



# Monday, August 29, 2016

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There are no approved or continued matters.

The following cases are off calendar:

- Page 2 Mora SNT 09CEPR00286
- Page 5 Gutierrez Trust 11CEPR00097
- Page 10 Munsey Conservatorship 14CEPR00144
- Page 13 Louie Estate 15CEPR01101
- Page 17 Marez SNT 16CEPR00425
- Page 18 Marez SNT 16CEPR00426

Appearance of counsel is recommended for all remaining matters set for hearing.

Thank you.

Attorney: Janet L. Wright (for Petitioner/Conservator Gerald Blum)

Petition for Approval of Ninth Account and Report, for Reduction of Bond and for Allowance of Payment of Attorney and Accountant Fees

		GERALD H. BLUM, Conservator, is petitioner. Please see petition for details.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>Petition requests that the bond be reduced to \$100,000.00. Pursuant to Probate Code §2320 and CRC 7.207 bond could be reduced to \$110,750.00. – <b>New order submitted with bond set at \$110,750.00</b></li> <li>Need original billing statements from Garden Manor. <u>Note:</u> Petitioner filed a statement from Joan Black stating Mr. Blum has paid her \$2,400 per month from 1/1/14 – 12/31/15. Probate Code §2620(c)(5) requires the <u>original</u> billing statements.</li> <li>Petition requests the authority to pay conservatee \$400 per month for her personal expenses. Accounting shows that Mr. Blum has already been paying Conservatee \$400 per month since Dec. 2014.</li> </ol> <p><b>Note: If the petition is granted status hearings will be set as follows:</b></p> <ul style="list-style-type: none"> <li><b>Wednesday, 03/28/2018 at 9:00a.m. in Dept. 303</b> for the filing of the ninth account.</li> </ul> <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.		
<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/	
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<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 checked="" type="checkbox"/>	2620(c)		
<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: KT</b></p> <p><b>Reviewed on: 8/22/16</b></p> <p><b>Updates: 8/26/16</b></p> <p><b>Recommendation:</b></p> <p><b>File 1- Blum</b></p>			

**Probate Status Hearing RE: Next Accounting**

		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>OFF CALENDAR.</u></b> Fourth Account filed and set for hearing on 9/21/16.</p>
<b>Cont. from</b>		
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	
<input type="checkbox"/>	<b>Verified</b>	
<input type="checkbox"/>	<b>Inventory</b>	
<input type="checkbox"/>	<b>PTC</b>	
<input type="checkbox"/>	<b>Not.Cred.</b>	
<input type="checkbox"/>	<b>Notice of Hrg</b>	
<input type="checkbox"/>	<b>Aff.Mail</b>	
<input type="checkbox"/>	<b>Aff.Pub.</b>	
<input type="checkbox"/>	<b>Sp.Ntc.</b>	
<input type="checkbox"/>	<b>Pers.Serv.</b>	
<input type="checkbox"/>	<b>Conf. Screen</b>	
<input type="checkbox"/>	<b>Letters</b>	
<input type="checkbox"/>	<b>Duties/Supp</b>	
<input type="checkbox"/>	<b>Objections</b>	
<input type="checkbox"/>	<b>Video Receipt</b>	
<input type="checkbox"/>	<b>CI Report</b>	
<input type="checkbox"/>	<b>9202</b>	
<input 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 type="checkbox"/>	<b>FTB Notice</b>	
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 8/22/16</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 2- Mora</b>

Petitioner Nena Soledad Saiz (Pro Per, maternal aunt)

Petition for Appointment of Guardian of the Person

		<b>NO TEMPORARY REQUESTED</b>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need <i>Notice of Hearing</i> and 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>, or a <i>Declaration of Due Diligence</i>, for:</p> <ul style="list-style-type: none"> <li>• Ursula Reyes, mother;</li> <li>• Jerry Rodriguez, father.</li> </ul> <p><b>~Please see additional page~</b></p>
		<p><b>NENA SOLEDAD SAIZ</b>, maternal aunt and Godmother, is Petitioner.</p> <p style="text-align: center;"><b>~Please see Petition for details~</b></p> <p><b>Court Investigator's Report</b> filed 8/23/2016.</p>	
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	X	
<input type="checkbox"/>	Aff.Mail	X	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	X	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	Clearances		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 8/22/16</p> <p><b>Updates:</b> 8/25/16</p> <p><b>Recommendation:</b></p> <p><b>File 3- Moreno/ Ockletree/ Rodriguez</b></p>

### **3 Additional Page, King Raul Rodriguez (GUARD/P) Case No. 09CEPR00409**

#### **NEEDS/PROBLEMS/COMMENTS. continued:**

2. Need proof of service by mail of the *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence*, for:
  - paternal grandparents;
  - Alex Reyes, maternal grandfather;
  - Patricia Ann Garcia, maternal grandmother;
  - Anaya Tonette Moreno, sibling, if age 12 or over;
  - Phillip Okletree, sibling, if age 12 or over;
  - Phineas Ockletree, sibling, if age 12 or over;
  - Maddox Reyes, sibling, if age 12 or over.
  
3. *Confidential Guardian Screening* form filed 6/27/2016 has no response at Item 3, and does not contain an attachment explaining the response to Item 8. (Note: Petitioner attached a statement to the *Petition* which the Court may regard as sufficient to address the defects in the *Confidential Guardian Screening* form filed 6/27/2016.)

**4A Logan Dean Posey (GUARD/P)**

**Case No. 09CEPR00746**

Petitioner: Leslie Ann Neuman (pro per)

Attorney: Nancy J. Stegall (for Objector Guardians)

**Petition for Termination of Guardianship**

		LESLIE ANN NEUMAN, mother, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		DEAN POSEY and KATHY POSEY, maternal grandparents, were appointed guardians on 11/9/09.	
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.	Please see petition for details.	
<input checked="" type="checkbox"/>	Verified	Response of Guardians to Leslie A. Neuman's Request to Terminate Guardianship filed on 8/19/16	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	Memorandum of Points and Authorities in Support Regarding Termination of Guardianship and Counsel for Minor filed on 8/19/16.	
<input checked="" type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	Court Investigator Report filed on 8/22/16	
<input checked="" type="checkbox"/>	Pers.Serv.	W/	
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed on: 8/22/16
			Updates:
			Recommendation:
			File 4A- Posey

4A

Attorney Poochigian, Mark S. (for Petitioner Antonette Gutierrez, Successor Trustee)

**Petition for Determination of Right to Surcharge Beneficiary's Interest, or in the Alternative, Enforce Money Judgment against Trust Beneficiary**

<b>DOD: 10/7/2005</b>	<b>ANTONETTE GUTIERREZ</b> , daughter and Successor Trustee, is Petitioner.		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>OFF CALENDAR.</b> Order continuing matter to 4/17/16 was signed on 8/25/16</p> <p><b>Continued from 5/2/2016.</b> Minute Order states counsel requests an additional 90 days due to the pending bankruptcy action.</p> <p><b>Note for background:</b> Minute Order dated 11/9/2015 from the last hearing states Mr. Poochigian requests 60 days due to the Stay of Proceedings filed by Attorney Nunez on behalf of Raymond Renteria in U.S. Bankruptcy Court.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• Notice of Stay of Proceedings filed by Attorney Nunez on 8/6/2015 shows this matter is automatically stayed with regard to <b>RAYMOND RENTERIA</b> caused by filing in U.S. Bankruptcy Court on 7/24/2015.</li> <li>• Order Settling Second and Final Account, etc., filed 11/12/2015 in the Erlinda Gutierrez Estate, Case #06CEPR00207, distributes the <b>\$86,229.95</b> money judgment against <b>RAYMOND RENTERIA</b> to the estate heirs in their respective percentages.</li> </ul> <p><b>The following issue from the last hearing remains:</b></p> <ol style="list-style-type: none"> <li>1. Need proposed order pursuant to Local Rule 7.1.1(F).</li> </ol>
Cont. from 081015, 092115, 110915, 011116, 050216			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W /	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 8/19/16</p> <p><b>Updates:</b> 8/25/ - KT</p> <p><b>Recommendation:</b></p> <p><b>File 5 – Gutierrez</b></p>



## 6 Additional Page, Augustine J. Pedemonte Trust Case No. 11CEPR00192

### Petitioner states, continued:

- Probate Code §15602(b) allows the Court to “excuse a requirement of a bond . . . The Court may not, however, excuse the requirement of a bond . . . except under compelling circumstances. For the purposes of this section, a request by all the adult beneficiaries of a trust that bond be waived . . . for their trust is deemed to constitute a compelling circumstance.”
- Petitioner and his Daughters, who are all the adult beneficiaries of the Trust under Probate Code §15602(b), have all now agreed that it is in their best interest as beneficiaries of the Trust to excuse the requirement of a bond by Trustee (*Exhibit A contains waivers of bond signed by each beneficiary*); Bruce Bickel, the current Trustee of the Trust, consents to the waiver of bond (*consent attached as Exhibit B*);
- Petitioner requests that the court excuse the requirement of bond by the Trustee of the Trust.

### **Petitioner prays for an order of this Court:**

1. Excusing the requirement of bond by Bruce D. Bickel, as Trustee of the Augustine J. Pedemonte Trust dated April 13, 1983;
2. That the Trustee may not sell or encumber any shares of Pedemonte Properties, Inc., or Maria-Nina Investments, without a properly noticed hearing to all interested parties; and
3. Discharging and releasing the surety, Suretec Insurance Company, from liability on its bond in the amount of **\$250,000.00**, effective on the date of the order entered in this proceeding.



## 7 Additional Page, Susan Pedemonte Trust Case No. 11CEPR00193

### Petitioner states, continued:

- Probate Code § 15602(b) allows the Court to “excuse a requirement of a bond . . . The Court may not, however, excuse the requirement of a bond . . . except under compelling circumstances. For the purposes of this section, a request by all the adult beneficiaries of a trust that bond be waived . . . for their trust is deemed to constitute a compelling circumstance.”
- Petitioner and his Daughters, who are all the adult beneficiaries of the Trust under Probate Code § 15602(b), have all now agreed that it is in their best interest as beneficiaries of the Trust to excuse the requirement of a bond by Trustee (*Exhibit A contains waivers of bond signed by each beneficiary*); Bruce Bickel, the current Trustee of the Trust, consents to the waiver of bond (*consent attached as Exhibit B*);
- Petitioner requests that the court excuse the requirement of bond by the Trustee of the Trust.

### **Petitioner prays for an order of this Court:**

4. Excusing the requirement of bond by Bruce D. Bickel, as Trustee of the Augustine J. Pedemonte Trust dated April 13, 1983;
5. That the Trustee may not sell or encumber any shares of Pedemonte Properties, Inc., or Maria-Nina Investments, without a properly noticed hearing to all interested parties; and
6. Discharging and releasing the surety, Suretec Insurance Company, from liability on its bond in the amount of **\$250,000.00**, effective on the date of the order entered in this proceeding.

Status RE: Settlement

	<p>GERALD ISHII, Beneficiary and Co-Trustee, filed <b>Petition of Beneficiary to Remove Successor Co-Trustees, Appoint Temporary Successor Trustee, and for Payment of Attorneys' Fees and Costs</b> on 5/17/12. The petition was set for hearing on 7/2/12.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>
<p>Cont. from 012516, 052316</p>	<p>LESLIE ISHII, Beneficiary and Co-Trustee, filed <b>Objection</b> on 6/21/12.</p>	<p><b>Minute Order 5/23/16:</b>  <b>Counsel represent that they are still working on the settlement and making progress, request 90 days.</b></p>
<p>Aff.Sub.Wit.</p>	<p>The hearing on 7/2/12 was continued numerous times, and after numerous status and settlement hearings, at the settlement conference hearing on 1/5/15, the parties represented that they are working on agreement, and the Court set this status hearing re the agreement for 4/13/15.</p>	
<p>Verified</p>	<p>The status hearing re the agreement was then continued to 4/13/15, 7/13/15, and finally 10/19/15. On 10/19/15, the Court set an Order to Show Cause hearing for 11/30/15 as to Gerald Ishii as to why he should not be removed as co-trustee for failure to resolve the matter and to Edward L. Fanucchi as to why he should not be sanctioned for his failure to appear.</p>	<p><b>Reviewed by:</b> skc</p>
<p>Inventory</p>	<p><b>Status Declaration of Leigh W. Burnside filed 5/17/16 states</b> last year, as the parties were working toward completion of the settlement, Gerald Ishii proposed that the agreement include a lot line adjustment involving separate, adjacent parcels of agricultural property owned by him and Les Ishii. The parcels are not held in the trust and are not part of the underlying dispute between the parties. Les nevertheless agreed to adjust the line dividing the parcels to give additional acreage to Gerald Ishii, but there remained details to resolve concerning the location of the proposed new line. These details have been resolved, but Ms. Burnside's client (Les Ishii) has asked for access rights to Gerald Ishii's parcel for the limited purpose of accessing and maintaining certain agricultural equipment located near the new line. Presently, Ms. Burnside is awaiting a response from Gerald Ishii's counsel to this request.</p>	<p><b>Reviewed on:</b> 8/22/16</p>
<p>PTC</p>	<p><b>SEE PAGE 2</b></p>	<p><b>Updates:</b></p>
<p>Not.Cred.</p>		<p><b>Recommendation:</b></p>
<p>Notice of Hrg</p>		<p><b>File 8- Ishii</b></p>
<p>Aff.Mail</p>		
<p>Aff.Pub.</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>CI Report</p>		
<p>9202</p>		
<p>Order</p>		
<p>Aff. Posting</p>		
<p>Status Rpt</p>		
<p>UCCJEA</p>		
<p>Citation</p>		
<p>FTB Notice</p>		

## Page 2

**Declaration of Leigh W. Burnside (Cont'd) states** a written settlement agreement has been prepared and circulated among the parties, attorneys, and accountants. If Gerald Ishii approves Les Ishii's request for limited access rights, the only addition will be the physical description of the access area. All other terms have been approved.

The attorney recognizes that the resolution of this matter has taken much longer than the Court, the attorneys and the parties anticipated, and she apologizes for the delay. She assures the Court that she and attorney Jay Kelly continue to work to bring this matter to a close and appreciate the Court's continued patience.

**Status Report filed 5/19/16 by Attorney Edward L. Fanucchi states** it is his understanding that the outstanding issues have been resolved, as have some minor issues re allowing Les Ishii to enter Gerald Ishii's parcel to maintain agricultural equipment near the lot line. Attorney Burnside is now drafting the section for access, and there should be no issues approving this final portion of the settlement. Please understand that as the CPAs have agreed on the final figures to be included in the settlement agreement, the remaining issues will be resolved in short order. He and Attorney Burnside are committed to bringing this matter to a close and he sees no issues that will prevent that from occurring within the next 45 days.

Petitioner: Antonio E. Diaz (Pro per – Father)

Guardian: Grace Espinoza (Pro per – Maternal Aunt)

Petition for Termination of Guardianship

		ANTONIO E. DIAZ, father, is petitioner and requests to terminate guardianship for both minors	NEEDS/PROBLEMS/COMMENTS:
		See petition for details.	<p><b>Minute order dated 4/4/2016 continued the matter to 8/29/2016.</b> It states both Joanna Diaz (mother) and Grace Espinoza (guardian) represent they received the paperwork for the hearing. Antonio Diaz (father) represents his parole ends on 4/6/2016. The Court orders visitation for Antonio Diaz with the Nathan (minor) every other weekend from Friday at 5pm through Sunday at 5 pm, starting 4/15/2016. Additionally, Mr. Diaz shall have visitation from 10 am on 7/10/2016 through 5 pm on 7/16/2016. Juliana (minor) and Mr. Diaz shall have visitation as mutually agreed.</p> <ol style="list-style-type: none"> <li>1. Need <i>Notice of Hearing</i>.</li> <li>2. Need proof of mailed service at least 15 days prior to the hearing of <i>Notice of Hearing</i> per Probate Codes 1601 and 1460(b)(5) <u>or</u> consents and waivers of notice for:             <ol style="list-style-type: none"> <li>a. Juliana Diaz (minor)</li> <li>b. Nathan Diaz (minor)</li> </ol> </li> <li>3. CI Report indicates that Antonio Diaz (father) recently moved. Need <i>Notice of Change of Address</i> for Petitioner Antonio E. Diaz (father).</li> <li>4. Per item 3, above, need orders prepared with Mr. Diaz' current address.</li> </ol>
Cont. from 040416			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	x	
	Aff.Mail	x	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
	Order	x	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: SEF
			Reviewed on: 8/24/2016
			Updates:
			Recommendation:
			File 9- Diaz



Attorney Heather H. Kruthers (for Public Administrator)

**Probate Status Hearing Re: Filing of an Accounting**

<b>DOD: 10/3/2012</b>	<p><b>PUBLIC ADMINISTRATOR</b> was appointed Successor Administrator by <i>Minute Order</i> dated 10/27/2014 and by <i>Order After Hearing Appointing Successor Trustee</i> filed 2/20/2015.</p> <p><b>Minute Order dated 4/25/2016</b> from the hearing on the Petition to Compel Account states the Public Administrator remains as the Successor Trustee; Ms. Kruthers states they will file an accounting. No appearance is necessary at the status hearing if the petition is filed at least two court days prior. Status hearing set on 8/29/2016 for filing of an accounting.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need accounting of the trust per Minute Order of 4/25/2016.</p>
<b>Cont. from</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>		
<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> LEG	
	<b>Reviewed on:</b> 8/22/16	
	<b>Updates:</b>	
	<b>Recommendation:</b>	
	<b>File 11- Howard</b>	

Probate Status Hearing Re: First or Final Account

<b>DOD: 8/30/2014</b>		<p><b>RANDAL MARTIN</b>, son, was appointed administrator with Limited IAEA with bond to be determined on 3/9/2015. <i>Letters</i> first issued on 3/10/2015. <i>First Amended Letters</i> were issued 3/25/2015.</p> <p>Final inventory and appraisal filed 3/30/2015 shows an estate valued at \$345,000.00.</p> <p><b>Minute order dated 3/9/2015</b> set this status hearing for the filing of the First Account or Petition for Final Distribution.</p> <p><b>Declaration of Attorney Bagdasarian in Support of Request for Continuance filed 5/6/2016 states</b> Administrator Randal Martin is in the process of liquidating the assets of the estate and requests a 90-day continuance.</p> <p><b>Status report filed 8/19/2016 states</b> the Administrator continues to clear the real property asset of the estate of substantial debris and personal property and is also removing and selling equipment on the property in order to sell the real property asset. A copy of the Probate Listing Agreement is attached to the status report reflecting a sales price of \$450,000.00. <b>The Administrator requests a 90-day continuance in connection with the sale of said property.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute order dated 5/9/2016 continued matter to 8/29/2016 stating counsel requested 90-day continuance.</b></p> <p>1. Need first and final account and petition for final distribution.</p>
<b>Cont. from 050916</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</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> w/		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input checked="" type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> SEF</p> <p><b>Reviewed on:</b> 8/22/2016</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 12- Martin</b></p>	

Status RE: Filing of the Final Inventory and Appraisal

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><b><u>OFF CALENDAR</u></b></p> <p>Final Inventory and Appraisal filed 5/16/16</p>
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	
		Reviewed by: skc
		Reviewed on: 8/22/16
		Updates:
		Recommendation:
		File 13- Louie

**Status RE: Report from the Public Administrator**

<b>DOD: 10/31/15</b>	<p><b>HISTORY:</b> Kevin Earl Morris, Jr., grandson, filed a Petition for Probate of a will dated 1/22/90 on 1/26/16.</p> <p>Dale Boust, named executor of a will dated 10/21/15, filed an objection that stated there are insufficient assets to require a probate and made allegations regarding the petitioner.</p> <p>On 5/16/16, the Court denied the Petition and appointed the Public Administrator to review the estate, and set this status hearing re report from Public Administrator.</p> <p><b>Status Report filed 7/22/16 states</b> the PA asserts there is no need for a probate of the estate. According to a declaration filed by Dale Boust, a longtime friend of the decedent and named executor in the decedent's will, a bank account with an approx. balance of \$85,000 had a "pay on death" provision naming Wayne Morris as beneficiary. That amount was collected via affidavit. See report re status of vehicle and personal property believed to be in possession of Kevin Morris, Jr. Mr. Boust stated he has a small bank account established for the estate with about \$1,500.00, from which he has been paying final debts, and will distribute the remainder to Wayne Morris, beneficiary of the original bank account. With the distribution of the payable on death account to the decedent's brother, there are an insignificant amount of estate assets to continue a court probate. The named executor has taken actions consistent with the will to settle the decedent's final affairs. Any action to recover the 10 year old care and personal property from Kevin Morris, Jr., should be pursued by the decedent's brother and daughter, who according to the will are 1/3 beneficiaries. <b>The PA asserts that there is no estate to probate and requests this matter be closed and that she be discharged as administrator.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute Order 7/25/16:</b> Objections need to be filed by 8/8/16.</p> <p><b>As of 8/22/16, nothing further has been filed.</b></p> <p><b>Examiner's Note:</b> Letters of Special Administration were requested from the PA rather than full appointment because the original petition for probate had not been published; therefore jurisdiction has not been established for this matter. It does not appear Letters haven been submitted for issuance.</p>
<b>Cont. from 072516</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>		
<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> 8/22/16</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 14- Morris</b></p>	

Petition for Appointment of Guardian of the Person

			<u>TEMPORARY EXPIRES 8/29/2016</u>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
			TINA POTTER and MICHAEL POTTER, maternal aunt and uncle, are petitioners.	<p><b>Minute order dated 3/21/2016</b> from temporary hearing states parents consented to temporary in open court. The court orders supervised visitation only, to be supervised by the temporary guardians as mutually agreed.</p> <p><b>Minute order dated 5/9/2016</b> continued matter to 8/29/2016 for investigation report and ICWA notice.</p> <p>As of 8/24/2016, the following issues still exist:</p> <p>1. Item 1c(2) of child attachments to petition indicate the minors may have Native American ancestry. Therefore, a <i>Notice of Child Custody Proceeding for Indian Child</i> (Form ICWA-030) must be completed for each minor. As of 8/24/2016, proof of ICWA notice has not been filed with the Court.</p> <p style="text-align: center;"><b>See additional page.</b></p>
Cont. from 050916			<i>See additional page.</i>	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
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	Aff.Pub.			
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✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	ICWA	x		
				<b>Reviewed by:</b> SEF
				<b>Reviewed on:</b> 8/24/2016
				<b>Updates:</b>
				<b>Recommendation:</b>
				<b>File 15- Mangaser</b>

Petitioner: Lucille Allison Barbo (Pro per – Cousin)

Petition for Appointment of Guardian of the Person

		<b><u>TEMPORARY EXPIRES 8/29/2016</u></b>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute order dated 8/8/2016 continued matter to 8/29/2016 and states</b> Petitioner will bring Eugene McDonald (person who served her paperwork) to court on 8/29/2016.**</p> <p><b>**Note:</b> Mr. McDonald served paperwork re: item 1, below. Dustin Barbo served paperwork re: item 2, below.</p> <ol style="list-style-type: none"> <li>1. Proof of personal service of <i>Notice of Hearing</i> filed 7/14/2016 for Pete Aguayo (paternal grandfather) is incomplete at item 6 re: name, address and phone number of person who served the documents.</li> <li>2. Proof of mailed service of <i>Notice of Hearing</i> filed 7/14/2016 for Doris Pecor (maternal grandmother) is incomplete at item 2 re: residence of person who served the documents.</li> </ol> <p style="text-align: center;"><b>See additional page.</b></p>
		LUCILLE ALLISON BARBO, cousin, is petitioner.	
		See petition for details.	
Cont. from 051616, 062716, 080816			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	w/	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
		Reviewed by: SEF	
		Reviewed on: 8/22/2016	
		Updates:	
		Recommendation:	
		File 16- Aguayo	

Attorney Kim M. Herold (for H. F. Rick Leas, Trustee)

Probate Status Hearing Re: Filing of the Bond

		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>OFF CALENDAR</b> Proof of Bond filed 8/8/2016</p>
Cont. from		
<input type="checkbox"/>	Aff.Sub.Wit.	
<input type="checkbox"/>	Verified	
<input type="checkbox"/>	Inventory	
<input type="checkbox"/>	PTC	
<input type="checkbox"/>	Not.Cred.	
<input type="checkbox"/>	Notice of Hrg	
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<input type="checkbox"/>	Sp.Ntc.	
<input type="checkbox"/>	Pers.Serv.	
<input type="checkbox"/>	Conf. Screen	
<input type="checkbox"/>	Letters	
<input type="checkbox"/>	Duties/Supp	
<input type="checkbox"/>	Objections	
<input type="checkbox"/>	Video Receipt	
<input type="checkbox"/>	CI Report	
<input type="checkbox"/>	9202	
<input 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: LEG
		Reviewed on: 8/22/16
		Updates:
		Recommendation:
		File 17- Marez

Attorney Kim M. Herold (for H. F. Rick Leas, Trustee)

Probate Status Hearing Re: Filing of the Bond

		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>OFF CALENDAR</b> Proof of Bond filed 8/8/2016</p>
Cont. from		
<input type="checkbox"/>	Aff.Sub.Wit.	
<input type="checkbox"/>	Verified	
<input type="checkbox"/>	Inventory	
<input type="checkbox"/>	PTC	
<input type="checkbox"/>	Not.Cred.	
<input type="checkbox"/>	Notice of Hrg	
<input type="checkbox"/>	Aff.Mail	
<input type="checkbox"/>	Aff.Pub.	
<input type="checkbox"/>	Sp.Ntc.	
<input type="checkbox"/>	Pers.Serv.	
<input 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 type="checkbox"/>	Order	
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<input type="checkbox"/>	Status Rpt	
<input type="checkbox"/>	UCCJEA	
<input type="checkbox"/>	Citation	
<input type="checkbox"/>	FTB Notice	
		Reviewed by: LEG
		Reviewed on: 8/22/16
		Updates:
		Recommendation:
		File 18- Marez



Attorney: Sheri R. Mount (for Petitioner Eleanor Mora Mejia, biological maternal grandmother)

Petition for Appointment of Guardian of the Person

		<b>TEMPORARY EXPIRES 8/8/2016</b>	<p><b>ELEANOR MORA MEJIA</b>, biological maternal grandmother of adopted proposed ward, is Petitioner.</p> <p style="text-align: center;">~Please see Petition for details~</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 8/8/2016.</b> Minute Order states continued for completion of the investigation and curing of the service defects.</p> <p><b>The following issue from the last hearing remains:</b></p> <p>1. Need proof of 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>, or a <i>Declaration of Due Diligence</i>, for:</p> <ul style="list-style-type: none"> <li>• Father (not listed), by personal service;</li> <li>• Any paternal grandparents;</li> <li>• Adoptive maternal grandfather;</li> <li>• Michael Zepeta, sibling, if age 12 or over;</li> <li>• Israel Marquez, sibling, if age 12 or over;</li> <li>• Jessie Murillo, sibling, if age 12 or over;</li> <li>• Manuel Murillo, sibling, if age 12 or over.</li> </ul> <p style="text-align: center;">~Please see additional page for <u>new</u> issues noted for the 8/29/16 hearing~</p>
Cont. from 062016, 080816				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
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<input type="checkbox"/>	Aff.Mail	X		
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<input type="checkbox"/>	Sp.Ntc.			
<input checked="" type="checkbox"/>	Pers.Serv.	w/		
<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 checked="" type="checkbox"/>	CI Report			
<input checked="" type="checkbox"/>	Clearances			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
Reviewed by: LEG				
Reviewed on: 8/19/16				
Updates: 8/25/16				
Recommendation:				
File 20 - Lopez				

Court Investigator filed on 8/23/2016 the DSS Social Worker's Report.

NEEDS/PROBLEMS/COMMENTS, continued:

The following new issues are noted for the 8/29/2016 hearing:

2. Father is listed in the petition as "N/A." Court may require clarification if minor was adopted by the adoptive mother as a single parent in order to determine any father or grandparents entitled to notice of hearing.
3. DSS Social Worker Maria Holguin's Report filed 8/23/2016 states the Petitioner, Elenor Mora Mejia (biological maternal grandmother of proposed ward, Lila Lopez), has Native American ancestry associated with the **YAQUI INDIAN TRIBE**. In addition, DSS Social Worker Maria Holguin's Report filed 8/23/2016 states Lila's adoptive mother, June Lopez, is the Petitioner's second cousin (making her a blood relative of her adopted daughter), and June Lopez is a registered member of the **PASQUA YAQUI TRIBE**. The Court did not have this information regarding the Indian Child Welfare Act (ICWA) notice applicability at the time of the hearing on the appointment of temporary guardian. Court records do not show the *Notice of Child Custody Proceeding* (Form ICWA-030) has been filed by Petitioner to demonstrate service of notice under ICWA as required. Need proof of service of the *Notice of Child Custody Proceeding* (Form ICWA-030) to be filed with the Court showing service by mail of the form, together with copies of the petition and any attachments, on the child's parents; any Indian custodian; any Indian tribe (including the **YAQUI** and **PASQUA YAQUI** Indian tribes) that may have a connection to the child; the Bureau of Indian Affairs (BIA), and the U.S. Secretary of the Interior, by certified or registered U.S. Mail, return receipt requested. *(Court is not charged with such notice where the Petitioner is represented by an attorney, as here.)*

**Note:** CA Rule of Court 7.1015(c)(9) states if after a reasonable time following service of notice under the act—but in no event less than **60 days**—no determinative response to the *Notice of Child Custody Proceeding* (ICWA 030) is received, the Court may determine that the act does not apply to the proceeding unless further evidence of its applicability is later received.

Petitioner: Daniel Cortez (Pro per – Paternal uncle)

Petition for Appointment of Guardian of the Person

<b><u>TEMPORARY NOT REQUESTED</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
<p><b>DANIEL CORTEZ</b>, paternal uncle, is petitioner</p> <p><i>See additional page.</i></p>			
Cont. from		<ol style="list-style-type: none"> <li>1. Need <i>Notice of Hearing</i>.</li> <li>2. Need proof of personal service at least 15 days before the hearing of the <i>Notice of Hearing</i> with a copy of the petition <u>or</u> consents and waivers of notice <u>or</u> declarations of due diligence for:                             <ol style="list-style-type: none"> <li>a. Miguel Cortez III (father)</li> <li>b. Shannon Cruder (mother)</li> <li>c. Abreanna Cortez (minor)</li> <li>d. Daja Cruder (minor)</li> </ol> </li> <li>3. Need proof of service at least 15 days before the hearing of the <i>Notice of Hearing</i> with a copy of the petition <u>or</u> consents and waivers of notice <u>or</u> declarations of due diligence for:                             <ol style="list-style-type: none"> <li>a. Miguel Cortez (paternal grandfather)</li> <li>b. Josefina Zavala (paternal grandmother)</li> <li>c. Maternal grandfather</li> <li>d. Destiny Cortez (sister) – <i>if 12 years or older</i></li> <li>e. Markus Cruder (brother) – <i>if 12 years or older</i></li> <li>f. Desiree Cruder (sister) – <i>if 12 years or older</i></li> </ol> </li> </ol>	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		x
<input type="checkbox"/>	Aff.Mail		x
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		x
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input 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		
<b>Reviewed by:</b> SEF			
<b>Reviewed on:</b> 8/22/2016			
<b>Updates:</b>			
<b>Recommendation:</b>			
File 21- Cortez/ Cruder			

Petitioner: Rosie Rita Hughes (Pro per – paternal grandmother)

Petition for Appointment of Guardian of the Person

		<u>TEMPORARY EXPIRES 8/29/2016</u> <u>(as to SARAH only)</u>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Minute order dated 8/22/2016</b> (re: reconsideration hearing of temporary guardianship) states written objections are to be filed and served by noon tomorrow [8/23/2016]; all orders remain in full force and effect.  <u>Note:</u> As of 8/25/2016, no objections have been filed.  1. Need <i>Notice of Hearing</i> . 2. Need proof of personal service at least 15 days before the hearing of the <i>Notice of Hearing</i> with a copy of the petition <u>or</u> consent and waiver of notice for: a. Sarah Carrizosa (minor) 3. Need <i>Notice of Hearing</i> . 4. Need proof of service at least 15 days before the hearing of the <i>Notice of Hearing</i> with a copy of the petition <u>or</u> consent and waiver of notice for <u>or</u> declarations of due diligence for: a. Delton Hughes (paternal grandfather) b. Maternal grandfather c. Esther de la Cruz (maternal grandmother) – <i>unless the Court excuses notice</i>  <b>See additional page.</b>
		ROSIE HUGHES, paternal grandmother is petitioner	
Cont. from		<i>See petition for details.</i>	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
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✓	Conf. Screen		
	Letters		x
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
	Order		x
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	ICWA	x	
		<b>Reviewed by:</b> SEF	
		<b>Reviewed on:</b> 8/24/2016	
		<b>Updates:</b> 8/26/2016	
		<b>Recommendation:</b>	
		<b>File 22- Carrizosa</b>	

**NEEDS/PROBLEMS/COMMENTS, continued:**

5. Need proof of service of declaration filed 8/22/2016 by Petitioner Rosie Hughes on all parties entitled to notice. *Proof of service filed 8/25/2016.*
6. Minute order dated 7/7/2016 states mother states that minors have Native American ancestry. Therefore, a *Notice of Child Custody Proceeding for Indian Child* (Form ICWA-030) must be completed and returned by the petitioner to the probate clerk for service. A blank copy of the *Notice of Child Custody Proceeding for Indian Child* (Form ICWA-030) is in the file to hand to petitioner at the hearing.



**Page 2**

In 2010, Petitioner as successor trustee conveyed the subject property pursuant to the terms of the trust in equal undivided 50% interests to Trust A and Trust B.

Petitioner states in 2012, the Trustor applied to refinance the subject property, and the lender approved the Trustor's loan application on the condition that the Trustor hold title to the subject property in his individual capacity until the refinancing transaction was completed.

On or about 12/5/12, Petitioner as trustee granted the subject property to Gaylaird K. Bissell individually in compliance with the requirements of the refinancing lender, and the loan was approved. As part of the refinance escrow, a grant deed was prepared to accomplish reconveyance to the trust from the trustor, in his individual capacity, as intended by the trustors (unexecuted copy attached). Petitioner states he executed the Grant Deed as requested by the escrow holder; however, for reasons unknown, the escrow holder failed to effectuate recordation of any grant deed of reconveyance. (Petitioner states in retrospect, the reconveyance Grant Deed incorrectly identified Petitioner as the grantor rather than Gaylaird Bissell.)

As a result, at the time of his death in 2014, the subject property was held by Gaylaird K. Bissell in his individual capacity rather than in the trusts, as intended.

Petitioner is informed and believes that the trustor, through the error and omission of the refinancing escrow holder, did not complete the final step of trustor's refinancing plan by failing to reconvey the subject property to the trusts upon completion of the refinancing. Petitioner believes it was at all times the trustor's intent to maintain in place the estate plan and to distribute the family's estate through the trusts, and the trustor had no intent to alter the trusts or estate plan.

Petitioner states venue is proper in Fresno County as the real property, the principal place of administration, and Petitioner's attorneys are located in Fresno County, CA.

**Petitioner prays for an order that:**

1. The Marlene G. Bissell Family Trust (Trust B) under declaration of living trust dated 5/31/04 is valid;
2. The real property described herein is an asset of the Marlene G. Bissell Family Trust as to an undivided 50% interest, and subject to the management and control of William Bradley Bissell as sole successor trustee;
3. Successor Trustee William Bradley Bissell is empowered and authorized to engage in any conduct necessary to include the subject property in Trust B and to sell, grant, convey or transfer such property; and
4. For such other orders as the Court may deem proper.

**SEE ADDITIONAL PAGES**

**Page 3 – NEEDS/PROBLEMS/COMMENTS:**

**Note:** It appears the Notices of Hearing for the two related matters reflected switched case numbers; however, given that the matters are set for hearing together, Examiner only notes this issue to doublecheck for future notice purposes, subject to #1 below.

1. A copy of the petition was not included with the Notice of Hearing on beneficiaries Stephen Bissell and Jeffery Bissell pursuant to Probate Code §851. Need continuance for at least 30 days' notice with a copy of the petition.
2. The trust names Bruce Bissell as second successor trustee; therefore, he is entitled to Notice of Hearing with a copy of the petition pursuant to Probate Code §§ 851, 17203. Need continuance for at least 30 days' notice to Bruce Bissell, unless he is deceased.
3. The trust, amendment to trust, assignments, and 2004 Grant Deed were executed by Gaylaird K. Bissell as attorney-in-fact for Marlene G. Bissell under a Durable Power of Attorney dated 9/17/02. Although the trust instrument refers to the authority created by Section 13 of the DPOA, the Court may require a complete copy of DPOA to confirm Gaylaird's authority to execute the trust and related documents on Marlene's behalf for finding of validity.
4. The Court may require clarification regarding the circumstances of Gaylaird's resignation as co-trustee on 2/5/09, and the subsequent circumstances of the 2012 refinancing transaction, which occurred almost four years later at the end of 2012. Petitioner states the Trustor (Gaylaird) applied to refinance the subject property; however, no documents appear to have been executed by Gaylaird himself. Petitioner as Trustee executed the Grant Deed to Gaylaird individually (Exhibit K), and states at Line 24 on Page 4 that he (Petitioner) executed the proposed reconveyance deed that was never recorded.

**Petition for Order Confirming Successor Trustee and Trust Assets**

<b>Marlene Bissell</b> <b>DOD: 10/2/04</b>	<b>WILLIAM BRADLEY BISSELL</b> , Successor Trustee, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Gaylaird Bissell</b> <b>DOD: 12/10/14</b>	<b>Petitioner states</b> Trustors Gaylaird and Marlene Bissell created the Gaylaird K. Bissell and Marlene G. Bissell Family Trust on 5/31/04. Gaylaird was appointed as sole trustee and Petitioner was named as successor trustee. At all times herein, Marlene was represented by Gaylaird, her husband and attorney-in-fact under Durable Power of Attorney dated 9/17/02.	<b>Note: Page 24 is the related matter (Re: The Marlene G. Bissell Family Trust (Trust A), Case No. 16CEPR00741.</b>
	The trust at Schedule A provides that the trustee has been or will be designated as owner of all real and personal property, and the trustors concurrently executed assignments assigning and transferring all right title and interest in and to their real and personal property. In addition, Gaylaird executed a pour-over will. Petitioner states the trust was later amended as to distribution; however, the distributive provisions are not at issue in this petition.	<u><b>SEE ADDITIONAL PAGES</b></u>
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Upon Marlene's death on 10/2/04, the trust estate was divided into two subtrusts: The Gaylaird K. Bissell Family Trust (Trust A) and the Marlene G. Bissell Family Trust (Trust B). Gaylaird remained the sole trustee of both trusts until 5/21/07, when he appointed Petitioner to serve with him as co-trustee. Gaylaird resigned as co-trustee on 2/5/09 and relinquished all duties to Petitioner as sole successor trustee.	<b>Reviewed by:</b> skc
<input checked="" type="checkbox"/> <b>Verified</b>	Contemporaneously with the creation of the family trust, the trustors executed a grant deed recorded 6/3/04 conveying certain residential real property to the trustee. (See petition for legal description and APN. See Exhibit K for common address.)	<b>Reviewed on:</b> 8/23/16
<input type="checkbox"/> <b>Inventory</b>	<u><b>SEE ADDITIONAL PAGES</b></u>	<b>Updates:</b>
<input type="checkbox"/> <b>PTC</b>		<b>Recommendation:</b>
<input type="checkbox"/> <b>Not.Cred.</b>		<b>File 24- Bissel</b>
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/o		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
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<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</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 type="checkbox"/> <b>FTB Notice</b>		

**Page 2**

In 2010, Petitioner as successor trustee conveyed the subject property pursuant to the terms of the trust in equal undivided 50% interests to Trust A and Trust B.

Petitioner states in 2012, the Trustor applied to refinance the subject property, and the lender approved the Trustor's loan application on the condition that the Trustor hold title to the subject property in his individual capacity until the refinancing transaction was completed.

On or about 12/5/12, Petitioner as trustee granted the subject property to Gaylaird K. Bissell individually in compliance with the requirements of the refinancing lender, and the loan was approved. As part of the refinance escrow, a grant deed was prepared to accomplish reconveyance to the trust from the trustor, in his individual capacity, as intended by the trustors (unexecuted copy attached). Petitioner states he executed the Grant Deed as requested by the escrow holder; however, for reasons unknown, the escrow holder failed to effectuate recordation of any grant deed of reconveyance. (Petitioner states in retrospect, the reconveyance Grant Deed incorrectly identified Petitioner as the grantor rather than Gaylaird Bissell.)

As a result, at the time of his death in 2014, the subject property was held by Gaylaird K. Bissell in his individual capacity rather than in the trusts, as intended.

Petitioner is informed and believes that the trustor, through the error and omission of the refinancing escrow holder, did not complete the final step of trustor's refinancing plan by failing to reconvey the subject property to the trusts upon completion of the refinancing. Petitioner believes it was at all times the trustor's intent to maintain in place the estate plan and to distribute the family's estate through the trusts, and the trustor had no intent to alter the trusts or estate plan.

Petitioner states venue is proper in Fresno County as the real property, the principal place of administration, and Petitioner's attorneys are located in Fresno County, CA.

**Petitioner prays for an order that:**

1. The Gaylaird K. Bissell Family Trust (Trust A) under declaration of living trust dated 5/31/04 is valid;
2. The real property described herein is an asset of the Gaylaird K. Bissell Family Trust as to an undivided 50% interest, and subject to the management and control of William Bradley Bissell as sole successor trustee;
3. Successor Trustee William Bradley Bissell is empowered and authorized to engage in any conduct necessary to include the subject property in Trust A and to sell, grant, convey or transfer such property; and
4. For such other orders as the Court may deem proper.

**SEE ADDITIONAL PAGES**

**Page 3 – NEEDS/PROBLEMS/COMMENTS:**

**Note:** It appears the Notices of Hearing for the two related matters reflected switched case numbers; however, given that the matters are set for hearing together, Examiner only notes this issue to doublecheck for future notice purposes, subject to #1 below.

1. A copy of the petition was not included with the Notice of Hearing on beneficiaries Stephen Bissell and Jeffery Bissell pursuant to Probate Code §851. Need continuance for at least 30 days' notice with a copy of the petition.
2. The trust names Bruce Bissell as second successor trustee; therefore, he is entitled to Notice of Hearing with a copy of the petition pursuant to Probate Code §§ 851, 17203. Need continuance for at least 30 days' notice to Bruce Bissell, unless he is deceased.
3. The Court may require clarification regarding the circumstances of Gaylaird's resignation as co-trustee on 2/5/09, and the subsequent circumstances of the 2012 refinancing transaction, which occurred almost four years later at the end of 2012. Petitioner states the Trustor (Gaylaird) applied to refinance the subject property; however, no documents appear to have been executed by Gaylaird himself. Petitioner as Trustee executed the Grant Deed to Gaylaird individually (Exhibit K), and states at Line 24 on Page 4 that he (Petitioner) executed the proposed reconveyance deed that was never recorded.

Petitioner Fernando Ruben Moreno (Pro Per, brother)  
 Petitioner Angelique Marie Olquin (Pro Per, sister in law)

**Petition for Appointment of Temporary Guardian of the Person**

		<u>General Hearing set for 10/17/2016</u>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need <i>Notice of Hearing</i>.</li> <li>2. Need proof of five (5) court days' notice by personal service of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardian</i>, or <i>Consent to Appointment of Guardian and Waiver of Notice</i>, or a <i>Declaration of Due Diligence</i> for:                     <ol style="list-style-type: none"> <li>4. Brandy L. Averitt, mother;</li> <li>5. Fernando A. Moreno, father.</li> </ol> </li> </ol>
		<p><b>FERNANDO RUBEN MORENO</b>, brother, and <b>ANGELIQUE MARIE OLQUIN</b>, brother's girlfriend, are Petitioners.</p> <p style="text-align: center;">~Please see <i>Petition for details</i>~</p>	
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
		<b>Reviewed by:</b> LEG	
		<b>Reviewed on:</b> 8/22/16	
		<b>Updates:</b> 8/25/16	
		<b>Recommendation:</b>	
		<b>File 25- Moreno</b>	