



ATTENTION

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

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

Thank you for your patience.

Status RE: Establishment of a Guardianship in Oregon

	<p>TALINA HURLEY, maternal grandmother, was appointed Guardian on 11/19/12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
<p>Cont. from 012615, 030915, 060115, 062915, 080315, 083115, 102615, 011116, 071116, 082216</p>	<p>On 05/27/14, the Court granted Guardian's Petition to Fix Residence Outside the State of California.</p>	<p>Minute Order 8/22/16: Talina Hurley represents that the Oregon judge is "sitting" on the matter due to the Juvenile Court being involved. The Court orders Ms. Hurley to obtain a hearing date for establishing guardianship of Scarlet, and to be present on CourtCall on 9/26/16.</p>
<p>Aff.Sub.Wit.</p>	<p>On 06/24/14, Debra Swenson, paternal grandmother, filed Ex Parte Application for Temporary Restraining Order Preventing Guardian from Fixing Residence of Minors Outside of California and an Order Shortening Time on Petition to Terminate Order Fixing Minors Residence Outside of California. The Ex Parte Application was granted 6/24/14 and hearing was set for 7/10/14.</p>	<p>Status Report filed 9/19/16 by Attorney Fanucchi states there have been no changes in the status of this matter.</p>
<p>Verified</p>	<p>On 7/10/14, the matter was set for trial.</p>	<p>1. Need proof of establishment of guardianship or equivalent in Oregon pursuant to Probate Code §2352(d).</p>
<p>Inventory</p>	<p>At Court trial on 7/24/14, the Court found no detriment in allowing the children to move to Oregon and set this Status Hearing re Establishment of a Guardianship in Oregon.</p>	
<p>PTC</p>	<p>Cover Sheet for Oregon Petition for Appointment of Guardian and Attached Documents filed 2/17/15 attaches a copy of a Petition for Appointment of Guardian in Washington County, Oregon.</p>	
<p>Not.Cred.</p>	<p>Status Report filed 12/8/15 states the Oregon court held a hearing on 11/30/15 and set the matter for review on 06/27/16. The Oregon Judge indicated that he had been in contact with Judge Kazanjian and that the California guardianship will remain in full force and effect until the Oregon matter gets set aside.</p>	
<p>Notice of Hrg</p>	<p>SEE PAGE 2</p>	
<p>Aff.Mail</p>		
<p>Aff.Pub.</p>		
<p>Sp.Ntc.</p>		
<p>Pers.Serv.</p>		
<p>Conf. Screen</p>		
<p>Letters</p>		
<p>Duties/Supp</p>		
<p>Objections</p>		
<p>Video Receipt</p>		
<p>CI Report</p>		
<p>9202</p>		
<p>Order</p>		
<p>Aff. Posting</p>		<p>Reviewed by: skc</p>
<p>Status Rpt</p>		<p>Reviewed on: 9/20/16</p>
<p>UCCJEA</p>		<p>Updates:</p>
<p>Citation</p>		<p>Recommendation:</p>
<p>FTB Notice</p>		<p>File 6- Swenson</p>

Page 2 - Status Report filed 7/8/16 states there have been no changes since the last status hearing held on this matter in January 2016. Attempts have been made to contact the client, Talina Hurley, but no response has been received. She last indicated that the matter was set to be reviewed by the Oregon courts in June 2016; this office has not been updated as to the results.

On 7/8/16, it was confirmed that the Oregon Probate Department that their guardianship case C14-0545-PG was dismissed by the Probate Court on 8/7/15 and transferred to the Juvenile Court as Case No. J140415. In the order dated 9/29/15 in Juv. Court Case J150602, it was stated that no action was taken in the matter; that the Court tracks the case with Nathaniel's delinquency case in J140415 and that Oregon Circuit Court Judge Ricardo J. Menchaca was going to contact the Judge in California.

On 7/8/16, the Juvenile Court Clerk confirmed that J140415 remained open as to minor Nathaniel and that the case had been assigned to the Oregon Youth Authority. An attempt to contact the case worker (phone number provided) was made and voice mail left; however, a call back has not yet been received.

Status Report filed 8/9/16 by Attorney Fanucchi states his client Talina Hurley has been frustrated with efforts to get the Oregon Courts to grant guardianship for Scarlet and Nathaniel. It appears that once Nathaniel was assigned into the Youth Authority Program, the Court dismissed the guardianship matter, which means Scarlet's guardianship was also dismissed. Talina Hurley has no financial means to hire counsel in Oregon to try to get additional guidance. Ms. Hurley has reported to Attorney Fanucchi that the children are doing well. Attached is an email reporting the positive progress of the children and the continued threats posed by their mother of taking them away from their stable and thriving environment back into an unstable and questionable one. She is fearful that if the California guardianship is terminated it will put the children at risk.

Additionally, for the Court's attention: Ms. Hurley has no funds to pay for the CourtCall. She has had transportation issues and does not have a vehicle that could be driven to the hearing, and has no funds to pay for transportation to the hearing. The attorney has paid for her CourtCall charges and likely will not be reimbursed.

It is requested that the California guardianship remain in full force and that a status be set if necessary for an additional one-year review.

Status RE: Termination of Proceeding for Deceased Conservatee

DOD: 1/14/16	<p>The FRESNO COUNTY PUBLIC GUARDIAN was appointed Conservator of the Estate on 8/26/14.</p> <p>Conservator's First Account was settled on 10/22/15.</p> <p>The Conservator informed the Court that the Conservatee passed away on 1/14/16.</p> <p>On 1/19/16, the Court set this status hearing for termination of proceeding for deceased Conservatee and sent notice to the Conservator, County Counsel.</p> <p>Status Report filed 7/13/16 states the Public Guardian was short-staffed for several months. That office is now back up to reasonable staffing and is able to prepare accountings. In fact, at least five were filed in the last three weeks. However, the account clerk is not able to get all of the accounts done by their status hearing dates. In addition, the person who prepares the schedules and documents is currently helping with fiscal year inventory reports.</p> <p>Therefore, it is respectfully requested that the next status hearing be set no sooner than 60 days from the date of this hearing.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 7/18/16</p> <p>1. Need final account or written status report per Local Rule 7.5.</p>
Cont. from 071816		
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		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p>Reviewed by: skc</p> <p>Reviewed on: 9/20/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8- Rousseau</p>	

Petition for Letters of Administration; Limited Authority under IAEA

DOD: 12/14/12	JODI SWAIN GALLAGHER , Daughter, is Petitioner and requests appointment as Administrator with Limited IAEA without bond, all funds to be placed into a blocked account.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Minute Order 8/1/16: Counsel requests 45 days for continued discussions.</u></p> <p>As of 9/20/16, nothing further has been filed.</p> <p>The following issues remain noted re the petition for reference:</p> <p style="text-align: center;"><u>SEE PAGE 2</u></p>
Cont. from 062016, 080116	Petitioner is a resident of Las Vegas, NV.	
<input type="checkbox"/> Aff.Sub.Wit.	Limited IAEA – ok	
<input checked="" type="checkbox"/> Verified	Decedent died intestate	
<input type="checkbox"/> Inventory	Residence: Clovis	
<input type="checkbox"/> PTC	Publication: Business Journal	
<input type="checkbox"/> Not.Cred.	Estimated value of estate:	
<input checked="" type="checkbox"/> Notice of Hrg	Real property: \$300,000.00 (Whittier Trust has indicated the estate's interest in the trust could be as little as \$150,000 or as high as \$600,000)	
<input checked="" type="checkbox"/> Aff.Mail	Probate Referee: Rick Smith	
<input checked="" type="checkbox"/> Aff.Pub.	Petitioner states the sole purpose of opening this estate is to receive a distribution from the Clairice Benezra Trust. The trust has been being administered since before the decedent's death. There was litigation within the trust and other issues that have delayed the receipt and distribution of its assets. Currently, the Estate of Clairice Benezra, Nevada Case No. P061254 is open and awaiting assets which will pour into the trust. The trust is working to sell its remaining assets and deal with a 706 issue.	
<input type="checkbox"/> Sp.Ntc.	Hence, the Helen Swain Estate is being opened to receive asset from a trust, which is waiting to receive asset from an estate via pour-over will.	
<input type="checkbox"/> Pers.Serv.	Many things will need to occur before assets are distributed to this estate. However, the institutional trustee appears to be currently charging the trust \$50,000/year to administer the \$300,000 it is holding in reserve pending the assets pouring into it. When Petitioner objected, the trustee responded that a personal representative needed to be appointed.	
<input type="checkbox"/> Conf. Screen	Since there are no assets to pay a bond premium from, combined with the fact that the assets realistically may not be received for years, Petitioner requests the Court order that any and all assets received be deposited into a blocked account in lieu of requiring a bond at this time.	
<input type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Reviewed by: skc
Reviewed on: 9/20/16
Updates:
Recommendation:
File 16- Swain

Page 2

1. Heir Judy Swain appears to have been given notice at a business address ("Bamboo 2 U" in Leucadia, CA). The Court may require clarification regarding use of this address.
2. It is unclear from the description in the petition and in the supplement whether the estate is expected to receive and consist of real property or cash or other assets. Need clarification.
3. Petitioner is a resident of Las Vegas, NV. The Court may require waivers of bond from the two other heirs, Judy Swain and James Swain, or bond in an appropriate amount subject to #2 above.
4. The Court may require clarification regarding the status of the referenced pending cases in Nevada and the estimated time frame for closing this estate with reference to Probate Code §12200.

Note: If granted, the Court will set status hearings as follows:

- Monday, November 14, 2016 for filing of bond, if required, or receipt for blocked account.
- Monday, March 27, 2017 for filing of Inventory and Appraisal
- Monday, December 4, 2017 for filing first or final account