1A **Fred Erwin Davis (Estate)** **Case No. 10CEPR00810**

Atty **Dias, Michael A. (for Warren Leslie Davis – Son – Petitioner)**

Atty **Farley, Michael L. (of Visalia, for Mary M. Davis – Surviving Spouse – Executor)**

Petition for Removal of Mary M. Davis as Executor of Estate Compelling Account and Report of Administration of Estate Appointment of Lynette Lucille Duston and Warren Leslie Davis as Successor Co-Executors of Estate, Removal of Mary M. Davis as Trustee of The Testamentary Trusts, Compelling Account and Report information Regarding the Testamentary Trusts and Appointment of Warren Leslie Davis as Successor Trustee of the Testamentary Trust [Prob. C. 8420, 8421, 8500, 8501, 8502, 8800, 8804, 10950, 10952, 12200, 12204, 12205, 15642, 15645, 15660, 15680, 16420 and 17200(b)]

DOD: 7-9-10

Cont. from 080812, 082912

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	Letters	
	Duties/Supp	
✓	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
✓	Citation	
	FTB Notice	

WARREN LESLIE DAVIS, Son, is Petitioner.

MARY M. DAVIS, Surviving Spouse, was appointed Executor with Full IAEA without bond on 10-18-10.

Petitioner states more than 18 months have elapsed since the issuance of Letters and Mary has neither filed an account nor a status report. Petitioner objects to the continuation of Mary as personal representative of the estate and seeks to remove her pursuant to Probate Code §§ 8502, 8804 for the following reasons:

- Mary has wrongfully neglected the estate and has long neglected to perform any act as personal representative.
- Mary has failed to file an inventory and appraisal.
- Mary has wasted, embezzled, mismanaged, and committed a fraud on the estate. Mary has, *inter alia*, admitted during a deposition that she has liquidated assets of the Decedent's estate, which were specific bequests to one of the petitioners to pay for her attorney's fees and costs in her two civil actions against Petitioner. (See declaration of Alicia Wrest attached.)
- Mary is incapable of properly executing the duties of the office. Mary is 86 years old and has made unsubstantiated claims for elder abuse in a pending case against one of the beneficiaries and has therein made representations that she is susceptible to undue influence.
- The Court has the power to remove a personal representative for other cause such as adverse interest or hostile acts. Cites referenced.
- Removal is necessary to protect the estate and its heirs. Mary should also be ordered to account and show the condition of the estate.
- Furthermore it is proper for the Court to reduce Mary's and her attorneys' compensation.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS:

OFF CALENDAR – Amended Petition filed 9-7-12 is set for hearing on 11-7-12.

Note: Inventory and Appraisal and First Account are overdue. The original petition estimated the value of the estate at approx. $3,060,000.00.

1. **Petitioner seeks to have his mother removed as both Executor of this estate *and* as trustee of the testamentary trusts created under Decedent's will. However, any requests regarding the trusts must be brought separately under appropriate code and pursuant to Local Rule 7.1.2.**

   Accordingly, within this estate case, the Court can only make orders relating to this estate and its administration.

2. **Petitioner states Mary currently has two (2) pending actions against beneficiaries involving trust property. Need clarification as to how *any* property is trust property, as no account or final distribution has been made from this estate to any trust.**

   Examiner notes that Court records indicate one case has been dismissed and the other was stayed pending arbitration in June 2012. See additional notes on additional page.

Reviewed by: skc

Reviewed on: 9-12-12

Updates:

Recommendation:

File 1A - Davis

Dept. 303, 9:00 a.m. Wednesday, September 19, 2012

1A Fred Erwin Davis (Estate) Case No. 10CEPR00810

Petitioner states he and his sister LYNETTE LUCILLE DUSTON are nominated as successor co-executors in Decedent's will. Petitioner requests that they be appointed as successor co-executors to serve with full IAEA without bond.

Petitioner further states that Mary M. Davis is the nominated trustee of the testamentary trusts created under the will. Petitioner objects to the continuation of Mary as trustee of the testamentary trusts and hereby seeks to remove her as trustee because she has breached the trusts, is insolvent and unfit to administer the trusts. Petitioner provides a list of reasons with reference to Probate Code §§16060-16062 and §§16002-16009.

***Examiner's note*: As noted in NEEDS/PROBLEMS/COMMENTS #1 above, trust issues cannot be addressed together with estate issues in this estate case. Pursuant to Local Rule 7.1.2, a separate matter must be established. As such, Examiner has not reviewed the sections relating to the request for removal of Mary as trustee.**

Petitioner prays as follows:

1. That citation issue to Mary M. Davis to show cause why she should not be removed as personal representative and as trustee of the testamentary trusts;
2. For an order to remove Mary M. Davis as personal representative and revoke her Letters;
3. For an order to appoint Petitioner and Lynette Lucille Duston as personal representatives of the estate with full IAEA without bond;
4. For an order for Mary M. Davis to file an account within 60 days of her removal;
5. For an order that Mary M. Davis surrender all estate property in her possession to the successor co-executors;
6. To remove Mary M. Davis as trustee of the testamentary trusts;
7. To appoint Petitioner or any suitable person as successor trustee;
8. For an order that Mary M. Davis make an accounting and surrender all property in her possession belonging to the testamentary trust to a duly qualified successor trustee;
9. For attorney's fees and costs of suit incurred herein;
10. For such other orders and further relief as the Court deems just and proper.

Mary M. Davis filed a Demurrer that is set for hearing on 9-19-12 on the following grounds:

1. There is a defect or misjoinder of parties;
2. It fails to state facts sufficient to support any cause of action for removal; and
3. It is uncertain, including ambiguous and unintelligible.

Points and Authorities provided.

Objector also filed an Objection to the Declaration of Alicia D. Wrest in support of the Petition is hearsay and inadmissible herein. Cites provided.

Note: The parties reference "unrelated litigation" involving allegations of elder abuse and influence:

- **11CECG00872 Mary M. Davis v. Lynette Lucille Dustin and Douglas Jon Dustin - Dismissed per request of Mary M. Davis on 7-26-12 per Court records**
- **11CECG03047 Mary M. Davis v. W. Leslie Davis – Matter stayed due to pending arbitration per Court records.**

1B **Fred Erwin Davis (Estate)** **Case No. 10CEPR00810**

Atty Dias, Michael A.
Atty Farley, Michael L.

Demurrer of Respondent to Petition for: Removal of Executor; for Account and Report of Administration of Estate; for Appointment of Successor Co-Executors; for Removal of Trustee; for Account and Report of Testamentary Trusts; for Appointment of Successor Trustee

Age:			NEEDS/PROBLEMS/COMMENTS:
DOD:			OFF CALENDAR – Amended Petition for Removal filed 9-7-12 is set for hearing on 11-7-12.
Cont. from			
	Aff.Sub.Wit.		
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	Inventory		
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	Notice of Hrg		
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	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: 9-12-12
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 1B - Davis

2 Eldon Clair Graham (Estate) Case No. 11CEPR00930

Atty **Fanucchi, Edward L. (for Teri Lynn Graham & Sandi Lynn Graham/Co-Executors)**

(1) Petition for Final Distribution on Waiver of Accounting, and for (2) Allowance of Statutory Attorney's Fees, Extraordinary Attorneys' Fees, and Costs of Administration

DOD: 09/13/11

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	11/30/11
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	FTB Notice	

TERI LYNN GRAHAM and **SANDI LYNN GRAHAM,** Co-Executors, are Petitioners.

Accounting is waived.

I & A - **$214,000.86**
POH - **$137,296.07**
($135,356.07 is cash)

Executors - **waive**

Attorney - **$7,588.02** (statutory)

Attorney x/o - **$1,000.00** (for sale of real property, ok per Local Rule)

Costs - **$1,236.50** (filing fees, certified copies, publication)

Distribution, pursuant to decedent's Will, is to:

Teri L. Graham - 50% of cash and ½ of gun collection

Sandi Lynn Graham - 50% of cash and ½ of gun collection

NEEDS/PROBLEMS/COMMENTS:

1. The statutory fee to the attorney is calculated incorrectly in the Petition. The correct statutory fee is $7,392.02 calculated as follows:

$100,000.00	4.0%	=	$4,000.00
$100,000.00	3.0%	=	$3,000.00
$19,600.86	2.0%	=	$392.02
$0.00	1.0%	=	$0.00
$0.00	0.5%	=	$0.00
$0.00			$0.00
			$7,392.02

2. Order does not state the dollar amount to be distributed to each beneficiary. Pursuant to Local Rule 7.6.1A - All orders or decrees in probate matters must be complete in themselves. Orders shall set forth all matters ruled on by the court, the relief granted, and the names of persons, descriptions of property and/or amounts of money affected with the same particularity required of judgments in general civil matters. **Monetary distributions must be stated in dollars, and not as a percentage of the estate.** Need revised Order.

Reviewed by: JF

Reviewed on: 09/12/12

Updates:

Recommendation:

File 2 - Graham

3 **Geraldine Fern Starr (Estate)** **Case No. 11CEPR01021**

Atty **French, G. Dana (for Rodney D. Starr – Executor – Petitioner)**

Final Petition and Petition for Settlement Thereof and Petition for Distribution

DOD: 10-11-08				NEEDS/PROBLEMS/COMMENTS:
			RODNEY D. STARR, Son and Executor with Full IAEA without bond, is Petitioner.	
			Accounting is waived.	
			I&A: $187,500.00 POH: $187,500.00 (real property interest only)	
	Aff.Sub.Wit.			
✓	Verified			
✓	Inventory		Executor (Statutory): Waived	
✓	PTC			
✓	Not.Cred.		Attorney (Statutory): $6,625.00	
✓	Notice of Hrg			
✓	Aff.Mail	w	Costs: $999.50 (filing fees, publication, certified letters)	
	Aff.Pub.			
	Sp.Ntc.		**Distribution pursuant to Decedent's will:**	
	Pers.Serv.			
	Conf. Screen		Starr Family Revocable Trust: entire estate (real property interest)	
✓	Letters	1-11-12		
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
✓	9202			
✓	Order			
	Aff. Posting			**Reviewed by:** skc
	Status Rpt			**Reviewed on:** 9-12-12
	UCCJEA			**Updates:**
	Citation			**Recommendation: SUBMITTED**
✓	FTB Notice			**File 3 - Starr**

Dept. 303, 9:00 a.m. Wednesday, September 19, 2012

4 David R. Jimenez (Estate) **Case No. 12CEPR00082**

Atty Kruthers, Heather H. (for Public Administrator – Administrator/Petitioner)
Atty Camenson, David M. (for David L. Jimenez & Raymond Sandoval – sons/Objectors)
Atty Shahbazian, Steven L. (for Conrad Jimenez – son)

Report of Administrator of Insolvent Estate and Request for Final Discharge (Prob. C. 11600)

DOD: 10/10/11		
Cont. from 070512, 071812		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	n/a
	PTC	n/a
✓	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	w/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	n/a
	Duties/Supp	
✓	Objections	
	Video Receipt	
	CI Report	
	9202	n/a
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	n/a

PUBLIC ADMINISTRATOR, Administrator, is Petitioner.

Petitioner states:

1. **PUBLIC ADMINISTRATOR** was appointed as Administrator by the Court on 03/06/12.
2. No Letters of Administration were ever issued because Petitioner was able to determine right away that there were no assets to marshal.
3. The initial Petition for probate stated that there were two parcels of real property and bank accounts belonging to the estate. However, Petitioner has determined that the properties were deeded by the decedent and the bank accounts had beneficiary designations. Therefore, petitioner wishes to close the estate, because it is now insolvent.
4. A Creditor's Claim was filed against the estate by David M. Camenson; however, the estate is insolvent and the claim cannot be paid.
5. The estate is in a condition to be closed.

Petitioner prays for an Order that:

1. The Petition be settled, allowed and approved, and all acts of the Petitioner as Administrator be confirmed and approved;
2. Due to the insufficiency of the estate, it is not possible to pay the outstanding debts of the estate and there will be no estate to distribute; and
3. The Public Administrator be discharged as Administrator of the estate.

Objection to Report of Administrator of Insolvent Estate and Request for Final Discharge filed 06/28/12 by David L. Jimenez and Raymond Sandoval states that the assertion that the estate has no assets is false. Objectors state that the decedent held title to two vehicles (a 1995 Ford and 1987 Toyota) as well as numerous other personal property items. Objectors further state that the Public Administrator never contacted either objector (decedent's son and foster son and named beneficiaries in decedent's Will) or their attorney David Camenson. Had Petitioner contacted any of these individuals they would have discovered that the estate was not insolvent, or at least had some assets. Objectors request:

1) That the final report of Petitioner not be confirmed or approved;
2) That the Public Administrator not be discharged as Administrator of the Estate at this time; and
3) That the Public Administrator be ordered to continue its research regarding the assets of the estate by at least contacting each beneficiary who may have knowledge of such assets.

Continued on Page 2

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROM 07/18/12

Minute Order from 07/18/12 states: Counsel informs the Court that a bank account was discovered and the estate is not insolvent. Counsel requests a continuance.

Reviewed by:	JF
Reviewed on:	09/12/12
Updates:	
Recommendation:	
File 4 - Jimenez	

Response to Objection to Report of Administrator of Insolvent Estate and Request for Final Discharge filed 07/02/12 by the Public Administrator/Petitioner states: The Deputy Public Administrator assigned to this matter was Noe Jimenez. He conducted the following investigation to determine the lack of assets in the estate:

a. He twice went to the property at 3039 North 7th Street, Fresno, CA 93703 to meet with David L. Jimenez (decedent's son). He left his business card for David to contact him regarding the estate as Noe does not have David's phone number. Noe never received a return call from David or any other response to his business cards.
b. He spoke by phone to Conrad (decedent's son), who provided details of the decedent's assets. Conrad reported that his father deeded the real property to him a couple of months before he died. Noe verified this transaction with Chicago Title. The employee handling the transaction had no concerns about the decedent's capacity to transfer title to his son.
c. Conrad further reported that the decedent had also given him some personal items before his death, including his service revolver, badge, and similar items. Conrad further reports that when their father died, his brother David removed Raymond Sandoval (decedent's foster son) from the house on North 7th Street. Conrad reported that his father had some items in the residence but David would not allow him to enter the residence, even though the property belonged to him. Conrad confirmed that all personal items were transferred months before the decedent's death.
d. Noe spoke with David Camenson, attorney for the Objectors, on three separate occasions. Mr. Camenson never asked about or offered information about any assets.
e. Noe spoke to Conrad regarding the vehicles. Conrad confirmed that the decedent gave David's daughter, Janet Sellars, a Ford Windstar by signing a DMV form in July 2011. He further reported that the decedent gave Conrad's ex-wife, Anna DiFalco, the 1987 Toyota Cressida four years before the decedent died. Although the Objectors provided title to two vehicles, investigation revealed that neither belonged to the decedent at the time of his death.

Based on this information, Petitioner prays that:

1. The objections of David L. Jimenez and Raymond Sandoval be denied in their entirety; and
2. The Public Administrator's report be settled as prayed.

Response of Conrad Jimenez to Objection to Report of Administrator of Insolvent Estate and Request for Final Discharge filed 07/02/12 states: the two vehicles objectors refer to in their objection were not owned by the decedent at the time of his death as he had transferred ownership of both of them. The vehicle identified as a 1987 Toyota was transferred in 2009 to Anna Maria DiFalco and the 1995 Ford was transferred to Janet Sellers. Respondent further states that as to the "personal property" which is not specifically itemized in the Objection, he is personally aware that most all of the personal property of the decedent was either disposed of by the decedent or had little or no value at the date of his death. Even if there is any merit to the claim that the assets referred to in the Objection may be subject to probate court jurisdiction, all items referred to would be included within Probate Code §§ 13100-13116 as personal property that can be disposed of by the "Affidavit Procedure for Collection or Transfer of Personal Property". Therefore, even if the personal representative could assert ownership or control over any specific personal property asset, by his/her consent there would be nothing in a probate estate to administer. Further, the continuation of an essentially valueless estate could expose the estate to charges and expenses, which it should not incur and cannot afford. If the Objectors have any further information in reference to alleged "estate assets" they can and should communicate that information, with supporting documentation, to the public administrator. To the extent that the miscellaneous personal property described in the Objection is alleged to be the <u>only</u> basis to retain the personal representative, these are insufficient grounds to require the continuation of this probate proceedings. Respondent requests that the Objection be overruled and that the request for discharge by the public administrator be granted.

5 Edward J. Crable (S.N.T) Case No. 12CEPR00565

Atty **Jambeck, Jay T., of Leigh Law Group, San Francisco (for Petitioners Mark Crable and Patricia A. Crable, parents)**

Atty **Dale, Stephen W., of Dale Law Firm, Pacheco (preparer of proposed Special Needs Trust)**

Amended Verified Ex Parte Petition to Approve Special Needs Trust and to Exclude Funds from Estate and to Direct Payment to Special Needs Trust

Age: 15 years

DOB: 12/11/1996

Cont. from

	Aff.Sub.Wit.	
✓	Verified	
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	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

MARK CRABLE and PATRICIA A. CRABLE, parents, are Petitioners.

Petitioners state:

- They are the Guardians ad litem and the duly appointed, qualified and acting guardians of the person and estate of **EDWARD J. CRABLE**, proposed Beneficiary of the Special Needs Trust (SNT);
- On 6/11/2012, [Judge Donald Black] in Case No. 10CECG00827 approved a compromise of an action filed against **CLOVIS UNIFIED SCHOOL DISTRICT** on behalf of the proposed SNT Beneficiary, which provides for the payment of **$36,250.00** to the proposed SNT Beneficiary; from that amount, **$17,000.00** is authorized to be deducted and paid for reasonable expenses, costs and attorney's fees, leaving a balance of **$19,250.00** *(please refer to copy of the Court's Law and Motion Minute Order, Tentative Ruling, and Order Approving Compromise of Disputed Claim or Pending Action or Disposition of Proceeds of Judgment for Minor or Person with a Disability dated 6/7/2012 attached as Exhibit A)*;
- Petitioners propose that the sum of **$10,000.00** not become part of the guardianship estate but instead be paid to the **EDWARD JAMES CRABLE SPECIAL NEEDS TRUST** established under Probate Code § 3604 for the benefit of the proposed SNT Beneficiary *(please refer to copy of the proposed SNT attached as Exhibit B)*;
- [Proposed SNT terms indicate in Section 1.2 that the SNT will be entered into by **PATRICIA A. CRABLE**, mother of proposed SNT Beneficiary, as Grantor and by her as Trustee; Petitioner **MARK CRABLE**, father, is not requesting to be appointed as Trustee.]

~Please see additional page~

NEEDS/PROBLEMS/ COMMENTS:

Note: *Order on Amended Verified Ex Parte Petition to Approve Special Needs Trust, etc.*, filed on 8/14/2012 set the matter for this hearing.

Note: *Minute Order* dated 7/18/2012 states in pertinent part that the Court appoints Mark Crable and Patricia Crable as Guardians ad Litem.

Note: If *Petition* is granted, Court will set status hearings as follows:

- **Friday, October 19, 2012, at 9:00 a.m. in Dept. 303** for filing proof of bond.
- **Friday, November 29, 2013, at 9:00 a.m. in Dept. 303** for filing of the First Account of the SNT.

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.

~Please see additional page~

Reviewed by: LEG

Reviewed on: 9/14/12

Updates:

Recommendation:

File 5 - Crable

Petitioners state, continued:

- **The establishment of a SNT is to the advantage of the proposed Beneficiary and appropriate for the following reasons**:
  - The proposed SNT Beneficiary has a disability that substantially impairs his ability to provide for his own care or custody and constitutes a substantial handicap *[§ 3604(b)(1)]*, in that he suffers from Asperger syndrome and Bi-Polar disorder, resulting in severe behavioral manifestations;
  - The proposed SNT Beneficiary is likely to have special needs that will not be met without the SNT *[§ 3604(b)(2)]*in that his family will require assistance with obtaining services and support to meet his intensive needs; for example, obtaining appropriate residential placement, which in the past was not successful when negotiating placement for him with the school district, due to the severity of his aggressive behaviors making the placement unsuitable; the proposed SNT Beneficiary's family must use the assistance of professionals in order to fund another suitable placement for him, as he cannot attend a general or special education setting, and they must negotiate with the school district to have him placed in a more intensive environment;
  - The money to be paid to the SNT does not exceed the amount that appears reasonably necessary to meet the special needs of the proposed SNT Beneficiary*[§ 3604(b)(3)]*, in that the **$10,000.00** is necessary to ensure that he receives appropriate services and consultation in order to obtain a placement for him that will meet his unique needs.

- **The proposed SNT complies with the requirements of CA Rule of Court 7.903 in that it:**
  - Does not contain no-contest provisions;
  - Prohibits modification or revocation without court approval; *[found in § 1.5]*;
  - Clearly identifies the trustee and any other person with authority to direct the trustee to make disbursements *[found in § 1.2]*;
  - Prohibits investments by the trustee other than those permitted under Probate Code § 2574; *[found in § 11.5]*;
  - Requires *[the trustee and any other person with authority to direct the trustee to make disbursements]* to post bond in the amount required under Probate Code § 2320 et seq. *[found in § 10.2]*;
  - Requires the trustee to file accounts and report for court approval in the manner and frequency required by Probate Code § 1060 et seq. and 2620 et seq. *[found in § 10.4]*;
  - Requires court approval of changes in trustees and a court order appointing any successor trustee*[found in §9]*; and
  - Requires compensation of the trustee, the members of any advisory committee or the attorney for the trustee, to be in just and reasonable amounts that must be fixed and allowed by the court *[found in § 10.5]*.

Petitioners pray for an order:

1. That **$10,000.00** not become part of the guardianship estate *[Note: No guardianship exists in Fresno County]*, but instead be paid to a SNT for the benefit of the proposed Beneficiary;
2. That the guardians *[Note: No guardians are appointed in Fresno County]* are authorized to execute the SNT; and
3. That creation of the SNT is approved by the Court.

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS, continued:

Note: *Order Approving Compromise of Disputed Claim or Pending Action or Disposition of Proceeds of Judgment for Minor or Person with a Disability* dated 6/7/2012 (signed by Judge Black) orders that bond is fixed at **$10,000.00**. Pursuant to CA Rule of Court 7.903(c)(5), the SNT instrument must require the trustees and any person with authority to direct the trustees to make disbursements to post bond in the amount required under Probate Code § 2320 et seq. Probate Code § 2320(c)(4) provides the bond shall include a reasonable amount for the cost of recovery to collect on the bond. Therefore, bond is required for this SNT in the sum of **$11,000.00**. If Court approves the *Petition*, Petitioners must file with the Court satisfactory proof of posting of the bond by the proposed Trustee, **PATRICIA A. CRABLE**.

1. Petitioners state they are the duly appointed guardians of the estate of the proposed SNT Beneficiary. Court records do not show a guardianship estate has been established for the proposed SNT Beneficiary in Fresno County, and the *Petition* does not explain the basis for the Petitioners' claim to be guardians of the estate. Pursuant to Probate Code §§ 3410 and 3413, Court may require establishment of a guardianship estate for the minor for the remaining **$9,250.00** that will not become part of the SNT. Petitioner identifies from the *Order Approving Compromise of Disputed Claim or Pending Action or Disposition of Proceeds of Judgment for Minor or Person with a Disability* dated 6/7/2012 the total award of **$36,250.00**, less the court-authorized amount of **$17,000.00** for reasonable expenses, costs and attorney's fees, leaving a balance of **$19,250.00** for the proposed SNT Beneficiary. Item 8 of the *Order Approving Compromise* states the Petitioner and Petitioner's attorney must deposit the **$9,250.00** at Bank of the West in Clovis in the Petitioner's name as Trustee for [Edward J. Crable] in one or more blocked accounts. *Petition* does not provide any information regarding whether this portion of the order for depositing the **$9,250.00** sum into a blocked account has been carried out by Petitioners, or whether this **$9,250.00** sum relates to Petitioners' references to a guardianship of the estate for Edward J. Crable. Need additional information and clarification regarding the current status of this sum, and if necessary, establishment of a guardianship estate; and in any event, Petitioners must submit the mandatory-use Judicial Council *Order to Deposit Money into Blocked Account* for the **$9,250.00** on behalf of Edward J. Crable.

2. Petitioners have graciously and effectively modified the terms of the proposed SNT to comply with the Court's noted deficiencies and suggestions from the last hearing on 7/18/2012. However, in **Sections 2.1 and 2.2 of the SNT** (and other sections), the term "distributions" has been placed along with the term "disbursements" in all instances in which the terms allow for the Trustee to have sole and absolute discretion in making these types of expenditures. In fact, the Trustee may make disbursements in her sole and absolute discretion (such as for on-going expenditures like physical therapy sessions), but may not make distributions in her sole and absolute discretion and court approval is required for those expenditures (such as purchasing therapeutic equipment or a vehicle that remains the property of the SNT to be accounted for as property on hand.) Court may require the proposed order submitted by the Petitioners to remove instances of the phrase "in the Trustee's sole and absolute discretion" when referring to the Trustee making distributions; or Court may alter the proposed SNT terms (by interlineation) to reflect this distinction before final approval of the proposed SNT order following submission by the Petitioners.

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS, continued:

3. *Petition* does not address whether the Petitioners are requesting that the Court fix a Trustee's fee amount pursuant to CA Rule of Court 7.903(c)(8), or whether Petitioners will not seek Trustee's fees until the time of the first accounting of the SNT based upon an itemization of services at that time.

4. The following typographical errors should be corrected in the proposed SNT, to be included in the proposed order to be submitted by the Petitioners:

- Section 5.2 should include the word "Disbursement" in the heading with "Distribution Guidelines".
- Section 9.2 should include the phrase "upon petition requesting such removal and upon approval by the Court" at the end of the first sentence. Also, the last line of this section should have the cross-reference Section **9.3.**
- Section 10.4 should include at the end of the sentence: "Sections 1060 et seq. and 2620 et seq."
- Section 10.5 should include CRC 7.903 language following these words: "…services it renders, in amounts to be fixed and allowed by the Court pursuant to CA Rule of Court 7.903."
- Section 12.1.2.6 should include the word "Disbursements."

5. Need proposed order establishing the **EDWARD JAMES CRABLE SPECIAL NEEDS TRUST** containing all SNT trust terms, including the provisions required pursuant to Probate Code § 3604 and CA Rule of Court 7.903.

6 **Horst Simmross (Estate)** **Case No. 12CEPR00602**

Atty **Magness, Marcus D. (for Derek Simmross and Brigitte Green – Petitioners)**

Amended Petition of Will and for Letters Testamentary; Authorization to Administer Under the Independent Administration of Estate Act

DOD: 07/01/12		
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	
✓	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

DEREK SIMMROSS and **BRIGITTE GREEN,** son and daughter/named Co-Executors without bond, are Petitioners.

Petitioner Derek Simmross is a resident of Sweden.

Full IAEA – OK

Will dated 06/13/96

Residence: Fresno
Publication: The Business Journal

Estimated Value of the Estate:
Personal property - $200,000.00

Probate Referee: **STEVEN DIEBERT**

NEEDS/PROBLEMS/COMMENTS:

Note: The court may require bond if the proposed personal representative resides outside California or for other good cause, even if the will waives bond, pursuant to California Rules of Court 7.201(b) and Probate Code 8571.

Reviewed by: JF
Reviewed on: 09/12/12
Updates:
Recommendation:
File 6B - Simmross

Dept. 303, 9:00 a.m. Wednesday, September 19, 2012

7 Steven R. Thomas Family Trust 5-13-03 **Case No. 12CEPR00674**

Atty Salazar, Steven F. (for Steven R. Thomas, II – son/Petitioner)

Atty Bagdasarian, Gary G. (for Kristy Helm-Thomas – daughter/Petitioner)

Petition for Construction of Trust, Appointment and Confirmation of Successor Trustees and Persons Entitled to Distribution from Trust (Prob. C. 17200(b)(1)(4)(10), et seq)

DOD: 01/19/12		
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	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

STEVEN R. THOMAS, II, son, and **KRISTY HELM-THOMAS,** daughter, are Petitioners.

Petitioners state:

1. Petitioners are the children of Steven R. Thomas and interested in the STEVEN R. THOMAS FAMILY TRUST, dated 05/13/03, (the "Trust") created and executed by Steven R. Thomas as sole Settlor and sole Trustee.
2. Steven R. Thomas ("decedent") was unmarried and administered the Trust in Fresno County until his death on 01/19/12. Upon his death, the Trust became irrevocable. Petitioners are not aware of any current, authorized acting successor trustee(s).
3. Petitioners have been provided with a copy of the Trust which Petitioners believe has been altered by handwritten and initialed interlineations and/or changes to the terms of the Trust. Petitioners believe that such interlineations and/or changes is an invalid attempt to amend the Trust's successor trustees and successor beneficiaries and was not done by decedent before his death.
4. There are no amendments to the Trust known to Petitioners except possibly the decedent's Will (pour over Will) dated 05/13/12 currently being probated in Fresno Superior Court Case No. 12CEPR00132 with Petitioners as Co-Executors. The decedent's Will also has handwritten interlineations and changes to the references made as to the decedent's children and named executors. At the time decedent executed both the Trust and his Will, Petitioner Steven R. Thomas, II was present and did not observe any handwritten alterations or modifications to either the Trust or Will.

Continued on Page 2

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: JF

Reviewed on: 09/13/12

Updates:

Recommendation:

File 7 - Thomas

Dept. 303, 9:00 a.m. Wednesday, September 19, 2012

5. Petitioners allege that under Article III, Section B of the Trust entitled "Original Trustees" decedent originally nominated Steven R. Thomas, II and Carl E. Thomas, in that order of priority, as successor trustees.
6. Petitioners further allege that under Article VI, Section A.2 of the Trust entitled "Distributions to Successor Beneficiaries" the decedent originally named the following individuals and the following respective interests as successor beneficiaries in the Trust as follows:
   - Steven R. Thomas II - 25%
   - Kristy Helm-Thomas - 25%
   - Kelby Renee Helm - 25%
   - Michael Garrett Davis - 25%
7. The Trust document, as altered, crossed out the names of Steven R. Thomas II and Carl E. Thomas as successor trustees and were replaced with the name of Kristy Helm-Thomas as the nominated successor trustee. However, Kristy Helm-Thomas's name was also crossed out and replaced with the name of Jeri Rard as successor trustee.
8. The Trust document, as altered, crissed out the originally named successor beneficiaries set forth above in paragraph 6 and replaced them and their respective interests as follows:
   - 100% to (wording undeterminable and crossed out) Grandkids
     Coins will be sold later on for my grand childrens college"
9. Petitioners stipulate that the handwritten and initialed interlineations and changes to the original Trust's provisions for successor trustees and successor beneficiaries are not valid amendments to the Trust and that the decedent did not make the changes to the Trust.
10. Under Article I, Section B, Chapter 2, the Trust document provides that the Trust is revocable and amendable by the Settlor as provided in Article V, Section B, Chapter 2 entitled "Revocation and Amendment" that provides that the Settlor may, at any time amend any portion of the Trust by adding provisions or by altering or deleting provisions contained therein, and by delivering a signed statement of amendment to the trustee. Further, the Trust requires that such statement be attached to and made part of the Trust agreement.
11. California Probate Code § 15042 provides that: "Unless the trust instrument provides otherwise, if a trust is revocable by the settlor, the settlor may modify the trust by the procedure for revocation". Probate Code § 15401 sets forth the procedure for revocation in part as follows:

    "A trust that is revocable by the settlor may be revoked in whole or in part by any of the following methods:

    (1) By compliance with any method or revocation provided in the trust instrument.
    (2) By a writing (other than a will) signed by the settlor and delivered to the trustee during the lifetime of the settlor. If the trust instrument explicitly makes the method of revocation provided in the trust instrument the exclusive method of revocation, the trust may not be revoked pursuant to this paragraph."
12. The Trust, pursuant to Article I, Section B and Article V, Section B provides for the exclusive method of amendment to the Settlor's Trust. Petitioners contend that the handwritten and initialed alterations by interlineations and changes made to the Trust's provisions for successor trustees and successor beneficiaries is an invalid amendment or modification to the Trust. Specifically, Petitioners assert that the alterations to the original Trust did not comply with the Trust's exclusive requirement for amendment or modification, to wit:
    a. That the provisions added, altered or deleted were not made by the Settlor, or alternatively, are not entirely in the Settlor's own handwriting;
    b. That no signed statement of amendment was prepared and executed by the Settlor;
    c. That the Settlor did not deliver a signed statement of amendment to the Trustee;
    d. That a signed statement of amendment was not attached to and made a part of the Declaration of Trust; and
    e. The Will of Steven R. Thomas dated May 13, 2003 does not qualify as a writing under Probate Code § 15401 to revoke or amend the Trust.

Continued on Page 3

13. Petitioners seek an order that the alterations by handwritten interlineations and changes made to the Declaration of Trust's provisions for Successor Trustees and Successor Beneficiaries do not amend the Trust's provisions for Successor Trustee and Successor Beneficiaries, the attempted amendment is invalid, that the court appoints and confirms Steven R. Thomas, II and Kristy Helm-Thomas as successor co-trustees. Petitioners further request an order that the Court acknowledge and confirm the following individuals and the following respective interests in the Trust estate as the successor beneficiaries of the Trust as follows:
    - Steven R. Thomas II - 25%
    - Kristy Helm-Thomas - 25%
    - Kelby Renee Helm - 25%
    - Michael Garrett Davis - 25%
14. The Trust provides in Article III, Section I, that no bond shall be required of a trustee in performance of its duties.
15. There is no other civil action pending with respect to the subject matter of this petition.

Petitioners pray for an order:

1. Declaring the handwritten alterations by interlineations and changes made to the Declaration of Trust are invalid as an amendment to the Declaration of Trust and are without effect.
2. Confirming that Jeri Rard is not the successor trustee of the Trust.
3. Confirming Steven R. Thomas, II and Kristy Helm-Thomas as the appointed successor co-trustees of the Trust, to serve without bond.
4. Instructing the trustees that, except as set forth below, the grandkids of Steven R. Thomas are not entitled to a share of the Trust.
5. Instructing trustees that the beneficiaries of the Trust are:
    - Steven R. Thomas II - 25%
    - Kristy Helm-Thomas - 25%
    - Kelby Renee Helm - 25%
    - Michael Garrett Davis - 25%; and
6. For costs of suit.

8 **Carl Timothy Loveless (CONS/PE)** **Case No. 0261225**

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

Probate Status Hearing Re: Filing of the Next Account

Age: 56 DOB: 06/30/56			NEEDS/PROBLEMS/COMMENTS: **OFF CALENDAR** Fourteenth Account was settled and approved on 07/18/12
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		Reviewed by: JF
	Status Rpt		Reviewed on: 09/13/12
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 8 - Loveless

Dept. 303, 9:00 a.m. Wednesday, September 19, 2012

9 **Dorothy Hutton (CONS/PE)** **Case No. 02CEPR01148**

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

Probate Status Hearing Re: Filing of the Next Account

Age: 64 years DOB: 10/23/1947			NEEDS/PROBLEMS/COMMENTS: **OFF CALENDAR** Fifth Account was settled and approved on 08/22/12
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		Reviewed by: JF
	Status Rpt		Reviewed on: 09/13/12
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 9 - Hutton

Dept. 303, 9:00 a.m. Wednesday, September 19, 2012

10 Julian Matthew Castaneda-Flores and Arrianna Benita Castaneda (GUARD/P)

Case No. 07CEPR00700

Atty **Castaneda, Mary J (pro per Petitioner/maternal grandmother)**

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

Age: 3 years			**THERE IS NO TEMPORARY.** **No temporary was requested.**
			MARY J. CASTANEDA, maternal grandmother, is petitioner.
Cont. from			Father: **UNKNOWN** (see note #1)
	Aff.Sub.Wit.		Mother: **ANTOINETTE CASTANEDA** – personally served on 9/1/12.
✓	**Verified**		Paternal grandparents: unknown Maternal grandfather: Martin Castaneda – served by mail on 9/1/12.
	Inventory		**Petitioner states** she has raised the minor since he was just over a year old. She has provided him with a safe, loving environment. The father has been incarcerated and has not ongoing relationship. Mother has a history of drug addiction and has not played an active parenting role.
	PTC		**Court Investigator Jennifer Young's Report filed on 9/12/12**
	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		

NEEDS/PROBLEMS/COMMENTS:

This Petition is as to <u>JULIAN only</u>. Guardianship of Arrianna was previously granted on 9/10/2007.

1. Petition indicates the father is unknown. Guardianship questionnaire indicates the father is Salvador Flores. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on:
   a. Salvador Flores (father)

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:
   a. Paternal grandparents.

Reviewed by: KT

Reviewed on: 9/13/12

Updates:

Recommendation:

File 10 - Castaneda

11 Cylis Joe Gilbert (GUARD/P) Case No. 08CEPR01213

Atty Rountree, L. Clarke (for paternal grandmother Kimberly Bird)
Atty Rusca, Rose Marie (for guardian/maternal grandmother Victoria Van Linge-Schuh)
Atty Bird, Seth (pro per Father)
Atty Gilbert, Cherisse (pro per Petitioner/mother)

Petition for Visitation

Age: 6 years

Cont. from

	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	

CHERISSE GILBERT, mother, is petitioner.

VICTORIA VAN LINGE-SCHUH, maternal grandmother, was appointed guardian on 9/1/09.

Father: **SETH BIRD**

Mother: **CHERISSE GILBERT**

Paternal grandfather: Kenneth Bird
Paternal grandmother: Kimberly Bird
Maternal grandfather: Keith Gilbert

Petitioner states she is ready to become the mother of her son. She has moved out of her mother's home and has a place to live now. Petitioner would like visitation over night with her son.

Mother proposes the following visitation schedule:

1. Every weekend with alternate between the father and the mother.
2. Every Tuesday will alternate between the father and the mother.
3. Every fifth week Monday, Wednesday and Thursday will be alternating between the grandmothers.
4. Pick-ups and drop-offs will be done at Woods Elementary on weekdays.
5. Weekend pick-ups will be done at the end of the school day on Friday at the school and drop off will be on the next scheduled school day.
6. Holidays will be determined and shared by the parents.
7. All school work is to be kept by the party picking up on the day it goes home from class. Copies will be made for the other parties.
8. All parties will be given notice of all school events, including classroom parties and school pictures.
9. Both parents and both grandmothers will be listed on the emergency contact cards with preference given to the parents.

Please see additional page

NEEDS/PROBLEMS/ COMMENTS:

1. Need Notice of Hearing.
2. Need proof of service of the Notice of Hearing on:
   a. Victoria Van Linge-Schuh (guardian/ maternal grandmother)
   b. Seth Bird (father)
   c. Kimberly Bird (paternal grandmother)
   d. Kenneth Bird (paternal grandfather)
   e. Keith Gilbert (maternal grandfather)
   f. L. Clark Roundtree (attorney for Kimberly Bird)
   g. Rose Marie Rusca (attorney for guardian/ maternal grandmother, Victoria Van Linge Schuh)

Reviewed by: KT
Reviewed on: 9/13/12
Updates:
Recommendation:
File 11 - Gilbert

Note:

The guardian, Victoria Van Linge-Schuh and the paternal grandmother Kimberly Bird have an extensive visitation schedule that includes where the minor resides during the week, on weekends, holidays etc.

Visitation order per Order dated 10/18/11, in summary:

During the school year, Kimberly Bird (paternal grandmother), has visitation on the 2nd, 4th and 5th weekend of the month from Friday after school to Monday 9:00 (delivery at school). The visitation is extended to Tuesdays if Monday is a legal holiday.

Kimberly Bird (paternal grandmother) also has visits on alternating Tuesdays after school to Wednesdays (delivery at school).

Summer vacation Kimberly Bird and the guardian, Victoria Van Linge-Schuh have the minor with them on alternating weeks.

Holiday visits are also outlined in the visitation schedule.

Visitation order per Order dated 5/7/12, in summary:

Kimberly Bird (paternal grandmother) shall continue to have visitation with the minor on alternating weekends beginning after school on Friday (11:40 a.m.) until delivery to school on Monday morning at 8:10 a.m.

Father, Seth Bird, shall have visitation with the minor, every Tuesday after school (11:40 a.m.) until delivery to school on Wednesday morning at 8:10 a.m.

Father, Seth Bird is to be added to the emergency contact list along with Kimberly Bird with Kimberly Bird and Seth Bird given priority over all others.

All remaining orders not changed remained in full force and effect.

Minute Order dated 8/20/12 amended the 5/7/12 visitation order as follows:

The father is to have unsupervised visits with the minor Tuesday nights. Father is to pick-up the child on Tuesday and deliver him to school on Wednesday. The court further ordered that there be no violent video games, drugs or alcohol around the child during visitation.

12 Tillmen E. Taylor, Jr. & Samina N. Pena (GUARD/P) Case No. 12CEPR00639

Atty **Bisuano, Patrick Lupe (Pro Per –Petitioner-Maternal Uncle)**

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

Tillmen E. Taylor, Jr.
Age: 1
DOB: 12/20/2010

Samina N. Pena
Age: 8 months
DOB: 11/28/2011

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	

TEMPORARY EXPIRES 09/19/2012

PATRICK BISUANO, maternal uncle, is petitioner.

Father: **UNKNOWN**

Mother: **SAMANTHA PENA** – Declaration of Due Diligence filed on 7/19/12.

Paternal grandparents: Unknown

Maternal grandfather: Seferino Pena
Maternal grandmother: Unknown

Petitioner states the mother of the children is unfit, she is just out of jail, she is prostituting herself, she is a neglectful mother and does not care about herself for the children.

Court Investigator Joann Morris' report filed 09/10/2012.

NEEDS/PROBLEMS/COMMENTS:

1. Need Notice of Hearing.
2. Need proof of personal service, 15 days prior to the hearing, of the Notice of Hearing along with a copy of the Temporary Petition or Consent and Waiver of Notice or Declaration of Due Diligence on:
   - Father (Unknown)
   - Samantha Pena (mother)- unless the court dispenses with notice.
3. Need proof of personal service, 15 days prior to the hearing, of the Notice of Hearing along with a copy of the Temporary Petition or Consent and Waiver of Notice or Declaration of Due Diligence on:
   - Paternal Grandparents (Unknown)
   - Serefino Pena (Maternal Grandfather)
   - Maternal Grandmother (Unknown)

Reviewed by: KT / LV
Reviewed on: 09/13/2012
Updates:
Recommendation:
File 12 – Taylor & Pena

Dept. 303, 9:00 a.m. Wednesday, September 19, 2012

13 Frankie Sandoval & Tabitha Lozano (GUARD/P) Case No. 12CEPR00640

Atty Sandoval, Antonio (pro per – paternal grandfather/Petitioner)
Atty Sandoval, Alicia (pro per – paternal step-grandmother/Petitioner)
Atty Fanciullo, Sharon Ann (pro per – maternal grandmother/temporary guardian of Tabitha)

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

Frankie, 5 DOB: 06/02/07		
Tabitha, 8 DOB: 10/31/03		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	
	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	

TEMPORARY EXPIRES 09/19/12

ANTONIO SANDOVAL and **ALICIA SANDOVAL,** paternal grandfather and step-grandmother, are Petitioners.

Father: **TONY SANDOVAL –** *deceased*

Mother: **BRITTANI FANCIULLO**

Paternal grandmother: JOSEPHINE SANDOVAL – *Consent & Waiver of Notice filed 08/02/12*

Maternal grandfather: TRENT RUNYON – *Declaration of Due Diligence filed 08/02/12*
Maternal grandmother: SHARI FANCIULLO – *Consent & Waiver of Notice filed 08/02/12*

Petitioners state that Frankie's father is deceased and his mother is using drugs. Frankie is currently in their care and the mother agrees that he is better off with them until she can better care for him. The mother was arrested in January 2012 and is facing criminal charges. She was also evicted from her apartment.

Court Investigator Julie Negrete filed a report on 09/12/12.

NEEDS/PROBLEMS/COMMENTS:

THIS PETITION PERTAINS TO FRANKIE SANDOVAL ONLY.

SHARON FANCIULLO, MATERNAL GRANDMOTHER'S, PETITION RE TABITHA IS SET FOR HEARING ON 10/10/12

1. Need proof of personal service at least 15 days before the hearing of ***Notice of Hearing*** with a copy of the ***Petition for Appointment of Temporary Guardian of the Person*** or Consent and Waiver of Notice or Declaration of Due Diligence for:
   - Brittani Fanciullo (mother)

Reviewed by: JF	
Reviewed on: 09/13/12	
Updates:	
Recommendation:	
File 13 – Sandoval & Lozano	

Dept. 303, 9:00 a.m. Wednesday, September 19, 2012

14 Jose Luis Diaz Avalos (CONS/P) Case No. 12CEPR00722

Atty Lopez, Jose Luis Diaz (pro per – mother/Petitioner)

Atty Diaz, Dora H. Avalos de (pro per – father/Petitioner)

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

Age: 20 DOB: 09/22/92		
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	
✓	Duties/Supp	
	Objections	
✓	Video Receipt	
✓	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
✓	Citation	
	FTB Notice	

NO TEMPORARY REQUESTED

JOSE LUIS DIAZ LOPEZ and **DORA H. AVALOS de DIAZ,** parents, are Petitioners and request appointment as Co-Conservators of the Person with medical consent powers.

Voting rights affected.

Petitioners state that the proposed conservatee is developmentally disabled and unable to care for himself. He requires assistance in meal preparation and other activities of daily living. Petitioners state that he needs adult supervision when walking out in public as he will not look for oncoming cars, is unable to read road signs and would not be able to find his way home. He also needs assistance taking medications and is unable to communicate or speak clearly.

Court Investigator Jennifer Daniel filed a report on 09/12/12.

NEEDS/PROBLEMS/COMMENTS:

Court Investigator advised rights on 08/30/12.

Voting rights affected, need minute order.

Reviewed by: JF
Reviewed on: 09/13/12
Updates:
Recommendation:
File 14 - Avalos

Dept. 303, 9:00 a.m. Wednesday, September 19, 2012

15 Nathaniel Allen Chandler (GUARD/P) **Case No. 11CEPR00196**

Atty Nelson, Terri (pro per – maternal grandmother/Petitioner)

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

Age: 12
DOB: 10/17/99

Cont. from

	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
	Aff.Mail	
	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	

GENERAL HEARING 11/06/12

TERRI NELSON, maternal grandmother, is Petitioner.

Father: **JOHN SCOTT CHANDLER –** *currently incarcerated*

Mother: **TRISHA NELSON CHANDLER**

Paternal grandfather: THOMAS W. CHANDLER
Paternal grandmother: SANDY CHANDLER

Maternal grandfather: LARRY NELSON

Petitioner states that the minor's father is currently incarcerated and his mother is a drug user, has violent mood swings, and is abusive to both herself and the minor. The minor's mother threatens to remove the minor from petitioners home, where he has lived the majority of his life. The minor is suffering from his mother's emotional abuse and is having trouble in school. Petitioner states that the minor has expressed to her that he does not want to live with his mother and is afraid of her. Petitioner states that she believes the minor needs counseling to help cope with all of the abuse his mother has put him through.

NEEDS/PROBLEMS/COMMENTS:

1. Need proof of personal service of ***Notice of Hearing*** with a copy of the ***Petition for Appointment of Guardian of the Person*** at least 5 court days before the hearing or Consent and Waiver of Notice or Declaration of Due Diligence for:
   - John Scott Chandler (father)
   - Trisha Nelson Chandler (mother)
   - Nathaniel Allen Chandler (minor)

Reviewed by: JF
Reviewed on: 09/13/12
Updates:
Recommendation:
File 15 - Chandler

Dept. 303, 9:00 a.m. Wednesday, September 19, 2012