



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

3 Frank E. Bandoni (Estate)

Case No. 13CEPR00561

Atty Koligian, Robert (for Karen Flagler – Administrator/Petitioner)

(1) Waiver of Accounting and Petition for Allowance of Commissions and Fees and (2) For Final Distribution

DOD: 06/22/11	KAREN FLAGLER , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Accounting is waived.	
Cont. from	I & A - \$222,602.61	
<input type="checkbox"/> Aff.Sub.Wit.	POH - \$367,515.12	
<input checked="" type="checkbox"/> Verified	Administrator - \$7,452.05 (statutory)	
<input checked="" type="checkbox"/> Inventory	Attorney - \$7,452.05 (statutory)	
<input checked="" type="checkbox"/> PTC	Costs - \$1,357.66 (filing fees, publication, probate referee)	
<input checked="" type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail w/		
Aff.Pub.	Petitioner states that all estate assets are the community property of decedent and his surviving spouse, Patricia Bandoni.	
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	Distribution, pursuant to intestate succession, is to:	
Letters 08/08/13	Patricia Bandoni - \$367,515.12 (consisting of cash, stocks and mutual funds)	
Duties/Supp		
Objections		
Video Receipt		
CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
<input checked="" type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 09/08/14
		Updates:
		Recommendation: SUBMITTED
		File 3 - Bandoni

5 George Joaquin Galvan (Estate)

Case No. 13CEPR01046

Atty Cowin, Michael D. (Pro Per Petitioner)

Atty Cowin, Daniel Ray (Pro Per Petitioner)

First Amended Petition for Probate of Will and for Letters Testamentary

DOD: 8-16-13	MICHAEL D. COWIN and DANIEL RAY COWIN , named Co-Executors without bond, are Petitioners.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Petitioners filed a Petition for Termination of Proceedings on 6-27-14 that was set for 8-4-14. However, there were no appearances on 8-4-14 and the Court continued the matter to 9-22-14 and also set an Order to Show Cause for explanation.</p> <p>Note: <u>The progression of this estate matter is highly unusual.</u></p> <p><u>Please see notes on Page 2.</u></p>
Cont. from 031314, 050114, 062614	Full IAEA – ok	
	Will dated: 3-19-04	
<input type="checkbox"/> Aff.Sub.Wit.	Residence: Clovis	
<input checked="" type="checkbox"/> Verified	Publication – Business Journal	
<input type="checkbox"/> Inventory	Estimated Value of the Estate:	
<input type="checkbox"/> PTC	Personal property: \$220,000.00	
<input type="checkbox"/> Not.Cred.	Probate Referee:	
<input checked="" type="checkbox"/> Notice of Hrg	Steven Diebert	
<input checked="" type="checkbox"/> Aff.Mail <input type="checkbox"/> W		
<input type="checkbox"/> Aff.Pub. <input checked="" type="checkbox"/> X		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: skc
		Reviewed on: 9-8-14
		Updates:
		Recommendation:
		File 5 – Galvan

Examiner's Note re History of this matter: According to the decedent's will, the heirs to this estate are the decedent's four (4) stepsons, Alvin Leon Cowin, Kenneth Paul Cowin, Michael Dale Cowin, and Daniel Ray Cowin. The will names Michael Dale Cowin, and Daniel Ray Cowin as co-executors.

Michael Cowin previously filed a Petition for Probate of Will requesting to be appointed as Executor alone. However, at the hearing on 1-23-14, Daniel Cowin, the other named co-executor, appeared, and the parties were directed to participate in mediation.

An agreement dated 1-23-14 between Michael Cowin and Daniel Cowin addresses working together to identify assets and includes a list of accounts. The agreement states they are working on a plan for distribution.

On 1-27-14, Michael Cowin's original petition was denied without prejudice and the Court directed that an amended petition be filed and no republication be required.

This Amended Petition for Probate of Will and for Letters Testamentary was filed on 2-11-14 by Michael Cowin, and Daniel Cowin together, and has been continued since then.

A second mediation agreement was filed on 3-10-14 wherein the petitioners appear to agree to various distributions.

Examiner previously that distributions were not appropriate at this time, as the probate estate has not yet been opened.

However, per minute order 3-13-14, the Court was advised that an agreement was reached during mediation, and Petitioners were directed to file a petition to close an estate with no assets.

A Petition to Terminate Proceedings was filed on 6-17-14 and set for hearing 8-4-14; however, there were no appearances and the Court set an Order to Show Cause for 9-22-14 to explain the request.

Examiner's Note Re Petition to Terminate Proceedings: Examiner noted for the hearing on 8-4-14 that the Court may require clarification regarding how there was originally estimated to be \$220,000.00 in personal property assets, and the mediation agreements included reference to various accounts and also agreements for distributions, but now according to this petition, this is a "no-asset" estate?

How was it determined that the assets that were originally alleged and later identified in the agreements, were not subject to probate? There is no explanation of how it was determined that the assets were not subject to administration, and no explanation as to the discrepancy in the amounts.

Probate estates are protective proceedings designed to ensure that all interested persons have been given notice, etc. This includes heirs and potential creditors of the decedent, as well as various governmental agencies, such as the Franchise Tax Board and the Dept. of Health Care Services. As such, there are various types of proceedings, and various steps required for each type.

In a probate estate, Court authorization is necessary before any distribution of assets. The mediation services that are available to litigants are not a substitute for the procedures required by law.

Because Petitioners are not represented by legal counsel, Examiner brings up these details for the Court's consideration, even though the will was never admitted to probate and Letters never issued.

6A Eugene & Evelyn Ford Family Trust
Atty Keeler, William J. (for Petitioner Susan Ford Frantzich)
Atty Chielpegian, Mark E. (for Casey S. Rogers – Trustee)

Case No. 14CEPR00485

Petition for Determination of Validity of Trust Amendment; in the Alternative for order Confirming Exercise of Power of Appointment

		<p>SUSAN FORD FRANTZICH, Beneficiary, is Petitioner.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>A demurrer was filed and set for hearing on 8-7-14, and continued to 9-8-14 (Page B).</u></p> <p><u>Therefore, Examiner Notes are not provided at this time.</u></p>
Cont. from 071514, 080714			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
Reviewed by: skc			
Reviewed on: 9-8-14			
Updates:			
Recommendation:			
File 6A - Ford			

6A

7 Resendo Toscano (CONS/PE)
Atty Kruthers, Heather H. (for Public Guardian – Petitioner)
Atty Rindlisbacher, Curtis D. (Court Appointed for Conservatee)

Case No. 14CEPR00641

Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C. 1820, 1821, 2680-2682)

Age: 74		<u>TEMPORARY EXPIRES 08/28/14</u>		<p>PUBLIC GUARDIAN, is Petitioner and requests appointment as Conservator of the Person and Estate without bond.</p> <p>Estimated Value of the Estate: Annual income - \$17,436.00</p> <p>Petitioner states: the proposed conservatee is non-ambulatory and uses a wheelchair or travels on his knees where he needs to go. He exhibits poor judgment and cognitive deficits when it comes to his safety. His residence is in very bad condition. The floors and walls are filthy and thou house is infested with cockroaches. There is a very strong odor of urine and feces and many flies. The proposed conservatee claims one of his sons took his Social Security check and he had no food. Adult Protective Services and the Fresno Police have been called to the home numerous times. Conservatorship will ensure that Mr. Toscano's physical and personal needs are continuously met and that his resources are managed for his benefit.</p> <p>Petitioner requests the authority to sell the proposed Conservatee's 50% interest in his home located at 1310 N. Thorne Ave., Fresno, and authority to retain the services of a licensed real estate broker to assist in the sale of the real property (Note: See page 20 for similar request re: Mr. Toscano's wife who owns the other 50% interest in the home). Declaration of Deputy Public Guardian Anita Harper states that she spoke to Mr. Toscano regarding selling his home and that he didn't want to comment on the subject much and said to do what you have to do about the house.</p> <p>Court Investigator Dina Calvillo filed a report on 08/25/14.</p>
Cont. from 082814				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	w/		
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.	w/		
	Conf. Screen	n/a		
✓	Letters			
	Duties/Supp	n/a		
	Objections			
	Video Receipt	n/a		
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
✓	Citation			
	FTB Notice			
NEEDS/PROBLEMS/COMMENTS:				
<u>CONTINUED FROM 08/28/14</u>				
Court Investigator advised rights on 08/18/14.				
Note: Declaration of Hoyle Leigh, M.D. states that Mr. Toscano lacks capacity to give informed medical consent and supports dementia powers, however Petitioner did not request medical consent or dementia powers.				
Note: If the petition is granted status hearings will be set as follows:				
<ul style="list-style-type: none"> • Thursday, January 8, 2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Thursday, October 29, 2015 at 9:00a.m. in Dept. 303 for the filing of the first account 				
Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter, the status hearing will come off calendar and no appearance will be required.				
Note: The Order/Letters do not include medical consent or dementia powers.				
Reviewed by: JF				
Reviewed on: 09/08/14				
Updates:				
Recommendation:				
File 7 - Toscano				

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

DOD: 03/14/12	SCOTT MATTESON , son, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	40 days since DOD.	
	No other proceedings.	
Cont. from	I & A - \$129,000.00	
<input type="checkbox"/> Aff.Sub.Wit.	Decedent died intestate.	
<input checked="" type="checkbox"/> Verified	Petitioner requests court determination that decedent's 100% interest in real property located at 230 Sunnyside Ave., Clovis pass to him pursuant to intestate succession.	
<input checked="" type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail w/		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 09/08/14
		Updates:
		Recommendation: SUBMITTED
		File 9 - Matteson

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

Age:		NEEDS/PROBLEMS/COMMENTS: <p style="text-align: center;"><u>CONTINUED TO 10/14/14</u> Per request of counsel</p>
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: JF
		Reviewed on: 09/08/14
		Updates:
		Recommendation:
		File 10 - Berlese

DOD: 10/22/10	<p>LEANNE WALKER GRANT, niece, was appointed Administrator with bond fixed at \$7,000,000.00 on 03/12/12. Letters of Administration were issued on 05/16/12.</p> <p>First Report of Personal Representative and Petition for its Settlement; Petition to Determine Entitlement to Estate Distribution and to Allow Administration of Estate to Continue filed 06/13/13 and approved on 07/15/13.</p> <p>Minute Order from 07/15/13 set this matter status regarding preliminary distribution on 11/05/13.</p> <p>Inventory & Appraisal, partial No. 1 filed 09/20/13 - \$202,328.21</p> <p>Inventory & Appraisal, partial No. 2/Final filed 09/20/13 - \$6,763,876.49</p> <p>Status Report of Personal Representative filed 07/21/14 states: Counsel for the personal representative has prepared a petition for, among other things, settlement of the first account and petition for approval of a significant preliminary distribution of a portion of decedent's estate. Due to travel schedules, the personal representative and her counsel are not able to meet to discuss the proposed petition before the 07/24/14 hearing, but are scheduled to meet on 08/05/14. It is anticipated that a petition will be filed shortly after the 08/05/14 meeting and a continuance to 08/08/14 is requested.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 07/24/14</u> As of 07/24/14, nothing further has been filed.</p> <p>1. Need Petition for Preliminary Distribution.</p>
Cont. from 110513, 020314, 050514, 072414		
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: JF		
Reviewed on: 09/08/14		
Updates:		
Recommendation:		
File 11 – Lowery		

Pro Per DeGeorge, Lois (Pro Per Petitioner, Executor)
 Atty Markeson, Thomas A., of Wild Carter & Tipton (for Valley Stairway, Inc.; Jerry DeGeorge; and Anthony DeGeorge, Jr.)

(1) First and Final Petition and Report of Executor (2) for Final Distribution

DOD: 9/3/2005		<p>LOIS MARIE DeGEORGE, spouse and Executor appointed on <u>7/25/2006</u> with Full IAEA authority without bond, is Petitioner.</p> <p>Account period: not stated [7/25/06 – 4/1/14] Petition does not state the account period pursuant to Probate Code § 1061 (a). However, based upon this atypical case characterized by lapse of time with few administrative actions taken and the simplified accounting presented, the account period may be presumed to be from the date of appointment and/or date <i>Letters</i> issued, to the date of the execution and verification of this accounting.</p> <p>Accounting - \$ not stated Beginning POH - \$ not stated Ending POH - \$ not stated</p> <p>Executor - waives</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> An Inventory and Appraisal has not been filed with this Court; No actions were taken under Independent Administration of Estates Act (IAEA); The heirs under Decedent's Will are JOSEPH DeGEORGE, grandson, and LISA M. FARMEN, granddaughter; On 11/17/2006, the Executor paid \$100,000.00 to JOSEPH DeGEORGE and \$100,000.00 to LISA M. FARMEN from the Trust of the Decedent; Executor received no fee for these distributions; Executor is not asking for compensation. <p>Petitioner prays for an Order of this Court that:</p> <ol style="list-style-type: none"> The administration of the Estate be brought to a close; and The <i>First and Final Petition and Report of Executor for Final Distribution</i> be approved. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 7/24/2014. <i>Minute Order</i> states examiner notes are provided to the petitioner. The petitioner is directed to provide notice to Joseph DeGeorge and all other parties legally entitled to notice.</p> <p>Note: <i>Minute Order</i> dated 6/12/2014 from the previous continuance of this matter states Ms. DeGeorge is directed to provide the required notice to the parties as well as counsel.</p> <p>Note: Court records do not show a <i>Final Inventory and Appraisal</i> has been filed in this estate pursuant to Probate Code § 8800(b), to inform the Court of any assets that may have been marshalled by the Executor.</p> <p align="center">~Please see additional page~</p>
Cont. from 050814, 061214, 072414			
Aff.Sub.Wit.			
✓ Verified			
Inventory	X		
PTC	X		
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	W/		
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			
		<p>Reviewed by: LEG</p> <p>Reviewed on: 9/8/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13 – DeGeorge</p>	

NEEDS/PROBLEMS/COMMENTS, continued: The following issues from the last hearing remain:

1. *Petition* does not identify the **TRUSTEE** of the **ANTHONY DeGEORGE REVOCABLE LIVING TRUST AGREEMENT**, the beneficiary of Decedent's Will. Need *Notice of Hearing of the Petition for Final Distribution on Waiver of Accounting*, together with a copy of the petition, and proof of mailed service of 15 days' notice prior to hearing pursuant to Probate Code §§ 1220, 11000 and 11601 for the **TRUSTEE** of the **ANTHONY DeGEORGE REVOCABLE LIVING TRUST AGREEMENT dated 5/13/1997**, as Amended by **FOURTH AMENDMENT thereto dated 8/24/2011**. (If the Petitioner is the Trustee of said Trust, the Petition should specify such to avoid the Court questioning proper service of notice.)
2. Need proposed order pursuant to Local Rule 7.1.1(F) providing that a proposed order shall be submitted with all pleadings that request relief.

Notes Re Distribution: *First and Final Petition and Report of Executor for Final Distribution* does not comply with the provisions for estate accountings pursuant to Probate Code §§ 1061 et seq. The following notes are provided for the Court's consideration with respect to approval of the *Petition*:

- Petitioner states in Paragraph 16 of the *Petition* under the heading "Distribution of Estate" that she distributed a total of **\$200,000.00** to two of Decedent's heirs from the "Trust of Decedent." It is unclear whether Petitioner intends to mean by this statement that the estate contains no assets, or to mean that assets were distributed from the Decedent's Estate to the Decedent's Trust, which is a violation of the Probate Code provisions requiring Court order authorizing distribution of estate assets. It appears Petitioner may have marshalled estate assets, based upon the statement that assets were distributed.
- It is unclear from the *Petition* whether Petitioner served or currently serves as Trustee of the Trust of the Decedent, though as Executor of the Estate she is responsible for distributing to the beneficiary in Decedent's Will, namely the **TRUSTEE** of the **ANTHONY DeGEORGE REVOCABLE LIVING TRUST AGREEMENT dated 5/13/1997**, as Amended by **FOURTH AMENDMENT thereto dated 8/24/2011**, and not directly to the two persons named in the *Petition*, **JOSEPH DeGEORGE**, grandson, and **LISA M. FARMEN**, granddaughter, who may be beneficiaries of the Decedent's Trust, but who are not identified as such in the instant *Petition*.

Notes for Background Re Case History:

- Lois DeGeorge (represented by Attorney John Fennacy) filed on 5/9/2006 a *Petition for Probate* seeking appointment as Executor of Decedent's Will dated 7/18/2002. Amended *Petition for Probate* was filed on 5/22/2006. Order for Probate appointing Lois DeGeorge as Executor was filed 7/25/2006, and Letters issued on that date.
- Lois DeGeorge (in pro per) filed on 4/3/2007 a *Petition for Order Compelling Central Valley Community Bank to Produce Documents*. Minute Order dated 5/7/2007 states in pertinent part that Jan Boman personally appeared on behalf of Central Valley Community Bank. Ms. Boman reported that Anthony DeGeorge has no assets at the bank as owner or beneficiary since 2002. *Petition* dismissed without prejudice.
- Lois DeGeorge (represented by Attorney Joanne Sanoian) filed on 2/16/2010 a *Petition to Determine Title to and Require Transfer of Personal Property to Estate of Decedent*. Following litigation including demurrer by attorneys for Jerome (Jerry) DeGeorge and Anthony DeGeorge, Jr., the Court issued on 7/19/2010 an Order *Dismissing Petition to Determine Title to and Require Transfer of Personal Property to Estate of Decedent*.
- Lois DeGeorge (represented by Attorney Joanne Sanoian) filed on 7/23/2010 a *First Amended Petition to Determine Title to and Require Transfer of Personal Property to Estate of Decedent*, culminating in an Order *Dismissing Petition* filed July 23, 2010 [by Lois DeGeorge to determine title to estate property], which was entered on 1/3/2011, thereby serving as the end to the litigation that had been ongoing since 2006.

Pro Per Okamura, Suzanne (Pro Per Petitioner, Administrator)

Petition for Final Distribution on Waiver of Accounting

DOD: 6/6/2013	SUZANNE OKAMURA , sister and Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Accounting is waived.	
Cont. from	I & A — \$132,454.00	<p>Page 15 is the related <i>Estate of Ito Okamura</i>.</p> <ol style="list-style-type: none"> <i>Petition</i> is signed but not verified by the Petitioner pursuant to Probate Code § 1021 and CA Rule of Court 7.103. Paragraph 5 of the <i>Petition</i> states a copy of the notice to the Franchise Tax Board is attached as <i>Exhibit A</i>; however, <i>Exhibit A</i> contains a copy of the Internal Revenue Service notice of assignment of employer identification number. Nonetheless, the statement in Paragraph 5 of the <i>Petition</i> indicating that notice was given to the Franchise Tax Board on 10/7/2013 will be sufficient if the Petitioner verifies the <i>Petition</i>. <i>Exhibit C, Heirs of Decedent and Proposed Distribution</i> states the Petitioner (Decedent's sister) is the sole heir entitled to 100% interest in the estate. However, pursuant to Probate Code § 6402(a)(b), the estate should be distributed to the estate of the Decedent's post-deceased mother, ITO OKAMURA. Need revised <i>Exhibit C</i> and revised proposed order stating the correct distribution to the ESTATE OF ITO OKAMURA.
<input type="checkbox"/> Aff.Sub.Wit.	POH — \$132,454.00 (\$1,954.00 is cash)	
<input type="checkbox"/> Verified		
<input checked="" type="checkbox"/> Inventory		
<input checked="" type="checkbox"/> PTC	Administrator — waives	
<input checked="" type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	Closing — \$435.00	
<input type="checkbox"/> Aff.Mail	Distribution pursuant to intestate succession is to:	
<input type="checkbox"/> Aff.Pub.	[ESTATE OF ITO OKAMURA] – \$1,954.00	
<input type="checkbox"/> Sp.Ntc.	cash , real property, and household furnishings, furniture, and personal belongings, and vehicle.	
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters 101413		
<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 type="checkbox"/> FTB Notice ?		
		Reviewed by: LEG
		Reviewed on: 9/9/14
		Updates:
		Recommendation:
		File 14 - Okamura

Pro Per Okamura, Suzanne (Pro Per Petitioner, Administrator)

Petition for Final Distribution on Waiver of Accounting

DOD: 6/23/2013	SUZANNE OKAMURA , sister and Administrator, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i> and proof of service of notice to the following persons pursuant to Probate Code §§1220(a)(1) and 11000 for settlement of the account, or waivers of notice: <ul style="list-style-type: none"> • JERROD WILLIAM WHITE, grandson; • EILEEN REIKO NITASAKA, named alternate executor. 2. <i>Petition</i> is signed but not verified by the Petitioner pursuant to Probate Code § 1021 and CA Rule of Court 7.103. 3. Paragraph 5 of the <i>Petition</i> states a copy of the notice to the Franchise Tax Board is attached as <i>Exhibit A</i>; however, <i>Exhibit A</i> contains a copy of the Internal Revenue Service notice of assignment of employer identification number. Nonetheless, the statement in Paragraph 5 of the <i>Petition</i> indicating that notice was given to the Franchise Tax Board on 10/7/2013 will be sufficient if the Petitioner verifies the <i>Petition</i>. <p align="center">~Please see additional page~</p>
	Accounting is waived.	
Cont. from	I & A — \$383,670.01	
Aff.Sub.Wit.	POH — \$383,670.01 (\$1,465.84 is cash)	
Verified	<input checked="" type="checkbox"/>	
Inventory		
PTC	Administrator — waives	
Not.Cred.		
Notice of Hrg	<input checked="" type="checkbox"/>	
Aff.Mail	Closing — \$435.00	
Aff.Pub.		
Sp.Ntc.	Distribution pursuant to Decedent's Will is to:	
Pers.Serv.	[Beneficiary or Beneficiaries Unclear] – \$1,465.84 cash , life insurance proceeds, and pension funds.	
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice	<input type="checkbox"/>	
		Reviewed by: LEG
		Reviewed on: 9/9/14
		Updates:
		Recommendation:
		File 15 - Okamura

NEEDS/PROBLEMS/COMMENTS, continued:

4. The Last Will and Testament of **ITO OKAMURA** makes the following quoted devise: "I devise, bequeath and give my **PROPERTY, ESTATE, BANK ACCOUNTS, BENEFICIARY ENTITLEMENTS, AND INSURANCE SETTLEMENTS** to **SUZANNE OKAMURA.**" The label "Beneficiary Entitlements" is ineffective to devise any property, as designation of a beneficiary is only changed by requesting the change through the holder of the property to be distributed to the designated beneficiary, such as a pension fund company. Similarly, the label "Insurance Settlements" is also ineffective to devise any property, as the insurance proceeds pass to the designated beneficiary, and the beneficiary is only changed by request to the insurance company. Petitioner does not make clear whether there exist alternate designated beneficiaries for the following estate assets that have been inventoried:

4. "Life Insurance – Protective insurance, beneficiary to Daniel Okamura;"
5. "403(b) – Valic, beneficiary to Daniel Okamura."

Daniel Okamura pre-deceased the Decedent, thus his designations as beneficiary of the assets are no longer effective. If alternative beneficiary designations exist for the above assets, the assets would pass to the designated beneficiaries; if no alternative designations exist, it appears the Petitioner **SUZANNE OKAMURA, JERROD WILLIAM WHITE** and **EILEEN REIKO NITASAKA** may all be beneficiaries of this estate based upon the Decedent's Will.

Continued from previous page: Ms. Smith opposes any and all attempts of Adriana Brewer and/or any other person to have temporary guardianship, permanent guardianship or any form of custody over her daughter. Ms. Smith states that she has known Adriana Brewer for a few years. Several months ago Ms. Smith was having a difficult time financially and was in a transitional period. During this time period Adriana Brewer began helping care for the minor child. Once Ms. Smith got back on her feet she requested Adriana Brewer to return the child to her however she refused and told her that the legal system was involved. This led Ms. Smith to make inquiries and discovering that there was a 04/08/2014 hearing regarding permanent guardianship over the child. To date Ms. Smith has not had the opportunity to read or review any documents in the court file because she resides in Los Angeles County. Ms. Smith respectfully requests that this Honorable Court deny the request for guardianship and order Adriana Brewer to immediately return custody of the minor to the mother. This will allow the child to be with her mother, the person who has her best interest, and her three siblings.

Additionally, if this Honorable Court is inclined to grant permanent guardianship of her daughter to Adriana Brewer, or any other person, Ms. Smith respectfully requests that this court continue the matter so that she may respond appropriately.

Declaration filed by Evoniesha Smith, Mother, on 04/07/2014 states Ms. Brewer has been a good temporary provider for the minor child, looking at her Facebook page reflects the love and reflects the selfishness motives of wanting to take the child away from Ms. Smith, mother. Ms. Smith states she went through a moment of despair and needed support. She thanks her for that. Ever since January 27th Ms. Smith has wanted to gain natural custody of her child back so she can raise her child.

Declaration also includes several documents including Facebook page photos, Verification of Benefits for the child, Money Order for the care of the minor child to Adriana Brewer, Immunization Records for the child.

Declaration filed by Evoniesha Smith, Mother, on 06/09/2014 states the father is not on the birth certificate or doesn't want to take DNA.

Declaration filed by Trinia Smith, Maternal Grandmother, on 09/04/2014 states that she is filing Evoniesha Smith's Section 8 Voucher for the Courts. Attached is a Housing Choice Voucher Program from the U.S. Department of Housing and Urban Development.

DSS Social Worker Tracy Miller's report filed 04/07/2014.

Needs/ Problems / Comments continued:

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:
 - Paternal Grandfather(Not Listed)
 - Paternal Grandmother (Not Listed) – Unless the Court dispenses with notice.

Note: Declaration of Due Diligence filed on 08/20/2014 states Rena Grandmother lives somewhere in Las Vegas. The child's mother would not give her any information or her last name.

 - Maternal Grandfather (Not Listed)
 - Trina Smith (Maternal Grandmother)

Note: A Declaration of Due Diligence filed on 08/20/2014 which states "grandfather" however it does not indicate whether this is for the maternal or paternal grandfather. It states that the mother would not give her any information on the man that is supposed to be the child's grandfather.

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

DOD: 5-23-12		<p>RANDY LOVEJOY and JENNIFER MARIE PRICE, Friends, are Petitioners.</p> <p>40 days since DOD</p> <p>No other proceedings</p> <p>I&A: \$70,000.00</p> <p>Will dated 3-10-10 devises decedent's entire estate to Petitioners.</p> <p>Petitioners request Court determination that Decedent's real property located at 3992 E. Marcus in Friant, CA, passes to them, each as to an undivided one-half interest.</p> <p>On 8-20-14, the Fresno County Public Administrator filed an Objection.</p> <p>Objector states the petition is moot because the estate consisting solely of real property was already administered by the Public Administrator pursuant to Probate Code §7660(a)(2). This case was first reported to the Public Administrator by the Coroner on 5-24-12, the day after the decedent died. The PA researched the estate and determined there was no personal property to be sold and the house had over \$100,000 in liens against it, including a bail bond and back taxes. The property was worth no more than \$50,000, so it could not be sold. It was expected to go to tax sale. Therefore, it appeared there was no estate to probate at that time.</p> <p>In May 2014, Wayne Fox, Supervising Environmental Health Specialist, contacted the PA and explained that the property had come to the attention of the Fresno County Board of Supervisors because it was a reported drug house next to a school. The PA visited the property with a Sheriff Deputy, who reported that they check on the house daily. He also advised that Randy Lovejoy reported that he was handling the estate.</p> <p>On 5-1-14, the PA contacted Mr. Lovejoy, who stated that the property was his pursuant to a will he found on a guitar he took from the residence, but the debt was not his. The PA explained that the debt was on the residence and the PA was probating the estate due to the liens and condition of the property. Mr. Lovejoy then filed this petition on 5-13-14.</p> <p>Also on 5-13-14, Mr. Fox provided information regarding the status of the house as a "local drug house and trash dump." The property has been extensively vandalized and is extremely dilapidated and most likely need to be torn down.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note: Pursuant to the objection, this petition is moot and should be denied and dismissed as the property has already been administered by the Public Administrator.</u></p> <p><u>Therefore, this petition cannot go forward. The following Examiner Notes remain for reference only:</u></p> <ol style="list-style-type: none"> 1. Need filing fee of \$435.00. This petition was filed with a fee waiver; however, because the asset valued at \$70,000.00 is requested to be distributed to Petitioners. Therefore, the filing fee is due prior to distribution. 2. Petitioners do not state Decedent's interest in the property. Did the decedent own a 100% interest in the property? 3. Decedent's will is not self-proving. The Court may require Proof of Subscribing Witness (DE-131) pursuant to Probate Code §8220. 4. Need order (DE-315).
Cont'd from 062614			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input checked="" 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		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
SEE ADDITIONAL PAGES			
Reviewed by: skc			
Reviewed on: 9-8-14			
Updates:			
Recommendation:			
File 17 - Talbot			

Page 2

Objection (Cont'd): Various appraisals and contractors recommended demolition. The bail bondsman agreed to file a deed of reconveyance, and released the lien of \$110,000.00. The Franchise Tax Board, which was owed \$86,000.00, agreed to take whatever could be paid.

The PA accepted an offer from Table Mountain Rancheria and the property was sold. After commissions and sale expenses, \$22,943.90 was paid toward the tax lien. The PA received \$2,025.00 for fees and additional taxes.

Therefore, there is no property to go to Mr. Lovejoy, so his petition is moot and should be dismissed.

		<p>MANILA VANG, Sister, is Petitioner and requests appointment as Probate Conservator of the Person with medical consent powers.</p> <p>Voting rights <u>not</u> affected</p> <p><i>A Capacity Declaration (GC-335) has not yet been filed to support the request for medical consent powers.</i></p> <p>Petitioner states her sister has had various medical issues since birth and at this time is also mentally ill.</p> <p>Court Investigator Dina Calvillo filed a report on 9-3-14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator advised rights on 8-26-14.</p> <p>1. Need Capacity Declaration (Form GC-335) in support of request for medical consent powers.</p>
	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: skc</p> <p>Reviewed on: 9-9-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 20 – Le Chang</p>

Age: 10		<u>GENERAL HEARING 11/04/14</u>		NEEDS/PROBLEMS/COMMENTS:	
		ANTONIA C. GARCIA , maternal grandmother, is Petitioner.		<p>1. Need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardian of the Person</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for:</p> <p>a. Guadalupe Garcia (mother)</p> <p>Note: Petitioner was previously appointed as guardian of this minor on 02/24/06. The guardianship was terminated on 05/02/13 upon the petition of the mother.</p>	
		Father: TONY PENA, JR. – <i>deceased</i>			
		Mother: GUADALUPE GARCIA			
Cont. from		Paternal grandfather: ANTONIO PENA – <i>deceased</i>			
<input type="checkbox"/>	Aff.Sub.Wit.	Paternal grandmother: MARIA SEGURA			
<input checked="" type="checkbox"/>	Verified	Maternal grandfather: ADAN GARCIA – <i>deceased</i>			
<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/	Petitioner alleges that the mother uses drugs and is under the influence most of the time. She is abusive and aggressive. Petitioner states that she fears for her safety as well as the minor's with the mother living in the home.		
<input type="checkbox"/>	Aff.Pub.				
<input type="checkbox"/>	Sp.Ntc.				
<input 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 type="checkbox"/>	CI Report				
<input type="checkbox"/>	9202				
<input checked="" type="checkbox"/>	Order				
<input type="checkbox"/>	Aff. Posting				
<input type="checkbox"/>	Status Rpt				
<input checked="" type="checkbox"/>	UCCJEA				
<input type="checkbox"/>	Citation				
<input type="checkbox"/>	FTB Notice				
				Reviewed by: JF	
				Reviewed on: 09/09/14	
				Updates:	
				Recommendation:	
				File 22 - Pena	

23 **Kylie-Rae W.K. Shostak and Kayla-Raine F.N. Shostak (GUARD/P)**

Case No. 13CEPR00573

Atty Hawkins, Richard Jr. (pro per – non-relative/Petitioner)
 Atty Hawkins, Jennifer L. (pro per – non-relative/Petitioner)

Petition for Appointment of Temporary Guardian of the Person

Kylie-Rae, 15	<u>GENERAL HEARING 11/04/14</u>		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Elizabeth Shields, maternal aunt, was appointed guardian on 10/18/13. Ms. Shields filed a Petition for Termination of Guardianship that is set for hearing on 11/04/14. Until the guardianship of Ms. Shields is terminated, there is no vacancy at guardian.</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service at least 5 court days before the hearing of Notice of Hearing with a copy of the <i>Petition for Appointment of Temporary Guardian of the Person</i> or Consent & Waiver of Notice or Declaration of Due Diligence for: <ol style="list-style-type: none"> a. Elizabeth Shields (guardian/maternal aunt) b. Kylie-Rae Shostak (minor) c. Kayle-Raine (minor)
Kayla-Raine, 14	<p>RICHARD HAWKINS, JR. and JENNIFER HAWKINS, non-relatives, are Petitioners.</p> <p>Father: CAESAR SHOSTAK – <i>Consent & Waiver of Notice filed 08/27/14</i></p> <p>Mother: JENNIFER STARR – <i>deceased</i></p> <p>Paternal grandfather: UNKNOWN</p> <p>Paternal grandmother: PIXIE SHOSTAK – <i>Consent & Waiver of Notice filed 08/27/14</i></p> <p>Maternal grandfather: TOM STARR – <i>deceased</i></p> <p>Maternal grandmother: LAURA STARR – <i>Consent & Waiver of Notice filed 08/27/14</i></p> <p>Petitioners allege that they were good friends of the mother's and the girls use to visit their house regularly. Petitioners state that the girls currently have Medi-Cal insurance. Kylie has some urgent medical needs that need to be addressed, but Medi-Cal is taking a long time to approve necessary tests. Petitioner request temporary guardianship so that they can add the girls to their private insurance and get the needed medical care asap.</p>		
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input type="checkbox"/> Notice of Hrg	x		
<input type="checkbox"/> Aff.Mail			
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.	x		
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<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: JF</p> <p>Reviewed on: 09/09/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 23 - Minors</p>

DOD: 6-5-13	FRANCISCO E. ALVAREZ , Successor Trustee, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Petitioner provided a copy of the trust, but did not provide a copy of the Schedule A that lists the house. The Court may require a copy of Schedule A. Notice of Hearing filed 8-19-14 indicates mailing on 8-19-14, which is only 23 days prior to the hearing. Probate Code §17203 requires 30 days' notice. Continuance for proper time for notice may be necessary.
	Petitioner states Settlor Edith Corinne Nelson created the trust on 2-15-05. The Settlor died on 6-5-13.	
Cont. from 090214		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Petitioner states the trust is now terminable and distributable according to its terms.	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Schedule A of the trust reflects intended conveyance and transfer by the Settlor to the trust of her interest in certain real property on Brooke Avenue in Fresno. The trust also references the property by address at Article Five, Section 5.3(c). However, due to health issues, the Settlor did not record a trust transfer deed before her death.	
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	w/o	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters	On the same date as the trust, the Settlor also executed a pour-over will that names the trust as the sole beneficiary of the estate.	
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report	Petitioner states he has caused Notification of the Death of the Settlor and the Irrevocability of the Trust to be served upon beneficiaries pursuant to §16061.7 and no person has brought action to contest the trust.	
<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	Petitioner prays for an order confirming the validity of the trust and that the property be determined to constitute an asset of the trust, and subject to the management and control of Petitioner as trustee, and for such other and further orders as the Court considers proper.	
		Reviewed by: skc
		Reviewed on: 8-27-14
		Updates:
		Recommendation:
		File 24- Nelson