



Tuesday, August 30, 2016

The Probate Examiner's Office recommends approval of the following Probate matters:

15 16CEPR00648 Arlita Darleen McEwen (Estate)

The following cases have been taken off calendar:

2 06CEPR01232 Lois Elaine Frame (Estate)
6 14CEPR00319 Helen Marie Sircy Ratliff (CONS/PE)
8 14CEPR01149 Richard Joseph Shannon (CONS/PE)
10 15CEPR01220 Don A. Valles (Estate)
14 16CEPR00380 George James Salwasser, II (Estate)

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

Dept. 303, 9:00 a.m. Tuesday, August 30, 2016

Status RE: Proof of Funds in Blocked Account

DOD: 11/27/05	ANITA CHOPERENA is Administrator with bond of \$700,000.00.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. On 8/19/16, a "Receipt on Distribution" was filed indicating receipt by the minor heir and his mother of the \$280,564.71.</p> <p>However, the Court ordered the funds be placed into a blocked account, <u>not</u> distributed to the minor or parent of minor.</p> <p>Need Receipt and Acknowledgment of Order for the Deposit of Money Into Blocked Account (Mandatory Judicial Council Form MC-356) reflecting deposits as ordered.</p>
	Administrator's First Amended Second and Final Account and Report was settled on 8/2/16 and the Court ordered that the \$280,538.13 distribution to minor heir Peter Choperena be placed into a two separate insured blocked accounts.	
	Two Orders to Deposit Money Into Blocked Account were signed along with the final order, one for \$140,000.00 to be deposited with Chase Bank and the other for \$140,538.13 to be deposited with Wells Fargo Bank.	
Aff.Sub.Wit.		
Verified		
Inventory		
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Notice of Hrg		
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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 1- Choperena

2 Lois Elaine Frame (Estate)

Case No. 06CEPR01232

Attorney Matsumoto, Russell D. (for Bertha Frame – Successor Administrator)

Probate Status Hearing for Failure to File a First Account or Petition for Final Distribution

DOD: 05/27/1999	BERTHA FRAME , was appointed Successor Administrator with Will Annexed, with full IAEA authority and with bond in the amount of \$84,000.00 on 02/11/2016.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR</u> <u>First Account filed</u> <u>08/15/2016. Hearing is set for</u> <u>09/22/2016.</u></p> <p>Minute Order of 06/21/2016: If Petition is not filed the Court may consider sanctions.</p>
	Letters issued on 04/07/2016.	
Cont. from 091615, 120215, 011316, 041216, 062116	TED R. FRAME , was appointed Executor with full IAEA authority without bond on 01/23/2007. Executor passed away on 04/24/2015.	
<input type="checkbox"/> Aff.Sub.Wit.	Letters issued on 01/23/2007	
<input type="checkbox"/> Verified	Final Inventory and Appraisal was filed on 07/12/2007 showing an estate valued at \$84,100.00.	
<input type="checkbox"/> Inventory	First Account and/or Final Distribution was due on 03/2008.	
<input type="checkbox"/> PTC	Notice of Status Hearing set this matter for the failure to file a First Account or Petition for Final Distribution. Notice was mailed to Russell Matsumoto and Ted R. Frame on 07/16/2015.	
<input type="checkbox"/> Not.Cred.	<p>Declaration by Counsel re Status of Proceeding and Requesting Continuance filed by Attorney Matsumoto on 04/08/2016 (for 04/12/2016 hearing) states during the preparation for this hearing, which he believed to be a status hearing for the filing of the First and Final Account of Bertha Frame, which was based on the Probate Minute Order of for the hearing which was held on 01/13/2016, Mr. Matsumoto discovered that he did not have filed endorsed copy of the Order for probate or issued letters. A member of his staff spoke to the Probate Clerk and was advised those pleadings would be presented to the Examiner on 04/07/2016, and available for pick up the following morning.</p> <p style="text-align: center;"><u>Please see additional page</u></p>	
<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	<p>Reviewed by: LV</p> <p>Reviewed on: 08/18/2016</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2 - Frame</p>	
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
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<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

A continuance is requested so that he may appear at the hearing on 04/12/2016 for clarification of the Court's requirements, because of his confusion as to the calendar. In paragraph two of this declaration Mr. Matsumoto referred to a minute order which stated, "Status Hearing Re: Filing of the First and Final Account of Bertha Frame." Mr. Matsumoto believed this was accurate because in an earlier hearing during the appointment process of Bertha Frame as personal representative, following the initial notice to appear for failure to file a First Account or Petition for Final Distribution, served 07/16/2015, for a hearing on 09/16/2015, Mr. Matsumoto had representing that a First and Final Account and Petition for Final Distribution would be prepared within a short amount of time of the appointment and qualification of Bertha Frame as personal representative.

When examining the online Court Case Information on 04/07/2016, Mr. Matsumoto noted two items on the docket resulting in further confusion of what is required to be presently before the Court. Contrary to the Probate Minute Order referring to the First and Final Account of Bertha Frame, the online Court Case Information indicated a hearing for 04/12/2016, for the filing of the Final Account of Ted Frame, and further hearing on 03/15/2017, for the filing of the First and Final Account of Bertha Frame.

As a result of the confusion, Mr. Matsumoto seeks further clarification on 04/12/2016, of what is required by the two separate personal representatives serving in this proceeding.

Probate Status Hearing RE: Filing of the Petition for Final Distribution by the Public Administrator

DOD: 1/28/13	<p>History: LUPE GALINDO, Niece and Former Executor, filed her Amended First and Final Account on 6/8/15; however, due to the existence of a certain creditor's claim, the estate did not appear to be in a condition to close.</p> <p>At hearing on 3/4/15, Ms. Galindo was removed as Executor and the Public Administrator was appointed as the Personal Representative of the Estate.</p> <p>At hearing on 11/10/15, Ms. Galindo's petition was denied, and the Court set this status hearing for the filing of the petition for final distribution by the Public Administrator.</p> <p>Status Report filed 3/7/16 states the foreclosure could not be delayed to sell the property. The PA was informed by their broker that the administrator is entitled to fees. The PA is waiting for a response from Wells Fargo Bank, who is handling any refunds, to find out the status. The PA hopes to have a response by 3/10/16. There will be no assets left after the refund is received and outstanding costs of administration are paid because the DHS has a lien in the amount of \$98,508.40.</p> <p>Status Report filed 5/23/16 states an additional 60 days is requested to determine if there is money to be recovered from the sale.</p> <p>Status Report filed 8/25/16 states Deputy PA Lorelee Cervantes determined that there were surplus funds left from the sale after the mortgage-holder was paid, and filed a claim on 6/15/16. She did not receive a response, and on 8/4/16 emailed the representative of Aldridge Pite, LLP in San Diego, who is the holder of the surplus funds from the foreclosure sale. The representative responded on 8/23/16 that the claim was pending attorney review. At present, it is unknown how long before the surplus funds will be released to the estate.</p> <p>This case will not be ready to close until the PA receives the funds from the foreclosure sale. Therefore, an additional 60 days is requested.</p>	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>1. Need petition for final distribution.</p>
Cont. from 030816, 061416		
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Video Receipt		
CI Report		
9202		
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Status Rpt		
UCCJEA		
Citation		
FTB Notice	<p>Reviewed by: skc</p> <p>Reviewed on: 8/22/16</p> <p>Updates: 8/25/16</p> <p>Recommendation:</p> <p>File 3- Samora</p>	

First and Final Account and Report of Status of Administration of Administrator and Petition for Settlement Thereof; for Waiver of Statutory Administrator's Compensation and Statutory Attorney's Fees; and for Final Distribution

DOD: 08/14/11	<p>WALID TAREB, son and <u>[Former]</u> Administrator with Limited IAEA without bond, is Petitioner.</p> <p>Account period: 07/03/13-09/30/15 Accounting: \$85,000.00 Beginning POH: \$85,000.00 Ending POH: \$85,000.00 (real property)</p> <p>Administrator (statutory): Waived Attorney (statutory): Waived</p> <p>Petitioner states that the sole asset of the estate is real property that was appraised at \$85,000.00 and is subject to a loan in favor of Wells Fargo Bank in excess of \$130,000.00 as of 07/13/13 and therefore there is no equity in the property. Wells Fargo commenced foreclosure on the property which was continued several times over the past two years in order to attempt to modify the loan, which was unsuccessful. Consequently, there remain no assets in the estate and the estate is insolvent.</p> <p>Creditor's claims were filed in the estate as follows:</p> <p>CA Franchise Tax Board: \$1,363.92 CA Board of Equalization: \$6,067.41</p> <p>Declaration of Gary Bagdasarian filed 11/23/15 states that the current market value of the residence is approximately \$153,155.00 - \$160,323.00 and the current outstanding balance of the mortgage is \$169,449.46.</p> <p>Successor Administrator Maler Ali Attareb filed a status report on 6/10/16. <u>SEE PAGE 2.</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Minute Order 6/14/16:</u> Continued to 8/30/16.</p> <p><u>Note:</u> This petition was filed 11/4/15 by <u>Former Administrator Walid Tareb</u>. On 2/9/16, the Court accepted the resignation of Walid Tareb and appointed MALER ATTAREB as Successor Administrator.</p> <p><u>Update:</u> A Reappraisal for Sale of the real property was filed 7/13/16. This petition indicates the property was in foreclosure and requests to close the estate as insolvent. If that is no longer the case, amended petition is necessary.</p> <p>The following issues remain noted for reference:</p> <p style="text-align: center;"><u>SEE PAGE 2</u></p>
Cont. from 010516, 040516, 061416		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input checked="" type="checkbox"/> Inventory		
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<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input checked="" type="checkbox"/> FTB Notice		
		<p>Reviewed by: JF/skc</p> <p>Reviewed on: 8/24/16</p> <p>Updates:</p> <p>Recommendation: File 4- Tareb</p>

Status Report filed 6/10/16 by Successor Administrator Maler Ali Attareb states he was appointed 2/10/16 and Letters issued 2/11/16. The previous administrator attempted to work with Wells Fargo Bank in restructuring a first deed of trust on the estate property; however, his efforts did not result in said modification being completed. Since appointment, the Successor Administrator has worked with Christopher Riehl in further attempting modification as a foreclosure sale previously set for 2/17/16 has been continued to 8/5/16. They believe there is very good opportunity to restructure the first deed of trust so that the asset may be maintained rather than lost. A contingency of the modification is that all interests be assigned to Petitioner so that upon closing the estate the property will be vested in his name alone. Petitioner is now in the process of obtaining said assignments of interest. Petitioner states he is in contact with the creditors (FTB, BOE), and will file a First Amended First and Final Account and requests further 60-day continuance.

NEEDS/PROBLEMS/COMMENTS: The following remain noted for reference:

1. This petition was filed by the former administrator, Walid Tareb, prior to his resignation and appointment of Maler Attareb, another son of the decedent, as Successor Administrator on 2/9/16 pursuant to ex parte petition and order.

Examiner Notes previously noted that although the estate was requested to be closed as insolvent, the property was not yet foreclosed, and as such was still considered "property on hand." Additionally, several of the heirs were mailed notice at the property.

Examiner Notes also noted that Allowance or Rejection of the Creditor's Claim filed 5/27/14 by the California State Board of Equalization (BOE) had not been filed.

Upon review for this continued hearing, it appears that an Allowance or Rejection of the BOE claim still has not been filed, and the Notice of Hearing filed 1/7/16 for this hearing on 4/5/16 still indicates that mailing to several heirs at the foreclosed address.

At this time, need verified written status update regarding the real property asset of the estate, including whether amended petition by newly appointed the Successor Administrator may be appropriate. Also, the Court may require confirmation that all heirs have received proper notice of this hearing, given the mailing to the foreclosed address.

2. The proposed order reflects that any other property not now known or discovered shall be distributed 82% to the State Board of Equalization (BOE) and 18% to the CA Franchise Tax Board (FTB) until their respective claims are paid, which implies that both claims are allowed but have not been paid.

However, Petitioner filed Notices of Rejection of the FTB claim on 12/16/15, but on 2/1/16 and again on 2/16/16, the FTB filed withdrawals of its claim, indicating that the claim has been satisfied. Therefore, the proposed proportional distribution is inappropriate, since the claim has been both rejected and apparently satisfied, and the BOE claim has now been allowed, but not paid.

Need revised petition and order reflecting payment of claims as allowed.

Status RE: Proof of Funds in Blocked Account

DOD: 10/16/11	<p>WALTER SHERWOOD CHANCE, a resident of Louisiana, is Executor with Limited IAEA without bond, with all funds to be held in a blocked account.</p> <p>On 8/2/16, the Court confirmed the sale of estate real property and granted Executor's request to deposit the proceeds of the sale into an account at Sabine State Bank & Trust in Leesville, Louisiana.</p> <p>Minute Order 8/2/16 states the Court reserves the right to require an account be opened in Fresno County if there is any delay in depositing the proceeds for any reason.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Receipt and Acknowledgment of Order for the Deposit of Money into Blocked Account (Mandatory Judicial Council Form MC-356) signed by an authorized representative of the financial institution or written status report pursuant to Local Rule 7.5.</p> <p>Note: Probate Code §9700 requires that funds be maintained in a financial institution in this state (California).</p>
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Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p>Reviewed by: skc</p> <p>Reviewed on: 8/22/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5- Chance</p>

Attorney Deborah K. Boyett (for Co-Conservators Melinda Murray and Melanie Welch)

Probate Status Hearing Re: Filing of the Next Account

	MELINDA MURRAY and MELANIE WELCH , daughters, were appointed Co-Conservators of the Person and Estate on 7/7/2014.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR</p> <p>Second Account and Report of Co-Conservators filed 8/26/2016 is set for hearing on 10/12/2016.</p> <p>1. Need second account of the conservatorship estate, or current verified status report and proof of service of the status report pursuant to Local Rule 7.5(B).</p>
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<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	
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<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	
		<p>Reviewed by: LEG</p> <p>Reviewed on: 8/23/16</p> <p>Updates: 8/29/16</p> <p>Recommendation:</p> <p>File 6- Ratliff</p>

Minute Order dated 11/3/2015 from the hearing on the first account set a status hearing on 8/30/2016 for the filing of the next account, and indicates no appearance is necessary on 8/30/2016 if the petition is filed at least two court days prior.

First and Final Report of Executor on Waiver of Account, Petition for Final Distribution, and for Allowance of Compensation to Executor and Attorneys for Ordinary Services

DOD: 5/1/2014	JACK DARRYL JOHNSON , executor with full IAEA without bond, is petitioner.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR. Amended petition filed 8/29/2016 and set for hearing on 10/12/2016.</p> <p>Minute order dated 7/5/2016 continued matter to 8/30/2016. The following issues still exist:</p> <ol style="list-style-type: none"> 1. Petition states all assets have been liquidated and the property on hand is now cash. The Final I&A filed 5/6/2015 listed mutual funds, an insurance policy, coins and a vehicle. Need information regarding the sales, purchases or exchanges of assets, or changes in the form of these assets, pursuant to CRC 7.550(b)(2),(3). 2. Per item 1 above, unable to confirm if the statutory fees are calculated correctly until it is determined if other assets of estate listed on I&A were sold for gains or losses, per CRC 7.705(b)(a). 	
	Accounting is waived			
	I&A	- \$206,201.92		
	POH	- \$201,689.18		
Cont. from 070516	(all cash)			
<input type="checkbox"/> Aff.Sub.Wit.	Executor			
<input checked="" type="checkbox"/> Verified	- \$7,172.82			
<input checked="" type="checkbox"/> Inventory	(statutory)			
<input checked="" type="checkbox"/> PTC	Costs			
<input checked="" type="checkbox"/> Not.Cred.	- \$8,560.21			
<input checked="" type="checkbox"/> Notice of Hrg	(for reimbursement for advances paid for the benefit of the estate, including taxes, insurance, PG&E, DirectTV, AT&T, City of Fresno, filing and probate referee fees.**			
<input checked="" type="checkbox"/> Aff.Mail	w/	** One of the beneficiaries (Michael) continued living in the decedent's real property with the consent of the two remaining beneficiaries, rent free, to maintain said property until the sale of the home. All beneficiaries consent to reimbursement per Exhibits D and E of petition		
<input type="checkbox"/> Aff.Pub.				
<input type="checkbox"/> Sp.Ntc.				
<input type="checkbox"/> Pers.Serv.				
<input type="checkbox"/> Conf. Screen				
<input type="checkbox"/> Letters: 6/7/2015	Attorney			
<input type="checkbox"/> Duties/Supp	- \$7,172.82			
<input type="checkbox"/> Objections	(statutory)			
<input type="checkbox"/> Video Receipt	Costs			
<input type="checkbox"/> CI Report	- \$563.50			
<input checked="" type="checkbox"/> 9202	(filing fees, certification and copy fees)			
<input checked="" type="checkbox"/> Order	Closing			
<input type="checkbox"/> Aff. Posting	- \$1,000.00			
<input type="checkbox"/> Status Rpt	Distribution, pursuant to decedent's Will, is to:			
<input type="checkbox"/> UCCJEA	Michael Allen Johnson	\$59,073.28		
<input type="checkbox"/> Citation	Dana Edward Johnson	\$59,073.28		
<input checked="" type="checkbox"/> FTB Notice	Jack Darryl Johnson	\$59,073.27		
				Reviewed by: SEF
				Reviewed on: 8/23/2016
				Updates: 8/29/2016
				Recommendation:
			File 7- Johnson	

Second Report and Final Account

DOD: 4/14/16		<p>CATHERINE MARY KELLEY, Daughter and Conservator of the Person and Estate with bond of \$111,624.00, is Petitioner.</p> <p>Account period: 1/15/15 – 1/29/15 Accounting: \$84,147.05 Beginning POH: \$81,347.05 Ending POH: \$80,622.99</p> <p>Account period: 2/5/15 – 4/14/16 Accounting: \$118,878.19 Beginning POH: \$80,622.99 Ending POH: \$67,335.04 (\$6,261.32 cash plus personal property valued at \$61,073.72)</p> <p>Conservator waives compensation</p> <p>Attorney waives compensation</p> <p>Petitioner states the decedent died testate, survived by his wife Nona Shannon, among others. Nona is entitled to all remaining cash and personal property (including the vehicle) and will execute an affidavit pursuant to §13100. (Declaration filed 8/18/16.)</p> <p>Petitioner states the decedent's home was sold pursuant to Order Confirming Sale 4/11/16. Upon payment of the encumbrances, the conservatorship estate received no money from the sale.</p> <p>Petitioner requests an order that:</p> <ol style="list-style-type: none"> 1. This account and report be approved and settled; 2. The acts of the conservator shown in the account and report be approved; 3. That the change in title to the conservatee's automobile be approved and confirmed to Conservator; 4. That the remaining balance in the account of \$214.35 be distributed to Conservatee's wife, Ms. Nona Shannon, as there are no other assets or charges against the estate; 5. That possession of the Conservatee's furniture and furnishings in the possession of the Conservatee's wife and in storage be approved and confirmed to Ms. Shannon; 6. That the Conservator be discharged as conservator of the person and estate; and 7. For such other and further orders as the Court may deem proper. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>OFF</u> <u>CALENDAR</u></p> <p><u>Amended petition filed 8/18/16 is set for hearing on 10/3/16.</u></p>
Cont. from 062116			
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<input type="checkbox"/>	CI Report		
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<input checked="" 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: skc
Reviewed on: 8/24/16
Updates:
Recommendation:
File 8- Shannon

Petitioner Heather H. Kruthers (for Public Administrator, Successor Trustee)

Probate Status Hearing Re: Filing of the First Account

	<p>PUBLIC ADMINISTRATOR was appointed Successor Trustee by <i>Minute Order</i> dated 6/16/2015 from the hearing on the <i>Petition to Remove Trustee to Appoint Public Administrator and to Compel Trustee to Account</i> filed by ANTHONY J. CORDISCO on 4/23/2015.</p> <p>Minute Order dated 6/30/2015 from the status hearing regarding providing documents to the Public Administrator set a status hearing on 8/30/2016 for the filing of the first account of the Trust, and states that no appearance is necessary at the status hearing if the account is filed at least two court days prior.</p> <p>Status Report Regarding First Account filed 8/26/2016 states due to unexpected absences of County Counsel, another 60 days is requested.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
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Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p>Reviewed by: LEG</p> <p>Reviewed on: 8/23/16</p> <p>Updates: 8/29/16</p> <p>Recommendation:</p> <p>File 9- Cordisco</p>	

10 Don A. Valles aka Don Andrew Valles aka Andrew Candia Valles (Estate)
Case No. 15CEPR01220

Attorney **Hastrup, John (for Administrator Emilio Valles)**

Status RE: Proof of Bond

DOD: 10/11/15	EMILIO VALLES , Son, was appointed Administrator with Limited IAEA with bond of \$65,000.00 on 5/31/16.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p>Bond filed 8/29/16; Letters issued.</p> <p><u>Continued from 6/28/16.</u> As of 8/22/16, bond has not been filed and Letters have not issued. The following issues remain noted:</p> <ol style="list-style-type: none"> 1. Need bond of \$65,000.00 or written status report per Local Rule 7.5. 2. Administrator Emilio Valles was previously represented by Attorney Philip Flanigan but appears now to be represented by Attorney John Hastrup. Need Substitution of Attorney. (Attorney Flanigan has filed a Request for Special Notice.) <p><u>Note:</u> Numerous creditor's claims have been filed in this estate that will require action pursuant to Probate Code §9250.</p>
Cont. from 062816	Bond has not been filed and as such, Letters have not issued.	
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Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 8/22/16
		Updates: 8/29/16
		Recommendation:
		File 10- Valles

11A Matthew Zamora Alvarado, Princess Zamora Alvarado,
 Fernando Zamora Alvarado, George Zamora Alvarado,
 Herman Zamora Alvarado, IV, Noah Zamora Alvarado (GUARD/P) Case No. 16CEPR00171

Petitioner: Fernanda Zamora (Pro per – Paternal grandmother)

Petitioner: Tiffany Zambrano (Pro per – Paternal aunt)

Objector: Jessica Zamora (Pro per – Mother)

Objector: Herman Zamora-Alvarado, III (Pro per – Father)

Petition for Appointment of Guardian of the Person

		<u>TEMPORARY EXPIRES 8/30/16</u>	NEEDS/PROBLEMS/COMMENTS:	
		FERNANDA ZAMORA, paternal grandmother, and TIFFANY ZAMBRANO, paternal aunt, are petitioners and were appointed temporary guardians on 2/29/16.		
Cont. from 041916, 060716, 062116		<i>See petition for details.</i>	<p>See related page 11B re: petition for visitation.</p> <p>Minute order dated 4/19/2016 continued the matter to 6/7/2016 and directed Herman Alvarado (father) to address his active Orange County warrant. Both Mr. Alvarado and Jessica Zamora (mother) were to also address the issues with their driving licenses and either bring valid licenses on 6/7/2016 or report back as to the status of getting them reinstated. The Court further ordered the Court Investigator to reinterview each of the minors alone to specifically ask about how the visits were going due to issues raised by the petitioners in open court.</p> <p>Minute order dated 6/7/2016 regarding the guardianship petition and parents' petition for visitation, continued both matters to 6/21/2016 stating neither parent provided proof of valid licenses and that Herman Alvarado did not have proof of his warrants being cleared. The Court again ordered proof be provided at the 6/21/2016 hearing.</p> <p>Minute order dated 6/21/2016 continued matter to 8/30/2016 stating neither parent had a valid ID. Court further ordered the CI to interview minors and parties again and set a status hearing for 7/5/2016.</p>	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
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✓	Notice of Hrg			
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	Aff.Pub.			
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✓	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: 8/23/2016		
		Updates:		
		Recommendation:		
		File 11A- Zamora		

11B Matthew Zamora Alvarado, Princess Zamora Alvarado,
 Fernando Zamora Alvarado, George Zamora Alvarado,
 Herman Zamora Alvarado, IV, Noah Zamora Alvarado (GUARD/P) Case No. 16CEPR00171

Petitioner: Jessica Zamora (Pro per – Mother)

Petitioner: Herman Zamora-Alvarado III (Pro per – Father)

Ex Parte Petition Re: Visits

		TEMPORARY EXPIRES 8/30/2016	NEEDS/PROBLEMS/COMMENTS:
		JESSICA ZAMORA and HERMAN ZAMORA-ALVARADO III , mother and father, are petitioners and filed an ex parte petition re: visits on 3/7/16 in response to temporary guardianship order dated 2/29/16.	<u>Note</u> : A Petition for Visitation Modification filed 8/10/2016 by Tiffany Zambrano (paternal aunt/temporary co-guardian) is set for hearing on 9/22/2016.
Cont. from 041916, 060716, 062116			Minute order dated 6/7/2016 stated if the parents do not pick the minors up (via city bus) within 30 minutes of the start of a visit then they lose that day's visit.
Aff.Sub.Wit.		<i>See petition for details.</i>	
Verified	x		
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: 8/23/2016 Updates: Recommendation: File 11B - Zamora

Attorney Jeffrey D. Simonian (for Executor Armen L. George)

Probate Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 4/10/2015	<p>ARMEN L. GEORGE, child, was appointed Executor with Full IAEA authority with bond of \$152,500.00 on 3/29/2016.</p> <p>Proof of Bond in the sum of \$152,500.00 was filed on 5/23/2016.</p> <p>Letters issued on 5/23/2016.</p> <p>Pursuant to Probate Code § 8800(b), Final Inventory and Appraisal is due <u>9/23/2016</u>.</p> <p>Minute Order dated 3/29/2016 from the hearing on the petition for probate set the matter for a Status Hearing on 8/30/2016 for filing of the final inventory and appraisal.</p>	NEEDS/PROBLEMS/COMMENTS:
		<p>Note: Due to the delay in filing proof of bond and the Letters having issued on 5/23/2016, the final inventory and appraisal is not yet due pursuant to Probate Code § 8800(b). Continuance of this status hearing to a date on or after the following may be necessary to allow additional time for filing of the final inventory and appraisal:</p> <ul style="list-style-type: none"> • Monday, October 24, 2016 at 9:00 a.m. in Dept. 303 for filing the final inventory and appraisal. <p>Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required.</p>
Cont. from		
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: LEG
		Reviewed on: 8/23/16
		Updates:
		Recommendation:
		File 12- George

Petitioner Gloria M. Encinas (Pro Per, paternal grandmother)

Petition for Appointment of Guardian of the Person

		TEMPORARY GRANTED ON COURT'S OWN MOTION EXPIRES 6/28/2016; extended to 7/26/2016; extended to 8/30/2016;	NEEDS/PROBLEMS/COMMENTS:
		GLORIA M. ENCINAS, paternal grandmother, is Petitioner.	<u>Continued from 7/26/2016.</u>
Cont. from 051716, 062816, 072616		~Please see Petition for details~	Note for background: Minute Order dated 6/28/2016 from a previous hearing states Ms. Encinas needs to keep trying to locate [the maternal grandfather] Jose Mora, including looking on Facebook.
<input type="checkbox"/>	Aff.Sub.Wit.		<p>The following issue from the last hearing remains:</p> <p>1. If Court does not find due diligence per the Declaration filed 5/31/2016, 7/8/2016, and 8/12/2016, Court may require 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, for:</p> <ul style="list-style-type: none"> • Jose Simon Mora, maternal grandfather.
<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 checked="" type="checkbox"/>	Pers.Serv.		
<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		
Court Investigator's Report was filed on 4/29/2016.			<p>Reviewed by: LEG</p> <p>Reviewed on: 8/23/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13- Encinas</p>

Probate Status Hearing RE: Proof of Bond and Review of Sufficiency of Bond

DOD: 5/8/2014	MISTY SALWASSER , spouse, was appointed administrator with full IAEA with \$125,000.00 bond on 5/18/2016.	NEEDS/PROBLEMS/COMMENTS: OFF CALENDAR Bond of \$125,000 was filed 7/22/2016 and Letters issued 8/9/2016.
	Estimated value of the estate was unknown at the time of appointment. Petitioner requested bond be set at \$125,000.00.	
Cont. from 062116	Minute order dated 5/18/2016 set this status hearing for proof of the bond and sufficiency of the bond.	
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	x	
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: SEF
		Reviewed on: 8/23/2016
		Updates:
		Recommendation:
		File 14- Salwasser

Attorney Jeff S. Shepard, of Selma (for Petitioner Kenneth L. McEwen, spouse)

Petition for Probate of Will and for Letters Testamentary with IAEA

DOD: 12/24/2014	KENNETH L. MCEWEN , spouse and named Executor without bond, is Petitioner.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> Court will set Status Hearings as follows:</p> <ul style="list-style-type: none"> Monday, January 30, 2017 at 9:00 a.m. in Dept. 303 for the filing of the final inventory and appraisal; and Monday, October 30, 2017 at 9:00 a.m. in Dept. 303 for the filing of the 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: OK		
Cont. from 080206	Will Dated: 7/1/2014		
<input type="checkbox"/> Aff.Sub.Wit.	S/P	Residence: Fresno	
<input checked="" type="checkbox"/> Verified		Publication: Business Journal	
<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			
<p>Estimated value of the Estate:</p> <p>Real property - \$1,200,000.00</p> <p>Annual income RP - \$ 60,000.00</p> <p>Total - \$1,260,000.00</p>			
<p>Probate Referee: Steven Diebert</p>			
<p>Reviewed by: LEG</p>			
<p>Reviewed on: 8/23/16</p>			
<p>Updates:</p>			
<p>Recommendation: SUBMITTED</p>			
<p>File 15- McEwen</p>			

Petitioner Sheri Marlene Mendoza (Pro Per, maternal great aunt)

Petition for Appointment of Guardian of the Person

		NO TEMPORARY REQUESTED	NEEDS/PROBLEMS/COMMENTS:
		SHERI MARLENE MENDOZA , maternal great aunt, is Petitioner.	
		<i>~Please see Petition for details~</i>	<ol style="list-style-type: none"> If Court does not find due diligence per Declaration filed 7/28/2016, Court may require proof of personal service 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: <ul style="list-style-type: none"> Unknown father(s). If Court does not find due diligence per Declaration filed 7/28/2016, Court may require 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: <ul style="list-style-type: none"> paternal grandparents; maternal grandfather; Barbara Seto, maternal grandmother.
		Court Investigator's Report was filed 8/24/2016.	
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LEG
			Reviewed on: 8/23/16
			Updates: 8/25/16
			Recommendation:
			File 16- Adkisson

**17 Sayra Garibay-Gonzalez, Yamilet Garibay-Gonzalez, & Yareli Gonzalez
(GUARD/P) Case No. 16CEPR00674**

Petitioner Carmina Guerrero Ramos (Pro Per, maternal aunt)
 Petitioner Jovany Martinez (Pro Per, brother)

Petition for Appointment of Guardian of the Person

		TEMPORARY EXPIRES 8/30/2016	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. <i>If Court does not find due diligence per the Declaration filed 7/11/2016, need proof of personal service for the father of Yareli.</i></p>
		<p>CARMINA GUERRERO RAMOS, maternal aunt, and JOVANY MARTINEZ, brother, are Petitioners.</p> <p style="text-align: center;"><i>~Please see Petition for details~</i></p> <p>Court Investigator Report was filed on 8/23/2016.</p>	
Cont. from			
	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		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			<p>Reviewed by: LEG</p> <p>Reviewed on: 8/23/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 17- Garibay-Gonzalez, Gonzalez</p>

18 Angel Rangel, Ellah Osornio (GUARD/P) Case No. 16CEPR00678

Petitioner: Tony Ramirez Rangel (pro per)

Petitioner: Sandra Lydia Salazar (pro per)

Objector: Baldomero Montano (pro per)

Petition for Appointment of Guardian of the Person

		<p>TEMPORARY (granted to Sandra Salazar only) Expires 8/30/16.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
		<p>SANDRA SALAZAR, maternal grandmother, and TONY RANGEL, maternal step-grandfather, are petitioners.</p>	
Cont. from		<p>Please see petition for details.</p>	
<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		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.	W/	
<input checked="" type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input checked="" 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		Reviewed by: KT
<input type="checkbox"/>	UCCJEA		Reviewed on: 8/24/16
<input type="checkbox"/>	Citation	Updates:	
<input type="checkbox"/>	FTB Notice	Recommendation:	
			File 18- Rangel/ Osornio

19 Re: Jacqueline C. Broome Family Living Trust Case No. 16CEPR00743

Attorney Pimentel, Paul J. (for Petitioner Robert Broome, Jr.)
 Attorney Georgeson, C. Russell (for Successor Trustee J. Terry Vawter)

Petition for 1. Removal of Trustee 2. Accounting 3. Surcharge to Trustee for Damage to Estate 4. Damages for Breach of Fiduciary Duty 5. Appointment of Successor Trustee

DOD: 2/19/05	ROBERT BROOME, JR. , Beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Removal of Trustee: Petitioner states he is one of three living children of Jacqueline C. Broome, DOD 2/19/05. Jacqueline C. Broome as settlor created the trust on 8/29/02, which provided that upon her death, her daughter J. TERRY VAWTER would become successor trustee. Ms. Vawter became successor trustee and has acted in that role since approx. February 2005.	<p>Note: In addition to the Answer filed 8/25/16, Respondent J. Terry Vawter filed a Request for Mediation Order that has been set for hearing on 10/4/16. See additional pages.</p>
<input type="checkbox"/> Aff.Sub.Wit.	The primary assets of the trust at this time is a parcel commonly known as 1730 N. Hayes Avenue in Fresno (the Trust Property) has three homes and several outbuildings. A separate property was distributed pursuant to the trust to beneficiary Alison Shuman.	
<input checked="" type="checkbox"/> Verified	Retention of Real Property: The Trust Property was offered for sale when the decedent was still alive on 12/11/04, along with an adjacent property owned by Ms. Vawter (the Vawter Property), for \$1,000,000.	
<input type="checkbox"/> Inventory	Two offers for \$1,000,000 were received on 1/21/05 and 3/11/05. On 3/14/05, after the decedent's death, Ms. Vawter as trustee obtained an MAI appraisal of the Trust Property and the Vawter Property, which concluded that the Trust Property had a value of \$980,000 and the Vawter Property had a value of \$350,000. The cost of the appraisal was paid for by the trust.	
<input type="checkbox"/> PTC	Despite the two offers, the Trust Property was not sold and to this day remains unsold.	
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input checked="" 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		
<u>SEE ADDITIONAL PAGES</u>		<p>Reviewed by: skc</p> <p>Reviewed on: 8/24/16</p> <p>Updates: 8/25/16</p> <p>Recommendation:</p> <p>File 19- Broome</p>

Page 2 – Advancing Personal Benefit Before Beneficiaries: Petitioner states Ms. Vawter signed a listing agreement with Realty Concepts on or about 8/25/15; however, the agreement provided that the sale was to include both properties, a clear conflict of interest. In addition, the properties were marketed for sale together for \$450,000 with a description of the features of both properties and stating the properties must be sold together. See petition for full description.

Petitioner states the listing agreement fails to allocate the price for each property, and states the marketing description is false: the Trust Property has the shop and barn; the Vawter Property does not. Also, Ms. Vawter has no legal obligation to sell the Vawter Property with the Trust Property. She has specifically and purposefully linked the sale of her real property with that of the Trust because it is to her personal advantage to do so., as the Vawter Property is a smaller and less desirable lot.

Unaccounted Rents: The Trust Property has three houses on it, referred to as the Main House, Dot's House, and Marty's House. Ms. Vawter has wasted and mismanaged the trust estate by failing to rent, collect rent, and adequately account for rent, and failed to ensure that the assets are being prudently used. She allowed the main house to remain vacant from 2005 through November 2014, although she paid property taxes and insurance and did minor repairs on the vacant home. She rented the main house to her daughter Aimee for \$400/month, less rent credits for repairs and improvements. When Petitioner objected to the amount, Ms. Vawter raised the rent to \$800.

Petitioner states Aimee is boarding horses at the main house, which are using a pasture watered by a pump located on the Vawter Property. With boarding included, Aimee is not paying enough rent. Board for a single horse on pasture starts at no less than \$100/month. Aimee has one or two horses and should pay at least that much more. In addition, if the cost to operate the pump to irrigate the pasture is more than the income derived from its use, that creates a loss for the trust. Petitioner believes fair market rent for the main house is \$1,000/month.

Dot's House is a two-room studio brick house on the Trust Property. It was rented from 2007-2015 by "Mary," for \$175/month. Petitioner did not object to this rent. The house was empty until Ms. Vawter's son Frank moved in around April 2016 for \$225/month. Petitioner does not object to this rent. Marty's House has been unoccupied since February 2005. Fair market rent is approx. \$200/month. Note that the advertisement includes Dot's House and Marty's House as "potential rental units."

Missing rent: Petitioner states in response to his demand for accounting, Ms. Vawter was unable to account for \$2,100 in rents. Without explanation, she made a payment of \$700 from her personal funds, and later made payment of \$850, but is still unable to account for missing rent of at least \$550.

Undisclosed "Loan": Petitioner states on 9/21/05, Ms. Vawter transferred \$50,000 from the trust to her own account, and intentionally hid and failed to disclose that she had transferred that sum to her personal account, and continued to hide and fail to disclose the fact until forced to provide copies of bank records in 2015. On 3/30/06, six months after removing the \$50,000, Ms. Vawter deposited that money back into the account; however, failed to disclose the underlying removal or her repayment of the trust money. She had ostensibly provided "annual" summaries of trust financial activities, yet omitted disclosing the loan to herself.

SEE ADDITIONAL PAGES

Page 3 – Petitioner states Ms. Vawter has wrongfully neglected the estate and has long neglected to act as a fiduciary to the beneficiaries and file a complete accounting, despite having been requested to do so in writing on 5/19/15. The trust estate has still not been distributed and closed. Ms. Vawter is in breach of her fiduciary duties to the beneficiaries entitled to distribution. Removal of Ms. Vawter is necessary for protection of the trust estate and interested persons.

Petitioner prays for relief as follows:

1. That Ms. Vawter be removed as trustee;
2. For an order that Ms. Vawter make an accounting and surrender all property and records in her possession belonging to the trust estate;
3. For an order requiring Ms. Vawter to forthwith provide an accounting in compliance with Probate Code §§ 1060-1064;
4. For an order and judgment charging Ms. Vawter with losses to the estate under Probate Code §16440;
5. For interest on such losses at the maximum legal rate;
6. For costs of suit;
7. For Reasonable attorney's fees;
8. For compensatory damages to compensation Petitioner and the Trust estate for all losses sustained as a result of Ms. Vawter's breach of her fiduciary duties;
9. For an order appointing Petitioner Robert Broome, Jr., as trustee without bond; and
10. For such other orders as the Court may deem proper.

Examiner's Note: Petitioner is the second named successor trustee without bond.

Respondent's Answer filed 8/25/16 admits and denies various allegations (see response for specific details) and states the houses are not referred to at the names alleged in the petition (Main House, Dot's House, and Marty's House). The houses are referred to by Respondent as Mother's House, Mary's House, and Marty's House.

Respondent prays as follows:

1. That she not be removed as trustee;
2. For an order denying Petitioner's requests and prayer on each count; and
3. For such other order as the Court deems just and proper.

Note: Respondent also filed a Request for Mediation Order that was set for hearing on 10/4/16.

Respondent requests the matter be mediated by a mediator agreeable to the parties and a mediation selected and agreed-upon no later than 9/26/16; mediation to be concluded no later than 11/30/16.

Answer, Request for Mediation personally served on Petitioner's counsel on 8/25/16.

Petition for Appointment of Temporary Guardian of the Person

		See petition for details.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing per Probate Code §2250(e) <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: <ul style="list-style-type: none"> - Jessica Renne Barr (Mother) - Gabino (Father) (If diligence not found) 	
	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			
			Reviewed by: skc	
			Reviewed on: 8/24/16	
			Updates:	
			Recommendation:	
			File 20- Barr	

Petitioner Maningding, Lito (Pro Per – Father – Petitioner)

Petitioner Maningding, Marilu (Pro Per – Mother – Petitioner)

Petition for Appointment of Temporary Conservator of the Person

		See petition for details.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator advised rights on 8/19/16</p> <ol style="list-style-type: none"> 1. Need clarification: Petitioners list three relatives at #11 but their relationships to Craig are not stated. <u>Note:</u> The list should include all relatives within the second degree, which includes grandparents. (If deceased, please so state.) 2. Need Notice of Hearing for this temporary hearing. 3. Need proof of personal service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing per Probate Code §2250(e) on Proposed Conservatee Craig Maningding. 4. Need proof of service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing per Probate Code §2250(e) on relatives listed at #11. 	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			X
	Aff.Mail			X
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			X
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 8/24/16	
			Updates: 8/26/16	
			Recommendation:	
			File 21- Maningding	