

Atty Teixeira, J. Stanley, sole practitioner (Court-appointed for Conservatee)

Petition for Compensation

Age: 60 years		<p>J. STANELY TEIXEIRA, Attorney Court-appointed on 8/12/2004 to represent the Conservatee, is Petitioner.</p> <p>PUBLIC GUARDIAN was appointed Conservator of the Estate in 1980.</p> <p>Petitioner requests:</p> <ul style="list-style-type: none"> The payment of fees in connection with the representation of the Conservatee from the period of 8/16/2004 through 6/7/2011 (itemization attached as Exhibit A); That he be paid \$1,550.00 for 10.60 hours at \$250.00 per hour, plus reimbursement of costs consisting of the filing fee for this <i>Petition</i> of \$435.00, for a total of \$1,985.00; and A court order fixing and allowing the compensation to Petitioner for services rendered in representing the interests of the Conservatee. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Declaration of John D. Suhr and Stipulation to Be Removed as Court Appointed Attorney of Record for Conservator is attached to the Order appointing Petitioner as counsel filed 8/12/2004, which states Mr. Suhr represented the Conservatee for a period of time until 1994, at which time the Conservatee asked him to have another attorney appointed to represent his interests; Mr. Suhr stipulated to an order of the Court to be removed as court-appointed attorney, and waived any further compensation in the representation of the Conservatee. Property on hand at the end of the 16th Account period of 10/31/2012, after deducting court-approved fees of the Conservator and County Counsel, was \$337,413.32.</p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
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<input type="checkbox"/>	Aff.Pub.			
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<input type="checkbox"/>	Pers.Serv.			
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<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		<p>Services are itemized by date and include visits with Conservatee, investigating Conservatee's needs and alternatives to conservatorship, consultations with others concerned with Conservatee's care, review and draft of documents, review of accountings, and court appearances.</p>	<p>Reviewed by: LEG</p> <p>Reviewed on: 9/16/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1 – Davis</p>	

(1) First and Final Account and Report of Administrator and (2) Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and (3) for Distribution [Prob. C. 9202; 10800; 10810; 10951; 11600; 11850(a)]

DOD: 07/23/09	PUBLIC ADMINISTRATOR , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 10/16/09 – 10/10/12	CONTINUED FROM 01/23/13, 04/03/13, 05/20/13 and 07/18/13 Minute Order from 07/18/13 states:
	Accounting - \$2,662,040.72	The Court is informed that the parties and the attorneys met yesterday as well as the accountants. Counsel requests a continuance.
	Beginning POH - \$2,391,992.13	
	Ending POH - \$109,170.64	
Cont. from 012313, 040313, 052013, 071813	Administrator - \$39,489.54 (statutory)	As of 09/17/13, nothing further has been filed in this matter.
<input type="checkbox"/> Aff.Sub.Wit.	Administrator x/o - \$27,253.92 (per itemization for 351.24 Staff hours @ \$76/hr. and 1.80 Deputy hours @ \$96/hr. for a total of \$26,867.04 for services provided in the continued management of decedent's business and \$386.88 per Local Rule for the sale of real property)	
<input checked="" type="checkbox"/> Verified	Attorney - \$39,489.54 (statutory)	
<input checked="" type="checkbox"/> Inventory	Attorney x/o - \$4,500.00 (per itemization for 30 hours @ \$150/hr. for services related to the continuation of decedent's business, litigation regarding decedent's spouse claims for support & wages, and participation in settlement negotiations)	
<input checked="" type="checkbox"/> PTC	Bond Fee - \$19,965.33 (ok)	
<input checked="" type="checkbox"/> Not.Cred.	Costs - \$690.00 (for certified copies and filing fees)	
<input checked="" type="checkbox"/> Notice of Hrg w/	Preliminary Distributions to heirs:	
<input type="checkbox"/> Aff.Mail	Jesus Esther Bise - \$1,172,877.80	
<input type="checkbox"/> Aff.Pub.	Ruth Rios - \$733,525.38	
<input type="checkbox"/> Sp.Ntc.	Petitioner states that the property on hand (\$109,170.64) is not sufficient to pay all of the fees and costs (\$133,388.33). Petitioner requests that the beneficiaries each pay 1/2 of the outstanding fee balance (\$22,217.69 total) \$11,108.84 each.	
<input type="checkbox"/> Pers.Serv.	Petitioner prays for an Order:	
<input type="checkbox"/> Conf. Screen	1. Settling, allowing and approving the final account and all proceedings of Petitioner as Administrator be confirmed and approved;	
<input type="checkbox"/> Letters 01/12/10	2. Authorizing the statutory fees to the Administrator and Attorney;	
<input type="checkbox"/> Duties/Supp	3. Authorizing the extraordinary fees to the Administrator and Attorney;	
<input type="checkbox"/> Objections	4. Authorizing payment of the bond fee and costs; and	
<input type="checkbox"/> Video Receipt	5. Directing the two beneficiaries pay the outstanding balance of fees.	
<input type="checkbox"/> CI Report	Continued on Page 2	
<input checked="" type="checkbox"/> 9202		Reviewed by: JF
<input checked="" type="checkbox"/> Order		Reviewed on: 09/17/13
<input type="checkbox"/> Aff. Posting		Updates:
<input type="checkbox"/> Status Rpt		Recommendation:
<input type="checkbox"/> UCCJEA		File 2 - Bise
<input type="checkbox"/> Citation		
<input checked="" type="checkbox"/> FTB Notice		

Objection to First and Final Account and Report filed 01/18/13 by Jesus Esther (Sylvia) Bise ("Objector") states:

1. **Objection 1:** Objector objects to the Administrator's request for extraordinary compensation on the grounds that it fails to comply with California Rule of Court 7.7.02. Specifically, the accounting fails to show the nature and difficulty of tasks performed, the results achieved, or the benefit of the services to the Estate. In the accounting, the Administrator states it, "provided many hours of extraordinary services to continue running the decedent's furniture business." The Administrator only calculates the time for the "first few weeks" and provides a "conservative estimate" of the amount of time spent per week thereafter and states the reasonable fee for running the decedent's business is \$26,867.07. Such statement fails to comply with Rule 7.702 and no extraordinary compensation can be awarded.
2. **Objection 2:** Objector objects to the Administrator's request for extraordinary compensation on the grounds that the Administrator improperly handled Decedent's business, Bise Furniture, and caused loss to the estate. Extraordinary compensation may be awarded to the personal representative for carrying on the decedent's business if necessary to preserve the estate or under court order. Cal Rule of Court 7.703(b)(2); See *Estate of King* (1942) 19 C2d 354, 358. Determining the value of these services is within the power of the probate court. The burden of proof for the need for extraordinary expenses and their extent is on the attorney and the personal representative, even when no objections are filed. *Estate of Fulcher* (1965) 234 Cal.App.2d 710; *Estate of Gopcevic* (1964) 228 Cal.App.2d 280. Objector states that there is no will and no court order for the Administrator to carry on the Decedent's business. Further, running the Decedent's business was not necessary to preserve the Estate. The Administrator took control of the Corporation and marshaled its assets. In doing so, it treated all of the Corporation assets as if they were Decedent's individual assets. This was improper. The only Corporation assets that should have come into the estate were Decedent's shares in the Corporation. Dividends, if any, paid by the Corporation during the course of Estate administration would have been added to the Estate. No such dividends were paid during the course of Estate administration. The Administrator commingled the estate assets with the Corporation assets. This has resulted in loss to the Estate in that it has created excessive administrative costs in the form of compensation and accounting fees and enabled the Administrator to improperly pay for other Estate expenses out of Corporation assets. The appropriate management of a closely held corporation upon the death of a shareholder requires the corporation to call a special meeting and vote to fill the vacancy caused by decedent's death. The personal representative would vote on behalf of decedent's shares and could vote for themselves to fill the vacancy if they are qualified to run the business. In this situation, the business assets would not become part of the estate; rather the shares would be inventoried and any dividends would be added to the estate. When the personal representative lacks the expertise to run the corporation, the personal representative would be under a duty to vote to appoint someone qualified to fill such vacancy. In this case, no special meeting was held and rather than having a vote to appoint someone, the Administrator unilaterally stepped in, without a court order or direction in a will and attempted to run the corporation. Unfortunately for the estate, the administrator was ill equipped to do so. While the Administrator was in charge of the corporation, the business accounting was entirely mismanaged. After the corporation was distributed to objector, she hired James Braun as an accountant for the Corporation. Mr. Braun estimates that it would cost approximately \$30,000.00 in forensic accounting fees to unwind the activity that occurred while the Administrator ran the business. While it was necessary for the corporation to do business to preserve the estate assets, it was not necessary or appropriate for the Administrator to do so given the fact that it was not competent to take such action. Administrator should not be compensated for its work associated with the corporation when it was not necessary for the administrator to perform services to preserve the estate and ultimately caused harm to the estate.

Continued on Page 3

3. **Objection 3:** Objector objects to the approval of the accounting on grounds that the Administrator employed an accountant to perform services that would normally be the Administrator's responsibility as the Administrator did not seek a corresponding reduction in compensation. Ordinary services by a representative include the preparation of the fiduciary accounting. If the representative chooses to employ an agent to perform services that are attributable to carrying out the representative's ordinary duties, the fees for those services will be charged against the representative's ordinary compensation. Preparing the fiduciary accounting is considered part of the representative's ordinary duties; therefore, if the representative hires an accountant to prepare the accounting, the accountant's fees will be paid from the representative's ordinary compensation. *Estate of Billings* (1991) 228 Cal.App.3d 426 (court ordered amounts payable to accounting firm for services normally part of representative's responsibility for ordinary services to be paid by representative from her statutory executrix's fees and reduced her compensation accordingly.) Administrator paid accounting fees in the amount of \$49,396.01. \$39,883.30 of those fees were incurred in connection with the corporation during the time period in which the corporation's accounting records are incomplete and "a mess". It appears the accountant hired by the administrator (Ms. Stevens) was paid for services from February 2011 – June 24, 2011 while failing to perform any accounting services during this time frame. Administrator's compensation should be reduced by the full amount Ms. Stevens was paid in connection with the corporation. Administrator paid Ms. Stevens \$9,485.71 to prepare the estate accounting. Therefore, Administrator's compensation should be further reduced by that amount. The total fees paid to Ms. Stevens is excessive and the administrator should not be awarded compensation where he appointed an agent to perform services and such services were performed poorly at great expense and at great cost to the estate.
4. **Objection 4:** Objector objects to the approval of the Accounting on the grounds that the Administrator fails to provide sufficient information to comply with Probate Code § 1062, which provides that the summary account shall be supported by detailed schedules showing receipts, which show the nature or purpose of each item, the source of the receipt, and the date thereof. The administrator has provided woefully insufficient information. Specifically, the administrator provides for corporation sales from 10/16/09 – 03/15/12 in a single line item which accounts for \$126,955.98. This entry is little more than a "fill" number. Administrator is required to show all receipts individually. This is particularly egregious since the administrator paid an accountant almost \$40,000.00 to track this information so it could be reported on the accounting. This entry is particularly concerning because it occurs during the time period Objector asserts employee embezzlement was occurring. As such, the accounting cannot be approved without providing further information.
5. **Objection 5:** Objector objects to the approval of the accounting on grounds that the administrator fails to provide sufficient information to comply with Probate Code § 1062 in that the administrator provides receipts for various income from 10/16/09 – 03/15/12 which account for \$5,574.41. This entry is little more than a "fill" number. Administrator is required to show all receipts individually. As such, the accounting cannot be approved.
6. **Objection 6:** Objector objects to the approval of accounting on grounds that the administrator allocates disbursements for rental property as a disbursement attributable to the corporation. Objector alleges that all of the disbursements on Schedule D described as "Repairs and Maintenance" associated with the corporation are actually expenses associated with the rental properties owned by the estate and not used by the corporation. The administrator also commingled corporate and rental transaction and activities in the bank account. Therefore, they are miscategorized. Objector requests that the court require the administrator account for each and every entry and confirm what the expenses were used for. This miscategorization is of particular concern because the corporation was distributed to the objector and real properties were distributed to the other beneficiary, Ruth Rios.

Continued on Page 4

7. **Objection 7:** Objector objects to the approval of the accounting on grounds that the administrator has failed to file any fiduciary tax returns. Objector's accounting, Mr. Braun has made repeated requests to see the estates fiduciary tax return. All such requests have been ignored. Objector believes that Ms. Stevens never filed such returns because she never prepared them. Paragraph 9 of the accounting, which is verified by the administrator, states that all California and Federal taxes have been paid. Until proof that the estate has filed is 1041 for each year required, the accounting cannot be approved.
8. **Request for Surcharge for Breach of Fiduciary Duty.** The objections to an account may raise claims of breach of the personal representative's duties, and the objector may seek appropriate redress. (Probate Code § 11001.) The personal representative has a duty to use ordinary care and diligence in controlling, managing, protecting, and preserving the assets and collecting rents, issues, and profits. (Probate Code §§ 9600, 9560.) The Administrator breached its duty of care. An ordinary person does not run a business with such incompetence and significant funds can be lost to embezzlement without noticing and taking corrective actions. This did not preserve or protect the assets of the estate. Further, the records maintained by the administrator make it impossible for the corporation to determine its income and loss because it is not possible to determine the costs of goods sold or the basis in its remaining assets. The estate is entitled to the value of the loss, with interest, resulting from the administrator's breach (Probate Code § 9601). The probate court has broad authority to fashion an appropriate remedy for a breach of duty. Monetary liability arising from a fiduciary's breach of duty may be charged against the fiduciary's compensation (Probate Code § 12205). Objector requests that the fiduciary's statutory compensation be reduced to zero and the administrator be surcharged in amount to be determined at an evidentiary hearing for its breach of its fiduciary duty in the management of the corporation.
9. **Request for cost and attorney's fees under common fund doctrine.** When a benefit has been conferred on an estate by the creation or protection of a common fund, it is possible to seek reimbursement from that fund. *Estate of Stauffer* (1959) 53 Cal.2d 124,132. If objectors objections are granted, the estate will be preserved by preventing unwarranted extraordinary compensation to be paid, the Administrator's statutory compensation will be reduced by the amount paid to the administrator's accountants, and the statutory compensation will be surcharged for Administrator's breach of duty of care. This will protect the estate and create a common fund. Objector should be entitled to reimbursement from such fund.

Objector requests that:

1. The Administrator's request for extraordinary compensation be denied on grounds it did not comply with Rule of Court 7.702;
2. The Administrator's request for \$26,867.04 in extraordinary compensation for running the corporation be denied;
3. The Administrator's statutory compensation be reduced by \$49,396.00, which is the amount paid to the accountants to perform the Administrator's normal duties;
4. The Administrator's Accounting be denied for failure to provide sufficient information on Schedule A;
5. The Administrator's accounting be denied for improperly categorizing disbursements for rental properties as corporation disbursements;
6. The Administrator's account be denied for failing to file the required state and federal tax returns;
7. That the Administrator be surcharged for breaching its duty of care in an amount to be determined at trail; and
8. Objector recover costs and attorney fees (based on the common fund doctrine) from the estate.

Continued on Page 5

Declaration of James P. Braun, CPA/ABV/CFF filed 01/18/13 states:

1. He was hired by Sylvia Bise on 06/24/11 to provide accounting services for Bise Furniture (the "Corporation"). He has been working to file delinquent corporate tax returns for the Corporation. Mr. Braun states that he has been unable to complete the tax filings because he cannot determine the corporate tax basis in its inventory or the cost of goods sold which is a starting point for equity. This is the result of poor bookkeeping by the Corporation's previous accountant, Theresa Stevens, CPA and by the estate administrator, the Public Administrator, who was ultimately responsible for the Corporation.
2. It took many months and multiple requests to obtain the source documents from Ms. Stevens. To date, Mr. Braun states that he still has not received all of the documents requested including the analysis of the shareholder loan account for the Corporation which appears to have been misused.
3. Upon reviewing the source documents which were provided, Mr. Braun states that he is lacking documents in the following areas: inventory, cash, and fiduciary tax filings.
4. The inventory records received contain only a hand written list of inventory at the end of the fiscal years. In addition, no purchase journals were received.
5. In the area of cash, the payments received by the Corporation in cash appear to have been placed in the store cash drawer. Mr. Brauns states that he was not provided with the majority of the petty cash logs showing the dates the cash was received and expenses paid from the till. Also, according to daily cash logs, rental income payments were recorded even though the business does not own any rental property.
6. The corporation's financial transactions were managed through the Public Administrator's account. In this account, there are a number of rental transactions commingled with the store operations transactions even though the Corporation owns no rental property.
7. Mr. Braun has not undertaken a forensic accounting to determine whether money was embezzled from the Corporation. However, he is informed that the corporate employees believe that embezzlement occurred. Based on the information he has seen and in his experience in conducting forensic accountings, he estimates such work to cost approximately \$30,000.00.
8. Ms. Stevens was paid for accounting services through the date of her termination on June 24, 2011. The books received from Ms. Stevens had not been updated since February 2011. In addition, Ms. Stevens turned over a large pile of original records that she had never dealt with prior to her termination. It appears Ms. Stevens was paid by the Administrator for services she never performed.
9. Ms. Stevens also ran the rental activity through the Corporation on tax returns. She did this through misusing the shareholder loan account. The misuse of the shareholder loan account begins immediately upon Ms. Stevens being retained by the Administrator.
10. Mr. Braun is aware of no fiduciary tax returns being filed during the course of the administration. He has repeatedly requested copies of such returns, and Ms. Stevens will not provide them. Thus he believes they were never filed.
11. IRS Form 1041 needs to be prepared and filed for the time period Ms. Stevens was the estate's accountant. Mr. Braun does not believe Ms. Stevens ever elected a tax year for the estate. Because Ms. Stevens has provided no 1041, it is believed that no such filings have ever been made by the estate.

Status Report Regarding Final Account filed 07/16/13 by Petitioner, Public Administrator, states: At the 05/20/13 hearing regarding the Public Administrator's Final Account and Report, Ryan Janisse, attorney for the decedent's spouse, stated that he had been unable to obtain some of the source documents from the administrator's accountant. The hearing was continued to 07/18/13. The parties have set a meeting for 07/17/13 and hope to resolve at least some of the issues. However, even if that happens, the Public Administrator asserts that more time will be needed to reach a stipulation or ask the Court for assistance. The Public Administrator requests that this hearing be set out for another 60 days to 09/19/13 or a date soon thereafter that is convenient for the Court.

(1) First and Final Report of Executrix and Petition for Its Settlement, and (2) for Final Distribution Under Decedent's Will of Waiver of Accounting [Prob. C. 11640]

DOD: 11/17/2011	JUDY TOLER , Executor, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Order does not comply with Local Rule 7.6.1A. Orders shall set forth all matters ruled on by the court, the relief granted, and the names of person, 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 percentages of the estate.</p>
	Accounting is waived.	
	I & A - \$253,275.69	
Cont. from 070813, 090513	Attorney - waives	
<input type="checkbox"/> Aff.Sub.Wit.	Executor - not addressed	
<input checked="" type="checkbox"/> Verified	Distribution of property on hand pursuant to decedent's will is to:	
<input checked="" type="checkbox"/> Inventory	Judy Toler	
<input checked="" type="checkbox"/> PTC	Terry Arnold	
<input checked="" type="checkbox"/> Not.Cred.	Annette Nichols	
<input checked="" type="checkbox"/> Notice of Hrg	Stephanie Chance	
<input checked="" type="checkbox"/> Aff.Mail	W/	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input checked="" type="checkbox"/> FTB Notice		
		Reviewed by: KT
		Reviewed on: 9/16/2013
		Updates:
		Recommendation:
		File 3 – Barnes

Petition for Approval and Confirmation of Acts by Conservator in Management of Estate Property

		BEVERLY ANN HALL , Sister and Conservator, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> Petition for Substituted Judgment to Create and Execute a Will for the Conservatee was continued from 8-22-13 to 9-30-13 for counsel to re-notice the parties.</p> <ol style="list-style-type: none"> 1. Need authority for the basis of this petition. Pursuant to Probate Code §2600(b), out-of-state real property is not included as part of the conservatorship estate. Probate Code §1063(h) requires disclosure of such property at accounting; however, the requirement is limited to a statement and recommendation as to whether ancillary proceedings are necessary to preserve and protect the property. Therefore, need authority and clarification as to how this California Probate Court can approve acts taken with regard to real property located outside the State of California. 2. Notice of Hearing was not served on the Conservatee Christine Dhooghe. Direct notice to the Conservatee is required per Probate Code §1460(b)(2) and Cal Rules of Court 7.51(a) and (c)(2). <p style="text-align: center;"><u>SEE PAGE 2</u></p>
		Petitioner was appointed Conservator of the Person and Estate on 3-27-13 with bond of \$182,600.00. Bond was filed and Letters issued on 4-4-13.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/o	
	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		

Page 2

Note: It does not appear that status hearings were set for the filing of the final I&A and the first account when conservatorship was granted on 3-27-13. Therefore, the Court will now set the following status hearings:

- Friday 10-25-13 for filing the Final Inventory and Appraisal
- Friday 10-24-14 for filing the First Account

If the proper items are on file, the status hearings may be taken off calendar.

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

DOD: 07/23/2013	KATHY EGAN , daughter is petitioner and requests appointment as Administrator without bond.	NEEDS/PROBLEMS/COMMENTS:
	All heirs waive bond.	
Cont. from	Full IAEA – o.k.	
<input type="checkbox"/> Aff.Sub.Wit.	Decedent died intestate	
<input checked="" type="checkbox"/> Verified	Residence: Clovis	
<input type="checkbox"/> Inventory	Publication: The Business Journal	
<input type="checkbox"/> PTC	Estimated value of the Estate:	
<input type="checkbox"/> Not.Cred.	Personal property - \$50,000.00	
<input checked="" type="checkbox"/> Notice of Hrg	Real property - \$138,000.00	
<input checked="" type="checkbox"/> Aff.Mail w/	Total - \$188,000.00	
<input checked="" type="checkbox"/> Aff.Pub.	Probate Referee: Rick Smith	
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Note: If the petition is granted status hearings will be set as follows:
		<ul style="list-style-type: none"> • Friday, 02/21/2014 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Friday, 11/21/2014 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution.
		Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
		Reviewed by: LV
		Reviewed on: 09/16/2013
		Updates:
		Recommendation: Submitted
		File 5 – Johnson

DOD: 05/09/2013		KRIS THOMPSON and NELS BRANDON JENSEN , children, are petitioners.	NEEDS/PROBLEMS/COMMENTS:
		40 days since DOD	<ol style="list-style-type: none"> Pursuant to Probate Code §13152(c) a copy of the will must be attached to the petition. Attachment 11 does not provide the decedent's interest in the real property.
Cont. from		No other proceedings	
	Aff.Sub.Wit.		
✓	Verified	I&A - \$110,000.00	
✓	Inventory	Will dated: ?	
	PTC		
	Not.Cred.	Petitioner requests Court determination that decedent's interest in real property located at 1217 Oxford St. Delano, Ca. pass ¾ Kris Thompson and ¼ to Nels Brandon Jensen.	
✓	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		
			Reviewed by: LV
			Reviewed on: 09/16/2013
			Updates:
			Recommendation:
			File 6 – Jensen

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

DOD: 04/19/2013		DARLA SUE PARTIDA , friend, is petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Continued to 10/22/2013 at the request of Attorney Herold.</u> 1. Will devises \$2,000.00 to Catherine Ramey and \$1000.00 to Dee Nelson with the residue passing to Darla Sue Partida. Specific gifts must be satisfied before residue can pass therefore need receipt showing Catherine and Dee received their specific gifts. 2. Pursuant to Probate Code § 1208, need proof of service of the Notice of Hearing on Kurt H. Thompson.
		40 days since DOD	
		Proceedings have commenced in El Paso County, Colorado.	
Cont. from			
	Aff.Sub.Wit.		
✓	Verified	I&A - \$65,000.00	
✓	Inventory	Will dated: 04/11/2013	
	PTC		
	Not.Cred.	Petitioner requests Court determination that decedent's 100% interest in real property located at 37515 Squaw Valley Road, Squaw Valley, Ca. pass to Darla Sue Partida pursuant to decedent's will.	
✓	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		
			Reviewed by: LV
			Reviewed on: 09/17/2013
			Updates: 09/18/2013
			Recommendation:
			File 7 - McIver

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

Age: 30		<p>There is no temporary. No temporary was requested.</p> <p>NGOI NGUYEN, father, is petitioner and requests appointment as conservator of the person with medical consent powers and of the estate with 2590 powers.</p> <p>Declaration of Stephen Grossman, M.D., dated 6/27/13</p> <p>Estimated value of the Estate: \$0</p> <p>Voting Rights Affected</p> <p>Petitioner states the proposed conservatee suffered a traumatic brain injury and is in a vegetative state. She is unable to care for herself or make decisions regarding her care. At this time the proposed conservatee does not have any assets, but in the event that she receives any monies in the future, the proposed conservatee will be able to manage them for her.</p> <p>Court Investigator Jennifer Young's Report filed 9/12/13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator advised rights on 9/9/2013.</p> <p>Voting Rights Affected need Minute Order.</p> <ol style="list-style-type: none"> 1. Petition requests powers under Probate Code §2590. Petition does not include attachment 1d stating which specific 2590 powers are being requested and the reason for said powers. Local Rule 7.15.2 requires each independent power to be specified and justified to the specific circumstances of the case. 2. Petition requests conservatorship of the estate. Petition further states that at this time the conservatee has no assets but conservatorship of the estate being requested in the event that assets are received. It appears that a petition for conservatorship of the estate may be premature. 3. Need Confidential Conservator Screening Form. 4. Notice of Hearing filed on 8/28/2013, and served on all the relatives within the second degree has the hearing date listed as September 9, 2013 and not September 19, 2013. 5. Petition requests bond not be required. Probate Code §2320 states every person appointed conservator shall be bonded, except as otherwise provide by statute. 6. Need Video Receipt <p style="text-align: center;">Please see additional page</p>
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	W/		
Aff.Pub.			
Sp.Ntc.			
✓ Pers.Serv.			
Conf. Screen	X		
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt	X		
✓ CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
✓ Citation			
FTB Notice			
		<p>Reviewed by: KT</p> <p>Reviewed on: 9/17/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8 – Nguyen</p>	

NEEDS/PROBLEMS/COMMENTS (cont.):

7. Petition requests bond not be required. Probate Code §2320 states every person appointed conservator shall be bonded, except as otherwise provide by statute.

Note: If the conservatorship of the estate is granted, status hearings will be set as follows:

- **Friday, October 25, 2013** at 9:00 a.m. in Department 303, for the filing of the bond, if required.
- **Friday, January 24, 2014** at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.
- **Friday, November 14, 2014** at 9:00 a.m. in Department 303, for the filing of the first account.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.

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

DOD: 2/18/2013	BRADLEY WILLIAM ANDERSON , named executor without bond, is petitioner.	NEEDS/PROBLEMS/COMMENTS: Note: If the petition is granted, status hearings will be set as follows: <ul style="list-style-type: none"> Friday, February 21, 2014 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. Friday, November 14, 2014 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.
	Full IAEA – o.k.	
	Will dated: 9/1/2009	
Cont. from	Residence: Fresno	
<input type="checkbox"/> Aff.Sub.Wit.	Publication: Fresno Business Journal	
<input checked="" type="checkbox"/> Verified	Estimated value of the estate:	
<input type="checkbox"/> Inventory	\$400,000.00	
<input type="checkbox"/> PTC	Probate Referee: Steven Diebert	
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail W/		
<input checked="" type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: KT
		Reviewed on: 9/17/2013
		Updates: 9/18/13
		Recommendation: SUBMITTED
		File 9 – Lauder

Atty Smith, Jane T., of county Counsel's Office (for Conservator)

Status Hearing Re: Accounting

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;">OFF CALENDAR</p> <p>Third Account Current was approved on 4/10/2013 (Status Hearing for the filing of the fourth account is set for 2/6/2015.)</p>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 9/16/13
		Updates:
		Recommendation:
		File 10 – Rathwick

Status Hearing Re: Accounting

Age:		NEEDS/PROBLEMS/COMMENTS: <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p>Third Account was settled on 5-23-13. Fourth Account is due by 4-17-15.</p>
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 9-16-13
		Updates:
		Recommendation:
		File 11 – McMullen

Age:		NEEDS/PROBLEMS/COMMENTS: <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p>Order Determining Succession was filed 9-6-13.</p>
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: 9-16-13
		Reviewed on:
		Updates:
		Recommendation:
		File 13 – Scharer

Order to Show Cause Re: Failure to Appear; Imposition of Sanctions in the Amount of \$800.00 as to Christina James

	<p>DENNIS FREEMAN filed a Petition for Order Appointing Temporary Trustee and Directing Delivery of Assets to Temporary Trustee on 8-23-13, along with a request for Order Shortening Time for notice on the petition.</p> <p>The Court set the matter for hearing on 8-30-13 at 9:00, and ordered personal service by 8-26-13.</p> <p>Minute Order 8-30-13: The Court notes that the hour is 10:00 a.m. and Christine James is not present and nothing has been received from her. The Court further notes that notice has been provided to Christine James on an Order Shortening Time and there has been on-going communication between her and Mr. Pape. The Court grants the petition. If there is any difficulty, the Court will entertain an Order Shortening Time to assist the trustee in moving things along. The Court sets the matter for an Order to Show Cause regarding failure to appear and imposition of sanctions in the amount of \$800.00 as to Christine James and \$500.00 as to Christopher Lull. Christine James and Christopher Lull are ordered to be personally present on 9/19/13. Set on 9/19/13 at 9:00am in Dept. 303 for Order to Show Cause Re: Failure to Appear; Imposition of Sanctions in the Amount of \$800.00 as to Christine James and \$500.00 as to Christopher Lull. Petition is granted before Court Trial. Order signed.</p> <p>Orders to Show Cause were mailed to Attorney Christine James and Christopher Lull on 9-9-13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Per Minute Order 8-12-13, settlement conference was scheduled for 10-21-13 re Dennis Freeman's two petitions:</p> <ul style="list-style-type: none"> - Petition to Determine Title to and Require Transfer of Property to Trust, and - Petition to Determine Title to and Require Transfer of Property to Trust Regarding Bank Account.
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 9-16-13
		Updates:
		Recommendation:
		File 14A – Winter

Pro Per Espinoza, Gema (Pro Per Petitioner, mother)
 Pro Per Reyes, Elia Esther (Pro Per Guardian, maternal grandmother)

Petition for Termination of Guardianship

Age: 5 years		GEMA ESPINOZA , mother, is Petitioner.	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>1. Need proof of service by mail of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Termination of Guardianship</i>, or <i>Consent to Termination and Waiver of Notice</i>, or a <i>Declaration of Due Diligence</i>, for:</p> <ul style="list-style-type: none"> • Jesus Prada, Jr., father; • Jesus Prada, Sr., paternal grandfather; Rosa Hurtado, paternal grandmother; • Ramon O. Espinoza, maternal grandfather.
		ELIA ESTHER REYES (MONTES) , maternal grandmother, was appointed Guardian on 4/13/2009.	
Cont. from		Father: JESUS PRADA, JR.	
	Aff.Sub.Wit.		
✓	Verified	Paternal grandfather: Jesus Prada Paternal grandmother: Rosa Hurtado	
	Inventory		
	PTC	Maternal grandfather: Ramon O. Espinoza	
	Not.Cred.		
✓	Notice of Hrg	Petitioner states when she was 14 years old, her mother (Guardian) Elia Esther had her sign her child over to her.	
✓	Aff.Mail	W/ Petitioner states the Guardian is receiving money and other benefits from her child at this time, and Petitioner is now 19 years old and has her own income and place of residence.	
	Aff.Pub.	Petitioner states when she visits with her child, she can see that the child cries and wants Petitioner as her mother.	
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp	Petitioner attached to the Petition a letter to the Judge stating she requests the guardianship be terminated at this time because she would like her precious daughter returned to her for the following reasons: She needs a mother and daughter relationship with her child; she doesn't want to continue as a part-time mother; she thinks it's time for her to focus on any existing problems that her child might have, and as a full-time mother she will be able to hear what's troubling her little soul; she yearns to be close to her child, but because of her mother having Guardianship she is not able to be a real mother to her and she feels there are barriers to good communication between them; she regrets the mistake of signing her daughter over to her mother as she was young and scared, and she believed that was best for her child; she wants what is best for her child, and she asks the Court for the opportunity to raise her own child.	
	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
<p>Court Investigator Charlotte Bien's Report was filed 8/28/2013.</p>			<p>Reviewed by: LEG</p> <p>Reviewed on: 9/16/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 15 – Parada</p>

Atty Zavala, Delores (Pro Per – Mother – Petitioner)

Atty Estril, Carmen (Pro Per – Guardian)

Petition for Visitation

		<p>DELORES ZAVALA, Mother, is Petitioner.</p> <p>CARMEN ESTRIL, a non-relative (grandmother to these children's two siblings), was appointed Guardian on 11-14-11.</p> <p>Petitioner states she wants to be able to communicate and have a relationship with the children and have visits with them.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			w/o
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 9-16-13	
			Updates:	
			Recommendation:	
			File 16 – Zavala & Sanchez	

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

Age: 1 year		<u>TEMPORARY EXPIRES 7/11/13</u>		<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. 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: <ol style="list-style-type: none"> a. Edwin Hitchcock (father) b. Andrea Martinez (mother). Note: Minute order from the temporary hearing states mom was in favor of the petition. 2. UCCJEA is incomplete. Need residence information for 12/16/2011 to 3/2013.
		<p>THOMAS MARTINEZ, maternal grandfather, is petitioner.</p> <p>Father: EDWIN HITCHCOCK</p> <p>Mother: ANDREA MARTINEZ</p> <p>Paternal grandfather: Deceased Paternal grandmother: Esther Rodriguez – served by mail on 6/10/2013. Maternal grandmother: Deceased.</p> <p>Petitioner states the minor suffers from a medical condition called Reacted Airway Disease. She has a double aortic arch that requires surgery. Her mother is currently unable to provide a stable environment for the child.</p> <p>Court Investigator Jennifer Daniel's Report filed on 7/3/2013.</p>		
Cont. from 071113				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W/		
	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			
Reviewed by: KT				
Reviewed on: 9/16/2013				
Updates:				
Recommendation:				
File 17 - Hitchcock				

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

Age: 13		GENERAL HEARING 11-5-13	NEEDS/PROBLEMS/COMMENTS:
		TERRI ANN LINDER , Maternal Grandmother, is Petitioner.	<ol style="list-style-type: none"> Need Notice of Hearing. Need proof of personal service of Notice of Hearing with a copy of the Temp Petition at least five Court days prior to the hearing per Probate Code §2250(e) on: <ul style="list-style-type: none"> Alex Chester Villaneda (Father) Terri Ann Lopez (Mother) Isaiah E. Martinez (Minor, age 13) Need clarification: Petitioner answered "yes" to #6 of the Confidential Guardian Screening Form, but does not explain.
		Father: ALEX CHESTER VILLANEDA	
		Mother: TERRI ANN LOPEZ	
		Paternal Grandfather: Joe Villaneda - Deceased	
		Paternal Grandmother: Kim Villaneda	
		Maternal Grandfather: Charles Linder - Deceased	
		Siblings: Preston Lopez, Ethan Lopez, and Ian Lopez	
		Petitioner states Isaiah has been taken out of Petitioner's house several times due to the mom or stepdad wanting welfare. Petitioner does not care about money, but the minor's grades failed with all Fs in 6 th grade while living with his mom. He's been on honor roll the entire year with Petitioner. Petitioner states he was supposed to go to Edison Computech, but the parents failed to fill out the paperwork.	
		Petitioner states Isaiah packed a bag and walked to her home and has been there ever since. She is tired of the in and out of her home, and he's tired.	
		Petitioner states she is not aware of his past addresses, but she would like him to remain with her so there's no more moving around for him.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	X	
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	X	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: skc
			Reviewed on: 9-17-13
			Updates:
			Recommendation:
			File 18 – Martinez