



Wednesday, September 7, 2016

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

14	16CEPR00034	Jacquelyn Lee Winston (Estate)
15	16CEPR00597	Martha Jane Torbit (Estate)
21	16CEPR00781	Vince Marino (Spousal)
22	16CEPR00782	Alfredo Ruiz (Estate)

The following Probate matters have been taken off calendar:

4	10CEPR00833	James Samuel Fujisaka (Estate)
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**Appearance of counsel is recommended for all remaining Probate matters set for hearing.
Thank you.**

Dept. 303, 9:00 a.m. Wednesday, September 7, 2016

Status RE: Failure to File Final Account and Petition for Final Distribution

DOD: 6/10/94	<p>HISTORY: TONY RECEK, Friend, was appointed Executor with Full IAEA without bond on 7/26/94 and Letters issued on 7/27/94. (A corrected order was entered 8/9/94 due to clerical error.)</p> <p>The Petition for Probate alleged that the decedent was not survived by spouse, issue, or issue of predeceased child, but had a will dated 5/27/94, which made various specific devises of real and personal property to various parties. The will was admitted to probate on 7/26/94.</p> <p>Final Inventory and Appraisal filed 11/8/94 indicated a total estate value of \$84,360.55 consisting of</p> <ul style="list-style-type: none"> • Cash of \$25,869.95 • Real property located at 1515 E. Fountain Way in Fresno • Personal property including vehicle, gun collection, jewelry, book collection, furnishings, personal effects <p>Various creditor's claims were filed in the estate. In addition, the decedent was named as a defendant in a quiet title action (0482628-5) involving the estate real property borders.</p> <p>Report of Status of Administration; Petition for Instructions Concerning Abatement of Property for Payment of Creditor's Claims and Expenses of Administration; Petition for Allowance on Compensation of Attorney filed 5/23/95 stated the estate was not in a condition to be closed because the lawsuit has not been finally determined. Judgment was entered in favor of the estate as to all causes of action, but the motion for costs and attorney's fees had not yet been filed or heard. Additionally, the plaintiff planned to appeal the judgment. Compensation for ordinary services to the estate will be approx. \$5,362.00. Extraordinary compensation for litigation expenses totaled \$17,650.00 to date.</p> <p style="text-align: center;">SEE ADDITIONAL PAGES</p>	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>Minute Order 8/3/16: Counsel will contact the family members to see if anyone is willing to be a successor executor and file a declaration.</p> <p>As of 8/30/16, nothing further has been filed.</p> <p>1. Need first account or petition for final distribution pursuant to Probate Code §12200 or current written status report pursuant to Local Rule 7.5.</p>
Cont. from 071416, 080316		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
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✓ Status Rpt		
UCCJEA		
Citation		
FTB Notice		
Reviewed by: skc		
Reviewed on: 8/30/16		
Updates:		
Recommendation:		
File 1- Bond		

Page 2

The 5/23/95 report stated the residue includes only the personal effects which have a nil value and a 1974 Plymouth Valiant valued at \$500.00, which are insufficient to pay all funeral expenses, creditor claims, and expenses of administration. The decedent's will provided specific devises including the real property and various items. The report alleged that these gifts should be abated to pay creditor's claims, administration expenses, etc., as set forth in the petition. See report for discussion, authority.

Order entered 7/17/95 authorized and directed abatement as set forth in the Order to pay administration expenses, creditor claims, and satisfy gifts, and also authorized certain attorney fees and costs. The Order authorized administration to continue until the litigation involving the estate was finally determined.

On 3/10/00, Mr. Rindlisbacher filed a Substitution of Attorney noting his move to a subsequent firm.

Nothing further was filed thereafter until the petition at Page A was filed.

Declaration and Request for Change of Date for Status Hearing filed 7/11/16 by Curtis D. Rindlisbacher states he is the attorney of record for Tony Recek, now deceased. He has not had any contact with him since before 1998. He failed to contact the attorney after repeated correspondence. The Court has set hearing for 7/14/16 and ordered that Mr. Rindlisbacher be present. His son is graduating from Air Force Basic Training on that day and he and his wife have plans to be in San Antonio, TX. Appearing by phone would likely result in missing part of the graduation ceremonies. Mr. Rindlisbacher was unable to attend the hearing on 7/14/16 and requested continuance.

Second and Final Account and Report of Guardian of the Estate; Petition for Allowance of Fees to Attorneys, and Authority to Deliver Assets

		CARRIE HODGSON , mother/guardian, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. It appears that the minor may need to petition in Sacramento Superior Court for an Order to Withdraw Funds from Blocked Account for funds placed into a blocked account by the Sacramento Superior Court.</p>
		Account period: 4/1/07 – 5/31/16	
Cont. from		Accounting - \$284,389.25	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$212,842.15	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$268,713.49	
<input type="checkbox"/>	Inventory	Guardian - \$821.29	
<input type="checkbox"/>	PTC	(reimbursement for high school graduation items and tuition fees)	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Pricilla Dack (aunt) - \$280.08	
<input checked="" type="checkbox"/>	Aff.Mail	(reimbursement for a portion of the class ring necklace) W/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	Attorney - \$8,189.50 (per itemization, 33.60 hours @ \$220/\$275 per hour)	
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen	Costs - \$638.52 (filing fees, certified copies, taxes)	
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections	Petition states the funds received in the guardianship were received as part of a settlement in Sacramento Superior Court Case No. 00AS02784. There is another account, which the guardian believes was established in the Sacramento Superior Court proceeding that has not been inventoried as part of this proceeding. That account at Bank of America is titled as follows: "Mikayla Hodgson, a Minor Carrie Hodgson, Guardian Ad Litem, Court Blocked Account," and had an account balance as of 4/27/16 of \$5,529.09. The guardian seeks an Order for Withdrawal of Funds from Blocked Account which will allow for payment of these account funds to the minor.	
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	2620(c)W/		
<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		
Please see additional page			
		Reviewed by: KT	
		Reviewed on: 8/30/16	
		Updates:	
		Recommendation:	
		File 2- Hodgson	

WHEREFORE, petitioner requests that:

1. Notice of hearing of this account, report, and petition be given as required by law;
2. The Court make an order approving, allowing, and settling the attached account and report of the guardian in all respects as filed;
3. The Court authorize and direct CARRIE HODGSON, pursuant to an Order for Withdrawal of Funds from Blocked Account, to deliver payment of \$8,829.02 to MCCALLUM & de GOEDE, as attorneys for the guardian of the estate for legal services rendered to the guardianship during the accounting period and for costs advanced;
4. The Court authorize and direct CARRIE HODGSON, pursuant to an Order for Withdrawal of Funds from Blocked Account, to reimburse the guardian and the minor's aunt, PRISCILLA DACK, for the following expenses advanced on behalf of the minor:
 - A. To the guardian, CARRIE HODGSON, the sum of \$821.29.
 - B. To PRISCILLA DACK, the sum Of \$280.08;
5. The court authorize and direct CARRIE HODGSON, pursuant to an Order for Withdrawal of Funds from Blocked Account, to deliver the property remaining in BancWest Investment Services Account NO. AXP—035923 to MIKAYLA HODGSON;
6. The court authorize and direct CARRIE HODGSON, pursuant to an Order for Withdrawal of Funds from Blocked Account, to deliver Bank of America Account No. 10148—01541 to MIKAYLA HODGSON.

Third Account Current and Report of Conservator and Petition for Its Settlement

		<p>KA'REN V. KETENDJIAN, Nephew and Conservator with bond of \$140,910.00, is Petitioner.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 8/3/16: No appearances. The Court indicates that it will consider sanctions if there is no appearance by counsel on 9/7/16.</p> <p>The following issues remain noted:</p> <ol style="list-style-type: none"> Petitioner indicates a \$40,000 gain on the market value of the Conservatee's residence and thus increased the carry value in this accounting. However, although Probate Code §1063 requires a market value estimate, actual gains should not be included unless a sale occurred. Therefore, the appropriate figure for Ending POH is actually \$261,578.35. Examiner has interlineated the order to reflect the proper POH figure. Petitioner states he and his family have resided with the Conservatee since August 2014. The Conservatee resided in care home from November 2014 to March 2015, but has returned home. It appears from the Notice of Hearing that another family member may also reside in the home. <p>However, the Disbursements Schedule appears to indicate that the Conservatorship estate continues to pay all household bills (utilities, maintenance, etc.). The Court may require clarification regarding allocation of expenses among household members.</p> <ol style="list-style-type: none"> Need statements from Oakwood Gardens Care Center pursuant to Probate Code §2620(c)(5).
		<p>Account period: 1/1/14 – 12/31/15</p> <p>Accounting: \$335,894.51 Beginning POH: \$280,065.91 Ending POH: \$301,578.35 (\$1,578.35 cash plus real property and personal property – See #1)</p>	
<p>Cont. from 080316</p>			
<input type="checkbox"/>	Aff.Sub.Wit.	<p>Conservator does not request compensation for his services to the Conservatee as described at Paragraph 15 of the petition.</p>	
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory	<p>Petitioner prays:</p> <ol style="list-style-type: none"> That this account and report be approve and settled; That the acts of the conservator shown in the account and report be approved; That the Court grant such other and further relief as it deems just and proper. 	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	<p>Court Investigator Charlotte Bien filed a review report on 1/13/16.</p>	
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/o		
<input 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 type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	2620(c) x		
<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>Note: The Court will set status hearing for the next account for Tues. March 1, 2018.</p> <p>Reviewed by: skc</p> <p>Reviewed on: 8/30/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3- Ketendjian</p>	

Order for Appearance and Examination

	<p>ROSARIO RICARDO FORESTIERE, Spouse, was appointed Executor on 6/26/14 and the decedent's will dated 8/8/65 was admitted to probate.</p> <p>ANDRE FORESTIERE, Son, appealed.</p> <p>The Opinion of the Court of Appeal, Fifth Appellate District filed 2/26/16 affirmed the judgment and awarded costs on appeal.</p> <p>Memorandum of Costs on Appeal filed 6/6/16 reflects total costs of \$715.30.</p> <p>No opposition was filed by Andre Forestiere and Judgment on Costs was entered 7/19/16.</p> <p>Pursuant to Notice of Entry of Judgment on Costs filed 8/25/16, the Judgment was served on Andre Forestiere <i>via email</i> on 7/19/16.</p> <p>Rosario Ricardo Forestiere submitted Application and Order for Appearance and Examination; Enforcement of Judgment; Judgment Debtor.</p> <p>On 7/19/16, the Court filed the Application and Order and set the Examination hearing for 9/7/16.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: On 9/2/16, the attorney filed a pleading-form "Notice of Withdrawal of Application and Order for Appearance and Examination," which states the application is withdrawn due to Executor's inability to locate Andre Forestiere to effect personal service.</p> <p>However, because a formal Request for Dismissal was not filed on the mandatory Judicial Council form, Examiner is unable to take the matter off calendar administratively and the matter remains on calendar for disposition.</p> <p>1. Need proof of personal service of Order to Appear for Examination on Judgment Debtor at least 10 days prior to the hearing pursuant to CCP §§ 491.110 or 708.110.</p>
Aff.Sub.Wit.		
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UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 8/30/16
		Updates: 9/6/16
		Recommendation:
		File 5- Forestiere

Attorney R. Rich Myers (for Petitioner Arturo Morales De La Cruz, father)
 Attorney Miguel A. Jimenez (for Objector Rosemary Raymundo, Guardian)

Petition for Termination of Guardianship

		ARTURO MORALES DE LA CRUZ, father, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note for Petitioner:</u></p> <p>1. Need proof of service by mail of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Termination of Guardianship</i> for:</p> <ul style="list-style-type: none"> • Alexander Martin Morales, ward. <p>Note: Objector has served all notices with a copy of the <i>Objection</i> as required, including the ward.</p> <p>Note: Proof of Service attached to the <i>Rebuttal to Objection</i> filed by Guardian filed by RICH MYERS on 9/2/2016 shows a copy of the rebuttal was served to MIGUEL A. JIMINEZ, Attorney for Rosemary Raymundo, Guardian, on 8/31/2016.</p>
		~Please see Petition for details~	
Cont. from			
	Aff.Sub.Wit.	Court Investigator's Report was filed on 8/23/2016.	
✓	Verified		
	Inventory		
	PTC	<i>Objection to Petition for Termination of Guardianship</i> filed by ROSEMARY RAYMUNDO, Guardian, on 8/26/2016.	
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/ <i>Rebuttal to Objection</i> filed by Guardian was filed by RICH MYERS, Attorney for ARTURO MORALES DE LA CRUZ, father, on 9/2/2016.	
	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: 8/30/16</p> <p>Updates: 9/2/16; 9/6/16</p> <p>Recommendation:</p> <p>File 6- Morales</p>

Probate Status Hearing Re: Filing of the First Account

	SHELIA STEARNS was appointed Conservator of the Person and Estate with bond of \$50,000.00 and \$425,000.00 to be placed into blocked accounts pursuant to Evidentiary/Settlement Conference Minute Order dated 2/25/14. The Order was signed on 3/5/14.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 8/3/16.</p> <p>1. Need First Account or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Cont. from 102915, 011316, 022416, 042016, 051816, 062216, 080316	On 8/13/14, bond of \$50,000.00 was filed. Thereafter, Letters were issued on 8/25/14.	
Aff.Sub.Wit.	Order Increasing Bond filed 06/26/15, increased bond to \$373,717.86.	
Verified	Bond of \$373,718.00 filed 09/08/15.	
Inventory	Inventory & Appraisal, partial no. 1, filed 10/28/15 - \$429,743.51	
PTC	Inventory & Appraisal, partial no. 2-Final filed 7/13/16 - \$684,950.00	
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Status Rpt		
UCCJEA		
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FTB Notice		
		Reviewed by: KT
		Reviewed on: 8/30/16
		Updates:
		Recommendation:
		File 7 – Cook

Status RE: Filing of the First or Final Account

DOD: 2/27/14	<p>IRENE IRLAS and RUBEN IRLAS were appointed Co-Administrators with Limited IAEA without bond on 7/14/15. Letters issued 7/14/15.</p> <p>At the hearing on 7/14/15, the Court set this status hearing for the filing of the first or final account.</p> <p>Note: I&A filed 12/15/15 indicates real property in Selma, CA, valued at \$115,000 plus misc. furniture and furnishings valued at \$2,000 for a total estate value of \$117,000.00.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Co-Administrator Ruben Irlas filed a Petition to Compel Co-Administrator Irene Irlas to Sell Estate Real Property and to Vacate the Estate Property on 8/23/16, which petition is set for hearing on 10/4/16.</p> <p>1. Need first account or petition for final distribution pursuant to Probate Code §12200 or written status report pursuant to Local Rule 7.5.</p> <p>Update: Status Declaration filed 9/6/16 states because of the number of heirs and because of the Medi-Cal liens that will need to be paid, the real property asset will need to be sold. While progress has been made cleaning and securing the property, and a real estate broker has been contacted, more time is needed to put the property in a condition to sell and to complete a sale of the real property. Accordingly, it is requested that the status hearing be continued to 10/4/16, since there is another hearing set for that date.</p>
Cont. from		
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Objections		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p>Reviewed by: skc</p> <p>Reviewed on: 8/30/16</p> <p>Updates: 9/6/16</p> <p>Recommendation:</p> <p>File 8- Irlas</p>

Probate Status Hearing RE: Filing of the First Account

	<p>MOISES RUSSELL RUIZ, son, was appointed conservator of the person and estate on 6/3/2015 with bond of \$146,300.</p> <p>Letters issued 6/9/2015.</p> <p>Final I&A was filed 12/10/2015 showing an estate value of \$302,387.90.</p> <p>Minute order dated 6/3/2016 set status hearing for filing the first account.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need first account or current written status report pursuant to Local Rule 7.5, which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the status report shall be served on all necessary parties.</p>
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Citation		
FTB Notice		
		Reviewed by: SEF
		Reviewed on: 8/30/2016
		Updates:
		Recommendation:
		File 9- Ruiz

Probate Status Hearing RE: Filing of the First or Final Account

DOD: 09/30/14	DON LEMLY and LINDA JENVEY , son and daughter, were appointed co-administrators with full IAEA and without bond on 07/01/15.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>2. Need first account, petition for final distribution or current written status report pursuant to Local Rule 7.5, which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the status report shall be served on all necessary parties.</p>
Cont. from	Letters issued 07/06/15.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input type="checkbox"/> Verified	Minute order dated 07/01/15 set this status hearing regarding filing of the first or final account.	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Minute order dated 7/6/2016 for status of the filing of the I&A was continued to 1/25/2017. Declarations filed by the personal representatives stated the only asset of the estate is decedent's share of a trust containing a parcel of real property that is in the process of being sold with an anticipated sale date of 11/15/2016. Once sold, the proceeds are to be distributed to this estate and an I&A will be filed.	
<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		
<input type="checkbox"/> Aff. Posting		
<input checked="" type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: SEF
		Reviewed on: 8/30/2016
		Updates:
		Recommendation:
		File 10 - Lemley

Attorney Heather H. Kruthers (for Public Administrator)

Probate Status Hearing Re: Filing of the First or Final Account

DOD: 2/27/2013	<p>PUBLIC ADMINISTRATOR was appointed Administrator on 7/6/2015.</p> <p>Letters issued on 7/10/2015.</p> <p>Pursuant to Probate Code § 8800(b), <i>Final Inventory and Appraisal</i> was filed 12/15/2015 showing an estate value of \$375,000.00.</p> <p>Pursuant to Probate Code § 12200, first account and/or petition for final distribution was due 7/10/2016.</p> <p>Minute Order dated 7/6/2015 from the hearing on the petition for letters of administration set this status hearing on 9/7/2016 for filing of the first account and/or petition for final distribution.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need first and/or final account, or verified status report pursuant to Probate Code § 12200, and proof of service of notice of the status hearing pursuant to Local Rule 7.5(B).</p>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
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Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
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Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p>Reviewed by: LEG</p> <p>Reviewed on: 8/30/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11- Andrews</p>	

Creditor's Notice of Motion and Motion Granting Claimant Right to Amend Filed Creditor's Claim to the Appropriate Probate Case of Paige Jean Gross

DOD: 7/4/15		<p>KEVIN GARCIA, Creditor, is petitioner.</p> <p>Petitioner states on 7/1/16 he filed and served a Creditor's Claim against the Estate of Paige Jean Gross in case number 15CEPR00765.</p> <p>However, it was later discovered that there were actually two probates case numbers for the Decedent, both which had the status of "Open" with the Court Clerk, as well as with the Online Public Portal.</p> <p>The Fresno Superior Court Clerk accepted the filing of the Claimant's Creditor's Claim. This was an internal error at the Clerk's desk.</p> <p>On or about 7/12/16 the Clerk corrected the status of Case Number 15CEPR00765 and recommended Claimant petition to Court to amend the filed Creditor's Claim to the appropriate case number 15CEPR01198 due to error.</p> <p>Due to this clerical error, the Claimant should be allowed to amend his July 1, 2016 Creditor's Claim to the appropriate case number 15CEPR01198.</p> <p>Upon the Court's approval, the Claimant further agrees to serve the Personal Representative and his counsel of record with the amended Creditor's Claim indicating the appropriate case number.</p> <p style="text-align: center;">Please see additional page</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Probate Code §9150 allows creditors to file claims up to four months after Letters issue. Letters issued on 5/31/16. Therefore creditors have until September 30, 2016 to file a claim. This motion appears unnecessary as Petitioner is still within the statutory time frame to file his claim. 2. Motion was not verified. Probate Code §1021. 3. Objections were not verified. Probate Code §1021.
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified X		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail W/		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
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<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
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<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: KT</p> <p>Reviewed on: 8/30/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12- Gross</p>	

Administrator's Opposition to Creditor's Motion to Amend Claim filed on 8/24/16. Objector states on or about 8/6/15, Kevin Garcia ("Claimant") filed a petition for probate in case number 15CEPR00765 for the estate of Decedent, Paige Jean Gross. The matter was ultimately dismissed.

On or about 12/14/15, Claimant filed a separate petition for probate in case no. 15CEPR00198 for the estate of the Decedent. Counter-Petitioner, Seth Wooden, was ultimately order to be the administrator of the estate and letters of administration were issued on 5/31/16.

Claimant has filed, or attempted to file, only a motion and proposed order requesting the court take action. Said attempted filing is without a declaration under penalty of perjury and without any supporting memorandum. The result of said failures are that (1) there is no evidence upon which the court may grant the motion and (2) there is no legal basis for the court to grant said motion.

Administrator respectfully requests that the Claimant's motion to amend the creditor's claim be denied in entirety.

Attorney David M. Gilmore; Katherine M. Rigby (for Petitioner Melanie Horne, Trustee)
 Attorney Jim D. Lee, of Hanford (for Respondent Duinkerken Farms; Herman Duinkerken;
 Brad Duinkerken)

Ex Parte Application in Support of Ex Parte Request for Restraining Order
 and Order to Show Cause Re Preliminary Injunction

		MELANIE HORNE, Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner requests seeks a restraining order and order to show cause re preliminary injunction.	
		~Please see Petition for details~	
Cont. from		Memorandum of Points and Authorities in Support of Ex Parte Request for Restraining Order and Order to Show Cause Re Preliminary Injunction filed 8/16/2016.	
<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	Declaration of David Gilmore in Support of Application for Restraining Order filed 8/16/2016.	
<input checked="" type="checkbox"/>	Aff.Mail	W/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	Declaration of Melanie Horne, [Trustee] in Support of Application for Restraining Order and Preliminary Injunctive Relief filed 8/16/2016.	
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: LEG	
		Reviewed on: 8/31/16	
		Updates:	
		Recommendation:	
		File 13- Rowland	

Petition for Letters of Administration with IAEA

DOD: 9/9/2015		<p>SHIRLEY STATON, sister, is petitioner and requests appointment as administrator with full IAEA without bond.</p> <p>All heirs waive bond</p> <p>Decedent died intestate.</p> <p>Residence: Fresno Publication: Fresno Business Journal</p> <p>Estimated value of Estate:</p> <table> <tr> <td>Personal property</td> <td>\$</td> <td>0.00</td> </tr> <tr> <td>Annual gross income:</td> <td>\$</td> <td>0.00</td> </tr> <tr> <td>Real property:</td> <td>\$</td> <td>75,000.00</td> </tr> <tr> <td>Total:</td> <td>\$</td> <td>75,000.00</td> </tr> </table> <p>Probate Referee: Steven Diebert</p>	Personal property	\$	0.00	Annual gross income:	\$	0.00	Real property:	\$	75,000.00	Total:	\$	75,000.00	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If granted, the Court will set status hearings as follows:</p> <ul style="list-style-type: none"> • Tuesday, February 7, 2017 for filing Inventory and Appraisal • Tuesday, November 7, 2017 for filing the first account or petition for final distribution <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
Personal property	\$		0.00												
Annual gross income:	\$		0.00												
Real property:	\$		75,000.00												
Total:	\$		75,000.00												
Cont. from															
<input type="checkbox"/>	Aff.Sub.Wit.														
<input checked="" type="checkbox"/>	Verified														
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<input type="checkbox"/>	Pers.Serv.														
<input type="checkbox"/>	Conf. Screen														
<input checked="" type="checkbox"/>	Letters														
<input checked="" type="checkbox"/>	Duties/Supp														
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<input type="checkbox"/>	Video Receipt														
<input type="checkbox"/>	CI Report														
<input type="checkbox"/>	9202														
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<input type="checkbox"/>	Aff. Posting														
<input type="checkbox"/>	Status Rpt														
<input type="checkbox"/>	UCCJEA														
<input type="checkbox"/>	Citation														
<input type="checkbox"/>	FTB Notice														
		<p>Reviewed by: SEF</p> <p>Reviewed on: 8/30/2016</p> <p>Updates: 9/2/2016</p> <p>Recommendation: SUBMITTED</p> <p>File 14- Winston</p>													

Amended Petition for Probate of Will and for Letters Testamentary

DOD: 5/10/2016		<p>JENNIFER WAITE, named alternate executor without bond, is petitioner</p> <p>Declination to act filed by named executor, Stephen R. Henry.</p> <p>Full IAEA – o.k.</p> <p>Will dated 4/6/2013</p> <p>Residence: Fresno Publication: Fresno Business Journal</p> <p>Estimated value of Estate: Personal property \$ 92,000.00 Annual gross income: \$ 0.00 Real property: \$ 108,000.00 Total: \$ 200,000.00</p> <p>Probate Referee: Rick Smith</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If granted, the Court will set status hearings as follows:</p> <ul style="list-style-type: none"> • Tuesday, February 7, 2017 for filing Inventory and Appraisal • Tuesday, November 7, 2017 for filing the first account or petition for final distribution <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
Cont. from 071816, 082216			
<input checked="" type="checkbox"/>	Aff.Sub.Wit. s/p		
<input checked="" type="checkbox"/>	Verified		
	Inventory		
	PTC		
	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Ptn Admin		
<input checked="" type="checkbox"/>	Aff.Mail w/		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		<p>Reviewed by: SEF</p> <p>Reviewed on: 8/30/2016</p> <p>Updates:</p> <p>Recommendation: SUBMITTED</p> <p>File 15- Torbit</p>	

	<p>ANA M. MAGANA, mother, was appointed Conservator of the Person and Estate with bond reserved on 07/20/2016.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
<p>Cont. from</p>	<p>Letters have not issued.</p>	
<p>Aff.Sub.Wit.</p>	<p>Minute Order of 07/20/2016 set this Status Hearing regarding the filing of the bond.</p>	
<p>Verified</p>		
<p>Inventory</p>		
<p>PTC</p>		
<p>Not.Cred.</p>		
<p>Notice of Hrg</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>		
<p></p>	<p>At this time, and as long as Aaron is in a coma, he is receiving public benefits to cover his medical and incidental costs. Based on the above, it is respectfully requested that the court waive the requirement of bond until the conservatorship of the estate starts to receive the annuity payments under the terms of the court order on or about 06/14/2023. It is further requested that the court issue Letters of Conservatorship under the terms of the Order entered on 07/20/2016.</p>	
<p></p>		<p>Reviewed by: LV</p>
<p></p>		<p>Reviewed on: 08/31/2016</p>
<p></p>		<p>Updates:</p>
<p></p>		<p>Recommendation:</p>
<p></p>		<p>File 16- Martinez</p>

Petition for Appointment of Guardian of the Person

		TEMPORARY EXPIRES 9/7/2016	NEEDS/PROBLEMS/COMMENTS:
		REBECCA WOLF and JEFFREY WOLF, maternal grandmother and step-grandfather, are Petitioners.	Minute order dated 7/20/2016 from temporary hearing states court does not dispense with notice to Tony Azevedo [father]. There shall be no visits for either parent until they appear before the Court.
		See petition for details.	
Cont. from			<p>1. 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:</p> <p style="margin-left: 40px;">a. Tony Enes Azevedo (father)</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	w/	
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<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.	w/	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: SEF
			Reviewed on: 8/30/2016
			Updates:
			Recommendation:
			File 17- Youngberg

Petitioner Evelyn Louise Traylor (Pro Per, maternal grandmother)

Petition for Appointment of Temporary Guardian of the Person

		<p style="text-align: center;">TEMPORARY ORDER ON COURT'S OWN MOTION PER MINUTE ORDER OF 8/3/2016 THAT CHILD REMAIN WITH KAREN HOWARDTON EXTENDED TO 9/7/2016</p> <p style="text-align: center;"><u>General Hearing set for 9/21/2016</u></p> <p>EVELYN LOUISE TRAYLOR, maternal grandmother, is Petitioner.</p> <p style="text-align: center;">~Please see Petition for details~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 8/17/2016.</u> Minute Order states Felicia Georgeson represents that her sobriety date is 5/21/2016, with the drug being Norco. Karen Howardton represents that she received the objection 5 days ago. The objection is to be properly served on the remaining parties entitled to notice. Ms. Georgeson is set for arraignment on her two current criminal matters on 9/6/2016.</p> <p>Note for background: Minute Order dated 8/3/2016 from the last hearing states the Court orders that the minor remain with Karen Howardton, paternal grandmother, at this time. The Court further orders that the minor is not to be removed from the state of California or the county of Fresno for any reason. Any written objections are to be filed and properly served by 8/10/2016. The Court orders visitation for Evelyn Traylor every weekend from Friday at 5pm through Sunday at 5pm, beginning 8/5/2016. Each receiving party shall pick the minor up.</p> <p style="text-align: center;">~Please see additional page~</p> <p>Reviewed by: LEG</p> <p>Reviewed on: 8/30/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 18- Borboa</p>
Cont. from 080316, 081716			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
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18 Additional Page, Kyson Owen Borboa (GUARD/P) Case No. 16CEPR00771

Objection to Guardianship filed by FELICIA GEORGESON, mother, 8/10/2016.

NEEDS/PROBLEMS/COMMENTS for Objector:

The following issue from the last hearing remains:

1. Need proof of service by mail of a copy of the *Objection to Guardianship* filed on 8/10/2016 for the following persons:
 - Teddy Borboa, father;
 - Evelyn Traylor, maternal grandmother (Petitioner);
 - Dennis Georgeson, maternal grandfather;
 - Barry Borboa, paternal grandfather;
 - Karen Howardton, paternal grandmother.

Petition for Letters of Administration with IAEA

DOD: 6/26/16		<p>LEWIS PENNER, son, is petitioner and requests appointment as Administrator without bond.</p> <p>Heirs waive bond (see note #1)</p> <p>Full IAEA – o.k.</p> <p>Decedent died intestate.</p> <p>Residence: Clovis Publication: Fresno Business Journal</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Waiver of Bond was signed by Lori Penner on behalf of minor beneficiary Rebekah Penner. Lori Penner has petitioned to be appointed as Guardian of the estate for her daughter, Rebekah Penner (see page 20). Lori has not yet been appointed therefore has no authority to waive bond on behalf of the minor. If bond is required, it should be set at \$22,000.00.</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			
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<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
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<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		<p>Estimated value of the estate:</p> <p>Personal property - \$50,000.00 Real property - (\$28,000.00) Total - \$22,000.00</p>	<p>Note: If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Wednesday, October 12, 2016 at 9:00 a.m. in Department 303, for the filing of the bond, if required. • Wednesday, February 15, 2017 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. • Wednesday, November 15, 2017 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>	
		<p>Probate Referee: Rick Smith</p>		
		<p>Reviewed by: KT</p>		
		<p>Reviewed on: 8/31/16</p>		
		<p>Updates: 9/2/16</p>		
		<p>Recommendation:</p>		
		<p>File 19- Penner</p>		

Petition for Appointment of Guardian of the Estate Only

		LORI ANN PENNER , mother, is petitioner and requests appointment as Guardian of the estate with bond set at \$26,800.00 and with powers under Probate Code 2591.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. It appears the powers requested under Probate Code §2951 are unnecessary. The real property is currently assets of the minor's deceased father's estate and will be administered there. Petition states both properties are to be sold in the deceased father's estate. Therefore any sale or rental of the real property will be done as part of the deceased father's estate and not the minor's guardianship estate making powers under Probate Code 2591 unnecessary.</p> <p>2. Petitioner request that bond be set at \$26,800.00. Local Rule 7.8 l states absent a showing of good cause, it is the policy of the court to block all funds in guardianship estates. If bond is ordered it should be set at \$29,480.00 pursuant to California Rules of Court 7.207.</p> <p style="text-align: center;">Please see additional page</p> <p>Reviewed by: KT</p> <p>Reviewed on: 8/31/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 20- Penner</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
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<input checked="" type="checkbox"/>	Notice of Hrg		
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<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	X	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
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<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Estimated value of the estate:
 Personal property - \$16,667.00
 Annual income - \$ 2,800.00
 Real property - \$ 7,333.00
Total - \$26,800.00

Father: LEWIS PENNER – Deceased

 Paternal grandfather: Deceased
 Paternal grandmother: Mildred Penner
 Maternal grandfather: Dennis Harrah
 Maternal grandmother: Carol Harrah

Petitioner states the minor is a beneficiary under her father's estate (see page 19)

Petitioner requests powers under Probate Code 2591(c)(1)(3) the power to sell real property of the estate without court confirmation and under Probate Code 2951(i) to let or lease property of the estate.

Probate Referee: Steven Diebert

Note: If the petition is granted, status hearings will be set as follows:

- **Wednesday, October 12, 2016** at 9:00 a.m. in Department 303, for the filing of the bond, if required.
- **Wednesday, January 18, 2017** at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.
- **Wednesday, November 15, 2017** at 9:00 a.m. in Department 303, for the filing of the first account.

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

Spousal or Domestic Partner Property Petition

DOD: 7/10/2016		<p>BRANDY LEE MARINO, surviving spouse, is petitioner</p> <p>No other proceedings</p> <p>Decedent died intestate</p> <p>Petitioner states she was married to decedent in 1998 and they remained married until decedent's death. In late 2010, petitioner and decedent purchased real property at 7071 East Dayton Avenue in Fresno. Title was taken in decedent's name alone for purposes of the loan only. A down payment of \$7,000 was made to purchase the property which was made with community property funds. Since the property was purchased in 2010, all payments have been made with community property funds. Petitioner and decedent had planned on transferring title to both of their names. They listed the property for sale, but decedent passed away before the property was sold. Petitioner needs the property transferred into her name so she can complete sale. The property is and always has been the community property of petitioner and decedent.</p> <p>Petitioner requests court confirmation that decedent's ½ interest in real property located at 7071 East Dayton Avenue in Fresno belongs to her and ½ interest passes to her.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
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<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: SEF</p> <p>Reviewed on: 8/31/2016</p> <p>Updates:</p> <p>Recommendation: SUBMITTED</p> <p>File 21- Marino</p>	

Petition for Letters of Administration with IAEA

DOD: 10/3/1994	JOE RUIZ , son, is petitioner and requests appointment as administrator will full IAEA with \$90,000 bond.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If granted, the Court will set status hearings as follows:</p> <ul style="list-style-type: none"> • Tuesday, October 11, 2016 for filing of the bond • Tuesday, February 7, 2017 for filing Inventory and Appraisal • Tuesday, November 7, 2017 for filing the first account or petition for final distribution <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>												
	Full IAEA – o.k.													
Cont. from														
<input type="checkbox"/> Aff.Sub.Wit.	Decedent died intestate													
<input checked="" type="checkbox"/> Verified	Residence: Selma													
<input type="checkbox"/> Inventory	Publication: Selma Enterprise													
<input type="checkbox"/> PTC														
<input type="checkbox"/> Not.Cred.														
<input checked="" type="checkbox"/> Notice of Petn Admn	<p>Estimated value of Estate:</p> <table> <tr> <td>Personal property</td> <td>\$</td> <td>0.00</td> </tr> <tr> <td>Annual gross income:</td> <td>\$</td> <td>0.00</td> </tr> <tr> <td>Real property:</td> <td>\$</td> <td>90,000.00</td> </tr> <tr> <td>Total:</td> <td>\$</td> <td>90,000.00</td> </tr> </table>		Personal property	\$	0.00	Annual gross income:	\$	0.00	Real property:	\$	90,000.00	Total:	\$	90,000.00
Personal property	\$		0.00											
Annual gross income:	\$		0.00											
Real property:	\$		90,000.00											
Total:	\$		90,000.00											
<input checked="" type="checkbox"/> Aff.Mail	w/													
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<input type="checkbox"/> Conf. Screen														
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<input type="checkbox"/> Citation														
<input type="checkbox"/> FTB Notice														
		Reviewed by: SEF												
		Reviewed on: 8/31/2016												
		Updates: KT (9/6/16)												
		Recommendation: SUBMITTED												
		File 22- Ruiz												

Petitioner: Theresa E Alvarado (Pro per - Mother)

Petition for Appointment of Probate Conservator of the Person

		<u>NO TEMPORARY REQUESTED</u>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator Advised Rights on 8/30/2016</p> <p>1. Need proof of service at least 30 days before the hearing of the <i>Notice of Hearing</i> with copy of the petition on Central Valley Regional Center, pursuant to Prob C 1822.</p>		
		<p>THERESA ALVARADO, mother, is petitioner and requests appointment as conservator of the person with medical treatment consent powers.</p>			
Cont. from		<p><i>See petition for details.</i></p>			
	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: 8/31/2016	
			Updates: 9/2/2016		
			Recommendation:		
			File 23- Alvarado		

Petitioner: Veronica Denney (Pro per – Maternal cousin)

Petition for Appointment of Temporary Guardian of the Person
(as to Jesse Estrada only)

		TEMPORARY EXPIRES 9/7/2016	NEEDS/PROBLEMS/COMMENTS:
		GENERAL HEARING 10/11/2016	
		VERONICA DENNEY, maternal cousin, is petitioner.	<p>Petition is as to Jesse Estrada only.</p> <p>Minute order dated 8/23/2016 continued matter to 9/7/2016 for proof of service to parents.</p> <p><u>Note:</u> Proof of serviced was filed for mother, but the following issue still exists as to father:</p> <p>1. Need proof of personal service with at least 5 court days notice of <i>Notice of Hearing</i> with copy of temporary petition <u>or</u> consents and waivers of notice <u>or</u> declarations of due diligence for:</p> <p style="padding-left: 40px;">a. Jesse "Heilberto" Garcia (father) – <i>unless the Court excuses notice</i></p>
Cont. from 082316			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.	w/	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: SEF
			Reviewed on: 8/30/2016
			Updates:
			Recommendation:
			File 24- Estrada

Petitioner Perez, Pearl (Pro Per -Aunt)

Petition for Appointment of Temporary Guardian of the Person

Age: 1	<u>GENERAL HEARING 10/27/2016</u>	NEEDS/PROBLEMS/COMMENTS:
	PEARL PEREZ, aunt, is petitioner.	
	<u>Please see the petition for details</u>	
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv. w/		
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 08/31/2016
		Updates: 09/01/2016
		Recommendation:
		File 25- Torres

Petition for Appointment of Guardian of the Person

		<u>TEMPORARY EXPIRED 8/3/2016</u>	NEEDS/PROBLEMS/COMMENTS:
		ROBERT SALAZAR , maternal great uncle, is petitioner.	
		<i>See petition for details.</i>	Background: Petitioner previously pursued guardianship in 2009, but stated he no longer wished to pursue the guardianship because the mother removed the minor from petitioner's care and the minor was residing with his mother in Washington State.
Cont. from 082516			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail 2/		
	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: 8/30/2016
			Updates:
			Recommendation:
			File 26- Salazar

Second Account and Report of Administrator and Report of Status of Administration

DOD: 11/23/06	PAUL A. DICTOS , Administrator with Limited IAEA with bond of \$100,000.00, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	First Account for period 1/31/07 through 10/31/08 was settled 3/2/09; Ending POH: \$326,760.35.	Note: This matter is set for 8:30am in Dept. 54.
	Second Account 11/1/08 – 11/14/13:	CONTINUED TO
	Accounting: \$327,304.15	10/11/16
	Beginning POH: \$306,760.35	Per attorney request
	Ending POH: \$279,305.00	SEE ADDITIONAL PAGES
	(\$305.00 cash plus real property, vehicle, misc. household furnishings)	
<input type="checkbox"/>	Aff.Sub.Wit.	
<input checked="" type="checkbox"/>	Verified	
<input checked="" type="checkbox"/>	Inventory	
<input checked="" type="checkbox"/>	PTC	
<input checked="" type="checkbox"/>	Not.Cred.	
<input checked="" type="checkbox"/>	Notice of Hrg	
<input checked="" type="checkbox"/>	Aff.Mail	W
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
<input checked="" type="checkbox"/>	Letters	1/30/07
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
<input checked="" type="checkbox"/>	9202	
<input checked="" type="checkbox"/>	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
N/A	FTB Notice	
	Petitioner states various creditor's claims have been filed totaling \$2,015,678.15. All except for the claim of the decedent's widow resulted from the decedent's garlic farming and contract dealings. (The decedent's widow's claim for \$1,250,000 filed 5/23/07 is for community property of gifts/other transfers.) Prior to the hearing on this petition, all of the foregoing claims, except for that of the decedent's widow, will be rejected.	
	Petitioner states the I&A Partial No. 1 filed 9/18/07 should be deemed a Final I&A. <u>Note:</u> Assets include cash of \$19,348.70 (community property, including spouse's interest) residential real property in Fresno (decedent's separate property), and a vehicle and misc. personal property (community property, including spouse's interest), total original estate value \$318,348.70.)	
	Additional Assets (Judgment): Following a three-week trial, the estate obtained judgments against Marjorie Petrogonas Esparza, Maria Brar Petrogonas, Amerimex Chili Products, Inc., and Gurpinder Singh Brar, jointly and severally, as described in the petition, plus interest. (Note: Judgment appears to total \$1,475,342.90.)	
	Petitioner states the judgment was entered 11/20/09. Even though the judgment is an asset of the estate, Petitioner has not inventoried same. Petitioner has investigated the collectability of these sums and is still pursuing efforts to collect on the judgments; however, lack of funds has precluded enforcement action. Petitioner prefers to inventory any collections and/or the judgment on a supplemental inventory when likelihood of collection has become more ascertainable.	
	SEE ADDITIONAL PAGES	
		Reviewed by: skc
		Reviewed on: 8/31/16
		Updates: 9/6/16
		Recommendation:
		File 1 - Petrogonas

Page 2

Foreign Real Property: The decedent had interest in real property located in Greece and Argentina, as set forth in prior orders of this court. Petitioner is still making efforts to collect and realize value on those assets, which will become assets of the estate.

Petitioner states he has been stalemated in trying to recover the decedent's interest in real property in Argentina. Lack of funds precludes retention of counsel, and counsel previously retained there has not been helpful.

Petitioner has obtained offers from the court to take appropriate actions necessary to consummate the sale of the estate's real property in Greece and Argentina according to local law, with provisions to give notice to beneficiaries. Petitioner is informed and believes that the sale of property in Greece has been thwarted because Greek law requires that the heirs personally appear to acquire the property; however, if they have not appeared within 10 years after the date of death, the property may be sold without their participation by the administrator. Petitioner anticipates that following 11/26/16, he will be able to consummate a sale of the estate's interest in real property in Greece.

Fresno Residence: In 2012, Bank of America initiated foreclosure on the real property located at 4086 W. San Jose in Fresno. Petitioner obtained a TRO pending hearing, and by stipulation, the property was eventually sold with proceeds divided pursuant to stipulation of the parties subsequent to the cutoff date of this account period. Petitioner will file a separate schedule and amend the accounting to show details of the sale, which closed in August 2015.

Statutory compensation: Administrator and Attorney were both previously awarded \$4,500 as partial compensation for statutory compensation in this matter, which was paid following the sale of the real property.

Bond: Bond is currently \$100,000. As a result of the sale of the residence, the remaining assets are substantially below that amount. Petitioner will file separate application for reduction of bond with detail of the sale.

Petitioner prays for an order:

1. That the Second Account and Report of Status of Administration be settled, allowed and approved as filed;
2. That all actions of Petitioner as administrator of the estate be ratified, confirmed and approved;
3. That Petitioner be authorized and directed to continue administration of the estate, specifically to recover the estate's interest in any assets held in foreign jurisdictions and, in the Administrator's discretion, to pursue collection efforts on the judgment entered herein; and
4. For such other and further orders as the Court may deem proper.

SEE ADDITIONAL PAGES

Page 3 – NEEDS/PROBLEMS/COMMENTS:

1. This file is voluminous and contains extensive documentation re various matters throughout the estate's continuing administration, including litigation resulting in judgment against certain beneficiaries as well as homestead and community property confirmation to the decedent's surviving spouse. Because this petition does not necessarily describe if these various matters affected the ultimate distribution scheme of the estate, need simple clarification: Are the intestate heirs pursuant to Probate Code §6401 (the decedent's surviving spouse and three children) still expected to be the beneficiaries of this estate?
2. Surviving spouse Maria Raquel Petrogonas was not given direct notice of this hearing pursuant to Probate Code §§ 11000, 1214, and Cal. Rule of Court 7.51. Note: It appears she remains represented by Attorney Lucich, who was given notice; however, direct notice is still required. The Court may require continuance for proper notice to Maria Raquel Petrogonas.
3. I&A filed 9/18/07 reflects a value for the residence of \$275,000, not \$255,000. Therefore, using the correct carry value, the beginning POH is actually \$326,760.35, as reflected in the First Account per Probate Code § 1061(a)(1) (not \$306,760.35), and the Ending POH at the close of this account is \$299,305 (not \$279,305). Note: The proposed order on this petition should reflect the correct amount pursuant to Local Rule 7.6.1.C. when submitted pursuant to Local Rule 7.1.1.F.
4. Need Allowance or Rejection of each creditor's claim per Probate Code §9250. (At the first account, allowance or rejection was pending the outcome of the ongoing litigation. At this time, it appears appropriate for allowance or rejection to be filed as stated in order for this second account to be settled.)
5. Need clarification re background and current status of foreign estate assets: It appears from the file that no ancillary probate administrations have been established in the foreign jurisdictions (Greece and Argentina), but rather that the Administrator received authorization from this Court, pursuant to advice or request of foreign counsel, to deal with the various foreign real property. Need clarification if this remains the case – have any ancillary administrations been opened? Although the real property in foreign jurisdictions are not technically assets of this estate, it would be appropriate that they be identified in a schedule to the periodic accountings, since the Administrator is actively acting on the estate's behalf in dealing with them. In addition, the Court may require clarification regarding their values, and may require bond, as it appears from this petition that the Administrator may be able to sell them in the near future.
6. The Court entered judgment in favor of the estate against various parties in the total amount of \$1,475,342.90 on 11/20/09. Such judgment should be included as an asset received during this Second Account period and as an asset on hand at the close of this Second Account period. Petitioner indicates at Paragraph 8 on Page 3 that he has not inventoried the judgment as an asset due to ongoing investigation of collectability; however, collectability does not affect the existence of the judgment. It appears that, rather than filing supplemental inventory based on the judgment amount or some other amount as deemed collectable by the Administrator, this account should be revised to reflect the judgment in favor of the estate as ordered by the Court during the account period.

Note: Pursuant to the 2009 Judgment, which adopts the Tentative Ruling issued 9/9/09, it appears that at least some of the sums awarded are community property. The Court may require a declaration or schedule clarifying or allocating the various awarded amounts within the estate as community or separate property pursuant to Probate Code §8850(c).

SEE ADDITIONAL PAGES

Dept. 303, 9:00 a.m. Wednesday, September 7, 2016

Page 4 – NEEDS/PROBLEMS/COMMENTS (Cont'd):

7. In 2010, during this account period (see Order filed 7/27/10), the Court authorized the Administrator to, among other things, a) encumber the residential real property for \$106,767 and b) execute a promissory note to himself for \$7,650 plus interest, which amounts appear to have been used to fund the litigation resulting in the above-referenced judgment. This accounting does not provide specific information or a clear picture of the total amount expended for this purpose. In addition, the disbursements schedule indicates various additional payments for legal expenses without explanation, so it is unclear if they are for the litigation or in connection with the foreign properties.

It appears the home was later foreclosed, and a stipulation was approved in 2014 with regard to allocation of proceeds, which will be addressed in further accounts for subsequent periods; however, at this time, need clarification and schedules re these liabilities pursuant to Probate Code §§ 1063(g) and 1064. The Court may also require complete itemization re legal fees.

8. Pursuant to Probate Code §1063(a), there shall be an additional schedule showing the estimated market value of all assets on hand at the end of the account period. Need market value schedule. (It would appear that this should include the house, the vehicle, the personal property, the judgment, and possibly the foreign properties, per above.)
9. It appears the vehicle and personal property were community property assets, of which the surviving spouse opted to include her community property interest with the administration of the estate. Ultimately, as community property, these assets will be distributable to her pursuant to §6401(a). These assets remain listed as POH in this account. Need clarification: Are they (or were they at the close of this account period) in the Administrator's possession? Are they being stored? Used by the spouse? (Although there is no market value schedule, it is likely that these assets are depreciating in value while administration continues. Has the Administrator considered preliminary distribution to mitigate depreciation?)
10. Pursuant to Probate Code §12200, a report of status of administration that is not a final account shall show the condition of the estate and an estimate of the time needed to close administration. This Second Account covers through November 2013, almost three years ago. Therefore, the Court may require clarification re: the current status of the estate, including estimated time to close.
11. Need proposed order per Local Rule 7.1.1.F. Note: Order should reflect correct POH figure per above.

Note: If granted, the Court will set a status hearing for the filing of the Third Account as appropriate.