

<b>DOD: 4/27/12</b>	<b>PUBLIC GUARDIAN</b> , Successor Conservator petitioned the Court for surcharge against the former conservator, Charles Hudiburgh, for breach of fiduciary Duty	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>A Petition for compromise of surcharge against former conservator has been filed and is set for hearing on 9/23/13.</b></p>	
<b>Cont. from</b>	At the hearing on 1/16/13 regarding the former Conservator, Charles Hudiburgh's, second and final account, the court approved the account, but not the prior actions of the conservator. The hearing was continued to allow the Successor Conservator to determine if a surcharge is appropriate.		
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>	Based on the Public Guardian's investigation, a surcharge was warranted.		
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>	At the hearing on the Petition for surcharge the court set this status hearing.		
<b>Conf. Screen</b>	A Petition for compromise of surcharge against former conservator has been filed and is set for hearing on 9/23/13.		
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
			<b>Reviewed by: KT</b>
			<b>Reviewed on: 9/10/13</b>
			<b>Updates:</b>
		<b>Recommendation:</b>	
		<b>File 1 - Hudiburgh</b>	

**Status Hearing Re: Filing of the Account and/or Petition for Final Distribution**

DOD: 10/19/87	<p><b>CURTIS LEE</b>, son, was appointed Administrator with Will Annexed with bond in the amount of \$9,000.00 on 01/13/04.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>		
	<p>Bond was filed 02/19/04 and Letters were issued on 03/30/04.</p>			
	<p>I &amp; A showing the value of the estate at \$9,000.00 was filed on 03/22/04 and Reappraisal for Sale I &amp; A filed 04/01/01 showed the value of the estate at \$13,000.00.</p>			
<p><b>Cont. from 092812, 111612, 011813, 071913, 082313</b></p>	<p>On 8/29/12 the attorney of record, Darlene Kelly, was relieved as counsel.</p>			
<table border="1"> <tr> <td data-bbox="138 556 332 592">Aff.Sub.Wit.</td> <td data-bbox="332 556 381 592"></td> </tr> </table>	Aff.Sub.Wit.			<p>Minute Order from 8/29/12 the court set an Order to Show Cause hearing regarding Curtis Lee's failure to file an accounting. Curtis Lee was ordered to be personally present on 9/28/12. Counsel need not appear.</p>
Aff.Sub.Wit.				
<table border="1"> <tr> <td data-bbox="138 592 332 627">Verified</td> <td data-bbox="332 592 381 627"></td> </tr> </table>	Verified			<p>On 9/28/12 there were no appearances.</p>
Verified				
<table border="1"> <tr> <td data-bbox="138 638 332 674">Inventory</td> <td data-bbox="332 638 381 674"></td> </tr> </table>	Inventory			<p><b>Minute order dated 11/16/12</b> states the court on its own motion removes Curtis Lee as the administrator and appoints the Public Administrator.</p>
Inventory				
<table border="1"> <tr> <td data-bbox="138 674 332 709">PTC</td> <td data-bbox="332 674 381 709"></td> </tr> </table>	PTC			<p>Letters for Successor Administrator with Will Annexed were issued for the Public Administrator on 12/11/2012.</p>
PTC				
<table border="1"> <tr> <td data-bbox="138 720 332 756">Not.Cred.</td> <td data-bbox="332 720 381 756"></td> </tr> </table>	Not.Cred.			<p>The bonding company was mailed notice of Curtis Lee's removal as Administrator on 12/12/12.</p>
Not.Cred.				
<table border="1"> <tr> <td data-bbox="138 766 332 802">Notice of Hrg</td> <td data-bbox="332 766 381 802"></td> </tr> </table>	Notice of Hrg			<p><b>Former Status Report of the Public Administrator filed on 7/16/2013</b> states upon receiving the file Administrator and his attorney reviewed it to determine what the asset were, and what surcharge would be appropriate against the former administrator. However, upon further investigation, it appears that if Mr. Lee misappropriated any amount, it may only be \$3,000. In addition, he may be the only heir. The Public Administrator is sorting through County records to determine if there is any documentation to support his claims. Therefore the successor Administrator requests this matter be set out for 30 days, or a date convenient to the court.</p>
Notice of Hrg				
<table border="1"> <tr> <td data-bbox="138 812 332 848">Aff.Mail</td> <td data-bbox="332 812 381 848"></td> </tr> </table>	Aff.Mail			
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<table border="1"> <tr> <td data-bbox="138 858 332 894">Aff.Pub.</td> <td data-bbox="332 858 381 894"></td> </tr> </table>	Aff.Pub.			
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<table border="1"> <tr> <td data-bbox="138 905 332 940">Sp.Ntc.</td> <td data-bbox="332 905 381 940"></td> </tr> </table>	Sp.Ntc.			
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<table border="1"> <tr> <td data-bbox="138 951 332 987">Pers.Serv.</td> <td data-bbox="332 951 381 987"></td> </tr> </table>	Pers.Serv.			
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<table border="1"> <tr> <td data-bbox="138 997 332 1033">Conf. Screen</td> <td data-bbox="332 997 381 1033"></td> </tr> </table>	Conf. Screen			
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<table border="1"> <tr> <td data-bbox="138 1043 332 1079">Letters</td> <td data-bbox="332 1043 381 1079"></td> </tr> </table>	Letters			
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<table border="1"> <tr> <td data-bbox="138 1089 332 1125">Duties/Supp</td> <td data-bbox="332 1089 381 1125"></td> </tr> </table>	Duties/Supp			
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<table border="1"> <tr> <td data-bbox="138 1136 332 1171">Objections</td> <td data-bbox="332 1136 381 1171"></td> </tr> </table>	Objections			
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<table border="1"> <tr> <td data-bbox="138 1182 332 1218">Video Receipt</td> <td data-bbox="332 1182 381 1218"></td> </tr> </table>	Video Receipt			
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<table border="1"> <tr> <td data-bbox="138 1228 332 1264">CI Report</td> <td data-bbox="332 1228 381 1264"></td> </tr> </table>	CI Report			
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<table border="1"> <tr> <td data-bbox="138 1274 332 1310">9202</td> <td data-bbox="332 1274 381 1310"></td> </tr> </table>	9202			
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<table border="1"> <tr> <td data-bbox="138 1367 332 1402">Aff. Posting</td> <td data-bbox="332 1367 381 1402"></td> </tr> </table>	Aff. Posting			
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<table border="1"> <tr> <td data-bbox="138 1413 332 1449">Status Rpt</td> <td data-bbox="332 1413 381 1449"></td> </tr> </table>	Status Rpt			
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**Reviewed by: KT**  
**Reviewed on: 9/2/13**  
**Updates:**  
**Recommendation:**  
**File 2A – Baker**

**Status Report of the Public Administrator filed on 8/5/2013 states** the Public Administrator did not locate the whereabouts of the other three beneficiaries. The California Inmate Locator sited and TLO did not show anything for Billie Lee or Willie Lee.

If the Court accepts the allegations of Curtis Lee as set forth in his declaration filed on 12/2/2003, then the Court can determine that Mr. Lee is the only heir. Thus, no other person would be harmed by any purposeful or inadvertent misconduct while acting as administrator.

County Counsel confirmed Probate Referee Rick Smith that he was paid for his appraisal. Mr. Lee would still be responsible for fees owing to the Court.

If the Court does not accept Mr. Lee's allegations, the Public Administrator would need guidance from the Court to continue administering the estate.

**Note:**

The decedent died on 10/19/1987. It appears she was survived by her four children, former Administrator, Curtis Lee, Billie Lee, Jr., Willie Lee, Jr. and Bertha Lee. In Curtis Lee's declaration filed on 12/3/2003 he states he last saw his sister Bertha at their mother's (decedent) funeral. Mr. Lee states he last saw his brother Willie in 1995 and that he last saw his brother Billie in approximately 1999.

Decedent's Will devised her entire estate to her four children, Curtis, Bertha, Billie and Willie. Since they all survived, regardless if they subsequently died, they (or their estates) are entitled to a share of this estate.

Probate Code § 11850 allows for property to be distributed to the County Treasury where the whereabouts of the distributee is unknown. Therefore it appears that if the whereabouts of the Bertha, Willie and Billie (who are entitled to distribution because they survived their mother) is unknown then the share that would go to Bertha, Billie and Willie should be deposited with the County Treasury.

The inventory and appraisal shows the property of the estate as real property. It is unclear what the current status of the property is, real property or cash. If it is real property, the property may have to be sold and converted to cash in order to be distributed to the County Treasury.

**Hearing Re: Request for Instruction**

	<b>CURTIS LEE</b> , son, was appointed Administrator with Will Annexed with bond in the amount of \$9,000.00 on 01/13/04.	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
	Bond was filed 02/19/04 and Letters were issued on 03/30/04.		
<b>Cont. from</b>	I & A showing the value of the estate at \$9,000.00 was filed on 03/22/04 and Reappraisal for Sale I & A filed 04/01/01 showed the value of the estate at \$13,000.00.		
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>	<b>Minute order dated 11/16/12</b> states the court on its own motion removes Curtis Lee as the administrator and appoints the Public Administrator.		
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>	Letters for Successor Administrator with Will Annexed were issued for the Public Administrator on 12/11/2012.		
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>	The bonding company was mailed notice of Curtis Lee's removal as Administrator on 12/12/12.		
<b>Letters</b>	Minute Order dated 8/23/13 set this status hearing re: Request for Instructions (please see page 2A)		
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
			<b>Reviewed by: KT</b>
			<b>Reviewed on: 9/9/13</b>
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 2B – Baker</b>	

Atty Kruthers, Heather H., of County Counsel's Office (for Petitioner Public Guardian)

(1) Third Account Current and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney [Prob. C. 2620; 2623; 2942]

Age: 85 years	<b>PUBLIC GUARDIAN</b> , Conservator of the Person and Estate, is Petitioner.		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> Proposed order contains incorrect totals for the balance of property on hand including the total of cash, which totals have been interlineated to match the correct totals stated in the <i>Petition</i>.</p> <p><b>Note:</b> If the <i>Petition</i> is granted, Court will set a status hearing as follows:</p> <ul style="list-style-type: none"> <li>• <b>Friday, November 13, 2015</b> at 9:00 a.m. in Dept. 303 for filing of the next account.</li> </ul> <p>Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required.</p>
DOB: 6/11/1928			
<b>Account period: 7/1/2011 – 6/30/2013</b>			
Cont. from	Accounting	- \$2,082,728.65	
Aff.Sub.Wit.	Beginning POH	- \$1,898,014.61	
✓ Verified	Ending POH	- \$1,929,868.18 (\$22,917.14 cash)	
Inventory	Conservator	- \$3,156.00 (11.50 Deputy hours @ \$96/hr and 27.00 Staff hours @ \$76/hr)	
PTC	Attorney	- \$2,500.00 (per Local Rule, for two years)	
Not.Cred.	Bond fee	- \$10,569.88 (OK) (calculated on personal property, average annual income-dividends, pension, and rents)	
✓ Notice of Hrg	<b>Petitioner prays for an Order:</b>		
✓ Aff.Mail	<ol style="list-style-type: none"> <li>1. Approving, allowing and settling the Third Account;</li> <li>2. Authorizing the conservator and attorney fees and commissions; and</li> <li>3. Authorizing payment of the bond fee.</li> </ol>		
Aff.Pub.	<b>Court Investigator Julie Negrete's Report filed 3/29/2013 recommends the conservatorship of the person and estate continue as is.</b>		
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
✓ 2620(c)			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: LEG
			Reviewed on: 9/9/13
			Updates:
			Recommendation:
			File 3 – Dunlop

Atty Kruthers, Heather H., of County Counsel's Office (for Petitioner Public Administrator)

(1) First and Final Account and Report of Successor Administrator and  
 (2) Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and (3)  
 for Distribution [Prob. C. 10800; 10810; 10951; 11600]

<b>DOD: 9/26/2008</b>		<p><b>PUBLIC ADMINISTRATOR</b>, Successor Administrator, is Petitioner.</p> <p><b>Account period: 5/10/2013 – 7/19/2013</b></p> <p>Accounting - <b>\$521,000.00</b>                  Beginning POH - <b>\$521,000.00</b>                  Ending POH - <b>\$521,000.00</b>                  (no cash)</p> <p>Administrator - <b>\$1,000.00</b>                  (less than statutory of \$13,420.00; agreed to accept due to limited activity required by the successor administrator; to be paid by sole estate heir outside probate.)</p> <p>Attorney - <b>\$1,000.00</b>                  (less than statutory of \$13,420.00; agreed to accept due to limited activity required by the successor administrator's attorney; to be paid by sole estate heir outside probate.)</p> <p>Bond Fee - not requested                  (successor administrator did not have to physically marshal assets, and the successor administration only lasted for two months.)</p> <p>Costs/Creditor claim - <b>\$4,889.24</b>                  (filing fee and certified copies; creditor's claim of the Franchise Tax Board allowed for \$2,428.74; to be paid by sole heir outside probate.)</p> <p><b>Distribution pursuant to Decedent's Will is to:</b></p> <p><b>CHRISTOPHER HUGH JOHNSON</b> – entire estate consisting of two parcels of real property, two vehicles, and items of personal property.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input type="checkbox"/>	<b>Verified</b>		
<input checked="" type="checkbox"/>	<b>Inventory</b>		
<input checked="" type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> w/		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input checked="" type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b> 052413		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 9/9/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b> SUBMITTED</p> <p><b>File 4 – Johnson</b></p>	



**5B Betty Ruth Cozby Revocable (Trust)**

Case No. 12CEPR00087

Atty Campbell, Robert N (for Objector Janice Potter)

Atty Gilmore, David M. (for Petitioner/Trustee Edward D. Reimer and Ola Mae Langley)

**Supplement to Petition for Settlement of Account and Approval of Trustee Fees  
[Prob. C. 17200(b)(5)]**

		<b>EDWARD D. REIMER and OLA MAE LANGLEY,</b> Trustees, are petitioners.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Account period: 4/30/11 – 7/29/13 (2 years, 3 months)	
<b>Cont. from</b>		Accounting - <b>\$1,029,198.14</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Beginning POH- <b>\$ 941,586.68</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>	Ending POH - <b>\$ 911,088.38</b>	
<input type="checkbox"/>	<b>Inventory</b>	Trustee - <b>\$50,000.00</b> (Petition states the	
<input type="checkbox"/>	<b>PTC</b>	Trustee already paid himself \$75,482.50. Janice	
<input type="checkbox"/>	<b>Not.Cred.</b>	Potter objected. Pursuant to an agreement	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	between Janice Potter and the Trustee he has	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	agreed to cap his fee at \$50,000.00 to settle those	
	W/	objections.)	
<input type="checkbox"/>	<b>Aff.Pub.</b>	Attorney (Gilmore)- <b>\$16,476.85</b>	
<input type="checkbox"/>	<b>Sp.Ntc.</b>	Attorney (Campbell) - <b>\$9,699.07</b>	
<input type="checkbox"/>	<b>Pers.Serv.</b>	<b>Petitioner prays for an Order:</b>	
<input type="checkbox"/>	<b>Conf. Screen</b>	1. That the account and report be settled,	
<input type="checkbox"/>	<b>Letters</b>	allowed and approved;	
<input type="checkbox"/>	<b>Duties/Supp</b>	2. That all acts and proceedings of the Petitioner	
<input checked="" type="checkbox"/>	<b>Objections</b>	be confirmed and approved;	
<input type="checkbox"/>	<b>Video Receipt</b>	3. Confirming payment of \$50,000.00 in trustee	
<input type="checkbox"/>	<b>CI Report</b>	fees;	
<input type="checkbox"/>	<b>9202</b>	4. Authorizing payment of attorney fees to Janice	
<input checked="" type="checkbox"/>	<b>Order</b>	Potter's attorney Robert Campbell in the	
<input type="checkbox"/>	<b>Aff. Posting</b>	amount of \$9,699.07;	
<input type="checkbox"/>	<b>Status Rpt</b>	5. Authorization to retain \$25,000.00 as a closing	
<input type="checkbox"/>	<b>UCCJEA</b>	reserve;	
<input type="checkbox"/>	<b>Citation</b>	6. Distribution pursuant to the terms of the Trust is	
<input type="checkbox"/>	<b>FTB Notice</b>	to:	
		<ul style="list-style-type: none"> <li>• First Assembly of God – 22.00%</li> <li>• Stockdale Christian School – 10.00%</li> <li>• Marian Cozby – 15.00%</li> <li>• Erma Martino, John P Cozby II &amp; Gail &amp; Scott Christiansen – 9.00% each</li> <li>• Janice Potter &amp; Steve Potter 7.50% each</li> <li>• Brenda Fallot - 3.00%</li> <li>• Gary Midkiff, Greg Midkiff, Olga Mae Langley – 2.00% each</li> </ul>	
			<b>Reviewed by: KT</b>
			<b>Reviewed on: 9/10/13</b>
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 5B – Cozby</b>

Age: 19	IAN KINSEY, brother, was appointed Conservator of the Estate with bond set at \$15,000.00 on 01/29/13.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
DOB: 10/20/1993		
	Bond in the amount of \$15,000.00 was filed on 02/06/13.	<b><u>CONTINUED TO 09/17/13</u></b> <b>Per Order Continuing Probate Status Conference signed 09/06/13</b>
	Letters of Conservatorship were issued on 02/08/13.	
Cont. from 052413, 071213	<b>Inventory &amp; Appraisal filed 05/02/13</b> – shows cash assets of \$250,000.00 from settlement.	<b><u>CONTINUED FROM 05/24/13</u></b> <b>Minute order from 05/24/13 states: Counsel requests a continuance.</b>
Aff.Sub.Wit.	<b>Notice of Status Hearing filed 05/06/13</b> set this matter for status regarding the sufficiency of the bond (\$15,000.00) in light of the Inventory & Appraisal showing cash assets in the amount of \$250,000.00.	
Verified	<b>Clerk's Certificate of Mailing</b> indicates that the <b>Notice of Status Hearing</b> was mailed to attorney Paul Pimentel on 05/06/13.	1. Need current written status report pursuant to Local Rule 7.5, which states: In all matters set for status hearing, verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
✓ 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		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 09/09/13
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 6 – Kinsey</b>

**Petition for Attorney Fees**

<b>Age: 78</b>		<p><b>JOANNE SANOIAN</b>, Petitioner, was Court appointed to represent the Conservatee on 05/28/13.</p> <p><b>PUBLIC GUARDIAN</b>, was appointed Temporary Conservator of the Person and Estate on 05/24/13. The case was dismissed at the request of the Public Guardian on 07/24/13.</p> <p>Petitioner requests fees in connection with the representation of the Conservatee for the Public Guardian's petition to appoint a conservator.</p> <p>Petitioner <b>asks that she be paid</b> from the conservatorship estate for <b>9.3 hours @ \$300.00/hr. plus reimbursement of \$435.00 for filing fees, for a total fee request of \$3,225.00.</b></p> <p>Services are itemized by date and include review of documents, visits with clients, and court appearances.</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>				
<b>Cont. from</b>							
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>						
<input checked="" type="checkbox"/>	<b>Verified</b>						
<input type="checkbox"/>	<b>Inventory</b>						
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<input type="checkbox"/>	<b>Citation</b>						
<input type="checkbox"/>	<b>FTB Notice</b>						
		<table border="1"> <tr> <td><b>Reviewed by:</b> JF</td> </tr> <tr> <td><b>Reviewed on:</b> 09/10/13</td> </tr> <tr> <td><b>Updates:</b></td> </tr> <tr> <td><b>Recommendation:</b></td> </tr> <tr> <td><b>File 7 – Cannon</b></td> </tr> </table>	<b>Reviewed by:</b> JF	<b>Reviewed on:</b> 09/10/13	<b>Updates:</b>	<b>Recommendation:</b>	<b>File 7 – Cannon</b>
<b>Reviewed by:</b> JF							
<b>Reviewed on:</b> 09/10/13							
<b>Updates:</b>							
<b>Recommendation:</b>							
<b>File 7 – Cannon</b>							

8 **Kylie-Rae Shostak, Kayla-Raine Shostak and Silas Shostak (GUARD/P)**

Case No. 13CEPR00573

Atty **Shields, Elizabeth A. (pro per – maternal aunt/Petitioner)**

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

<b>Kylie-Rae, 15</b>	<b><u>NO TEMPORARY REQUESTED</u></b>		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person or Consent &amp; Waiver of Notice or Declaration of Due Diligence</i> for:                     <ul style="list-style-type: none"> <li>- Paternal grandfather (unknown)</li> </ul> </li> <li>2. The Petition requests appointment as Guardian of the Person and Estate; however, if Guardianship of the Estate is being sought, a separate Petition will be needed for each minor. It is unclear from the Petition and CI report whether a Guardianship of the Estate is necessary and whether the Petitioner intended to seek appointment as guardian of the estate. If Guardianship of the Estate is determined to be necessary, a separate Petition for Appointment of Guardian of the Estate will need to be filed for each minor.</li> </ol>
<b>Kayla-Raine, 13</b>	<p><b>ELIZABETH SHIELDS</b>, maternal aunt, is Petitioner.</p>		
<b>Silas, 11</b>	<p>Father: <b>CAESAR LEE SHOSTAK</b> – <i>Consent &amp; Waiver of Notice filed 08/02/13</i></p>		
<b>Cont. from 082913</b>	<p>Mother: <b>JENNIFER STARR</b> – <i>deceased</i></p>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	<p>Paternal grandfather: UNKNOWN</p>		
<input checked="" type="checkbox"/> <b>Verified</b>	<p>Paternal grandmother: PIXIE SHOSTAK – <i>Served by mail on 07/18/13</i></p>		
<input type="checkbox"/> <b>Inventory</b>	<p>Maternal grandfather: TOM STARR - <i>deceased</i></p>		
<input type="checkbox"/> <b>PTC</b>	<p>Maternal grandmother: LAURA LEE STARR – <i>Served by mail on 07/18/13</i></p>		
<input type="checkbox"/> <b>Not.Cred.</b>	<p>Sibling: JORDAN STARR – <i>Served by mail on 07/18/13</i></p>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	<p><b>Petitioner alleges</b> the children's mother was killed in a car accident on 06/07/13. Their father has had little contact with them and is in agreement that a guardianship is necessary. He has stated that he cannot care for them at this time. Petitioner states that she has always been a part of the children's lives and that guardianship is necessary to ensure the children's medical and educational needs are met.</p>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	<p><b>Estimated Value of the Estate:</b></p> <p>Personal property - \$500.00</p>		
<input type="checkbox"/> <b>Aff.Pub.</b>	<p><b>Court Investigator Samantha Henson filed a report on 09/05/13.</b></p>		
<input type="checkbox"/> <b>Sp.Ntc.</b>			
<input checked="" type="checkbox"/> <b>Pers.Serv.</b>			
<input checked="" type="checkbox"/> <b>Conf. Screen</b>			
<input checked="" type="checkbox"/> <b>Letters</b>			
<input checked="" type="checkbox"/> <b>Duties/Supp</b>			
<input type="checkbox"/> <b>Objections</b>			
<input type="checkbox"/> <b>Video Receipt</b>			
<input checked="" type="checkbox"/> <b>CI Report</b>			
<input type="checkbox"/> <b>9202</b>			
<input checked="" type="checkbox"/> <b>Order</b>			
<input type="checkbox"/> <b>Aff. Posting</b>			
<input type="checkbox"/> <b>Status Rpt</b>			
<input checked="" type="checkbox"/> <b>UCCJEA</b>			
<input type="checkbox"/> <b>Citation</b>			
<input type="checkbox"/> <b>FTB Notice</b>			
			<p><b>Reviewed by:</b> JF</p>
			<p><b>Reviewed on:</b> 09/09/13</p>
			<p><b>Updates:</b></p>
			<p><b>Recommendation:</b></p>
			<p><b>File 8 – Shostak</b></p>

**Petition to Modify Trust Under Changed Circumstances and to Combine Modified Trust With Existing Trust**

	<p><b>GARY P. BEDROSIAN, Trustee of the Joseph G. Bedrosian Trust (the 1995 Trust), is Petitioner.</b></p>	<p><b>NEEDS/PROBLEMS/ COMMENTS:</b></p>		
	<p><b>Petitioner requests</b> the Court modify provisions of the 1995 Trust under changed circumstances pursuant to Probate Code § 15409, and combine the so-modified 1995 Trust with the <b>Joseph G. Bedrosian Family 2012 Trust created under the Trust Agreement dated 12-28-12 (the 2012 Trust)</b> as follows:</p>	<p><u>Note:</u> Trustee resides in Orange County; however, the trustee's attorneys and accountants are located in Fresno County, and the Trustee's usual business is located in Fresno County. Therefore, the principal place of administration of the 1995 Trust is Fresno County.</p>		
<table border="1"> <tr> <td>Aff.Sub.Wit.</td> <td></td> </tr> </table>	Aff.Sub.Wit.			
Aff.Sub.Wit.				
<table border="1"> <tr> <td>✓ Verified</td> <td></td> </tr> </table>	✓ Verified			
✓ Verified				
<table border="1"> <tr> <td>Inventory</td> <td></td> </tr> </table>	Inventory			
Inventory				
<table border="1"> <tr> <td>PTC</td> <td></td> </tr> </table>	PTC			
PTC				
<table border="1"> <tr> <td>Not.Cred.</td> <td></td> </tr> </table>	Not.Cred.			
Not.Cred.				
<table border="1"> <tr> <td>✓ Notice of Hrg</td> <td></td> </tr> </table>	✓ Notice of Hrg			
✓ Notice of Hrg				
<table border="1"> <tr> <td>✓ Aff.Mail</td> <td>W</td> </tr> </table>	✓ Aff.Mail	W		
✓ Aff.Mail	W			
<table border="1"> <tr> <td>Aff.Pub.</td> <td></td> </tr> </table>	Aff.Pub.			
Aff.Pub.				
<table border="1"> <tr> <td>Sp.Ntc.</td> <td></td> </tr> </table>	Sp.Ntc.			
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<table border="1"> <tr> <td>Pers.Serv.</td> <td></td> </tr> </table>	Pers.Serv.			
Pers.Serv.				
<table border="1"> <tr> <td>Conf. Screen</td> <td></td> </tr> </table>	Conf. Screen			
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<table border="1"> <tr> <td>Letters</td> <td></td> </tr> </table>	Letters			
Letters				
<table border="1"> <tr> <td>Duties/Supp</td> <td></td> </tr> </table>	Duties/Supp			
Duties/Supp				
<table border="1"> <tr> <td>Objections</td> <td></td> </tr> </table>	Objections			
Objections				
<table border="1"> <tr> <td>Video Receipt</td> <td></td> </tr> </table>	Video Receipt			
Video Receipt				
<table border="1"> <tr> <td>CI Report</td> <td></td> </tr> </table>	CI Report			
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<table border="1"> <tr> <td>X Order</td> <td></td> </tr> </table>	X Order			
X Order				
<table border="1"> <tr> <td>Aff. Posting</td> <td></td> </tr> </table>	Aff. Posting			
Aff. Posting				
<table border="1"> <tr> <td>Status Rpt</td> <td></td> </tr> </table>	Status Rpt			
Status Rpt				
<table border="1"> <tr> <td>UCCJEA</td> <td></td> </tr> </table>	UCCJEA			
UCCJEA				
<table border="1"> <tr> <td>Citation</td> <td></td> </tr> </table>	Citation			
Citation				
<table border="1"> <tr> <td>FTB Notice</td> <td></td> </tr> </table>	FTB Notice		<p>The 1995 Trust provides that income be paid to Joseph, and that the trust terminate when Joseph is 30 years old. Petitioner proposes to modify the 1995 Trust to make the terms identical to the terms of the 2012 Trust, which was established by the same Trustors for the benefit of Joseph. The 2012 Trust contains provisions intended to accommodate his special needs, allowing supplement to available public benefits.</p> <p>Modification is necessary because the 1995 Trust requires that income be paid to Joseph and that the trust terminate when he reaches 30. However, it is now known that he requires ongoing support, including in managing money. This was not anticipated, as he was only 20 months old when the 1995 Trust was established and his disability was not believed to be as severe as it has turned out to be. Continued administration of the 1995 Trust under its present terms would substantially impair the accomplishment of the trust purposes in that it would inadequately protect and provide for Joseph by failing to provide a mechanism for assets to be managed for Joseph's benefit and potentially impair his ability to receive public benefits.</p> <p><b>Petitioner prays for an order that the 1995 Trust be modified as set forth above and that the 1995 Trust be combined with the 2012 Trust and the estate of the 1995 Trust henceforth be administered as part of the 2012 Trust.</b></p>	<p><b>1. Need order.</b></p> <hr/> <p><b>Reviewed by:</b> skc</p> <hr/> <p><b>Reviewed on:</b> 9-10-13</p> <hr/> <p><b>Updates:</b></p> <hr/> <p><b>Recommendation:</b></p> <hr/> <p><b>File 9 – Bedrosian</b></p>
FTB Notice				



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

<b>DOD: 06/02/13</b>	<b>BART ANTHONY SELMA</b> , grandson, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. The Inventory & Appraisal is not on the most recent Judicial Council Form (Form DE-160 Rev. 2007) and does not have all of the required language.
	40 days since DOD.	
	No other proceedings.	
<b>Cont. from</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>	I & A - \$100,000.00	
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>	Will dated 11/06/86 devises entire estate to son, Richard J. Selma if he survives and if not to Bart Anthony Selma.	
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Petitioner requests Court determination that decedent's 100% interest in real property located at 1493 N. Del Mar, Fresno pass to him pursuant to decedent's will.	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	w/	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 09/10/13
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 11 – Selma</b>

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

Age: 6		<u><b>NO TEMPORARY REQUESTED</b></u>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<p><b>CECILIA RODRIGUEZ</b>, mother, is Petitioner.</p> <p>Father: <b>CHRYSIAN RODRIGUEZ</b> – deceased                  Mother: <b>CECILIA RODRIGUEZ</b></p> <p>Paternal grandparents: NOT LISTED</p> <p>Maternal grandparents: NOT LISTED</p> <p><b>Petitioner states</b> the minor's father was killed in a car accident on 11/20/12. The minor is entitled to death benefits in the amount of \$40,000.00. The insurance company will not release the money until it receives an order appointing the guardian of the estate of the minor beneficiary.</p> <p><u><b>Estimated Value of the Estate:</b></u>                  Personal property - \$40,000.00</p>			
<b>Cont. from</b>				<p>1. The Child Information Attachment is not filled out. It is almost entirely blank. Need completed Child Information Attachment (form GC-210(CA)).</p> <p>2. Need <i>Duties of Guardian</i>.</p> <p>3. Need <i>Notice of Hearing</i>.</p> <p>4. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Estate or Consent &amp; Waiver of Notice or Declaration of Due Diligence</i> for:</p> <ul style="list-style-type: none"> <li>- Paternal grandparents</li> <li>- Maternal grandparents</li> <li>- Any siblings 12 and over</li> </ul> <p>5. Need Letters &amp; Order.</p> <p>6. Need <i>Confidential Guardian Screening Form</i>.</p> <p>7. The Petition was filed with a Fee Waiver, the Court filing fees will be due to the court when insurance proceeds are received.</p> <p>8. The Petition does not address what the guardian plans to do with the guardianship funds upon receipt. It has been the policy of the court that all minor's funds are to be placed in a blocked account. Need Order to Deposit Money into Blocked Account.</p> <p><b>Note:</b> If the Petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> <li>• <b>Friday, October 25, 2013 at 9:00 am in Dept. 303</b> for Receipts of Blocked Account;</li> <li>• <b>Friday, February 21, 2014 at 9:00 am in Dept. 303</b> for filing of the Inventory &amp; Appraisal;</li> <li>• <b>Friday, November 21, 2014 at 9:00 am in Dept. 303</b> for filing of the First Account and Report of Guardian</li> </ul>	
<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	X			
<input type="checkbox"/>	Aff.Pub.				
<input type="checkbox"/>	Sp.Ntc.				
<input type="checkbox"/>	Pers.Serv.				
<input type="checkbox"/>	Conf. Screen	X			
<input type="checkbox"/>	Letters	X			
<input type="checkbox"/>	Duties/Supp	X			
<input type="checkbox"/>	Objections				
<input type="checkbox"/>	Video Receipt				
<input type="checkbox"/>	CI Report				
<input type="checkbox"/>	9202				
<input type="checkbox"/>	Order	X			
<input type="checkbox"/>	Aff. Posting				
<input type="checkbox"/>	Status Rpt				
<input checked="" type="checkbox"/>	UCCJEA				
<input type="checkbox"/>	Citation				
<input type="checkbox"/>	FTB Notice				
				<b>Reviewed by:</b> JF	
				<b>Reviewed on:</b> 09/10/13	
				<b>Updates:</b>	
				<b>Recommendation:</b>	
				<b>File 12 – Rodriguez</b>	

**Probate Status Hearing Re: (1) Failure to File Inventory & Appraisal; (2) Failure to File a First Account or Petition for Final Distribution [Prob. C. 12200, et seq.]**

<b>DOD: 12/21/2005</b>	<b>KAMLJIT K. ASHAT</b> , surviving spouse, was appointed as Administrator with full IAEA authority and without bond on 2/10/2009.	<p><b>NEEDS/PROBLEMS/ COMMENTS:</b></p> <p><b>Continued from 8/16/2013.</b> Minute order states no appearances. The court will consider removing the personal representative at the next hearing if the documents are not filed by 9/12/13. The Court orders William Corwin to be personally present with his client on 9/12/13.</p> <p>1. Need Inventory and Appraisal, first account, petition for final distribution or current written status report pursuant to Local Rule 7.5 which states in all matter set for Status Hearing (unless inventory and appraisal <u>and</u> accounting or petition for final distribution has been filed) <b>verified Status Reports must be filed no later than ten (10) days before the hearing</b> and shall be served on all interested parties.</p> <p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 9/9/13</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 13 - Ashat</b></p>
	At the time of the filing of the Petition for Probate the estate was estimated to be \$2,761,000.00.	
	The decedent died intestate survived by his spouse and three children, one of which is a minor.	
<b>Cont. from 022213, 032213, 051013, 053113, 071913, 081613</b>	<b>Inventory and appraisal was due July 2009.</b>	
<input type="checkbox"/> Aff.Sub.Wit.	<b>First account or a petition for final distribution was due April of 2010.</b>	
<input type="checkbox"/> Verified	Notice of Status Hearing was mailed to attorney William Cowin on 12/19/2012.	
<input type="checkbox"/> Inventory	<b>Status Report filed on 5/30/13 states</b> since the last hearing Attorney Cowin was finally able to have a telephone call with Ms. Ashat and she confirmed that the federal case had been settled and that she would send the settlement documents and litigation cost billings to him. Since he had not received the information, Mr. Corwin states he contacted her again and she reassured him that she was sending the information right away. Mr. Cowin states he has not received the information nor any communication from her since that time, and, accordingly have not been in a position to finalize the documentation to close the probate at this time.	
<input type="checkbox"/> PTC	On Thursday, May 30 <sup>th</sup> he was able to contact Mrs. Ashat's husband on his cell phone. He assured Mr. Cowin that he would help Mrs. Ashat gather the requested information and provide the same to him. Mr. Cowin request an additional 30 to 45 days to finalize this probate.	
<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		

**Petition for Termination of Guardianship**

<b>Age: 18 years</b>	<b>MARY MORALES</b> , maternal grandmother/successor guardian, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need Notice of Hearing with proof of service on father, <b>Peter Garcia</b> , <u>or</u> consent and waiver of Notice <u>or</u> declaration of due diligence.
<b>Cont. from 081213</b>	Father: <b>PETER GARCIA</b> – whereabouts unknown.	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>	Mother: <b>SUSAN MORALES</b> – deceased.	
<input type="checkbox"/> <b>Inventory</b>	Paternal grandparents: unknown	
<input type="checkbox"/> <b>PTC</b>	Maternal grandfather: Deceased.	
<input type="checkbox"/> <b>Not.Cred.</b>		
<input type="checkbox"/> <b>Notice of Hrg</b>	<input checked="" type="checkbox"/> Former minor, Gerald Ray Morales consents and waives notice.	
<input type="checkbox"/> <b>Aff.Mail</b>	<input checked="" type="checkbox"/>	
<input type="checkbox"/> <b>Aff.Pub.</b>	<b>Petitioner states</b> the minor is 18 and a guardianship is no longer necessary.	
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
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<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 9/9/2013</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 14A – Morales</b>

**Ex Parte Petition for Withdrawal of Funds from Blocked Account**

<b>Age: 18 years</b>	<p><b>MARY MORALES</b>, maternal grandmother/successor guardian, is petitioner.</p> <p>Father: <b>PETER GARCIA</b> – whereabouts unknown.</p> <p>Mother: <b>SUSAN MORALES</b> – deceased.</p> <p>Paternal grandparents: unknown  Maternal grandfather: Deceased.</p> <p>Former minor, Gerald Ray Morales consents.</p> <p>Petitioner requests withdrawal of the funds in the blocked account totaling \$56,817.75. The petition requests distribution of the funds to the former minor, Gerald Ray Morales.</p> <p><b>Declaration of Gerald Ray Morales</b> attached to the petition states Mr. Morales is asking the court to release the funds from his blocked account. Mr. Morales states since he has turned 18 he is no longer eligible for Social Security benefits and he has no money to pay for his personal needs. The money in the blocked account is his and he is asking the court to release the funds to him.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>Minute order dated 8/12/13 authorized Mary Morales to withdraw \$3,000 from the blocked account.</p>
<b>Cont. from 081213</b>		
<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 9/9/2013</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 14B – Morales</b>

**Petition for Termination of Guardianship**

<b>Age: 18 years</b>	<b>MARY MORALES</b> , maternal grandmother/successor guardian, is petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>Need Notice of Hearing with proof of service on father, <b>Peter Garcia</b>, <u>or</u> consent and waiver of Notice <u>or</u> declaration of due diligence.</li> <li>Need Bank Statements pursuant to Probate Code 2620(c).</li> <li>Need Order.</li> </ol>
<b>Cont. from 081213</b>	Accounting - ???	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Beginning POH - \$51,117.10	
<input checked="" type="checkbox"/> <b>Verified</b>	Ending POH - \$56,843.52	
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>	Petitioner submits this accounting and prays the responsibility for said accounting be discharged.	
<input type="checkbox"/> <b>Notice of Hrg</b>	<input checked="" type="checkbox"/>	
<input type="checkbox"/> <b>Aff.Mail</b>	<input checked="" type="checkbox"/>	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input type="checkbox"/> <b>Order</b>	<input checked="" type="checkbox"/>	
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 9/9/2013</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 14A – Morales</b>



**Petition for Visitation**

<b>Age:</b> 6	<b>HEATHER MARIE HOWARD</b> , Mother, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li><b>Petitioner states CPS returned the child to her; however, Petitioner is requesting visitation, not termination of the guardianship. Need clarification: Where is the minor currently residing?</b></li> <li><b>Notice of Hearing was personally served on Robert Phillips on 8-13-13; however, Co-Guardian Jennifer Phillips was not served. The Court may require continuance for proper service pursuant to Probate Code §1460.</b></li> <li><b>The Court may also require notice to the father (Joshua Phillips).</b></li> </ol>
	<b>ROBERT and JENNIFER PHILLIPS</b> , Paternal Grandfather and Step-Grandmother, were appointed guardians on 8-6-12.	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>	Father: <b>JOSHUA PHILLIPS</b>	
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>	<b>Petitioner states</b> Custody of the minor has been returned to her by CPS on 7-20-13. Desire by Mother to re-establish a parental (mother-child) relationship with the Taytum Phillips. Completion of Rehabilitation Program on 7-5-13. Any recommendations needed for Heather Howard by Social Worker or Case Manager as well as Fresno County Court can be provided to the progress of Heather Howard.	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input type="checkbox"/> <b>Aff.Mail</b>		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input checked="" type="checkbox"/> <b>Pers.Serv.</b>	W	
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input type="checkbox"/> <b>Order</b>	X	
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 9-10-13
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 16 – Phillips</b>

**Petition for Order Directing Transfer of Property to Petitioner [Prob. C. 850(a)(2)(D)]**

	<p><b>MARGOT BELLANDO</b>, Successor Trustee for Sunnyside Medical, a California fictitiously named business association registered and doing business in the City of Fresno, County of Fresno, State of California, is Petitioner.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>
<p><b>Cont. from 080813</b></p>		<p><u><b>SEE ADDITIONAL PAGES FOR UPDATED NEEDS/PROBLEMS/COMMENTS</b></u></p>
<p><input type="checkbox"/> <b>Aff.Sub.Wit.</b></p>	<p>Sunnyside Medical is an interested person within the contemplated provisions of Probate Code §48 in certain personal property that the decedent held title to and possession of at her death.</p>	<p><u><b>Continued from 8-8-13</b></u></p>
<p><input checked="" type="checkbox"/> <b>Verified</b></p>		<p><u><b>Minute Order 8-8-13:</b></u> <b>Petitioner is directed to meet with the examiner immediately following today's hearing.</b></p>
<p><input type="checkbox"/> <b>Inventory</b></p>		
<p><input type="checkbox"/> <b>PTC</b></p>		
<p><input type="checkbox"/> <b>Not.Cred.</b></p>		
<p><input checked="" type="checkbox"/> <b>Notice of Hrg</b></p>	<p>Petitioner states John Chaing, Controller, State of California, currently holds funds in the sum of \$98,957.43, represented by three time-expired negotiable instruments, each payable to the decedent, drawn on Citibank, dated 11-18-03 and 4-6-04 (serial numbers provided), the source of which funds is Sunnyside Medical, and, because they have not been negotiated, were delivered to respondent with the funds represented thereby by said bank as unclaimed funds under the laws of the State of California. Sunnyside Medical is the owner of the beneficial interest in those funds that were withdrawn and held by the decedent as trustee for Sunnyside Medical at the time of withdrawal. The decedent died without discharging her duty as trustee to surrender said instruments and/or funds represented thereby to petitioner as successor trustee upon the demand of petitioner.</p>	
<p><input checked="" type="checkbox"/> <b>Aff.Mail</b></p>	<p>W</p>	
<p><input type="checkbox"/> <b>Aff.Pub.</b></p>		
<p><input type="checkbox"/> <b>Sp.Ntc.</b></p>		
<p><input type="checkbox"/> <b>Pers.Serv.</b></p>		
<p><input type="checkbox"/> <b>Conf. Screen</b></p>		
<p><input type="checkbox"/> <b>Letters</b></p>		
<p><input type="checkbox"/> <b>Duties/Supp</b></p>		
<p><input type="checkbox"/> <b>Objections</b></p>		
<p><input type="checkbox"/> <b>Video Receipt</b></p>		
<p><input type="checkbox"/> <b>CI Report</b></p>		
<p><input type="checkbox"/> <b>9202</b></p>		
<p><input checked="" type="checkbox"/> <b>Order</b></p>		<p><b>Reviewed by:</b> skc</p>
<p><input type="checkbox"/> <b>Aff. Posting</b></p>		<p><b>Reviewed on:</b> 9-9-13</p>
<p><input type="checkbox"/> <b>Status Rpt</b></p>	<p>Petitioner claims the right to legal title and possession of property as a successor trustee of Sunnyside Medical the equitable title owner in this property held by decedent as trustee during her lifetime and now held on her behalf by respondent John Chaing.</p>	<p><b>Updates:</b></p>
<p><input type="checkbox"/> <b>UCCJEA</b></p>		<p><b>Recommendation:</b></p>
<p><input type="checkbox"/> <b>Citation</b></p>		<p><b>File 17 – Girazian</b></p>
<p><input type="checkbox"/> <b>FTB Notice</b></p>	<p>Decedent died while in possession of the property only as predecessor trustee to Petitioner. Before her death, the decedent had ordered the cashier's check drawn on funds, then and there beneficiary owned by Sunnyside Medical with the duty to transfer said funds and/or instrument representing said funds to Petitioner immediately upon Petitioner's succession of the decedent as trustee for Sunnyside Medical.</p> <p style="text-align: center;"><b>SEE ADDITIONAL PAGES</b></p>	

Page 2

Petitioner prays for an order:

1. Directing John Chiang, Controller, State of California to transfer the funds represented by the cashier's checks to Petitioner, as the successor trustee of Sunnyside Medical, the beneficiary of the trust in which those funds were lawfully held by Jeannie Girazian and to execute any documents necessary in order to fully complete the transfer;
2. Directing John Chiang, Controller, State of California to immediately deliver possession of this property to Petitioner; and
3. For such other orders as the court deems proper.

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**Examiner's Note:** Prior Examiner Notes requested clarification regarding the relationship between Petitioner, the decedent, and the business, and regarding Petitioner's authority to bring this petition on behalf of the business, noting that it was unclear whether there was a trust instrument or agreement, or how Petitioner was associated with the business or trust, if any. It appeared Petitioner was using the term "trustee" in the figurative sense, rather than as a legal capacity in relation to a trust instrument.

After discussing these questions with Examiner after the last hearing, Petitioner filed two (2) separate declarations on 8-13-13 as follows:

**The 1<sup>st</sup> Declaration states:** Sunnyside Medical is a registered fictitious business name for a business created and existing to administer and manage revenues generated by the medical practice of **David J. Edwards, M.D.**, who, as settlor of those revenues, directed that those revenues be administered by Sunnyside Medical for the operation of his medical practice. Decedent Jeannee Girazian was Petitioner's predecessor as trustee for the funds representing the revenue being administered by Sunnyside Medical. As such, in keeping with the standing direction of **Settlor David J. Edwards, MD**, Petitioner is informed and believes that Jeannee Girazian received revenue generated from Dr. Edwards' medical practice in trust and deposited same forthwith into an account with Citibank or Bank of American, which account was denominated as the Sunnyside Medical business account and during her service as trustee, identified Jeannee Girazian as the exclusive person authorized to sign for withdrawals from that account. After comprehensive and diligent good faith review, it is clear to Petitioner that no funds have ever been deposited in the Sunnyside Medical account from which these negotiable instruments have been drawn that are attributable to any source other than the medical practice of Dr. Edwards. Petitioner is also completely certain that there is no evidence whatsoever of funds in the account that may have been commingled by Jeannee Girazian with funds belonging to Sunnyside Medical entrusted to her.

**SEE ADDITIONAL PAGES**

Page 3

Petitioner states Ms. Girazian exclusively administered the financial affairs of Sunnyside Medical from the revenues deposited in the account until mental disability secondary to senile dementia resulted in her incapacity to administer those financial affairs. **Petitioner has subsequently been duly substituted as trustee of those funds by the settlor David J. Edwards, MD, and is now the person authorized to sign on the account.**

In the initial course of Petitioner's service as substitute trustee of the Sunnyside Medical accounts, Petitioner personally reviewed records and notes of Jeannee Girazian and others relating to the Sunnyside Medical accounts, and learned that Ms. Girazian had become concerned that the Sunnyside Medical bank account might be susceptible to levy by creditors, although Petitioner was not able to establish any comprehensible reason for her concern in this regard. It appeared to Petitioner that Sunnyside Medical was current or close to current with all creditors, and she could not see why there would be any credible threat of levy. Petitioner assumed that her concerns may have been born of the onset of her mental disability and concluded that she could prudently assume that there was no basis in reality for Ms. Girazian's concerns.

Petitioner states it was only well after Ms. Girazian's death, in the course of closing the medical practice, that Petitioner came across certain negotiable instruments concealed among Sunnyside Medical papers and **payable to Jeannee Girazian**. A review disclosed that the funds used to purchase those instruments were drawn from the Sunnyside Medical account at Citibank or Bank of America. **These instruments had obviously never been negotiated, but instead had evidently been acquired and intentionally concealed by Jeannee Girazian during the time she was administering Sunnyside Medical as trustee and had never been discovered by Petitioner or anyone else until Petitioner was engaged in the final closing of the medical practice.**

Upon close examination of all Sunnyside Medical's accounts, and with specific reference to the withdrawals that were obviously related to the negotiable instruments Petitioner discovered, Petitioner could not discern any reason for those funds to have been withdrawn by Jeannee Girazian and converted to negotiable instruments, nor any reason for her to physically conceal those instruments among Sunnyside Medical's records. Petitioner was also unable to discover a reason she never attempted to negotiate the instruments or further account for the funds they represented.

Petitioner states it was only after considerable reflection that she recalled Ms. Girazian's concern about the potential for levies on the Sunnyside Medical account. At that point, Petitioner presented her quandary to Dr. Edwards personally. She explained the circumstances and inquired as to whether he knew or might be able to discern the purpose of Ms. Girazian drawing funds from the account, converting them to negotiable instruments, and then concealing them.

**SEE ADDITIONAL PAGES**

## Page 4

In response to her inquiry, and after reflection of his own, Petitioner states Dr. Edwards explained that over the years of her association with Sunnyside Medical as administrator of its affairs and as trustee of revenue derived from his medical practice, there had been many conversations between Dr. Edwards and Ms. Girazian where he had, from time to time, expounded upon some of his own opinions about what he perceived to be a dramatic rise in frivolous medical malpractice suits in California. Among other things, he expressed his opinion to Ms. Girazian that a "doctor's fat bank account" was a ripe target for a malpractice attorney and that the size of the account was often the determining factor in whether a physician would be subjected to a suit for malpractice. Petitioner states Dr. Edwards also expressed his opinion to Ms. Girazian that he considered having medical malpractice insurance itself an invitation to frivolous litigation and that the only difference between having such insurance and not having insurance was that in the former case, the insurer would have to pay the attorney bills to defend, whereas in the latter, the doctor would pay. He concluded the opinion he expressed to Ms. Girazian by observing that, in the end, a doctor could not successfully avoid medical malpractice suit by practicing prudent and competent medicine, but rather came down to having a physician's having neither medical malpractice insurance, nor a "fat bank account" to tempt contingency fee lawyers.

Petitioner states after providing her with this explanation, Dr. Edwards confessed that when he said these things, he was just "blowing off steam," and did not intend to be taken seriously. He then reflected, however, that the discovery of the instruments, indicates that she had, however, taken him seriously, and the fact that she had hidden them in the later years of her administration showed that she was becoming increasingly troubled by her perception that Dr. Edwards might be victimized by an expensive frivolous medical malpractice lawsuit. Evidently, knowing that he did not carry professional E&O insurance, Ms. Girazian devised this well-intentioned, albeit inadequately revealed, "plan" to keep the account from appearing "too fat" in an effort to avoid tempting attorneys.

**Petitioner states** Dr. Edwards' response to her inquiry is the only satisfactory explanation for the existence and purpose of the instruments consistent with the facts her inquiry has disclosed. Accordingly, based on that explanation, Petitioner attempted to negotiate the instruments back into the Sunnyside Medical account as successor trustee to Jeannee Girazian. However, she then learned that the instruments would require Ms. Girazian's endorsement because she had taken them in her own name, even though they came from Sunnyside Medical funds and she had no other entitlement to receive such funds beyond her trusteeship of the revenues entrusted to her for management through Sunnyside Medical.

Petitioner states despite careful examination of business records, Petitioner has not been able to discern any other satisfactory reason for the acquisition and concealment of those negotiable instruments by Ms. Girazian, and has been unable to establish evidence supporting Ms. Girazian's efforts with respect to such funds.

Accordingly, Petitioner concludes that the funds belong to Sunnyside Medical and that Jeannee Girazian held them at the time of her death in that capacity only and that her intention for the disposition of those funds was to use them in accordance with her duties as administrator of Sunnyside Medical.

**SEE ADDITIONAL PAGES**

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**The 2<sup>nd</sup> Declaration states** this declaration will clarify the relationship between the medical business, a holding trust, and the Sunnyside Medical bank account of David J. Edwards, MD. The origin of the funds arose from medical activities of Dr. Edwards, and were immediately deposited into the Citibank account called "Sunnyside Medical" in which Petitioner was office administrator and trustee with sole fiduciary authority to sign accounts payable checks only, and to handle the financial affairs of Dr. Edwards. Petitioner became the successor trustee to the account after Jeanee Girazian left. The medical business is not the beneficiary of a trust and never has been. Sunnyside Medical is a standalone sole proprietorship.

The medical office at 360 So Clovis Avenue is closed. Dr. Edwards, now 83, has retired due to physical disabilities resulting from an automobile accident, and resides at the address on Indianapolis used for this petition. It is from this new location that Petitioner still manages the SSM account as fiduciary paying all necessary bills relating to the physical property.

Petitioner states the Sunnyside Medical account was a dba, and the property of the trust. The funds were held in trust by Jeanee Girazian, who had legal title and a contractual duty as a fiduciary. Petitioner became the trustee and took over her duties.

Petitioner states Sunnyside Medical is a standalone sole proprietorship and there are no other persons in the business organization other than Dr. Edwards and Petitioner. All entitled to notice were served, but none appeared to oppose the petition. The petition filed was performed with the assistance of an attorney, wherein certain words were sued and written in an ambiguous manner causing blurring of the three entities and confusion which needed to be corrected.

**SEE ADDITIONAL PAGES**

NEEDS/PROBLEMS/COMMENTS:

1. Examiner Notes previously noted, based on the content of the original petition, that the relationships between Petitioner, the business, and the decedent were unclear, and further that Petitioner's capacity with respect to the business or trust, if any, was unclear (i.e., using trust terms such as "trustee" when there is no trust agreement or document).

Petitioner explains in her subsequent declarations that she took over the administrative role for the business Sunnyside Medical, which is a sole proprietorship of David J. Edwards, MD., after the decedent, and that later, in the process of winding down the business, she discovered these expired negotiable instruments held in the decedent's name individually, although the funds are allegedly business funds.

Petitioner seeks a court order under Probate Code §850 et seq., that the funds be released to her "in trust for the benefit of Sunnyside Medical." However, although it appears that although Petitioner may be or may have been an employee of the business, there does not appear to be any documentation of authority to bring this petition on behalf of the business in this Court. Petitioner uses the terms "trustee" and "settlor" although there does not appear to be any legal basis for using these terms.

It does not appear that Petitioner has the legal capacity to bring this petition on behalf of the business or Dr. Edwards, and further does not have authority to bring this petition under Probate Code in the Probate Court.

Petitioner may wish to seek legal advice regarding recovery from Ms. Girazian's personal representative in the civil arena, or other remedy available after seeking appropriate legal advice.

Note: Probate Code §850(a)(3)(B) allows a trustee to bring a petition under this section when the trustee has a claim to real or personal property, title to or possession of which is held by another; however, that does not appear to be the case here, as Petitioner makes clear in her declarations that there is no trust.

2. If this petition goes forward in this Probate Court, the Court may require proof of service of Notice of Hearing with a copy of the Petition and supporting documentation at least 30 days prior to the hearing on Dr. Edwards pursuant to Probate Code §851.
3. If this petition goes forward in this Probate Court, the Court may require documentation regarding Petitioner's capacity as a representative or "trustee" of the business accounts, and documentation regarding the instruments themselves, such as copies.
4. If this petition goes forward in this Probate Court, the Court may require clarification of what communications have been received from the State Controller, and what, specifically, they are looking for in terms of documentation.
5. If this petition goes forward in this Probate Court, need verification of the decedent's name, as it is spelled various different ways in the petition and declarations (for purposes of Court order).

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

Tyler age: 10		<p align="center"><b><u>TEMPORARY EXPIRES 9/12/2013</u></b></p> <p><b>SHELLE SHARP</b>, maternal grandmother, is petitioner.</p> <p>Father: <b>UNKNOWN</b> – court dispensed with notice per minute order dated 7/25/13.</p> <p>Mother: <b>AMANDA RAE SHARP</b> – consents and waives notice.</p> <p>Paternal grandparents: Unknown          Maternal grandfather: Mark Allan Sharp</p> <p><b>Petitioner states</b> the mother has mental and drug issues as a result she is unable to properly care for the children. She is also verbally and physically abusive towards the children.</p> <p><b>Court Investigator JoAnn Morris' Report filed on 9/5/2013.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing.</li> <li>2. Need proof of 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:             <ol style="list-style-type: none"> <li>a. Paternal grandparents</li> <li>b. Mark Allan Sharp (maternal grandfather)</li> </ol> </li> </ol>	
Destiny age: 4				
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
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<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			X
<input type="checkbox"/>	Aff.Mail			X
<input type="checkbox"/>	Aff.Pub.			
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<input type="checkbox"/>	Pers.Serv.			
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<input checked="" type="checkbox"/>	Letters			
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<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
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<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: KT		
		Reviewed on: 9/10/2013		
		Updates:		
		Recommendation:		
		File 18 – Vega & Aguil		

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

<b>DOD: 07/04/13</b>		<p><b>JOSEFA E. NOYOLA</b>, surviving spouse, is Petitioner.</p> <p>No other proceedings.</p> <p>Decedent died intestate.</p> <p>Petitioner states ???</p> <p>Petitioner requests court confirmation that decedent's ½ community property interest in a 2000 Ford Expedition 4x4 and decedent's 100% separate property interest in real property located at 20783 S. Dennis Avenue, Laton, CA pass to her.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>The petition does not state the facts upon which Petitioner is alleging that the property should be passed to her. Need more information.</li> <li>The Petition is not marked at item 5(a)(2) regarding issue of a predeceased child.</li> <li>Need the relationship to the decedent of each person listed in item 9 of the Petition. The Petition states at item 5(a) that the decedent was survived by a child/children.</li> <li>Petitioner is requesting that decedent's 100% separate property interest in real property located at 20783 S. Dennis, Laton, CA pass to her; however, pursuant to Probate Code § 6401 if the decedent had children, a portion of his separate property may be distributable to them. Need more information.</li> <li>Attachment 7a of the Petition does not include the legal description and APN of the real property requesting to be passed to Petitioner.</li> <li>The Order does not include the legal description and APN of the real property requesting to be passed to Petitioner.</li> </ol> <p><b>Note to Judge:</b> The Examiner has retained the order in this matter due to the problems listed above.</p>
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
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<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 09/10/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 19 – Noyola</b></p>	