

1 Gene Raymond Gauss (CONS/E)

Case No. 0568599

Atty Kruthers, Heather H. (for Public Guardian – Conservator/Petitioner)

(1) Ninth Account Current and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney

Age: 77	PUBLIC GUARDIAN , Conservator, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. According to the Court's records there are \$750.00 in unpaid Court Investigator fees.</p>
	Account period: 03/01/12 – 02/28/14	
	Accounting - \$255,650.95	
	Beginning POH - \$166,058.78	
	Ending POH - \$142,942.25	
Cont. from	Conservator - \$1,048.16 (8.6 staff hours @ \$76/hr. and 4.11 deputy hours @ \$96/hr.)	
<input type="checkbox"/> Aff.Sub.Wit.	Attorney - \$1,250.00 (less than allowed per Local Rule)	
<input checked="" type="checkbox"/> Verified	Bond fee - \$930.66 (ok)	
<input type="checkbox"/> Inventory	Petitioner prays for an Order:	
<input type="checkbox"/> PTC	1. Approving, allowing and settling the Ninth Account;	
<input type="checkbox"/> Not.Cred.	2. Authorizing the conservator and attorney's fees and commissions; and	
<input checked="" type="checkbox"/> Notice of Hrg	3. Authorizing payment of the bond fee.	
<input checked="" type="checkbox"/> Aff.Mail w/	Court Investigator Dina Calvillo filed a report on 06/30/14.	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 2620(c) n/a		
<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: 08/22/14
		Updates:
		Recommendation:
		File 1 – Gauss

	PUBLIC GUARDIAN , Conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 072314		
Aff.Sub.Wit.	Petitioner states on 2/22/11 the court approved the petitioner's second account, including the dispensation of further accountings. All of the requirements set forth in Probate Code 2628(b) remain. The conservatee is on Medi-Cal. The State allows the share of cost normally paid to the facility for Medi-Cal clients to be used to pay a conservator's fees instead. It requires a court order stating that fees are owed and approved.	
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail	The Conservator and her attorney have provided services to the conservatee without payment since September 23, 2010.	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	Petitioner requests the court approve payments to the conservator and her attorney as follows:	
Conf. Screen	Conservator - \$3,201.36 (17.91 Deputy hours @ \$96/hr and 19.50 Staff hours @ \$76/hr)	
Letters	Attorney - \$750.00 (5 hrs @ \$150/hr)	
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order	Petitioner request that due to the insufficiency of the estate to pay the fees and commissions that a lien be imposed upon the estate for any unpaid balances of the authorized fees and commissions.	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice	Petitioner prays for an Order: 1. Authorizing the conservator and attorney fees and commissions 2. Authorize petitioner to impose a lien on the estate for any unpaid balances of authorized fees and commissions	
		Reviewed by: KT
		Reviewed on: 8/25/14
		Updates:
		Recommendation:
		File 2 - Hagopian

(1) Petition for Settlement of First and Final Account; Petition for Final Distribution and for (2) Allowance of Ordinary and Extraordinary

DOD: 1-1-85		DORIS A. JOHNSON , Administrator with Full IAEA with bond of \$75,000.00, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: The intestate heirs to this estate would be Petitioner Doris Johnson, her two siblings Mildred Hodges and Leonard Bradley, and the issue of a post-deceased sibling Edna Cox: Darryl Cox, Cynthia Clanton, and Sharon Cox-Plousha.</p> <p>1. This estate was opened in 2007 and sat dormant for seven years, incurring expenses, without any status report filed with the Court or served on heirs.</p> <p>This does not appear to have been a benefit to the estate; rather, it appears to have been detrimental. Petitioner does not address why the estate was not closed timely pursuant to Probate Code §12200.</p> <p>Examiner notes the following circumstances:</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p> <p>Reviewed by: skc</p> <p>Reviewed on: 8-22-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3 – Bradley</p>
		Account period: 1-1-85 through 7-18-14 Accounting: \$35,000.00 Beginning POH: \$35,000.00 Ending POH: \$7,401.44 (cash)	
	Aff.Sub.Wit.	Administrator (Statutory): \$760.00	
✓	Verified	Administrator (Extraordinary): \$1,000.00 (for the sale of the real property)	
✓	Inventory	Attorney (Statutory): \$760.00	
✓	PTC	Attorney (Extraordinary): \$1,000.00 (for the sale of the real property)	
✓	Not.Cred.	Administrator requests reimbursement) for the following expenses totaling \$13,835.31:	
✓	Notice of Hrg	<ul style="list-style-type: none"> • \$8,419.43 for payments to City of Fresno for lien against the real property from 2001 through 2005 (see itemization) • \$1,015.88 for property tax payments from 2002 through 2014 (see itemization) • \$4,400.00 was paid for disking, weeding, and general cleanup; however, itemization is not provided since there is not sufficient cash in the estate for reimbursement of these expenses 	
✓	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters 8-27-07		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	9202	Petitioner states the estate is insolvent and the remaining balance after payment of closing expenses should be distributed to Doris A. Johnson for reimbursement of expenses advanced for the benefit of the estate to the extent of the remaining assets.	
✓	Order	Petitioner prays for an order that:	
	Aff. Posting	<ol style="list-style-type: none"> 1. Administration of this estate be closed; 2. The first and final account be approved; 3. Petitioner be allowed the sum of \$1,760.00 as its fee for ordinary and extraordinary services to the estate; 4. Petitioner's attorney be allowed the sum of \$1,760.00 as its fee for ordinary and extraordinary services to the estate; 5. All acts, transactions, sales, and investments of the personal representative be ratified, approved, and confirmed; and 6. The remaining balance of the estate in the amount of \$3,881.44 be distributed to Petitioner as reimbursement for expenses advanced to the benefit of the estate. 	
	Status Rpt		
	UCCJEA		
	Citation		
N/A	FTB Notice		

Page 2

NEEDS/PROBLEMS/COMMENTS (CONT'D):

1. (Cont'd): The I&A filed in 2007 valued the real property at \$35,000.00 as of the decedent's date of death, which was in 1985; however, in 2007, the property's value was estimated at \$75,000.00. Bond was fixed at \$75,000.00 because Administrator was granted authority under IAEA to sell the property.

If the estate had been administered timely, there may have been proceeds available for distribution to the heirs. However, because it was not, the value decreased significantly between 2007 and 2014 and the Administrator incurred \$13,835.31 in expenses for which she now requests reimbursement, as well as expenses for bond premiums for seven years, for which she has apparently already reimbursed herself per the disbursements schedule.

Petitioner requests the Court approve all acts and transactions of the Administrator, without addressing these circumstances, and stating that her expenses incurred were beneficial to the estate. Need clarification.

2. Petitioner requests the full amount of statutory compensation as well as extraordinary compensation for herself and her attorney. The Court may require clarification with reference to the above circumstances and Probate Code §§ 12200 (noticed final account or report of status) and 12205 (Court may reduce compensation).
3. The Court may require notice to the surety for any further or continued hearing on this matter.

Note: Bond of \$75,000.00 was filed on 8-27-07 per Court records (Banner); however, the original bond does not appear to be in the file. The Court may require a copy of the bond for the file.

(1) First and Final Account and Report of Administration, Petition for Settlement, (2) Reimbursement to Executor, (3) Allowance of Statutory Attorneys Fees and (4) Final Distribution

DOD: 03/05/2012		<p>LESLIE ANN SPARKS, Executor, appointed on 04/17/2012 with full IAEA authority, it petitioner.</p> <p>Accounting period: 03/06/2012 – 06/16/2014</p> <p>Accounting - \$340,667.85 Beginning - \$223,158.13 POH - \$326,313.66</p> <p>Executor - Waives Executor Costs - \$17,477.36</p> <p>Attorney (statutory) - \$7,463.16</p> <p>Closing - \$55,000.00 (Tax deficiencies and closing expenses)</p> <p>Distribution to: Barbara Simpson-Taylor - \$30,000.00 Jiselle Bakker – 100% of United Security Bank Stock Leslie Ann Sparks - \$9,576.04, 200 Shares, Lockheed Martin Corp. Com; 168 Shares, Raytheon Co Com New Mark J. Taylor - \$9,576.03, 200 Shares, Lockheed Martin Corp. Com; 168 Shares, Raytheon Co Com New Michael F. Taylor - \$9,576.03, 200 Shares, Lockheed Martin Corp. Com; 168 Shares, Raytheon Co Com New</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Consistent with the Court's recent practice Court will set a Status Hearing as follows:</p> <p style="text-align: center;">Wednesday, February 4, 2015 at 9:00 a.m. in Dept. 303 for an Informal Accounting of the \$55,000.00 Closing Reserve.</p> <p>Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required. Filing of the informal accounting of closing reserve will not generate a new hearing date.</p>	
Cont. from 080614				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
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<input checked="" type="checkbox"/>	Notice of Hrg			
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<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters 04/18/12			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input checked="" 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: LV
				Reviewed on: 08/25/2014
				Updates: KT for 8/27/14
		Recommendation:		
		File 4 – Taylor		

5 Song Liang (Estate)

Case No. 13CEPR00157

Atty Moore, Susan L. (for Administrator Chen Liang)

(1) Petition for Settlement on Waiver of Account; and (2) Petition for Final Distribution and for (3) Allowance of Compensation for Ordinary Services

DOD: 1-20-13		<p>CHEN LIANG, Administrator With Full IAEA without bond, is Petitioner.</p> <p>Accounting is waived.</p> <p>I&A: \$195,000.00 POH: \$195,000.00 (Decedent's 50% interest in two parcels of real property)</p> <p>Administrator (Statutory): Waived</p> <p>Attorney (Statutory): \$6,850.00</p> <p>Distribution pursuant to intestate succession and Assignment of Interest filed 8-12-13:</p> <p>Chen Liang: Entire estate consisting of Decedent's 50% interest in two parcels of real property</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Petitioner states the creditor's claims were approved and paid; however, the mandatory allowance form was not filed and no withdrawals or receipts have been filed. The Court may require the filing of the mandatory Judicial Council form DE-174 Allowance or Rejection of Creditor's Claim pursuant to Probate Code §9250(b), which includes proof of service on the creditor and allows 90 days for response, for the following claims filed in this estate:</p> <ul style="list-style-type: none"> - Claim of \$965.42 filed 3-22-13 by AscensionPoint Recovery Services, LLC, on behalf of GE Capital Retail Bank - Claim of \$3,856.67 filed 5-28-13 by AscensionPoint Recovery Services, LLC, on behalf of Citibank, N.A. - Claim of \$1,442.50 filed 8-16-13 by PG&E <p>Alternatively, the Court may require withdrawals from the creditors.</p>	
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<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input checked="" type="checkbox"/>	9202			
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<input type="checkbox"/>	Citation			
<input checked="" type="checkbox"/>	FTB Notice			
		Reviewed by: skc		
		Reviewed on: 8-22-14		
		Updates:		
		Recommendation:		
		File 5 – Liang		

Petition for Order Compelling Trustee to Account and Report

Thomas J. Davis DOD: 6-5-00	<p>JOSHUA DAVIS, Beneficiary, is Petitioner.</p> <p>Petitioner states he is a beneficiary of the Davis 1989 Family Trust dated 11-17-89 (the Trust) (Exhibit A). On or about the same date, Thomas and Wealthea Davis also created the Davis Family 1989 Life Insurance Trust (the Insurance Trust) (Exhibit B). The Family Trust became irrevocable on the settlors' deaths. The Insurance Trust was already irrevocable during their lifetimes. Petitioner states BRUCE NEILSEN is the successor trustee of both trusts.</p> <p>Petitioner states that following the death of Thomas Davis on 6-5-00, Petitioner, by his agent and CPA Tom Bell, inquired of Trustee Neilsen on multiple occasions about the nature of the Trust assets and timetable for distribution. Petitioner was aware that the decedents had owned real property in California, various stocks and bonds, as well as other assets to which Petitioner and the other named in this petition were beneficiaries.</p> <p>Petitioner has requested that Trustee Neilsen provide him with an account of his administration of the Trust, but Trustee Neilsen has not done so. Additionally, Petitioner believes portions of the trust property that were to be held fbo Trust beneficiaries and Insurance Trust beneficiaries have been used to make loans to beneficiaries other than Petitioner, all to the detriment of Petitioner and other beneficiaries who may have lost their share of Trust and Insurance Trust assets as a result of the breach of his duties to the beneficiaries by Trustee Neilsen.</p> <p style="text-align: center;">SEE ADDITIONAL PAGES</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 5-19-14, 6-18-14, 7-16-14</p> <p>As of 8-22-14, nothing further has been filed.</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>
Wealthea Davis DOD: 3-25-98		
Cont from 051914, 061814, 071614		
<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 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.		
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<input type="checkbox"/> Letters		
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<input type="checkbox"/> 9202		
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<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	<p>Reviewed by: skc</p> <p>Reviewed on: 8-22-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8 - Davis</p>	

Page 2

Petitioner states moreover, Trustee Neilsen has failed to require the execution of notes requirement repayments by the borrowers of the Trust and Insurance Trust assets, and/or that Trustee Neilsen has failed to require the repayment of principal and interest on the Trust and Insurance Trust monies by the borrowers, all to the detriment of Petitioner and the other beneficiaries.

Petitioner states the Trust estate was to be divided into 12 separate trusts immediately on the death of both settlors. Petitioner made inquiries of Trustee Neilsen as to what is held in the trust created for Petitioner, but Trustee Neilsen has not provided the requested information or any meaningful response. Petitioner is informed and believes that Trustee Neilsen has, without consent or knowledge of several of the beneficiaries, used Trust and/or Insurance Trust assets to fund business transactions initiated by other beneficiaries, all to the detriment of Petitioner and other beneficiaries.

Petitioner has been unable to determine what has been done with what portion of the Insurance Trust assets and the Trust assets which were to have been segregated from the rest of the Trust property and Insurance Trust property for Petitioner's benefit.

Petitioner requests the Court order as follows:

1. Directing Trustee Bruce Neilsen to prepare and file a complete account and report of his administration of the Davis 1989 Family Trust and the Davis 1989 Life Insurance Trust for the period of June 6, 2000 through March 31, 2014, inclusive;
2. Directing Trustee Bruce Neilsen to set the Account and Report for hearing and give notice of same pursuant to §17203;
3. Awarding Petitioner reasonable attorneys' fees and costs incurred in this matter; and
4. Granting any and all other relief as the Court deems just and proper.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS:

1. This petition requests accountings for two separate trusts. The two separate trusts have separate terms, separate assets, and separate purposes, and as such consideration by the Court requires separate petitions, separate notice, separate files, separate filing fees, and ultimately separate accountings.

The Court may designate this case number as the Family Trust file and direct Petitioner to initiate a separate proceeding regarding the Life Insurance Trust.

2. Also, per its terms, the Family Trust was to immediately divide into twelve (12) separate trusts, only one of which was for Petitioner's benefit. Need clarification and authority regarding the scope of the request for accounting(s).

Note: The language in the instruments differentiates between division into separate trusts and into separate shares, as contemplated by the Life Insurance Trust.

3. Notice appears to have been mailed to six people as couples, rather than as individuals entitled to direct notice. The Court may require amended direct service pursuant to Cal. Rules of Court 7.51.
4. Probate Code §17200(b)(7) provides that the Court can compel the trustee to provide information or account if the trustee has failed to provide the requested information within 60 days after the beneficiary's reasonable written request. Here, Petitioner states that he requested information after the settlors' deaths, which was approx. 14 years ago, but Petitioner does not state if any recent written request was made pursuant to §17200(b)(7), or what response was received, if any, pursuant to the written request. The Court may require clarification as to whether this petition may be prematurely filed pursuant to §17200(b)(7) and may require continuance for formal request and response. (Note: The requests should be separated for each trust pursuant to the above items.)

Petition for Compensation

Age: 82		<p>J. STANLEY TEIXEIRA, Petitioner, was court appointed to represent the Conservatee on 04/08/14.</p> <p>MELINDA RATLIFF MURRAY and MELANIE RATLIFF WELCH, daughters, were appointed as Co-conservators of the Person and Estate on 07/07/14.</p> <p>Petitioner requests in connection with the representation of the Conservatee for the petition to appoint a conservator.</p> <p>Petitioner asks that he be paid from the conservatorship estate for 8.8 hours @ \$275/hour, reduced to \$2,337.50 plus costs of \$435.00 for a total of \$2,772.50.</p> <p>Services are itemized by date and include review of documents, visits with client, and court appearances.</p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
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<input checked="" type="checkbox"/>	Notice of Hrg		
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<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		
		Reviewed by: JF Reviewed on: 08/22/14 Updates: Recommendation: File 9 – Ratliff	

Petition for Determination of Entitlement to Personal Property in the Possession of Another and for Double Damages

DOD: 1/22/14	LYNSEY ARCE is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued to 10/15/14 at the request of the attorneys.</p> <p>Continued from 7/8/14. Minute order states Mr. Levinson reports there is no trust. Counsel is directed to meet and confer. The Court orders any action with regard to the subpoenas to be stayed and enforcement not sought pending further order of the Court.</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of the Notice of Hearing along with a copy of the petition, at least 30 days prior to the hearing, on: <ol style="list-style-type: none"> a. Mark Arce b. Sharon Arce 3. Need copy of the Trust instrument prior to any determination as to who is entitled to the assets of the Trust. If there is no trust then a probate proceeding will need to be commenced to determine the heirs of the estate. 4. Need Order
Cont. from 070814	Petitioner states she is the granddaughter of the decedent. Petitioner and her brother, MARK ARCE ("MARK") , are the only heirs of the decedent.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Petitioner alleges that decedent died with significant assets that are under the control of and in the possession of MARK ARCE and his wife, SHARON ARCE ("SHARON") .	
<input type="checkbox"/> Inventory	Petitioner is unaware of the nature of decedent's assets. MARK and SHARON have refused and continue to refuse to share the information with Petitioner despite numerous requests.	
<input type="checkbox"/> PTC	Petitioner believes she is legally entitled to a 50% interest in all of the decedent's personal property in the possession of MARK and SHARON according to proof.	
<input type="checkbox"/> Not.Cred.	Petitioner's lack of knowledge as to the nature and extent of the decedent's property does not preclude her from filing this claim. Petitioner can establish the facts necessary, through the discovery process, to specifically itemize the personal property she is entitled to that is in the possession of MARK and SHARON .	
<input type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
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<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Please see additional page

Reviewed by: KT
Reviewed on: 8/21/14
Updates:
Recommendation:
File 10 - Schmit

Petitioner states MARK and SHARON have refused to provide the Petitioner with information regarding her grandmother's estate and have specifically stated they will share only what they want. This concealment is being done in bad faith and subjects **MARK** and **SHARON** to an award of double damages. Additionally, Petitioner believes that there may be a trust for which **MARK** and **SHARON** have not provided and not given the notice as required under Probate Code §16061.7 for which double damages are proper.

Petitioner prays for an Order:

1. The court determine that **LYNSEY ARCE** is entitled to 50% of all known and after discovered personal property of the decedent, **Irene Alice Schmit**, but in the possession or under the control of **MARK ARCE** and **SHARON ARCE**, at the time of decedent's death.
2. The court determine that **MARK ARCE** and **SHARON ARCE** shall pay **LYNSEY ARCE** with the value of the property concealed or transferred in bad faith or that was transferred as a result of the undue influence of **Irene Alice Schmit** by **MARK ARCE** and/or **SHARON ARCE**.

Objection to Verified Petition for Determination of Entitlement to Personal Property in the Possession of Another and for Double Damages filed by Mark Arce and Sharon Arce on 7/3/14. Objectors state the Petition is devoid of any mention of a trust and the superior court's jurisdiction over a trust commences at Probate Code §15000 et seq. not Probate Code §850 et seq., the code upon which Petitioner bases her request for relief. Probate Code §850 et seq. governs probate litigation over adverse claims to property in decedent's estate administration.

Stated succinctly, the Petition fails to state a cause of action – a valid claim – entitling Petitioner to any form of relief from this court. As such the Petition should be dismissed.

As no valid claim exists, Respondents further request the court direct Petitioner, through her counsel, to withdraw the subpoenas allegedly served by Petitioner upon the IRS, Union Bank and Kern Schools Federal Credit Union.

	NO TEMP REQUESTED	NEEDS/PROBLEMS/COMMENTS:
	WILSON L. ARTEAGA , Minor, is Petitioner and requests that his uncle JOSE EFRAIN ARTEAGA , be appointed as Guardian of his person.	1. The Court may require diligence or notice re the father and paternal grandparents per Probate Code §1511.
	Petitioner also requests that this Court make an order regarding minor's eligibility for special immigrant juvenile status. See points and authorities and declarations in support.	Note: There are two orders in the file for signature:
	Father: Unknown	1) Order Appointing Guardian
	Mother: Maria Amparo Arteaga Ruiz (El Salvador) (consents and waives notice)	2) Order Re Eligibility for Special Immigrant Juvenile Status
	Paternal grandparents: Unknown	
	Maternal Grandfather: Deceased	
	Maternal Grandmother: Nicolasa Ruiz (El Salvador) (consents and waives notice)	
	Siblings: Jose Arteaga, Hermila Arteaga, Santos Arteaga (El Salvador)	
	Petitioner states he fled his home country of El Salvador. He was forced to leave school at the age of 14 and work long days under dangerous conditions. He was often injured while working and exposed to dangerous chemicals. He also feared being recruited by violent street gangs. Since residing with his uncle, he has been able to live in a safe home environment and plans to attend school in the fall.	
	Court Investigator Jennifer Young filed a report on 8-20-14.	
<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 checked="" type="checkbox"/>	Notice of Hrg	
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<input type="checkbox"/>	Aff.Pub.	
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<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 type="checkbox"/>	UCCJEA	
<input type="checkbox"/>	Citation	
<input type="checkbox"/>	FTB Notice	
		Reviewed by: skc
		Reviewed on: 8-22-14
		Updates:
		Recommendation:
		File 12 – Arteaga

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

DOD: 08/31/2013	EIKO II, spouse is petitioner and requests appointment as Administrator without bond.	NEEDS/PROBLEMS/COMMENTS: Continued to 9/17/14 at the request of the attorney. 1. Petition indicates decedent's residence at the time of death was Fowler, California, therefore the correct publication should be The Fowler Ensign. Petitioner published in The Business Journal. 2. Affidavit of Publication does not include IAEA language therefore the Court cannot grant IAEA authority. 3. Need Notice of Petition to Administer Estate. 4. Need proof of service of the Notice of Petition to Administer Estate pursuant to Probate Code §8110 on: <ul style="list-style-type: none"> • Andrew A. li • Suzanne Sayuri li • Bernard C. li 5. Need Order. 6. Need Letters. Note: If the petition is granted status hearings will be set as follows: • Wednesday, 01/07/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Wednesday, 09/09/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. 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.
	All heirs waive bond	
Cont. from 080614	Full IAEA – ?	
<input type="checkbox"/> Aff.Sub.Wit.	Decedent died intestate	
<input checked="" type="checkbox"/> Verified	Residence: Fowler	
<input type="checkbox"/> Inventory	Publication: The Business Journal	
<input type="checkbox"/> PTC	Estimated value of the Estate:	
<input type="checkbox"/> Not.Cred.	Real property - \$300,000.00	
<input checked="" type="checkbox"/> Notice of Hrg	Probate Referee: Steven Diebert	
<input checked="" type="checkbox"/> Aff.Mail		
<input checked="" type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters	x	
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order	x	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
Reviewed by: LV		
Reviewed on: 08/04/2014		
Updates: KT for 8/27/14		
Recommendation:		
File 13 – li		

DOD: 06/18/14	LADONNA BALTO , daughter, is Petitioner and requests appointment as Administrator without bond.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Tuesday, 01/27/15 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Tuesday, 12/01/15 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>
	Full IAEA – OK	
Cont. from	All heirs waive bond	
<input type="checkbox"/> Aff.Sub.Wit.	Decedent died intestate	
<input checked="" type="checkbox"/> Verified	Residence: Fresno	
<input type="checkbox"/> Inventory	Publication: The Business Journal	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Estimated Value of the Estate:	
<input checked="" type="checkbox"/> Notice of Hrg	Personal property - \$ 1,500.00	
<input checked="" type="checkbox"/> Aff.Mail w/	Real property - 150,000.00	
<input checked="" type="checkbox"/> Aff.Pub.	Total - \$151,500.00	
<input type="checkbox"/> Sp.Ntc.	Probate Referee: STEVEN DIEBERT	
<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		
		Reviewed by: JF
		Reviewed on: 08/25/14
		Updates:
		Recommendation: SUBMITTED
		File 14 – Carter

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

DOD: 11/06/12	CYNTHIA ANN SPEAR, BRENDA JAN ARCHER, and VERA T. MARTINEZ, daughters, are Petitioners.	NEEDS/PROBLEMS/COMMENTS:
	40 days since DOD	
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.	I & A - \$125,00.00	
<input checked="" type="checkbox"/> Verified		
<input checked="" type="checkbox"/> Inventory	Will dated 02/16/04 devises estate to Petitioners in equal shares.	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Petitioners request Court determination that decedent's 100% interest in real property located at 3743 W. Robinson, Fresno, pass to them in equal shares pursuant to decedent's will.	
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input 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: 08/25/14
		Updates:
		Recommendation: SUBMITTED
		File 15 – Mosley

NEEDS/PROBLEMS/COMMENTS (Continued):

9. If granted, the Court will set an expiration date for the special administration. Need estimated time frame for acquisition of the settlement check on behalf of the estate.
10. If granted, accounting will be required since the estate will be receiving funds pursuant to Probate Code §8546(c). The Court will set a status hearing for the filing of the account; however, pursuant to the above-noted issues, there may be additional considerations, such as whether a full probate will be opened.
11. If granted, need revised order specifying the special powers granted in Attachment 3d(2).

Petition for Termination of Guardianship

Age: 3 years	JESSICA STAY , mother, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	SUSAN TURGEON , paternal grandmother, was appointed guardian on 6/14/2012. <i>Susan Turgeon consents and waives notice.</i>	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Father: THOMAS BELLUOMINI – <i>consents and waives notice.</i>	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input checked="" type="checkbox"/> Not.Cred.	Paternal grandfather: Deceased Maternal grandfather: Deceased Maternal grandmother: Debbie Marberry – served by mail on 6/27/14	
<input checked="" type="checkbox"/> Notice of Hrg	W/	
<input type="checkbox"/> Aff.Mail	Petitioner states she has been clean and sober for more than 4 years and is able to provide her daughter with the love, affection and stability she needs. Petitioner states she was released from probation in California in April of this year. She is still on probation in Nevada but is 100% compliant and expects to be released from said probation soon. Petitioner states she is working and has just completed her first semester at Fresno City College. Working towards her A.A. degree.	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order	Court Investigator Dina Calvillo's Report filed on 8/25/14.	
<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: 8/25/14
		Updates:
		Recommendation:
		File 17 – Belluomini

Petition for Appointment of Temporary Conservator of the Person and Estate

		GENERAL HEARING 9-29-14	NEEDS/PROBLEMS/COMMENTS:
		DIANA SMITH , Sister-in-law, is Petitioner and requests appointment as Temporary Conservator of the Person and Estate with bond of \$203,720.00.	<u>Court Investigator advised rights on 8-14-14.</u>
	Aff.Sub.Wit.		1. Need proof of personal service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing on the proposed Conservatee Ronald F. Smith pursuant to Probate Code §2250(e).
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Estimated value of estate:	
		Personal property: \$ 35,000.00	
		Annual income: \$ 150,200.00	
		Cost of recovery: \$ 18,520.00	
		Total bond: \$ 203,720.00	
		Petitioner states the proposed Conservatee is medically incapacitated and is not able to provide for his food, clothing, or shelter. At this time he is unable to communicate due to his medical condition. He is unable to attend to any of his financial affairs, pay debts, etc., or comprehend or understand the nature and extent of his assets and resources.	
		Court Investigator Samantha Henson filed a report on 8-25-14.	
			Reviewed by: skc
			Reviewed on: 8-25-14
			Updates:
			Recommendation:
			File 19 – Smith