

<b>DOD: 11/6/2001</b>	<b>MARIAN A. WELLS, CAROLYN E. VART and DAVID C. VART</b> , were appointed successor Executors with full IAEA and without bond on 5/26/2009. Letters issued on 5/26/2009.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from</b>	<b>Petitioner states:</b> A judgment of Final Distribution on Waiver of Accounting and Allowing Fees to Attorney was entered on 12/03/2004, distributing Decedent's property to Bill M. Vart, as trustee of a testamentary trust of Arlene E. Vart. As provided in the Judgment of Final Distribution, Carolyn De. Vart and David C. Vart are the successor co-trustees of the Arlene E. Vart Testamentary Trust.	
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<input type="checkbox"/> <b>FTB Notice</b>	<p>Petitioners request this Court order that the administration of this estate be closed without an account, all actions and proceedings of Petitioners, as co-Executors of the Estate of Arlene E. Vart, as set forth in this Petition be confirmed and approved, there is no property of the estate to distribute, Petitioners be discharged as co-Executors of the Estate of Arlene E. Vart; and such further orders be made as the Court considers property.</p>	

**Reviewed by:** LV  
**Reviewed on:** 09/02/2014  
**Updates:**  
**Recommendation:**  
 File 1 - Vart

Atty Alabart, Javier A. (for Petitioner Alfredo Banda Arriaga, father)  
 Atty Fanucchi, Edward L. (for Respondent Maria Luisa Sanchez, purported spouse)  
 Atty Kruthers, Heather H. (for Public Administrator, Administrator of the Estate)

Probate Status Hearing Re: Settlement Agreement Filed

<b>DOD: 5/14/2004</b>	<p><b>ALFREDO BANDA ARRIAGA</b>, father, filed a <i>Petition for Preliminary Distribution of Decedent Estate Assets</i> on 10/2/2013, requesting an order for a preliminary distribution of the estate assets, representing that the Petitioner is the sole-surviving parent of the Decedent, and the sole-surviving devisee of the Will signed by the Decedent on 10/16/1997.</p> <p><b>MARIA LUISA SANCHEZ</b>, purported spouse, filed an <i>Opposition to Alfredo Banda Arriaga's Petition for Preliminary Distribution of Decedent Estate Assets</i> on 10/25/2013, representing that this Court ruled 6 years ago that distribution of the estate is controlled by the decree of the Mexican court finding that Ms. Sanchez is the sole heir to the Decedent's estate.</p> <p><b>Order on Arriaga's Petition for Preliminary Distribution of Decedent's Estate's Assets filed on 1/24/2014</b> denies Arriaga's Petition and declines to distribute further assets to Sanchez. The Order concludes:</p> <ul style="list-style-type: none"> <li>• Court has expressly found that two issues remain to be tried as to the parties' relative claims to the estate: (1) whether Arriaga's challenge to the orders in Sanchez' favor are untimely and barred; or (2) whether Sanchez' challenge to the estate's distribution was untimely, void and barred;</li> <li>• These two issues depend on disputed issues of fact: (1) the address of Arriaga and his wife before and after the time of the filing of the <i>Petition for Probate</i>; (2) the Arriagas' contact, direct or indirect, with the Public Administrator who provided notice of the Petition; and (3) Arriagas' knowledge of the ongoing probate.</li> <li>• Also to be tried is the validity of the order for preliminary distribution to Sanchez, as set forth by the Court in its last order dated 8/21/2013.</li> </ul>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Page 2B</b> is Order to Show Cause.</p> <p><b>Continued from 8/18/2014.</b> Minute Order states Court Reporter stipulation signed in Court. Approval of Mr. Fanucchi's Stipulation will be before the Court at the next hearing [on 9/8/2014.] Order to Show Cause with sanctions of <b>\$800.00</b> for Javier Alabart.</p> <p><b>Notes for Background:</b></p> <ul style="list-style-type: none"> <li>• Minute Order dated 8/4/2014 states the Court orders Attorney Alabart to be personally present in Court with the Stipulation and explain any disagreement he may have.</li> <li>• Minute Order dated 7/7/2014 states counsel reports that changes have been made to the order. "Order for Settlement and Release" was submitted by Attorney Fanucchi (~7/8/2014.)</li> <li>• Minute Order dated 4/22/2014 from the Settlement Conference states the Court signs Order Appointing Court Approved Reporter as Official Reporter Pro Tempore. Clients are not present in court. Agreement stated in open court and is on record. Mr. Alabart will prepare the settlement agreement. Court Trial date of 6/2/2014 is vacated.</li> <li>• <b>PUBLIC ADMINISTRATOR'S Amended First and Final Account</b> of the Public Administrator was approved on 6/25/2012 via <i>Order After Hearing Settling Amended First and Final Account, etc.</i>, finding that after payment of commissions, fees and costs in the amount of <b>\$19,643.43</b>, there will be <b>\$89,703.10</b> to distribute upon further Court order regarding entitlement to final distribution. (Note: Sum of <b>\$90,226.70</b> was subsequently stated by the Court as the balance of the estate; a difference of <b>\$523.60</b>.)</li> </ul>
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		Reviewed by: LEG
		Reviewed on: 9/3/14
		Updates:
		Recommendation:
		File 2A – Banda-Nieto

**Status Report filed by Attorney Fanucchi on 8/1/2014 for the previous status hearing states [brief sum]:**

On 4/22/2014, the parties entered into a stipulation for settlement to be prepared by Mr. Alabart; when he did not, counsel herein prepared a Mutual Stipulation and sent it to Mr. Alarbart for approval and that of his client; Mr. Alabart would not approve the Stipulation, so counsel prepared an Order for Settlement and Release which was approved by Mr. Alabart and sent to the Court on 7/8/2014; as of [7/31/2014], Mr. Alabart has not provided to counsel the signature of Mr. Arriaga, and calls and emails to Mr. Alabart have not been returned to counsel; the Court is requested to approve the Order for Settlement and Release submitted on 7/8/2014, under its powers of retained jurisdiction per CCP § 664.6.

**Note: Text of West's Ann. Cal. C. C. P. § 664.6. Entry of judgment pursuant to terms of stipulation for settlement:** If parties to pending litigation stipulate, in a writing signed by the parties outside the presence of the court or orally before the court, for settlement of the case, or part thereof, the court, upon motion, may enter judgment pursuant to the terms of the settlement. If requested by the parties, the court may retain jurisdiction over the parties to enforce the settlement until performance in full of the terms of the settlement.



**Amended Trust Accounting for 2007, 2008, 2009, 2010, 2011, 2012 and Partial Accounting 2013**

<b>DOD: 06/22/07</b>	<b>LARRY A. DONALDSON</b> , friend, was appointed as Executor without bond on 05/27/08 and Letters were issued on 06/18/08.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>CONTINUED FROM 07/07/14</b>
		<b>Minute Order from 07/07/14 states: The Court will entertain an ex parte stipulation and order appointing the Public Administrator as temporary trustee of the trust matter which will be filed by Attorney Marcus Petoyan. Said temporary will expire on the date given for hearing on that matter.</b>
<b>Cont. from 040714, 050514, 070714</b>	The Court accepted Mr. Donaldson's withdrawal as executor on 7/26/1 and appointed the Public Administrator. Letters of Administration were issued to the Public Administrator on 08/01/13.	<b>As of 09/02/14, nothing further has been filed.</b>
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<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by: JF</b>
		<b>Reviewed on: 09/02/14</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 3A – Wallace</b>

**Order to Show Cause Re: Failure to Appear; Imposition of Sanctions in the Amount of \$600.00**

<b>DOD: 06/22/07</b>	<p><b>LARRY A. DONALDSON</b>, friend, was appointed as Executor without bond on 05/27/08 and Letters were issued on 06/18/08.</p> <p>On 07/26/13, <b>LARRY DONALDSON</b> resigned as Executor and the <b>PUBLIC ADMINISTRATOR</b>, was appointed as Administrator. Letters of Administration were issued to the Public Administrator on 08/01/13.</p> <p><b>Minute order from 12/05/13 set this matter for an Order to Show Cause and states:</b> The Court sets the matter for an Order to Show Cause on 01/02/14 regarding Larry Donaldson's failure to appear and imposition of sanctions in the amount of \$600.00. The Court sets a further Order to Show Cause on 01/02/14 regarding Larry Donaldson's failure to provide information to the successor administrator timely and imposition of sanctions in the amount of \$800.00. Larry Donaldson is ordered to be personally present on 01/02/14.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u><b>CONTINUED FROM 07/07/14</b></u></p> <p><b>As of 09/02/14, nothing further has been filed.</b></p>
<b>Cont. from 010214, 013014, 022014, 041714, 050514, 070714</b>		
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<b>Citation</b>		
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		<b>Reviewed by: JF</b>
		<b>Reviewed on: 09/02/14</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 3B – Wallace</b>

**3C Paul Harvey Wallace (Estate)**

Case No. 08CEPR00294

Atty Donaldson, Larry A. (former Executor)

Atty Kruthers, Heather H. (for Public Administrator – Successor Administrator)

**Order to Show Cause Re: Failure to Provide Information to the Successor Administrator Timely; Imposition of Sanctions in the Amount of \$800.00**

<b>DOD: 06/22/07</b>	<p><b>LARRY A. DONALDSON</b>, friend, was appointed as Executor without bond on 05/27/08 and Letters were issued on 06/18/08.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u><b>CONTINUED FROM 07/07/14</b></u></p> <p>As of 09/02/14 nothing further has been filed.</p>
	<p>On 07/26/13, <b>LARRY DONALDSON</b> resigned as Executor and the <b>PUBLIC ADMINISTRATOR</b>, was appointed as Administrator. Letters of Administration were issued to the Public Administrator on 08/01/13.</p>	
<p><b>Cont. from 010214, 013014, 022014, 050514, 070714</b></p>		
<b>Aff.Sub.Wit.</b>	<p><b>Minute order from 12/05/13 set this matter for an Order to Show Cause and states:</b> The Court sets the matter for an Order to Show Cause on 01/02/14 regarding Larry Donaldson's failure to appear and imposition of sanctions in the amount of \$600.00. The Court sets a further Order to Show Cause on 01/02/14 regarding Larry Donaldson's failure to provide information to the successor administrator timely and imposition of sanctions in the amount of \$800.00. Larry Donaldson is ordered to be personally present on 01/02/14.</p>	
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<b>Citation</b>		
<b>FTB Notice</b>		

**Probate Status Hearing Re: Failure to File First Account or Petition for Final Distribution**

<b>DOD: 06/22/07</b>	<b>LARRY A. DONALDSON</b> , friend, was appointed as Executor without bond on 05/27/08 and Letters were issued on 06/18/08.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>CONTINUED FROM 07/07/14</u></b></p> <p><b>Note:</b> Minute order from 07/26/13 states: Mr. Donaldson advises the Court that he filed a status statement yesterday. He further advises that the accounting is being done however he may have a conflict which may require another attorney to complete the work in this matter. The Court on its own motion accepts Mr. Donaldson's withdrawal as Executor in this matter and appoints the Public Administrator. Mr. Donaldson is directed to contact Ms. Kruthers.</p> <p><b>Note:</b> Letters of Administration were issued to the Public Administrator on 08/01/13.</p> <p><b>As of 07/02/13, the following remains outstanding:</b></p> <ol style="list-style-type: none"> <li>1. Need <b>Final Inventory &amp; Appraisal.</b></li> <li>2. Need <b>Accounting and/or Petition for Final Distribution.</b></li> </ol>
<b>Cont. from 050514, 070714</b>	<b>Notice of Status Hearing</b> filed 11/28/12 set this matter for status. Clerk's Certificate of Mailing states that the Notice of Status Hearing was mailed to Larry A. Donaldson on 10/19/12.	
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<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>	<p><b>Inventory &amp; Appraisal, partial no. 1 filed 07/24/13 - \$1,619,273.76</b></p> <p><b>Clerk's Certificate of Mailing filed 10/08/13</b> states that a copy of the Minute Order from 10/04/13 was mailed to Larry Donaldson on 10/08/13.</p> <p style="text-align: center;">Continued on Page 2</p>	
<b>Reviewed by:</b> JF		
<b>Reviewed on:</b> 09/02/14		
<b>Updates:</b>		
<b>Recommendation:</b>		
File 3D – Wallace		

**Status Report Regarding Filing of Accounting** filed 07/01/14 states: Mr. Donaldson has retained Curtis Rindlisbacher to assist him in the preparation of an accounting that will conform with the requirements of the Probate Code. Mr. Rindlisbacher has been in contact with the accountants who prepared prior accountings and he is working with them to segregate the accounting for the probate estate and the accounting from the trust estate. Mr. Rindlisbacher has spoken with attorney Heather Kruthers regarding the need for additional time to complete the accounting and she has consented to an extension of time to file the accounts with the court. It is believed that the work can be completed in 45 days and therefore requests that the status hearing be continued to on or after 08/21/14.

**4A The Cenci Family Trust (Trust)**

**Case No. 10CEPR00244**

**Atty Molsenbocker, Gary L. (for Terese Ann Cenci McGee – Petitioner)**

**Petition for Removal of Trustee of the Cenci Family (Bypass) Trust Created Under the Cenci Family Trust of 1992; to Appoint a Successor Trustee; to Appoint a Temporary Trustee; for Breach of Trust and Fiduciary Duty; to Compel Redress of Trust by Payment of Money Distributed or Disbursed by Trustee, Plus Interest; and Surcharge of Trustee for Imposition of Costs and Expenses Incurred Imprudently or in Breach of Trust**

		<p><b>TERESE ANN CENCI MCGEE</b> is Petitioner.</p> <p><b>Petitioner states</b> she is a residuary beneficiary of the Family Trust created under the Cenci Family Trust of 1992 ("Bypass Trust").</p> <p><b>Petitioner alleges</b> breach of trust and breach of fiduciary duties as set forth in the petition.</p> <p><b>Petitioner requests the Court issue an order that:</b></p> <ol style="list-style-type: none"> <li>1. Notice of this petition be given as required by law;</li> <li>2. The Court remove <b>RICHARD CENCI</b> as Trustee of the Family (Bypass) Trust created under the Cenci Family Trust of 1992;</li> <li>3. The Court immediately appoint an independent Temporary Trustee pending the outcome of the petition;</li> <li>4. The amount of money or assets improperly distributed, disbursed, depleted, diverted and/or uncollected by the Trustee be determined and said amount, plus interest thereon and all costs incurred imprudently by the Trustee be surcharged against the Trustee;</li> <li>5. Petitioner recover all costs, fees, and expense, including attorneys' fees, incurred by Petitioner to compel redress of the breach of trust; and</li> <li>6. The Court order such other and further relief as it may deem proper.</li> </ol>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note: Court Trial is set for 10-28-14 on various other petitions.</b></p>
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			<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 9-2-14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 4A – Cenci</b></p>



Atty Boyajian, Thomas M., sole practitioner (for Conservator Irene V. Santos)

(1) First Account Current and Report of Conservator and Petition for its Settlement, (2) for Approval of Sale of Depreciating Property, (3) for Approval of Donation, and (4) for Allowance of Conservator's and Attorney's Compensation

<b>Age: 89 years</b>		<p><b>IRENE V. SANTOS</b>, daughter and Conservator of the Person and Estate appointed on <b>11/8/2012</b> with bond set at <b>\$123,895.00</b>, is Petitioner.</p> <p><b>Account period: 12/1/2012 - 6/30/2014</b></p> <table border="0"> <tr> <td>Accounting</td> <td>-</td> <td><b>\$223,182.60</b></td> </tr> <tr> <td>Beginning POH</td> <td>-</td> <td><b>\$164,620.32</b></td> </tr> <tr> <td>Ending POH</td> <td>-</td> <td><b>\$ 47,101.81</b></td> </tr> <tr> <td></td> <td></td> <td><i>(\$42,601.81 is cash)</i></td> </tr> <tr> <td>Conservator</td> <td>-</td> <td><b>\$13,425.00</b></td> </tr> <tr> <td colspan="3"><i>(per Declaration attached as Exhibit B1; for 447.5 hours @ \$30.00 per hour;)</i></td> </tr> <tr> <td>Attorney</td> <td>-</td> <td><b>\$10,300.00</b></td> </tr> <tr> <td colspan="3"><i>(per Declaration attached as Exhibit A1; for 41.20 hours @ \$250.00 per hour, from 9/12/2013 to 7/28/2014;)</i></td> </tr> <tr> <td>Bond</td> <td>-</td> <td><b>\$123,895.20</b></td> </tr> <tr> <td colspan="3"><i>(Order After Hearing filed 8/27/2014 finds bond is reduced to \$35,000.00; bond is sufficient if Court approves requested fees.)</i></td> </tr> <tr> <td colspan="3" style="text-align: center;"><b>~Please see additional page~</b></td> </tr> </table>	Accounting	-	<b>\$223,182.60</b>	Beginning POH	-	<b>\$164,620.32</b>	Ending POH	-	<b>\$ 47,101.81</b>			<i>(\$42,601.81 is cash)</i>	Conservator	-	<b>\$13,425.00</b>	<i>(per Declaration attached as Exhibit B1; for 447.5 hours @ \$30.00 per hour;)</i>			Attorney	-	<b>\$10,300.00</b>	<i>(per Declaration attached as Exhibit A1; for 41.20 hours @ \$250.00 per hour, from 9/12/2013 to 7/28/2014;)</i>			Bond	-	<b>\$123,895.20</b>	<i>(Order After Hearing filed 8/27/2014 finds bond is reduced to \$35,000.00; bond is sufficient if Court approves requested fees.)</i>			<b>~Please see additional page~</b>			<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need proof of service by mail of the <i>Notice of Hearing</i> at least 15 days prior to the hearing pursuant to §§ 2621 and 1460 for the Conservatee and her relatives.</li> <li>2. Court records do not show proof of reduced bond of <b>\$35,000.00</b> has been filed.</li> <li>3. Need original billing statements for the account period from the Conservatee's residential care facility, <b>GOLDEN LIVING CENTER-HYLOND</b>, pursuant to Probate Code § 2620(c)(5).</li> </ol> <p><b>~Please see additional page~</b></p>
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		<b>Reviewed by:</b> LEG																																		
		<b>Reviewed on:</b> 9/4/14																																		
		<b>Updates:</b>																																		
		<b>Recommendation:</b>																																		
		<b>File 5A - Murillo</b>																																		

**Petitioner prays for an order:**

1. Approving and settling the First Account;
2. Approving all acts and transactions of the Conservator relating to the conservatorship;
3. Approving and confirming the sale of the Conservatee's recreational vehicle [*appraised at \$12,500.00 and sold for \$1,000.00*] as a sale of a depreciating asset;
4. Approving and confirming the donation to the local Salvation Army of Conservatee's furniture and furnishings [*valued at \$960.00*] as a donation of depreciating assets;
5. Authorizing and directing Conservator to pay herself **\$13,425.00** as compensation for her services rendered; and
6. Authorizing directing Conservator to pay the Attorney fees of **\$10,300.00** as compensation for services rendered.

**Court Investigator Dina Calvillo's Report was filed 1/6/2014.**

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

4. *Schedule C, Disbursements* shows **\$195.44** was paid to Attorneys Tomassian, Pimentel & Shapazian on 10/16/2013 for legal consultation fees in violation of Probate Code § 2647, which provides no attorney fees may be paid from the estate of the Conservatee without prior Court order. The estate of the Conservatee is not obligated to pay attorney fees established by any engagement agreement or other contract until it has been approved by the Court.
5. *Schedule C, Disbursements* shows **\$500.00** was paid to Attorney Thomas Boyajian on 10/16/2013, and **\$840.00** was paid to Attorney Thomas Boyajian on 2/6/2014 (totaling **\$1,340.00**) for Conservatorship legal fees in violation of Probate Code § 2647, which provides no attorney fees may be paid from the estate of the Conservatee without prior Court order. The estate of the Conservatee is not obligated to pay attorney fees established by any engagement agreement or other contract until it has been approved by the Court.
6. *Schedule C, Disbursements* shows **\$163,620.79** was spent during the one and one-half year account period (12/1/2012 to 6/30/2014) and contains the following questionable expenditures about which the Court may require explanation and/or reimbursement back to the Conservatorship estate:
  - 4/23/2013 payment for "What is this (Conservatorship Payment)" [*quote from original*] in the amount of **\$833.00**;
  - 5/10/2013 payment to Golden Living for "Something" [*quote from original*] in the amount of **\$7,910.00**;
  - 6/14/2013 payment of **\$21.96** and 12/23/2013 payment of **\$589.29** (totaling **\$611.25**) to Data Central Collection Bureau;
  - 8/14/2013 payment to Golden Living for "Something" [*quote from original*] in the amount of **\$15,820.00**;
  - 3/24/2014 payment to Golden Living for "Conservatee's Residence Fee" in the amount of **\$44,130.00**; (*Petition does not but should explain if there existed a large balance due to the residential facility from previous dates.*)

~Please see additional page~

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

7. **Exhibit A1-A6 entitled Declaration of Thomas M. Boyajian, Request for Attorney Fees** contains itemization that includes charge of **\$500.00** total solely for work on the publication in Business Journal for publishing the notice of sale of the Conservatee's real property. Additionally, the **41.20** total hours stated as the hours representing the charge of **\$10,300.00** for Attorney fees appears to be incorrect, as the calculation of hours itemized actually totals **37.55** hours representing a charge of **\$9,387.50**, resulting in an **overcharge** of **\$912.50** to the Conservatorship estate for the requested attorney fees.
8. Need proposed order pursuant to Local Rule 7.1.1 (F) providing that a proposed order shall be submitted with all pleadings that request relief.

**Notes Re Depletion of Conservatorship Estate Assets:**

- Paragraph 10 of the *Petition* states that "estate assets are being depleted rather rapidly due to the 24-hour, 7 day-a-week specialized skilled nursing attention the Conservatee requires to prosper. As such, the initial bond amount required by the Court was set on the rather high value of the estate at that time. Currently, the estate value is worth much less." Noted for or the Court's reference is *Schedule C, Disbursements* showing itemizations for skilled nursing home payments of **~\$87,697.31** during this account period of the **\$163,620.79** total expenditures.
- More specifically informing the Court regarding depletion of assets is the ***Petition to Reduce Amount of Bond filed 6/9/2014***, stating that "the bond in the amount of **\$123,895.20** based on the value of the estate as of 6/1/2014 is excessive; the estate has been reduced significantly because: (1) The Conservatee has needed homecare at the cost of **\$2,000.00** per month for a year; (2) For the past year and a half the Conservatee has lived in an assisted living facility center with the average monthly cost of **\$7,500.00**; (3) There have been expenses of **\$10,000.00** to pay off the encumbrance on the 1993 Fleetwood RV, and various other estate related expenses." The following observations are provided to assist the Court in determining the reasonableness of having paid off the 1993 RV, which Paragraph 7 of the *Petition* and the *Schedule D, Losses on Sales/Donations* state was sold for **\$1,000.00**, resulting in a loss on sale of **\$11,500.00**, and for which the Conservator requests confirmation and approval of the sale as depreciating property:
  - It is unclear the basis upon which the Conservator chose to use **\$10,000.00** of Conservatee's assets to pay off the encumbrance on the **1993 RV** which Conservatee could not use and which was valued on the *Inventory and Appraisal* at **\$12,500.00** as of **11/8/2012**. The instant *Petition* states the 1993 RV was sold for **\$1,000.00**; it appears that this expenditure was not a frugal use of Conservatee's limited estate funds. Based upon the large disbursements and amounts requested for Conservator's and Attorney fees, it appears that the Conservator and/or her Attorney are spending down the Conservatee's assets, but provide no reasonable explanation to justify the significant expenditures from the Conservatorship estate.

~Please see additional page~

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

**Note Re Conservator's Commissions:** *Exhibit B1* entitled *Declaration of Irene V. Santos, Request for Compensation* contains the following itemizations set forth here as examples for the Court's consideration of the charges totaling **\$13,425.00** requested by the Conservator be paid from the estate for services including the sale of Conservatee's real property, visits to the care facility where her mother lives, marshalling assets, paying all bills promptly, managing the estate frugally, and "to compensate her for the time she missed work to attend court hearings amongst other things:"

- **12/1/2011 through 12/17/2012**, charge of **96** hours @ **\$30.00** per hour totaling **\$2,880.00**, for paying bills, driving to locations to pay bills, phone calls for medical appointments, shopping for Conservatee;
- **12/1/2011 through 6/15/2012** [*dates overlap the dates noted above*], charge of **120** hours @ **\$30.00** per hour totaling **\$3,600.00**, for hiring caregiver to assist Conservatee, checking in on Conservatee weekly to make sure groceries were bought and home was cleaned and to pay the caregiver;
- **1/1/2012 through 8/1/2012**, charge of **81** hours @ **\$30.00** per hour totaling **\$2,430.00**, for taking Conservatee to **18** doctor appointments both picking up and returning her home;
- **2/1/2013 through 6/1/2013**, charge of **9** hours @ **\$30.00** per hour totaling **\$270.00**, for meeting with Conservatee's health care facilities case workers, nurses and C&A regarding her medications, physical needs and any issues she had with the facility and her care.

**Local Rule 7.16(A) provides** that attorney fees and conservator commissions in conservatorship matters are awarded based upon what is just and reasonable. The Court's determination must be based upon *the justness and reasonableness of the amount of the request in relation to the total value of the conservatorship estate*. Here, the ending property on hand is stated on *Schedule E, Assets on Hand* as of June 30, 2014 as **\$47,101.81**, of which **\$42,601.81** is cash. Deduction of requested Conservator's commissions and Attorney fees would leave a balance remaining of **~\$18,876.81**, which will be inevitably less as of the current date.

**Note:** If *Petition* is granted, Court will set status hearings as follows:

- **Wednesday October 8, 2014 at 9:00 a.m. in Dept. 303** for filing proof of reduced bond; and
- **Monday, August 10, 2015 at 9:00 a.m. in Dept. 303** for filing of the second account.

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.

**Dept. 303, 9:00 a.m. Monday, September 8, 2014**

(1) First and Final Report of Administrator on Waiver of Account and Petition for its Settlement; (2) for Allowance of Statutory and Extraordinary Fees to Attorney for Services; and (3) for Order for Final Distribution Pursuant to Probate Code 3600 et seq.

<b>DOD: 3/31/10</b>	<b>JOSEPH WILLIAM MARTIN</b> , Administrator, is petitioner.		<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Continued from 8/25/14. Minute Order states the Court needs a full copy of the Trust to be filed. Counsel is to also file a declaration to clarify why this case came to probate and how it qualifies as a special needs trust given the Federal Statute.</b>  1. It appears that the Joseph W. Martin Irrevocable Trust established on 1/16/14 is not a valid "special needs" trust. The requirements for creation of a special needs trust are that the beneficiary must be under the age of 65 at the time of the trust's creation. Mr. Martin is 86. (Title 42 United States Code section 1396p(d)(4)(A)).  2. The copy of the Joseph W. Martin Irrevocable Trust established on 1/16/14 attached to the petition is missing pages 2 through 7.  3. Petition requests the distribution to the Joseph W. Martin Irrevocable Special Needs Trust, dated 1/16/14. The trust attached to the petition is entitled the Joseph W. Martin Irrevocable Trust established on 1/16/14 with no mention of a special needs trust.  <b>Please see additional page</b>
	Accounting is waived.		
<b>Cont. from 082514</b>	I & A	- \$125,873.74	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	POH	- \$127,424.94	
<input checked="" type="checkbox"/> <b>Verified</b>	Administrator	- <b>waives</b>	
<input checked="" type="checkbox"/> <b>Inventory</b>	Attorney (statutory)	- \$4,776.22	
<input checked="" type="checkbox"/> <b>PTC</b>	Attorney x/o	- \$9,100.00	
<input checked="" type="checkbox"/> <b>Not.Cred.</b>	(40.75 hours @ \$100 – 250/hr for services in connection with the civil litigation and creation of the special needs trust)		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	W/		
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	Costs	- \$1,304.32	
<input type="checkbox"/> <b>Aff.Pub.</b>	(probate Referee, publication, certified copies)		
<input type="checkbox"/> <b>Sp.Ntc.</b>	<b>Petitioner states</b> he established the <b>JOSEPH W. MARTIN IRREVOCABLE SPECIAL NEEDS TRUST</b> , ("SNT") dated 1/16/14, Donald Fischer, trustee. The SNT currently contains proceeds from the settlement of the civil litigation by order of the Honorable Kristi Culver-Kapetan in the matter entitled <i>Joseph W. Martin v. Mary Quin, et. al</i> , case no. 12CECG03130 filed on 4/2/14. Petitioner requests the court take judicial notice of the order.		
<input type="checkbox"/> <b>Pers.Serv.</b>			
<input type="checkbox"/> <b>Conf. Screen</b>			
<input checked="" type="checkbox"/> <b>Letters</b>	4/2/13		
<input type="checkbox"/> <b>Duties/Supp</b>			
<input type="checkbox"/> <b>Objections</b>			
<input type="checkbox"/> <b>Video Receipt</b>			
<input type="checkbox"/> <b>CI Report</b>			
<input checked="" type="checkbox"/> <b>9202</b>			
<input checked="" type="checkbox"/> <b>Order</b>			
<input type="checkbox"/> <b>Aff. Posting</b>			
<input type="checkbox"/> <b>Status Rpt</b>			
<input type="checkbox"/> <b>UCCJEA</b>			
<input type="checkbox"/> <b>Citation</b>			
<input checked="" type="checkbox"/> <b>FTB Notice</b>			
			<b>Reviewed by: KT</b>
			<b>Reviewed on: 9/2/14</b>
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 6 - Martin</b>

Petitioner request the assets of the estate be distributed to Donald E. Fischer, Trustee of the Joseph W. Martin Irrevocable Special Needs Trust dated 1/16/14.

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**NEEDS/PROBLEMS/COMMENTS (cont.):**

4. Extra ordinary fee requests appear to include attorney services that benefited the administrator, Joseph Martin, personally and not the estate. For instance, Mr. McCloskey states he assisted Mr. Martin in a civil case for financial elder abuse against his daughter, Mary J. Quin entitled *Joseph W. Martin v Mary J. Quin*, case no. 12CECG03130. The action sought to recover assets Mr. Martin alleged were fraudulently taken by his daughter, Mary J. Quin. Mr. Martin was represented by Attorney Babette Fischer in the civil matter and not Mr. McCloskey. Mr. McCloskey also states he assisted in the creation of the Special Needs Trust for Mr. Martin. The special needs trust would be solely for the benefit of Mr. Martin and not for the benefit of the estate. In addition, there are questions regarding the validity of the Special Needs Trust. It appears any attorney fees incurred by the civil case or for Mr. Martin personally should be recovered from Mr. Martin personally outside of the estate. California Rules of Court, Rule 7.702(3) requires the declarant to show the benefit of the services to the estate. - **Declaration of Attorney Daniel T. McCloskey filed on 8/15/14 states** he feels the extraordinary fees are justified due to the unusual circumstances presented by the case, including but not limited to; preparation, filing and related actions to create the Special Needs Trust; preparation and filing and prosecution of the Petition to Determine Title; protracted civil litigation regarding the Petition to Determine Title and Petitioner's physical incapacity and mobility issues after his fall requiring travel to and from the convalescent home and hospital; that the misconduct alleged by his daughter occurred in 2010 and that it was his only daughter, a licensed attorney, who aggressively defended against the complaint and petition.

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

<b>DOD: 1/29/14</b>		<p><b>NORMA GADBERRY</b>, named executor without bond, is petitioner.</p> <p>Full IAEA – o.k.</p> <p>Holographic Will dated: 3/30/1999</p> <p>Residence: Caruthers Publication: Fresno Business Journal</p> <p><b>Estimated value of the estate:</b> Real property- <b>\$155,000.00</b></p> <p><b>Probate Referee: Rick Smith</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> <li><b>Wednesday, February 11, 2015</b> at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.</li> <li><b>Wednesday, November 18, 2015</b> at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.</li> </ul> <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>
<b>Cont. from 073014</b>			
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	S/P		
<input checked="" type="checkbox"/> <b>Verified</b>			
<input type="checkbox"/> <b>Inventory</b>			
<input type="checkbox"/> <b>PTC</b>			
<input type="checkbox"/> <b>Not.Cred.</b>			
<input type="checkbox"/> <b>Notice of Hrg</b>			
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	W/		
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>			
<input type="checkbox"/> <b>Sp.Ntc.</b>			
<input type="checkbox"/> <b>Pers.Serv.</b>			
<input type="checkbox"/> <b>Conf. Screen</b>			
<input checked="" type="checkbox"/> <b>Letters</b>			
<input checked="" type="checkbox"/> <b>Duties/Supp</b>			
<input type="checkbox"/> <b>Objections</b>			
<input type="checkbox"/> <b>Video Receipt</b>			
<input type="checkbox"/> <b>CI Report</b>			
<input type="checkbox"/> <b>9202</b>			
<input checked="" type="checkbox"/> <b>Order</b>			
<input type="checkbox"/> <b>Aff. Posting</b>			
<input type="checkbox"/> <b>Status Rpt</b>			
<input type="checkbox"/> <b>UCCJEA</b>			
<input type="checkbox"/> <b>Citation</b>			
<input type="checkbox"/> <b>FTB Notice</b>			
		<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 9/2/14</b></p> <p><b>Updates:</b></p> <p><b>Recommendation: SUBMITTED</b></p> <p><b>File 7 – Reddell</b></p>	

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

<b>DOD: 9/11/13</b>	<b>DANA COX</b> , named executor, is petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>Need date of death of the following beneficiaries, pursuant to Local Rule 7.1.1D:             <ol style="list-style-type: none"> <li>Frank Cannan</li> <li>Beulah Cannan</li> <li>Guna Cannan</li> </ol> </li> <li>Proof of Holographic Instrument must include a copy of the holographic instrument attached. In addition the form is incomplete at #1, number of years declarant was acquainted with the decedent and the signature of the declarant and the attorney are not dated.</li> <li>Will does not waive bond. Need waivers of bond from all beneficiaries or bond set at \$56,000.00.</li> </ol> <p><b>Note:</b> If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> <li><b>Wednesday, February 11, 2015</b> at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.</li> <li><b>Wednesday, November 18, 2015</b> at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.</li> </ul> <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>
	Full IAEA – O.K.	
	Holographic Will dated: 12/24/2010	
	Holographic codicil dated: 3/17/2011	
	Holographic codicil dated: 5/22/12	
<b>Cont. from 073014</b>	Residence: Fresno	
<input checked="" type="checkbox"/> <b>Proof of Holographic Inst.</b>	Publication: Fresno Business Journal	
<input checked="" type="checkbox"/> <b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>	<b>Estimated value of the Estate:</b>	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> W/	Personal property - \$50,000.00	
<b>Aff.Pub.</b>	Annual income - \$ 600.00	
<b>Sp.Ntc.</b>	<b>Total - \$56,000.00</b>	
<b>Pers.Serv.</b>	<b>Probate Referee: Rick Smith</b>	
<b>Conf. Screen</b>	<b>Note:</b> An Affidavit Re: Real Property of Small Value was entered on 5/2/14 for this decedent. The Affidavit passes the decedent's real property to decedent's sister, Bonnie J. Cannan. This proceeding appears to include all the decedent's property except the real property.	
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
	<b>Reviewed by: KT</b>	
	<b>Reviewed on: 9/2/14</b>	
	<b>Updates:</b>	
	<b>Recommendation:</b>	
	<b>File 8 – Cannon</b>	

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

<b>Age: 8</b>	<b><u>NO TEMPORARY REQUESTED</u></b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>LORRAINE RENEE ALVAREZ</b> , maternal grandmother, is petitioner and requests appointment as Guardian of the Person and of the Estate without bond.	1. Absent a showing of good cause, it is the policy of the Court to block all funds in a guardianship estate. Petitioner does not provide a reason as to why blocked account or bond should not be required. Need funds placed in a blocked account or need bond in the amount of \$7629.60.
<b>Cont. from</b>	Father: <b>UNKNOWN</b>	2. Need more information regarding the inheritance. Is the money from insurance, annuities, is there a probate case that the money will be distributed from? When is the money expected to be received?
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Mother: <b>SONIA C. ALVAREZ</b> , deceased	3. Petitioner requests to be excused from giving notice to father who is unknown. If court does not excuse notice need proof of personal service of the Notice of Hearing with a copy of the petition or consent and waiver of notice from the father (Unknown).
<input checked="" type="checkbox"/> <b>Verified</b>	Paternal Grandparents: Unknown	4. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> <li>• Paternal Grandparents (Unknown)</li> </ul> <b>Please see additional page</b>
<input type="checkbox"/> <b>Inventory</b>	Maternal Grandfather: Mike Alvarez, Jr.	
<input type="checkbox"/> <b>PTC</b>	<b>Estimated value of the Estate</b>	
<input type="checkbox"/> <b>Not.Cred.</b>	<b>Personal Property - \$6,936.00</b>	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	<b>Petitioner states:</b> the father of the Minor is unknown. The Minor's mother passed away on December 9, 2013, at the age of 33 as a result of a brain tumor. Her death was not unexpected, and she made the necessary arrangements to ensure that Petitioner would be able to care for the Minor after her passing, including nominating the Petitioner to serve as guardian, in her Will dated September 10, 2013.	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	Attached to the petition is a copy of the mother's will dated 09/10/2013 which appoints the petitioner as the Executor of the mother's will as well as nominates the petitioner as guardian of the minor. It also states that any bond be waived.	
<input type="checkbox"/> <b>Aff.Pub.</b>	Petitioner requests that the Court dispense with notice to the father as his identity and whereabouts are unknown. He has had no contact with the minor or the minor's family and his name does not appear on the minor's birth certificate.	
<input type="checkbox"/> <b>Sp.Ntc.</b>	<b>Court Investigator Dina Calvillo's report filed 08/26/2014</b>	
<input type="checkbox"/> <b>Pers.Serv.</b> <input checked="" type="checkbox"/>		
<input checked="" type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		<b>Reviewed by: LV</b>
<input type="checkbox"/> <b>Status Rpt</b>		<b>Reviewed on: 09/03/2014</b>
<input type="checkbox"/> <b>UCCJEA</b>		<b>Updates:</b>
<input type="checkbox"/> <b>Citation</b>		<b>Recommendation:</b>
<input type="checkbox"/> <b>FTB Notice</b>		<b>File 9 - Alvarez</b>

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

- **Monday, 10/06/2014 at 9:00a.m. in Dept. 303** for the filing of the bond or receipt for blocked account **and**
- **Monday, 01/12/2015 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**
- **Monday, 11/16/2015 at 9:00a.m. in Dept. 303** for the filing of the first account and final distribution.

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

**Dept. 303, 9:00 a.m. Monday, September 8, 2014**

<b>DOD: 10/20/2004</b>	<b>JEANETTE E. WILSON</b> , surviving spouse, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b> 1. Need original will to be deposited with the Court pursuant to Probate Code §8200(a)(1). 2. Need Notice of Hearing. 3. Need proof of service on the Notice of Hearing on: <ul style="list-style-type: none"> <li>• Carol Smith</li> <li>• John Wilson</li> </ul> 4. Signatures of Petitioner and Attorney on the petition were not dated.
	No other proceedings	
	Will dated: 09/18/1984 devises entire estate to spouse, Jeanette E. Wilson.	
<b>Cont. from</b>	Petitioner requests Court confirmation that ½ of the interest of the real property located at 6335 N. 9 <sup>th</sup> st. Fresno, Ca. belongs to the petitioner and that ½ of the interest pass to the petitioner.	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input type="checkbox"/> <b>Notice of Hrg</b>	x	
<input type="checkbox"/> <b>Aff.Mail</b>	x	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> LV
		<b>Reviewed on:</b> 09/03/2014
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 10 - Wilson</b>

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

<b>DOD: 07/18/2014</b>	<b>STEPHEN LOGIUDICE</b> , son/named executor without bond, is petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Proposed personal representative is a resident of Minnesota. Probate Code 8571 states notwithstanding a waiver of bond, the court in its discretion may require a nonresident personal representative to give a bond in an amount determined by the court.</p> <p><b>Note: If the petition is granted status hearings will be set as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>Monday, 01/12/2015 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <b>and</b></li> <li>• <b>Monday, 11/09/2015 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.</li> </ul> <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>	
	Petitioner is a resident of Lakeville, Minnesota		
<b>Cont. from</b>	All heirs waive bond		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b> s/p	Will dated: 11/10/1992 Codicil: 09/06/2005		
<input checked="" type="checkbox"/> <b>Verified</b>	Residence: Fresno Publication: The Business Journal		
<input type="checkbox"/> <b>Inventory</b>	<b>Estimated value of the Estate:</b>		
<input type="checkbox"/> <b>PTC</b>	Personal property - \$10,000.00		
<input type="checkbox"/> <b>Not.Cred.</b>	Real property - \$200,000.00		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	<b>Total - \$210,000.00</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/	Probate Referee: Rick Smith		
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>			
<input type="checkbox"/> <b>Sp.Ntc.</b>			
<input type="checkbox"/> <b>Pers.Serv.</b>			
<input type="checkbox"/> <b>Conf. Screen</b>			
<input checked="" type="checkbox"/> <b>Letters</b>			
<input checked="" type="checkbox"/> <b>Duties/Supp</b>			
<input type="checkbox"/> <b>Objections</b>			
<input type="checkbox"/> <b>Video Receipt</b>			
<input type="checkbox"/> <b>CI Report</b>			
<input type="checkbox"/> <b>9202</b>			
<input checked="" type="checkbox"/> <b>Order</b>			
<input type="checkbox"/> <b>Aff. Posting</b>			
<input type="checkbox"/> <b>Status Rpt</b>			
<input type="checkbox"/> <b>UCCJEA</b>			
<input type="checkbox"/> <b>Citation</b>			
<input type="checkbox"/> <b>FTB Notice</b>			
			<b>Reviewed by:</b> LV
			<b>Reviewed on:</b> 09/02/2014
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 11 - Logiudice</b>	

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

<b>DOD: 02/07/05</b>	<p><b>GRACE STUCKEY</b>, daughter, was appointed Executor with full IAEA and without bond on 12/13/05. Letters Testamentary were issued on 12/13/05.</p> <p><b>Notice of Status Hearing</b> filed 11/21/13 set this matter for status regarding failure to file a First Account or Petition for Final Distribution. <b>Clerk’s Certificate of Mailing</b> indicates that the Notice of Status Hearing was mailed to attorney Nancy LeVan and Grace Stuckey on 11/21/13.</p> <p><b>Status Report filed 02/19/14</b> by Nancy LeVan states: after receiving notice of status hearing from the Court, she began a search for the file for Executor Grace Stuckey, but unfortunately was unable to locate the file. The only phone number she had for Ms. Stuckey is disconnected. Ms. LeVan located an address for a Grace Stuckey in Elk Grove, but a letter sent to that address has gone unanswered. She has also located a phone number that she will be trying. Ms. LeVan states that to her knowledge, the estate did not have any assets, as Mr. Hayes assets were in a revocable trust and another person was named as Trustee. Ms. LeVan recalls that there was a family dispute about the validity of the Trust, but no evidence was received that Mr. Hayes lacked capacity to execute the Trust. Ms. LeVan has not heard from Ms. Stuckey for years and will do whatever the Court feels is necessary to close the estate.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>CONTINUED FROM 07/07/14</b>  <b>Minute Order from 07/07/14 states: Counsel will be filing a petition to dismiss for lack of assets.</b></p> <p><b>As of 09/02/14, nothing further has been filed.</b></p> <ol style="list-style-type: none"> <li>1. Need Inventory &amp; Appraisal.</li> <li>2. Need First Account or Petition for Final Distribution.</li> </ol>
<b>Cont. from 022114, 060614. 070714</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
<b>Reviewed by: JF</b>		
<b>Reviewed on: 09/02/14</b>		
<b>Updates:</b>		
<b>Recommendation:</b>		
<b>File 12 – Hayes</b>		

Atty Nuttall, Natalie R., of Law Offices of Joanne Sanoian (for Conservator Heather Aguirre)

**Status Hearing Re: Filing of the First Account**

<b>Age: 77 years</b>	HEATHER AGUIRRE, daughter, was appointed Conservator of the Person and Estate on 4/22/2013 with deposits of <b>\$307,420.76</b> to be placed into a blocked account. <i>Letters</i> issued on <b>4/23/2013</b> .	<p><b>NEEDS/PROBLEMS/ COMMENTS:</b></p> <p><u>Continued from 7/25/2014.</u></p> <p><b>Note:</b> Order for Withdrawal of Funds from Blocked Account filed 8/19/2014 finds that once the funds (totaling <b>\$16,500.00</b> for Conservatee's residential facility and supplemental health insurance) are withdrawn by Conservator, the remaining funds in excess of <b>\$250,000.00</b> are to be placed into a new and separate blocked account or accounts, not to exceed FDIC limits.</p> <p><b>Note:</b> Proof of Bond filed 9/3/2014 shows Conservator has posted bond of <b>\$352,000.00</b>. Based upon this filing, it appears the Conservatorship estate assets are sufficiently protected at this time.</p> <p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 9/4/2014</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 13 – MacMurray</b></p>
<b>Cont. from 072514</b>	<b>Receipt and Acknowledgment of Order for the Deposit of Money Into Blocked Account</b> filed 10/28/2013 shows deposit of funds totaling <b>\$307,420.76</b> .	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>	<b>Order for Withdrawal of Funds from Blocked Account filed 11/26/2013</b> authorizes up to <b>\$100.00</b> per month for Conservatee's use at Coalinga State Hospital commissary.	
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>	<b>Final Inventory and Appraisal filed 11/26/2013</b> shows an estate consisting of all cash in the sum of <b>\$307,420.76</b> .	
<input type="checkbox"/> <b>Notice of Hrg</b>	<b>Pursuant to Probate Code § 2620(a), first account was due on 4/23/2014.</b>	
<input type="checkbox"/> <b>Aff.Mail</b>		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>	<b>Minute Order dated 4/22/2013</b> from the hearing on the petition for appointment set the matter for status hearing on 7/25/2014 for filing of the first account of the Conservatorship.	
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>	<b>Status Hearing Report filed 9/8/2014 states:</b>	
<input type="checkbox"/> <b>Letters</b>	<ul style="list-style-type: none"> <li>• Conservatorship of the Estate was originally sought in April 2013 in order for the Conservatee to receive an inheritance share from the estate of his late brother;</li> <li>• At that time, Conservatee was under the care and control of the Coalinga State Mental Hospital in Coalinga, California, where he was serving a lifetime civil commitment;</li> <li>• In August 2013, the inheritance funds were received by Conservator of the Estate and placed into a blocked account, where the funds remain;</li> <li>• Several days following the 7/25/2014 status conference, at which the Court granted a continuance to 9/8/2014, the Conservatee was transferred from the Coalinga State Mental Hospital to a skilled nursing facility in Clovis, California, because the criminal matter related to his civil commitment was dismissed by a Los Angeles County court on 7/26/2014;</li> <li>• Soon thereafter, Conservator petitioned this Court to also be appointed Conservator of the person; [Order Appointing Temporary Conservator of the Person filed 9/2/2014; temporary expires at the general hearing scheduled for 10/2/2014];</li> <li>• Because of the circumstances relating to the Conservatee's sudden change of residence, and the recent filing of the Petition for Conservatorship of the Person, a short continuance of <b>30 to 45 days</b> is respectfully requested in order to complete the First Account.</li> </ul>	
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input checked="" type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		

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

		<b>TEMP GRANTED EX PARTE EXPIRES 9-8-14</b>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. If notice is not excused, need notice to the mother and to the father pursuant to Probate Code §2250(e).</p>
		<b>GENERAL HEARING 10-30-14</b>	
		<b>ELIZABETH JIMENEZ</b> , Maternal Aunt, and <b>MARY JIMENEZ</b> , Maternal Grandmother, are Petitioners.	
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
	<b>Notice of Hrg</b>	X	
	<b>Aff.Mail</b>		
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>	X	
✓	<b>Conf. Screen</b>		
	<b>Letters</b>		
✓	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202 Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
✓	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		

Father: **JERRY LESLIE GARCIA**  
 Mother: **ESMERITA JIMENEZ**

Paternal Grandfather: Unknown  
 Paternal Grandmother: Unknown

Maternal Grandfather: Manuel Jimenez, Jr.

Siblings: Ricki Renee Garcia, Richard Garcia

**Petitioners state** that termination of the guardianship in April 2014 was a mistake on the family's part. On or about 8-10-14, the mother has once again left the minor in the care of th maternal grandparents and failed to return. Petitioners believe she is using meth and on a drug binge. Each day that the child is without a guardian, he is in danger of being removed by his mother and taken to live on the streets or in houses known for drug use. Temporary guardianship is necessary because it is obvious that the mother's addiction has taken priority over caring for her child. The mother has a history of threatening to remove the child and has told family members that she will keep him with her on the streets or find someone to give him to so that they will not see him again. The family is fearful that the child will be harmed if left in his mother's care. Neither parent is fit to be caring for the child. Both are known meth users.

Petitioners request to be excused from giving notice to the mother because Petitioners fear she will remove the child from the home and hide him, and to the father because his whereabouts are unknown and the Court has previously dispensed with notice to the father.

**Reviewed by:** skc  
**Reviewed on:** 9-2-14  
**Updates:**  
**Recommendation:**  
**File 14 - Garcia**



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

Sierra, 4	<b>GENERAL HEARING: 10/19/14</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need <i>Notice of Hearing</i> .  2. Need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardian of the Person</i> <u>or</u> <i>Consent &amp; Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for: a. Armando Jimenez (father) b. Kimberly Jimenez (mother)
Aiden, 2	<b>MAURO HERNANDEZ and MARIA HERNANDEZ</b> , paternal uncle and aunt, are Petitioners.  Father: <b>ARMANDO JIMENEZ</b>  Mother: <b>KIMBERLY JIMENEZ</b>  Paternal grandfather: EDUARDO RAMOS - <i>deceased</i> Paternal grandmother: MARIA RAMOS  Maternal grandfather: TERRY LACKY Maternal grandmother: CATHY LACKY	
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	x	
<input type="checkbox"/> Aff.Mail		
<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		
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<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

