

1A Joseph Robert McClintic (CONS/PE)

Case No. 10CEPR01130

Atty Marshall, Jared / Burnside, Leigh

Atty Sanoian, Joanne

Atty Wright, Janet

Objector Marlene Hubbell's Notice of Motion for Summary Judgment or in the Alternative Summary Adjudication

		NEEDS/PROBLEMS/COMMENTS: Examiner notes not provided for this matter.
Cont. from 080113		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 8-21-13
		Updates:
		Recommendation:
		File 1A – McClintic

1A

Atty Motsenbocker, Gary L., sole practitioner (for Paula Robinson, Special Administrator)

Petition Pursuant to Prob. C. 850 et seq. for Recovery of Personal Property Wrongfully Conveyed and/or Transferred, for Undue Influence, for Breach of Fiduciary Duty, for Fraud, for Imposition of a Constructive Trust, for Damages, and for Attorney's Fees and Costs

DOD: 12/18/2012		<p>PAULA ROBINSON, niece and Special Administrator with Limited IAEA authority appointed on 6/17/2013, is Petitioner.</p> <p>Petitioner was appointed Special Administrator for the limited purpose of pursuing actions to recover assets of the Decedent held by others, and Letters of Special Administration expire on 11/18/2013.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> • She is the niece of Decedent, a beneficiary of his trust, and the Successor Trustee of his Trust, and Special Administrator, and therefore is an interested person with standing to bring this matter before the Court; • LATRELL CARTER aka SHARON CARTER (referenced as Respondent) is a resident of Fresno County and all acts alleged occurred in Fresno; • Petitioner is unaware of the true names of the Respondents named as Does 1 through 10, and will seek pursuant to CA Code of Civil Procedure § 474 to amend this complaint to allege the true names when ascertained; each named respondent is responsible for the occurrences alleged in this Petition and is liable to Petitioner for damages proximately caused thereby; Respondents Does 1 through 10 acted as agents, servants and/or employees of LATRELL CARTER aka SHARON CARTER, and their conduct was condoned and ratified by her; • Decedent was 100 years old when he died, and prior to his death, he was in ill health and severely infirmed; during the last couple of years of his life he was essentially confined to his home; <p align="center">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Notes:</p> <ul style="list-style-type: none"> • Court records do not show a civil action is pending with respect to the Decedent's estate or trust. Probate Code § 855 provides that an action brought under this part [Part 19, Conveyance or Transfer of Property Claimed to Belong to Decedent or Other Person] may include claims, causes of action, or matters that are normally raised in a civil action to the extent that the matters are related factually to the subject matter of a petition filed under this part. • Court records show the Decedent's Will was deposited with the Court on 2/25/2013 by Wagner & Wagner, Attorneys at Law; Court records do not show an estate or trust proceeding has been initiated for this Decedent other than the instant petition for the Decedent's estate. (<i>Proof of Service by Mail</i> filed 7/18/2013 shows a courtesy copy of the notice of this hearing was mailed to Wagner & Wagner on 7/17/2013.)
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
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<input checked="" type="checkbox"/>	Summons W/		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
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<input type="checkbox"/>	Status Rpt		
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<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: LEG</p> <p>Reviewed on: 8/21/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2 – Crawford</p>	

Petitioner states, continued:

- During the last 7 years of Decedent's life, he was wholly dependent on care custodians to provide for all his needs, and services were provided 24/7 from sometime in late 2007 until he died; caretakers provided, among other things, his transportation, shopping, prepared meals, managed household, assisted with his personal hygiene, assisted him with administration of medications, provided him with companionship, and assisted with the management of his finances;
- The majority of the care custodian services were provided personally by **CHRISTINE NASON**, a neighbor of Decedent, and her daughter **LATRELL CARTER aka SHARON CARTER** (hereafter "Carter");
- Other care custodians who assisted with Decedent's personal care were under the instruction, guidance, supervision, and direction of Ms. Nason and/or Carter, or both; Carter and Ms. Nason were both paid well for the care custodian services they provided to the Decedent;
- Petitioner believes Carter and Ms. Nason held a close personal and confidential relationship with the Decedent; they were held in a position of trust, repose, and confidence with the Decedent, and they owed a fiduciary duty to the Decedent and/or his successors in interest;
- Carter and Ms. Nason were named as co-trustees of the Decedent's trust and they were nominated by the Decedent to be co-executors of his Will;
- It is notable that neither of them was a named beneficiary in either instrument;
- After Decedent died, Carter and Ms. Nason jointly consulted with Decedent's attorney in regard to the administration of his trust; after the initial consultation with the attorney, both of them submitted written resignations as trustee and they declined to act on behalf of Decedent's trust; upon their resignations, they declined to act further on any matters concerning the Decedent's trust or his estate; they deferred all matters regarding the Decedent's trust and/or his estate to the Petitioner and the Decedent's heirs;

First Cause of Action: Invalid Transfer:

- Petitioner alleges that Decedent was a dependent adult over age 65, and was unable to properly provide for his own personal needs for physical health, food, clothing and/or shelter and due to his advanced age, his ill declining health, and that he suffered from deficits in his mental functions to the extent had had difficulty managing his personal finances and resources and was unable to resist fraud and/or undue influence;
- Petitioner alleges that Carter was a care custodian as defined in the Probate Code and she took advantage of Decedent's advanced age, his dependent condition, and his overall circumstances to her own benefit and advantage, and her actions accrued to the detriment of Decedent and/or his successors in interest.

Second Cause of Action: Undue Influence:

- Petitioner alleges Carter caused the Decedent to name her as the beneficiary of **a brokerage investment account held by Wells Fargo Advisors** [*emphasis added*] for the benefit of the Decedent by utilizing undue influence, deceit, fraud, and/or menace; that she was active and participated in obtaining necessary essential forms and/or paperwork from the investment company; and that she assisted and/or participated in activities in order effectuate the necessary changes to the Decedent's account so that she was the beneficiary of the account upon his death;
- Petitioner alleges that Carter as a paid care custodian, took advantage of Decedent's advanced age, his dependent condition, and his overall circumstances to her own benefit and advantage, and her actions accrued to the detriment of Decedent and/or his successors in interest and they were damaged thereby;

~Please see additional page~

Petitioner states, continued:**Third Cause of Action: Fiduciary Abuse** (Welfare & Institutions Code § 15610):

- Respondents' aforesaid conduct constituted fiduciary abuse as defined in the Welfare & Institutions Code [citations/text omitted];
- Respondents are guilty of fraud in the commission of the above-described abuse;
- Under Welfare & Institutions Code § 15667(a), Respondents are liable to Petitioner for reasonable attorney's fees and costs;
- Respondents' conduct was fraudulent and malicious in that it was despicable conduct which was caused by Respondents with fraudulent intent and a willful and conscious disregard of the rights of the Decedent and/or his successors in interest and was intended by the Respondents to cause injury to the Decedent and/or his successors in interest;
- Additionally, such conduct was oppressive in that it subjected the Decedent and/or his successors in interest to cruel and unjust hardship in conscious disregard of the rights of Decedent and his successors in interest;
- Petitioner seeks exemplary damages from the Respondents which at this time have not been ascertained with specificity; Petitioner will seek leave to amend this complaint to set forth the sum of such exemplary damages when they have been ascertained or according to proof at trial.

Fourth Cause of Action: Damages for Retention of Estate Property:

- At the time of Decedent's death, the Respondents held property belonging to the Decedent consisting of accounts at financial institutions containing monies and/or stocks, bonds and the like which belonged to the Decedent and/or accounts at financial institutions or other personal property which the Respondents transferred or took possession of the proceeds;
- Such monies and/or property constituted property belonging to the trust estate or probate estate of the Decedent;
- Respondents have taken, concealed and disposed of the property that rightfully belonged to the Decedent or his successors in interest and that this action has deprived the Decedent and/or his successors in interest of monies and/or assets thereby wrongfully enriching the Respondents;
- As a proximate result, pursuant to Probate Code § 859 the Respondents are liable to the Petitioner for twice the value of the property that was wrongfully taken in bad faith, and said value of this property shall be determined at the time of trial of this action

Fifth Cause of Action: Constructive Fraud (Civil Code § 1573):

- Petitioner alleges Respondents held a confidential relationship with the Decedent; that Carter held a position of trust, repose and confidence with the Decedent; that she owed the Decedent a duty of the highest good faith and fair dealing; that she had a duty to avoid self-dealing; that she had a duty to be fair and impartial in her dealings with the Decedent; that the Decedent held certain financial accounts which were his sole and separate property; that the Decedent was in a susceptible and weakened condition due to his age and frailties, he was weak of mind and spirit; that Respondent Carter breached her fiduciary duty to the Decedent by virtue of the fact that she took unfair advantage of him by inducing him to include her name as the successor in interest on certain financial accounts; that by virtue of her position of trust, repose and confidence she breached her fiduciary duty; that she gained unfair advantage over the Decedent and his successors in interest; and that as a result of her breach of her duty to the Decedent she gained a windfall to which she is not legally entitled.

~Please see additional page~

Petitioner states, continued:**Sixth Cause of Action: Actual Fraud** (Civil Code § 1572):

- Petitioner alleges that Respondent Carter induced Decedent to include her name on certain financial accounts by making representations which were false; that she made said representations knowing they were false; that the Decedent reasonably relied on said representations; and that the Decedent and/or his successors in interest were thereby damaged as a result of her acts.

Imposition of Constructive Trust: As a result and consequence of the aforesaid causes of action and/or all wrongful acts of the Respondents, Petitioner requests the Court order a constructive trust be imposed on all assets of the Respondent which constitute and consist of or contain the proceeds and/or benefits that belonged to the Decedent which are found to have been wrongfully taken or unlawfully transferred by the Respondent in violation of her fiduciary duties and/or as otherwise provided under the law.

Petitioner requests an Order from the Court as to all causes that:

1. All of the funds and investments that were held in the Wells Fargo Advisors investment account of which the Respondent was designated as the beneficiary upon the death of Decedent are the property of and rightfully belong to the Decedent's trust and/or estate;
2. The Respondents render an accounting of all the funds from the Wells Fargo Bank investment accounts of which the Petitioner was designated as the beneficiary from the date that the Petitioner would have been entitled to said funds to the present;
3. The Respondents pay to the Petitioner the sum total of the balances in the Wells Fargo Bank investment account as of the day that they would have been entitled to them, plus 10% interest from that date;
4. The Respondent pay twice the value of the funds which rightfully belong to the Petitioner that the Court determines that the Respondent wrongfully took, concealed and/or disposed of in "bad faith;"
5. The Respondent respond in exemplary damages for taking funds which rightfully belong to the Decedent's trust and/or estate that the Court determines that the Respondent wrongfully took, concealed and/or disposed of, according to proof; and
6. The Respondent pay the Petitioner's reasonable attorney fees and costs.

Note: Prayer for relief requests the Court make findings regarding Decedent's trust, which is not currently before the Court under the instant Petition, such as requesting the Court order that funds designated to Respondent are the property of Decedent's "trust and/or estate." Petitioner must file a separate petition in a trust matter in order for the Court to make orders regarding Decedent's trust. Proposed order has been interlineated to strike all references to Decedent's trust as part of the Court's order in this matter.

Age: 86 years	<p>PUBLIC GUARDIAN was appointed as conservator of the person and estate on 7/25/2013.</p> <p>The initial Petition for Appointment of Conservator requested medical consent powers pursuant to Probate Code §2355. At the time of the hearing on 7/25/2013 a Capacity Declaration had not been filed. The Court granted the Conservatorship Petition without medical consent powers and set this hearing for re-consideration of the medical consent powers.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Capacity Declaration in support of request for medical consent powers or current written status report.</p>	
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Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			<p>Reviewed by: KT</p> <p>Reviewed on: 8/22/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3 – Valencia</p>

DOD: 10-16-11		<p>WALTER SHERWOOD CHANCE, Brother, is Petitioner and requests appointment as Executor with Full IAEA without bond.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 8-19-13: Counsel advises the Court that she filed several documents addressing the examiner notes.</p> <p>The following issues remain:</p> <p><i>Please see NEEDS/PROBLEMS/COMMENTS on additional pages.</i></p> <p><i>Note: Examiner notes that this is an unusual petition. The Court may require further clarification as to various parts of this request.</i></p>
Cont. from 081913		<p>Petitioner requests that the Court find that the Decedent died testate and that the "Private Covenant/Contract" dated 1-27-11 be admitted to probate as Decedent's will.</p>	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		<p>Petitioner is a resident of Hornbeck, LA.</p>
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		<p>All heirs waive bond.</p>
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		<p>Full IAEA – ok</p>
<input checked="" type="checkbox"/>	Aff.Mail	W	
<input checked="" type="checkbox"/>	Aff.Pub.		<p>Residence: Hornbeck, Vernon Parish, Louisiana (but owned property in Squaw Valley, Fresno County, CA)</p>
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		<p>Publication: Fresno Bee</p>
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		<p>Petitioner states that while the document is not composed as a formal will, it does show the Decedent's testamentary intent for distribution and all testate heirs (which are Decedent's siblings) are in agreement with its proposed distribution, including the distribution to Church of Kaweah.</p>
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		<p>Estimated Value of Estate: Real property: \$160,000.00</p>
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		<p>Probate Referee: Steven Diebert</p>
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		<p>Reviewed by: skc</p>
<input type="checkbox"/>	Aff. Posting		<p>Reviewed on: 8-21-13</p>
<input type="checkbox"/>	Status Rpt		<p>Updates:</p>
<input type="checkbox"/>	UCCJEA		<p>Recommendation:</p>
<input type="checkbox"/>	Citation		<p>File 4 – Chance</p>
<input type="checkbox"/>	FTB Notice		

Page 2

1. Petitioner requests that the Court find that the Decedent died *testate*, that the "*Private Covenant/ Contract*" be admitted to Probate *as a will*, and that Petitioner be appointed as *Executor*. The Court may require authority for such finding and admission of this document as a will.

Note: The document is not composed as a will; rather, it is a contract that specifically references this Fresno County property and contains a provision for performance in the event of his death by an agent. Probate Code §6110 requires a finding of clear and convincing evidence that the testator intended the document to constitute a will, and Probate Code §8220 requires a subscribing witness to attest to that fact as well.

Note: A proof of subscribing witness signed by Petitioner states the decedent acknowledged that the instrument signed was his will; however, based on the above, the Court may require clarification.

Note: Petitioner does not state whether this is an ancillary probate pursuant to Probate Code §12510, or whether any proceedings are commenced or anticipated to be commenced in Louisiana. Petitioner also does not state if there any other testamentary documents in existence, and if so, have they or will they be admitted to probate elsewhere, or is the decedent otherwise intestate?

Therefore, need authority for appointment as requested, or alternatives for proceeding.

2. #7b of the Petition is incomplete. Examiner Notes requested clarification regarding the deceased spouse. Per declaration, box 7(b)(1) should be checked that the predeceased spouse died not more than 15 years before the decedent (DOD 6-5-07) and who owned an interest in real property that passed to the decedent. The Court may require clarification regarding the interest of the predeceased spouse with reference to Probate Code §6402.5, since the decedent is survived by issue of the predeceased spouse.
3. Petitioner requests appointment without bond, and all heirs waive bond; *however, the court may require bond* if the proposed personal representative resides outside California or for other good cause pursuant to California Rules of Court 7.201(b) and Probate Code 8571.

		MICHELE IRENE MARANIAN CURTH , Trustee of the Maranian 2013 Revocable Trust, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner alleges Raymond H. Maranian, established the Maranian 2013 Revocable Trust by a written Declaration of Trust dated June 4, 2013.	
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory	Property subject to the Trust was listed on Exhibit "A".	
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail	N/A	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen	On July 2, 2013, Michele Irene Maranian Curth, as the duly appointed attorney-in-fact for Raymond H. Maranian under a Durable Power of Attorney executed on July 4, 2013, executed an Assignment. The Assignment grants, transfers, conveys and assigned to Raymond H. Maranian, as Trustee of the Trust, his entire interest in and to all of the property described in Exhibit "A".	
	Letters		
	Duties/Supp		
	Objections	Settlor Raymond H. Maranian died on 7/7/2013.	
	Video Receipt		
	CI Report	Petitioner Michele Irene Maranian is the sole beneficiary of the Trust.	
	9202		
✓	Order	Petitioner requests the Court confirm that title in and to the assets listed on Exhibit "A" is in Michele Irene Maranian Curth, as Trustee of the Maranian 2013 Revocable Trust created on 6/4/2013.	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed on: 8/22/2013
			Updates:
			Recommendation:
			File 5 – Maranian

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

DOD: 4/12/2013	MEREDITH MCNEIL , named executor without bond, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Full IAEA – o.k.	
	Will dated: 7/25/1997	
Cont. from	Residence: Fresno	
<input type="checkbox"/> Aff.Sub.Wit. S/P	Publication: Fresno Business Journal	
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	Estimated value of the estate:	
<input checked="" type="checkbox"/> Aff.Mail W/	Personal property - \$160,000.00	
<input checked="" type="checkbox"/> Aff.Pub.	Annual income - \$14,400.00	
	Real property - \$123,000.00	
	Total - \$297,400.00	
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen	Probate Referee: Steven Diebert	
<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		
		Reviewed by: KT
		Reviewed on: 8/22/2013
		Updates:
		Recommendation: SUBMITTED
		File 6 – McNeil

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

DOD: 6/27/2013		JARED JEROME KAISER , named executor without bond, is petitioner. Full IAEA – o.k. Will dated 5/16/2006 Residence: Fresno Publication: Fresno Business Journal Estimated value of the estate: Real property - \$286,000.00 Probate Referee: Steven Diebert	NEEDS/PROBLEMS/COMMENTS:	
Cont. from				
<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 type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W/
<input checked="" type="checkbox"/>	Aff.Pub.			
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<input type="checkbox"/>	Conf. Screen			
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<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: KT	
			Reviewed on: 8/21/2013	
			Updates:	
			Recommendation: SUBMITTED	
			File 7 – Kaiser	

(1) First Account Current and Report of Successor Guardian and (2) Petition for Allowance of Compensation for Allowance of Compensation to Successor Guardian and Attorney

Age: 12	PUBLIC GUARDIAN , Guardian Of the Estate, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. The Court may require clarification regarding the disbursement of \$377.50 for an airline ticket to Texas for Elena Pena (Guardian of the Person). 2. The Court may require clarification as to why the addresses for Elena Pena (Guardian of the Person) and Randi Taylour Robinson-Cervantes (Minor) are noted as “confidential” on the Notice of Hearing and confirmation that the Court has the current residence of the guardian and minor on file.	
	Account period: 6-12-12 through 6-11-13		
	Accounting: \$249,685.63		
	Beginning POH: \$0.00		
	Ending POH: \$246,598.13 (cash)		
	Conservator: \$761.20 (for 5.95 Deputy hours @ \$96/hr and 2.50 Staff hours @ \$76/hr per attached declaration)		
	Attorney: \$2,000.00 (less than local rule)		
	Costs: \$78.00		
	Bond fee: \$616.50 (ok)		
	Petitioner prays for an order:		
	1. Approving, allowing, and settling the account as filed;		
	2. Authorizing the Conservator's and attorney's fees and commissions;		
	3. Authorizing payment of the bond fee and costs; and		
	4. Other relief that the court considers proper.		
			Reviewed by: skc
			Reviewed on: 8-21-13
			Updates:
			Recommendation:
			File 9 – Robinson-Cervantes
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
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<input checked="" type="checkbox"/> Notice of Hrg			
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<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			

Atty Crist, Emilie Megan (Pro Per – Mother – Petitioner)

Atty Crist, Jonathan (Pro Per – Maternal Grandfather – Guardian)

Petition for Termination of Guardianship

Drake, age 11	<p>EMILIE CRIST, Mother, is Petitioner.</p> <p>JONATHAN CRIST, Maternal Grandfather, was appointed guardian on 2-6-13.</p> <p>Father: ED HOFFMAN Paternal grandfather: Unknown Paternal grandmother: Donna Satterlee Maternal grandmother: Gayle Jamerson Siblings: Collin Hoffman, Ella Austin</p> <p>Petitioner states she is being kept from her children by the guardian. The children should be returned to her with the grandparents having visitation. Petitioner requests immediate visits pending the hearing through a supervised exchange agency. She would like weekly weekend visits from Fri after school til Sunday 6pm.</p> <p>Court Investigator Julie Negrete filed a report on 8-20-13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Notice of Hearing. 2. Need proof of service of Notice of Hearing at least 15 days prior to the hearing on the guardian and all relatives per Probate Code §1460(b)(5):</p> <ul style="list-style-type: none"> - Jonathan Crist (Guardian) - Ed Hoffman (Father) - Donna Satterlee (Grandmother) - Siblings Collin Hoffman and Ella Austin, if age 12 or older
Kingston, age 9		
Aff.Sub.Wit.		
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UCCJEA		
Citation		
FTB Notice		
	<p>Reviewed by: skc</p> <p>Reviewed on: 8-21-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12 – Hoffman</p>	

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

Age: 4	TEMP REVOKED 6-13-13	NEEDS/PROBLEMS/COMMENTS:
	ROBIN and WILLIAM MILLS , maternal aunt and uncle, are petitioners.	<u>Note:</u> On 6-13-13, based on information received, the Court terminated the temporary guardianship and revoked Letters.
	Father: UNKNOWN per Petitioners (RANDY POWERS per Mother)	If this matter goes forward, the following issues exist:
Cont. from 042213	- Declaration of Due Diligence filed 2-25-13	<p>1. The Court found diligence for the mother for the temp hearing, but did not dispense with notice. Petitioner filed another declaration of due diligence for the mother on 4-8-13 that indicates she checked with her probation dept., and last known employer. The last contact with the mother was a phone call in which the mother called her home and had a friend curse out Petitioner. She refused to provide an address other than a PO Box.</p> <p>If diligence is not found, the Court may require continuance for service of Notice of Hearing pursuant to Probate Code §1511.</p> <p>2. Notice was dispensed to the father (unknown) at hearing on 3-5-13. If notice is not dispensed to paternal grandparents, the Court may require continuance for service of Notice of Hearing pursuant to Probate Code §1511.</p>
<input type="checkbox"/> Aff.Sub.Wit.	- Notice dispensed per min order 3-5-13	
<input checked="" type="checkbox"/> Verified	Mother: AMY ADAMS	
<input type="checkbox"/> Inventory	- Declaration of Due Diligence filed 2-25-13	
<input type="checkbox"/> PTC	- Diligence found for temp hearing	
<input type="checkbox"/> Not.Cred.	Paternal grandparents: Unknown	
<input type="checkbox"/> Notice of Hrg <input checked="" type="checkbox"/>	Maternal grandparents: Deceased	
<input type="checkbox"/> Aff.Mail <input checked="" type="checkbox"/>	Sibling: Dawlton Adams (11)	
<input type="checkbox"/> Aff.Pub.	Petitioners state the minor has been in their care since 12-2-12. The mother is facing criminal charges from a rollover truck accident where the minor was not in a car seat and not taken to the doctor and they left the scene of the accident. CPS was involved. The mother was evicted from her apartment and does not have stable housing. The mother wants the minor to move to another state to live with some friends the minor does not know; however, she cannot leave Colorado due to conditions of parole, and wants to send her friends to pick up the minor from Petitioners. The minor has insecurity issues from being shuffled around. Petitioners state they have a strong bond with her and it is in her best interest to remain with them. Petitioner provides letters in support of guardianship from family members and friends as well as certificates of completion indicating that Petitioner Robin completed parenting classes in 1997.	
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv. <input checked="" type="checkbox"/>		
<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 checked="" type="checkbox"/> Clearances		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting	Court Investigator Julie Negrete filed a report on 4-15-13.	
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: skc
		Reviewed on: 8-21-13
		Updates:
		Recommendation:
		File 13 - Adams

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

Age: 17	TEMP EXPIRES 8-26-13	NEEDS/PROBLEMS/COMMENTS:
	JOANN RODRIGUEZ , Sister, is Petitioner.	<p>Note: Because an investigation could not be completed, this petition has not been reviewed. If this petition goes forward, further review will be necessary and Examiner Notes will be prepared prior to hearing.</p>
	Father: UNKNOWN, deceased.	
	Mother: CAROLINE ALVARADO, deceased	
	Paternal grandfather: Unknown	
	Paternal grandmother: Unknown	
	Maternal grandfather: Unknown	
	Maternal grandmother: Unknown	
	Petitioner states the minor is currently in juvenile hall for bad behavior and the judge wants someone to have guardianship.	
	Court Investigator Jennifer Young filed a report on 8-19-13.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 8-21-13
		Updates:
		Recommendation:
		File 14 – Alvarado

15 Anna Valdez, Roselinda Valdez, Kailena Valdez, Juan Valdez, Samantha Valdez, Nikkia Alvarado (GUARD/P)

Case No. 13CEPR00557

Atty Valdez, Alexandra (Pro Per – Petitioner – Paternal Aunt)

Atty Camacho, Janie (Pro Per – Petitioner – Paternal Grandmother)

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

Nikkia: 8		<p align="center">TEMPORARY EXPIRES 08/26/2013</p> <p>ALEXANDRA VALDEZ, paternal aunt, and JANIE CAMACHO, paternal grandmother, are petitioners.</p> <p>Father: JUAN A. VALDEZ Father (of Nikkia): Unknown</p> <p>Mother: NIA ALVARADO</p> <p>Paternal Grandfather: Alberto Camacho Paternal Grandparents (of Nikkia): Unknown</p> <p>Maternal Grandparents: Unknown; <i>Declaration of Due Diligence filed 6/24/2013.</i></p> <p>Petitioners state the children were at risk of being removed by CPS, and Petitioners want the children to be in a familiar environment with their family and would like that the siblings not be separated from each other. Petitioners state the mother was an inappropriate person who allowed many people including their grandmother to witness her mistreating the children.</p> <p>Court Investigator Jennifer Daniel's Report was filed 8/19/2013.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Need Notice of Hearing and proof of personal service five (5) 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: <ul style="list-style-type: none"> Nia Alvarado, mother; Juan Valdez, father. Need proof of service by mail of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence</i>, for: <ul style="list-style-type: none"> Alberto Camacho, paternal grandfather; Maternal grandparents, <i>if Court does not find due diligence per Declaration filed 6/24/2013.</i> <i>Child Information Attachments</i> submitted for all of the children indicate the children may have Indian ancestry. <i>CI Report</i> filed 8/19/2013 states the mother is Chumash, and Court Investigator provided a blank <i>Notice of Child Custody Proceeding for Indian Child</i> (Form ICWA-030), which must be served to the child's parents; any Indian custodian; any Indian tribe that may have a connection to the child; the Bureau of Indian Affairs (BIA), and the U.S. Secretary of the Interior. Petitioners must complete the form and return to the Probate Clerk for mailing as soon as possible. 	
Anna: 6				
Roselinda:				
Kailena: 3				
Juan: 2				
Samantha: 1				
✓	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			
		<p>Reviewed by: LEG</p> <p>Reviewed on: 8/21/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 15 – Valdez & Alvarado</p>		

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

Age: 2 months	TEMP GRANTED EX PARTE EXPIRES 8-26-13	NEEDS/PROBLEMS/COMMENTS:
	GENERAL HEARING 10-10-13	
	TRACY MACKLIN , Paternal Aunt, is Petitioner.	
<input type="checkbox"/> Aff.Sub.Wit.	Father: DANA MACKLIN	
<input checked="" type="checkbox"/> Verified	- Personally served 8-18-13	
<input type="checkbox"/> Inventory	- Objection filed 8-20-13	
<input type="checkbox"/> PTC	Mother: JULIA MARTINEZ	
<input type="checkbox"/> Not.Cred.	- Personally served 8-18-13	
<input checked="" type="checkbox"/> Notice of Hrg	Paternal Grandfather: Deceased	
<input type="checkbox"/> Aff.Mail	Paternal Grandmother: Joyce Macklin	
<input type="checkbox"/> Aff.Pub.	- Consents and waives notice	
<input type="checkbox"/> Sp.Ntc.	Maternal Grandfather: Robert Smith	
<input checked="" type="checkbox"/> Pers.Serv. W	Maternal Grandmother: Geraldine Martinez	
<input checked="" type="checkbox"/> Conf. Screen	Petitioner states the child was placed with Petitioner by CPS because neither parent is able to provide the child with adequate care due to substance abuse. The father is homeless and has a girlfriend who is a felon. He is threatening to take the child from Petitioner and the paternal grandmother who provides child care while Petitioner is at work. He comes to the home threatening to hit her and punched holes in the wall when she wouldn't give him the child. He threatened Petitioner that he will mess her up if she doesn't give him his baby. Petitioner states he wants her for money for his drug use. Petitioner states he goes to her children's homes and bullies them as well. If Dana gest the baby, Petitioner fears she will not survive due to his violence.	
<input 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 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	Dana Macklin, Father, filed an Objection on 8-20-13. Father states he objects to the petition because of the undermining way that his sister has gone about obtaining guardianship. Father states he and his wife have raised three beautiful children and guardianship is not necessary. They were separated for a while until they were able to restore the marriage. They are back together and he is at home. Father states he is the sole provider and Petitioner is obsessed with the child which leaves her mental state questionable. Petitioner is still suffering from the loss of her baby (stillborn) and in her mind she believes this is her baby. She has made these false accusations that are not true. It is her plan to take his rights away. Father wants the opportunity to raise the child in his home with his wife.	

Reviewed by: skc

Reviewed on: 8-21-13

Updates:

Recommendation:

File 16 – Macklin

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

Vapsi Elizabeth Zamorano (14)		<p>TEMP GRANTED EX PARTE EXPIRES 8-26-13</p> <p>IRMA ZAMORANO, Maternal Grandmother, is Petitioner.</p> <p>Father: SAMUEL OROZCO - Consents and waives notice - Personally served 8-16-13</p> <p>Mother: IRMA M. ZAMBRANO - Consents and waives notice - Personally served 8-16-13</p> <p>Paternal Grandfather: Samuel Orozco Paternal Grandmother: Jacova Torres</p> <p>Maternal Grandfather: Mario Zambrano</p> <p>Petitioner states the father's live-in girlfriend is physically abusive toward the children. Petitioner describes a recent incident where she pinched Uziel on his thigh, and another where she hit Vapsi with an open hand causing her mouth to bleed. Petitioner states if the children cry they are abused more. The father does nothing for their protection. The father agreed to their placement but Petitioner needs an order to keep him from changing his mind.</p> <p>According to the UCCJEA, the children have been with Petitioner sine 7-30-13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need clarification:</p> <p>- Is Petitioner's name: ZAMORANO or ZAMBRANO?</p> <p>- Is the minor's name: ZAMORANO or ZAMBRANO?</p> <p>- Is the Mother's name: ZAMORANO or ZAMBRANO or GONZALE\$ or GONZALEZ?</p> <p>Names appear spelled numerous different ways in the petition and other documents.</p>
Naason Orozco (12)			
Uziel Orozco (10)			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
✓ Pers.Serv.	W		
✓ 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: 8-22-13	
		Updates:	
		Recommendation:	
		File 17 – Zamorano & Orozco	

Pro Per Corrales, Patricia Ann (Pro Per Petitioner, paternal grandmother)

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

Janessa Age: 5 years	<p style="text-align: center;"><u>General Hearing set for 10/17/2013</u></p> <p>PATRICIA ANN CORRALES, paternal grandmother, is Petitioner.</p> <p>Father: JESUS GONZALEZ</p> <p>Mother: VANESSA NICOLE NORIEGA</p> <p>Paternal grandfather: Abel Gonzalez</p> <p>Maternal grandfather: Victor Noriega Maternal grandmother: Kathy Noriega</p> <p>Petitioner states the mother is currently incarcerated for failure to attend her program and test for drugs, and the father is attending a program called King of Kings. Petitioner states CPS placed the children in her care and encouraged her to seek guardianship of the children. Petitioner states she seeks temporary guardianship to avoid either parent coming for the children.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of five (5) court days' notice by personal service of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence</i> for: <ul style="list-style-type: none"> • Vanessa N. Noriega, mother; • Jesus Gonzalez, father. 	
Josiah Age: 4 years			
Jesse Age: 3 years			
Julian Age: 1 year			
Jeremy Age: 6 mos.			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			X
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			X
✓ Conf. Screen			
Aff. Posting			
✓ Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
✓ Letters			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
		Reviewed by: LEG	
		Reviewed on: 8/22/13	
		Updates:	
		Recommendation:	
		File 18 – Gonzalez	

Atty Wilson, Jackie L. (pro per Petitioner/maternal grandmother)

Petition for Appointment of Temporary Guardianship of the Person

Judy age: 11	<p align="center"><u>GENERAL HEARING 10/17/2013</u></p> <p>JACKIE LUCILLE WILSON, maternal grandmother, is petitioner.</p> <p>Father: DANIEL R. GEE</p> <p>Mother: DAVA GEE</p> <p>Paternal grandfather: Rex Gee Paternal grandmother: Deceased Maternal grandfather: Deceased.</p> <p>Petitioner states the children need to be in a stable home environment before school starts. The have missed a lot of school and are behind. SARB and CPS have been involved for years. Petitioner states she wants to give them stability. Also, there are lots of non-family members (adults and children) in their home. There is never enough food. Home is usually chaotic with fighting among parents and children. Not clean and healthy place.</p>	<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 Temporary Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> a. Daniel R. Gee (father) b. Dava Gee (mother) c. Michael Gee (minor) d. Christa Gee (minor) 	
Michael age: 15			
Christa age: 17			
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input type="checkbox"/> Notice of Hrg			X
<input type="checkbox"/> Aff.Mail			
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			X
<input checked="" type="checkbox"/> Conf. Screen			
<input 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 checked="" type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
		<p>Reviewed by: KT</p> <p>Reviewed on: 8/22/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 19 – Gee</p>	