one week before the hearing.</p>
Velma DOD: 11/27/2013		
Cont. from 072314		
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<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LEG
		Reviewed on: 8/20/14
		Updates: 8/22/2014
		Recommendation:
		File 1 - Smothers

Petitioner states, continued:

- The division of the Trust into the **EXEMPTION TRUST** and **MARITAL TRUST** was done on a pro-rata basis rather than an item-by-item basis;
- The Surviving Spouse executed 3 separate Declarations of Trust Split: first on 6/25/1991, second on 9/23/1996, the last on 8/19/1998; however, although all 3 Declarations refer to Schedule A and B, there is only one Schedule A and Schedule B in existence among the Settlor's estate planning binders (*copies of the 3 Declarations and the only Schedule A and Schedule B attached as Exhibit C*);
- Schedules A and B indicate that the Settlor's residence on Childs Ave in Merced, which was designated in the Trust documents as the Deceased Spouse's separate property, was allocated **10%** to the **MARITAL TRUST** and **90%** to the **EXEMPTION TRUST**; pursuant to Trust terms, there was no physical segregation or division required except as necessary to make distribution as provided in the Trust;
- Surviving Spouse recorded Affidavits as to the residence and Deed of Trust, but never recorded a designation of either asset as belonging to the **MARITAL TRUST** or to the **EXEMPTION TRUST** (*copies of affidavits attached as Exhibit D*);
- Surviving Spouse sold the residence on Childs Ave. in Merced and purchased a new residence on San Gabriel Ave. in Fresno, and then transferred title to the new residence to herself as successor sole Trustee of the **SMOTHERS FAMILY LIVING TRUST** (*copy of transfer deed attached as Exhibit E*);
- Surviving Spouse may have used some of the proceeds from the sale of the Childs residence to purchase the new San Gabriel residence; however, Petitioner has not been able to determine what funds were used to purchase the new residence;
- Surviving Spouse lived 22 years after the death of Deceased Spouse, and was to receive principal distribution for support, education, care, health and maintenance from both the **MARITAL TRUST** and the **EXEMPTION TRUST**, and she also had the right to withdraw the greater of **\$5,000.00** or **5%** of the principal of the **EXEMPTION TRUST** each calendar year;
- Petitioner believes the Surviving Spouse over the period of 22 years withdrew more than **\$110,000.00** from the principal of the **EXEMPTION TRUST** such that at the time of her death, there were no longer any assets in the **EXEMPTION TRUST**;
- Upon the death of the Surviving Spouse, the last named Trustee of the **EXEMPTION TRUST** was **DIANNE S. COLLINS**, step-daughter of Velma (Surviving Spouse);
- On 1/30/2014, **DIANNE COLLINS** executed an Affidavit of Change of Trustee declaring she was the successor Trustee of the **SMOTHERS FAMILY LIVING TRUST**, and on the same day she executed a Grant Deed transferring title to the entire new residence on San Gabriel to the **EXEMPTION TRUST** (*copies attached as Exhibit F*);
- Petitioner believes that he (**FLOYD WYATT, JR.**) is the Successor Trustee of **SMOTHERS FAMILY LIVING TRUST** and that the new residence on San Gabriel was not and is not an asset of the **EXEMPTION TRUST**, and believes that the transfer of the new residence on San Gabriel was inappropriate in that, pursuant to the Division Schedules, the **MARITAL TRUST** owned at least **10%** of the residence and that the new residence on San Gabriel was purchased in part with the proceeds of the sale of the old residence on Childs and with her own funds in Trust A to complete the purchase of the new residence on San Gabriel;
- Petitioner believes that the majority if not all of the new residence on San Gabriel and the Deed of Trust are subject to his control as Trustee of the **MARITAL TRUST**;
- **DIANNE COLLINS** claims that the new residence on San Gabriel is **100%** owned by the **EXEMPTION TRUST** and that she is the Trustee of the **EXEMPTION TRUST**;

~Please see additional page~

Petitioner states, continued:

- Petitioner has attempted to resolve the differences between the **MARITAL TRUST** and the **EXEMPTION TRUST** and offered to split the proceeds for the sale of the new residence on San Gabriel **50%** to the **MARITAL TRUST** and **50%** to the **EXEMPTION TRUST**, but this offer was rejected by **DIANNE COLLINS**;
- As Petitioner and **DIANNE COLLINS** cannot agree on the division of ownership of the new residence on San Gabriel, Petitioner is asking the Court to determine whether the new residence on San Gabriel is an asset of the **MARITAL TRUST** or the **EXEMPTION TRUST** or both;

Petitioner prays for an Order of the Court that:

1. The **MARITAL TRUST** of the **SMOTHERS FAMILY LIVING TRUST** is valid, and that the **EXEMPTION TRUST** of **SMOTHERS FAMILY LIVING TRUST** had no assets at the date of death of Surviving Spouse Velma L. Smothers on 11/27/2013;
2. **FLOYD WYATT, JR.** is confirmed as the Successor Trustee of the **MARITAL TRUST** of the **SMOTHERS FAMILY LIVING TRUST**; and
3. All of the real property on San Gabriel, and the Deed of Trust, are assets subject to the management and control of **FLOYD WYATT, JR.** as successor Trustee of the **MARITAL TRUST** of the **SMOTHERS FAMILY LIVING TRUST**.

Objection to Petition for Order Confirming Successor Trustees and Trust Assets Belonging to the Marital Trust filed by DIANNE S. COLLINS, step-daughter of Velma Smothers, on 7/11/2014 states:

- **GARNOLD GARTH SMOTHERS** and **VELMA L. SMOTHERS** married late in life, both having children from previous relationships;
- Although Garnold and Velma created their **SMOTHERS FAMILY LIVING TRUST** jointly, the Trust provides that upon the death of either of them, the Decedent's assets shall be allocated to the **EXEMPTION TRUST**, which is distributable to the Decedent's issue upon the death of the surviving spouse;
- This type of trust is common in second marriages where a couple wants the surviving spouse to be able to benefit from the trust assets during their remaining lifetime, but ensure that their assets ultimately pass to their children and issue;
- Garnold died ~4 months after creating the Trust, and the Trust was funded almost entirely with Garnold's separate property and all of those separate property assets, as well as all of his interest in he and Velma's community property, should have been allocated to an **EXEMPTION TRUST** – an irrevocable sub-trust which benefitted Velma for her lifetime, but which passed to Garnold's issue at Velma's death;
- Unfortunately, Velma failed to properly fund the **EXEMPTION TRUST** with Garnold's share of the Trust assets; Velma died on 11/27/2013, and Velma withdrew and spent all of the Trust assets except for a residence she purchased with **EXEMPTION TRUST** funds in 1998;
- Petitioner is now relying on Velmas' failure to fund the **EXEMPTION TRUST** to asset that Garnold's assets are assets of the **MARITAL TRUST**, and thus distributable to Petitioner and Velma's other children;
- This Court should deny Petitioner's requests and confirm that the [new residence on San Gabriel] is an asset of the **EXEMPTION TRUST**;

~Please see additional page~

Objection to Petition for Order Confirming Successor Trustees and Trust Assets filed by DIANNE S. COLLINS on 7/11/2014, continued:

- The Trust provides that upon Garnold's death, his separate property and all of his interest in Velma and his community property should have been allocated to the **EXEMPTION TRUST** (see *Exhibit B1 to the Petition*);
- As the Surviving Spouse, Velma's separate property and her interest in her community property should have been allocated to the **MARITAL TRUST**;
- The **EXEMPTION TRUST** became irrevocable on Garnold's death, and the **EXEMPTION TRUST** was to be held for the benefit of Velma during her lifetime, but at Velma's death the assets in the **EXEMPTION TRUST** are distributable to Garnold's issue (see *Exhibit B1 to the Petition*);
- On the other hand, the **MARITAL TRUST** continued to be revocable during Velma's lifetime; the Trust provided initially that any assets remaining in the **MARITAL TRUST** at the death of the surviving spouse shall be distributed to Garnold's issue;
- Velma and Garnold expressly disinherited Velma's children (see *Trust at Paragraph 8.14, page 17 of Exhibit B1 to the Petition*); [Note: Velma's children are **FLOYD WYATT, JR., LEONARD EUGENE WYATT, and DARRELL RAY WYATT**];
- However, Velma executed a series of amendments to the **MARITAL TRUST** which later included her children as beneficiaries;
- Respondent believes that following Garnold's death, Velma never provided a Notification of Trustee to Garnold's heirs, which was required pursuant to Probate Code § 16061.7;
- Upon Velma's death, Respondent became Trustee of the **EXEMPTION TRUST** (both other named successor trustees **ROBERT G. SMOTHERS** and **RONALD G. SMOTHERS**, Garnold's sons, are deceased);
- **The Bulk, if not all, of the Trust Assets were Garnold's Separate Property:** The primary Trust assets at the time of Garnold's death were (1) the real property on Childs Ave. in Merced, and (2) a Promissory Note dated 1/2/1985 owed to Garnold by his son and daughter-in-law; the property on Childs Ave. in Merced was Garnold's separate property and he transferred it to his Trust on 2/11/1991 by Quitclaim Deed; Petitioner failed to provide the Court with a copy of the Quitclaim Deed which clearly indicates that the real property on Childs Ave. in Merced was Garnold's separate property when he transferred it to the Trust (*copy of Quitclaim Deed attached as Exhibit A*); the Promissory Note was also Garnold's separate property (*copy of Promissory Note and Substitution of Trustee and Full Reconveyance stating the lender was "Garnold Smothers, a married man, as his separate property" attached as Exhibits B and C*);
- **Velma Failed to Properly Allocate the Trust Assets to the Sub-Trusts upon Garnold's Death:** In accordance with the terms of the Trust, as Garnold's separate property, 100% of the Merced Property and 100% of the Promissory Note should have been allocated to the Exemption Trust; the allocations schedules of sub-trusts submitted by Petitioner are inaccurate.
- **The Funds used to Purchase the Fresno [San Gabriel] Property came from Assets Owned by the EXEMPTION TRUST:** Velma sold the Merced Property for **\$129,500.00**, and failed to attach a copy of the 1998 Grant Deed for the Merced Property to the *Petition*; Velma used the proceeds from the sale to purchase real property on San Gabriel Ave in Fresno for **\$85,000.00**; it is unclear what Velma did with the remaining **\$45,000.00** proceeds from the sale; Velma initially acquired title in her name and subsequently transferred title to the Trust.

~Please see additional page~

Dept. 303, 9:00 a.m. Monday, August 25, 2014

- **Velma did not Exercise her Right of Withdrawal from the EXEMPTION TRUST:** Velma had a right to withdraw principal (limited to **\$5,000/5%** annually) from the Exemption Trust; Petitioner alleges Velma exercised her withdrawal right, but offers no factual basis or support for that allegation; Respondent alleges that Velma did not exercise the withdrawal power, and because it was not cumulative, it lapsed annually according to the terms of the Trust.

Respondent/Objector requests that the Court:

1. Deny Petitioner's request for an order that the property on San Gabriel in Fresno is an asset of the **MARITAL TRUST** under the **SMOTHERS FAMILY LIVING TRUST**;
2. Confirm that the real property on San Gabriel in Fresno is an asset of the **EXEMPTION TRUST** under the **SMOTHERS FAMILY LIVING TRUST** subject to the management and control of **DIANNE S. COLLINS**, Successor Trustee; and
3. Confirm that an property or funds traceable to the Promissory Note be confirmed as an asset of the **EXEMPTION TRUST** under the **SMOTHERS FAMILY LIVING TRUST**, subject to the management and control of **DIANNE S. COLLINS**, Successor Trustee.