1 Brian Allen Strunk (CONS/PE) **Case No. 02CEPR00963**

Atty Kruthers, Heather H. (for Public Guardian – Conservator/Petitioner)

Atty Bakergumprecht-Davies, Kathleen (Court Appointed for Conservatee)

Petition for Fees for Conservator and Her Attorney

Age: 41			**PUBLIC GUARDIAN,** Conservator, is Petitioner. Petitioner was appointed as Conservator of the Person and Estate on 12/15/03. On 03/05/06, Petitioner filed the Second Account Current, which was approved on 04/12/06 and dispensed with further accountings. All of the requirements of Probate Code § 2628(b) remain. Conservatee is on Medi-Cal. The state allows the share of cost normally paid to a facility of Medi-Cal clients to be used to pay a conservator's fees instead. It requires a court order stating that fees are owed and approved. Petitioner states that they have rendered services and **requests payment for 29.50 staff hours @ $76/hr. and 11.87 deputy hours @ $96/hr. for a total of $3,381.52 and requests that their attorney has rendered services and requests compensation of $750.00 for attorney's services.** This works covers almost 9 years of work. Due to the insufficiency of the estate, petitioner seeks a lien for any unpaid commissions and fees against the estate of the conservatee. **Petitioner prays for an Order:** 1. Authorizing the conservator and attorney fees and commissions; 2. Authorizing petitioner to impose a lien on the estate for any unpaid balances of authorized fees and commissions.	**NEEDS/PROBLEMS/COMMENTS:**
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	Aff.Sub.Wit.		
✓	**Verified**		
	Inventory		
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✓	**Notice of Hrg**		
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	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	**Order**		
	Aff. Posting		**Reviewed by:** JF
	Status Rpt		**Reviewed on:** 09/09/14
	UCCJEA		**Updates:** 09/11/14
	Citation		**Recommendation:**
	FTB Notice		**File 1 - Strunk**

Dept. 303, 9:00 a.m. Monday, September 15, 2014

2 Sheila Corinna Suvanto (CONS/PE) Case No. 0628461

Atty **Kruthers, Heather H. (for Public Guardian – Conservator/Petitioner)**

Petition for Fees for Conservator and Her Attorney

Age: 71

Cont. from

	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	w/
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	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

PUBLIC GUARDIAN, Conservator, is Petitioner.

Petitioner was appointed as Conservator of the Person and Estate on 04/29/99.

On 09/27/06, Petitioner filed the Fourth Account Current, which was approved on 11/01/06 and dispensed with further accountings. All of the requirements of Probate Code § 2628(b) remain.

Conservatee is on Medi-Cal. The state allows the share of cost normally paid to a facility of Medi-Cal clients to be used to pay a conservator's fees instead. It requires a court order stating that fees are owed and approved.

Petitioner states that they have rendered services and **requests payment for 53.59 staff hours @ $76/hr. and 55.25 deputy hours @ $96/hr. for a total of $9,376.84 and states that their attorney has rendered services and requests compensation of $750.00 for attorney's services.** This works covers almost 8 years of work.

Due to the insufficiency of the estate, petitioner seeks a lien for any unpaid commissions and fees against the estate of the conservatee.

Petitioner prays for an Order:

3. Authorizing the conservator and attorney fees and commissions;
4. Authorizing petitioner to impose a lien on the estate for any unpaid balances of authorized fees and commissions.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: JF

Reviewed on: 09/09/14

Updates:

Recommendation:

File 2 - Suvanto

3 **Guillermo Mora Special Needs Trust** **Case No. 09CEPR00286**

Atty **Kruthers, Heather H. (for Public Guardian - Trustee)**

Third Account Current and Report of Trustee; Petition for Allowance of Compensation to Trustee and Attorney

			PUBLIC GUARDIAN, Trustee, is Petitioner.
			Account period: 5-1-12 through 4-30-14
			Accounting: $204,526.97 Beginning POH: $204,280.04 Ending POH: $194,691.37 ($145,560.86 cash plus various personal property and van purchased 10-31-12)
	Aff.Sub.Wit.		
✔	**Verified**		
	Inventory		
	PTC		Conservator: $484.16 (for 3.46 Deputy hours @ $96/hr and 2 Staff hours @ $76/hr, per declaration)
	Not.Cred.		
✔	**Notice of Hrg**		
✔	**Aff.Mail**	w	Attorney: $1,250.00 (less than local rule)
	Aff.Pub.		
	Sp.Ntc.		Petitioner prays for an order: 1. Approving, allowing and settling the account; and 2. Authorizing the conservator and attorney fees and commissions.
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✔	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: skc

Reviewed on: 9-9-14

Updates:

Recommendation:

File 3 - Mora

Dept. 303, 9:00 a.m. Monday, September 15, 2014

4A In the Matter of the Verni Family Trust Case No. 10CEPR00639

Atty **Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)**

Atty **Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Co-Trustees Antonietta "Rosa" Verni, daughter, and Nicola "Nick" Verni, son)**

Atty **Phillips, John, of Wild, Carter & Tipton (for Leonard "Dino" Verni, son)**

Atty **Childs, Jerry; Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)**

Status Hearing

Leonarda DOD: 7/31/2000

Saverio DOD: 5/25/2009

Cont. from 032114, 053014,080414

	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
✓	Status Rep.	
	Notice of Hrg	
✓	Aff.Mail	
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	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
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	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

CARMELA DeSANTIS, daughter and Trust Beneficiary, filed the following pleadings in this matter:

- *Petition to Remove Trustees; Appoint Receiver; Surcharge Trustees; Deny Trustees Compensation; Impose Constructive Trust on Assets; and Cause Proceedings to Trace and Recover Assets* on 7/26/2012.
- *Amended Objections to First Account Current of Trustee*, and *Objections to Second Account Current of Trustee* on 7/26/2012.
- *Petition to Construe Trust Provision* on 7/26/2012.
- *Petition to Establish Claim of Ownership, in Favor of Trust, to Property and for Order Directing its Transfer to the Trustees to Hold in Trust* on 8/14/2012.

NICOLA "NICK" VERNI, son and Successor Trustee of the **SURVIVOR'S TRUST,** and **ANTONIETTA "ROSA" VERNI,** daughter and Trustee of the **MERGED FAMILY SUB-TRUST,** filed the following pleadings in this matter:

- *Response to Petition to Remove Trustees, etc. on 9/27/2012*.
- *Response to Petition to Construe Trust Provision* on 9/27/2012.
- *Response to Petition to Establish Claim of Ownership* on 9/27/2012.

***Petitioner Carmela DeSantis' Status Report* filed 8/26/2014 states**, *in brief sum*, that the Trustees have provided, but not filed with the Court, accountings for 2011 and 2012; Petitioner filed Objections on 9/25/2013, and served them on 10/8/2013; the Trustees have provided, but not filed with the Court, an accounting for 2013; Petitioner is reviewing this accounting for determination of whether an objection should be filed. On 8/4/2014, the Court issued its *Statement of Decision*; this declarant *[Attorney Joseph Marchini]* is informed and believes that judgment has not yet been entered in conformity with the Court's Statement of Decision. Petitioner is evaluating potential appellate review.

NEEDS/PROBLEMS/COMMENTS:

Page 4B is the *Petition to Remove Trustees, etc.*

Page 4C is the *Petition to Construe Trust Provision*.

Page 4D is the *Petition to Establish Claim of Ownership in Favor of Trust to Property, etc.*

Page 4E is the *Petition for Review of Accounts and Acts of Trustees*.

Continued from 8/4/2014. *Minute Order* states the Court requests additional documents. Attorney Cunningham requests **45 days** to resolve all issues.

Note: *Proposed Statement of Decision* filed 8/4/2014 finds this Statement of Decision will become the Order of this Court pursuant to California Rules of Court, Rule 3.1590 absent receipt of timely filed objections; Trustees are ordered to submit a form of judgment to Petitioner and the Court for approval and signature.

***Clerk's Certificate of Mailing* filed 8/4/2014** shows a copy of the *Proposed Statement of Decision* filed 8/4/2014 was mailed to the parties' attorneys on 8/4/2014.

Reviewed by: LEG

Reviewed on: 9/10/14

Updates:

Recommendation:

File 4A – Verni

Dept. 303, 9:00 a.m. Monday, September 15, 2014

4B In the Matter of the Verni Family Trust (Trust) Case No. 10CEPR00639

Atty **Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)**

Atty **Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Co-Trustees Antonietta "Rosa" Verni, daughter, and Nicola "Nick" Verni, son)**

Atty **Armo, Lance, sole practitioner (for Leonard "Dino" Verni, son)**

Atty **Childs, Jerry; Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)**

Petition to: (1) Remove Trustees; (2) Appoint Receiver; (3) Surcharge Trustees; (4) Deny Trustees Compensation; (5) Impose Constructive Trust on Assets; and (6) Cause Proceedings to Trace and Recover Assets [Prob. C. 15642, 16420 & 17200]

Leonarda DOD: 7/31/2000

Saverio DOD: 5/25/2009

Cont. from 091112, 100212, 120512, 010313, 022113, 032213, 052413, 062113, 062813, 083013, 092713, 103013, 120613, 012714, 032114, 053014, 080414

	Aff.Sub.W	
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	Objection	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Post	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

CARMELA DeSANTIS, daughter and Trust Beneficiary, is Petitioner.

Petitioner states:

- The **VERNI FAMILY TRUST of 1999** was created by **SAVERIO VERNI** and **LEONARDA VERNI** on 6/10/1999, and was amended once by Settlors on the following day, 6/11/1999; Leonarda died on 7/31/2000, thereby causing the Trust to be divided into three sub-trusts: the **VERNI MARITAL TRUST**, the **VERNI FAMILY TRUST**, (which was amended once during both Trustors' lifetimes), and the **VERNI SURVIVOR'S TRUST** (*copies of Trusts attached as Exhibit A);* following Leonarda's death, Saverio amended the **SURVIVOR'S TRUST** seven times, with the *Eighth Amendment* (the final) amending the **SURVIVOR'S TRUST** in its entirety;
- Saverio served as sole trustee of the three sub-trusts until his death on 5/25/2009, and upon his death the Marital Sub-Trust terminated and its principal was added to the Family sub-trust, which became the **MERGED FAMILY SUB-TRUST**;
- Pursuant to the Trust terms, **ANTONIETTA ROSA VERNI**, daughter, is first appointed and currently serves as Successor Trustee of the Merged Family Sub-Trust; pursuant to the *Eighth Amendment* to Trust, **NICOLA VERNI**, son, is first appointed and currently serves as Successor Trustee of the **SURVIVOR'S TRUST**;
- The beneficiaries of each of the Sub-Trusts are the Settlor's five children: **ANTONIETTA ROSA VERNI (Rosa), NICOLA VERNI (Nick), LEONARD VERNI (Dino), MARIA STANZIALE, and CARMELA DeSANTIS** (Petitioner); and specific distributions from the Survivor's Sub-Trust are to **ERLINDA MARCIANO VERNI ($200,000.00) and ST. ANTHONY OF PADUA CATHOLIC CHURCH ($200,000.00**);
- Following the death of Saverio and Leonarda, the Merged Family Sub-Trust names Rosa as First Successor Appointee, and Maria as Second Successor Appointee; Eighth Amendment provides that upon Saverio's ceasing to act as trustee, Nick will serve as trustee of the Survivor's Sub-Trust;
- **Petitioner seeks a Court order pursuant to Probate Code § 15642 removing Rosa as trustee of the Merged Family Sub-Trust, and removing Nick as trustee of the Survivor's Sub-Trust; Petitioner also seeks a determination by the Court that Dino is not qualified to serve as next successor trustee of the Survivor's Sub-Trust.**

NEEDS/PROBLEMS/ COMMENTS:

Continued from 8/4/2014. *Minute Order* states the Court requests additional documents. Attorney Cunningham requests **45 days** to resolve all issues.

Note: Additional notes pages originally prepared with respect to this petition have been omitted.

Reviewed by: LEG

Reviewed on: 9/10/14

Updates:

Recommendation

File 4B - Verni

Dept. 303, 9:00 a.m. Monday, September 15, 2014

4C In the Matter of the Verni Family Trust (Trust) Case No. 10CEPR00639

Atty **Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)**

Atty **Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Co-Trustees Antonietta "Rosa" Verni, daughter, and Nicola "Nick" Verni, son)**

Atty **Phillips, John, of Wild, Carter & Tipton (for Leonard "Dino" Verni, son)**

Atty **Childs, Jerry; Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)**

Petition to Construe Trust Provision [Prob. C. 17200]

Leonarda DOD: 7/31/2000

Saverio DOD: 5/25/2009

Cont. from 100212, 120512, 010313, 022113, 032213, 052413, 062113, 062813, 083013, 092713, 103013, 120613, 012714, 032114, 053014,080414

	Aff.Sub.W	
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	Notice of Hrg	
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	Conf. Screen	
	Letters	
	Duties/S	
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	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Post	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notc	

CARMELA DeSANTIS, daughter and Trust Beneficiary, is Petitioner.

Petitioner states:

- The **VERNI FAMILY TRUST of 1999** was created by **SAVERIO VERNI** and **LEONARDA VERNI** on 6/10/1999, and was amended once by Settlors on the following day, 6/11/1999; Leonarda died on 7/31/2000, thereby causing the Trust to be divided into three sub-trusts: the **VERNI MARITAL TRUST**, the **VERNI FAMILY TRUST**, (which was amended once during both Trustors' lifetimes), and the **VERNI SURVIVOR'S TRUST** (*copies of Trusts attached as Exhibit A);*
- The instant petition relates to a provision contained in the **SURVIVOR'S SUB-TRUST;** over Petitioner's objections, Trustees Nick and Rosa have provided a commingled accounting for the Merged Family and Survivor's Sub-Trusts, which fails to segregate each Sub-Trust's assets, liabilities, receipts and disbursements;
- The failure to appropriately segregate assets, liabilities, receipts and disbursements among the Sub-Trusts prevents the Court, trustee and beneficiaries from determining the size and holdings of the **SURVIVOR'S SUB-TRUST**; because the **SURVIVOR'S SUB-TRUST** will be used to fund the above-referenced equalization provision, any appropriate increase in size to that particular Sub-Trust will allow greater realization of the Trustor's intent and will provide a means for effectuating the equalization of prior distributions; conversely, any inappropriate decrease in the size of the **SURVIVOR'S SUB-TRUST** will undermine the Trustor's intent and deny the Trustee the ability to effectuate an equalization;
- **The Trustee of the SURVIVOR'S SUB-TRUST believes that distributions made during Saverio's lifetime should <u>not</u> be considered for purposes of the equalization process; Petitioner believes this to be contrary to the language of the provision and intent of the Trustor.**

Petitioner requests a judicial declaration from the Court concerning the proper construction of Subsection1, of Section B, or Article IV of the SURVIVOR'S SUB-TRUST *[refer to copy of Trust or Paragraph 11 of Petition for exact language requiring apportionment of the residue of the trust estate into equal shares for Trustor's living children.]*

NEEDS/PROBLEMS/COMMENTS:

<u>Continued from 8/4/2014</u>. *Minute Order* states the Court requests additional documents. Attorney Cunningham requests **45 days** to resolve all issues.

<u>Note</u>: Additional notes pages originally prepared with respect to this petition have been omitted.

Reviewed by: LEG

Reviewed on: 9/10/14

Updates:

Recommendation:

File 4C – Verni

Dept. 303, 9:00 a.m. Monday, September 15, 2014

4D **In the Matter of the Verni Family Trust (Trust)** **Case No. 10CEPR00639**

Atty **Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)**

Atty **Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Co-Trustees Antonietta "Rosa" Verni, daughter, and Nicola "Nick" Verni, son)**

Atty **Phillips, John, of Wild, Carter & Tipton (for Leonard "Dino" Verni, son)**

Atty **Childs, Jerry; Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)**

Petition to Establish Claim of Ownership, in Favor of Trust, to Property and for Order Directing its Transfer to the Trustees to Hold in Trust (Prob. C. 850, 17200.1)

Leonarda DOD: 7/31/2000

Saverio DOD: 5/25/2009

Cont. from 100212, 120512, 010313, 022113, 032213, 062113, 062813, 083013, 092713, 103013, 120613, 012714, 032114, 053014, 080414

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✓	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/S	
	Objection	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Post	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

CARMELA DeSANTIS, daughter and Trust Beneficiary, is Petitioner.

Summary of Petitioner's requests for specific relief:

1. Determining that the following is property of the Trust estate:
   (a) **Almond crops**: (i) The almond meat inventory on hand at the date of Saverio's death; (ii) all almond crops grown on Trust land since Saverio's death; and (iii) proceeds from the sale of the almond inventory and crops;
   (b) **Olive crops**: (i) The olive oil, olive crop and olive inventory on hand at the date of Saverio's death; (ii) all olive crops grown on Trust land since Saverio's death; and (iii) proceeds from the sale of the olive oil, inventory and crops;
   (c) **Other crops (Stone Fruit, Grapes, Etc.):** (i) The inventory of other crop grown on Trust land, on hand at the time of Saverio's death but not reported in the Trustee's First Account; (ii) all such crops grown on Trust land since Saverio's death and during 2009; and (iii) proceeds from the sale of the inventory and crops;
   (d) **Other Inventory on Hand:** (i) The inventory of firewood and olive oil on hand at the time of Saverio's death but not reported in the Trustee's First Account; (ii) all such items produced from products grown on Trust land since Saverio's death and during 2009; [and (iii) proceeds from the sale of the other inventory;]
   (e) **Proceeds from Sale of Trust Real Property:** The money received by Nick and Dino from DeYoung Properties in connection with the option to purchase land and used by DeYoung Properties to actually purchase Trust land which sum is believed to be not less than **$1,000,000.00**;
2. Directing each of the beneficiaries in possession or holding the property to transfer such property to the Trustees to hold for the benefit of the Trust and the appropriate Sub-Trust(s);
3. Directing each of the beneficiaries in possession or holding any proceeds from the sale or exchange of any of the property to transfer such proceeds to the Trustees to hold for the benefit of the Trust and the appropriate Sub-Trust(s);
4. For judgment in favor of the Trustees of the Trust against any beneficiary who received the Trust property and proceeds, in an amount to be determined and as required to compensate for all of the detriment and damages cause to the Trust; and
5. For treble damages pursuant to Probate Code § 859.

NEEDS/PROBLEMS/ COMMENTS:

Continued from 8/4/2014. *Minute Order* states the Court requests additional documents. Attorney Cunningham requests **45 days** to resolve all issues.

Note: Additional notes pages originally prepared with respect to this petition have been omitted.

Reviewed by: LEG

Reviewed on: 9/10/14

Updates:

Recommendation:

File 4D - Verni

Dept. 303, 9:00 a.m. Monday, September 15, 2014

4E In the Matter of the Verni Family Trust (Trust) Case No. 10CEPR00639

Atty Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)

Atty Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Co-Trustees Antonietta "Rosa" Verni, daughter, and Nicola "Nick" Verni, son)

Atty Phillips, John, of Wild, Carter & Tipton (for Leonard "Dino" Verni, son)

Atty Childs, Jerry; Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)

Petition for Review of Accounts and Acts of Trustees [Prob. C. 16063(a)(5); 17200(b)(5)]

Leonarda DOD: 7/31/2000

Saverio DOD: 5/25/2009

Cont. from 120613, 012714, 032114, 053014, 080414

	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

CARMELA DeSANTIS, daughter and Trust Beneficiary, is Petitioner.

Summary of Petitioner's requests in the Prayer for Relief:

- That each of the Second, Third, and Fourth Accounts Current submitted to Petitioner by the Co-Trustees be disallowed;
- That the Co-Trustees, and each of them, be ordered to compensate the estate for any loss caused by their acts and omissions;
- That the Trustees be directed to prepare and file a true and full account of their acts and proceedings within such time as may be allowed by this Court; and
- That Petitioner be reimbursed attorney's fees and costs.

Petitioner states the following in support of the requests for relief:

Accounts Provided by the Trustees

- On or about 8/26/2010, the Co-Trustees, Rosa and Nick Verni, filed a *First Account Current and Report of Trustees and Petition for its Settlement*;
- On 10/5/2010, Petitioner filed written objections to the *First Account Current* based on, among other things, the limited scope of the Account, the Trustees' failure to render separate accountings for each Sub-Trust, the failure to provide information pertaining to transactions involving the Trustees, as well as with respect to various farming operations being managed by the Trustees on behalf of the Trust;
- At Petitioner's request, the Trustees provided Petitioner with a *Second Account Current*, covering the period of 1/1/2010 through 12/31/2010;

NEEDS/PROBLEMS/COMMENTS:

Continued from 8/4/2014. *Minute Order* states the Court requests additional documents. Attorney Cunningham requests **45 days** to resolve all issues.

Note: Additional notes pages originally prepared with respect to this petition have been omitted.

Note: Petitioner's prayer requests the Court **disallow** the accounts. Petitioner requests in the body of the *Petition* that the Court **review** the Second, Third and Fourth Accounts, but because the subject accounts have not been filed with the Court by the Co-Trustees as the fiduciaries, the accounts have not been reviewed by the Court.

Note: Additional notes pages originally prepared with respect to this petition have been omitted.

Reviewed by: LEG

Reviewed on: 9/10/14

Updates:

Recommendation:

File 4E – Verni

Dept. 303, 9:00 a.m. Monday, September 15, 2014

5 Nathaniel Collins & Malichi Collins (GUARD/P) **Case No. 12CEPR00561**

Atty Walters, Jennifer L. (for Lana Pratt – guardian)

Atty Ruiz, Richard A. (for Angelina Collins – Petitioner – Mother)

Petition for Termination of Guardianship

Nathaniel, 3		
Malichi, 2		
Cont. from 041514, 061714		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
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✓	**Notice of Hrg**	
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	Aff.Pub.	
	Sp.Ntc.	
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	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
✓	**CI Report**	
	9202	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

ANGELINA COLLINS, mother, is Petitioner.

LANA PRATT, maternal grandmother, was appointed guardian on 11/26/12. – *served by mail on 02/10/2014*

Father: **NATHANIEL COMENGER,** consents and waives notice

Paternal grandparents: NOT LISTED

Maternal grandfather: KURT RICARDO

Petitioner states: it has been almost 15 months since the guardianship of her boys was granted. She was very upset about her children being taken away and reacted with hatred and anger. She states she wants to be a better mother for her children and has therefore been attending counseling, she voluntarily enrolled in a parenting class, is seeking employment and has also moved into a better neighborhood. She states that the father of the children was also attending the parenting classes with her. The mother states that she and the father are residing together and plan on being together permanently.

Petitioner respectfully requests that Court grant her petition for termination of the guardianship. She knows that she can provide for her children. It would be in their best interest to be with their mother and father. She states she will ensure that they receive proper medical attention, ensure their hygiene is kept up, that they have a clean home to come to and a room and bed of their own.

Please see additional page

NEEDS/PROBLEMS/COMMENTS:

Continued from 06/17/2014.

Minute Order of 04/15/2014: The Court Investigator is ordered to continue the investigation and secure the assistance of Kern County if necessary.

1. Need proof of service by mail at least 15 days before the hearing of *Notice of Hearing* with a copy of the *Petition for Termination of Guardianship* or Declaration of Due Diligence or Consent & Waiver of Notice for:
   - Paternal grandparents (not listed)
   - Kurt Ricardo (maternal grandfather)
2. Need Order.

Reviewed by: LV	
Reviewed on: 09/09/2014	
Updates:	
Recommendation:	
File 5 – Collins	

Objection to Mother's Request for Termination of Guardianship filed 04/15/2014 by the Guardian, Lana Pratt, states during the last year there has been nothing but problems with the children's mother. There were times she would show up at the guardian's home yelling and screaming. She would also call to inform the guardian that her boyfriend was beating her up. In November 2013 called indicating that her boyfriend threw her up against the wall and she was afraid to call the police. Guardian states she cannot figure out what is going on with the mother and her living situation.

During the first court proceeding, the children's father, Nathaniel Comeger was not engaged with the children or the case in any way. In his declaration filed with this current petition he indicates he and Angelina were still in a relationship during the time he resided in Colorado, which is the same time the initial guardianship was taking place. Angelina provided his contact information to the Court Investigator. The Investigator's report indicated Angelina to be home with her boyfriend, Norris Cobb, during the home visit. This is the same boyfriend she subsequently had a child with. Mr. Comenger has not been a part of the children's lives and is only assisting Angelina now because they appear to be back in a relationship.

After the incident in November, the guardian told Angelina she was going to move the children to Bakersfield, as their family resides there. Guardian was afraid of the issues that were occurring with the mother and the people she was associated with. The mother has not made any effort to call or set up a visit with the children since the move.

The boys are doing well, there has been great strides made last year. Nathaniel has been involved with special education to work with his learning disability. Malachi is now speaking and potty trained.

Guardian is requesting the Court deny mother's petition for termination of guardianship. The children do not recognize their mother, which is very sad. She needs to work on a visitation schedule before anything else progresses or changes.

Court Investigator Dina Calvillo's report filed 04/09/2014.

Court Investigator Mario Correa, of Kern County, report filed 06/12/2014.

Court Investigator Dina Calvillo's report filed 06/12/2014.

6 **Ethan Valencia (GUARD/P)** **Case No. 13CEPR00895**

Atty **Jones, Julie C. (for Gloria Anderson - maternal grandmother - Petitioner)**

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

Cont. from 051414		
	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	

TEMP EXPIRES 5-14-14, extended to 9-15-14

GLORIA ANDERSON, maternal grandmother, is petitioner.

Father: **UNKNOWN**
Mother: **DIANA VALENCIA**

Paternal grandparents: Unknown
Maternal grandfather: Deceased

Petitioner states the minor has been in her care since birth. His mother has an extreme history with drug abuse. She has used methamphetamine off and on for several years. Mom has ten children; eight of those children reside primarily with their biological father and have no relationship with their mother. The minor tested positive for drugs at birth. Supplemental Declaration of Gloria Anderson filed on 10/31/13. The declaration includes several declarations from others stating why the minor should be with the petitioner.

Court Investigator Jennifer Young filed a report on 5-5-14.

DSS Social Worker Irma Ramirez filed a report pursuant to Probate Code §1513(b).

Court Investigator Jennifer Young filed a Supplemental Report on 9-10-14.

NEEDS/PROBLEMS/COMMENTS:

Note: Although Notice of Hearing has not been filed, it appears that the mother and additional relatives participated in mediation and the minor is in his mother's custody at this time. If this matter is to go forward at this time, the Court may require formal notice or diligence pursuant to Probate Code §1511 to the unknown father and paternal grandparents, and to all of the siblings of the minor that are ages 12 and older.

Minute Order 5-14-14: The court investigator is ordered to conduct a further investigation of the parties. The Court orders that the follow-up report include a CLETS report of mother's boyfriend/fiancé. The Court directs that a copy of both reports be provided to Ms. Jones and the mother. The visitation agreement entered into by the parties during mediation remains in full force and effect. Parties are ordered to be flexible and use good faith when arranging visitation during the summer. The Court orders that the child not to be any vehicle unless the driver is licensed and insured. Parties are ordered not to use alcohol, Marijuana, or any controlled substances around the child. Matter continued to 9/15/14. The temporary is extended to 9/15/14. Continued to 9/15/14 @ 9:00 a.m. Dept. 303

Reviewed by: skc

Reviewed on: 9-9-14

Updates: 9-10-14

Recommendation:

File 6 - Valencia

7 McKenzie Lee Parker (GUARD/P) Case No. 13CEPR00920

Atty Schacher, Kara (for Gale Brewer Munce – Maternal Great-Grandmother – Petitioner)

Atty Margosian, Michael J. (for James Parker – Father – Objector)

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

Cont. from 121813, 011514, 071514

	Aff.Sub.Wit.	
✔	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
	Conf. Screen	X
	Letters	X
✔	**Duties/Supp**	
✔	**Objections**	
	Video Receipt	
✔	**CI Report**	
	Clearances	
	Order	X
	Aff. Posting	
	Status Rpt	
✔	**UCCJEA**	
	Citation	
	FTB Notice	

TEMP EXPIRES 9-15-14

GALE BREWER MUNCE, Maternal Great-Grandmother, is Petitioner.

Father: **JAMES PARKER**
- Objection filed 12-27-13
Mother: **EDEN LANTIA**

Paternal Grandfather: Joseph Parker
Paternal Grandmother: Teresa Parker

Maternal Grandfather: Curtis R. Lantia
Maternal Grandmother: Jennifer Lantia
- Consents and waives notice

Siblings: Hailey M. Parker (3) and Savanna R. Parker (5)

Petitioner states [REDACTED].

Court Investigator Dina Calvillo filed a report on 12-16-13.

James Parker, Father, filed an Objection on 12-27-13.

NEEDS/PROBLEMS/COMMENTS:

<u>THE FOLLOWING ISSUES REMAIN TO BE ADDRESSED</u>:

1. **<u>Need Confidential Guardian Screening Form (GC-212) for Gale Brewer Munce</u>. This is a mandatory Judicial Council form containing information about the guardian and must be filed as soon as possible.**

2. **Need proof of <u>personal</u> service of <u>Notice of Hearing with a copy of the petition</u> at least 15 days prior to the hearing pursuant to Probate Code §1511on:**
   - James Parker (Father)
   - Eden Lantia (Mother)

   <u>Note</u>: Notice of Hearing filed 8-20-14 indicates mailed service to the parents without a copy of the petition, which is not sufficient. Probate Code §1511 requires personal service with a copy of the petition.

3. **Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing pursuant to Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on:**
   -Joseph Parker (Paternal Grandfather)
   - Teresa Parker (Paternal Grandmother)
   - Curtis Lantia (Maternal Grandfather)

Reviewed by: skc

Reviewed on: 9-10-14

Updates:

Recommendation:

File 7 – Parker

8A Melinda Cordell (Durable Power Attorney) Case No. 14CEPR00159

Atty Rindlisbacher, Curtis D. (for Petitioner Melinda Cordell)
Atty Gaebe, C. Matthew (of Visalia, for Objector Phillip Rolfe – Attorney-in-Fact for Petitioner)
Atty Soares, Joseph F. (for Joseph Lewis Horswill – Respondent)

Petition for Order Compelling Petitioner's Release From Locked Facility

			NEEDS/PROBLEMS/COMMENTS:
			<u>Continued from 7-21-14, 8-11-14, 8-25-14</u>
			Minute Order 7-15-14 (Settlement Conference): Matter not settled.
Cont. from 072114, 081114, 082514			Per Judge Oliver (verbally), the matters scheduled for 7-16-14 were taken off calendar.
	Aff.Sub.Wit.		
	Verified		Also per Judge Oliver (verbally), this Petition for Order Compelling Petitioner's Release from Locked Facility will be heard at a future date, however, the hearing date of 7-21-14 will remain on calendar as a Status Hearing.
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		<u>Note</u>: On 7-16-14, the Court signed Order Regarding Mental Examination ex parte, which was prepared by Attorney Curtis Rindlisbacher and approved as to form and content by Attorney Hornburg.
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		<u>Note</u>: Per Minute Order 7-21-14, Mr. Rindlisbacher reports that an agreement has been reached. However, nothing further has been filed.
	Pers.Serv.		
	Conf. Screen		<u>Minute Order 8-11-14</u>: The Court orders that $1000.00 be made available for Ms. Cordell's personal use forthwith. The Court would like to have a date set for the evaluation at the next hearing. Attorney Rindlisbacher and his client with complete the document as requested. Continued to 8/25/14 at 9:00 a.m. in Dept 303.
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		<u>For reference, the following petitions remain outstanding with no future dates set</u>:
	CI Report		
	9202		• Petition to Determine Whether Advanced Health Care Directive has Terminated; Petition to Determine Whether Durable Power of Attorney has Terminated (filed 2-25-14 by Melinda Cordell)
	Order		• Ex Parte Petition Regarding Mental Examination (filed 6-3-14 by Melinda Cordell).
			• Petition for Order Compelling Petitioner's Release from Locked Facility (filed 6-27-14 by Melinda Cordell)
	Aff. Posting		**Reviewed by:** skc
	Status Rpt		**Reviewed on:** 9-9-14
	UCCJEA		**Updates:**
	Citation		**Recommendation:**
	FTB Notice		**File 8A – Cordell**

8B **Melinda Cordell (Durable Power Attorney)** **Case No. 14CEPR00159**

Atty **Rindlisbacher, Curtis D. (for Petitioner Melinda Cordell)**
Atty **Gaebe, C. Matthew (of Visalia, for Objector Phillip Rolfe – Attorney-in-Fact for Petitioner)**
Atty **Soares, Joseph F. (for Joseph Lewis Horswill – Respondent)**

Status Hearing

		At the hearing on 7-21-14, the Court set this separate status hearing. See Examiner Notes at Page A for details, case history.	**NEEDS/PROBLEMS/COMMENTS:**
Cont. from 081114, 082514			
	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		**Reviewed by:** skc
	Status Rpt		**Reviewed on:** 9-9-14
	UCCJEA		**Updates:**
	Citation		**Recommendation:**
	FTB Notice		**File 8B – Cordell**

8B

Dept. 303, 9:00 a.m. Monday, September 15, 2014

9 **The Robert E. Duncan Family Trust of 1986** **Case No. 14CEPR00610**

Atty **French, G Dana (for Petitioners Linda Duncan and Larry R. Duncan)**

Petition for Modification of Irrevocable Trust and Instructions to Trustee

	Aff.Sub.Wit.	
✔	Verified	
	Inventory	
	PTC	
	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	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

LINDA DUNCAN and LARRY R. DUNCAN are petitioners.

Petitioners state Robert E. Duncan created the Robert E. Duncan Family Trust of 1986 on 5-13-86. The trust was amended and restated on 1-22-03, and thereafter was amended three times on 5-20-05, 4-21-10, and again on 4-21-10.

Petitioners state the settlor is now incapacitated (see physicians' letters). Therefore, pursuant to the terms of the trust, Linda Duncan, spouse, is now the sole trustee of the trust *other than* the stock of Duncan Financial Corporation (DFC), Duncan Enterprises (DE), and The Central Pacific Group, Inc., and Larry R. Duncan, son, is now the sole trustee of the stock of DFC and DE.

Petitioners request, and all beneficiaries consent, to the following changes:

The trust provides that the settlor's residence is to be distributed to Linda Duncan upon his death. Since the last amendment, the settlor has developed dementia and due to his increasing need for assistance, resides in an assisted living facility. Because of these changed circumstances, it may make sense to sell the residence and purchase or lease a smaller or different residence. Upon his death, there would then not be a current residence of the settlor, which would deprive Linda Duncan of the benefit of the gift of the residence.

Petitioners believe the settlor would have intended Linda Duncan to receive any such alternative residence and/or the proceeds of the sale of the current residence upon his death, and would have so provided if he had capacity.

Petitioners request the trust be amended to provide that the trustee may sell the current residence and use the proceeds to purchase any alternative residence, and upon the death of the settlor, distribute such proceeds to Linda Duncan.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/ COMMENTS:

Reviewed by: skc

Reviewed on: 9-10-14

Updates:

Recommendation:

File 9 - Duncan

Petitioners state the settlor, in the 2nd amendment, made Larry R. Duncan a co-trustee with him with respect to the stock of DFC and DE and The Central Pacific Group, Inc. Larry R. Duncan is the President of all three corporations. Trust Article Fifteen, section 3, paragraph b, however, provides that upon the settlor's disability, Larry R. Duncan shall be the sole trustee of the stock of DFC and DE. The Central Pacific Group, Inc., has only nominal assets, but potential contingent liabilities that settlor felt Larry R. Duncan as trustee would best be able to deal with. Petitioners believe the settlor intended Larry R. Duncan to be, and remain, the trustee of the stock of the Central Pacific Group, Inc., as well, both currently and after the death of the settlor.

The trust states that upon the disability or death of the settlor, Larry R. Duncan shall be the trustee of the stock of DFC and DE, or any trusts funded initially (even if such stock is later converted to cash) with only such stock. Petitioners interpret the trust and the settlor's intentions to mean that Larry R. Duncan is to be and remain the trustee of the stock of DFC and DE, or the proceeds thereof, in the event the stock is sold.

Petitioners request the trust be amended to clarify or state Larry R. Duncan shall be and remain the trustee of the stock of DFC and DE and Central Pacific Group, Inc., or any proceeds thereof if such stock should be sold.

See petition and proposed order re specific language for amendments. Pursuant to §15403, the trust may be modified with the consent of all beneficiaries. All beneficiaries consent to the proposed modification.

10 Mayall Family Trust of 2006 (Trust) **Case No. 14CEPR00668**

Atty Armas, J. Todd (for Petitioner Susan Ruth Mayall Lorente)

Petition for an Order to Confirm Validity of Trust; Confirm Trustee; and Confirm Assets to Revocable Trust

Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	NA
	Aff.Mail	
	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	

SUSAN RUTH MAYALL LORENTE, successor Trustee, is petitioner.

Petitioner states on 3/1/2006 James Edward Mayall and Emmi Mayall ("Settlors") created the Mayall Family Trust of 2006.

On the same date, Settlors executed a Grant Deed transferring their real property to the trust however it was not recorded until June 24/2014. (A copy of the Grant Deed is attached to Petition.)

On February 12, 2011 Emmi Mayall died. On April 19, 2014 James Edward Mayall died. At the time of their death the real property remained titled in their individual names.

Probate Code §850 allows the Trustee to bring a petition "where the trustee has a claim to real or personal property . . ." Here Petitioner, as Trustee is claiming an interest in the real property as being a proper Trust asset.

Petitioner requests the Court confirm that the real property is an asset of the Trust estate to be held and administered pursuant to the Trust terms.

NEEDS/PROBLEMS/COMMENTS:

1. Need Order

Reviewed by: KT

Reviewed on: 9/10/14

Updates:

Recommendation:

File 10 - Mayall

Dept. 303, 9:00 a.m. Monday, September 15, 2014

11 Jesse Felix Castro (CONS/PE) Case No. 06CEPR01119

Atty **Perez, Holley H. (for Barbara Romero – Conservator/Petitioner)**

Third Account Current and Report of Conservator and Petition for Settlement and Allowance of Conservator's and Attorney's Compensation

Age: 62

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	
✓	2620(c)	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

BARBARA ROMERO (CASTRO), Co-Conservator of the Person and Conservator of the Estate, is Petitioner.

Account period: **01/01/12 – 01/31/14**

Accounting - **$497,531.82**
Beginning POH - **$215,350.24**
Ending POH - **$371,066.37**
($156,066.37 is cash)

Conservator - **waived**

Reimbursements - **$4,123.36** (to Rodrigo Ayala, Conservators husband, for reimbursement for maintenance and repair of the Conservatee's real property necessary after tenant moved out – itemized by date)

Attorney - **$1,250.00** (ok per Local Rule)

Attorney costs - **$96.00** (certified copies, recording fees)0

Petitioner states that conservatee's home is an older home in the downtown Fresno area that has become run down in recent years. The home was repeatedly broken into and damaged. After the departure of the tenant in January 2012, the home was repaired, refurbished and remodeled inside and out for future rental purposes, taking about a year. Most of the homes in the neighborhood underwent the same process as part of the City of Fresno revitalization redevelopment project. Although it was a lot of work and expense, the Petitioner felt it was worth it because the property has always been very important to the conservatee. Upon completion of the renovations, Petitioner entered into a residential management agreement with Fox Property Management to manage the rental property beginning in March 2013.

Continued on Page 2

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROM 08/11/14

1. The Petitioner does not address whether the current bond posted is sufficient. Need information regarding the current bond amount and whether it is sufficient. **Note:** Bond was initially set at $250,000.00, it is unclear whether that amount is still in place.

Note: Total disbursements relating to the remodeling of conservatee's real property during the account period were $69,434.14, not including the requested reimbursement amount of $4,123.36.

Reviewed by: JF

Reviewed on: 09/09/14

Updates:

Recommendation:

File 11 – Castro

Petitioner states that Conservatee's medical care is completely paid for by his workers' compensation benefits and are paid directly to the Care Meridian Nursing Home. Petitioner does not receive a copy of the monthly billing statements, therefore, Petitioner is unable to file the billing statements, however, a printout of a computer ledger report with payment history is attached to the Petition.

Petitioner prays for an Order:
1. Approving and settling the third account;
2. Approving the actions of the conservator;
3. Authorizing the attorney's fees and costs;
4. Authorizing payment to Rodrigo Ayala in the amount of $4,123.36 as reimbursement for maintenance and repair of the Conservatee's real property.

Court Investigator Samantha Henson filed a report on 08/06/14. The report states that the conservatorship appears to continue to be warranted and is in the best interest of the conservatee.

Third Account Current Supplemental Report of Conservator Addressing the Court's Inquiry Regarding the Conservatee's Real Property filed 09/02/14 states: the conservatee's house was his prized possession. Although it had once burned to the ground, he began rebuilding it himself, living in a trailer on the property while rebuilding. The Conservatee did not ever want the house sold and often told Petitioner and her sister to never sell the house no matter what happened. The property has been rented since June 2013 and is currently rented for $995.00 per month. The conservatorship estate receives $800.00 per month less any required maintenance charges rental income after monthly expenses. No rental income was received during the account period but is being received now and will be reflected in the next accounting. Petitioner realizes that the amount spent to remodel the property was substantial, however she believes that under the circumstances the amount spent was justified. The property is owned free and clear by the conservatee. The Conservatee's care will be paid for the rest of his life from his Worker's Compensation benefits and as a result he had sufficient funds to remodel the residence and to continue maintaining it as a rental. The neighborhood has improved and is now more stable. It is anticipated that property values will stabilize with some corresponding increases in value. There also have been no more issues of property damage by homeless people or drug addicts. This, in addition to the conservatee's stated wishes are the reasons why Petitioner chose to remodel the residence to see if it can be successfully maintained as an income rental instead of selling it. If in the future it appears that the property cannot be maintained as an income producing property Petitioner is prepared for possibly having to sell it. For now, Petitioner believes it is better to see if it can be an income producing rental. Additionally, if it consistently produces rental income, the property will be more valuable if it is sold in the future. Petitioner prays that the Court approve the Third Account Current as filed.

12 Michelle Lloydel Dale (CONS/PE) **Case No. 07CEPR01207**

Atty Panzak, Gordon (for Conservator Jeff Dale)

Status Hearing Regarding the Sale of Real Property of the Conservatorship Estate and Failure to File the Second Account

Cont from 072114	
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	

JEFF DALE, Husband and Successor Conservator of the Estate, filed an Ex Parte Petition for Permission to Sell Real Estate on 6-23-14.

On 6-24-14, the Court denied the petition and set this status hearing regarding the sale of the real property and failure to file a second account.

History: Attorney **GORDON PANZAK** originally petitioned for appointment as Conservator of Michelle Lloydel Dale's Estate due to a dissolution action filed by **JEFF DALE**, her husband, and was appointed on 1-25-08. Pursuant to an amended order on 5-7-08, no bond was required, but funds were to be blocked. Mr. Panzak later filed a petition for appointment as Conservator of her Person, and was appointed on 8-5-08, with medical consent and dementia medication and placement powers.

On 1-30-09, Mr. Panzak filed his first account and resignation, and Mr. Dale filed a petition for appointment as Successor Conservator of the Estate, with Mr. Panzak remaining as Conservator of the Person. Mr. Dale was appointed as Successor Conservator of the Estate with bond of $340,000.00 on 3-18-09.

Mr. Panzak's First Account covered the period of 1-25-08 through 1-15-09, and was settled 3-18-09.

On 4-27-10, Mr. Dale filed a Petition for Instructions was filed with regard to an inheritance that was expected, and on 4-28-10, Mr. Dale filed his first account as Successor Conservator of the Estate. Mr. Dale's accounting covered the period of 1-20-09 through 1-20-10.

Per the minute order of 8-17-10, the Court accepted the accounting, but did not approve of Mr. Dale's actions and surcharged him $220.00, payable to the conservatorship estate.

Aside from a petition for compensation by Attorney Bagdasarian, court-appointed attorney for Conservatee (appointment terminated as of 9-30-10 per Minute Order), there was no activity in this matter for almost four years until Mr. Dale filed his ex parte motion on 6-23-14.

Therefore, the Court denied the ex parte motion and set this status hearing regarding the real property and failure to file a second account.

NEEDS/PROBLEMS/COMMENTS:

Note: The Report of Sale for Court confirmation of the sale of the residence was continued to 9-16-14 for Inventory and Appraisal.

Note: Historically, Mr. Dale, has been self-represented in his capacity as Conservator of the Estate, and Attorney Panzak separately serves as Conservator of the Person, represented by Attorney Catherine Scharbaugh.

However, the ex parte motion was filed by Attorney Panzak *as attorney for* Jeff Dale. The Court may require clarification and the filing of a Substitution of Attorney for Court records.

Note: This is a STATUS HEARING ONLY.

1. **Need Second Account or verified written status report pursuant to Local Rule 7.5.**

Reviewed by: skc

Reviewed on: 9-9-14

Updates:

Recommendation:

File 12 – Dale

Dept. 303, 9:00 a.m. Monday, September 15, 2014

13 Edward Moore & Marie Moore Family Trust 11-12-91 Case No. 11CEPR00596

Atty **Roberts, Gregory J. (for Timothy E. Moore – Trustee)**
Atty **Moore Huston, Deborah R. (pro per – Objector)**
Atty **Moore, Terence E. (pro per – Objector)**

Status Hearing Re: Terence Moore's Bankruptcy Proceeding in Case #12-10802

Cont. from 080913, 011014, 031814		
	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	

TIMOTHY MOORE, Successor Trustee's First Account and Report of Successor Trustee and Petition for its Approval, was heard on 03/18/13.

The matter was set for a Court Trial on 04/24/13.

Former Trustee **TERENCE E. MOORE** was removed per minute order 11-29-11. The order was signed 12-15-11.

Minute Order from 04/24/13 set this matter for hearing regarding Terence Moore's bankruptcy proceeding.

Status Declaration of Timothy Moore, Trustee, filed 08/02/13 states: The matter came before the Bankruptcy Court on 07/31/13 and the trial was continued until 12/13/13. The Trustee, Timothy Moore, requested an earlier date, but counsel for Terence Moore requested a December date. This Court was holding off on making a decision as to the allocation of costs and fees to be recovered from the beneficiaries, until after the bankruptcy trial so, if assets were recovered from the bankruptcy and put in the Trust, it would be easier for the Court to determine if it was necessary for the Court to issue an order for the recovery of funds from the beneficiaries to pay costs of the trust administration and to reimburse the Trustee for Trust expenses paid personally by Timothy Moore. As the bankruptcy trial has been continued until 12/13/13, the Trustee requests that this status hearing be continued until sometime in January of 2014.

There is also the issue remaining regarding the appraisal and sale of a coin collection. The beneficiaries had some discussions with the Trustee regarding a possible resolution regarding the value of the coin collection and the purchase of the coin collection by a beneficiary. Those discussions failed resulting in the coin collection being appraised. The appraisal should be completed within the next 10 days and the Trustee will proceed with the sale of the coin collection as instructed by the Court. To keep costs down, it is requested that the court continue this matter until January 2014 thereby avoiding furthers costs and fees to the Trust and the Trustee.

Continued on Page 2

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROM 07/15/14

As of 09/09/14, nothing further has been filed in this matter.

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.

Joint Status Declaration filed 7-14-14 by Attorney Gregory J. Roberts for Timothy Moore states he spoke with Terrence on 7-14-14 (see attached email). The parties are still waiting for the decision of the Bankruptcy Court. The parties request a 6-8 week continuance without appearance on 7-15-14.

Reviewed by: JF	
Reviewed on: 09/09/14	
Updates:	
Recommendation:	
File 13 – Moore	

Status Declaration of Timothy Moore, Trustee filed 03/17/14 states: This matter was set for status on this date to advise the Court as to the status of the bankruptcy of Terrance Moore and the claim by the Trustee against Terrance Moore in the bankruptcy matter. The bankruptcy trial was held on 12/13/13. The trial was completed, but the court requested briefing and closing argument. The matter was set to be heard by the bankruptcy court, but Terrance Moore fired his attorney. Terrance Moore did not get court approval for the removal of his attorney as required by the court so the matter has been continued until the attorney issue is resolved and then closing arguments. The Trustee believes that Terrance Moore is continuing his antics to delay matters and to cause additional costs to the Trustee. This Court was holding off on making a decision as to the allocation of costs and fees to be recovered from the beneficiaries until after the bankruptcy trial so if assets were recovered from the bankruptcy and put in the Trust, it would be easier for the Court to determine if it was necessary for the Court to issue an order for the recovery of funds from the beneficiaries to pay costs of the trust administration and to reimburse the Trustee for Trust expenses paid personally by Timothy Moore. It now appears that the bankruptcy matter will not be resolved for several months, or longer. The Trustee requests a continuance to July 2014 at which time he hopes the bankruptcy trial will be completed and a final order can be made in this matter.

The appraisal and sale of the coin collection was completed in 2013. The coin collection sold for $2,801.01 and the funds were put into the trust.

14 Maria Christina Trevino (Estate) Case No. 12CEPR00576

Atty **Wagner, Bryan N. (for Executor Henry T. Perea)**

Probate Status Hearing Re: Filing First Account or Final Distribution

DOD: 5-18-12		
Cont from 100413, 061314		
	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	

HENRY T. PEREA, Son, was appointed Executor with Full EAEA without bond on 8-2-12.

On 8-2-12, the Court set this status hearing for filing of the first account or petition for final distribution.

Final Inventory and Appraisal filed 11-13-12 reflected a total estate value of $142,500.00 consisting of real property and a vehicle.

Verified Status Report filed 6-3-14 states the vehicle was sold to the Executor for the appraised value per Court order and proceeds deposited to an estate account. The residence, valued at $129,000 per the I&A, was subject to a lien of the Fresno County Federal Credit Union in the sum of $13,000 and a lien of the Franchise Tax Board in the amount of approx. $9,000. The home was sold in January 2014 for $129,000, and proceeds were paid to the Fresno County Federal Credit Union to satisfy the first and second mortgages.

The estate has numerous creditor's claims totaling $50,026.36 including the claim by the Franchise Tax Board of approx. $9,000 and the IRS of approx. $29,000.

The personal representative requests an additional three (3) months to complete the final report and petition to close the estate.

NEEDS/PROBLEMS/COMMENTS:

Continued from 10-4-13, 6-13-14

Nothing further has been filed.

1. **Need first account or petition for final distribution.**

Reviewed by: skc

Reviewed on: 9-9-14

Updates:

Recommendation:

File 14 – Trevino

15 Destynie Isabel Marquez (GUARD/P) **Case No. 11CEPR00369**

Atty Ramirez, Isabel (Pro Per – Petitioner – Mother)

Petition for Termination of Guardianship

Age: 4			**ISABEL RAMIREZ,** mother, is petitioner.
			EMILIA MARQUEZ, paternal grandmother was appointed guardian on 07/07/2011.
Cont. from			Father: **RAFAEL ALEJANDRO MARQUEZ**
	Aff.Sub.Wit.		
✓	**Verified**		Paternal Grandfather: Unknown
	Inventory		Maternal Grandfather: Raul Ramirez Maternal Grandmother: Martha Gaona, consents and waives notice
	PTC		
	Not.Cred.		
	Notice of Hrg	X	**Petitioner states:** the minor has been residing with the mother and siblings since the mother/petitioner has been out of custody on 02/01/2013.
	Aff.Mail	x	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		**Court Investigator Charlotte Bien's report filed 08/28/2014**
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
✓	**CI Report**		
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

1. Need Notice of Hearing.
2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Termination of Guardianship or consent and waiver of notice or declaration of due diligence for:
   - Rafael Alejandro Marquez (Father)
   - Paternal Grandfather (Unknown)
   - Emilia Marquez (Paternal Grandmother/Guardian)
   - Raul Ramirez (Maternal Grandfather)

Reviewed by: LV

Reviewed on: 09/10/2014

Updates:

Recommendation:

File 15 - Marquez

Dept. 303, 9:00 a.m. Monday, September 15, 2014

16 Alize Nevaeh Lopez (GUARD/P) **Case No. 12CEPR00636**

Atty Ayala, Francisca (Pro Per – Petitioner – Mother)

Petition for Termination of Guardianship

Age: 6			**FRANCISCA AYALA,** mother, is Petitioner.
			AURELIA AYALA, maternal grandmother, was appointed Guardian on 09/17/12. Personally served on 07/08/2014.
Cont. from			Father: **GABRIEL LOPEZ**
	Aff.Sub.Wit.		
✓	**Verified**		Paternal Grandfather: Gilbert Lopez, Deceased Paternal Grandmother: Linda Lopez
	Inventory		
	PTC		Maternal grandfather: Miguel Ayala
	Not.Cred.		
✓	**Notice of Hrg**		**Petitioner states** the child wants to live with the petitioner and is safe. Petitioner states she is only looking out for the best interest of the child.
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
✓	**Pers.Serv.**	w/	
	Conf. Screen		**Court Investigator Dina Calvillo's report filed 05/29/2014**.
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Termination of Guardianship or consent and waiver of notice or declaration of due diligence for:
    - Gabriel Lopez (Father)
    - Linda Lopez (Paternal Grandmother)
    - Miguel Ayala (Maternal Grandfather)

Reviewed by: LV

Reviewed on: 09/10/2014

Updates:

Recommendation:

File 16 - Lopez

Dept. 303, 9:00 a.m. Monday, September 15, 2014

17 Christopher Gimlin, Jr., Tyler Gimlin & Isaak Gimlin (GUARD/P)

Case No. 14CEPR00220

Atty Bishop, Randy Lee (pro per Petitioner/maternal uncle)

Petition for Appointment of Guardian of the Person (Prob

Christopher age: 16		
Tyler age: 15		
Isaak age: 13		
Cont. from 051414, 071714		
	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	

THERE IS NO TEMPORARY.
No temporary was requested.

RANDY BISHOP, maternal uncle, is petitioner.

Father: **CHRISTOPHER GIMLIN, Sr**. – personally served with the petition on 5/12/14.

Mother: **LAVENDER TYLER** – personally served on 5/25/14, without a copy of the petition.

Paternal grandfather: Deceased
Paternal grandmother: Robin Rodriguez – consents and waives notice.
Maternal grandfather: David Tyler – consents and waives notice.
Maternal grandmother: Chancelyn Tyler – consents and waives notice.

All three minors consent and waive notice.

Petitioner states the parents are not able or responsible enough at this time. Petitioner wants to keep the minors together.

Court Investigator Julie Negrete's Report filed on 5/5/14

NEEDS/PROBLEMS/COMMENTS:

Continued from 6/17/14. As of 9/10/14 the following issues remain:

1. Proof of service indicates the father, Christopher Gimlin, Sr. was served with a copy of the Petition but does not indicate he was served with the Notice of Hearing as required. Note: Father was served in jail by the Sherriff's Department.

2. Proof of service of the Notice of Hearing does not indicate the mother, Lavender Tyler was served with a copy of the petition as required.

Reviewed by: KT
Reviewed on: 9/10/14
Updates:
Recommendation:
File 17 - Gimlin

18 Lilliana Marcela Lopez (GUARD/P) **Case No. 14CEPR00586**

Atty Charles, Jesusita (pro per – maternal grandmother/Petitioner)

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

Age: 13		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	x
	Aff.Mail	x
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	x
✓	**Conf. Screen**	
✓	**Letters**	
✓	**Duties/Supp**	
	Objections	
	Video Receipt	
✓	**CI Report**	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
✓	**UCCJEA**	
	Citation	
	FTB Notice	

NO TEMPORARY REQUESTED

JESUSITA CHARLES, maternal grandmother, is Petitioner.

Father: **RODOLFO LOPEZ** – *Declaration of Due Diligence filed 07/07/14; Petitioner alleges that he resides in Mexico and has not seen the minor since birth*

Mother: **YOLANDA GARCIA –** *Consent & Waiver of Notice filed 07/07/14*

Paternal grandparents: NOT LISTED

Maternal grandfather: NOT LISTED

Siblings: EFRAIN AGUAS (21), RUBYLINDA AGUAS (19), JOSE MENDOZA (12), ULISSA FLORES (8), JORGE FLORES (5), EMILY FLORES (4), IRIS FLORES (2), ISAAC FLORES (3 months)

Petitioner alleges that the minor has always lived with her. Petitioner states that the mother has had CPS involvement with other children living in her home and guardianship is necessary to keep the minor in Petitioner's care.

Court Investigator Jennifer Young filed a report on 09/05/14.

NEEDS/PROBLEMS/COMMENTS:

1. Need *Notice of Hearing*.
2. Need proof of service at least 15 days before the hearing of *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian of the Person* or Consent & Waiver of Notice or Declaration of Due Diligence for:
   a. Rodolfo Lopez (father) – personal service required, unless diligence is found
   b. Lilliana Lopez (minor) – personal service required
   c. Paternal grandparents – service by mail sufficient
   d. Maternal grandfather – service by mail sufficient
   e. Efrain Aguas, Rubylinda Aguas, Jose Mendoza (siblings) – service by mail sufficient

Reviewed by: JF
Reviewed on: 09/09/14
Updates:
Recommendation:
File 18 - Lopez

Dept. 303, 9:00 a.m. Monday, September 15, 2014

19 Hector Damion Gonzalez (GUARD/P) **Case No. 14CEPR00596**

Atty Basulto, Joanna (pro per – paternal aunt/Petitioner)

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

Age: 12	**TEMPORARY DENIED ON 07/24/14 DUE TO NON APPEARANCE**	**NEEDS/PROBLEMS/COMMENTS:**
	JOANNA BASULTO, paternal aunt, is Petitioner.	
Cont. from	Father: **HECTOR M. GONZALEZ** Mother: **JANIE DELGADO**	
Aff.Sub.Wit.	Paternal grandfather: HECTOR GONZALEZ Paternal grandmother: SARA ZAVALA	
Verified	Maternal grandfather: UNKNOWN Maternal grandmother: MARY DELGADO	
Inventory	**Petitioner alleges** that Hector does not currently have a home and is in need of supervision. He has not attended school regularly in his mother's care. Both parents are currently incarcerated. Hector has been exposed to drug use and stealing while in his parents care and he appears to need counseling.	
PTC	**Court Investigator Samantha Henson filed a report on 09/05/14.**	
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		**Reviewed by:** JF
Status Rpt		**Reviewed on:** 09/10/14
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 19 - Gonzalez**

Dept. 303, 9:00 a.m. Monday, September 15, 2014

20 Henry Borquez (Estate) Case No. 14CEPR00703

Pro Per **Borquez, Julie (Pro Per Petitioner)**

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

DOD: 7/22/2014			**JULIE BORQUEZ**, daughter, is Petitioner and requests appointment as Administrator without bond *(All heirs waive bond)*.
Cont. from			Full IAEA — OK
	Aff.Sub.Wit.		
✓	**Verified**		Decedent died intestate.
	Inventory		
	PTC		
	Not.Cred.		Residence — Fresno Publication — Business Journal
✓	**Notice of Hrg**		
✓	**Aff.Mail**	W/	**Estimated value of the Estate:**
✓	**Aff.Pub.**		Personal property - **$185,000.00** Real property - **$110,000.00** **Total - $295,000.00**
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	**Letters**		Probate Referee: **Rick Smith**
✓	**Duties/Supp**		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

Note: Court will set status hearings as follows:

- **Monday, February 16, 2015 at 9:00 a.m. in Dept. 303 for filing of inventory and appraisal; and**
- **Monday, November 16, 2015 at 9:00 a.m. in Dept. 303 for filing of first account and/or petition for final distribution.**

Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.

Reviewed by: LEG
Reviewed on: 9/10/14
Updates: SUBMITTED
Recommendation:
File 20 - Borquez

21 Keith L. Cervelli (Estate) Case No. 11CEPR00624

Atty **Kruthers, Heather H., of County Counsel (for Petitioner Public Administrator)**

First and Final Account and Report of Administrator and Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and For Distribution

DOD: 7/7/2011		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	W/
✓	**Aff.Pub.**	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	051612
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

PUBLIC ADMINISTRATOR, Administrator with Will Annexed, is Petitioner.

Account period: 7/3/2012 – 5/20/2014

Accounting - **$241,666.61**
Beginning POH - **$220,000.00**
Ending POH - **$ 28,461.02** *(all cash)*

Administrator - **$7,633.34**
(statutory)

Administrator XO - **$2,248.00**
(per Local Rule 7.18(B)(1) for sale of two parcels of real property; and for 1 Deputy hour @ $96 per hour and 2 assistant hours @ $76 per hour for preparation and filing of fiduciary tax returns;)

Attorney - **$7,633.34**
(statutory)

Costs - **$471.50**
(filing fee, probate referee, publication, certified copies)

Bond fee - **$604.17** (OK)

Distribution pursuant to Decedent's Will is to:

GAGE ANTHONY CERVELLI – $9,870.67 cash.

Petitioner prays for an Order:

1. Approving, allowing and settling the First and Final Account and confirming and approving all acts of the Petitioner as Administrator;
2. Authorizing payment of the Administrator and Attorney fees and commissions;
3. Since the whereabouts of **GAGE ANTHONY CERVELLI** are not known, authorizing Petitioner to deposit any remaining balance of funds with the Fresno County Treasury pursuant to Probate Code § 11850(a).

NEEDS/PROBLEMS/ COMMENTS:

Note: *Schedule D, Disbursements* shows a total of **~$119,484.59** was paid from the estate for tax preparation and taxes owed by the Decedent.

Note: *Proof of Service by Mail* filed 9/4/2014 shows notice was mailed to an address in Nevada for Gage Anthony Cervelli, whose whereabouts Paragraph 19 of the *Petition* states are unknown. Proposed order is nonetheless satisfactory as it finds distribution be made to Gage Anthony Cervelli, with deposit at the Fresno County Treasury only as an alternative.

Reviewed by: LEG

Reviewed on: 9/10/14

Updates: 9/11/14

Recommendation:

File 21 - Cervelli

Dept. 303, 9:00 a.m. Monday, September 15, 2014

22 Robert Alan Clark, Jr. (GUARD/P) **Case No. 14CEPR00805**

Atty Managan, Brenda (pro per – paternal grandfather/Petitioner)

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

Age: 9		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	x
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	x
	Conf. Screen	x
✓	**Letters**	
✓	**Duties/Supp**	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	x
	Citation	
	FTB Notice	

GENERAL HEARING 11/05/14

BRENDA MANAGAN, paternal grandmother, is Petitioner.

Father: **ROBERT CLARK** – *deceased*

Mother: **TIFFNI RUSSELL**

Paternal grandfather: WILLIAM CLARK

Maternal grandparents: UNKNOWN

Petitioner states that the father passed away on 07/14/14. He had custody of the minor. The mother has not been a part of the minor's life since he as 6 months old due to drug abuse issues. Petitioner alleges that the mother is now trying to take the minor. The mother is now living in Maryland and Petitioner is concerned that the mother will try to take the minor outside the state of California.

NEEDS/PROBLEMS/COMMENTS:

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 *Petition for Appointment of Temporary Guardian of the Person* or Consent & Waiver of Notice or Declaration of Due Diligence for Tiffni Russell (mother).
3. Need *Confidential Guardian Screening Form*.
4. Need *UCCJEA*.

Reviewed by: JF

Reviewed on: 09/10/14

Updates:

Recommendation:

File 22 - Clark

Dept. 303, 9:00 a.m. Monday, September 15, 2014