

Second Amended Report and Final Account of Administrator, Petition for
 Distribution of Personal Property upon Waiver of Accounting: Allowance of Fees
 for Attorney and Closing an Insolvent Estate

DOD: 01/26/04		ANTONETTE FREGOSO , Administrator, is petitioner. Accounting is waived. I & A - \$264,250.00 POH - \$ 1,500.00 Administrator - waives Attorney - \$4,099.00 (less than statutory)	NEEDS/PROBLEMS/COMMENTS: Continued to 10/24/2013 at the request of the attorney. 1. Petition states all heirs have signed an assignment of their share of the "J" Street property to the Petitioner. Need assignments from Christina Canales. 2. Petition states the decedent's 1997 Buick was distributed to Christina. Property of the estate cannot be distributed prior to creditor's being satisfied.
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
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<input checked="" type="checkbox"/>	Inventory		
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		Petitioner prays for an Order: 1. Approving, allowing and settling the 2 nd Amended Report and Final Distribution 2. Authorize Petitioner to pay her attorney \$4,099.00 for her statutory fees 3. Authorize Petitioner to pay former attorney Cynthia Arroyo the amount of \$1,164.00 in costs advanced.	
		Reviewed by: KT Reviewed on: 9/9/13 Updates: Recommendation: File 1 – Canales	

Petition states all other beneficiaries have filed waivers of accounting of administrator and acceptance of \$10,000 as their full beneficial interest in the estate on 6/6/11. Because of the EDD their beneficial interest could not be distributed from the estate. All the funds, except administration and attorney fees, had to be paid to the mortgage on the "J" Street property, or the EDD would not allow the partial release of the lien to allow the "J" Street property to be sold. Since there was no money remaining after the payment of title fees, costs, attorney fees and property taxes, the Personal Representative took \$20,000 from her own retirement funds and paid all other beneficiaries \$5,000.00 each. Kristina received the 1997 Buick Bonneville with the value of \$5,000.00. All beneficiaries have signed an assignment of their share of the "J" Street property to the petitioner. Petitioner has used this property as collateral to acquire enough money to pay off the "I" Street property's mortgage, back property taxes, and other debts of the decedent. Petitioner is still making payments on these loans.

DOD: 06/25/11		<p>ANNETTE GONZALEZ COSTA, daughter/named alternate Executor without bond, is Petitioner.</p> <p>Full IAEA – OK</p> <p>Will dated 04/20/93</p> <p>Residence: Selma Publication: The Business Journal</p> <p>Estimated Value of the Estate: Real property - \$51,000.00</p> <p>Probate Referee: RICK SMITH</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 07/30/13 Minute Order from 07/30/13 states: Mr. Shepard waives re-publication on behalf of the widow. The Court finds that substantial notice has been given and re-publication is not required. Matter continued to 09/10/13 for possible resolution.</p> <p>As of 09/05/13, nothing further has been filed.</p> <p>1. Decedent's will is not self-proving. Need Proof of Subscribing Witness.</p>
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		<p>Reviewed by: JF</p> <p>Reviewed on: 09/05/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2 – Gonzalez</p>	

Amended Petition to Determine Succession to Real Property

DOD: 04/02/2012	LINDA DOWLING, daughter, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
	40 days since DOD	
Cont. from	No other proceedings	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input checked="" type="checkbox"/> Inventory	I&A - \$85,000.00	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Will dated: 09/20/2001 devises entire estate to Linda Dowling, petitioner.	
<input checked="" type="checkbox"/> Aff.Mail	w/	
<input type="checkbox"/> Aff.Pub.	Petitioner requests Court determination that decedent's 100% interest in real property located at 3898 E. Ashlan Ave, Fresno, Ca. pass to Linda Dowling pursuant to decedent's will.	
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<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 09/06/2013
		Updates:
		Recommendation: Submitted
		File 3 – Dowling

Andy Delgado (5)	<p>AUGUSTIN OROZCO, Father, filed a Petition for Termination of Guardianship of Andy Delgado on 2-19-13.</p> <p>MARTHA DELGADO, Maternal Grandmother and Guardian, filed an Objection on 4-11-13.</p> <p>The Court set this status hearing at the Court Trial / Settlement Conference on 8-13-13.</p> <p>Minute Order 8-13-13: Ms. Delgado is being assisted by an interpreter. Parties reach a resolution as fully set forth by Ms. Rusca. Parties agree that the guardianship will remain in place for school and medical purposes. The Court encourages father to take parenting classes. Parties are ordered not to speak ill of one another around the child. The Court orders that there be no unsupervised contact with mother unless said contact is supervised by Ms. Delgado or Mr. Naranjo. Upon inquiry by the Court, each party individually agrees to the terms and conditions of the agreement. Ms. Moore is directed to prepare the order. Set on 9/10/13 @ 9:00 a.m. Dept. 303 for: Status Hearing Re: Settlement Agreement Additional hearing dates: 5/12/14@9:00A Dpt. 303 for: Status: Petition to Terminate</p>	NEEDS/PROBLEMS/COMMENTS:
		Note: An Order After Hearing was submitted on 9-3-13 by Attorney Leslie Moore (for Father), which order is approved as to form and content by Rosemarie Rusca (for Guardian). The Court will review the order at this status hearing.
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		Reviewed by: skc
		Reviewed on: 9-9-13
		Updates:
		Recommendation:
		File 4 – Delgado & Fuerte

Petition for Visitation

Jesus Gonzalez Rodriguez, age 9		<p>JESUS N. GONZALEZ, Father, is Petitioner.</p> <p>MARIA IBARRA, Maternal Grandmother, was appointed Guardian on 6-26-08. - served by mail 5-27-13</p> <p>Mother: Patricia Rodriguez (Deceased) Paternal Grandfather: Jose Gonzalez Paternal Grandmother: Josefina Gonzalez Maternal Grandfather: Lorenzo Rodriguez</p> <p>Petitioner requests to have custody of his son and to have his case reviewed. Petitioner sees no reason for his son to be with his grandmother when he is fully capable and willing to be fully responsible for his son. Petitioner doesn't feel the visitation that he is allowed is sufficient to fully bond with his son, especially now that he will be having a sibling. Petitioner believes it is in his son's best interest to be closer to his little brother and father than the 2 hours a week that is currently allowed (sometimes less because the grandmother arrives late).</p> <p>Petitioner believes his son needs a father figure and he and his wife are able to provide a stable house for his son. Petitioner states there is no need for his son to continue living with his grandmother when he has a loving father who wants to be a part of his life.</p> <p>Court Investigator Jennifer Young filed a report on 7-26-13 and 9-3-13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 6-11-13, 7-30-13</u></p> <p><u>Minute Order 7-30-13:</u> Also present in the courtroom is Jesus Rodriguez. Rosie Valdivinos is sworn and interprets for Maria Ibarra. Ms. Ibarra objects to the petition. Visitation between father and the minor is ordered as follows: visitation shall be every Sunday from 1:00 p.m. to 5:00 p.m. at a place mutually agreed upon by the parties. Father is ordered not to expose the minor to any horror movies or encourage any horse play with other children that may be uncomfortable for the minor. The Court orders the court investigator to contact the Carmen Meza Center regarding the minor's therapy. Parties enter into a waiver of confidentiality for said purpose. Continued to 9/10/13.</p>	
Cont. from 061113, 073013				
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<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		<p>Reviewed by: skc</p> <p>Reviewed on: 9-6-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 7 – Rodriguez</p>		

Atty Maciel, Maria C (pro per Guardian/maternal grandmother)

Atty Maciel, Janessa (pro per Petitioner/mother)

Petition for Visitation

Jaydon age: 9	JANESSA MACIEL, mother, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need proof of service of the Notice of Hearing on: a. Maria Maciel (guardian)</p> <p>Note: A Notice of Hearing with a proof of service has been filed. However, the proof of service is not complete. The person served appears to be Maria Martinez. The handwriting is not legible and it is unclear who Maria Martinez is. #6 is incomplete giving the name, address and telephone number of the person serving the document and the signature of the person who served the document is not dated.</p>
Joshua age: 4	MARIA MACIEL, maternal grandmother, was appointed as guardian on 2/28/2011.	
	Father (Jaydon): RHETT BILES	
	Father (Joshua): JAVIER MORENO	
Cont. from	Paternal grandfather (Jaydon): Lester Biles Paternal grandmother (Jayden): Deceased Paternal grandfather (Joshua): Deceased Paternal grandmother (Joshua): Christina Ramos Maternal grandfather: Ramon Maciel	
Aff.Sub.Wit.		
✓ Verified		
Inventory		
PTC		
Not.Cred.		
✓ Notice of Hrg		
Aff.Mail	X	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order	X	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 9/6/2013
		Updates:
		Recommendation:
		File 8 – Biles & Moreno

Petition for Termination of Guardianship

Michael age: 7	MICHAEL RODRIGUEZ, Lanae's father, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order of 07/23/2013: The court continues the matter to 09/10/2013 for the purpose of allowing Mr. Rodriguez to be contacted by the court investigator. The Court indicates to the parties that this will be Mr. Rodriguez's last continuance.</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service fifteen (15) days prior to the hearing on the following: <ul style="list-style-type: none"> • Father of Michael (Unknown) • Sara White (Mother) • Paternal grandparents of Michael (Unknown) • Paternal grandparents of Lanae (Not Listed) • Melvin White (Maternal Grandfather)
Lanae age:6		
	CRYSTAL FARILY was appointed guardian of both minors on 3/18/2013.	
Cont. from 072313	Father (of Michael): UNKNOWN	
Aff.Sub.Wit.	Mother: SARA WHITE	
✓ Verified	Paternal grandparents of Michael: Unknown	
Inventory	Paternal grandparents of Lanae: Not Listed	
PTC	Maternal grandfather: Melvin White	
Not.Cred.	Maternal grandmother: Gloria White – deceased.	
Notice of Hrg	Petitioner states: he is 29 years old, the father of Lanae Rodriguez. He will be starting a new job with In Home Supportive Services and has made changes in his home and lifestyle and is able to provide for his children. He states he knows how it feels to not have a parent in his life and he is willing to do what it takes.	
Aff.Mail	Court Investigator Jennifer Daniel's report filed 08/29/2013.	
Aff.Pub.	Declaration of DSS Social Worker Keith M. Hodge (18 pages) filed on 3/13/13.	
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: LV
		Reviewed on: 09/06/2013
		Updates:
		Recommendation:
		File 9 – White & Rodriguez

Spousal or Domestic Partner Property Petition (Prob. C. 13650)

DOD: 12/19/2012		WESLEY PEARSON , surviving spouse, is petitioner. No other proceedings Decedent died intestate	NEEDS/PROBLEMS/COMMENTS: Minute Order of 07/15/2013: Examiner notes are provided to the Petitioner. The Petitioner requests a continuance to cure the defects. Minute Order of 06/17/2013: Examiner notes are provided to the Petitioner. The petitioner is directed to cure the defects noted in the examiner notes and pay filing fee. The following issues remain: 1. Petition was filed using a fee waiver. A filing fee of \$435 must be paid to the Court prior to signing an order to pass the property. 2. #1 of the petition does not list the petitioner's name. 3. #5a(1) was not answered regarding whether the decedent was survived by children. If the answer to #5a(1) is no children then #6(a) or 6(b) must be answered. 4. Need Attachment #7 setting forth the facts upon which the petitioner bases the allegation that the property should be passed or be confirmed to the petitioner. 5. Attachment #7a of the petition was not provided regarding the description of the property. 6. Need Notice of Hearing and proof of service on all persons entitled. Petition is incomplete therefore it is unclear as to who is entitled. 7. Order is incomplete. Need new Order.
Cont. from 061713, 071513			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	x		
Aff.Mail	x		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
Reviewed by: LV			
Reviewed on: 09/06/2013			
Updates:			
Recommendation:			
File 10 – Pearson			

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

Deionta age: 17	<u>TEMPORARY EXPIRES 9/10/2013</u>	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: a. Sheon Frierson (father) b. Deionta Frierson (minor) c. Daveon Frierson (minor)
Daveon age: 15	BRENDA TRAYLOR, maternal cousin, is petitioner.	
	Father: SHEON FRIERSON	
	Mother: Deceased.	
Cont. from	Paternal grandparents: Deceased Maternal grandparents: Deceased	
Aff.Sub.Wit.		
✓ Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	Petitioner states the children are minors and they need a guardian because they no longer want to live with their father and his girlfriend.	
Aff.Mail	X	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	X	
✓ Conf. Screen		
✓ Letters		
✓ Duties/Supp		
Objections		
Video Receipt		
✓ CI Report		
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Aff. Posting		
Status Rpt		
✓ UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 9/6/2013
		Updates:
		Recommendation:
		File 11 – Frierson

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

Age:		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Examiner Notes are not prepared for this matter.</p>
DOB:		
Cont. from		
Aff.Sub.Wit.		
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Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
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Duties/Supp		
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UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 9-6-13
		Updates:
		Recommendation:
		File 12 – Greeley

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

Adrian 5	<u>NO TEMPORARY REQUESTED</u>		<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. 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"> • Manuel Sainz (Father of Adrian) 3. 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"> • Eddie Sainz (Paternal Grandfather of Adrian) • Cesar Rico, Sr. (Paternal Grandfather of Matheo) • Paternal Grandmother of Adrian (Unknown) • Catherine Soto Rodriguez (Paternal Grandmother of Matheo) • Jimmy Perez (Maternal Grandfather) 4. Need UCCJEA
Matheo 1	<p>CARLOTTA MARQUEZ, maternal grandmother, is petitioner.</p>		
Cont. from	<p>Father of Adrian: MANUEL SAINZ</p>		
<input type="checkbox"/> Aff.Sub.Wit.	<p>Father of Matheo: CESAR RICO, JR., Deceased</p>		
<input checked="" type="checkbox"/> Verified	<p>Mother: TIFFANY PEREZ, Consents and Waives Notice</p>		
Inventory	<p>Paternal Grandfather of Adrian: Eddie Sainz Paternal Grandfather of Matheo: Cesar Rico, Sr.</p>		
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input type="checkbox"/> Notice of Hrg	<p>Paternal Grandmother of Adrian: Unknown Paternal Grandmother of Matheo: Catherine Soto Rodriguez</p>		
<input type="checkbox"/> Aff.Mail			
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.	<p>Maternal Grandfather: Jimmy Perez</p>		
<input type="checkbox"/> Pers.Serv.	<p>Petitioner states: both of her grandsons are residing with her and she is pursuing guardianship to ensure they both stay in a safe environment due to their mother being homeless about six times in a year. Petitioner states that the minor, Adrian, is autistic and also has a blood disorder and needs constant care. Both grandsons have been living with the petitioner since the day they were born. Their mother has tried to take them and care for them but only can last a week because she can't handle them. CPS has also advised the petitioner to seek guardianship and has placed Matheo in her care.</p>		
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
Objections			
Video Receipt			
<input checked="" type="checkbox"/> CI Report	<p>Attached to the petition is a Team Decision Making Report showing that Matheo is to be placed with the petitioner/maternal grandmother.</p>		
9202			
<input checked="" type="checkbox"/> Order	<p>Court Investigator Samantha Henson's report filed 09/03/2013.</p>		
Aff. Posting			
Status Rpt			
<input type="checkbox"/> UCCJEA			
Citation			
FTB Notice			
			<p>Reviewed by: LV</p>
			<p>Reviewed on: 09/06/2013</p>
			<p>Updates:</p>
			<p>Recommendation:</p>
			<p>File 13 – Perez</p>

Atty Cunningham, Nikole E., of McCormick, Barstow (for Petitioner Michelle K. Johnson)
 Atty Sanoian, Joanne, of Law Offices of Joanne Sanoian (for Christine Reynolds, Respondent)

**Petition for (1) Finding of Financial Elder Abuse (W & I C. 15610.30),
 (2) Finding of Conversion, (3) Recovery of Estate Property (Prob. C. 850, et seq)**

DOD: 10/3/2012	MICHELLE K. JOHNSON , daughter, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Petitioner states:	This matter will be heard at 1:30 p.m. in Dept. 303.
	<ul style="list-style-type: none"> Petitioner is the only child of the Decedent and is a resident of Carmel-by-the-Sea, Monterey County, California; Respondent CHRISTINE REYNOLDS is and was residing in Fresno County at all material times alleged herein; Ms. Reynolds was the caregiver for the Decedent during the last 3 years of his life and is not related by blood or otherwise to the Decedent; Petitioner is ignorant of the true names and capacities of Respondents sued as Does 1 through 20, inclusive, and therefore sues these Respondents by fictitious names; Petitioner will amend the <i>Petition</i> to allege Doe Respondents' true names and capacities when ascertained; Petitioner believe that each of the fictitiously named Doe Respondents are responsible in some manner for the occurrences alleged herein, and that Petitioner's damages were proximately caused by those Respondents; Decedent and Deloris Smith (DOD 3/4/2009) were married on 8/13/1953, and had only one daughter together, the Petitioner; Decedent and Deloris remained married until Deloris' death; During their marriage, Decedent and Deloris purchased a Farmers Insurance Agency and named the agency "George and Dee Smith Insurance"; For ~15 years, Respondent worked on and off as a secretary in the Insurance Agency; during that time, Respondent would at times assist Decedent and Deloris around the house when they needed help with cleaning, laundry, and other errands; 	<u>Page 1B</u> is the <i>Petition for Letters of Administration</i> filed by Michelle Johnson.
Cont. from 051513, 070813		Continued from 7/8/2013. Minute Order states parties request a settlement conference. Matter is set for settlement conference on 9/10/2013. Counsel is directed to submit their settlement conference statements along with courtesy copies for the Court by 9/5/2013.
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<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	~Please see additional page~	
		Reviewed by: LEG
		Reviewed on: 9/9/13
		Updates:
		Recommendation:
		File 1A – Smith

Petitioner states, continued:

- In February 2009, Deloris became very ill and was hospitalized; immediately after hospitalization, Respondent suddenly moved into Decedent's home and began serving as his full-time caretaker;
- Deloris died on 3/4/2009, two weeks after Respondent moved into Decedent's home;
- Although Petitioner found it strange that Respondent suddenly moved into her parents' home, she was grateful that someone was there to take care of her father;
- After Deloris died, Respondent began to slowly alienate Decedent from his family and exercise her influence over him to keep his family away and isolate him;
- Respondent changed the locks on Decedent's house and began to monitor Decedent at all times; Respondent began screening Decedent's telephone calls and made sure to be present whenever Decedent's family came to visit; Petitioner alleges that Respondent even asked neighbors to contact her if anyone came to visit Decedent while Respondent was out of the house;
- After Respondent moved into Decedent's house, personal property and money within his home began to disappear; Petitioner alleges Respondent was stealing and/or misappropriating said personal property and money; Petitioner alleges that Respondent used the missing property as a means to place a wedge between Decedent and his family in an effort to further isolate him and control his decisions; Respondent's daughter and her daughter's boyfriend also moved into Decedent's house and further isolated him from his family;
- During the time period of Respondent's control over Decedent, Decedent was diagnosed with cancer and began receiving chemotherapy, and Decedent's health deteriorated further; Respondent did not inform Petitioner that Decedent was suffering from cancer and Petitioner found out about the diagnosis from a third party;
- After learning of Decedent's cancer diagnosis, Petitioner and her husband traveled to Fresno in order to spend time with Decedent; Petitioner was shocked to discover the impact the cancer and chemotherapy had on her father; Decedent appeared incoherent, slurred his speech, and seemed to be influenced significantly by his medications;
- Despite the fact that Respondent was supposed to be maintaining the house, Decedent's home was filthy and appeared as though it had not been cleaned for an extended period of time;
- Petitioner purchased cleaning supplies and proceeded to clean the house, and when Petitioner confronted Respondent's daughter regarding the state of the house, Respondent's daughter claimed that they cleaned the house every week; however, it was apparent that the house had not been cleaned in months;
- Respondent continued to further isolate Decedent from his family; at the same time, due to Decedent's declining health, he was no longer able to run and operate the Insurance Agency, and persons working at the Insurance Agency became suspicious of Respondent's conduct and apparent influence over Decedent;
- Decedent was forced to sell the Insurance Agency; as part of the agreement to sell the Insurance Agency, Decedent was to receive 3 installment payments amounting to **~\$50,000.00**;
- Petitioner was concerned with what she was observing and hearing from others, and Petitioner contacted the Fresno Police Department on 6/22/2012 and filed a report for elder abuse; it was at that time that Petitioner learned that Respondent's name now appeared on the Deed to Decedent's house;

~Please see additional page~

Petitioner states, continued:

- Shortly thereafter, on 10/3/2012, Decedent died and after his death Respondent remained living in Decedent's house; Respondent refused to grant Petitioner access to the house and would not permit Petitioner to remove her father's belongings that were contained within the house;
- Petitioner alleges Respondent had access to Decedent's bank accounts both during and after his death; in addition to the bank account funds, Petitioner alleges Respondent also converted at least a portion of the proceeds Decedent was to receive for the sale of the Insurance Agency; after Decedent's death, Respondent contacted the Farmers Insurance Agency, stated she was the executor of Decedent's estate, and demanded that she be given the final check owed to Decedent for the sale of the Insurance Agency.
- **First Cause of Action – Financial Elder Abuse:**
 - At all relevant times, Decedent was over the age of 65; for several years prior to Decedent's death, Respondent was a "care custodian" for Decedent within the meaning of Probate Code § 21363; during the time Respondent served as a care custodian for Decedent, Respondent took, secreted, appropriated and retained both real and personal property of Decedent for wrongful use and with the intent to defraud, or by way of undue influence;
 - Respondent took and appropriated personal property and money from Decedent, including but not limited to personal property within Decedent's house and proceeds from the sale of the Insurance Agency; Respondent fraudulently or by undue influence wrongfully obtained title to real property owned by Decedent that is located on Garden Avenue in Fresno;
 - Respondent's conduct constituted "financial abuse" within the meaning of Welfare & Institutions Code 15610.3(a) in that Decedent was an "elder" within the meaning of that section during the perpetration of the acts of Respondent upon him, and that Respondent took and appropriated Decedent's property in bad faith for a wrongful use and with intent to defraud, and diminished the resources available to Decedent for his care and support during his lifetime; Decedent was harmed by Respondent's depletion of his assets; Respondent's conduct constituted "financial abuse" within the meaning of Welfare & Institutions Code § 15610.3(c) in that Decedent was an elder within the meaning of that section during the perpetration of the acts of Respondent upon him, and that Respondent took an appropriated Decedent's property by undue influence as defined in Civil Code § 1575;
 - As a direct and proximate result of this financial elder abuse, Decedent and Petitioner suffered damages in an amount according to proof at trial; in addition, Petitioner is entitled to recover punitive damages and up to 3 times those punitive damages as alleged above, and is entitled to recover remedies provided for in Welfare & Institutions Code § 15756.5, including reasonable attorney's fees and costs as provided in § 15657.5.

~Please see additional page~

Petitioner states, continued:• **Second Cause of Action – Conversion:**

- Both before and after Decedent's death, Respondent had access to real and personal property owned by Decedent; during that time, Petitioner alleges Respondent converted Decedent's money and personal property without his knowledge or consent, or by way of undue influence;
- Respondent wrongfully converted at least a portion of the proceeds from the sale of the Insurance Agency; additionally, Petitioner alleges that Respondent wrongfully converted personal property and money contained within Decedent's home
- Respondent's alleged conduct constituted conversion of Decedent's money and personal property for Respondent's personal use and consumption;
- Petitioner alleges that Respondent was not and is not entitled to the wrongfully converted property;
- As a direct and proximate result of such conversion, Decedent and Petitioner have suffered damages in an amount according to proof at trial.

• **Third Cause of Action – Recovery of Property Pursuant to Probate Code § 805:**

- Petitioner, as the sole daughter and heir of the Decedent, is a person who is interested in the Decedent's estate as a successor in interest to his property and a successor in interest to any cause of action possessed by Decedent at the time of his death;
- Respondent **CHRISTINE REYNOLDS** holds title and possession to certain real and personal property as follows: real property on Garden Ave. in Fresno; personal property of Decedent located within the home on the real property on Garden Ave.; proceeds from the sale of Decedent's Farmers Insurance Agency; and any other property, both real and personal, owned by Decedent at the time of his death;
- Petitioner claims the right to title and possession of the foregoing property as the successor in interest to Decedent's estate.

Petitioner prays for an Order:

1. On the First Cause of Action - Financial Elder Abuse:
 - (a) For consequential and special damages proximately caused by Respondent's acts of financial elder abuse occasioned upon Decedent, according to proof at trial;
 - (b) For Respondent to be deemed to have predeceased the Decedent for purposes of inheritance pursuant to Probate Code § 259;
 - (c) For a constructive trust compelling Respondent to transfer all wrongfully obtained property to Petitioner pursuant to Civil Code § 2223 and 2224;
 - (d) For punitive damages against Respondent in amounts according to proof at trial;
 - (e) For a treble award of damages against Respondent pursuant to Civil Code § 3345;
 - (f) For an award of attorney's fees and costs pursuant to California statute.

~Please see additional page~

Petitioner prays for an Order, continued:

2. On the Second Cause of Action – Conversion:
 - (a) For consequential and special damages proximately caused by Respondent's wrongful conduct amounting to conversion in an amount according to proof at trial;
 - (b) For a constructive trust compelling Respondent to transfer all wrongfully obtained property to Petitioner pursuant to Civil Code § 2223 and 2224;
 - (c) For punitive damages against Respondent in amounts according to proof at trial;
 - (d) For a treble award of punitive damages against Respondent pursuant to Civil Code § 3345;
 - (e) For an award of attorney's fees and costs pursuant to California statute.

3. On the Third Cause of Action – Recovery of Property:
 - (a) Directing Respondent to transfer to the Trust the property that was wrongfully removed from Decedent's estate and to execute any documents or file any court proceedings necessary in order to fully complete the transfer;
 - (b) Directing Respondent to immediately deliver possession to Petitioner of property that was wrongfully taken from Decedent;
 - (c) For statutory damages in the amount of twice the amount wrongfully taken by Respondent, pursuant to Probate Code § 859;
 - (d) For an award of attorney's fees and costs pursuant to California statute.

Affidavit to Establish Successor in Interest for Commencement of Action on Behalf of Decedent was filed 4/9/2013 by Petitioner, stating a proceeding is pending for administration of Decedent's estate but Petitioner is unable to pursue the administration due to the actions of the Respondent; and affirming that Petitioner is the Decedent's successor in interest as defined in California code of Civil Procedure § 377.1, and succeeds to the Decedent's interest in the action, and that no other person has a superior right to commence the action or proceeding or to be substituted for Decedent in the pending action or proceeding.

Objection of Christine Reynolds to Petition for Finding of Financial Elder Abuse, Finding of Conversion and Recovery of Estate Property filed 7/2/2013 states:

- Respondent Christine Reynolds submits her Objection to Michelle Johnson's petition as follows; Petitioner Michelle Johnson's petition is full of conclusory and false allegations related to Ms. Reynold's alienation of Petitioner's father from others, and taking and misappropriating his property;
- It was Ms. Johnson's own actions of breaking into her father's home and taking money from her mother which caused this alienation;
- It was Ms. Reynolds who repeatedly encouraged George (also referred to as "Decedent") to mend ways with his daughter;
- Ms. Johnson's petition is devoid of any proof of undue influence or financial elder abuse, and of the Decedent's susceptibility to said influence or abuse;
- The evidence will show that Ms. Reynolds was a longtime employee in George and Delores Smith's insurance agency, and a close and trusted friend; because of this friendship and her loyalty to George and Delores, Ms. Reynolds worked tirelessly to attend to both their professional and personal needs;

~Please see additional page~

Objection of Christine Reynolds filed 7/2/2013, continued:

- After Delores passed away, Ms. Reynolds simply continued to care for George; Ms. Johnson chose not to participate in those efforts, but to frustrate and alienate her parents with her own actions;
- It was never Ms. Reynolds' intent to prevent George from having a relationship with Petitioner or his other stepchildren; up until his death, George was fully capable of making those decisions on his own;
- It was the desire of both George and Delores to have Ms. Reynolds' ongoing caretaking and assistance;
- George's wishes with respect to his estate and business assets were of his own decision-making and execution; any suggestion to the contrary is false and entirely without evidentiary support;
- George and Delores ran a successful insurance business in Fresno for ~30 years; Ms. Reynolds worked as a secretary at the agency for a total of 20 years, beginning in 1988, and worked 35 to 40 hours per week; In the early 1990s, Ms. Reynolds took 2 years off to stay home with her newborn daughter;
- Ms. Reynolds had known George and Delores for many years prior to working at the insurance agency; while Ms. Reynolds was growing up, her grandfather operated the Headhunter Barber Shop located next to Decedent's insurance business; Ms. Reynolds felt like a granddaughter to both George and Delores, and was not only a trusted employee to them, but a good friend for many years, and very close to each of them until each of their deaths;
- In the early 2000s, Delores was in a car accident and suffered significant injuries, including a broken leg and injured ribs; because of Delores' injuries and the trusted relationship Ms. Reynolds shared with George and Delores, Ms. Reynolds began taking Delores on errands and helping George and Delores with household responsibilities as needed;
- When Delores fell ill in early 2009, Ms. Reynolds took on more responsibilities for caring for Delores and George, and for their household, while continuing to handle her responsibilities at the insurance agency, where George continued to work every day;
- After Delores' passing shortly thereafter, George realized a need to execute his own estate plan, and in April 2009 he executed a Trust naming Ms. Reynolds, Ms. Johnson (Petitioner), and his stepdaughter, **VICKI ATCHLEY**, as beneficiaries;
- Due to his trusted relationship with Ms. Reynolds, George also executed a durable power of attorney naming Ms. Reynolds as his agent, as well as power of attorney for health care also naming Ms. Reynolds as agent; at the same time, George made and paid for his own funeral arrangements;
- Prior to Delores falling ill, Ms. Johnson, who resides in Carmel, rarely called or visited her parents; once Delores passed away, however, Ms. Johnson would often come to her father's home, unannounced, and remove items and money;
- On at least one occasion, Ms. Johnson broke into the home; Ms. Johnson's actions angered her father, and he believed Ms. Johnson took money from Delores prior to Delores' death without Delores knowing;
- In April 2012, George wished to and did execute an amendment to his Trust, wherein he left his home, furniture and household belongings to Ms. Reynolds, as well as an interest in his insurance business; Ms. Johnson was not disinherited as she was left some personal property; prior to the time of his executing the amendment to his Trust, George gifted items of his personal property to other individuals of his choosing;

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Objection of Christine Reynolds filed 7/2/2013, continued:

- George worked at the insurance agency close to the time of his death and her never planned to retire; in June 2012, however, due to construction taking place to the shopping plaza in which George's agency was located, George ultimately decided it was in his best business interest to sell the agency;
- George maintained all of his mental faculties up until the time of his death, and his friends with whom he had coffee every morning at a local restaurant will attest to his mental capacities, as well as his wishes with respect to his estate;
- As stated, George made all of his own funeral arrangements and at the funeral, Mr. Reynolds was requested by certain of George's family members (not Petitioner) to take part in the funeral service, and Mr. Reynolds agreed; during the funeral service and at the time Ms. Reynolds was performing her requested role in the service, Ms. Johnson's husband interrupted the service by striking Ms. Reynolds in the face with his fist; Ms. Johnson's daughter followed said assault by hitting Ms. Reynolds in the jaw area; these attacks were witness by all of the at least 25 funeral guests in attendance.

Petitioner's First Cause of Action for Financial Elder Abuse Fails as a Matter of Law [in brief sum, sans citations]:

- Because Ms. Reynolds is not a care custodian as defined by Probate Code § 21362, there is no presumption of fraud or undue influence by Ms. Reynolds pursuant to Probate Code § 21380(a)(3); "care custodian" does not include a person who provides services without remuneration;
- Ms. Reynolds had both a personal and a professional relationship with George Smith for many years prior to his death, and she assisted both Delores and George in their home at different times as needed; there is no evidence nor any allegation that Ms. Reynolds was ever compensated for her assistance at their home, nor is it alleged what "care giving" services were even provided by Ms. Reynolds;
- Any transfer to Ms. Reynolds by George Smith of any property, or any instrument providing said transfer, does not give rise to a presumption of fraud or undue influence; there is no proof of any harm to George Smith from "depletion of assets" but there is evidence that George Smith intended that Ms. Reynolds receive the majority of his estate pursuant to his 2012 amendment to his Trust;
- Aside from mere allegations, and despite Ms. Johnson's lack of specificity as to which "property" Ms. Reynolds "took and appropriated" there is no proof of bad faith or intent to defraud; Ms. Reynolds was a lifelong, trusted and loyal employee to George Smith, and was a close friend who considered George and Delores as grandparents;
- There is equally lack of evidence, beyond general assertions, that Ms. Reynolds exerted "undue influence" of George Smith pursuant to the definition under Cal. Civil Code § 1575, and there is no evidence that Ms. Reynolds had a real or apparent "authority" over George Smith, nor that he had a "weakness of mind" making him susceptible to undue influence nor of any "grossly oppressive" taking of George Smith's necessities; George Smith, of his own free will and sound mind, consented to what property he gave to Ms. Reynolds.

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Objection of Christine Reynolds filed 7/2/2013, continued:

Petitioner's Second Cause of Action for Conversion Similarly Fails *[in brief sum, sans citations]:*

- To establish conversion a plaintiff must show "ownership or right to possession of property, wrongful disposition of the property right and damages;" Here, Petitioner's cause of action for conversion fails in the first instance because the "property" and "money" that Ms. Johnson claims to have been converted is not specifically identified; nor is there any specific allegation or evidence of wrongful disposition;
- Further, there exists no facts or evidence showing the necessary element of substantial interference with the rights to or possession of the property, that whatever alleged acts Ms. Reynolds did with the "property" was in fact enough of an interference of George Smith's property rights; this allegation is not only undermined by the fact that as of April 2012, George Smith named Ms. Reynolds as the primary beneficiary of his estate, as well as Ms. Johnson's failure to properly identify how Ms. Reynolds wrongfully "converted" the property, and how George Smith and Ms. Johnson were ultimately damaged by any alleged conversion;
- Again, it is telling that George Smith trusted Ms. Reynolds enough to name her as the primary beneficiary of the majority of his estate;
- The allegations as pled are simply not supported by specific evidence and once again, amount to only general, non-specific, and empty assertions.

Petitioner's Third Cause of Action for Recovery of Property Must Also Fail *[in brief sum, sans citations]:*

- For the reasons stated above, there is no satisfactory evidence or proof, beyond mere allegations, that Ms. Johnson has lawful title to any of the real and personal property devised to Respondent by Decedent in his 2009 Declaration of Trust, as amended on 4/12/2012, and therefore Petitioner's third cause of action must fail.

Respondent respectfully requests that this Court deny Ms. Johnson's Petition in its entirety.

Atty Cunningham, Nikole E., of McCormick, Barstow (for Petitioner Michelle K. Johnson)
 Atty Sanoian, Joanne, of Law Offices of Joanne Sanoian (for Christine Reynolds, Respondent)

Petition for Letters of Administration; Authorization to Administer Under IAEA
 (Prob. C. 8002, 10450)

DOD: 10/03/2012		MICHELLE K. JOHNSON, daughter is petitioner and requests appointment as Administrator without bond.	NEEDS/PROBLEMS/COMMENTS: This matter will be heard at 1:30 p.m. in Dept. 303.	
Cont. from 070813		Petitioner is sole heir and waives bond.	<p>Continued from 7/8/2013. Minute Order states parties request a settlement conference. Matter is set for settlement conference on 9/10/2013. Counsel is directed to submit their settlement conference statements along with courtesy copies for the Court by 9/5/2013.</p> <p>Note: If the <i>Petition</i> is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> ● Friday, 2/14/2014 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal; and ● Friday, 11/13/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and/or final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearings will come off calendar and no appearance will be required.</p> <p>Note: Court file does not contain proposed order and letters; if <i>Petition</i> is granted, Petitioner must submit new proposed order and letters.</p>	
<input type="checkbox"/>	Aff.Sub.Wit.	Full IAEA – o.k.		
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory	Decedent died intestate		
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.	Residence: Fresno Publication: The Business Journal		
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail	w/o		
<input checked="" type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.	<p>Estimated value of the estate:</p> <p>Personal property - \$ 47,000.00 Real property - \$150,000.00 Total: - \$197,000.00</p>		
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters	X		<p>Probate Referee: Steven Diebert</p>
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order	X		
<input type="checkbox"/>	Aff. Posting			
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<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: LV / LEG	
			Reviewed on: 9/9/2013	
			Updates:	
			Recommendation:	
			File 1B - Smith	

14 Joe C Souza (Def Succ)
 Atty Souza, Chester Michael (pro per – Petitioner)
 Atty Souza, Bobby Leroy (pro per – Petitioner)
 Atty Ochinero, Virginia (pro per – Petitioner)
 Atty Souza, Carl Wayne (pro per – Petitioner)
 Atty Brown, Marilyn Louise (pro per – Petitioner)
 Atty Souza, Joe Cameron (pro per – Petitioner)
 Atty Souza, John Anthony (pro per – Petitioner)

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 11/17/11		<p>JOE CAMERON SOUZA, Jr., JOHN ANTHONY SOUZA, CHESTER MICHAEL SOUZA, BOBBY LEROY SOUZA, VIRGINIA OCHINERO, CARL WAYNE SOUZA, and MARILYN LOUISE BROWN, (relationships not stated), are Petitioners.</p> <p>40 days since DOD.</p> <p>No other proceedings.</p> <p>I & A - \$80,000.00</p> <p>Decedent died intestate.</p> <p>Petitioners request Court determination that Decedent's interest in real property located at 6533 N. College, Fresno pass to them pursuant to intestate succession.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> The Petition is not marked at item 9(a) or 10 (if applicable) concerning the persons who survived the decedent. The Petition is missing attachment 11 which is to state the legal description of the property seeking to be passed and stating the decedent's interest (100% - 50%, etc.) in the property. The Petition states at item 13 that John Anthony Souza and Chester Michael Souza will purchase the property and the sale proceeds will be distributed equally to all 7 children. However, Attachment 13 is to state the specific property interest claimed by each petitioner in the real property. Petitioner does not state the relationship of each Petitioner to the decedent and does not state the interest in the property claimed by each petitioner (undivided 1/7 interest, etc.) Need clarification. The Petition is missing attachment 14 which is to state the names, relationships to decedent, ages, and residence or mailing addresses of all persons named or checked in items 1, 9, and 10, and all other heirs of the decedent. The Petition is not marked at item 17 re: Decedent's estate was under a guardianship/conservatorship at decedent's death. Need Notice of Hearing. Need proof of service by mail at least 15 days before the hearing on all interested parties (any person who should be named in attachment 14). The Order submitted is incomplete and does not state the legal description at item 9(a) and does not state each petitioner's name and specific property interest at 9(b).
Cont. from			
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<input type="checkbox"/>	Citation		
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Reviewed by: JF			
Reviewed on: 09/06/13			
Updates:			
Recommendation:			
File 14 – Souza			

Atty Martinez, Deborah (pro per – maternal grandmother/Petitioner)
 Atty Galvan, Leslie Marie (pro per – maternal aunt/Petitioner)
 Atty Galvan, Hector (pro per – maternal uncle/Petitioner)
 Atty Vallis, James H. (for Adam Soto – father of Yalena Martinez/Objector)

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

Yalena, 11	GENERAL HEARING 10/31/13		<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Duties of Guardian signed by all Petitioners. 2. Need Notice of Hearing. 3. Need proof of personal service at least 5 court days before the hearing of Notice of Hearing with a copy of the Temporary Petition or Consent & Waiver of Notice or Declaration of Due Diligence for: <ul style="list-style-type: none"> - Jesse Frutoz (Jesse & Xzander's father)
Jesse, 6	<p>DEBORAH MARTINEZ, maternal grandmother, LESLIE GALVAN and HECTOR GALVAN, maternal aunt and uncle, are Petitioners.</p>		
Xzander, 3	<p>Father (Yalena): ADAM SOTO - <i>Personally served on 08/28/13</i> Father (Jesse & Xzander): JESSE FRUTOZ</p>		
Cont. from	<p>Mother: CHRISTY MARTINEZ FRUTOZ – <i>Personally served on 08/20/13</i></p>		
Aff.Sub.Wit.		<p>Paternal grandfather (Yalena): CHARLEY SOTO Paternal grandmother (Yalena): LEE OGAL</p>	
✓ Verified		<p>Paternal grandfather (Jesse & Xzander): MANUEL FRUTOZ Paternal grandmother (Jesse & Xzander): UNKNOWN</p>	
Inventory		<p>Maternal grandfather: RICHARD MARTINEZ – <i>deceased</i></p>	
PTC		<p>Petitioners allege that the children have been left in their care repeatedly over the past 5 years. Yalena's father has not been a constant in her life only visiting her 2-3 times per year, and he has not taken financial responsibility for her. Jesse and Xzander's father, Jesse Frutoz, has been in prison during most of the children's lives and he has had charges of child abuse against him in the past.</p>	
Not.Cred.		<p>Objection to Petition for Appointment of Temporary Guardian and Guardian filed 08/30/13 by Adam Soto states: Pursuant to a Temporary Emergency Court Order filed 08/26/13 (Case No. 02CEFL05734), Objector exercises sole legal and physical custody of Yalena. A hearing in this matter is set for 09/12/13 in Dept. 203. Objector objects to the appointment of a guardian on the grounds that he is a fit and proper parent and has legislative preference as to custody of Yalena.</p>	
Notice of Hrg	x		
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.	x		
Conf. Screen			
Letters	x		
Duties/Supp	x		
Objections			
Video Receipt			
CI Report			
9202			
Order	x		
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
<p>Reviewed by: JF</p>			
<p>Reviewed on: 09/06/13</p>			
<p>Updates:</p>			
<p>Recommendation:</p>			
<p>File 15 – Martinez & Frutoz</p>			

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

Deshawn, 4		<p align="center">GENERAL HEARING 10/31/13</p> <p>ARLENE MASSEY, maternal grandmother, is Petitioner.</p> <p>Father: UNKNOWN</p> <p>Mother: NICOLE GODLEY – <i>Consent & Waiver of Notice filed 08/27/13</i></p> <p>Paternal grandparents: UNKNOWN</p> <p>Maternal grandfather: UNKNOWN</p> <p>Petitioner alleges that she has cared for the minor's since birth. Their mother is unable to care for them due to drug addiction and their fathers are unknown. Petitioner states that a temporary guardianship is needed to meet the children's medical and educational needs.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>4. Need Notice of Hearing.</p> <p>5. Need proof of personal service at least 5 court days before the hearing of Notice of Hearing with a copy of the Temporary Petition or Consent & Waiver of Notice or Declaration of Due Diligence for: - Father (unknown)</p>	
Niko, 3				
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		Reviewed by: JF		
		Reviewed on: 09/09/13		
		Updates:		
		Recommendation:		
		File 16 – Godley		