

Petitioner requests Orders that:

1. The interest of the Decedent's estate in the real property located at 2940 S. Martin Luther King Boulevard, Fresno, 93706 is an undivided forty percent (40%) of the whole;
2. The Defendants' interest in the real property located at 2940 S. Martin Luther King Boulevard, Fresno, 93706 is an undivided sixty percent (60%) of the whole;
3. No other person or persons has or have any interest in the real property located at 2940 S. Martin Luther King Boulevard, Fresno, 93706;
4. There is no viable alternative than sale to resolve the conflicting interest of the parties;
5. Petitioner is granted the authority to publish for sale the real property located at 2940 S. Martin Luther King Boulevard, Fresno, 93706 pursuant to the provisions set forth in the Probate Code that govern the sale of real property subject to confirmation of the Court;
6. Petitioner is authorized to list the real property for sale with a reputable real estate broker of her choice and to accept bids for purchase of the real property pursuant to the rules and procedures as is the custom in court confirmed sales;
7. Petitioner shall petition the probate court for confirmation of sale immediately upon acceptance of the highest and best bid;
8. Petitioner, upon the close of escrow, shall deposit the proceeds into a blocked federally insured account and;
9. The Court make a determination as to the reimbursement of fees and costs advanced in this matter, of the past rents owed to the Decedent's estate from the Defendant and for the award of reasonable attorney fees and costs according to proof; and
10. The Court order division of the net proceeds of sale between the parties in accordance with its determination.

Respondents listed as: The Ebenezer Community Church of God in Christ, a nonprofit charitable corporation, Estate of Richard and Lela Lee, and Estate of Alfonso Moultrie filed Opposition on 6-29-12 (P&A included) (signed by Attorney Mark D. Johnson only) and a Declaration in Support of Opposition (signed by Pastor Wilbur Clark of The Ebenezer Community Church of God in Christ) on 8-31-12.

The Opposition states that each of the titleholders, including Decedent, took title to the subject property with the intent of holding it in resulting trust for the benefit of The Ebenezer Community Church of God in Christ, as evidenced by the declarations of Alfonso Moultrie and Richard Lee (copies signed 9-6-2000 attached). However, defendant has been unable to clear title in its name because it has been unable to obtain the names of the heirs of Alfonso Moultrie with no cooperation from Plaintiff who was cousins with his heirs. Defendant's attorney has made this problem aware to plaintiff's attorney, but plaintiff has still failed to name the Estate of Alfonso Moultrie and Estate of Richard and Lela Lee as defendants as required by CCP 872.510.

It is also necessary for the Court to determine whether the interests of the married persons constitute one or two interests in the subject property as they are listed together on one line of the deed as husband and wife. This must be resolved in order to determine whether plaintiff held a minority interest of only one-fourth (25%), one-third (33%), or two-fifths (40%). Plaintiff has withheld the rents obtained from the church in an amount of \$70,000.00 over three years without allocating these rents to the majority tenants in common of the estates of Alfonso Moultrie and Richard Lee. This has compensated the plaintiff's interest in the subject property and if plaintiff contests this then he has failed to allocate the proceeds gained to the other parties that hold interest in the property.

The original settlement agreement to satisfy plaintiff's interest was for only \$65,000.00 and defendants ask that the court order the rents withheld by plaintiff to be credited back to the church in proportion to its determined interest of either all or a majority of the subject property.

Defendants request a continuance in order for the court to ascertain the rights of the relevant parties by presentation of facts and law in controversy by pleadings, as in an original action pursuant to CCP 873.850.

SEE ADDITIONAL PAGES

The Opposition describes that the church has been meeting there for over 30 years, and that the intestate heirs of O'Dell and Helen Moultrie claiming some right, title, estate, lien, or interest in the property constitute a cloud on Defendant's title to the property. In 1969, the first payment was made on the property by members of the unincorporated association. It is clear from the original writings that the property was purchased FBO the church. See attached letter from the Mennonite Conference (seller of the property) from 1970. Title was held in the individual members, but the intent had always been to later place title in the name of the church. However, the title was not changed prior to the deaths of the late Reverend and Mrs. Moultrie.

There are signed declarations from Richard Lee and Alfonso Moultrie that their only interest was that of trustees for the church. Since Decedent's death, Plaintiff contends that Plaintiff is the owner and not the church. In 2000, in response to this dispute, the defendants signed a settlement where they would receive the premises for \$65,000.00; however, the church has been unable to pay this amount and has no ability to borrow because they are not listed as the title holders. Defendants have been unable to contact Alfonso Moultrie to clear title and have received no help from the plaintiff who is a relative.

Defendants' attorney was out of state and never served when the plaintiff filed an unlawful detainer in 2007. Defendants decided to take an unlawful detainer judgment by default. They proceeded to enforce the judgment and lock the church out.

Under Plaintiff's position, they were not the sole owners and should not have been able to get an unlawful detainer against the co-title holders. Defendants' position is that the property was purchased by the church and at all times the church was the beneficial owner of the property.

After the UD lockout, Defendants only agreed to pay rents until the church was able to clear title, which could not be done until a loan was secured for the property in the name of the church. The "rents" have been paid for three years amounting to \$70,000.00, which has not been divided evenly amongst the other title holders.

In October 2010, after paying \$70,000.00 in "rent" the church informed defendants that "rent" would no longer be paid, and unlawful detainer was chosen instead of seeking settlement. Defendants never "abandoned" the property, they were evicted.

Improvements and bills were all paid by the church, including insurance, taxes, and demolition of an old building. Defendants allege that defendants have engaged in vandalism, destruction and waste of the church property on more than one occasion, and have interrupted and disrupted church services and activities by removing church property during services, and obstructing access by church members.

Civil Code §2224 states one who gains a thing by fraud, accident, mistake, undue influence, the violation of trust, or other wrongful act is an involuntary trustee of the thing gained for the benefit of the person who would otherwise have had it.

This wrongful act giving rise to a resulting trust does not need to amount to fraud or misinterpretation (cites included). Plaintiffs have taken possession of the property by such an act in an unlawful detainer action and are involuntary trustees of the title held in Decedent's name FBO Defendants.

Discussion and cites are included, with reference to Defendants' rights violated should be restored by TRO and quiet title.

SEE ADDITIONAL PAGES

Defendants pray for an immediate TRO during pendency of this action and for a preliminary injunction and permanent injunction enjoining plaintiff from causing vandalism, destruction or waste of the subject property, interfering with church services or other church activities and the quiet use and enjoyment of the subject property.

Defendants also request judicial determination that plaintiff's actions and omissions violated the defendants' rights, that the church is the rightful owner of the property, that the title held in the names of decedents is held by defendants as trustees of a resulting trust FBO defendant, and plaintiff has no right, title, or interest in the property, compelling plaintiff to convey to defendant forthwith all of the title held in the names of decedents, for reasonable attorney's fees and costs as proven, for a judgment that the church is the owner in fee simple and plaintiff has no interest, for an accounting of the rents and profits and dealings and transactions of the real property, and that plaintiff should be adjudged to pay defendants whatever sum of money shall appear to be due from the rents and profits pursuant to CCP 2938 or as otherwise proven, for costs of suite incurred herein, and such other and further relief as the court may deem proper and just.

NEEDS/PROBLEMS/COMMENTS:

PETITIONER:

1. It appears Petitioner is relying on the representation by the church in 2004 that they had acquired assignments of interest from the other owners on title (Richard and Lela Lee and Alfonso Moultrie); however, Petitioner does not provide documentation such as a copy of the title report that is in Attorney Molsenbocker's possession, recorded deeds, etc.

Therefore, the Court may require clarification and/or notice of this petition to Richard and Lela Lee and Alfonso Moultrie of this petition.

2. If granted, the Court will set a status hearing for filing of the Report of Sale on a date to be determined.

RESPONDENTS:

1. It is unclear which parties are "defendants." The Opposition is not verified pursuant to Probate Code §1020, and the parties listed include "estates" but appears to combine individual estates and does not reference any personal representatives. Need clarification: Which party or parties specifically does Attorney Mark Johnson represent?
2. It appears that the defendants are requesting TRO and preliminary and permanent injunction. If the Court is to consider this request, a separate hearing must be set pursuant to CCP §527. The Court may require clarification as to the request.

Atty Istanbulian, Flora, sole practitioner (for Petitioner Theodora Michailides, Conservator)

Report of Sale and Petition for Order Confirming Sale of Real Property

Age: 92 years	THEODORA MICHAILIDES , goddaughter and Conservator of the Person and Estate, is Petitioner.		NEEDS/PROBLEMS/ COMMENTS: 1. Item 4(a) of <i>Petition</i> does not state the manner of vesting title. 2. Item 9 of the proposed order is incomplete regarding manner of vesting title. Note: <i>Ex Parte Order Vacating Sale of Real Property and Order for Resale</i> signed 8/13/2012 finds the previous order confirming the sale dated 4/30/2012 is vacated (due to buyers' cancellation of previous contract), and Petitioner is authorized to resell the property.
	Sale Price	- \$117,000.00	
	Overbid	- \$123,350.00	
Cont. from			
Aff.Sub.Wit.			
✓ Verified	Reappraisal	- \$120,000.00	
✓ Reappraisal			
PTC	Property	- 3318 E. Huntington Blvd. Fresno, CA 93702	
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	Publication	- Business Journal	
✓ Aff.Pub.			
Sp.Ntc.	Buyer	- Robert Marion Bostrom (manner of vesting title unstated)	
Pers.Serv.			
Conf. Screen			
Letters	Broker	- \$7,020.00	
Duties/Supp	(6% - \$3,510.00 payable to Angie Hyatt of Hyatt Real Estate for seller, and \$3,510.00 payable to Amy Strausser of London Properties for buyer)		
Objections			
Video Receipt			
CI Report	Bond	- \$304,000.00 (sufficient)	
9202			
✓ Order			
✓ Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: LEG
			Reviewed on: 9/5/12
			Updates:
			Recommendation:
			File 2 - Mitchell

DOD: 8/27/2011		<p>ERIC SCHLOEN, petitioner, was appointed Special Administrator without bond. Letters expired 3/27/12.</p> <p><i>Petitioner was appointed Special Administrator for the limited purpose of obtaining Medi-Cal benefits for the decedent to settle medical bills incurred by decedent prior to his death. Petitioner is an agent of hospital where decedent died.</i></p> <p>I & A - waived per order appointing special administrator.</p> <p>Petitioner states he performed all duties necessary as special administrator as he obtained health benefits for the decedent, the estate has no assets and there is no longer a need for a special administrator.</p> <p>Petitioner Prays for an Order: 1) Terminating the administration of the estate and discharging the Special Administrator.</p>	NEEDS/PROBLEMS/COMMENTS:	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W/
<input type="checkbox"/>	Aff.Pub.			
<input checked="" type="checkbox"/>	Sp.Ntc.			W/
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			4/16/12
<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: KT		
		Reviewed on: 9/5/12		
		Updates:		
		Recommendation:		
		File 3 - Hernandez- Lawson		

Status Conference

DOD: 12/23/06	<p>JUANITA HARLAN, daughter, was appointed Administrator with full IAEA without bond on 8/28/07 and Letters issued on 11/21/07.</p> <p>Inventory and Appraisal filed 11/2/07 valued the property at \$225,000.00 as of 12/23/06.</p> <p>On 4/27/11, the court set a status hearing for failure to file a first account or petition for final distribution.</p> <p>Status Report filed 7/21/11 states the Administrator executed a new listing agreement for sale of the sole asset of the estate, real property located in Coalinga. The listing price is \$120,000.00 and the agreement is effective from July 15, 2011, through January 31, 2012. The Administrator is not yet in a position to file a petition for final distribution. The Administrator estimates that it will take approximately six months to sell the property and close the estate.</p> <p>Status Report filed on 3/28/12 states the original appraisal value of the property was \$225,000.00. The property has been listed for sale at \$120,000.00. An offer to purchase the property at \$50,000.00 was made on 8/29/11. This offer is \$70,000.00 below the listing price. The Administrator's cousin has expressed an interest in purchasing the property for \$70,000.00. Administrator is in discussions with her cousin for this purpose. The family member is no longer interested in purchasing the property for \$70,000.00 Administrator estimates that it will take approximately an additional 6 months for the residential real estate market to improve in order to find a bona fide purchaser and further to close the estate.</p> <p>Minute Order dated 04/03/12 set this matter for hearing on 05/01/12 and states: Court orders Mr. McComas to provide a declaration from broker stating how the sale price of property was established.</p> <p>Status Report filed 07/02/12 states: the sole asset of the estate is the decedent's house located at 196 E. Cherry Lane in Coalinga. The property has been listed for sale and an offer has been accepted by the Administrator for \$53,600.00. Escrow has been initiated and is expected to close within the next ten (10) days. The Administrator paid back taxes on the property to avoid a tax sale. Further delaying the close of escrow is the title company's pending receipt of information on a deed of trust recorded against the property in favor of the SBA. A notice of proposed action has been sent to all interested parties and no one objected to the sale. The CA Dept. of Health filed a claim against the property in the amount of \$65,922.32. The claim will only be partially satisfied when the proceeds from the sale are distributed. The Administrator won't be in a position to file a petition to close the estate until escrow closes on the sale of the property. It is estimated that it will take no more than one month to close escrow and prepare and file a petition for final distribution. The estate is expected to be insolvent.</p> <p>Minute Order from 07/10/12 hearing states: Counsel advises the Court that he believes there is a recorded deed of trust. Counsel requests a continuance.</p> <p>Notice of Proposed Action filed 08/21/12 re the sale of the Cherry Lane property for \$60,000.00.</p> <p style="text-align: center;">Continued on Page 2</p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from 050112, 071012		CONTINUED FROM 07/10/12
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
<input checked="" type="checkbox"/> Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 09/05/12
		Updates: 09/06/12
		Recommendation:
		File 4 - Diaz

Updated Status Report filed 08/31/12 states: The sole asset of the estate is the decedent's residence located at 196 E. Cherry Lane, Coalinga. The property is listed for sale and several offers have been made. An offer from Gustavo Maciel for \$60,000.00 has been accepted with a 60 day escrow and is expected to close on 10/11/12. Delaying escrow is a deed of trust recorded against the property in favor of the SBA on 11/30/83 for \$50,000.00 which has not been reconveyed. The Administrator is trying to locate a successor of the original mortgage and any and all information concerning final payment on the balance of the loan since no reconveyance has been located or recorded. The Administrator has looked into obtaining a lost note bond, but because the Administrator cannot find proof of paying off the note, the premium is \$4,000.00. Administrator is searching for information to allow escrow to close. A notice of proposed action was sent to all beneficiaries on 08/21/12 and no one has objected to the sale of the property. The CA Dept. of Health has filed a claim against the estate in the amount of \$65,922.32. This lien will be partially satisfied when proceeds from the sale of the house are distributed. Until escrow closes on the real property, the Administrator will not be in a position to file a petition for final distribution in this matter. The attorney's for Administrator estimate that escrow will close in 6-8 weeks and a petition for final distribution will be filed after then. The estate is insolvent.

Status of Mom's Employment

<p>Age: 12 years DOB: 12/28/99</p> <hr/> <hr/> <hr/> <p>Cont. from 091211, 011012, 022112</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 50%;">Aff.Sub.Wit.</td><td style="width: 50%;"></td></tr> <tr><td>Verified</td><td></td></tr> <tr><td>Inventory</td><td></td></tr> <tr><td>PTC</td><td></td></tr> <tr><td>Not.Cred.</td><td></td></tr> <tr><td>Notice of Hrg</td><td></td></tr> <tr><td>Aff.Mail</td><td></td></tr> <tr><td>Aff.Pub.</td><td></td></tr> <tr><td>Sp.Ntc.</td><td></td></tr> <tr><td>Pers.Serv.</td><td></td></tr> <tr><td>Conf. Screen</td><td></td></tr> <tr><td>Letters</td><td></td></tr> <tr><td>Duties/Supp</td><td></td></tr> <tr><td>Objections</td><td></td></tr> <tr><td>Video Receipt</td><td></td></tr> <tr><td>CI Report</td><td></td></tr> <tr><td>9202 Order</td><td></td></tr> <tr><td>Aff. Posting</td><td></td></tr> <tr><td>✓ Status Rpt</td><td></td></tr> <tr><td>UCCJEA</td><td></td></tr> <tr><td>Citation</td><td></td></tr> <tr><td>FTB Notice</td><td></td></tr> </table>	Aff.Sub.Wit.		Verified		Inventory		PTC		Not.Cred.		Notice of Hrg		Aff.Mail		Aff.Pub.		Sp.Ntc.		Pers.Serv.		Conf. Screen		Letters		Duties/Supp		Objections		Video Receipt		CI Report		9202 Order		Aff. Posting		✓ Status Rpt		UCCJEA		Citation		FTB Notice		<p>STEPHANIE LASSLEY, Mother, was appointed Guardian of the Estate on 6/8/10 with all funds to be placed in a blocked account. Letters issued on 6/8/2010.</p> <p><i>Inventory and appraisal filed on 1/4/11 shows the estate value at \$676,276.36. (First account was for the account period ending 6/8/11 is now due.)</i></p> <p>Background: On 11/24/10, Mother ("Guardian") filed a Petition for Order Authorizing Minor's support from Estate Despite Liability of Others, stating:</p> <ul style="list-style-type: none"> Guardian has returned to school to get her teaching credential through National University, and she works part time as a substitute teacher; When she works, she earns \$90.00 per day or \$45.00 per half day; In order to receive her teaching credential, Guardian will have to student teach for one year and will therefore be unable to work for that year; If Guardian is able to continue as scheduled, she is hoping to secure a job by the end of the 2012 school year, however this is not guaranteed. Guardian's Petition requested an order: authorizing the Guardian to support and maintain the minor out of the estate to the extent of \$700.00 per month to be paid to the Guardian, for assistance with living costs until further order of the court, commencing on July 1, 2010 (the date upon which the court authorized distribution of the Estate of Shane W. Lassley, Case no. 09CEPR00554), for a total amount of \$2,800.00 for the period of 7/1/10 to 10/31/09; and thereafter pay Stephanie Lassley the amount of \$700.00 per month. <p>The Petition was heard on 1/24/11. Minute Order dated 1/24/11 states: The Court Grants the Petition and orders that the sum of \$700.00 be paid until further order of the Court. Order is retroactive as of 7/1/10. The Court also set a status hearing for 9/12/11 for the Status of Guardian's employment.</p> <p>Status report re Mom's Employment filed 01/31/12 states that Stephanie Lassley is currently working part time as a Certified Tutor with Fresno Unified School District. She has not been able to obtain a full time position yet. Further, she has picked up a few hours of additional tutoring through Fresno Unified's Ases program and she is able to sub in the afternoons occasionally. Ms. Lassely states that she and her daughters are budgeting carefully and could not make ends meet without the \$1,400.00 stipend from the girls' accounts.</p> <p>Minute Order from 02/21/12 hearing states: Counsel advises the Court that the mother has a part-time job doing some tutoring.</p> <p style="text-align: center;">Continued on Page 2</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 01/10/12</p> <p>See Page 6 for a related matter.</p> <hr/> <p>Reviewed by: JF</p> <p>Reviewed on: 09/05/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5 - Lassley</p>
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Status Report filed 08/28/12 by Stephanie Lassley, mother/guardian of the estate states: she has a temporary position with Fresno Unified School District for the 2012/2013 school year as a part-time Certificated Tutor. She was not successful in obtaining a full-time teaching position through either Fresno or Clovis unified for the 2012/2013 school year. She states that she has decided to try to pass the Single Subject CSET tests for English and Social Studies, if she passes them, she can take one class (\$1,500.00) to get her Single Subject Credential which may help her get a teaching position at a secondary school. She is also working on BTSA. After one more year her Multiple Subject Credential will be cleared.

She states that she is trying her best and that her daughters are doing well. Olivia does well academically with a 3.8 GPA. She also likes volleyball and basketball and hopes to play both at Alta Sierra. She is enrolled in a couple of volleyball camps this summer. Ms. Lassley states that she is tracking their spending and that they could not make ends meet without the \$700.00 stipend from each girls' account.

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Atty Vallis, James H., sole practitioner, Kingsburg (for Petitioner Magdalena Rangel, Administrator)

Status Hearing Re: Approval of Sale

DOD: 9/14/2009	<p>MAGDALENA RANGEL, sister, was appointed Administrator with Full IAEA with bond of \$60,000.00 on 7/12/2010. Amended Order for Probate was signed on 8/18/2010 granting the Administrator Limited IAEA without bond and Letters issued on 8/18/2010.</p> <p>Minute Order dated 8/9/2010 from the status hearing on filing of the proof of bond states the Court grants the request for no bond, but then grants only limited authority in lieu of full authority.</p> <p>Report on Status of Residence Sale filed 2/9/2011 for the status hearing on 2/22/2010 (continued from 2/7/2011) for the sale of the real property states that Petitioner contacted a broker and was informed that due to the condition of the home, the broker declined to list the property until habitability corrections are made.</p> <p>Minute Order dated 2/22/2011 states the Court orders a reappraisal (Order on Report of Status of Residence Sale signed on 3/2/2011 reiterates the order for reappraisal). Matter is set on 6/21/2011 for status hearing on approval of sale.</p> <p>Reappraisal for Sale filed on 4/18/2011 indicates a reappraised value of the ½ interest in real property at \$42,500.00. (Note: Final Inventory and Appraisal filed 9/1/2010 indicates the real property was valued at \$55,000.00.)</p> <p>Affidavit of Publication filed on 5/24/2011 shows publication was made in the Fresno Bee indicating the Kingsburg real property was to be sold on 5/23/2011 at private sale at the office of Attorney Vallis for \$85,000.00 cash on an "as is" basis.</p> <p align="center">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 7/10/2012. Minute Order states Counsel advises the Court that they are waiting on Bank of America regarding the loan.</p> <p>The following issue from the last hearing remains:</p> <p>1. Need Report of Sale and Petition for Order Confirming Sale of Real Property (mandatory-use Judicial Council form DE-260) pursuant to Probate Code § 10308(a), which requires proof of 15 days' posting by the Court of the notice of time and place of hearing pursuant to Probate Code §§ 10308(c) and 1230(a).</p>
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Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	Reviewed by: LEG	
	Reviewed on: 9/5/12	
	Updates:	
	Recommendation:	
	File 7 - Castro	

Minute Order dated 6/21/2011 [Judge Gallagher] from the last status hearing states: Counsel advises the Court that the property has not been sold. Counsel further advises that they had a buyer, but the bank withdrew its support. The Court is informed that there are seven heirs. The Court continues the matter to 1/10/2012. Counsel is directed to file a report of sale if there is a sale of the property in the interim.

Minute Order dated 1/10/2012 states Counsel informs the Court that the highest bid received on the house is **\$40,000.00**. Matter continued to 4/3/2012, and *Minute Order* of that date continued the matter to 7/10/2012.

Status Hearing Re: Filing of the Inventory and Appraisal

		<p>NANCY QUEMADA LAU was appointed conservator of the persona and the estate, without bond, on 5/30/12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need inventory and appraisal or current status report.</p>
<p>Cont. from</p>			
<input type="checkbox"/>	Aff.Sub.Wit.	<p>This status hearing was set for the filing of the inventory and appraisal.</p>	
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
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<input type="checkbox"/>	Notice of Hrg		
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<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		<p>Reviewed by: KT</p>
<input type="checkbox"/>	Status Rpt		<p>Reviewed on: 9/5/12</p>
<input type="checkbox"/>	UCCJEA	<p>Updates:</p>	
<input type="checkbox"/>	Citation	<p>Recommendation:</p>	
<input type="checkbox"/>	FTB Notice	<p>File 8 - Quemada</p>	

DOD: 2/7/12		<p>DENNIS P. AVEDISIAN was appointed Administrator with Will Annexed, with full IAEA authority and without bond on 5/10/12.</p> <p>Inventory and appraisal, partial no. 1 was filed on 6/15/12 - \$1,818,710.17</p> <p>Inventory and appraisal, partial no. 2 was filed on 7/5/12 - \$2,095.10</p> <p>This status hearing was set for the filing of the inventory and appraisal.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need <u>final</u> inventory and appraisal or current status report.</p>	
Cont. from				
Aff.Sub.Wit.				
Verified				
Inventory				
PTC				
Not.Cred.				
Notice of Hrg				
Aff.Mail				
Aff.Pub.				
Sp.Ntc.				
Pers.Serv.				
Conf. Screen				
Letters				
Duties/Supp				
Objections				
Video Receipt				
CI Report				
9202				
Order				
Aff. Posting				
Status Rpt				
UCCJEA				
Citation				
FTB Notice				
				<p>Reviewed by: KT</p>
				<p>Reviewed on: 9/5/12</p>
		<p>Updates:</p>		
		<p>Recommendation:</p>		
		<p>File 9 - Avedisian</p>		

Status Hearing Re: Filing of the Inventory and Appraisal

Age:		NEEDS/PROBLEMS/COMMENTS: OFF CALENDAR. Inventory and Appraisal filed on 8/29/12.
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 9/5/12
		Updates:
		Recommendation:
		File 10 - Mason

Petition for Final Distribution on Waiver of Accounting

DOD: 5/19/2010		CONRAD PEREZ , Executor, is petitioner. Accounting is waived. I & A - \$161,000.00 POH - \$161,000.00 Executor - waives Proposed distribution is: Conrad Perez - 100% interest in real property and household furniture and furnishings.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 070212			
<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 type="checkbox"/>	Notice of Hrg N/A		
<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 checked="" type="checkbox"/>	Letters 11/9/10		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 9/5/10
			Updates:
			Recommendation: SUBMITTED
			File 11 - Perez

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 1-7-11		<p>RANDY HAWKINS, Son, was appointed Administrator with Full IAEA without bond on 10-24-11.</p> <p>On 10-24-11, the Court set status hearing for filing of the Inventory and Appraisal on 1-30-12.</p> <p>On 1-30-12, the Administrator appeared and informed the Court that the inventory and appraisal was given to him today by his paralegal. The Court directed him to file the inventory and appraisal with the Clerk's Office forthwith and continued the matter to 7-30-12.</p> <p>On 7-30-12, Petitioner filed a Request for Extension to File Inventory and Appraisal and Final Accounting.</p> <p>Minute Order 7-30-12: Mr. Hawkins informs the court that his paralegal needs more time to prepare the Inventory and Appraisal. The Court continued the matter to 9-10-12.</p> <p>As of 9-5-12, nothing further has been filed.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 1-30-12, 7-30-12.</u></p> <p>1. Need Inventory and Appraisal.</p> <p>Note: Administrator's original petition stated the estate contains real property with an estimated value of \$62,550.00.</p> <p>Note: A status hearing for the filing of the first account or petition for final distribution is currently set for 10-29-12.</p>
Cont. from 013012, 073012			
Aff.Sub.Wit.			
Verified			
Inventory	X		
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt	X		
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: skc</p> <p>Reviewed on: 9-5-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12 - Hawkins</p>	

Atty Jeffery, Norma

Atty Shaw, Brianna Jean

Petition for Modified Visitation

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued to 9/29/12 at the request of the Petitioner, Brianna Jean Shaw.</p>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 9/5/12
		Updates:
		Recommendation:
		File 13 - Garcia

Petition for Appointment of Guardian of the Person (Prob. C. 1510) (as to Miguel Malagon)

Age: 4 DOB: 03/04/08	TEMPORARY EXPIRES 09/10/12	NEEDS/PROBLEMS/COMMENTS:
	MIGUEL MALAGON , maternal grandfather, is Petitioner.	Continued from 07/10/12 Minute Order from 07/10/12 states: Also present in the courtroom is Trinidad Guillen and Santa Monica. Santa Monica is sworn and interprets for the Petitioner. The Court orders that a court investigator contact Kimberly Malagon and conduct a further investigation into the allegations against Miguel Malagon of corporal punishment on the minor as well as other children. The Court continues the matter to 09/10/12. All orders remain in full force and effect.
	Father: SALVADOR REYES TORRES	See Page 14B for competing Petition of Paternal Grandmother, Teresa Torres.
Cont. from 041012, 052912, 071012	Mother: KIMBERLY MALAGON	As of 09/05/12, the following remains outstanding:
Aff.Sub.Wit.	Paternal grandfather: SALVADOR TORRES Paternal grandmother: TERESA TORRES	1. Need Notice of Hearing .
✓ Verified	Maternal grandmother: TRINIDAD GUILLEN	2. Need proof of personal service at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person or Consent and Waiver of Notice or Declaration of Due Diligence for: - Salvador Reyes Torres (father) - Kimberly Malagon (mother)
Inventory	Petitioner states that the minor has lived with him since birth. The mother comes in and out of the home and does not provide for the child's day to day needs. The mother is gang affiliated and uses drugs. In January 2012, mother took the minor from Petitioners home and left her with the paternal grandmother, Teresa Torres. Ms. Torres brought the minor back to Petitioners home and stated that she could not keep her safe. She stated that some men with guns came to her home demanding to take Angelina and said they were looking for the mother. Petitioner states that he fears for the minor's safety if her mother takes her because of her gang affiliation.	3. Need proof of service by mail at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person or Consent and Waiver of Notice or Declaration of Due Diligence for: - Salvador Torres (paternal grandfather) - Teresa Torres (paternal grandmother) - Trinidad Guillen (maternal grandmother)
PTC	Court Investigator Jennifer Young's report was filed 03/29/12.	4. Need Supplemental CI Report.
Not.Cred.	Court Investigator Jennifer Young filed an additional report on 05/21/12.	
Notice of Hrg	Court Investigator Jennifer Young filed a Supplement Report on 07/03/12.	
Aff.Mail	Court Investigator Jennifer Young filed a supplemental report on 07/06/12.	
Aff.Pub.	Court Investigator Jennifer Young filed a supplemental report on – NEED SUPPLEMENTAL REPORT.	
Sp.Ntc.		
Pers.Serv.		
✓ Conf. Screen		
✓ Letters		
✓ Duties/Supp		
Objections		
Video Receipt		
✓ CI Report 9202		
✓ Order		
Aff. Posting		Reviewed by: JF
Status Rpt		Reviewed on: 09/05/12
✓ UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 14A - Malagon

Age: 4 DOB: 03/04/08	TERESA DeJESUS TORRES, paternal grandmother, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 07/10/12 Minute Order from 07/10/12 states: Also present in the courtroom is Trinidad Guillen and Santa Monica. Santa Monica is sworn and interprets for the Petitioner. The Court orders that a court investigator contact Kimberly Malagon and conduct a further investigation into the allegations against Miguel Malagon of corporal punishment on the minor as well as other children. The Court continues the matter to 09/10/12. All orders remain in full force and effect.</p> <p>As of 09/10/12, the following items remain outstanding:</p> <p>4. Need proof of personal service at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent and Waiver of Notice <u>or</u> Declaration of Due Diligence for: - Kimberly Malagon (mother)</p> <p>5. Need proof of service by mail at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent and Waiver of Notice <u>or</u> Declaration of Due Diligence for: - Miguel Malagon (maternal grandfather/temporary guardian) - Trinidad Guillen (maternal grandmother)</p> <p>3. Need Supplemental CI report.</p>
	Father: SALVADOR REYES TORRES – consent and waiver of notice filed 03/27/12	
	Mother: KIMBERLY MALAGON – declaration of due diligence filed 04/05/12	
Cont. from 052912, 071012	Paternal grandfather: SALVADOR TORRES –consent & waiver of notice filed 03/27/12	
Aff.Sub.Wit.		
✓ Verified		
Inventory	Maternal grandfather: MIGUEL MALAGON – competing Petitioner/temporary guardian	
PTC	Maternal grandmother: TRINIDAD GUILLEN	
Not.Cred.		
✓ Notice of Hrg	Petitioner states that the minor has not received stable adult guidance and supervision. Her mother is gang affiliated and is constantly exposing the minor to gangs. Petitioner states that the temporary guardianship is necessary to provide a safe and stable home to the minor.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
✓ Conf. Screen	Declaration of Petitioner filed 03/27/12 attaches a notarized letter dated 01/31/12 in which the mother grants legal guardianship of the minor to Petitioner in the mother's absence. There is also a letter from the mother dated 02/26/12 that states that her father (competing Petitioner, Miguel Malagon) is a very aggressive man and wants things done his way. The declaration also states that the maternal grandfather/competing Petitioner tricked her (Paternal grandmother) into signing a consent & waiver of notice for his guardianship Petition. Petitioner states that he bullied her into signing the paper and she did not know what it was for. Further attached to the declaration are letters of reference from friends and associates attesting to Ms. Torres' character, as well as documents from various social service agencies from whom she receives assistance.	
✓ Letters		
✓ Duties/Supp		
Objections		
Video Receipt		
✓ CI Report	Court Investigator Jennifer Young filed a report on 05/21/12.	
9202		
✓ Order	Court Investigator Jennifer Young filed a Supplement Report on 07/03/12.	
Aff. Posting	Court Investigator Jennifer Young filed a supplemental report on 07/06/12.	
Status Rpt		
✓ UCCJEA	Court Investigator Jennifer Young filed a supplemental report on – NEED SUPPLEMENTAL REPORT.	
Citation		
FTB Notice		

Pro Per Laney, Dorothea D. (Pro Per Petitioner, daughter)
 Pro Per Culbertson, Sherrie L. (Pro Per Objector, daughter)

Amended Petition for Letters of Administration; Authorization to Administer Under the Independent Administration of Estates Act

DOD: 5/20/2012	DOROTHEA D. LANEY , daughter, is Petitioner and requests appointment as Administrator without bond.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Item 3(c) of the <i>Amended Petition</i> is incomplete regarding estimated value of the estate. Need information as to the character and estimated value of the property of the estate pursuant to Probate Code § 8002(a)(4). Item 3(d)(2) of the <i>Amended Petition</i> filed on 8/7/2012 states all beneficiaries have waived bond and the Will does not require a bond. However, Petitioner states the Decedent died intestate. Additionally, Petitioner did not attach waivers of bond from all heirs. Need waivers of bond from: <ul style="list-style-type: none"> • Mark James, son; • Ralph Gray James, son; • Theresa James, daughter; • Jesse James, son; • Sherrie Culbertson, sister; • Margaret Nan, sister. Item 3(f)((2)(b) of the <i>Amended Petition</i> states Petitioner is a nominee of a person entitled to <i>Letters</i>. Need nominations of the Petitioner for appointment as personal representative from all heirs of the estate. Item 5(a) of the <i>Amended Petition</i> is incomplete as to (3) or (4) re: registered domestic partner, and (7) or (8) re: issue of a predeceased child.
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Full IAEA – O.K.	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Decedent died intestate.	
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	W/	
<input checked="" type="checkbox"/> Aff.Pub.	Residence: Fresno Publication: Business Journal	
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Aff. Posting	Estimated value of the estate: Personal property - \$0 Real property - \$0	
<input checked="" type="checkbox"/> Duties/Supp		
<input checked="" type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt	Probate Referee: Steven Diebert	
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order	~Please see additional page~	
<input checked="" type="checkbox"/> Letters		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LEG
		Reviewed on: 9/6/12
		Updates:
		Recommendation:
		File 15 - James

Declaration of Petitioner Dorothea D. Laney filed 8/14/2012 states:

- Three of Decedent's children, **SHERRIE CULBERTSON**, daughter, **MARGARET NAN**, daughter, and **ROBERT BABB**, son, have possession of some of Decedent's personal property;
- Decedent's other children feel these three named children are trying to withhold all belongings from the other children out of greed; some of the property, such as Decedent's house boat, is being sold (*please refer to photos attached as Exhibit A*);
- **Petitioner requests the Court order an injunction to stop all sales of the Decedent's personal property by these three children;**
- Sherrie Culbertson is in "hiding" so as not be found and served with any probate documents, and Margaret Nan has done everything in her power to prevent and divert any service to Sherrie;
- Petitioner requests she be appointed administrator of the estate so that her father's belongings can be distributed to his biological children where they rightfully belong.

Objection to Petition of Dorothea Laney by Sherrie Culbertson filed 9/4/2012 states:

- She is the oldest sister of the Decedent, and her permanent residence is in Mexico;
- She believes some facts should be brought forth considering **DOROTHEA LANEY** ("Deedee") and **MARK JAMES** have made harassing phone calls to her and have threatened legal action and criminal charges;
- Decedent had been debilitated for a number of years and was diagnosed with cancer;
- Decedent discussed with family and friends that he was disappointed with the fact that his children never visited him unless they needed money, and he stated on many occasions to many people that his children could not be bothered with him unless they wanted money and for that reason when he died they would get nothing;
- When Decedent informed her (Objector, Sherrie) that he had terminal cancer and did not have long, she decided to return to Fresno to take care of him, and she put her sister's (Margaret Nan's) small motor home behind Decedent's small house that he rented from **RICHARD and VADA GILLISPIE** (*please refer to Declaration of Richard Gillispie filed 8/29/2012 regarding Decedent's wishes*), and she lived there and took care of Decedent by cooking, shopping and taking him to his house boat on Pine Flat Lake, where he asked to spend as much time as he could;
- Decedent again told her of his wishes that nothing be left to his children, and stated he did not want anyone to know he was ill, including his children and their sisters and brother;
- On 3/19/2012, Decedent asked her to go with him to the DMV office so he could make a one-time gift to her of his vehicles and boats; they proceeded to the AAA office where she does her DMV business and Decedent "gifted" to her the following: Chevy truck, houseboat, fishing boat and trailer, ATV and trailer; he also added her name to the vehicle insurance policy (*please refer to attached copies of certificates of title showing Sherrie Lou Culbertson as owner*);
- Decedent's instructions to her were to dispose of the vehicles as she wished; however, he made suggestions as to who he thought might be interested in these items and would give them the most use and get enjoyment from them;
- Decedent was adamant that he did not want his children told he was ill, and she was not to tell them when he passed away;
- Decedent had begun giving away his things about 3 years before, and gave away many of his tools and like things to friends he had known for years; by the time Decedent passed away he had disposed of almost all of his few possessions, which did not include a safe or motor home as Petitioner (Deedee) has stated;
- She followed Decedent's wishes, and he disposed of his estate exactly the way he wanted;
- She objects to the granting of Petitioner Dorothea Laney's petition to administer the estate because Decedent did not leave any estate to administer.

~Please see additional page~

Declaration of Richard T. Gillispie, Decedent's landlord, filed on 8/29/2012 states:

- Decedent was his tenant for over 10 years and he got to know his fairly well since Decedent was living only a few hundred feet from his personal residence;
- He was asked to write about Decedent's wishes regarding his personal property and death wishes since he did not leave a will;
- As to his credibility, he is a claims representative for the Social Security Administration and emphasizes honesty and integrity in all they do, and he attests that everything he states is true to the best of his knowledge;
- Decedent was sick for years and was hurting badly when he rented Decedent a small apartment, and Decedent was doing work tree trimming and tractor disking; prior to that he was a diesel mechanic; Decedent was a tough man and would not take anything from anybody; Decedent stated he like the apartment because he had room for his equipment and before he had been living in a trailer;
- Decedent always complained about his health and pain and he told Decedent to apply for disability with Social Security, which he was awarded due to emphysema;
- Decedent started selling personal property in about 2004 to get money to buy things for retirement, and got rid of all his tools except for hand tools; he bought a pick-up, a fishing boat, car and trailer, and a run-down house boat on Pine Flat Lake; these items are the only things he owned that had any value; everything else he sold or gave away including his guns and gun safe he got rid of in 2007;
- In about 2010, Decedent spoke with him about his asking his daughter, Dorothea Laney, to come to help him with things such as cleaning, etc., and he would pay her for this work; Decedent stated her response was negative and delivered in an ugly way; he stated that he never wanted to see his children again and that all they do is panhandle him, that all they want is his money and they won't even work for it; Decedent stated clearly that his children "don't get a damn thing" and that he was going to give it all away first;
- Decedent asked his sister, Sherrie Culbertson, to come help him when he was diagnosed with cancer and his time was short; Decedent told him clearly and of sound mind that his sister Sherrie was to get everything for coming and taking care of him during his final months of life;
- Decedent went to the DMV office a few weeks before his death and signed over the vehicles (truck, car, trailer, boat and houseboat) to her for taking care of him; these items were old and were not very valuable;
- He saw Decedent daily right up to the day of his death; Decedent was of sound mind in everything he did right up to the day he died; in the last weeks of his life, he told his sister Sherrie that he did not want her to tell his children he was dying, they were to get nothing, and that if they knew he was dying they would be like vultures on a carcass and he wanted to die in peace;
- There is no estate to be administered because what little Decedent had he got rid of before he died.

Declaration of Robert D. Babb, friend of Decedent, filed on 9/4/2012 states:

- He and Decedent were close friends for 30 years, and knows Decedent's sister, Sherrie Culbertson, and he has knowledge about Decedent's wishes and actions as he neared the end of his life;
- He supports Sherrie's objecting to Dorothea Laney's petition to administer Decedent's estate because of his personal experience and information;
- He and Decedent were very close and often went camping and fishing, would visit each other's homes and have lunch and dinner together; his family considered Decedent like a family member;

~Please see additional page~

Declaration of Robert D. Babb filed on 9/4/2012, continued:

- For many years, Decedent lived about ½ mile from him and his family where Decedent rented a small apartment from Richard and Vada Gillispie; Decedent had very few possessions and lived very carefully to save money wherever he could;
- He knows Decedent's sister, Sherrie, and her husband, Roger, who had moved to Mexico and he knew Decedent had a very good relationship with them; he heard about the problems Decedent had with his children and how disappointed he was with the way they were living their lives; Decedent would complain to him over the years about his kids, that he was disappointed in them and often said they only contacted him when they needed money;
- About 5 years ago, he and Decedent were talking about the Wills that he and his wife had just finished, and Decedent was trying to decide if he should do a Will or not; after looking at a CA Statutory Will Decedent decided a few weeks later that he didn't want his kids to have anything to fight over when he went; Decedent said he that if he could manage it, before he died he wanted to give away or sell everything he owned; during the last 5 years or so, if the subject came up Decedent would be very adamant on the fact that he didn't want his kids to get anything more from him;
- Around February 2012, Decedent told him he was sick with cancer; he could see Decedent wasn't feeling well for some time; his sister had to come to help him and take care of him; Decedent made a point to tell him that he had gifted all his vehicles and boats to Sherrie because she had come to help him; Decedent also told him he did not want his kids to get any of his property when he died; Decedent continued to tell him over and over that he did not want his kids or the rest of his family members to know about his illness or to even know when he passed;
- Even though Decedent was in pain, he wasn't taking his pain medications because he didn't like the way it made him feel; he was always aware of what was going on in his life; he spent time with Decedent the evening before he passed and Decedent knew who he was and was completely aware right up to the end;
- After Decedent's death, Sherrie needed to clean up his apartment and storage shed and decide what she wanted to do with the vehicles and boats Decedent had given her; Sherrie asked if he would like to purchase Decedent's pick-up truck, and he agreed; title was transferred from Sherrie to him on 6/9/2012 (*please refer to copy of certificate of title attached*); this was done legally and according to the final wishes Decedent had that Sherrie be able to do whatever she wanted with his possessions after he passed away;
- He understands from conversation with Sherrie that Deedee (Petitioner) said they located some of Decedent's property – pick-up truck, safe and motor home; he legally purchased the pick-up truck and he knows the person is a mutual friend that Decedent sold his guns and gun safe to about 3 or 4 years ago; he knows Decedent did not own a motor home;
- He received two threatening phone calls from Deedee and her brother, Ralph, after the 7/23/2012 hearing was continued, and they said the Judge had ordered Decedent's things be returned and put in storage, including the pick-up truck; they both threatened "criminal actions" were going to be filed against us if we didn't follow the Judge's order and turn over the truck; he knew that no other had been made and since they consulted with a Probate attorney they knew that had not done anything illegal; he does not want to receive any more threatening phone calls from Decedent's children;
- He believes it will be a waste of time to have Deedee made the administrator of Decedent's estate because Decedent gave away or sold everything valuable that he didn't need during the 4 years before his death, and Decedent gifted the rest of his property to Sherrie when he found out he had terminal cancer.

~Please see additional page~

Declaration of Ardith L. Babb, friend of Decedent, filed on 9/4/2012 reiterates the statements in the *Declaration of Robert D. Babb*, stating in addition that she was told by Decedent how thankful he was that Sherrie had left her home to spend so many months living with him and helping him when he really needed it, and she saw that Decedent was really touched by her sacrifice; Decedent told her in a forceful and determined manner that he didn't want his "kids or ex-wives" to get anything of his; she knows Decedent did not want there to be any question as to what he wanted done with his property after his death, and this is evidence by the fact that he made sure it was taken care of before he died.

Declaration of Sherrie L. Culbertson in Response to the 8/14/2012 Declaration of Dorothea D. Laney filed on 9/5/2012 states:

- In Deedee's (Dorothea's) declaration, she states she made 6 attempts to serve court papers; it is a mystery where and how she served them as she (Sherrie) is always reachable by cell phone, and Deedee has the number and knows her address; she has never been "in hiding" as Deedee states and her cell phone and physical locations are known to Deedee;
- Deedee's declaration states that illness and passing of Decedent was withheld from his children; this was per Decedent's instructions;
- Deedee's declaration states missing property is a tool box and tools, gun safe with guns and cash, checking and savings accounts, medical records, pictures of his children, and his remains; Decedent had a small tool box with an unknown number of tools inside, he sold his guns and gun safe years ago, and there was no safe with guns and cash; Decedent had no savings account at the time of his death, and pictures of his children he had destroyed years ago;
- Deedee's declaration incorrectly identifies Decedent's truck as a 2004 pick-up, which is actually a 2001 pick-up, and that had been gifted to her (Sherrie) on 3/19/2012, which she then sold after Decedent's passing to Robert Babb, so the pick-up truck is now in his name;
- Deedee's declaration refers to a dump truck of Decedent's, which he sold to a friend (Mike Ververde) about 2 ½ months before his passing;
- Deedee's declaration refers to the pontoon boat, which is in fact docked at Pine Flat Marina; however, there is no "for sale" sign on it and there is no motor on it; Deedee's photos submitted of the boat and CF numbers with a "for sale" sign on it are photos of someone else's boat and the owner is unknown to her (Sherrie); Decedent's actual boat has different CF numbers (*please refer to photos attached as Exhibit B showing Decedent's boat, with CF numbers that match the title Certificate of Ownership of the boat attached to Sherrie's initial objection*);
- Deedee's declaration refers to a motor home, which was given to Margaret Nan (sister) by Margaret's friend (Doris Fagan), and Decedent never had any ownership interest in that motor home;
- Decedent dispersed his possessions while he was alive on his own terms; all of his property had been sold, gifted or otherwise disposed of by Decedent before his passing;
- Decedent left no Will or Codicil or any possessions for his children because of his personal disappointment and heartbreak over their behavior, and he felt this way for many years; Decedent verbalized this disappointment to many of his friends and family.

Adrian age: 10 yrs	<p style="text-align: center;">THERE IS NO TEMPORARY. Temporary was denied.</p> <p>LIDIA LARIOS, non-relative, is petitioner.</p> <p>Father: UNKNOWN – declaration of due diligence. – Court dispensed with notice per minute order dated 8/27/12.</p> <p>Mother: ANGIE BALDOVINOS – consents and waives notice.</p> <p>Paternal grandparents: Unknown - Court dispensed with notice per minute order dated 8/27/12.</p> <p>Maternal grandfather: Unknown - Court dispensed with notice per minute order dated 8/27/12.</p> <p>Maternal grandmother: Rosa Cervantes - Court dispensed with notice per minute order dated 8/27/12.</p> <p>Petitioner states mother is unable to care for the children and provide them with a stable home. Petitioner states she has not met any of the fathers and does not know who they are. Petitioner states the mother moved to Washington State and she does not know if she will return. Petitioner needs guardianship to enroll the children in school and obtain medical care for them.</p> <p>DSS Social Worker, Jennifer Cooper's Report filed on 8/21/12.</p> <p>Court Investigator Julie Negrete's Report filed on 8/21/12.</p> <p>Court Investigator Julie Negrete's Supplemental Report filed on 9/5/12</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>	
Adriana age: 9 yrs			
Francisco age: 8 yrs			
Araceli age: 5 yrs			
Adolfo age: 3 yrs			
Anthony age: 2 yrs			
Cont. from 082712			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Notice of Hrg			N/A
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
✓ CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
		Reviewed by: KT	
		Reviewed on: 9/5/10	
		Updates:	
		Recommendation:	
		File 16 - Rivera	

Atty Starnes, Lola Annette (Pro Per – Petitioner – Maternal Grandmother)
 Atty McClary, Cynthia Wilson (Pro Per – Petitioner – Paternal Grandmother)
 Atty McClary, Henry Brown (Pro Per – Petitioner – Paternal Grandfather)

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

Erianna Owens Age: 8		TEMPORARY EXPIRES 09/10/2012 LOLA ANNETTE STARNES , maternal grandmother, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 17B is the competing Temporary Petition pertaining to Dorian and Dominik only filed by the Paternal Grandparents, Cynthia and Henry McClary.
Dorian Maham Age: 3			
Dominik Maham Age: 3		Father: NOT LISTED	1. General petition does not include the names and addresses of the minors' parents, paternal grandparents and maternal grandparents. 2. Need Notice of Hearing. 3. Need proof of personal 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"> • Father of Erianna – (Not Listed) • Father of Dorian & Dominik (Not Listed) • Mother (Not Listed) 4. Need proof of personal 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"> • Paternal Grandparents (Not Listed) • Maternal Grandfather (Not Listed)
Aff.Sub.Wit.		MOTHER: NOT LISTED	
<input checked="" type="checkbox"/>	Verified	Paternal grandparents: not listed Maternal grandparents: not listed	
Inventory		Petitioner states: she has had her grandchildren for two years and their mother has only visited twice. The mother lost her place in Lompoc so she came to Fresno and took the children because she had no income. She and the children moved into a Motel 6 with a man she just met who was on parole. She sells her body and does drugs in front of the children. She leaves the eldest child to watch her two younger siblings in the motel room. Mother was picked up for prostitution on 06/30/2012, she was admitted to a mental hospital on 07/03/2012 and released on 07/05/2012. She returned to the streets and the petitioner refused to allow her to take the children.	
PTC			
Not.Cred.			
x	Notice of Hrg		
x	Aff.Mail		
Aff.Pub.			
Sp.Ntc.			
x	Pers.Serv.		
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
Objections		Objection filed 07/27/2012 – Mother states that if the petitioner loved her grandchildren so much she would have never kicked them out two days before the Court date. She states that she was served with half of the documents the following day after the Court hearing.	
Video Receipt		<u>Please see additional page</u>	
<input checked="" type="checkbox"/>	CI Report		
9202			
<input checked="" type="checkbox"/>	Order		
Aff. Posting			
Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA		
Citation			
FTB Notice			
Reviewed by: KT / LV			
Reviewed on: 09/06/2012			
Updates:			
Recommendation:			
File 17A – Owens & Maham			

Attached to the mother's objection is a handwritten note from a friend named Monica Russell which states that she witnessed the mother, Shanice Owens, crying and walking with her luggage and children. She stated that her mother (petitioner) had just kicked her and her children out of the house. It further states that the mother handles her responsibility very well and that it is hard to believe the false allegations made against her.

Mother filed an Ex Parte Petition for Return of Children on 07/27/2012 and it was denied on that same day.

Mother filed an Ex Parte Petition for Reconsideration of the Temporary Guardianship on 07/27/2012 and it was denied on 07/30/2012.

Declaration filed 08/10/2012 by Aaron Thompson, father of Erianna Owens, states that he is not in prison, his current record is mostly clean except for one misdemeanor over two years ago. He states he has been active in the child's life since birth. He lives in Arkansas but has maintained visits when the mother would permit him. He visited the child in 2009 and the child was recently with him for Christmas break. He states that both he and his wife are fully capable of taking care of the child. He also states that he has a great relationship with the child as well as with the maternal grandmother and petitioner, Lola Starnes.

Court Investigator Samantha D. Henson's report filed 09/04/2012.

Needs / Problems / Comments

5. UCCJEA filed 07/30/2012 is still incomplete as to the dates of the children's residence for the past five years as well as who the children have been residing with.

Atty Starnes, Lola Annette (Pro Per – Petitioner – Maternal Grandmother)
 Atty McClary, Cynthia Wilson (Pro Per – Petitioner – Paternal Grandmother)
 Atty McClary, Henry Brown (Pro Per – Petitioner – Paternal Step-Grandfather)
 Petition for Appointment of Temporary Guardianship of the Person

Dorian Maham Age: 3		<p align="center">GENERAL HEARING 10/23/2012</p> <p>CYNTHIA MCCLARY and HENRY MCCLARY, paternal grandmother and paternal step-grandfather, are petitioners. (Petitioners reside in Lake Winnebago, Missouri)</p> <p>Father: BILLY CLYDE MAHAM</p> <p>Mother: SHANICE NICOLE OWENS</p> <p>Paternal Grandfather: Daniel Austin Maham</p> <p>Maternal Grandfather: Not Listed Maternal Grandmother: Lola Starnes</p> <p>Petitioners state that they are seeking guardianship for the best interest of their grandsons in respect to physical, mental and moral health. Father is currently in prison and the mother is unable to provide food, clothing, shelter or medical care.</p> <p>Petitioners request to be excused from noticing the current guardian, Lola Starnes, because they live out of state and they are not sure if she will be resentful towards them because they too are seeking guardianship. They state that the Guardian, Lola Starnes, did not list them on her guardianship documents and she had knowledge of their address and phone number because they would send the children gifts and money. Petitioners also wish to be excused from noticing the paternal grandfather, Daniel Austin Maham, because he is abusive.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>This petition pertains only to Dorian and Dominik Maham. 17A is the maternal grandmother’s general petition. Maternal grandmother, Lola Starnes was granted temporary guardianship on 07/24/2012 and the orders are set to expire on 09/10/2012.</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service five (5) Court 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"> • Billy Clyde Maham (Father) • Shanice Nicole Owens (Mother) • Lola Starnes (Temporary Guardian/Maternal Grandmother) 3. Need Duties of Guardian & Acknowledgment of Receipt. 	
Dominik Maham Age: 3				
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 type="checkbox"/>	Duties/Supp			x
<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			
		<p>Reviewed by: KT / LV</p> <p>Reviewed on: 09/06/2012</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 17B – Owens & Maham</p>		

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

Jordan Nutt Age: 9	No Temporary Requested	NEEDS/PROBLEMS/ COMMENTS:
Noah Taylor Age: 7	SHIRLEY NUTT , maternal grandmother, is petitioner.	<p>Note to Judge: According to the CI Report petitioner, Shirley Nutt, was appointed as conservator of the her daughter, Shannon Nutt, mother of the minors in this preceding.</p> <p>1. Need proof of personal 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 on:</p> <ul style="list-style-type: none"> Father of Jordan (Unknown) – Unless the Court dispenses with notice. <p>Note: Declaration of Due Diligence states that the petitioner is unable to search his whereabouts because she does not know his identity. Child's mother informed petitioner that she does not know the name of the child's father and the father's name is not listed on the child's birth certificate.</p> <p style="text-align: center;">Please see additional page</p> <p>Reviewed by: KT / LV</p> <p>Reviewed on: 09/04/2012</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 18 – Nutt & Taylor</p>
Naomi Taylor Age: 7	Father (of Jordan): Unknown , Declaration of Due Diligence filed 07/12/2012	
Cont. from	Father (of Naomi & Noah): RICHARD TAYLOR – personally served on 07/31/2012.	
<input type="checkbox"/> Aff.Sub.Wit.	Paternal Grandparents (of Jordan): Unknown - Declaration of Due Diligence filed 07/12/2012.	
<input checked="" type="checkbox"/> Verified	Paternal Grandparents (of Naomi & Noah): Unknown	
<input type="checkbox"/> Inventory	Mother: SHANNON NUTT - personally served on 07/16/2012.	
<input type="checkbox"/> PTC	Maternal Grandfather: William Nutt- consents and waivers notice.	
<input type="checkbox"/> Not.Cred.	Sibling: Javin Harrison – consents and waives notice.	
<input checked="" type="checkbox"/> Notice of Hrg	Petitioner states: the children have been residing with her since November 2011. The Mother is totally incapacitated and in a long term medical facility due to an assault in late February 2012. Petitioner needs guardianship in order to provide for the children's day to day needs. The fathers of the children are not in the children's lives.	
<input checked="" type="checkbox"/> Aff.Mail w/	Court Investigator JoAnn Morris' report filed 08/30/2012.	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.		
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input 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		

Needs / Problems / Comments continued

2. 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 on:
 - Paternal Grandparents of Jordan (Unknown) –Unless the Court dispenses with notice.

Note: Declaration of Due Diligence filed in regards to the paternal grandparents states that the petitioner is unable to search their whereabouts because she does not know their identity. Child's mother informed petitioner that she does not know the name of the child's father and the father's name is not listed on the child's birth certificate.

Note: Paternal Grandparents for Naomi and Noah were listed as unknown in the Petition, however a proof of service shows notice was given to a Janice Marie Reeves on 07/15/2012 by mail and that Richard Taylor, Sr. is deceased.

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

Age: 1		TEMPORARY EXPIRES 09/10/2012		NEEDS/PROBLEMS/COMMENTS:	
		SONIA CLAY , maternal grandmother, is Petitioner.		1. 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:	
Cont. from		Father: LORENZO LAMAR, SR. – personally served 07/28/2012		<ul style="list-style-type: none"> Paternal Grandparents (Not Listed) Maternal Grandfather (Not Listed) 	
	Aff.Sub.Wit.				
✓	Verified	Mother: TEONNA JOHNSON – personally served 08/16/2012		2. Proof of personal service on the parents does not include the name and address of the person who served the documents.	
	Inventory	Paternal Grandparents: Not listed		3. UCCJEA does not provide the dates where the child has been residing since birth as required.	
	PTC	Maternal grandfather: Not listed			
	Not.Cred.				
✓	Notice of Hrg				
	Aff.Mail	x			
	Aff.Pub.				
	Sp.Ntc.				
✓	Pers.Serv.	w/			
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
✓	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
✓	UCCJEA			Reviewed by: KT / LV	
	Citation			Reviewed on: 09/05/2012	
	FTB Notice			Updates:	
		<p>Petitioner states the mother is incarcerated and the father has never been in the child's life since the child was born. Petitioner states she will provide the child with housing, food, clothing, medical care, love and support.</p> <p>Petitioner attached to the Petition a letter written by the child's mother stating she gives the Petitioner temporary custody of her son because as of 7/9/2012, she will have to turn herself into the Fresno County Jail for a minimum of 6 months, and she is not sure if she will be getting her son back after she is released because she has to get herself stable and wants to keep her son in a good and safe environment.</p> <p>Court Investigator Jennifer Young's report filed 08/30/2012.</p>		<p>Recommendation:</p> <p>File 19 - Lamar</p>	

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

Age: 2		GENERAL HEARING 10/29/2012		NEEDS/PROBLEMS/COMMENTS:	
		KATIE CASTRO RAE , maternal grandmother, is petitioner.		1. Petitioner's Fee Waiver was denied on 08/27/2012. The filing fee of \$285 is due (\$60 for Temporary and \$225 for the General Petition).	
Cont. from		Father: JOE ORNELAS , Declaration of Due Diligence filed 09/05/2012		2. Page #4 of the General Petition is missing therefore the petition has not been signed under penalty of perjury.	
	Aff.Sub.Wit.			3. Need Notice of Hearing.	
✓	Verified	Mother: ANETTE MICHELLE CASTRO , Declaration of Due Diligence filed 09/05/2012		4. Need proof of personal service five (5) Court 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 for:	
	Inventory			<ul style="list-style-type: none"> • Joe Ornelas (Father)- Unless the Court dispenses with notice. 	
	PTC			Note: Declaration of Due Diligence states that the last time Petitioner saw the father was two years ago.	
	Not.Cred.			<ul style="list-style-type: none"> • Anette Michelle Castro (Mother)- Unless the Court Dispenses with notice. 	
	Notice of Hrg	x	Paternal Grandfather: Mr. Ornelas Paternal Grandmother: Dora Cruz Ornelas	Note: Declaration of Due Diligence states the mother was last at the petitioner's home on 08/28/2012 when she came out to pick up clothing. Petitioner states the mother stays away from the family because they know she is using and she was told not to come around.	
	Aff.Mail		Maternal Grandfather: Mike Castro		
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.	x	Petitioner states: the mother of the child indulges in alcohol and drugs and is violent and therefore she is fearful for her safety as well as that of the child. Last week the mother went to the petitioner's home and wanted her to open the door, she began banging on the window threatening to break it. Petitioner did not want to open the door because she believed the mother was under the influence. A year ago the petitioner opened the door and the mother went in and picked up an object and threw it at the petitioner causing her leg to be bruised. After the mother threw the item she began breaking every item she could get a hold of and threatened to kill the petitioner. Petitioner states that both parents are on the streets and abusing drugs and have never taken an active role in her daily care. The petitioner has had the child in her care since the child was born and has been her primary caretaker.		
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
✓	UCCJEA				
	Citation				
	FTB Notice				
				Reviewed by: KT / LV	
				Reviewed on: 09/05/2012	
				Updates: 09/06/2012	
				Recommendation:	
				File 20 - Ornelas	