

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

<b>Age: 62</b>		<b>PUBLIC GUARDIAN</b> , Conservator, is Petitioner.  Account period: 7-1-11 through 6-30-13  Accounting: \$435,414.48 Beginning POH: \$368,224.50 Ending POH: \$346,393.81  Conservator: \$526.40 (for 2 Deputy hours @ \$96/hr plus 4.4 Staff hours @ \$76/hr)  Attorney: \$1,250.00 (less than local rule)  Bond fee: \$1,906.08 (ok)  <b>Petitioner prays for an order:</b> 1. Approving, allowing and settling the account as filed; 2. Authorizing the conservator's and attorney's fees and commissions; 3. Payment of the bond fee; and 4. Any other orders the Court considers proper.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u><b>CONTINUED TO 9-23-13</b></u> <b>Per Attorney Request</b>  1. <b>Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing on the office of the Veterans Administration per Probate Code §1461.5.</b>
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>		
✓	<b>Aff.Mail</b> w		
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
✓	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
		<b>Reviewed by:</b> skc <b>Reviewed on:</b> 8-22-13 <b>Updates:</b> <b>Recommendation:</b> <b>File 1 – Pasquale</b>	

Atty Smith, Jane T., of County Counsel's Office (for Petitioner Public Guardian)

(1) Third and Final Account and Report of Conservator, (2) Petition of Allowance of Compensation to Conservator and Attorney

<b>DOD: 2/15/2013</b>	<p><b>PUBLIC GUARDIAN</b>, Conservator of the Estate, is Petitioner.</p> <p><u>Account period: 12/11/2012 – 2/15/2013</u>                  Accounting - <b>\$97,089.23</b>                  Beginning POH - <b>\$96,989.19</b>                  Ending POH - <b>\$97,009.23</b> (\$2,009.23 cash)</p> <p><u>Subsequent Account period: 2/16/2013 – 4/9/2013</u>                  Accounting - <b>\$97,448.06</b>                  Beginning POH - <b>\$97,009.23</b>                  Ending POH - <b>\$1,276.00</b> (all cash*)                  *Life estate interest expired upon Conservatee's death.</p> <p>Conservator - <b>\$1,841.08</b>                  (14.23 Deputy hours @ \$96/hr and 6.25 Staff hours @ \$76/hr)</p> <p>Attorney - <b>\$312.50</b>                  (per Local Rule, \$1,250/year x ¼ year)</p> <p>Bond fee - <b>requests waiver</b>                  (due to small estate and short account period)</p> <p><b>Petitioner states</b> the Conservatee had a life estate interest in real property that expired upon his death; the Public Guardian was in the process of selling the property in order to pay fees for his needs when the Conservatee died; the remainder beneficiaries, <b>FIRST ARMENIAN PRESBYTERIAN CHURCH</b> and the <b>CALIFORNIA ARMENIAN HOME</b>, recognized this, and without any legal obligation, gave a check for <b>\$17,000.00</b> to offset some of the fees incurred by the Public Guardian and County Counsel; putting the <b>\$17,000.00</b> and current <b>\$1,276.00</b> cash on hand toward fees, the total outstanding balance of fees will be <b>\$7,084.70</b>;</p> <p><b>Petitioner requests</b> that due to the insufficiency of the estate a lien of <b>\$7,084.70</b> be imposed against the deceased Conservatee's estate for the unpaid balance of authorized fees and commissions. (Liens for fees and commissions for previous accounts existed as follows: 1<sup>st</sup> Account - <b>\$6,663.60</b> for Public Guardian; <b>\$1,700.00</b> for County Counsel; 2<sup>nd</sup> Account - <b>\$12,843.52</b> for Public Guardian; <b>\$2,000.00</b> for County Counsel.)</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> Proposed order finds in Paragraph 4 that Petitioner is authorized to pay County Counsel <b>\$325.00</b> for legal services, while the <i>Petition</i> states in Paragraph 7 the requested fees for County Counsel are <b>\$312.50</b>. Proposed order has been interlineated to change the attorney fee amount to <b>\$312.50</b> as consistent with the <i>Petition</i>.</p>
<b>Cont. from</b>		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
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<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
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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		
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 8/23/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b> SUBMITTED</p> <p><b>File 2 – Setrakian</b></p>

**Balance of Motion for Withdraw of Funds**

<b>Age: 9</b>	<b>MARIA ALVAREZ-GARCIA</b> , Maternal Grandmother, Guardian, and Trustee, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Petitioner requested distribution of <b>\$33,555.39</b> for reimbursement/ remodeling/ Adam's necessities, and <b>\$1,124.50</b> for attorney fees and reimbursement of filing fees.	<b>Nothing further has been filed with regard to the Examiner Notes previously noted:</b>
<b>Aff.Sub.Wit.</b>		1. <b>Second account is due.</b> No account has yet been filed. The Court may require accounting prior to consideration of this request.
<b>Verified</b>		2. <b>The Court may require clarification and authority regarding the extensive kitchen remodel as a special need of the beneficiary.</b> Petitioner describes certain issues, such as broken cabinets and damage caused by Adam's wheelchair; however, the Court may require clarification regarding the request for sink and mold repair, all new appliances, granite countertops, etc., which appear to be homeowner expenses rather than special needs.
<b>Inventory</b>		3. <b>Need proof of lien for trust per Court order 1-30-12.</b> Upon settling the first account, the Court ordered that the trust be named as a lienholder on the vehicle purchased with trust funds since it is held individually outside of the trust. However, the Auto Policy Declarations attached to this petition indicate that the trust has <i>not yet been named</i> as a lienholder pursuant to the Court's order.
<b>PTC</b>		
<b>Not.Cred.</b>	The request included kitchen repair totaling \$28,000.00 for Adam's benefit (see contractor's quote Exhibit F)	
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>	An additional declaration was filed 7-23-13.	
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>	On 7-24-13, the Court approved certain reimbursement/expenses/ attorney fees, but set the matter of the kitchen repair for \$28,000.00 for further hearing.	
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		<b>Reviewed by:</b> skc
<b>Status Rpt</b>		<b>Reviewed on:</b> 8-23-13
<b>UCCJEA</b>		<b>Updates:</b>
<b>Citation</b>		<b>Recommendation:</b>
<b>FTB Notice</b>		<b>File 3 – Carbajal</b>

**Report of Administration of Insolvent Estate**

<b>DOD: 6-21-01</b>		<p><b>PUBLIC ADMINISTRATOR</b> was appointed as Administrator of the estate on 8-9-12 and Letters issued on 8-30-12.</p> <p>Petitioner states the only asset of the estate was real property that was foreclosed upon within two months of Petitioner's appointment. No Inventory was ever filed and Petitioner never had control of any assets.</p> <p>Due to the lack of an estate, no fees, commissions, bond fee, or certification fee is requested.</p> <p><b>Petitioner prays that the report be settled, all acts and proceedings of Petitioner as Administrator be confirmed and approved, and that the Public Administrator be discharged as Administrator.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>		
✓	<b>Aff.Mail</b> <span style="float:right">w</span>		
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
✓	<b>Letters</b>		
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
✓	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
✓	<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 8-22-13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 4 – Rios</b></p>	

**(1) First and Final Report of Status of Administration and Account and (2) Petition for Settlement Thereof, for (3) Allowance of Statutory Attorney's and Executor's Compensation, for Reimbursement of Costs Advanced, for (4) Order for Withdrawal of Funds from Blocked Account and for (5) Final Distribution**

<b>DOD: 10-12-12</b>	<b>MELISSA K. WATTERS</b> , Daughter and Administrator with Limited IAEA with funds in a blocked account, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Account period: 12-12-12 through 6-11-13	
	Accounting: \$300,262.27	
	Beginning POH: \$300,261.49	
	Ending POH: \$300,262.27	
	(\$110,262.27 cash plus real property)	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<input checked="" type="checkbox"/> <b>Inventory</b>		
<input checked="" type="checkbox"/> <b>PTC</b>		
<input checked="" type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Administrator (Statutory): \$9,005.25	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	Attorney (Statutory): \$9,005.25	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>	Administrator (Reimburse for property tax payments): \$1,435.40	
<input type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>	Administrator (Reimburse for funeral expenses): \$7,984.79	
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>	Costs: \$1,844.50 (filing, certified copies, recording)	
<input type="checkbox"/> <b>CI Report</b>		
<input checked="" type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>	<b>Distribution pursuant to intestate succession and agreement between heirs:</b>	
<input type="checkbox"/> <b>Aff. Posting</b>	Melissa K. Watters: Real property on Terrace plus \$15,493.54 cash	
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input checked="" type="checkbox"/> <b>FTB Notice</b>	Jonathan Vaughn Watters: Real property on Echo* plus \$65,493.54  * The attorneys for Jonathan Vaughn Watters have filed an Assignment of Interest in this matter for \$10,000.00 payable to Wild, Carter & Tipton from his share of the estate	
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 8-23-13
		<b>Updates:</b>
		<b>Recommendation:</b> SUBMITTED
		<b>File 5 – Watters-Weiser</b>

Atty Istanbulian, Flora, sole practitioner (for Petitioner Antoine E. Homsi, Executor)

(1) First and Final Report of Executor on Waiver of Account and  
(2) Petition for Final Distribution

<b>DOD: 1/24/2013</b>		<p><b>ANTOINE E. HOMSI</b>, nephew and Executor, is Petitioner.</p> <p>Accounting is waived.</p> <p>I &amp; A — <b>\$165,000.00</b> POH — <b>\$165,000.00</b> <i>(no cash)</i></p> <p>Executor — <b>waives</b></p> <p>Attorney — <b>\$5,950.00</b> <i>(statutory; to be paid outside probate)</i></p> <p><b>Distribution pursuant to Decedent's Will and Codicil to Will is to:</b></p> <p><b>ANTOINE E. HOMSI</b> – entire estate consisting of real property, household furniture and furnishings, and vehicle.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> Status Hearing for the filing of the first account and/or petition for final distribution currently set for <b>5/9/2014</b> has been taken <b>off calendar</b>.</p>
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input checked="" type="checkbox"/>	<b>Inventory</b>		
<input checked="" type="checkbox"/>	<b>PTC</b>		
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>		
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<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
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<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 8/23/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b> SUBMITTED</p> <p><b>File 6 – Kalebjian</b></p>	

Petition for Appointment of Successor Trustee and for Termination and Distribution of Trust or, in the Alternative, Modification of Trust Terms [Prob. C. 15408, 15409, 15660(d), 17200(b)(10)]

<p><b>Kathleen DOD: 07/21/90</b></p>	<p><b>SAINT ANSELM OF CANTERBURY EPISCOPAL CHURCH,</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>
<p><b>Harry DOD: 08/12/95</b></p>	<p>beneficiary, is Petitioner.</p>	<p><u>CONTINUED FROM 07/31/13</u></p>
<p></p>	<p><b>Petitioner states:</b></p>	<p></p>
<p><b>Cont. from 052013, 073113</b></p>	<p>1. On 05/27/87, Harry E. Kelly and Kathleen M. Kelly established THE KELLY FAMILY TRUST ("Trust") appointing themselves as the initial Co-Trustees. Kathleen Kelly died on 07/21/90. After her death, Harry Kelly continued to serve as sole Trustee.</p>	<p></p>
<p><input type="checkbox"/> <b>Aff.Sub.Wit.</b></p>	<p>2. On 03/29/93, Harry Kelly exercised his general power of appointment and executed the Third Amendment to (and Complete Restatement of) the Trust.</p>	<p></p>
<p><input checked="" type="checkbox"/> <b>Verified</b></p>	<p>3. On 10/21/94, Harry Kelly executed a Fourth Amendment to the Trust, which amended the provisions regarding the nomination of the successor trustees following Harry Kelly's death or incapacity.</p>	<p></p>
<p><input type="checkbox"/> <b>Inventory</b></p>	<p>4. On 05/31/95, Harry Kelly executed a final amendment to the Trust and further amended the provisions for the nomination of a successor trustee following his death or incapacity. The Fifth Amendment provided that following the death or incapacity of the current acting trustee, the following would serve as successor trustee in the order designated:</p>	<p></p>
<p><input type="checkbox"/> <b>PTC</b></p>	<p>1. "That person or entity (and successor persons and entities) nominated in writing signed by Harry E. Kelly; in the absence of such written designation</p>	<p></p>
<p><input type="checkbox"/> <b>Not.Cred.</b></p>	<p>2. Jane Dietsche of Garden Grove, California; and thereafter</p>	<p></p>
<p><input checked="" type="checkbox"/> <b>Notice of Hrg</b></p>	<p>3. That bank or other corporation authorized to act as trustee in the place of administration of Trust, which has net assets in excess or Ten Million Dollars (\$10,000,000.00) and which is unanimously designated as successor Trustee in writing signed by all adult competent beneficiaries then entitled to the income from this Trust and the trust estates created hereunder (and in the absence of such designation, then as designated by a court of competent jurisdiction)."</p>	<p></p>
<p><input checked="" type="checkbox"/> <b>Aff.Mail</b> w/</p>	<p>The Fifth Amendment also deleted two (2) specific devises of \$5,000.00 each to Harry Kelly's grandniece and her husband.</p>	<p></p>
<p><input type="checkbox"/> <b>Aff.Pub.</b></p>	<p><b>Continued on Page 2</b></p>	<p></p>
<p><input type="checkbox"/> <b>Sp.Ntc.</b></p>	<p></p>	<p></p>
<p><input type="checkbox"/> <b>Pers.Serv.</b></p>	<p></p>	<p></p>
<p><input type="checkbox"/> <b>Conf. Screen</b></p>	<p></p>	<p></p>
<p><input type="checkbox"/> <b>Letters</b></p>	<p></p>	<p></p>
<p><input type="checkbox"/> <b>Duties/Supp</b></p>	<p></p>	<p></p>
<p><input type="checkbox"/> <b>Objections</b></p>	<p></p>	<p></p>
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<p><input type="checkbox"/> <b>CI Report</b></p>	<p></p>	<p></p>
<p><input type="checkbox"/> <b>9202</b></p>	<p></p>	<p></p>
<p><input type="checkbox"/> <b>Order</b> x</p>	<p></p>	<p></p>
<p><input type="checkbox"/> <b>Aff. Posting</b></p>	<p></p>	<p></p>
<p><input type="checkbox"/> <b>Status Rpt</b></p>	<p></p>	<p></p>
<p><input type="checkbox"/> <b>UCCJEA</b></p>	<p></p>	<p></p>
<p><input type="checkbox"/> <b>Citation</b></p>	<p></p>	<p></p>
<p><input type="checkbox"/> <b>FTB Notice</b></p>	<p></p>	<p></p>
<p></p>	<p></p>	<p></p>

5. Harry Kelly passed away on 08/12/95 and Jane Dietsche began serving as successor trustee of the Trust. Initially, Mrs. Dietsche administered the Trust from Garden Grove, CA, but in 2009, she suffered a stroke and moved to Fresno where Trust administration continued until her death on 11/20/12.
6. Pursuant to the terms of the Trust, after payment of Harry Kelly's debts, last illness, funeral and administration (including attorney's fees) expenses and all estate, inheritance and other death taxes, the entire remaining trust balance "shall continue to be held by the Trustees for the benefit of Saint Anselm of Canterbury Episcopal Parish Church". The trust estate to be held was to be referred to as "The Kathleen M. Kelly and Harry E. Kelly Fund" (the "Fund").
7. The Trust terms specified that the Fund was to be used for the following purposes:

"The Fund is to be used solely for charitable purposes. Settlor requests that the Fund be a perpetual one, which is to say that only interest, dividends and other income earned by the Fund should be used and any income not used should be reinvested, unless otherwise required by state or federal laws. The Fund may not use any funds whatsoever to pay salaries of church personnel, to purchase or lease any vehicle of any kind, or for the up-keep, repair or improvement of buildings. The Trustees are to review all requests for funds and shall approve all expenditures. Some examples of the use of the Fund are flowers at church and memorial services, membership drives to attract new members, and other special programs."
8. Due to the death of Jane Dietsche, there is presently no one acting as Trustee of the Trust. Petitioner requests that the Court appoint a successor trustee to fill the vacancy.
9. Per the terms of the Trust, upon the death of Jane Dietsche, the next nominated successor trustee to serve is:

"That bank or other corporation authorized to act as trustee in the place of administration of Trust, which has net assets in excess or Ten Million Dollars (\$10,000,000.00) and which is unanimously designated as successor Trustee in writing signed by all adult competent beneficiaries then entitled to the income from this Trust and the trust estates created hereunder (and in the absence of such designation, then as designated by a court of competent jurisdiction)."
10. Presently, Saint Anselm of Canterbury Episcopal Church is the only beneficiary entitled to income of the Trust. There are no other beneficiaries of the Trust presently entitled to income. It is unclear whether Saint Anselm of Canterbury Episcopal Church is considered an "adult competent beneficiary". In light of such ambiguity, Petitioner has made a nomination pursuant to Probate Code § 15660(d) for professional fiduciary Bruce D. Bickel to be appointed as successor Trustee of the Trust. Bruce D. Bickel has consented to serve as Successor Trustee and Petitioner requests that the Court appoint him to serve as successor Trustee.
11. The Trust terms state "no bond shall be required of any Trustee or Co-Trustee of this Trust". Consequently, Petitioner requests that Mr. Bickel be appointed without the requirement of posting a bond.
12. Petitioner requests that the Court order the termination of the Trust pursuant to Probate Code § 15408, which authorizes the Court to order the termination of the Trust, "if the Court determines that the fair market value of the principal of a trust has become so low in relation to the cost of administration that continuation of the trust under its existing terms will defeat the accomplishment of its purposes."

Continued on Page 3

13. In 2011, the brokerage accounts held by the Trust generated \$8,992 in dividend and interest income. In 2012, the brokerage accounts held by the Trust generated \$10,486 in dividend and interest income. As of 12/31/12, the Trust assets consisted of the following:

i.	American Funds Account No. xxxx9946	\$74,051.27
ii.	Vanguard Account No. 0028-xxxxxxxxxx	\$36,551.23
iii.	Vanguard Account No. 0030-xxxxxxxxxx	\$58,742.02
iv.	Vanguard Account No. 0027-xxxxxxxxxx	\$23,225.65
v.	Vanguard Account No. 0521-xxxxxxxxxx	\$84,829.60
vi.	Vanguard Account No. 0073-xxxxxxxxxx	\$43,598.86

Total: \$320,728.63

14. Prior to Mrs. Dietsche's death, she had a practice of waiving her Trustee's fees. As a result of Mrs. Dietsche's waiver of her Trustee's fee, a greater percentage of the net income was available to distribute to Petitioner for its use. Moving forward however, the Trust will be responsible for paying a Trustee's fee. The standard fee is approximately 1% of the value of the Trust paid annually. Presently this amount will be approximately \$3,200 per year based on the value of the Trust estate. Coupled with the annual cost to prepare the federal and state tax returns of approximately \$1,500.00 and the cost per year of the account fees associated with the above accounts, the net income available for distribution drops to less than 40-50% of the Trust's annual income. Under the circumstances, while the net income may be available to sustain the Trust without reducing the principal, the amount of principal generating the dividends and income is of limited amount. Consequently, the resulting net income of the Fund provides limited ability for the Petitioner to fulfill the Settlor's stated intent that the Fund be used for special programs at the church.
15. In the alternative, Petitioner requests Termination or Modification of the Trust due to changed circumstances pursuant to Probate Code § 15409(a) which authorizes the Court to "modify the administrative or dispositive provisions of the trust or terminate the trust if, owing to circumstances not known to the settlor and not anticipated by the settlor, the continuation of the trust under its terms would defeat or substantially impair the accomplishment of the purposes of the trust." Petitioner believes that the Settlor did not anticipate that the annual costs associated with administering the Fund would sufficiently deplete the annual dividends and income of the Trust available for distribution such that Petitioner's ability to meaningfully fulfill the Settlor's requested uses for the Fund would be severely limited in scope. Consequently, Petitioner requests that the Trust be terminated and the funds be distributed to Petitioner for their use consistent with the Settlor's stated intent.
16. If the Court does not approve the termination of the Trust as requested, Petitioner requests that the Court approve a modification of Article IV, Section D.1 of the Trust terms which would allow the distribution of Trust net income and principal by the Successor Trustee to Petitioner consistent with the parameters established for the Fund's use by the Settlor.

**Petitioner requests an Order that:**

1. Bruce D. Bickel be appointed to serve as Successor Trustee without bond; and
2. The Kelly Family Trust, dated May 27, 1987, as amended and completely restated on March 29, 1993, as amended, be terminated and the assets held by the Trust be delivered by the Successor Trustee to Petitioner.

**Consent to Petition for Termination of Trust filed 05/16/13** by the Rt. Rev. J. Jon Bruno, D.D. of the Episcopal Church, Diocese of Los Angeles states: they are the alternate contingent remainder beneficiary of the Kelly Family Trust, dated 05/27/87 as amended and consent to the termination of the Trust.

**Consent to Appointment as Successor Trustee filed 05/16/13** by Bruce Bickel.

Continued on Page 4

**Declaration of Summer A. Johnson re Supplement to Petition for Appointment of Successor Trustee and for Termination and Distribution of Trust, or in the alternative, Modification of Trust Terms** filed 08/23/13 states:

1. At the hearing on 05/20/13, the Court requested additional information concerning (i) the nature of the investments of The Kelly Family Trust ("Trust"); (ii) the amount of Trustee's fees which would be charged by the Fresno Regional Foundation at the asset level for the Trust; (iii) and a proposal for the use of principal of the Trust estate for special programs for the Church.
  - A. Nature of Investments of Kelly Family Trust – the trust estate is presently comprised entirely of investments in mutual fund-type securities, at two well-known investment firms, American Funds and Vanguard. Since December 31, 2007, the Vanguard account has yielded an investment return in the amount of \$41,964.77. Since January 1, 2003, the American Funds Account has yielded investment gains in the amount of \$53,388.61.
  - B. Trustee's Fees – Petitioner estimated a yearly annual cost of a minimum of 1% of the trust principal. On 12/31/12, the trust held assets with a total value of \$320,728.68. At 1%, the annual trustee's fees would be approximately \$3,207.00. At the hearing on 05/20/13, the Court requested that the Petitioner's attorney make inquiries of the Fresno Regional Foundation to determine if a lower trustee's fee could be found which would increase the amount of net income distributable to the Church. According to the Foundation's attorney, Jeffrey Jaech, the Foundation's minimum fee is 2% of the first \$250,000.00 in value and 1.75% for the next \$250,000.00. On that basis, the fees charged by the Fresno Regional Foundation to the Kelly Family Trust on an annual basis would be approximately \$6,237.75. The Fresno Regional Foundation does not appear to be an economically feasible solution.
  - C. Alternate Request for Use of Principal of Trust – Petitioner has developed a comprehensive proposal for the establishment of a Youth Choir at Saint Anselm of Canterbury Episcopal Church. The Youth Choir fulfills several goals of the Settlor in that it creates an outreach to the local residents, increases youth attendance at the Church (and by extension, parents of the youth choir participants), and would act as a new membership drive for a new-era of church goers in the community. Such efforts would serve to ensure the continued outreach of the Church in the local community and fulfill the Settlor's goal of sustaining the Church's continued existence by drawing new members from the local community. The budget for the initial year of the cost of the Youth Choir is estimated at \$18,005; however, this annual amount should factor in some flexibility for the rise in cost of the administration of the program as the years progress.
2. It appears, based on the declarant's analysis, that the investments established by the Settlor or by the deceased Successor Trustee appear to be yielding appropriate returns on behalf of the Trust, without the concomitant risk inherent in high yield securities transactions. The resulting income to the Trust will therefore be substantially depleted by the expenses of anticipated Trustee's fees and on-going accountant's fees.
3. As set forth in the Declaration of Michael V. Vollmer, Esq., Harry Kelly's estate planning attorney, Mr. Kelly was an extremely frugal person who did not want administration expenses to reduce the funds to be used for the Church. Mr. Kelly's condition for those individuals agreeing to serve as individual trustees was that they agree to waive any compensation. As set forth in the Petition, the deceased Successor Trustee, Jane Dietsche, served as Successor Trustee and waived her Trustee's fee consistent with the Trust terms. Consistent with that belief, Mr. Kelly's historical intention through the restatement of the Trust on 03/29/93, and the amendment on 10/21/94. Unfortunately, around the time of the final amendment on 05/31/95, Mr. Kelly became ill and prior to being able to name an individual successor trustee to follow if Jane Dietsche were unable to serve, Mr. Kelly died. As a result, it was never Mr. Kelly's intention that the net income from the trust be depleted by on-going Trustee's fees which would reduce the amount of income available for distribution to the Trust.
4. Moreover, Attorney Vollmer's Declaration makes it clear that Mr. Kelly's statement concerning his request that the Trust be a "perpetual" one was precatory only, and not mandatory. The word "request" in the Trust was merely precatory and that inherent flexibility was needed in order to continue to assist the church after Mr. Kelly was no longer alive, whether through the use of the income or by principal of the Trust. Finally, it would be noted that the alternate contingent remainder beneficiary is the Episcopal Church, Diocese of Los Angeles. The Diocese has executed a signed Consent to the termination and Distribution of the Trust to Saint Anselm of Canterbury Episcopal Church and has no objection to the Trust's termination.

**As a result, Declarant respectfully reiterates its prior request that the trust terminate and the funds be distributed to Petitioner for Probate Petitioner's use consistent with the Settlor's stated restrictions and intent.**

Atty Forry, Craig (of Mission Hills, for Petitioners Virginia Chenier, Leslie Bartimore, Lori Johnson and Lynn Feathareston

Atty Standard, Donna M. (for John Welsh, Trustee)

Amended Petition to 1) Compel Accounting; 2) Suspend and Remove John M. Welsh as Trustee of the Bartimore Family Trust; 3) Compel Distribution; 4) Conversion; 5) Constructive Trust; 6) Breach of Fiduciary Duty; and 7) Return of Property to Trust [Prob. C. 859, 15642, 17000, 17200; Civ. C. 2224 & 3294]

		<p><b>VIRGINIA CHENIER, LESLIE BARTIMOR, LORI JOHNSON and LYNN FEATHERSTON</b>, beneficiaries, are petitioners.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 8/1/2013.</b> Minute Order states Mr. Forry and Ms. Standard are appearing via Court Call. Ms. Standard informs the Court that the formal accounting has not been prepared and she will need additional time to submit a response.</p>
<b>Cont. from 080113</b>		<p>Petitioners states Grantors and original Co-Trustees, <b>Charlotte V. Bartimore</b> and <b>Leonard D. Bartimore</b>, executed the Trust on 10/28/2008. Grantor Charlotte V. Bartimore died on 2/1/2011 and Grantor Leonard D. Bartimore died on 9/5/2009.</p>	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	<p>Charlotte V. Bartimore signed the First Amended and Restated Trust Agreement on 8/31/2010.</p>	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	<p><b>John M. Welsh</b> is the current Trustee of the Trust.</p>	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	<p>Pursuant to Paragraph 3.3.2(b), page 3 of the Trust, the trust was to divide the trust into two equal shares. 50% of the estate was to be allocated to the issue of Charlotte and the remaining 50% was to be allocated to the issue of Leonard.</p>	
<input checked="" type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.	<p>Each of the Petitioners are the issue of Settlor Charlotte V. Bartimore, and they are each entitled to an equal share with John Welsh.</p>	
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	<p>On 5/26/2011 Petitioner Lynn Featherston sent a letter requesting that John M. Welsh provide and accounting as required by Probate Code §16063.</p>	
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters	<p><b>Please see additional page</b></p>	
<input type="checkbox"/>	Duties/Supp		
<input checked="" type="checkbox"/>	Objections		<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 8/26/2013</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 8 – Bartimore</b></p>
<input type="checkbox"/>	Video Receipt		
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On 2/5/2013, Petitioner's attorney sent a letter to John Welsh requesting he provide an accounting as required by Probate Code §16063.

On 2/20/2013, Petitioner's attorney sent an additional letter to John Welsh requesting that he provide an accounting.

After representing that he would provide an accounting, John Welsh has failed and refused to provide an accounting, and no accounting has ever been provided to Petitioners.

Petitioners believe that pursuant to Probate Code §15642 John Welsh's refusal to provide an accounting to Petitioners is a breach of the Trust. Furthermore, John Welsh's conduct demonstrates recalcitrance with regards to dealing with Petitioners, and renders John Welsh unfit to act as Trustee.

John Welsh while wrongfully acting as Trustee, and controlling the Trust, failed to comply with the terms of the Trust to distribute equal shares of the Trust estate to Petitioners.

Petitioners allege that John Welsh has failed to distribute to them their rightful shares of the Trust estate. Such failure constitutes a wrongful act made in bad faith to deprive the proper beneficiaries of the property in the Trust estate. As such John Welsh should be compelled to provide an accounting of the Trust estate at the time of Charlotte's death, and should be compelled to pay double damages as a consequence of such a wrongful appropriation of the Trust estate.

A Constructive Trust should be imposed on the real property of John Welsh located at 46910 Dunlap Road, Miramonte, California 93641 under Civil Code §2224. Petitioners allege that John Welsh has used a portion of the Trust estate to maintain, repair, improve or otherwise benefit the Miramonte property sufficient to support a constructive trust being imposed on the Miramonte property for the benefit of Petitioners.

A Constructive Trust should also be imposed on Bank of America Account no. 23416-31370 and Wells Fargo Bank Account no. 10110221047174 that have been used by John Welsh in the handling of the Trust Estate. Petitioners believe John Welsh has used those accounts for his personal benefit sufficient to support a constructive trust being imposed on them for the benefit of Petitioners.

Previous paragraphs allege wrongful acts which are a breach of the Trust, a mistake, accident, or outright fraud. Because John Welsh has deprived Petitioners of their rightful distributions and property, John Welsh should be deemed to be holding said property as Constructive Trustee for Petitioners.

John Walsh's acts of depriving Petitioners of their rightful property and withholding all authorized distributions constitutes the tort of conversion.

John Welsh must pay double damages for the wrongful appropriation of Trust assets in clear violation of the Trust.

Pursuant to Civil Code §3294, an award of punitive damages against John Welsh should be awarded to Petitioners as a result of John Welsh's acts of fraud, oppression, or malice arising out of his breach of fiduciary duty as acting as Trustee and as a result of the fraudulent concealment and conversion of Trust assets.

**Please see additional page**

**Wherefore, Petitioners pray for an Order of this Court:**

1. Compelling John Welsh to render an account for the Trustee since the date of Charlotte V. Bartimore's death on 2/1/2011 through the present;
2. Removing John Welsh as successor Trustee of the Trust, or in the alternative, suspending his powers as Trustee and delivering the Trust estate to the Successor Trustee Dale R. Welsh, pending the filing of said account with this Court;
3. Compelling the distribution of Petitioners' share of the Trust estate as allocated to them under the Trust;
4. Surcharging John Welsh at the legal rate for improper payments made out of the Trust assets and for the lost value of the Trust as a consequence of their failure to make the Trust productive for beneficiaries;
5. Imposing a Constructive Trust over the wrongfully held assets by John Welsh, including but not limited to, the real property located at 46910 Dunlap Road, Miramonte, California 93641, in an amount determined at trial;
6. For double damages pursuant to Probate Code §859 in an amount to be determined at trial;
7. For punitive damages against John Welsh, in an amount determined at trial; and
8. For such other and further Orders and relief as the Court deems just and proper.

**Successor Trustee's Opposition to Petitioner's Amended Petition to Compel Accounting, Suspend and Remove John M. Welsh as Trustee and Answer to Allegations of Constructive Trust filed by Trustee, John Welsh on 8/26/2013.** Trustee John Welsh states filed concurrently is an accounting from February 1, 2011, the date of death of Settlor, Charlotte V. Bartimore, through July 31, 2013.

John Welsh, Successor Trustee, Respondent objects to removal of him as Trustee, as his actions of a late accounting do not rise to the level of a breach of fiduciary duty. Respondent states he provided an initial accounting to the beneficiaries on or about March 15, 2011. The next accounting would have been due after February 1, 2012. John Welsh states he has had several personal crisis situations occur during this period and was unable to provide the accounting due to circumstances out of his control. Both of his eldest children were hospitalized on different occasions with severe injuries and he also has a child with developmental disabilities who resides with him on a full time basis.

John Welsh states he made some distributions, however, due to the uncertainty surrounding the "Mariner Note", which is a not an deed of trust held against the property, payable to the Trust, which is undervalued at this time, John Welsh, Trustee has not terminated the Trust and made full distribution. John Welsh contends that funds may be necessary should it become necessary to foreclose on the note. Should foreclosure become necessary, to would require John Welsh, Trustee, to assume a large first trust deed, which is ahead of the note payable to the Trust and would require the Trust to assume those payments until the property could be sold. Presently the property is valued at \$725,000.00. The First Trust Deed Note is in the amount of \$820,000.00

**Please see additional page**

**Successor Trustee's Opposition to Petitioner's Amended Petition to Compel Accounting, Suspend and Remove John M. Welsh as Trustee and Answer to Allegations of Constructive Trust filed by Trustee, John Welsh on 8/26/2013**

**(Cont.):** John Welsh, Trustee, objects to Petitioner's request to remove him, based on the terms of the Trust, which states any successor Trustee "must be a trust company or bank qualified to do a trust business." No such designation has occurred. If the Court should consider Petitioner's request, which John Welsh, Trustee, does not consent, then the Court only has the power to appoint a trust company or bank qualified to do a trust business. The Court has no authority pursuant to the terms of the trust, to appoint the Alternate Successor Trustee, Dale M. Welsh.

John Welsh, Trustee, contends it is within his discretion to make distributions to administer the terms of the Trust. Because the issue regarding the "Mariner Note", further distribution should not be made at the present time until it is determined the course of action necessary regarding the note held by the Trust. The borrower has only recently finalized his transaction with the First Deed holder and the Successor Trustee was waiting for an appraisal of the property before entering into any final negotiations.

**Wherefore, John M. Welsh, Successor Trustee prays:**

1. That Petitioner's request to remove Successor Trustee, John Welsh, be denied;
2. That Petitioner take nothing by way of this Amended Petition;
3. For costs of suit and any other relief as may be just and appropriate.

<b>DOD: 06/12/2007</b>		<p><b>KIM MARIE GALLO</b>, daughter in law is petitioner and requests appointment as Administrator with Will annexed without bond.</p> <p>Full IAEA – o.k.</p> <p>Will dated: 04/10/1991</p> <p>Residence: Fresno Publication: The Business Journal</p> <p><b>Estimated value of the Estate:</b> Real property <b>\$175,000.00</b></p> <p>Probate Referee: Steven Diebert</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Will is not self-proving. Need proof of Subscribing Witness.</p> <p><b>Note: The Court will set status hearings as follows. If the appropriate items are filed, the status hearings may be taken off calendar.</b></p> <ul style="list-style-type: none"> <li>• <b>Friday, 01/31/2014 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <b>and</b></li> <li>• <b>Friday, 10/31/2014 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.</li> </ul>	
<b>Cont. from 080713</b>				
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<input type="checkbox"/>	<b>Citation</b>			
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			<b>Reviewed by: LV</b>	
			<b>Reviewed on: 08/26/2013</b>	
			<b>Updates:</b>	
			<b>Recommendation:</b>	
			<b>File 9A – Sidam</b>	

**Petition for Order Authorizing Joinder of Pooled Special Needs Trust, Permission to Invest in Mutual Funds, Bonds with Maturity Dates Greater Than Five Years, Trustee Interim Fees, and for Attorney Fees**

<b>Age:</b> 33	<p><b>BROOKE BERTOLDI</b>, by and through her guardian ad litem, <b>VICKI BERTOLDI</b>, seeks an order under Probate Code §3604 authorizing the GAL to execute a joinder agreement establishing a subaccount for Brooke under the <b>CALIFORNIA CHARITIES POOLED TRUST</b> (a type of special needs trust authorized by federal and state law) in order to preserved Brooke's eligibility for SSI and Medi-Cal.</p> <p>Brooke resides with her mother and is disabled from Spina Bifida and Hydrocephalus. As a result of alleged negligence of defendants, Brooke suffered a stage IV decubitus ulcer. A settlement was reached wherein Brooke will receive a net settlement of approx. \$84,000.00. Once the SNT is approved, the settlement is to be submitted for court approval by filing a compromise action which will ask the Court to order that the funds be placed in the SNT.</p> <p>Petitioner describes the public benefits that Brooke receives and the effect of receiving assets on such benefits, and states a pooled SNT is recognized under federal law at 42 USC § 1396p(d)(4)(C) and in California at CCR § 50489.9(a)(4). Petitioner seeks an order of this Court that the assets from the settlement be paid to a set aside sub-account with the California Charities Pooled Trust for the benefit of Brooke Bertoldi. A copy of the Master Trust Agreement is attached as Exhibit A.</p> <p>Petitioner states the California Charities Pooled Trust complies with all federal requirements of a pooled SNT. A separate account is maintained for each beneficiary, but for purposes of investment, the assets are pooled together. The account is set up by the Court (which is the purpose of this petition) for the sole benefit of the beneficiary. Petitioner states the beneficiary meets the requirements that the Court must find for establishment of a SNT, and the SNT complies with applicable law.</p> <p>Petitioner also requests permission to invest in mutual funds and US Government Bonds w/ maturity dates later than five years. Details in petition.</p> <p style="text-align: center;"><b>SEE PAGE 2</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>Vicki Bertoldi has not been appointed as Guardian Ad Litem for Brooke Bertoldi in this Probate case. Need Ex Parte Petition (GC-100) and Order (GC-101).</li> <li>This petition does not appear to create a special needs trust specific to Brooke Bertoldi under Probate Code §3604. Need proposed special needs trust with terms specific to the beneficiary in compliance with applicable law (Probate Code §3604, Cal. Rules of Court 7.903, etc.).</li> <li>If granted, need new order pursuant to Local Rule 7.6.1. The order must be complete in itself; therefore, the terms of the SNT must be incorporated into the order, with signature line after last attachment.</li> </ol>
<b>Aff.Sub.Wit.</b>		
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<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 8-26-13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p>File 10 – Bertoldi</p>		

**Petitioner prays for an order:**

1. That all notices have been given as required by law;
2. That the Court authorizes the GAL Vicki Bertoldi to complete and execute the joinder agreement for the California Charities Pooled Trust;
3. That bond is not required of Fremont Bank, Trustee of the California Charities Pooled Trust;
4. That Brooke Bertoldi's sub-account shall be subject to probate court ongoing court jurisdiction;
5. That Fremont Bank and Charities Pooled Trust shall be allowed to receive monthly periodic payments of compensation on account according to their latest fee schedule;
6. That the trustee is authorized to invest in mutual funds and US Government bonds with maturity dates later than five years;
7. That Brooke Bertoldi has a disability that substantially impairs her ability to provide for her own care or custody and constitutes a substantial handicap;
8. That Brooke Bertoldi is likely to have special needs that will not be met without the trust;
9. That money to be paid to the trust does not exceed the amount that appears reasonably necessary to meet Brooke Bertoldi's special needs;
10. That after payment of any personal injury Medi-Cal lien, the payment of all monies due Brooke Bertoldi in the lawsuit shall be paid to the Brooke Bertoldi sub-account of the California Charities Pooled Trust;
11. That the trustee provide the court with a biennial account and report of the SNT beginning with the period one year after the date the Court approves the establishment of the trust and every two years thereafter;
12. That the trustee is authorized and directed to pay Myers Urbatsch, PC, the amount of \$3,981.50 for attorneys' fees (*for 14.70 attorney and paralegal hours @ \$175-\$295/hr, per declaration*); and
13. For such other and further orders as the Court may deem just and proper.

Atty **Motsenbocker, Gary L. (for David R. Borges – son/Petitioner)**

**Petition for Letters of Administration (Prob. C. 8002, 10450)**

<b>DOD: 12/14/12</b>		<p><b>DAVID R. BORGES</b>, son, is Petitioner, and requests appointment as Administrator without bond.</p> <p>Full IAEA – OK</p> <p>Petitioner (contended sole heir) waives bond.</p> <p>Petitioner states that 2 holographic wills have been located, both executed on the same day. One of them leaves the entire estate to Petitioner and the other leaves the entire estate to Cornerstone Church. Petitioner states that he does not believe that either will should be admitted to probate. He believes that the decedent was in a state of confusion at the time she executed the documents. This is supported by the fact that she executed the alleged wills on the same date and the “wills” had different beneficiaries. Petitioner states that the decedent had a long history of mental illness and suffered from long bouts of depression with delusions for most of her adult life. She was diagnosed as bipolar with severe depression many years ago; her bouts of erratic, chaotic behavior are a matter of public record. She has been under care and treatment for most of her adult life. Both documents were scribbled in a notebook. Petitioner believes that the decedent lacked capacity to execute these documents and was suffering from a mental illness such that she was incapable of forming the requisite testamentary intent at the time she wrote these documents. Cornerstone Church will be provided noticed of this petition and Petitioners contentions.</p> <p>Residence: Fresno Publication: The Business Journal</p> <p><b>Estimated Value of the Estate:</b> Real property - \$128,500.00</p> <p>Probate Referee: <b>STEVEN DIEBERT</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need name and date of death of deceased spouse pursuant to Local Rule 7.1.1D.</p> <p><b>Note:</b> If either will is to be admitted to Probate, will need Proof of Holographic Instrument.</p> <p><b>Note:</b> If the Petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> <li>• <b>Friday, January 31, 2014 at 9:00 am in Dept. 303</b> for filing of the Inventory &amp; Appraisal; and</li> <li>• <b>Friday, October 31, 2014 at 9:00 am in Dept. 303</b> for filing of the Accounting and/or Petition for Distribution</li> </ul>
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		<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 08/23/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 11 – Lokey</b></p>	

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

Priscilla, 8		<b><u>TEMPORARY EXPIRES 08/28/13</u></b>		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need proof of personal service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Guardianship Petition or Consent &amp; Waiver of Notice</i> for: <ul style="list-style-type: none"> <li>- Anthony D. Gonzales (father)</li> </ul> </li> <li>2. 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>Guardianship Petition or Consent &amp; Waiver of Notice or Declaration of Due Diligence</i> for: <ul style="list-style-type: none"> <li>- Maternal grandfather</li> <li>- Xavier Galindo (half-brother), if 12 or over</li> </ul> </li> <li>3. Need UCCJEA.</li> </ol>
Mariah, 3		<p><b>NICOLE GONZALES</b>, paternal aunt, is Petitioner.</p> <p>Father: <b>ANTHONY D. GONZALES</b> – <i>currently incarcerated</i></p> <p>Mother: <b>DELIA M. GALINDO</b> – <i>personally served on 08/07/12</i></p> <p>Paternal grandfather: DANIEL GONZALES – <i>served by mail on 08/19/13</i></p> <p>Paternal grandmother: CECELIA GONZALES – <i>served by mail on 08/19/13</i></p> <p>Maternal grandfather: UNKNOWN</p> <p>Maternal grandmother: THERESA MARTINEZ – <i>served by mail on 08/19/13</i></p> <p>Sibling: XAVIER GALINDO</p> <p><b>Petitioner alleges</b> that neither parent is capable of caring for the minors.</p> <p><b>Court Investigator Julie Negrete filed a report on 08/21/13.</b></p>		
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	Citation			
	FTB Notice			
<b>Reviewed by:</b> JF				
<b>Reviewed on:</b> 08/23/13				
<b>Updates:</b>				
<b>Recommendation:</b>				
<b>File 12 – Gonzales</b>				

Atty Herrera, Lourdes (pro per – maternal grandmother/Petitioner)

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

<b>Giselle, 7</b>	<b><u>TEMPORARY EXPIRES 08/28/13</u></b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Priscilla, 7</b>	<b>LOURDES HERRERA</b> , maternal grandmother, is Petitioner.	<p>1. Declarations of Due Diligence filed 07/16/13 state that all of the paternal relatives are unknown due to the father's being unknown. If diligence is not found, need proof of service by mail at least 15 days before the hearing of Notice of Hearing with a copy of the Guardianship Petition or Consent &amp; Waiver of Notice for:</p> <ul style="list-style-type: none"> <li>- Paternal grandparents</li> </ul>
<b>Bianca, 2 mos.</b>	Father: <b>UNKNOWN</b> – <i>Declarations of Due Diligence filed 07/03/13; Court dispensed with notice on 07/11/13</i>	
<b>Cont. from</b>	Mother: <b>BRENDA HERRERA</b> – <i>Personally served on 07/05/13</i>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Paternal grandparents: UNKNOWN – <i>Declarations of Due Diligence filed 07/16/13</i>	
<input checked="" type="checkbox"/> <b>Verified</b>	Maternal grandfather: JOSE HERRERA – <i>Served by mail on 07/03/13</i>	
<input type="checkbox"/> <b>Inventory</b>	<b>Petitioner alleges</b> that the mother suffers from mental illness and cannot care for the children. A social worker has advised petitioner to seek guardianship or the children will be removed.	
<input type="checkbox"/> <b>PTC</b>	<b>Court Investigator Jennifer Daniel filed a report on 08/22/13.</b>	
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b>		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input checked="" type="checkbox"/> <b>Pers.Serv.</b>		
<input checked="" type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input checked="" type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input checked="" type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 08/23/13
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 13 – Herrera</b>

Petition for Appointment of Temporary Conservatorship of the Person and Estate

Age: 41		<u>GENERAL HEARING: 09/25/13</u>		<b>NEEDS/PROBLEMS/COMMENTS:</b>		
		<p><b>MARIA CUEVAS</b>, sister, is Petitioner and requests appointment as Temporary Conservator of the Person and Estate without bond.</p>		<p><b>Court Investigator advised rights on 08/22/13.</b></p>		
Cont. from		<p><b>Estimated Value of the Estate:</b>          Annual income - \$5,924.00</p>		<p>1. Need Notice of Hearing.</p>		
	Aff.Sub.Wit.			<p>2. Need proof of personal service at least 5 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Temporary Conservator for:</p> <ul style="list-style-type: none"> <li>- Rebecca Varela (proposed conservatee)</li> </ul>		
✓	Verified	<p>Petitioner states that a temporary conservatorship is necessary because the proposed conservatee is unable to provide for her own support, physical care needs or finances without a conservator.</p>		<p>3. Need proof of service by mail at least 5 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Temporary Conservator or Consent &amp; Waiver of Notice for:</p> <ul style="list-style-type: none"> <li>- Robert Varela (brother)</li> </ul>		
	Inventory			<p>4. Need Duties of Conservator.</p>		
	PTC					
	Not.Cred.					
	Notice of Hrg	x	<p><b>Court Investigator Jo Ann Morris filed a report on 08/23/13.</b></p>			
	Aff.Mail	x				
	Aff.Pub.					
	Sp.Ntc.					
	Pers.Serv.	x				
✓	Conf. Screen					
✓	Letters					
	Duties/Supp	x				
	Objections					
	Video Receipt					
✓	CI Report					
	9202					
✓	Order					
	Aff. Posting					
	Status Rpt					
	UCCJEA					
	Citation					
	FTB Notice					
				Reviewed by: JF		
				Reviewed on: 08/26/13		
				Updates:		
				Recommendation:		
				File 14 – Varela		