

(1) First Account and Report of Conservator and (2) Petition for Allowance of Fees for Attorney

Age: 19 years
DOB: 1/15/1992
Cont. from 081111
Aff.Sub.
✓ Verified
✓ Inventory
PTC
Not.Cred.
✓ Notice of Hrg
✓ Aff.Mail W /
Aff.Pub.
Sp.Ntc.
Pers.Serv.
Conf. Screen
Letters
Duties/S
Objection
Video Receipt
✓ CI Report
9202
✓ Order
Aff. Post
Stat Rpt
UCCJEA
Citation
FTB Notc

**TIM COLLINS**, father and Conservator of the Person and Estate, is Petitioner.

Account period: 3/4/2010 – 3/31/2011

Accounting - \$214,899.55 ?  
 Beginning POH - \$182,358.84  
 Ending POH - \$178,789.44 ?  
 (\$56,017.94 or \$47,717.24 is cash?)

Conservator - *not addressed*

Attorney - \$4,000.00  
*(per Declaration filed 6/24/2011; please see Note on additional page)*

Bond - \$61,000.00  
*(sufficient)*

**Petitioner prays for an Order:**

- Approving, allowing and settling the First account, and confirming and approving all acts and transactions of the Conservator set forth in the account;
- Authorizing the Conservator to pay himself \$1,328.00 per month for Conservatee’s room and board; and
- Authorizing the attorney fees and costs.

**Court Investigator Jo Ann Morris’ Report was filed on 2/1/2011.**

**NEEDS/PROBLEMS/COMMENTS:**

*Continued from 8/11/2011. Minute Order states: matter continued to 9/27/2011 at the request of counsel.*

The following issues from the last hearing remain:

- Schedule C, Disbursements does not include any entry for the \$122,771.50 cash withdrawal dated 7/1/2010 which is indicated on the Bank of the West statement filed 6/24/2011. The schedule of disbursements should reflect the payment of this sum, which appears to be for purchase of a condominium for the Conservatee per Court authorization on 7/1/2010. Further, the Summary of Account is also inaccurate as it does not list this \$122,771.50 disbursement. (Note: First Account pleadings do not contain any narrative information regarding this condominium purchase for the Conservatee, nor the approved rental agreement and the \$850.00 rent the Court authorized to be charged; information has been obtained from previous pleadings filed with the Court.)*
- Summary of Account lists cash assets on hand as \$56,017.94 while Schedule E, Property on Hand lists cash assets as \$47,717.24. Need correct amount of cash on hand at the end of the account period.*
- Schedule A, Receipts contains entry dated 1/19/2011 indicating an SSI check in the amount of \$13,280.00 was received. This amount appears to be incorrect, as the SSI check amounts in the receipts schedule are typically for \$1,328.00. Therefore, the total amount of receipts indicated in Schedule A, Receipts is incorrect (should be \$20,588.71) and the accounting does not balance.*  
*~Please see additional page~*

Reviewed by: LEG  
 Reviewed on: 9/21/11  
 Updates:  
 Recommendation:  
 File 1 – Collins

**NEEDS/PROBLEMS/COMMENTS, continued:**

4. *Petition* requests a flat fee of \$1,328.00, which is the amount of the Conservatee's monthly disability benefits, be allowed to be paid monthly to the Conservator for room and board and food, and therefore Petitioner "will not have to charge 25% of all expenses and will make the accounting process much easier." *Petition* does not explain this statement regarding charging 25% of expenses to the Conservatee, and it is unclear from the *Petition* whether the Conservatee resides with other household members requiring all expenses to be apportioned at 25% among them. (Conservatee is charged 25% of expenses for cable, cell phone, utilities, pool service, pest control, homeowner's insurance, gardening, electricity, etc.)
5. *Schedule A, Receipts* contains entries dated 10/4/2010 and 10/28/2010 for "deposit of rent check for condo" in the amount of \$850.00 each, and *Schedule C Disbursements* shows a deposit refund of \$300.00 was made on 12/13/2010 to the renter of the condominium. There are no prior entries for rent received (condominium was purchased in July 2010) nor any subsequent entries for receipt of rent for the condominium during this account period. *Petition* does not mention the Conservatee's condominium nor explain its current status. Court may require information as to the current rental status of the condominium and as to the lack of monthly rent receipts from November 2010 to the ending date of this account of 3/31/2011. *Schedule C Disbursements* shows the Conservatee pays \$199.00 in monthly association dues (totaling \$1,393.00 during this account period), \$586.00 in condominium insurance, and \$1,008.09 in property taxes, which now may be considered liabilities to the Conservatorship estate given that the property is not earning rental income; additionally, Conservatee expended \$800.00 on 12/22/2010 for condominium property management.
6. *Schedule C Disbursements* includes the following expenditures for which the Court may require explanation, justification, and further information:
  - \$200.00 cash withdrawal dated 10/12/2010 for which no purpose is identified;
  - \$1,116.54 dated 2/23/2010 for which no payee or purpose is identified;
  - \$5,982.02 in payments to GMAC Mortgage; *Petition* does not state whether these mortgage payments are for the condominium which Conservatee just purchased or for the Conservator's own mortgage, and if for the latter, whether Conservatee will have partial ownership in Conservator's residence for making a portion of such mortgage payments.
  - \$1,542.00 in payments to Toyota with the explanation of "25% of monthly transportation costs." It is unclear whether this refers to fuel expenses, or to purchase of a vehicle, and if for the latter, whether Conservatee has partial ownership in the vehicle for making such payments (*Schedule E, Property on Hand* does not list any interest in a vehicle as an asset of the Conservatorship);
  - \$6,187.04 in Costco expenses that are not apportioned at 25%; descriptions state food and supplies, sometimes designated "for Conservatee" and sometimes without such designation;
  - \$471.43 to Travelers Insurance for "home" - 25% of monthly charge (payments made to DiBudio & Defendis Insurance are designated as for the condominium);
  - \$105.00 in overdraft bank charges; it appears the Conservatee has paid these charges when he is not the person responsible for managing his money.
7. *Petition* does not address whether the Conservator is waiving commissions.

~Please see additional page~

## NEEDS/PROBLEMS/COMMENTS, continued:

Note: *Declaration of Attorney Nancy J. LeVan in Support of Request for Attorney Fees* filed on 6/24/2011 includes a fee itemization identified as *Statement Date 6/24/2011* totaling fees of \$4,690.00, which contains entries dated 7/30/2011, 8/2/2010 and 8/27/2010 for fees totaling \$440.00 that are identical in the fees charged and in the descriptions of services to the entries contained on Attorney LeVan's itemization identified as *Statement Date 8/27/2010* submitted in support of Attorney LeVan's *Petition for Approval of Rental Agreement* filed 9/8/2010; attorney fees of \$2,700.00 were granted to Attorney LeVan on 10/26/2010 in that matter covering these duplicate itemizations such that it appears these fees of \$440.00 have already been paid. Therefore, the total of the itemized fees for this account period should be \$4,250.00, and since Attorney LeVan requests due to the limited funds of the Conservatorship that she be paid only \$4,000.00 as compensation for her legal services, no deduction is necessary from the amount of attorney fees requested by Attorney LeVan for overpayment due to the duplicate entries.

Note: The *Petition* and the *Declaration of Attorney Nancy J. LeVan in Support of Request for Attorney Fees* filed on 6/24/2011 do not specifically request reimbursement of costs advanced for the filing fee of \$395.00; however, it appears this request is being made, as the amount of \$4,395.00 for legal services and costs is included in the proposed order.

**2 Trust of Peter & Betty Vagnino**

Case No. 10CEPR00337

Atty Davidson, Thornton (for Petitioner Peter Vagnino, III and Victoria Vagnino)

Atty Burnside, Leigh (for Respondent Harvey A. Armas – Co-Trustee)

Atty Thompson, Timothy (for Respondent Catherine Thompson – Co-Trustee)

**Petition for Trust Accounting**

<b>Age:</b>	<b>PETER VAGNINO IV and VICTORIA VAGNINO,</b>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>CONTINUED TO 11/29/11 UPON ATTORNEY DAVIDSON’S REQUEST</u></b></p> <p><b>Note:</b> This matter was before this Court on 8/19/10, for 1) Petitioner <b>PETER VAGNINO III’S</b> (Petitioners’ father and Decedent Settlers’ son and also represented by Attorney <b>Davidson</b>) <i>First Amended Petition to Invalidate Amendment to Trust and Other Documents on Ground of Incapacity and Modification After Death, for Attorney Fees, Punitive Damages, for Breach of Trust and Conversion, to Remove Trustee and for Trust Accounting,</i> 2) Co-Trustee Armas’ <i>Demurrer to First Amended Petition to Invalidate Amendment to Trust and Other Documents on Grounds of Incapacity and Modification after Death, for Attorney’s Fees, Restitution, Punitive Damages, for Breach of Trust and Conversion, to Remove Trustee and for Accounting,</i> and for 3) Co-Trustee Thompson’s <i>Demurrer to First Amended Petition to Invalidate Amendment to Trust and Other Documents.</i> The 8/19/10 minute orders indication the Court continued the matters for ruling. It appears that prior to said ruling, Petitioner Vagnino III filed a <i>Request for Dismissal</i> on 9/30/10, dismissing the entire action with prejudice.</p> <p>1. Need Order</p>
<b>DOD:</b>	grandchildren of trust settlors, are Petitioners.	
	<b>Petitioners state:</b>	
<b>Cont. from</b>	1. They are the grandchildren of original settlors Peter and Betty Vagnino, who executed the Declaration of Trust dated 5/16/00 (“2000” Trust” – <i>attached as Exh. A</i> ); the 2000 Trust was in fact Settlers’ Second Trust;	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	2. Pursuant to the 2000 Trust, 40% is allocated to Co-Trustee Catherine Thompson (“Thompson”), 20% to Thompson’s husband Anthony, and 20% to Thompson’s son. The balance of assets are to be divided equally between the Petitioners (10% each);	
<input checked="" type="checkbox"/> <b>Verified</b>	3. The 2000 Trust also name Thompson and Harvey Armas (“Armas”) as successor trustees;	
<b>Inventory</b>	4. On 4/17/05, Armas provided Petitioners’ father, Peter Vagnino, III, and Analysis of Assets of settlor Peter Vagnino’s assets, which purported to provide a compilation of assets, his community property interest, and the allocations to the By-Pass, Family, and Community Property ( <i>attached as Exh. B</i> );	
<b>PTC</b>	5. Settlor Betty Vagnino died on 12/14/05;	
<input type="checkbox"/> <b>Not.Cred.</b>	6. Settlers’ Wills were filed with the Probate Court on 11/1/07, but the Settlers’ 2000 Trust was not;	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	7. On 12/11/06, Armas provided Peter Vagnino III and Analysis of Allocation of Betty Vagnino’s estate ( <i>attached as Exh. C</i> );	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>	X	
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
	<b><u>SEE ATTACHED PAGE</u></b>	
<b>Reviewed by:</b> NRN		
<b>Reviewed on:</b> 9/20/11		
<b>Updates:</b>		
<b>Recommendation:</b>		
<b>File 2 - Vagnino</b>		

8. The 2000 Trust's 1<sup>st</sup> Accounting was performed by the Dritsas, Broom, McCormick LLP ("McCormick") accounting firm, and was submitted on 1/8/08 – 2 years after the last settlor Betty Vagnino's death (*1<sup>st</sup> Accounting attached as Exh. D*);
9. In October 2009, Petitioners, through their Attorney, Mr. Davidson, requested another accounting; among Petitioners' questions was the appraised value of the Settlor's home, and the fact that Settlor's interest in Tornino's (their restaurant catering business) was improperly included among the trust assets;
10. McCormick submitted a 2<sup>nd</sup> Accounting on 2/4/10; it was provided in two different versions to account for the differing values of Settlor's residence – otherwise the 2010 accountings were identical (*copies of the two accountings attached as Exh. E and F respectively*);
11. On 5/26/10, Petitioners, through Attorney Davidson, corresponded with Armas' attorney and requested that Armas produce numerous documents and provide explanations of many disparities and unexplained trust distributions;
12. Despite numerous letters on Petitioners' behalf, Armas has only produced tax returns, monthly banking statements and monthly brokerage account statements;
13. Armas has been unwilling or unable to address the many pertinent issues concerning the Trust, including but not limited to:
  - a. Life Insurance Loan Paperwork – no legal documentation has been provided by Thompson and Armas; 2005 federal tax return shows this debt was never repaid (yet the debt is listed as a loss in two places in the trust accounting – as repayment of the loan);
  - b. Itemized Accounting of Administrative Expenses (including copies of invoices) – Thompson and Armas failed to provide copies of all invoices for the administrative expenses incurred from the time Thompson received power of attorney as well as documented proof of payment;
  - c. Itemized Accounting of Stocks/Securities in Schedule F – Cash on Hand - Thompson and Armas did not provide an itemized accounting of all stocks/securities allocated to Schedule F, and also failed to provide an itemized account of all monies transferred out of Schedule F;
  - d. Withdrawal of \$120,000.00 – Thompson and Armas failed to provide an adequate explanation of these withdrawals, which were originally allocated to settlors, then allocated to care giver expenses, then to administrative expenses, and finally to the "other" Wells Fargo Account that Thomas and Armas are now associating with the \$120,000.00; they have also failed to account for the dates the money was transferred into the account and all dates the money was transferred out, and what the funds were used for;
  - e. Thompson's and her husband's whereabouts after the sale of the residence – Renovations began on the Settlor's residence ("Bluff Residence") in January 2006, and Thompson sold her personal residence in March or April 2006 (deed recorded May 2006); Bluff Residence was never listed for sale and Thompson had sole physical possession of the home from the date of Betty Vagnino's death; Thompson and Armas contend Thompson and her husband lived in a hotel but had not provided proof of this from the date their personal residence was sold until they filed the Quit Claim Deed for the Bluff Residence;

**SEE ATTACHED PAGE**

- f. “Gains of Sales” transferred out of Petitioners’ accounts – Thompson and Armas have failed to provide an explanation as to why these gains on sales were transferred out of personal accounts; Schedule Ks never reflects these losses however;
- g. Loss of \$47,048.00 – Thompson and Armas have failed to provide an explanation as to why there is a loss of \$47,048.00 in brokerage accounts between Armas’ hand-written analysis and the 1<sup>st</sup> Accounting;
- h. Additional house appraisal - Thompson and Armas have failed to provide the additional house appraisal of \$1.1 M;
- i. Trust payment of \$3,500.00 for Tornino’s appraisal – Thompson and Armas have failed to explain a trust payment for Tornino’s appraisal when family interest in Tornino’s was willed to Thompson and bypassed the 2000 Trust;
- j. Specific Stock information – Thompson and Armas have failed to provide information on the following: 1) May 1, 2006 dividends received from Wrigley (Class B); 2) May 30, 2006 dividends received from Arlema Spons ADR; 3) November 10, 2006 dividends received from Chunghwa Telecom Co.; 4) November 11, 2006 dividends received from Idearc, Inc.; and 5) April – July 2008 in interest received on Georgian Bank CD – there is no record for any of these assets being sold, the dates of sale, carrying value, whether sold at a loss or gain, and whether any of the items were used for Stock/Securities of Schedule F;
- k. The Residence – Thompson and Armas failed to provide an explanation for the following expenses incurred due to renovations that Thompson accepts responsibility for and that are part of the renovation (consist of home maintenance expenses, property taxed, cable, pool, pet control, AT&T, water delivery, etc.); clearly these expenses were not being paid to maintain an empty house;
- l. Caregiver Expenses - Thompson and Armas have failed to provide documentation to support caregiver expenses of \$73,500.00 incurred during a 7-8 month period;
- m. Debts of Decedent settlors – Thompson and Armas have failed to provide a complete listing of all debts of settlors on the 2005 Schedule K. Only a partial listing and all debts paid before the filing of the 2005 tax return was provided.

**Petitioners request the Court issue an Order:** 1) for a complete accounting of the 2000 Trust; 2) for removal of Thompson and Armas as Co-Trustees; 3) for costs of suit including reasonable attorney fees.

Age: 17	<b>NO TEMPORARY – none requested</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
DOB: 10-4-93		<u>Note:</u> The proposed conservatee will turn 18 on 10-4-11.
	<b>TIMOTHY and DEANNA MAY</b> , parents, are Petitioners and request appointment as Co-Conservators of the Person with medical consent powers.	<u>Court Investigator advised rights on 7-18-11</u>
Cont. from 080911		<u>Minute Order 8-9-11:</u> Counsel advises the Court that she will be filing a waiver of fees and costs. Matter continued to 9-27-11 for the purpose of obtaining a Capacity Declaration.
Aff.Sub.Wit.		<u>As of 9-20-11</u> , the following issues remain:
✓ Verified	<b><u>Voting rights NOT affected.</u></b>	1. Need Capacity Declaration supporting medical consent powers.
Inventory		2. Petitioners request notice to the maternal grandfather be excused because family members have not had contact with him for many years, do not know where he can be located, and have severed all ties.
PTC	<b><i>Need Capacity Declaration.</i></b>	<i><u>If notice not excused</u></i> , need proof of service of Notice of Hearing pursuant to Probate Code §1822 or declaration of due diligence.
Not.Cred.		<b>Updates:</b>
✓ Notice of Hrg	<b>Petitioners state</b> Rachel is unable to provide for her personal needs for physical health, food, clothing, or shelter because she has DiGeorge Syndrome with Charge Association, which cause abnormal physical development as well as behavioral, cognitive and social problems. Rachel is fairly highly functioning and attends Special Education classes at Clovis High School, but exhibits high levels of ADHD and Obsessive Compulsive Disorder, is unable to understand the consequences of her actions, and must be reminded constantly to be cautious of the dangers around her. She has no impulse control and must be monitored at all times. She is unable to make medical decisions for herself and is unable to reason out the consequences of on course of action over another and would not understand the information she would receive about a medical treatment.	<b>Contacts:</b> Reviewed 9-20-11
✓ Aff.Mail W		<b>Recommendation:</b>
Aff.Pub.		<b>Reviewed by:</b> skc
Sp.Ntc.		<b>File 3 - May</b>
✓ Pers.Serv. W		
✓ Conf. Screen		
✓ Letters		
✓ Duties/Supp		
Objections		
✓ Video Receipt		
✓ CI Report		
9202		
✓ Order		
Aff. Posting	<b>Court Investigator Charlotte Bien's report was filed 7-20-11.</b>	
Status Rpt		
UCCJEA		
✓ Citation		
FTB Notice		



<b>DOD: 1-8-09</b>	<b>NORMA M. KARMANN</b> was appointed Conservator of the Person and Estate and Letters issued on 3-21-02.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Minute Order 8-23-11:</u> Counsel advises the Court that the bond has not been paid, but he is now in the position to prepare and file the final accounting.</p> <p><u>As of 9-20-11, no account has been filed.</u></p> <ol style="list-style-type: none"> <li>1. Need final account and petition for termination/distribution per Probate Code §2620(b) or a verified status report (served on all necessary parties per Local Rule 7.5.)</li> <li>2. Need notice to surety pursuant to the Request for Special Notice and proof of payment.</li> </ol> <p><u>Note:</u> The court received correspondence from the surety that bond premium payments are delinquent. At hearing on 8-23-11, Counsel advised the court that the premiums were still not paid.</p>
<b>Cont. from 082311</b>	On 8-20-08, bond was set at \$40,000.00.	
Aff.Sub.Wit.		
Verified	The Third Account was settled 8-20-08.	
Inventory		
PTC	On 7-24-09, the court set a status hearing for termination of the proceeding for deceased conservatee.	
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.	A status hearing filed 8-27-09 indicated that additional assets had been discovered, and that a Fourth Account would be filed. The Amended Fourth Account covering the period 9-22-08 through 1-8-09 (date of death) was settled on 8-13-10.	
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters	On 6-28-11, the court set status hearing for 8-23-11 for termination of the proceeding for deceased conservatee and filing of the final account.	
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt	X On 8-23-11, Counsel advised the Court that the bond has not been paid, but he is now in the position to prepare and file the final accounting.	
UCCJEA		
Citation		
FTB Notice		
		<b>Updates:</b>
		<b>Contacts:</b> Reviewed 9-20-11
		<b>Recommendation:</b>
		<b>Reviewed by:</b> skc
		<b>File 5 - Cormier</b>

Atty Sanchez, Teresa (pro per, non-relative guardian of the minor)

Atty LeVan, Nancy J. (for Kenneth & Kristen Vogel, Paternal Uncle & Aunt, Petitioners)

Status Hearing Re: Visitation

<b>Age:</b> 12 years	<p><b>TERESA SANCHEZ</b>, is the minor's current guardian. Ms. Sanchez was appointed guardian on 10/22/10.</p> <p><b>BACKGROUND:</b></p> <p>At the last hearing of 8/2/11, the Court denied Kenneth &amp; Kristin Vogel's (paternal aunt and uncle) Petition for Termination of Guardianship and their Petitions for Temporary and Permanent Guardianship of the minor Frankie. That Minute Order reads:</p> <p><b><u>The Court finds that it is in the best interest of the minor to remain with the current guardian. The Court denies and dismisses the Petition. The Court orders that any treating mental health professional or psychologist provide to this Court any reports regarding Frankie Vogel and Clarence Vogel. The Court further orders that a Court Investigator contact Dr. Chong and Dr. Shelton regarding these reports.</u></b></p> <p>Note: At the 5/24/11 hearing on the Kenneth and Kristin Vogel's petitions, Teresa Sanchez (current guardian) advised that the minor Frankie was attending counseling once a week, to be increased to twice a week during the Summer 2011. At that same hearing, the Court advised it was not making any visitation orders at that time, and ordered a report from Dr. Chong regarding when and if visitation with the minor should be granted to Kenneth Vogel, Kristin Vogel, and Frank Vogel (father).</p> <p><i>Confidential Reports from the Sullivan Center for Children (provided for CVRC), Valley Family Heather Center, and Kings View Counseling Services for Kings County filed 9/2011.</i></p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>DOB:</b> 8/6/99		
<b>Cont. from</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
	<p><b>Reviewed by:</b> NRN</p> <p><b>Reviewed on:</b> 9/21/11</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 6 - Vogel</b></p>	

Atty Waltrip, Carolyn (pro per, non-relative guardian of minor)

Atty LeVan, Nancy J. (for Kenneth & Kristin Vogel, paternal uncle & aunt/Petitioners)

Status Hearing Re: Visitation

<b>Age:</b> 10	<p><b>CAROLYN WALTRIP</b>, is the minor's current guardian. Ms. Waltrip was appointed guardian on 10/22/10.</p> <p><b>BACKGROUND:</b> At the last hearing of 8/2/11, the Court denied Kenneth &amp; Kristin Vogel's (paternal aunt and uncle) Petition for Termination of Guardianship and their Petitions for Temporary and Permanent Guardianship of the minor Frankie. That Minute Order reads:</p> <p><b><u>The Court finds that it is in the best interest of the minor to remain with the current guardian. The Court denies and dismisses the Petition. The Court orders that any treating mental health professional or psychologist provide to this Court any reports regarding Frankie Vogel and Clarence Vogel. The Court further orders that a Court Investigator contact Dr. Chong and Dr. Shelton regarding these reports.</u></b></p> <p><u>Note:</u> At the 5/24/11 hearing on the Kenneth and Kristin Vogel's petitions, the Court advised it was not making any visitation orders at that time, and ordered a report from Dr. Chong regarding when and if visitation with the minor should be granted to Kenneth Vogel, Kristin Vogel, and Frank Vogel (father).</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>DOB:</b> 01/30/01		
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: NRN	
	Reviewed on: 9/22/11	
	Updates:	
	Recommendation:	
	File 7 - Vogel	

**Status Hearing**

<b>Gladys E. Ponte</b>	<p><b>LINDA STAR and RAY TALLEY</b>, children and beneficiaries of the <b>JOE PONTE, JR. AND GLADYS E. PONTE REVOCABLE LIVING TRUST AGREEMENT DATED 4-11-03</b> filed a Petition for Accounting, for removal of Co-Trustees and for Appointment of Successor Co-Trustees, and for Surcharge. The matter was set for hearing on 10-18-10.</p> <p>On 10-8-10, the Co-Petitioners filed their Opposition to Petition, and on 10-15-10, Petitioners filed a Reply.</p> <p>On 10-18-10, Counsel requested 30 days to discuss an agreement and the matter was continued to 11-29-10. On that date, Settlement Conference was set for 8-2-11 and trial was set for 8-16-11.</p> <p>At the Settlement Conference on 8-2-11, Counsel advised the Court that the matter was settled during mediation. The Court vacated the trial date and the Court set this status hearing.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need status report regarding settlement.</p>
<b>DOD: 6-7-03</b>		
<b>Joe Ponte, Jr.</b>		
<b>DOD: 9-28-07</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b> X		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 9-20-11
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 8 - Ponte</b>

Age: 18 years DOB: 12/25/1992	<p><b>REGINA FREITAS,</b>          Guardian/mother, is Petitioner.</p> <p>Father: <b>GABRIEL QUIJANO</b> –  <i>deceased.</i></p> <p>Paternal grandfather: Edward Quijano –  <i>consents and waives notice.</i></p> <p>Paternal grandmother: Ines Quijano –  <i>consents and waives notice.</i></p> <p>Maternal grandfather: Robert Maciel –  <i>consents and waives notice.</i></p> <p>Maternal grandmother: Lupe Maciel –  <i>consents and waives notice.</i></p> <p>The minor is now an adult and will be using the funds for her college education.</p> <p><b>Petitioner states</b> an investment reversal occurred in Olivia’s account due to alleged (by Petitioner) account-churning and inappropriate investment strategies. Petitioner states she brought suit which resulted in approximately \$20,000 of Olivia’s account being replenished. This occurred in 2005-2006. At all times mentioned, Olivia’s investments were made pursuant to advice from account executives with Petitioner’s approval. An in-depth accounting was performed during the litigation. Accordingly, Petitioner requests the guardianship be terminated without the need for another accounting.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need <i>Notice of Hearing.</i></li> <li>2. Need proof of service of the <i>Notice of Hearing</i> on:             <ol style="list-style-type: none"> <li>a. Olivia Quijano (former minor)</li> </ol> </li> </ol>
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		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT Reviewed on: 9/20/11 Updates: Recommendation: File 9A - Quijano

Age: 18 years DOB: 12/25/1992	<b>REGINA FREITAS</b> , mother, is Guardian of the estate.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from</b>	Guardian Regina Freitas filed a Petition to Terminate the Guardianship and a Petition for Withdrawal of Funds from Blocked Account.	<b>1. Need final account or current status report.</b>
<input type="checkbox"/> Aff.Sub.Wit.	Petitioner's first account for the account period ending 5/29/1998 showed a property on hand balance of \$113,884.53. The petition for termination (page 9A) stated all funds have been held in a blocked account at Merrill-Lynch. The termination petition further stated the current balance of the account is \$108,383.75.	<b>Reviewed by: KT</b>
<input type="checkbox"/> Verified	On 8/9/11 the Court continued the Petition to Terminate the Guardianship (page 9A), granted the petition to withdraw funds from blocked account, as amended, authorizing withdrawal of \$25,000.00 and set this status hearing for the filing of the final account.	<b>Reviewed on: 9/20/11</b>
<input type="checkbox"/> Inventory		<b>Updates:</b>
<input type="checkbox"/> PTC		<b>Recommendation:</b>
<input type="checkbox"/> Not.Cred.		<b>File 9B - Quijano</b>
<input type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Atty Basquez, Patricia Viola (pro per Petitioner/mother)  
 Atty Adams, Bryce (pro per Petitioner/father)  
 Atty LeFors, Terri (pro per Guardian/paternal grandmother)  
 Atty LeFors, Michael E. (pro per Guardian/paternal step-grandfather)

Petition for Termination of Guardianship

Brooklyn age: 3 years DOB: 11/6/07	PATRICIA BASQUEZ, mother, and BRYCE ADAMS, father, are petitioners.	NEEDS/PROBLEMS/COMMENTS:
Nevaeh age: 2 years DOB: 10/24/08		
Cont. from	TERI LeFORS, paternal grandmother and MIKE LeFORS, paternal step-grandfather, were appointed co-guardians on 8/11/09.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Paternal grandfather: Ed Basquez – <i>consents and waives notice.</i> Paternal grandmother: Teresa Basquez Maternal grandfather: Brent Adams – <i>consents and waives notice.</i>	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC	<b>Current visitation order (as of 5/26/11):</b> Mother has unsupervised visits every Sunday from 9 a.m. to 1 p.m. and unsupervised visits at the guardians’ home every Wednesday from 10 a.m. to 11:30 a.m. On alternating weekends there shall be an unsupervised overnight visit beginning on Friday from 6 p.m. to Sunday at 5 p.m.	
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Petitioners state they have both been seeking employment but have been unsuccessful so far. They have been staying out of trouble. Petitioners feel the children should be with them to bond with the new baby they are expecting and help take care of him. Petitioners believe this is a very important step in rebuilding their relationship with the children at this very critical age.	
<input checked="" type="checkbox"/> Aff.Mail W/		
<input type="checkbox"/> Aff.Pub.	<b>Court Investigator Julie Negrete’s Report filed on 9/20/11</b>	
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" 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: 9/20/11
		Updates:
		Recommendation:
		File 10 - Adams

Atty Nourak, Chanthalangsy (pro per Petitioner/paternal aunt)  
Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Jonathan age: 14 DOB: 12/26/96	<p><b>TEMPORARY EXPIRES 9/27/11</b></p> <p><b>NOURAK CHANTHALANSY</b>, paternal aunt, is petitioner.</p> <p>Father: <b>VILAYSACK CHANTHALANGSY</b></p> <p>Mother: <b>EKAE SEE</b></p> <p>Paternal grandfather: Soun Chanthalangsy – <i>served by mail on 5/3/11</i></p> <p>Paternal grandmother: Ling Chanthalangsy - <i>served by mail on 5/3/11</i></p> <p>Maternal grandfather: Kong See</p> <p>Maternal grandmother: Khong See</p> <p><b>Petitioner states</b> both parents are mentally unstable and unable to properly care for the minors. They are homeless as well. The children have been taken numerous times by CPS in Tulare. Sabrina was molested by the mother’s current girlfriend and the mother did nothing about it.</p> <p><b>Objections of Vilaysack Chanthalangsy, father, filed on 7/8/11.</b> Father states the children have always been in his care. They stay with him and his parents. Father states he feels he should be the recipient of money received through SSI for his children. Nourak Chanthalangsy is incapable of caring for his children. She does not have a current address. The paternal grandfather is the only one who cares for the children more than she does. Both the father’s parents feed them and provide for them. They have always been living with the father and his parents. Even her own children are in the care of his parents. She is unfit to care for her children as well as his children.</p> <p><b>Court Investigator Jennifer Young’s Report filed on 7/25/11.</b></p> <p><b>Supplemental Report of Court Investigator Jennifer Young filed on 9/20/11</b></p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Justin age: 12 DOB: 5/24/99		Continued from 8/9/11.
Sabrina age: 10 DOB: 12/10/00		1. Need proof of personal service, 15 days prior to the hearing, of the Notice of Hearing along with a copy of the petition or consent and waiver of notice or declaration of due diligence on:
Dayna age: 8 DOB: 6/19/03		a. Ekae See (mother)
Lai La age 6 DOB: 7/7/05		b. Jonathan See (minor, age 14)
Cont. from 062111, 080911		c. Justin See (minor age 12)
Aff.Sub.Wit.		2. Need proof of service by mail, 15 days prior to the hearing, of the Notice of Hearing along with a copy of the petition or consent and waiver of notice or declaration of due diligence on:
✓ Verified		a. Kong See (maternal grandfather)
Inventory		b. Khong See (maternal grandmother)
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		
	Reviewed by: KT	
	Reviewed on: 9/20/11	
	Updates: 9/21/11	
	Recommendation:	
	File 11 - See	

Age: 3 years	<p align="center"><b><u>TEMPORARY EXPIRES 9/27/11</u></b></p> <p><b>PATRICIA BOLDEN</b>, maternal great-grandmother, is petitioner.</p> <p>Father: <b>STEPHEN</b> (last name not listed) – <i>court dispensed with notice by minute order dated 5/9/11.</i></p> <p>Mother: <b>TAWAJANAE</b> (last name not listed)</p> <p>Paternal grandfather: unknown                  Paternal grandmother: unknown                  Maternal grandfather: Taiwan Braden – <i>deceased.</i>                  Maternal grandmother: Tash Lyday</p> <p>Petitioner states her granddaughter [<i>mother of the minor</i>] is on drugs and does not have a stable home. Mom has abused the minor and abandoned him for months at a time while she travels from state to state. Petitioner fears mom will take the minor out of state and it would be a danger to him.</p> <p><b>Court Investigator Jennifer Young’s report filed on 7/22/11.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>Continued from 6/29/11. Minute order states Examiner notes are provided to the petitioner. The Petitioner is directed to cure the defects and attend the guardianship clinic. <i>As of 9/20/11 there is no record that the petitioner attended the guardianship clinic and the following issues have not been addressed:</i></p> <ol style="list-style-type: none"> <li>#1c(1) of the Guardianship Petition Child Attachment is blank re: member or eligible for membership in an Indian tribe. #1c(2) states the minor is not an Indian child. However the Court Investigator’s report states Petitioner reports the maternal family has Cherokee ancestry. If it is determined that the child is an Indian child, Petitioner will need to return the completed copy of the <i>Notice of Child Custody Proceeding for Indian Child</i> (blank for given to Petitioner by the court investigator and blank form in the file) to the probate clerk. The probate clerk will then mail the notice to the required agencies as required.</li> <li>Confidential Guardian Screening form is incomplete at items 1a- 1e (name, date of birth, social security number, driver’s license number, telephone number(s) of the proposed guardian).</li> <li>Petition does not include the last name of the father or mother or the names and addresses of the paternal grandparents.</li> <li>Minor’s name on the birth certificate is spelled Deri’eon.</li> <li>Need <i>Notice of Hearing</i>.</li> </ol> <p align="center"><i>Continued on additional page</i></p>	
DOB: 4/15/08			
Cont. from 062911			
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			
Reviewed by: KT			
Reviewed on: 9/20/11			
Updates:			
Recommendation:			
File 12 - Braden			

**Additional NEEDS/PROBLEMS/COMMENTS:**

- 6. Need proof of personal service of the *Notice of Hearing* along with copy of the petition, 15 days prior to the hearing, along with a copy of the petition or consent and waiver of notice on:
  - a. Tawajanae (mother) - *Declaration of due diligence* filed on 4/27/11. However, a proof of service was filed on 5/4/11 for mom for the temporary hearing showing mom at an address on Vassar Street.****
  
- 7. Need proof of service of the *Notice of Hearing* along with a copy of the petition, 15 days prior to the hearing, along with a copy of the petition or consent and waiver of notice or declaration of due diligence on:
  - a. Paternal grandparents**
  - b. Tasha Lyday (maternal grandmother)****

**13 Deanna Ukken Terrell-Federico, Alyssa Mekayla Terrell-Avila, Bernice Silencia Inez Terrell (GUARD/P)** Case No. 11CEPR00487

Atty Corrales, Louise B. (pro per Petitioner/maternal great grandmother)  
 Atty Corrales, Victor Sr. (pro per Petitioner/maternal great grandfather)  
 Atty Corrales-Villicana, Victoria L. (pro per Petitioner/maternal grandmother)  
 Atty Villicana, Florencio (pro per Petitioner/maternal step-grandfather)  
 Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Deanna, 12 years DOB: 09/11/99	<p style="text-align: center;"><u>Temporary Expires 9/27/11</u></p> <p><b>LOUISE B. CORRALES</b> and <b>VICTOR CORRALES, SR.</b>, maternal great grandparents, and <b>VICTORIA CORRALES-VILLICANA</b> and <b>FLORENCIO VILLICANA</b>, maternal grandmother and step-grandfather, are Petitioners.</p> <p>Father (Deanna): <b>VINCENT FEDERICO</b>, <i>personally served 06/09/11</i>                  Father (Alyssa): <b>JOSEPH AVILA</b>, <i>declaration of Due Diligence filed 06/13/11</i>                  Father (Bernice): <b>UNKNOWN (Oscar Verdugo per CI Report)</b></p> <p>Mother: <b>NICOLE TERRELL</b>, <i>personally served 06/08/11</i></p> <p>Paternal grandfather (Deanna): Freddie Federico                  Paternal grandmother (Deanna): Anna                  Paternal grandmother (Alyssa): Joseph Avila, <i>deceased</i>                  Paternal grandmother (Alyssa): Evelyn Avila                  Paternal grandparents (Bernice): Unknown                  Maternal grandfather: Robert Terrell, Jr., <i>deceased</i>.</p> <p>Petitioners state mom is unfit and has abandoned the children. The children live in fear that their mother will come and take them away.</p> <p><b>Court Investigator Julie Negrete's Report filed on 7/25/11.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>Continued from 8/2/11. Minute order states the court denies the petition as to Victoria Corrales-Villicana and Florencio Villicana. The court extends the temporary as to Louise Corrales and Victor Corrales only. As of 9/20/11 the following issues remain:</p> <ol style="list-style-type: none"> <li>1. Proof of service on the mother, Nicole Terrell, of the Notice of Hearing filed on 6/13/11 does not include the name and address of the person serving the notice at item #6.</li> <li>2. Proof of service on Deanna's father Vincent Federico, of the Notice of Hearing filed on 6/13/11 does not include the name and address of the person serving the notice at item #6</li> <li>3. Need proof of personal service of the <i>Notice of Hearing</i> along with a copy of the Petition or consent and waiver of notice or declaration of due diligence on:                         <ol style="list-style-type: none"> <li>a. Oscar Verdugo (Bernice's father)</li> </ol> </li> <li>4. Need proof of service of the <i>Notice of Hearing</i> along with a copy of the petition or consent and waiver of notice or declaration of due diligence on:                         <ol style="list-style-type: none"> <li>a. Freddie Federico (Deanna's paternal grandfather)</li> <li>b. Anna ?? (Deanna's paternal grandmother)</li> <li>c. Evelyn Avila (Alyssa's paternal grandmother)</li> <li>d. Unknown (Bernice's paternal grandparents)</li> </ol> </li> </ol>
Alyssa, 4 years DOB: 05/02/07		
Bernice, 1 year DOB: 08/29/10		
Cont. from 080211		
Aff.Sub.Wit.		
✓ Verified		
Inventory		
PTC		
Not.Cred.		
✓ Notice of Hrg		
✓ Aff.Mail W/		
Aff.Pub.		
Sp.Ntc.		
✓ Pers.Serv. W/		
✓ 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: 9/20/11	
	Updates:	
	Recommendation:	
	File 13 - Terrell	



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

Kulon age: 5 years DOB: 12/10/05		<p align="center"><u>Temporary Expires 9/27/11</u></p> <p><b>SNOW WHITE XIONG</b>, mother, is petitioner and requests <b>MAO LEE YANG</b>, maternal grandmother and <b>JOANNA XIONG</b>, maternal aunt, be appointed as guardians.</p> <p>Mao Lee Yang and Joanna Xiong consent to their appointment.</p> <p>Father: <b>NOT LISTED</b>.</p> <p>Paternal grandparents: Not listed                  Maternal grandfather: Not listed.</p> <p><b>Petitioner states</b> a guardianship is needed because she is joining the military and will need her mother and her sister to help care for her children.</p> <p><b>Court Investigator Jennifer Young's Report filed on 9/21/11.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>Petition does not include the name and address of the father, the paternal grandparents or the maternal grandfather.</li> <li>Need <i>Notice of Hearing</i>.</li> <li>Need proof of personal service, 15 days prior to the hearing, of <i>the Notice of Hearing</i> along with a copy of the temporary petition or consent and waiver of notice or declaration of due diligence on:                         <ol style="list-style-type: none"> <li>Father</li> </ol> </li> <li>Need proof of service, 15 days prior to the hearing, of <i>the Notice of Hearing</i> along with a copy of the temporary petition or consent and waiver of notice or declaration of due diligence on:                         <ol style="list-style-type: none"> <li>Paternal grandpaents</li> <li>Maternal grandfather</li> </ol> </li> <li>Need Duties of Guardian signed by both proposed guardians. (Note: the Duties of Guardian in the file were signed by the mother).</li> </ol>	
Dillan age: 3 years DOB: 2/16/08				
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 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 type="checkbox"/>	Duties/Supp			X
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" 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: KT		
		Reviewed on: 9/20/11		
		Updates:		
		Recommendation:		
		File 15 - Yang		



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

Age: 52	<p><b>Petitioner BENITA LIRA</b>, mother, was appointed Conservator of the Person and Estate on 11-1-10 with medical consent powers and bond of \$29,048.80. On 12-13-10, pursuant to a declaration that Conservator was unable to obtain bond, Letters issued with all funds to be placed into a blocked account.</p> <p><b>Background:</b> Conservatorship was established because CalPERS would not release the Conservatee’s disability retirement benefits (lump sum and ongoing) without conservatorship.</p> <ul style="list-style-type: none"> <li>Final Inventory and Appraisal filed 2-14-11 reflects \$256,100.00, including real property, household furniture and furnishings, and a vehicle.</li> </ul> <p><i>Note: There was a question about whether the real property is owned by the Conservatee, because it appeared from mortgage statements that it is jointly held by Conservatee and his brother, Denny Lira; however, on 5-10-11, the parties informed the court that the Conservatee owns the home. The parties include verified statements that Denny Lira does not own an interest in the residence. Examiner notes that this is no longer an issue at this time.</i></p> <ul style="list-style-type: none"> <li>Supplemental Inventory and Appraisal filed 7-5-11 reflects a lump sum received from CalPERS in the amount of \$84,717.97.</li> </ul> <p><b>Petitioner filed an ex parte request to withdraw the balance of the blocked account (\$84,728.94) as reimbursement for payment of Conservatee’s living expenses since his employment ended in 2005. The court set the matter for noticed hearing.</b> Declaration states that the Conservator “reluctantly” accepted conservatorship responsibility so that her son’s retirement could be released. Petitioner requests reimbursement for the assistance she has provided since 2005.</p> <p>Conservatee lost his employment due to disability on 5-2-05. Conservatee’s cost of living expenses were over 100% prior to receiving any form of public benefits, and increased 150% during the period he was incarcerated and hospitalized on a legal confrontation contributed by his disability. Conservator paid Conservatee’s cost of living and supplemental expenses through credit cards and personal loans before and after conservatorship was established, including household furniture and furnishings, car payment and related vehicle expenses, mortgage and household expenses, credit card (over \$36,000.00), medical expenses, cash expenditures, clothing, groceries, and child support for Conservatee’s son. Therefore, Petitioner requests all funds in the blocked account.</p> <p>Petitioner states there are no taxes due and no outstanding judgments for which the estate is liable. Account summary and statements are provided.</p> <p><b>Petitioner requests that the conservatorship of the estate end immediately as Conservatee is able to handle his own finances.</b> Petitioner states the Court Investigator informed Conservatee in April 2010 that there is no need for conservatorship of the estate.</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
DOB: 5-21-69			<u>Note:</u> Conservator is Spanish-speaking.
Cont. from 071911			<u>Minute Order 7-19-11:</u> Ms. Lira is given a copy of the Examiner Notes. Matter continued to 9-27-11 to cure defects.
Aff.Sub.Wit.			<u>Note:</u> On 9-9-11, Petitioner filed a “First Account Current and Report of Conservator and Petition for its Settlement, for Approval of Withdrawal of Funds from Blocked Account and Terminate Conservatorship of the Estate.” That hearing is set for 10-25-11.
✓ Verified			<u>The Court may require the account set for 10-25-11 to be settled before further review of this Petition.</u>
Inventory			Examiner notes that the account petition appears to include the same request as addressed by this petition.
PTC			<u>If this matter goes forward at this time, nothing further has been filed with respect to this petition. The following issues remain: See Page 2.</u>
Not.Cred.			<b>Updates:</b>
Notice of Hrg			<b>Contacts:</b> emailed petitioner 7-18-11, copy of notes in file
Aff.Mail			<b>Recommendation:</b>
Aff.Pub.			<b>Reviewed by:</b> skc
Sp.Ntc.			<b>File 17 - Lira</b>
Pers.Serv.			
Conf. Screen			
✓ Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Petition for Withdrawal of Funds from Blocked Account

NEEDS/PROBLEMS/COMMENTS:

1. It appears Conservator is requesting \$84,728.94; however, the supporting declaration indicates she is owed \$132,978.99, and also describes the debt as \$70,000.00 “from the Conservator’s personal mortgage” plus \$90,000.00 “from credit card debt” (total \$160,000.00).

Need clarification. Is Petitioner requesting the \$84,728.94 as payment in full, or is Petitioner stating that the Conservatee will still owe him money?

The parties state that one of the Conservatee’s liabilities is a mortgage on his residence, but there is also this reference to the “Conservator’s personal mortgage” in the amount of \$70,000.00. Is this different? The court may require clarification.

2. The amounts paid by the Conservator on behalf of the Conservatee appear to be estimated based on a lump sum, divided into monthly payment amounts. The court may require clarification.

*Examiner notes that the parties provide bank account statements with notations of amounts received from the Conservator, but the notations on the accounts appear to indicate that the amount is the difference between the income and expenses. There do not appear to be actual receipts, etc.*

*Examiner also notes that one item included is a statement from University Medical Center for an ER visit. The court may wish to clarify whether expenses like this were or may be reimbursed via health coverage.*

3. The documentation indicates that the blocked account contains only the lump sum payment, and that the monthly benefits are not blocked. This appears to be a violation of the court order that allowed Letters to issue without bond. The court may require clarification.

*Examiner notes that the parties previously requested the monthly income funds not be blocked because the Conservatee needs access to them because he is handling his own payments, etc.; however, on 3-1-11, the court ordered “any funds received from CalPERS” blocked. If funds are not blocked, the court may require the issue of bond to be readdressed.*

4. The Declaration in Support of the Ex Parte Petition for Withdrawal of Funds appears to also provide an accounting and request to terminate the conservatorship of the estate. However, if it is an account, it is not in compliance with applicable law, including Probate Code §§ 2620, 1060, etc., and a filing fee is due. The document as filed is not in compliance with applicable code and rules regarding accountings, and does not contain the required information and documentation. Therefore, need amended petition with filing fee of \$395.00.

*An account that appears to include the same request as addressed by this petition is set for hearing on 10-25-11.*

5. The petition appears to indicate that conservatorship is not necessary because the Conservatee’s only income is public assistance; however, filed documents indicate that the Conservatee receives current income from CalPERS.

The court may require clarification at this time before the parties proceed with an account and request to terminate.

*The parties state they were told by the Court Investigator that conservatorship of the estate is not necessary. Examiner notes that this may have been the case when the Conservatee was only receiving public assistance or social security, but because the Conservatee now receives his CalPERS retirement benefits, and had to establish conservatorship in order to do so, the situation may be different from when the parties were told this. Receipt of retirement benefits from a former employer is different than public assistance, and termination may not be appropriate. If the Conservator wishes to resign, the parties may wish to consider whether a successor conservator may be appropriate.*

Regardless, the parties may wish to seek legal advice (and possibly confirm their intentions with a benefit coordinator before proceeding with a request to terminate).

**Order to Show Cause Re: Failure to File Inventory and Appraisal & Failure to File a First Account or Petition for Final Distribution (Prob. C. §12200, et seq.)**

<b>DOD: 2-1-07</b>	<b>EMILY LOPEZ</b> was appointed Administrator with Limited IAEA without bond and Letters issued on 9-18-07.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Note:</u> Administrator was formerly represented by Attorney Sandra J. Smith, who is no longer eligible to practice law as of 6-3-11.</p>
	On that date, the Court directed that no sale of real property or receiving of any monies is to be performed without Court approval, and Administrator verbally acknowledged this direction in Court.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	On 6-30-08, Petitioner requested dismissal of the estate because the house had been foreclosed; however, because the Administrator had already been appointed, dismissal could not be entered without a final report.	
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp	On 6-3-11, the Court set a status hearing for failure to file Inventory and Appraisal and failure to file a First Account or Petition for Final Distribution. Notice was mailed to Administrator and her attorney.	
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting	On 6-27-11, Attorney Sandra J. Smith filed Notification of Disqualification to Act as Attorney, with proof of service by mail on Administrator.	
<input type="checkbox"/> Status Rpt	X	
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice	At the status hearing on 7-26-11, there were no appearances, and the Court set this Order to Show Cause and ordered Administrator to be present. A copy of the minute order was mailed to Administrator on 7-28-11.	
		<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 9-21-11</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p>File 18 - Lopez</p>

Pro Per Lee, Felicia (Pro Per Competing Petitioner, sister)  
 Pro Per Moultrie, Lafon (Pro Per Competing Petitioner, brother-in-law)  
 Pro Per Atkins, Stephanie (Pro Per Petitioner, sister-in-law)

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

Robert Age: 16 years DOB: 2/26/1995	<p align="center"><b><u>General Hearing set for 11/8/2011</u></b></p> <p><b>FELICIA LEE</b>, sister, and <b>LAFON MOULTRIE</b>, brother-in-law, are Petitioners.</p> <p>Father of Robert: <b>JAMES McLEAN</b></p> <p>Father of Angela: <b>ROBERT WILLIAMS</b></p> <p>Mother: <b>BEVERLY MINNIEWEATHER</b>; <i>deceased</i>;</p> <p>Paternal grandfather of Robert: <i>Not listed</i>          Paternal grandmother of Robert: <i>Not listed</i></p> <p>Paternal grandfather of Angela: <i>Not listed</i>          Paternal grandmother of Angela: <i>Not listed</i></p> <p>Maternal grandfather: <i>Not listed; deceased</i>;          Maternal grandmother: <i>Not listed; deceased</i>;</p> <p><b>Petitioners state</b> their mother passed away in 2007 and they have had the children in their care since that time. Petitioners state that on 9/2/2011, the mother of their brother's baby took proposed ward Angela to her house and did not return Angela home to them, and on 9/7/2011, Petitioners went to Angela's school to find out what was happening as they had not been called and did not know where Angela was. Petitioners state they believe their brother and the mother of his baby were trying to take Angela from them.</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
Angela Age: 13 years DOB: 7/18/1998		<b>Note: UCCJEA filed on 9/14/2011 indicates the children have resided with the Petitioners for the last five years.</b>	
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg		X	
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.		X	
✓ Conf. Screen			
Aff. Posting			
✓ Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
✓ Letters			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
		<b>1. Child Information Attachment attached to the Petition filed on 9/14/2011 lists no relatives for proposed ward Angela Williams. (Note: Some information regarding Angela's relatives has been obtained from Ms. Atkins' Petition filed 9/8/2011.)</b>	
		<b>2. Need Notice of Hearing and proof of five (5) court days' notice by personal service of the Notice of Hearing and a copy of the Petition for Appointment of Temporary Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence for:</b>	
		<ul style="list-style-type: none"> <li>• James McLean, father of Robert;</li> <li>• Robert Williams, father of Angela;</li> <li>• Robert McLean, proposed ward (age 16);</li> <li>• Angela Williams, proposed ward (age 13).</li> </ul>	
		<b>Reviewed by:</b> LEG	
		<b>Reviewed on:</b> 9/19/11	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 19 – Williams &amp; McLean</b>	

**20 Larry Gonzales Jr., Aleyna Gonzales and Amelia Gonzales (GUARD/P)**

Case No.

11CEPR00835

Atty Gonzales, Andy R. (pro per Petitioner/paternal uncle)

Atty Gonzales, Rebecca (pro per petitioner/paternal aunt)

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

Larry age: 16 years DOB: 3/25/1995		<p align="center"><b><u>GENERAL HEARING 11/17/11</u></b></p> <p><b>ANDY GONZALES</b> and <b>REBECCA GONZALES</b>, paternal uncle and paternal aunt, are petitioners.</p> <p>Father: <b>LARRY GONZALES</b></p> <p>Mother: <b>TAMMY GONZALES</b> – <i>declaration of due diligence filed on 9/21/11.</i></p> <p>Paternal grandfather: Ascension Gonzales – <i>deceased.</i></p> <p>Paternal grandmother: Lupe Ybarra – <i>consents and waives notice.</i></p> <p>Maternal grandfather: Julio Cruz Maternal grandmother: Carol Cruz – <i>deceased</i></p> <p><i>Minor Aleyna consents and waives notice.</i></p> <p><b>Petitioners state</b> CPS removed the children from the father and the father made an agreement with them to leave the children with petitioners. However, the father, at times does not comply. Petitioners would like temporary guardianship to prevent the father from coming and taking the children with him. The father abuses his medication and is unable to provide a stable home for the children.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need <i>Notice of Hearing</i>.</li> <li>2. Need proof of personal service, 5 court days prior to the hearing, of the <i>Notice of Hearing</i> along with a copy of the <i>temporary petition</i>, or consent and waiver of notice or declaration of due diligence on:             <ol style="list-style-type: none"> <li>a. Larry Gonzales (father)</li> <li>b. Tammy Gonzales (mother) - <i>If court does not dispense with notice.</i></li> <li>c. Larry Gonzales, Jr. (minor, age 16)</li> </ol> </li> <li>3. UCCJEA is incomplete. Need the minors' residence information from 2006 -2008.</li> </ol>	
Aleyna age: 14 years DOB: 7/31/97				
Amelia age: 11 years DOB: 11/22/1999				
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 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: KT		
		Reviewed on: 9/21/11		
		Updates: 9/22/11		
		Recommendation:		
		File 20 - Gonzales		

Atty Tovar, Maria (pro per Petitioner)

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

Noah age: 9 years DOB: 2/19/2002		<p align="center"><u>GENERAL HEARING 11/17/11</u></p> <p><b>MARIA TOVAR</b>, stepmother, is petitioner.</p> <p>Father: <b>CESAR PEREZ</b></p> <p>Mother: <b>SHALON PEREZ</b></p> <p>Paternal grandfather: not listed                  Paternal grandmother: Consuelo Tafolla                  Maternal grandfather: Not listed                  Maternal grandmother: Not listed.</p> <p><b>Petitioner states</b> she has the children with her and they are enrolled in school. She need at temporary guardianship to take care of the children.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need <i>Notice of Hearing</i>.</li> <li>2. Need proof of personal service, 5 court days prior to the hearing, of the <i>Notice of Hearing</i> along with a copy of the <i>temporary petition</i>, or consent and waiver of notice or declaration of due diligence on:                         <ol style="list-style-type: none"> <li>a. Cesar Perez (father)</li> <li>b. Shalon Perez (mother)</li> </ol> </li> <li>3. UCCJEA is incomplete. Need residence information for 2006-4/2010.</li> </ol>
Adan age: 7 years DOB: 12/05/2003			
Alana age: 6 years DOB: 6/12/2005			
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	X		
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.	X		
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
		Reviewed on: 9/21/11	
		Updates:	
		Recommendation:	
		File 21 – Perez	