

Amended First and Final Account and Report of Executor, Petition for Allowance of Compensation to His Attorney, and Reimbursement to Executor for Funeral Expenses and Closing of Estate Due to Exhaustion of Assets

DOD: 10-29-08	BRIAN FRY , Executor with Full IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> 2ND Amended Petition filed 8-27-14 is set for hearing on 10-14-14.
Cont. from: 071714	Account period: 1-27-09 through 11-30-13 Accounting: \$9,607.98 Beginning POH: \$9,607.98 Ending POH: \$8,211.77 (cash)	
Aff.Sub.Wit.	Executor (Statutory): Waives	
<input checked="" type="checkbox"/> Verified	Executor: \$6,276.77 (Partial reimbursement for funeral costs and costs of administration totaling \$8,250.00, per Exhibit "A")	
<input checked="" type="checkbox"/> Inventory	Attorney (Statutory): \$384.32	
<input checked="" type="checkbox"/> PTC	Attorney (Extraordinary): \$1,115.68	
<input checked="" type="checkbox"/> Not.Cred.	Attorney LeVan states that after reviewing the information presented to the attorney for the accounting, she found out that other assets were marshaled and sold without being included on the I&A. Attorney LeVan therefore had to prepare a corrected I&A and amend the accounting.	
<input checked="" type="checkbox"/> Notice of Hrg	Costs: \$435.00 (filing fee for this petition)	
<input checked="" type="checkbox"/> Aff.Mail <small>W</small>	Petitioner lists the five Creditor's Claims filed against the estate at Exhibit A.	
Aff.Pub.	Petitioner requests that:	
Sp.Ntc.	1. Notice of Hearing of this account, report, and petition be given as required by law;	
Pers.Serv.	2. The Court make an order approving, allowing, and settling the account and report of the conservator [sic] in all respects as filed;	
Conf. Screen	3. The Court authorize Petitioner to pay his attorney \$1,500.00 as ordinary and extraordinary compensation for her services during the period of this accounting;	
<input checked="" type="checkbox"/> Letters	4. The Court authorize partial reimbursement for funeral expenses to Petitioner in the amount of \$6,276.77;	
Duties/Supp	5. The Court authorize the Petitioner to close this estate due to exhaustion of all assets; and	
Objections	6. Any other orders that the Court considers proper.	
Video Receipt		
CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
<input checked="" type="checkbox"/> FTB Notice		

Reviewed by: skc
Reviewed on: 8-25-14
Updates: 8-27-14
Recommendation:
File 1 – Fry

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

DOD: 7/26/2000	MARY MCGEE, RITA JONES, EARL LOCKHART, JR., EVERLENER SMITH, JACKIE LOCKHART, ARTHUR LOCKHART, DAVID LOCKHART, RICKY LOCKHART, JAMES LOCKHART, grandchildren, are petitioners.	NEEDS/PROBLEMS/COMMENTS: 1. A Petition to Determine Succession to Real Property was previously filed for this decedent (that petition was denied on 1/31/13). In the previously filed petition the petitioners were requesting a 50% interest pass to petitioners. (This decedent had a 25% interest in the real property and her sister had another 25% interest. The petition alleged that decedent's sister's 25% interest belonged to this decedent because the sister had died and decedent was her sole heir). The Inventory and Appraisal in the first filed petition listed the value of the property (50%) at \$110,000.00. This petition includes a copy of the same inventory and appraisal valued (25%) at \$110,000. How can the 50% interest alleged in the first filed petition and 25% interest as alleged in this petition both be valued at \$110,000? – Declaration of Attorney states the property is appraised at 100% therefore a 25% interest would be \$27,500.00. This petition only concerns a 25% interest in the estate. Examiner note: Pursuant to Probate Code 13152(b) and Probate Code §8802 the property listed shall state the fair market value of the property at the time of the decedent's death. Therefore need amended inventory and appraisal showing the value of decedent's interest in the property as of her date of death.
Cont. from 010714	40 days since DOD.	
Aff.Sub.Wit.	No other proceedings.	
✓ Verified	Decedent died intestate.	
Inventory	I & A - \$110,000.00	
PTC	Petitioners request court confirmation that Decedent's 25% interest in real property located at 962 75 th Ave Oakland, CA pass to 1/9 to each of them pursuant to intestate succession.	
Not.Cred.		
✓ Notice of Hrg		
✓ Aff.Mail w/		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV/KT
		Reviewed on: 8/26/14
		Updates:
		Recommendation:
		File 6 – Raymond

2. Decedent was also survived by a 10th grandchild, Opal White. Opal White died on 5/25/05 (after this decedent) therefore her estate is entitled to a 1/10 share of this estate. Petition states her son, Danny Brown has filed an Affidavit Re: Real Property of Small Value to pass Opal's interest in the real property to him. However, Opal's interest must first pass to her. In addition, someone (a special administrator?) will need to sign this petition on her behalf. Note: A special administrator cannot be appointed in this estate for Opal. A special administrator will need to be appointed in a new case for Opal's estate. – Petitioner contends that the issue of the 2.5% interest passing to the heirs of Opal White is not before the Court. Danny Brown has filed an Affidavit Re: Real Property of Small Value to claim the final 2.5% interest from the estate of Opal White. Danny Brown is not a petitioner herein, and seeks no relief in this petition. – **Examiner note:** The problem is that before the property can pass to Danny Brown the property must first pass to Opal White's estate. Therefore a Special Administrator would need to be appointed (in a separate proceeding) to be able to sign this Petition to Determine Succession on Opal's behalf in order to pass Opal's interest in this estate to her estate. After the property is in Opal's estate then Danny Brown can file the Affidavit Re: Real Property of Small Value.

(1) First Account Current and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and her Attorney; and (3) for Dispensation of Further Accounts

Age: 61	<p>PUBLIC GUARDIAN, Conservator of the Estate, is Petitioner.</p> <p>Account period: 05/23/13 – 07/01/14</p> <p>Accounting - \$91,124.37 Beginning POH - \$42,758.50 Ending POH - \$3,413.21</p> <p>Conservator - \$4,348.52 (14.75 staff hours @ \$76/hr. and 33.62 deputy hours \$96.hr.)</p> <p>Attorney - \$2,500.00 (ok Per Local Rule)</p> <p>Bond fee - \$25,000.00</p> <p>Petitioner requests that due to the insufficiency of the estate to pay the fees and commissions that a lien be imposed on the estate for any unpaid balances of the authorized fees and commissions.</p> <p>Petitioner states that the conservatorship estate meets the requirements of Probate Code § 2628(b) to dispense with further accountings. Petitioner requests that the court dispense with further accountings as long as the conservatorship estate continues to meet the requirements of Probate Code § 2628(b).</p> <p>Petitioner prays for an Order:</p> <ol style="list-style-type: none"> Approving, allowing and settling the first account; Authorizing the conservator and attorney fees and commissions; Authorizing payment of the bond fee; Authorizing petitioner to impose a lien on any unpaid balances of authorized fees and commissions; and Dispensing with further accounts. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If further accountings are not dispensed with, a status hearing will be set as follows:</p> <ul style="list-style-type: none"> Thursday, October 29, 2015 at 9:00am in Dept. 303 if a one year accounting is due; and Thursday, October 27, 2016 at 9:00am in Dept. 303 if a two year accounting is due. <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>
DOB: 11/14/52		
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail w/		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input 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		
<p>Reviewed by: JF</p> <p>Reviewed on: 08/25/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3 - Nelson</p>		

DOD: 1-17-13	ISABEL DIAZ-CASILLAS , Sister and Administrator with Full IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 1-18-13 through 6-30-14	<u>SEE ADDITIONAL PAGES</u>
	Accounting: \$155,082.17	
	Beginning POH: \$155,082.17	
	Ending POH: \$119,894.35 (cash)	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input checked="" type="checkbox"/> Inventory	Administrator (Statutory): Waived	
<input type="checkbox"/> PTC		
<input checked="" type="checkbox"/> Not.Cred.	Attorney (Statutory): \$5,652.47	
<input checked="" type="checkbox"/> Notice of Hrg	Closing: \$5,000.00	
<input checked="" type="checkbox"/> Aff.Mail	Petitioner states that pursuant to the wishes of the decedent prior to her death, it was her intention that the following assets be held in trust by Petitioner for the benefit of her two children and that funds be disbursed in the discretion of the trustee for the benefit of each child in an amount in the discretion of the trustee for the general welfare of said children and for payment of any debts owed by the decedent as a result of her death:	
<input type="checkbox"/> Aff.Pub.	a. Pension benefits payable to Gina Diaz (sister);	
<input type="checkbox"/> Sp.Ntc.	b. Supplemental Life Insurance Policy with Symetra Life Insurance Company payable to Gina Diaz	
<input type="checkbox"/> Pers.Serv.	c. Basic Life Insurance Policy with Symetra Life Insurance Company payable to Isabel Diaz-Casillas	
<input type="checkbox"/> Conf. Screen	The funds referenced above are to be deposited in the trust account of Quinlan, Kershaw & Fanucchi, LLP, and funds are to be disbursed upon the authority of the trustee.	
<input checked="" 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 checked="" type="checkbox"/> FTB Notice	Distribution pursuant to "Agreement Re Verbal Testamentary Trust" is to:	
	Isabel Diaz-Casillas, as Testamentary Trustee for Amando Montero: \$53,252.56	
	Isabel Diaz-Casillas, as Testamentary Trustee for Jessica Montero Hinojosa: \$54, 692.82	
		Reviewed by: skc
		Reviewed on: 8-25-14
		Updates:
		Recommendation:
		File 4 – Lujan

1. Petitioner states that prior to the decedent's death, the decedent stated that it was her intention that certain assets be held in trust for her two children (who are adults), including:

a. Pension benefits payable to Gina Diaz (the decedent's sister) in the net amount of \$8,853.55, after deduction of \$2,770.10 for federal income taxes withheld, and in the net amount of \$2,770.10, after deduction of \$692.52 for federal income taxes withheld;

b. Supplemental Life Insurance Policy with Symetra Life Insurance Company payable to Gina Diaz (the decedent's sister) in the amount of \$60,093.70; and

c. Basic Life Insurance Policy with Symetra Life Insurance Company payable to Isabel Diaz-Casillas (Petitioner) in the amount of \$75,117.12.

These cash assets were inventoried by the Administrator as assets of the estate on the I&A filed 9-4-13 pursuant to Probate Code §8901; however, these accounts had beneficiary designations.

Petitioner is the designated beneficiary of the Symetra Basic Life Insurance Policy. Is it correct to assume that by this petition, Petitioner consents to the probate of this asset as an asset of the estate?

Gina Diaz, the decedent's other sister, however, is the designated beneficiary of the Symetra Supplemental Life Insurance Policy and the EOC Pension benefits. Gina Diaz has not signed any consent to include these assets as assets of the estate, or to the "Agreement" that would allow these accounts to be probated and distributed ultimately to other beneficiaries.

Need authority for including the assets that designate Gina Diaz as beneficiary as assets of the estate.

2. Petitioner titles her declaration regarding the decedent's intent as "Agreement Re Verbal Testamentary Trust," and requests distribution pursuant thereto.

However, there is no such thing as a "verbal testamentary trust." A testamentary trust is a trust created by a will. See §17300. The decedent died intestate. Therefore, any distribution of estate assets would be pursuant to intestate succession, or beneficiary designation, pursuant to clarification of #1 above.

Further, the "Agreement" is signed only by Petitioner and although it includes a statement that the decedent verbally stated certain wishes, it does not provide details that would be relevant to the establishment of an oral trust in accordance with Probate Code §15207, and this petition has not been brought under that section. For example, no information is provided regarding the specific circumstances of how or when the decedent verbally made these statements, which appear to be very specific, yet contrary to the beneficiary designations that were previously in existence.

If Petitioner is alleging that an oral trust was created by the decedent prior to her death, it would need to be separately established under proper authority by clear and convincing evidence, and then Petitioner could theoretically request distribution of the estate pursuant to such previously established trust.

Alternatively, if the beneficiaries (Isabel Diaz-Casillas and Gina Diaz) and intestate heirs (Armando Montero and Jessica Montero Hinojosa) wish to make an agreement regarding the inclusion of certain assets in this probate estate and distribution pursuant to such agreement, an amended petition may be appropriate; however, whatever form such agreement takes, it would not be considered a "verbal testamentary trust."

SEE ADDITIONAL PAGES

3. Bank of America filed a creditor's claim \$32,911.04, which was rejected per Rejection filed 9-23-13. However, Petitioner does not state whether any lawsuit resulted from the claim/rejection pursuant to Cal. Rules of Court 7.403.

In the petition, Petitioner states that this claim was for a second deed of trust on real property "which was lost to foreclosure." However, the petition does not state when the property was lost to foreclosure. Was it prior to or after the decedent's death in January 2013? In the "Agreement" signed by Petitioner in June 2013, Petitioner states the residence "is currently in proceedings for a Trustee's sale," which indicates that the real property was not yet foreclosed, and was owned by the decedent at her death and therefore should have been inventoried as an asset on the I&A.

Need verified statement regarding whether any action was taken by the creditor upon rejection of the claim, and clarification re the real property. If the property was not foreclosed, what actions were taken, if any, with regard to the property?

4. Petitioner did not answer #5 on the I&A re Property Tax Certificate. Need verified statement regarding the requirements of R&T Code §480.
5. The disbursements schedule indicates that Petitioner made numerous "advances" to the decedent's two children as trustee of the "trust" without Court authorization in violation of Probate Code §11620. Jessica Hinojosa has received \$10,559.74 and Armando Montero has received \$10,000.00, plus \$2,116.68 for funeral expenses (not itemized) plus \$2,000.00 paid to McCormick Barstow on Armando Montero's behalf (without explanation).
6. Petitioner does not address whether notice was required to the Director of the California Victim Compensation and Government Claims Board pursuant to Probate Code §9202(b).

Note: Based on the above issues, the Court may strike any language approving the acts and transactions of the personal representative.

7. Petitioner requests to retain a reserve amount of \$5,000.00 for closing expenses; however, Petitioner does not indicate what liabilities may be determined to be due. It appears from the disbursements schedule that the decedent's final taxes have been completed. The Court may require clarification regarding the purpose of the reserve, and, consistent with the Court's recent practice, if Court determines an informal accounting of the closing reserve is warranted, Court will set a Status Hearing as follows:

- Thursday, February 26, 2015 at 9:00 a.m. in Dept. 303 for an Informal Accounting of the \$5,000.00 Closing Reserve.

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.

DOD: 3/19/2014	RAY BERGMAN , creditor, is petitioner and requests appointment as Administrator without bond.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Petition states the decedent died intestate. However, a Will of Warren Barigian dated 1/27/1998 was deposited with the Court on 8/19/2014. Ray Bergman, proposed Administrator, was not listed on attachment 8 as required. Need affidavit of publication. Need order Need Letter
	Limited IAEA – ?????	
Cont. from	Decedent died intestate (see note #1)	
<input type="checkbox"/> Aff.Sub.Wit.	Residence: Fresno	
<input checked="" type="checkbox"/> Verified	Publication: NEED	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	Estimated value of the Estate:	
<input checked="" type="checkbox"/> Aff.Mail	Personal property - unknown	
<input type="checkbox"/> Aff.Pub.	Annual income - unknown	
<input type="checkbox"/> Sp.Ntc.	Real property - \$530,000.00	
<input type="checkbox"/> Pers.Serv.	Probate Referee: Rick Smith	
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: KT
		Reviewed on: 8/25/14
		Updates:
		Recommendation:
		File 5 - Barigan

Atty Koligian, Jr., Robert, sole practitioner (for Petitioner Dennis M. Veeh)

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

DOD: 3/12/2011	DENNIS M. VEEH , son and named Executor without bond, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Court will set status hearings as follows:</p> <ul style="list-style-type: none"> • Thursday, January 29, 2015 at 9:00 a.m. in Dept. 303 for filing of final inventory and appraisal; and • Thursday, October 29, 2015 at 9:00 a.m. in Dept. 303 for filing of first account and/or petition for final distribution. <p>Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.</p>									
	Full IAEA – O.K.										
Cont. from	Will Dated: 5/2/1991 Codicil Dated: 2/14/2007										
<input type="checkbox"/> Aff.Sub.Wit.	Residence: Reedley										
<input checked="" type="checkbox"/> Verified	Publication: Need										
<input type="checkbox"/> Inventory	<p>Estimated value of the Estate:</p> <table> <tr> <td>Personal property</td> <td>-</td> <td>\$160,000.00</td> </tr> <tr> <td>Annual income from P/P</td> <td></td> <td><u>\$ 2,300.00</u></td> </tr> <tr> <td>Total</td> <td>-</td> <td>\$162,300.00</td> </tr> </table>		Personal property	-	\$160,000.00	Annual income from P/P		<u>\$ 2,300.00</u>	Total	-	\$162,300.00
Personal property			-	\$160,000.00							
Annual income from P/P				<u>\$ 2,300.00</u>							
Total			-	\$162,300.00							
<input type="checkbox"/> PTC											
<input type="checkbox"/> Not.Cred.											
<input checked="" type="checkbox"/> Notice of Hrg											
<input checked="" type="checkbox"/> Aff.Mail			W/								
<input checked="" type="checkbox"/> Aff.Pub.											
<input type="checkbox"/> Sp.Ntc.											
<input type="checkbox"/> Pers.Serv.											
<input type="checkbox"/> Conf. Screen	Probate Referee: Rick Smith										
<input type="checkbox"/> Aff. Posting											
<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 checked="" type="checkbox"/> Letters											
<input type="checkbox"/> Status Rpt											
<input type="checkbox"/> UCCJEA											
<input type="checkbox"/> Citation											
<input type="checkbox"/> FTB Notice											
		Reviewed by: LEG									
		Reviewed on: 8/26/14									
		Updates:									
		Recommendation: SUBMITTED									
		File 7 – Veeh									

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

DOD: 03/04/2014		<p>MARIA GUARDALUPE WARREN, daughter/named Executor without bond, is petitioner.</p> <p>Full IAEA – o.k.</p> <p>Will dated: 08/29/1985</p> <p>Residence: Reedley Publication: The Business Journal</p> <p>Estimated value of the Estate: Real property - \$280,000.00</p> <p>Probate Referee: Steven Diebert</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Petition indicates decedent's residence at the time of death was Reedley, California, therefore the correct publication should be The Reedley Exponent. Petitioner published in The Business Journal. Need proof of service of the Notice of Petition to Administer Estate pursuant to Probate Code §8110 on Erica Georgina Reyes. <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> Thursday, 01/29/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> Thursday, 10/29/2015 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>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit. s/p		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/		
<input checked="" type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
Reviewed by: LV			
Reviewed on: 08/26/2014			
Updates:			
Recommendation:			
File 9 - Reyes			

DOD: 07/16/2014	MICHELLE ANN CARMODY, daughter/named Executor without bond, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	Full IAEA – o.k.	
<input type="checkbox"/> Aff.Sub.Wit.	s/p Will dated: 01/13/1984	
<input checked="" type="checkbox"/> Verified	Codicil: 09/11/1991	
<input type="checkbox"/> Inventory	Residence: Fresno	
<input type="checkbox"/> PTC	Publication: The Business Journal	
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Estimated value of the Estate:	
<input checked="" type="checkbox"/> Aff.Mail	Personal property - \$95,500.00	
<input checked="" type="checkbox"/> Aff.Pub.	Real property - \$132,000.00	
<input type="checkbox"/> Sp.Ntc.	Total - \$227,500.00	
<input type="checkbox"/> Pers.Serv.	Probate Referee: Rick Smith	
<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		
		Note: If the petition is granted status hearings will be set as follows:
		<ul style="list-style-type: none"> • Thursday, 01/29/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Thursday, 10/29/2015 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.
		Reviewed by: LV
		Reviewed on: 08/26/2014
		Updates:
		Recommendation: Submitted
		File 10 - Carmody

Status Hearing Re: Filing of the Third Account

Age: 38	JOYCE A. HENRY , Mother of Trust Beneficiary, is the Successor Trustee of the Intervivos Trust of Charmaine Tyler, U/T/D/ 11-5-84.	NEEDS/PROBLEMS/COMMENTS:
DOB: 8-27-75		
		<u>OFF CALENDAR. TRUSTEE'S THIRD ACCOUNTING FILED</u>
	The first accounting covering the period 12-11-95 through 4-30-08 (a 13-year period) was settled on 11-3-08.	<u>08/21/2014. HEARING SET FOR 10/06/2014.</u>
Cont. from: 062714		
Aff.Sub.Wit.	The second accounting covering the period 05-01-2008 through 04-30-2012 was settled on 08-14-2012.	
Verified		
Inventory	The minute order of 08-14-2012 set the status hearing for the filing of the 3 rd account.	
PTC		
Not.Cred.		
Notice of Hrg	Status Report filed 06/25/2014 states all of the funds of the conservatorship are in a blocked account with California Bank and Trust, with withdrawals allowed only upon court order. Pursuant to such court Order, the Trustee is allowed to withdraw the monthly settlement payments from AIGA, currently in the amount of \$39,000.00. On March 19, 2014, the Trustee filed an Ex Parte Petition for Withdrawal of Funds from Blocked Account, the Order for which was approved and filed on March 21, 2014. At the time, the Trustee filed a current Confidential Accounting Statement with the court showing a balance of \$154,800.53 in the blocked account as of January 31, 2014. Pursuant to court order, the Trustee's bond is filed in the amount of \$46,500.00. In gathering the information to enable to preparation of the third accounting, the Trustee has discovered that some of the bank statements are missing. She is currently in the process of obtaining copies from the bank, which she anticipates will take a minimum of two additional weeks. Attorney respectfully requests that the court allow at least an additional sixty (60) days for the Trustee to obtain the necessary documents and attorney to prepare and file the accounting.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: LV
Status Rpt		Reviewed on: 08/26/2014
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 11 - Tyler

Probate Status Hearing Re: Failure to File a Final Inventory and Appraisal and for Failure to File a First Account or Petition for Final Distribution

DOD: 10/22/2005	EDWIN L. PYLE was appointed executor with full IAEA and without bond on 7/11/06.	NEEDS/PROBLEMS/COMMENTS:
	Letters issues 7/11/06	1. Need final inventory and appraisal and petition for final distribution <u>or</u> current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Cont. from 030714, 052314, 072914	Inventory and appraisal, partial no. 1 was filed on 5/9/07 showing a value of \$54.00. (Note also listed but not appraised is collectable silver dollar coins and approximately \$45,000 to be received from the A.C. Hiebert Trust.)	
Aff.Sub.Wit.	Inventory and Appraisal, final, filed on 8/19/14 showing a value of \$1,245.00.	2. Final Inventory and appraisal filed on 8/19/14 shows two different amounts \$1,425.50 and \$1,245.50. In addition the silver coins were not appraised by the probate referee as required.
Verified		
Inventory	Notice of Status Hearing was mailed to Attorney Daryl Katcher on 12/20/2013.	Reviewed by: KT
PTC		
Not.Cred.	Minute Order dated 3/7/14 states the Court is advised that the litigation has been concluded and this is not a no asset estate as there are 107 silver dollars.	Reviewed on: 8/27/14
Notice of Hrg		
Aff.Mail	Minute order dated 7/29/14 states Edwin Pyle is ordered to be personally present on 8/28/14. Copy of the minute order was mailed to Mr. Pyle on 7/29/14.	Updates:
Aff.Pub.		
Sp.Ntc.	Order	Recommendation:
Pers.Serv.		
Conf. Screen	Order	File 12 – Hiebert
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

DOD: 9/25/2011	<p>JULIO A. HINOJOSA was appointed Executor with full IAEA authority and without bond on 6/18/2012.</p> <p>Letters issued on 6/18/2012.</p> <p>Inventory and appraisal was filed on 11/1/2012 showing the estate valued at \$1,892.89.</p> <p>On 4/18/2013 Gary Bagdasarian substituted out as the attorney of record and Nathan Powell of Dowling, Aaron, Inc. substituted in.</p> <p>Status Report of Attorney Kent J. Klassen filed on 7/2/14 states the Executor and the plaintiff in the civil matter mediated the civil lawsuit on 3/3/14. All settlement documents have been exchanged. Due to inadvertence the file did not get into the right hands after the companion case was completed. Mr. Klassen requests an additional 45 days to complete these tasks.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need first account, petition for final distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Cont. from 080213, 020314, 041414, 071414		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p>Reviewed by: KT</p> <p>Reviewed on: 8/27/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13 – Hinojosa</p>	

Probate Status Hearing Re: Filing of First Account

	<p>EDWARD J. CRABLE, through his parents, Mark Crable and Patricia Crable filed a petition to approve a Special Needs Trust for the benefit of Edward J. Crable.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
<p>Cont. from 120613, 012414, 030714, 050214, 052214, 071014</p>	<p>Order approving the Edward J. Crable Special Needs Trust and appointing Patricia Crable as Trustee with bond of \$11,000.00 was signed on 9/25/12.</p>	<p>OFF CALENDAR. First account filed and set for hearing on 10/2/14.</p>
<p>Aff.Sub.Wit.</p>		
<p>Verified</p>	<p>Bond of \$11,000.00 was filed on 12/3/12.</p>	
<p>Inventory</p>		
<p>PTC</p>		
<p>Not.Cred.</p>	<p>Notice of Status Hearing for the filing of the First Account was mailed to attorney Jay T. Jambeck on 5/2/13 ordering him to be present on 12/6/13.</p>	
<p>Notice of Hrg</p>		
<p>Aff.Mail</p>		
<p>Aff.Pub.</p>	<p>Minute order from 12/6/13 states the court notes that Jay Jambeck failed to appear notwithstanding the notice that was sent to him on 5/2/13. The Court orders that Jay Jambeck to be personally present on 1/24/14 or appear by CourtCall if the first account is not filed by the next hearing.</p>	
<p>Sp.Ntc.</p>		
<p>Pers.Serv.</p>		
<p>Conf. Screen</p>		
<p>Letters</p>		
<p>Duties/Supp</p>		
<p>Objections</p>		
<p>Video Receipt</p>	<p>Minute order from 1/24/14 states no appearances. The Court orders Jay Jambeck to be personally present on 3/7/14 or appear via CourtCall. The Court directs that a copy of the minute order be mailed to both addresses noted for Mr. Jambeck. Copy of minute order mailed on 2/3/14.</p>	
<p>CI Report</p>		
<p>9202</p>		
<p>Order</p>		
<p>Aff. Posting</p>		
<p>Status Rpt</p>		
<p>UCCJEA</p>	<p>Minute order from 3/7/14 states no appearances. Court sets the matter for an Order to Show Cause regarding contempt, failure to appear, and failure to file the first account. Mr. Jambeck is ordered to be personally present on 5/2/14.</p>	
<p>Citation</p>		
<p>FTB Notice</p>		
<p>Reviewed by: KT</p>		
<p>Reviewed on: 8/27/14</p>		
<p>Updates:</p>		
<p>Recommendation:</p>		
<p>File 14 - Crable</p>		

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 01/08/2014	DENNIS H. JOHNS , son was appointed Executor with limited IAEA authority without bond on 06/23/2014.	NEEDS/PROBLEMS/COMMENTS: 1. The partial Inventory and Appraisals filed 08/13/2014 were not appraised by the assigned Probate Referee, Rick Smith, pursuant to Probate Code §8902. 2. Need Inventory and Appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
	Letters were issued on 06/23/2014.	
Cont. from	Minute Order of 06/23/2014 set this status hearing for the filing of the Inventory and Appraisal.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.	Three Partial Inventory & Appraisal separated by APN numbers were filed 08/13/2014.	
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed on: 08/26/2014
		Updates:
		Recommendation:
		File 15 - Johns

Alex, 4	NORMA LEYVA , paternal grandmother, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need proof of service by mail of <i>Notice of Hearing or Consent & Waiver of Notice or Declaration of Due Diligence</i> for: a. Pablo Ortiz (paternal grandfather)</p>
Julian, 3	CARESS GUTIERREZ , maternal aunt, was appointed guardian of the minors on 03/25/14.	
Cont. from	Father: ALEX ORTIZ – served by mail on 07/20/14	
Aff.Sub.Wit.	Mother: SELINA GUTIERREZ – served by mail on 07/20/14	
✓ Verified	Paternal grandfather: PABLO ORTIZ	
Inventory	Maternal grandfather: DECEASED	
PTC	Maternal grandmother: LORETTA GUTIERREZ – served by mail on 07/20/14	
Not.Cred.	Petitioner states the current guardian placed the children in her care on 06/20/14 due to the children not adjusting well. Guardian's son did not adjust well to having more children in his home and was hurting Alex, Jr. Fresno PD and CPS investigated and recommended that the children stay with petitioner or they would remove the children from guardian's home.	
✓ Notice of Hrg	Court Investigator Samantha Henson filed a report on 08/22/14.	
✓ Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
✓ CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 08/26/14
		Updates:
		Recommendation:
		File 16A - Ortiz

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

Alex, 4	NORMA LEYVA , paternal grandmother, is Petitioner.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for:</p> <p>a. Pablo Ortiz (paternal grandfather)</p> <p>b. Loretta Gutierrez (maternal grandmother)</p>
Julian, 3	CARESS GUTIERREZ , maternal aunt, was appointed guardian of the minors on 03/25/14.		
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail	x	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.	w/	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Father: **ALEX ORTIZ** – Consent & Waiver of Notice filed 06/26/14
 Mother: **SELINA GUTIERREZ** – personally served on 06/26/14

Paternal grandfather: PABLO ORTIZ

Maternal grandfather: DECEASED
 Maternal grandmother: LORETTA GUTIERREZ

Petitioner states the parents are unable to care for them and the current guardian's child was unable to handle sharing his mother and became abusive to the minors. The father is currently in rehab and the mother has not taken care of her criminal charges or her drug problem.

Court Investigator Samantha Henson filed a report on 08/22/14.

Reviewed by: JF

Reviewed on: 08/26/14

Updates:

Recommendation:

File 16B - Ortiz

Petition for Termination of Guardianship

Alex, 4		SELINA GUTIERREZ, mother, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Julian, 3			
Cont. from		CARESS GUTIERREZ, maternal aunt, was appointed guardian of the minors on 03/25/14. Father: ALEX ORTIZ Paternal grandfather: PABLO ORTIZ Paternal grandmother: NORMA LEYVA	1. Need <i>Notice of Hearing</i> . 2. Need proof of service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Termination of Guardianship</i> or <i>Consent & Waiver of Notice</i> or <i>Declaration of Due Diligence</i> for: a. Caress Gutierrez (guardian) b. Alex Ortiz (father) c. Pablo Ortiz (paternal grandfather) d. Norma Leyva (paternal grandmother) e. Loretta Gutierrez (maternal grandmother)
Aff.Sub.Wit.			
✓ Verified		Maternal grandfather: DECEASED Maternal grandmother: LORETTA GUTIERREZ	
Inventory			
PTC		Petitioner states [Petitioner does not state a reason for requesting termination].	
Not.Cred.			
Notice of Hrg	x	Court Investigator Samantha Henson filed a report on 08/22/14.	
Aff.Mail	x		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: JF
			Reviewed on: 08/26/14
			Updates:
			Recommendation:
			File 16C - Ortiz

Pro Per Barrientos, Felipe (Pro Per Petitioner, maternal uncle)
 Pro Per Barrientos, Alyse (Pro Per Petitioner, wife of maternal uncle)

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

Age: 14 years	NO TEMPORARY REQUESTED		<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need proof of personal service of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian</i>, or <i>Consent to Appointment of Guardian and Waiver of Notice</i>, for: <ul style="list-style-type: none"> • Jeffery Clyburn, father, if Court does not find due diligence. 2. Need proof of service by mail of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian</i>, or <i>Consent to Appointment of Guardian and Waiver of Notice</i>, or a <i>Declaration of Due Diligence</i>, for: <ul style="list-style-type: none"> • paternal grandparents; • Kiana Clyburn, sibling (if age 12 or over.)
	<p>FELIPE BARRIENTOS and ALYSE BARRIENTOS, maternal uncle and his wife, are Petitioners.</p>		
	<p>Father: JEFFERY HORACE CLYBURN; <i>Declaration of Due Diligence filed 6/27/2014; whereabouts unknown.</i></p>		
Cont. from	<p>Mother: MACARENA PAOLA CLYBURN; <i>consents and waives notice; personally served 7/6/2014.</i></p>		
Aff.Sub.Wit.	<p>Paternal grandfather: <i>Not listed</i> Paternal grandmother: <i>Not listed</i> Maternal grandfather: Adan Barrientos; <i>consents and waives notice; personally served 7/6/2014.</i></p>		
✓ Verified	<p>Maternal grandmother: Irnolda Molina; <i>consents and waives notice; personally served 7/6/2014.</i></p>		
Inventory	<p>Petitioners state the child's mother is an unemployed single parent with diagnosed Bipolar disorder, and the Petitioners can provide a safe, nurturing and stable home environment for the child and can financially provide for him and ensure future success. Petitioners state that the child's mother agrees with them that it is in the child's best interest to live with them for the foreseeable future.</p>		
PTC	<p>Court Investigator Julie Negrete's Report was filed on 8/21/2014.</p>		
Not.Cred.			
✓ Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
✓ Pers.Serv.			
✓ Conf. Screen			
Aff. Posting			
✓ Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
✓ Clearances			
✓ Order			
✓ Letters			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
			Reviewed by: LEG
			Reviewed on: 8/26/14
			Updates:
			Recommendation:
			File 17 - Clyburn

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

Age: 13		<u>GENERAL HEARING 10/21/2014</u>		NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of personal service five (5) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Earniest Dickerson (Father) • Demetria Detra Denise Strickland (Mother) • Earniese Dickerson (Minor)
		TIFFANY CARTER , aunt is petitioner. Father: EARNIEST DICKERSON Mother: DEMETRIA DETRA DENISE STICKLAND Paternal Grandfather: Not Listed Paternal Grandmother: Not Listed Maternal Grandfather: Not Listed Maternal Grandmother: Not Listed		
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg	x		
<input type="checkbox"/>	Aff.Mail	n/a		
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.	x		
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
				Reviewed by: LV
				Reviewed on: 08/26/2014
				Updates:
				Recommendation:
				File 18 - Dickerson

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

Age: 3 months		<u>GENERAL HEARING 10/21/2014</u>		NEEDS/PROBLEMS/COMMENTS:	
		JACQUELINE LAMB , non-relative, is petitioner.		1. Petitioner's Fee Waiver was denied on 08/19/2014. Filing fee of \$285 is due (\$60 for temporary and \$225 for the general petition).	
		Father: UNKNOWN		2. Need Notice of Hearing.	
Cont. from		Mother: TIFFANY ANN PEREZ		3. Need proof of personal service five (5) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:	
	Aff.Sub.Wit.			<ul style="list-style-type: none"> • Father (Unknown) • Tiffany Ann Perez (Mother) 	
✓	Verified	Paternal Grandfather: Unknown Paternal Grandmother: Unknown		4. Need UCCJEA.	
	Inventory			Note: A UCCJEA was attached to the general petition indicating that the child has been residing with the petitioner since 05/10/2014. The UCCJEA was not file stamped because it needs to be filed separately and not as an attachment to the petition.	
	PTC			5. Need Duties and Liabilities.	
	Not.Cred.	Maternal Grandfather: Jimmy Perez Maternal Grandmother: Carlotta Marquez			
	Notice of Hrg	Petitioner states: the mother gave the petitioner permission to take the child from the hospital. The mother is unable to care for the child. She is in an abusive relationship. The mother was going to let the petitioner adopt the minor right from the hospital but the social worker at the hospital convinced her to wait six months. The minor needs her well baby check-up and shots but petitioner needs guardianship in order to obtain medical attention. Petitioner alleges that the mother's other two children have been placed with other relatives.			
	Aff.Mail				
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.				
✓	Conf. Screen				
✓	Letters				
	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order	Attached to the Petition is a letter of recommendation from petitioner's FFA Social Worker, Joe Lujan, which supports petitioners request to be appointed as guardian of the minor.			
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
	FTB Notice				
				Reviewed by: LV	
				Reviewed on: 08/26/2014	
				Updates:	
				Recommendation:	
				File 19 - Perez	

Atty Kruthers, Heather H., of County Counsel's Office (for Petitioner Public Guardian)
 Atty LeVan, Nancy J., sole practitioner (Court-appointed for Conservatee)

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

Age: 73 years	TEMPORARY GRANTED EX PARTE EXPIRES 7/16/2014; extended to 8/18/2014; extended to 8/28/2014		NEEDS/PROBLEMS/COMMENTS: Page 6 is the related <i>Petition for Appointment of Probate Conservator</i> filed by the Public Guardian for RESENDO TOSCANO , the spouse of this proposed Conservatee (Case14CEPR00641). Court Investigator Advised Rights on 8/1/2014. Voting Rights Affected – Need Minute Order. Continued from 8/18/2014. <i>Minute Order</i> states all objectors need to file objections with the Court. David Toscano's address is [omitted]. Letters extended to 8/28/2014 with all powers and orders in full force and effect. The following issue from the last hearing remains: 1. Need declaration regarding discussion with the proposed Conservatee for the sale of her residence, pursuant to Probate Code § 2540(b).
Cont. from: 081814	PUBLIC GUARDIAN is Petitioner and requests appointment as Conservator of the Person and Estate with medical consent and dementia powers to administer dementia medications, and for placement in a secured-perimeter facility.		
✓ Aff.Sub.Wit.	Capacity Declaration of Hoyle Leigh, M.D. filed 7/2/2014 supports request for medical consent and dementia powers.		
✓ Verified	Estimated Value of the Estate:		
Inventory	Personal property	- \$40,000.00	
✓ Cap. Dec.	Annual income	- \$ 600.00	
Not.Cred.	Total	- \$40,600.00	
✓ Notice of Hrg	Voting Rights Affected		
✓ Aff.Mail	Petitioner states the proposed Conservatee suffers from diabetes, hypertension and other medical conditions, and uses the assistance of a wheelchair due to hip and leg pain; in addition she has a history of depression and suffers from dementia. Petitioner states the proposed Conservatee has been married to RESENDO TOSCANO since 1962, they have 7 children, and there is a long history of domestic abuse between the proposed Conservatee and her husband, as well as financial abuse from some of their children. Petitioner states the family is well-known by several agencies including Adult Protective Services (APS) and the Police Department, the latter agency having received 39 calls in 12 months for physical abuse, financial abuse, warrants and various criminal activity;		
Sp.Ntc.	~Please see additional page~		
✓ Pers.Serv.			
Conf. Screen			
✓ Letters			
Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
✓ Citation			
FTB Notice			
			Reviewed by: LEG
			Reviewed on: 8/25/14
			Updates:
			Recommendation:
			File 20 – Toscano

Petitioner states, continued:

- The APS referral indicates the proposed Conservatee was admitted to Community Regional Medical Center 10 times from January to June 2013 due to being a dependent adult unable to provide care for herself, she has been discharged 7 times to skilled nursing facilities and each time has returned home, and that her home is filthy and cockroach infested;
- The proposed Conservatee's Social Security benefits are allegedly taken by certain of her sons, rather than used for her needs.

Petitioner requests the authority to sell the proposed Conservatee's **50%** interest in her home located at 1310 N. Thorne Ave., Fresno, and authority to retain the services of a licensed real estate broker to assist in the sale of the real property (per *Amendment* filed 7/30/2014 to the *Petition for Appointment of Probate Conservator*; *Amendment* states it is also being requested in the *Petition* filed for the appointment of Conservator of **RESENDO TOSCANO** (Case14CEPR00641), who holds joint tenancy in the home with proposed Conservatee, that sale of his **50%** interest in the home be authorized.)

Note: *Order Appointing Temporary Conservator* filed 7/21/2014 grants the following additional powers to the Public Guardian as Temporary Conservator:

- (1) Authority to make medical decisions;
- (2) Authority to keep the Conservatee's whereabouts confidential pending further order of the Court;
- (3) No visitation is allowed with the Conservatee by anyone other than the Conservator pending further order of the Court. (*Please refer to Minute Order dated 7/16/2014.*)

Court Investigator Dina Calivillo's Report was filed on 8/12/2014.

Note: If the *Petition* is granted, Court will set Status Hearings as follows:

- **Thursday, January 8, 2015 at 9:00 a.m. in Dept. 303** for the filing of the inventory and appraisal;
- and
- **Thursday, October 29, 2015 at 9:00 a.m. in Dept. 303** for the filing of the first account of the conservatorship.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearing dates listed, the status hearing will come off calendar and no appearance will be required.