



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.

(1) Third Account Current and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney and for (3) Dispensation of Further Accounts (Prob. C. 2620, 2623, 2628(b), 2640, 2942)

Age: 86	PUBLIC GUARDIAN , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 5-21-10 through 5-22-12	
	Accounting: \$27,057.45	
	Beginning POH: \$5,154.53	
	Ending POH: \$2,004.62 (\$1,504.62 cash)	
<input type="checkbox"/> Aff.Sub.Wit.	Conservator: \$819.20 (2.20 Deputy hours @ \$96/hr and 8 Staff hours @ \$76/hr)	
<input checked="" type="checkbox"/> Verified	Attorney: \$2,000.00 (per local rule)	
<input type="checkbox"/> Inventory	Bond fee: \$50.00 (ok)	
<input type="checkbox"/> PTC	Petitioner requests that due to the insufficiency of the estate to pay the fees and commissions, a lien be imposed upon the estate for any unpaid balances of the authorized fees and commissions.	
<input type="checkbox"/> Not.Cred.	Petitioner states the conservatorship meets the requirements of Probate Code §2628 to dispense with further accountings and requests the Court dispense with further accountings as long as the conservatorship meets the requirements.	
<input checked="" type="checkbox"/> Notice of Hrg	Petitioner prays for an order:	
<input checked="" type="checkbox"/> Aff.Mail w	1. Approving, allowing and settling the third account;	
<input type="checkbox"/> Aff.Pub.	2. Authorizing the conservator and attorney fees and commissions;	
<input type="checkbox"/> Sp.Ntc.	3. Payment of the bond fee;	
<input type="checkbox"/> Pers.Serv.	4. Authorizing a lien against the estate for any unpaid balances of the authorized fees and commissions;	
<input type="checkbox"/> Conf. Screen	5. Dispensing further accounts; and	
<input type="checkbox"/> Letters	6. Any other orders the Court deems proper.	
<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: skc
		Reviewed on: 9-21-12
		Updates:
		Recommendation:
		File 2 - McNiece

Petition for Instruction and Authorization to Abandon Real Property and Terminate Life Estate (Prob. C. 2403)

Age: 71	<p>PUBLIC GUARDIAN, Conservator of the Person and Estate, is Petitioner.</p> <p>Petitioner states the Conservatee has a life estate interest in a residence that was originally granted to him and his brother by their mother for their joint lives and the life of the survivor. The deed conveyed remainder interests to the California Home for the Aged, Inc., and to the First Armenian Presbyterian Church.</p> <p>The Conservatee's mother died in 2005 and his brother died in 2006, leaving Conservatee as the sole remaining life estate interest holder in the property. He has lived there most of his life, but was removed in June 2011 due to significant health problems and presently remains in a skilled nursing facility in Chowchilla.</p> <p>Public Guardian does not believe the Conservatee's physical and mental health will ever improve to the extent that he can safely return to his residence. His funds are very limited (SSI benefits only) and as long as he resides in a facility or care home, all income must go toward placement costs and personal needs.</p> <p>The Conservatee lacks sufficient funds to maintain this sizeable older residence. The home has not been insured since 2009 and property taxes have not been paid since 2009-2010 tax year. The roof has deteriorated to the extent that the air conditioning repair person refused to walk on it.</p> <p>Representatives of the remainder beneficiaries verbally affirmed that they would provide financial assistance to protect their interest in the property. At conservatorship hearing in 2009, Edward Fannuchi, counsel for remainder beneficiaries, appeared and represented that his clients would assist with expenses such as insurance and upkeep. However, no financial assistance has been forthcoming.</p> <p>Although valued at \$95,000.00 per the I&A filed 11-15-10, it is not feasible to sell the life interest in the property, nor is it practical to rent out the property, as there are no funds to make it habitable for renters.</p> <p>Petitioner seeks authorization to abandon the real property so that Conservatee no longer has the burden of caring for and maintaining it, as well as terminating his life interest.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 9-6-12.</u></p> <p>Minute Order 9-6-12: Mr. Knudson objects to the sale on behalf of Douglas Setrakian. Ms. Kruthers requests a continuance.</p> <p>As of 9-21-12, nothing further has been filed. The following issues remain:</p> <ol style="list-style-type: none"> 1. Although this is not a traditional sale, Petitioner seeks to abandon the Conservatee's former residence. <p>As such, the Court may require verified information with reference to Probate Code §2450(b):</p> <p>Has the matter been discussed with the Conservatee? Does the Conservatee support or oppose this transaction?</p> <ol style="list-style-type: none"> 2. The Court may also require notice to the remainder beneficiaries and/or their counsel.
Cont. from 090612		
Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
Inventory		
PTC		
Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail W		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p>Reviewed by: skc</p> <p>Reviewed on: 8-31-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3 - Setrakian</p>	

(1) Petition for Final Distribution on Waiver of Account and for (2) Allowance of Compensation for Ordinary Services

DOD: 08/28/2011		HOWARD G. HARCROW , Executor, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Accounting is waived.	
Cont. from 082112		I & A - \$95,000.00	
	Aff.Sub.Wit.	POH - \$6,000.00	
✓	Verified	Executor (Statutory) - \$3,000.00	
	Inventory		
	PTC		
	Not.Cred.	Attorney (Statutory) - \$3,000.00	
✓	Notice of Hrg		
✓	Aff.Mail	w/o	
	Aff.Pub.		
	Sp.Ntc.	Disbursement, pursuant to decedent's Will, is to:	
	Pers.Serv.	Estate is insolvent. There is no estate on hand for distribution in the possession of the Personal Representative after payment of fees and commissions. All other property of the decedent not distributed, whether described herein or not is distributed to Fresno County Federal Credit Union up to the full amount of its unpaid claim and then the remaining to Howard G. Harcrow.	
	Conf. Screen		
✓	Letters	03/12/12	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	FTB Notice		
			Reviewed by: KT / LV
			Reviewed on: 09/24/2012
			Updates:
			Recommendation: Submitted
			File 4 - Harcrow

Petition of Beneficiary to Remove Successor Co-Trustees, Appoint Temporary Successor Trustee, and for Payment of Attorneys' Fees and Costs (Probate Code 15642, 16000, 16002, 16003, 16004, 16006, 16007, 16009, 16060, 16062, 17200, 17206)

Frank K. Ishii	GERALD ISHII , Beneficiary and Co-Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Lily Y. Ishii	Petitioner states he and LESLIE ISHII (Respondent) were named successor co-trustees of the ISHII FAMILY TRUST DATED 3-3-92 (the "Trust") . The Trust consisted of interests in 8 parcels of real property, stocks, bonds, securities, cash, and other assets in Prudential-Bache Securities, and 300 shares of common stock in Frank K. Ishii & Sons, Inc. , a California corporation owned by the Settlor.	<p>Continued from 7-2-12, 7-27-12, 8-31-12</p> <p><u>Examiner's Note Re format of Petitioner's documents:</u> Please consider providing a larger top margin so that the top line of each page is readable without removing all documents from the Court file.</p>
Cont. from 070212, 072712, 083112	At the death of Frank K. Ishii on 11-10-93, two irrevocable and one revocable sub-trusts were created:	<p>1. Need order.</p>
Aff.Sub.Wit.	<ul style="list-style-type: none"> • The FRANK K. ISHII TRUST • The ISHII FAMILY MARITAL DEDUCTION TRUST • The ISHII FAMILY SUIVOR'S TRUST (revocable) 	
✓ Verified	<p>On 3-15-95, Lily Ishii, individually and as Trustee of the Trust, assigned a 36.44% interest to the FRANK K. ISHII TRUST, a 13.56% interest to the ISHII FAMILY MARITAL DEDUCTION TRUST, and a 50% interest to the ISHII FAMILY SUIVOR'S TRUST of the assets listed on Exhibit F, including accrued rent payable from the corporation of \$105,548 as of 11-10-93, a receivable due from the corporation of \$26,089 as of 11-10-93, and a proprietorship known as Lily's Hair Stylists consisting of furniture and fixtures, cash, supplies, inventory and goodwill.</p>	
Inventory	Lily Ishii died on 3-7-05 and he and LESLIE ISHII (Respondent) became Co-Trustees.	Reviewed by: skc
PTC	<p>Pursuant to Section 5.02 of the Trust, the three sub-trusts were to be combined on the death of the surviving settlor and certain distribution was to occur:</p> <ul style="list-style-type: none"> • \$75,000.00 to Sharon J. Shoji (daughter) • One-half of the remaining balance to Gerald • One-half of the remaining balance to Leslie 	Reviewed on: 9-21-12
Not.Cred.	SEE PAGE 2	Updates:
✓ Notice of Hrg		Recommendation:
✓ Aff.Mail		File 5 - Ishii
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
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9202		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

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As to the corporation: Petitioner and Leslie each hold 300 shares individually and the Trust holds 300 shares. Petitioner and Leslie as individuals and as Co-Trustees may vote an equal number of shares, but have been in a deadlock as to the operation of the corporation since approx. 2007. As such, the corporation's status has become suspended with many tax liabilities remaining outstanding, which continues to decrease the value of the corporation.

A meeting of the directors of the corporation was noticed on 6-3-10 by Gerald, who is secretary; however, the meeting did not occur because Leslie found the principal place of business of the corporation to be an inconvenient meeting location, although it is approx. one mile from her home. No meetings have occurred since. Because the corporation is one-third owned by the trust, the deadlock between the Co-Trustees is impairing the administration of the Trust and causing trust assets to lose value.

Petitioner requests that the Court remove both Co-Trustees of the Trust and subtrusts because due to hostility and lack of cooperation among Co-Trustees, administration of the Trust and sub-trusts continue to be impaired and trust assets neglected. Probate Code §§ 15642(a)(3), 17200(b)(10). The Trust does not appoint a successor trustee in the event of removal; rather, it provides only the manner of successor appointments should one of the two become unable to perform. Petitioner requests appointment of **BRUCK BICKEL** as Successor Trustee with compensation to be approved by the Court. Mr. Bickel consents to act. Petitioner requests appointment without bond for one year to allow the corporate affairs to be brought to order, with authority to apply for an extension by Mr. Bickel should the corporate affairs remain unresolved and the Trust assets undistributed. Petitioner believes this appointment is in the best interests of the Trust and sub-trusts, and those persons interested in the Trust estate.

Petitioner requests that:

- 1. The Court temporarily and partially remove Gerald Ishii and Leslie Ishii as Co-Trustees of the ISHII FAMILY TRUST DATED 3-3-92;**
- 2. The Court appoint Bruce Bickel as temporary Successor Trustee to serve without bond for a period of one year, with the ability of Mr. Bickell to petition the Court for additional time should the corporate affairs remain deadlocked;**
- 3. The Court award reasonable compensation to the temporary Successor Trustee;**
- 4. The Co-Trustees to deliver the Trust assets to the temporary Successor Trustee within 30 days after issuance of an Order;**
- 5. The Court order Leslie Ishii to file an accounting with the Court detailing their respective acts as Co-Trustees no later than four weeks after the Court makes its order;**
- 6. The Court order Petitioner's attorneys' fees in the amount of \$1,000.00 and costs advanced to be paid to such attorneys directly from the Trust, to be charged 100% to income, and paid within 10 days after the Court makes its order; and**
- 7. Such further orders as the Court deems proper.**

SEE PAGE 3

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Objection of LESLIE ISHII states this probate proceeding is not the proper forum or vehicle to resolve such corporate issues. This lawsuit is premature at best and legally inapposite to the issues it proposes to resolve at worst. The corporation is deadlocked; however, the instant petition filed as a trust proceeding does not request any form of relief that will serve to end the shareholders' deadlock and restore the corporation to operational status. Specifically, the appointment of a neutral third party trustee will not resolve any issues with regard to the operation of the corporation. While a trustee may have the right to vote shares of stock held in trust, a trustee's paramount duty is to distribute trust property pursuant to the terms of the trust instrument. Here, the trust instrument requires the residue be distributed one-half each to Petitioner and Respondent. If a neutral third party trustee is appointed, he will be obligated to distribute the shares held in trust accordingly, not to vote the shares, and, in effect run the business of the corporation.

Respondent has no objection to the immediate equal distribution of the shares of the corporation currently held in trust. In the likely event that said distribution does not resolve the deadlock, however, Petitioner's only recourse will be to file a lawsuit for involuntary dissolution in the unlimited civil department of the Superior Court.

Respondent requests that the Court issue an order requiring the Co-Trustees to immediately distribute 150 shares of Frank K. Ishii & Sons, Inc., each to Petitioner and Respondent, and for reasonable attorneys' fees and costs incurred herein.

Alternatively, Respondent requests the Court issue an order removing Petitioner and Respondent as Co-Trustees, but only as to their fiduciary ownership of the Trust's 300 shares of Frank K. Ishii & Sons, Inc.; appointing Bruce Bickel as temporary successor trustee without bond solely for the purpose of administering the Trust's 300 shares of Frank K. Ishii & Sons, Inc.; authorizing Mr. Bickel to petition to continue to serve should it be in the best interests of the beneficiaries or the affairs of the corporation that he remain in such role; awarding reasonable compensation to the temporary Successor Trustee; requiring the Co-Trustees to deliver the shares of Frank K. Ishii & Sons, Inc., to the temporary Successor Trustee by a date certain; for reasonable attorneys' fees and costs incurred herein; and for any and all other relief the Court deems just and proper.

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

DOD: 10-5-11	JOSEPH COMMINS , Son, is Petitioner and requests appointment as Administrator with Full IAEA without bond.	NEEDS/PROBLEMS/COMMENTS:
	All heirs nominate Petitioner and waive bond.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Full IAEA – ok	
<input type="checkbox"/> Inventory	Decedent died intestate	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Residence: Clovis	
<input checked="" type="checkbox"/> Notice of Hrg	Publication: Fresno Business Journal	
<input checked="" type="checkbox"/> Aff.Mail	Estimated Value of Estate:	
<input checked="" type="checkbox"/> Aff.Pub.	Personal property: \$ 20,000.00	
<input type="checkbox"/> Sp.Ntc.	Real property: \$ 160,000.00	
<input type="checkbox"/> Pers.Serv.	Total: \$ 180,000.00	
<input type="checkbox"/> Conf. Screen	Probate Referee: Rick Smith	
<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: skc
		Reviewed on: 9-21-12
		Updates:
		Recommendation: SUBMITTED
		File 6 - Commins

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

Age: 71	TEMPORARY DENIED 9-5-12	NEEDS/PROBLEMS/COMMENTS:
	PATRICK G. ELLER , Son, is Petitioner and requests appointment as Conservator of the Person with medical consent powers and as Conservator of the Estate without bond pursuant to Probate Code §2323(a) (estate meets requirements of §2628).	<p>Minute Order 9-5-12 (Temp): The Court indicates to the parties that there is no basis for it to find that Patricia Eller is in need of a temporary conservatorship at this time. The Court denies the petition. The General Hearing remains set for 9/27/12. No orders regarding the trust account are made at this time and the issue is reserved for 9/27/12. Petition denied.</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>
<input type="checkbox"/> Aff.Sub.Wit.	Voting rights <u>NOT</u> affected.	
<input checked="" type="checkbox"/> Verified	Capacity Declaration <u>not</u> filed.	
<input type="checkbox"/> Inventory	<p>Petitioner states the proposed Conservatee suffers from numerous ailments including diabetes, Parkinson's, and dementia, and her son, GREG ELLER, who is unemployed and lives with her, has taken financial advantage of her and poses a threat to her physical and financial health. Petitioner states Greg administered a large dose of insulin to the proposed Conservatee which almost caused her death. Petitioner alleges that Greg has a drug and alcohol problem and continues to drive the proposed Conservatee's vehicle with a suspended license and no insurance. Petitioner states that he was nominated by his parents to be the successor trustee of their trust as well as appointed under a Durable Power of Attorney and Advance Health Care Directives to act on her behalf should she become incapacitated.</p> <p>Petitioner states the proposed Conservatee's husband passed away 7-15-12 and provides documentation that she immediately (7-16-12) revoked her Durable Power of Attorney and Advance Health Care Directive that previously named Petitioner as agent.</p> <p>PATRICIA P. ELLER. Proposed Conservatee, filed her Opposition on 8-31-12.</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail w		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv. w		
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input checked="" type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt X		
<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 checked="" type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		<p>Reviewed by: skc</p> <p>Reviewed on: 9-24-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 7 - Eller</p>

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Proposed Conservatee PATRICIA P. ELLER filed Opposition on 8-31-12. Respondent states she does not want to be conserved, desires to manage her own affairs, and has taken steps necessary for the management of her affairs:

- Respondent has updated various estate-planning documents originally drafted by the Law Office of Barrus and Roberts, PC, which were signed on 9-1-11 by she and her late husband. Specifically, after 7-20-12, she executed a Certificate of Trust in order to revoke any legitimate authority Petitioner may have had, if any, as trustee of the Eller Family Trust dated 9-1-11 (the "Trust"), has amended the Trust naming Bruce Bickel to be the first successor trustee, has executed a new financial POA (the "DPAF") appointing Bruce Bickel as her attorney-in-fact, and has executed a new advance health care directive (the "AHCD") appointing Gregory Eller as her agent.
- In the event a conservator is appropriate, Respondent nominates Bruce Bickel as conservator of her estate and Gregory Eller as conservator of her person in the DPAF and AHCD. Therefore, it would be inappropriate for Petitioner to be appointed.
- Petitioner has violated Respondent's trust in that without her knowledge on or about 7-13-12, he withdrew \$49,143.62 out of a certain account, for which an investigation has been initiated by Clovis Police Dept., and has also taken, or in concert with Michael Eller (another son) has taken, and refused to return, the following items:
 - The keys and registration to a Ford Pickup Truck
 - Registration paperwork for a Ford Sedan
 - Keys to a trailer
- Petitioner has served an eviction notice on Gregory Eller, who Respondent does not want to be evicted, has treated certain guests with hostility and contempt through the use of profanity and physical intimidation, and has taken actions making Respondent insecure in her residence resulting in Respondent changing her locks on two occasions.
- Petitioner's acquisition of the account mentioned above has left Respondent without sufficient money to pay her bills and expenses, including legal representation, resulting in financial dependence upon friends until her survivor's benefits from CalPERS issues.
- Respondent states she was entitled to a \$2,000.00 funeral allocation from CalPERS, but was required to state the name of the person entitled to receive compensation for funeral expenses already paid. Because Respondent believes Petitioner paid funeral expenses with trust money, she did not want CalPERS to turn over additional money to him, but did not want to lie to CalPERS, and therefore may lose reimbursement.
- **Respondent therefore requests the Petition be denied.**

Court Investigator Dina Calvillo filed a report on 9-20-12.

SEE ADDITIONAL PAGES

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Court Investigator Dina Calvillo's report states: Mrs. Eller stated that if she felt she needed a conservator, she would never nominate Patrick, as she does not trust him anymore, and stated that if he cared about her, why does he seldom visit or call? Mrs. Eller went through the petition and responded to allegations she felt were untrue. She stated the evening her husband passed away, Patrick and Michael came into her home without knocking and began taking things. Her friend of many years was present and she stated Patrick got in her friend's face and said some vulgar words to her. She stated Patrick began accessing her bank accounts and removing money two days before her husband's passing, and she felt she had no choice but to open new accounts so he wouldn't have access. She believes Patrick had plans for her money and kept nagging her husband to execute a will and that he should be the one to oversee the will/trust. They did, but she no longer trusts him and has appointed Greg under her Health Care Directive, and has named herself as executor of the trust.

Mrs. Eller states Greg prepares meals, does the laundry, dispenses her medications, does her glucose readings, drives her around, and attends to the housekeeping. She states he has a valid driver license and is on her car insurance, and he does not drink alcohol or use drugs in his bedroom – she would smell it if he was. She was never uncomfortable with Greg in her home, and he is very caring and is a lot of help to her. She mentioned that Greg has had a lot of surgeries and is prescribed his own medications. She says she has never overdosed on any medications.

Mrs. Eller stated Patrick (Petitioner) can be a "con artist" and has gone to her doctors stating that he was Greg so he could obtain information about her. She states she does not have a diagnosis of dementia and she is not prescribed Xanax, as the petition states. Her diagnoses are Parkinson's, Arthritis, Diabetes, and chronic neck pain. (Patrick reported that his father had shared this information with him.)

Greg feels he takes good care of his mother and the petition is unnecessary. He states he has never overdosed his mother. He does not have income, but states he is in the process of trying to obtain his Social Security disability benefits.

Patrick (Petitioner) reports that as soon as their father passed away, Greg began to isolate their mother from him and their brother Michael. Patrick stated his father never approved of Greg living in the home and prior to his death shared many frustrations about Greg, including Greg withdrawing cash from the ATM without their permission, and stealing his mother's medication for his own use.

Patrick states he did remove funds from his mother's account, and states the funds were placed in the trust in order to protect it from Greg. Patrick states that as trustee had full authority to move the money. At the time, he figured his mother had income from his father's retirement benefits, and would never leave his mother with no financial means.

Patrick states Greg sleeps all day, smokes marijuana in his bedroom, drinks heavily, and abuses prescription pills. Greg recently had their mother open a joint account at a different bank, and after their father's passing, Greg had all the locks changed to prevent Patrick and Michael from accessing the home.

Michael, another son, stated he is in total agreement with the petition, and is very concerned for his mother's safety. Michael stated his mother is not capable of making her own decisions and his brother Greg has been influencing her and taking advantage financially. Greg is preventing Michael and Patrick from having contact with their mother.

SEE ADDITIONAL PAGES

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The report concludes that the home was clean and orderly, and Mrs. Eller was appropriately dressed and groomed and was able to respond in an informative and intelligent manner to questions. Petitioner has concerns about her well-being and possible misappropriation of funds; however, has not provided any evidence to support the allegations. It does not appear that conservatorship is the least restrictive alternative, as it appears that Mrs. Eller's needs are being met at this time. However, if the Court deems conservatorship necessary, given the allegations, the differences of opinions amongst family members, and Mrs. Eller's statement that she does not want Petitioner as her conservator, the Court may wish to consider the Public Guardian.

NEEDS/PROBLEMS/COMMENTS:

1. Need Capacity Declaration in support of medical consent powers.

Note: Petitioner provides copies of brief statements written by various doctors on prescription pads regarding Mrs. Eller's capacity; however, the Mandatory Judicial Council Form GC-335 Capacity Declaration contains information necessary for the Court to make the required findings for medical consent powers to be granted pursuant to Probate Code §1881.

2. The petition does not request dementia medication and/or placement powers; however, Petitioner alleges that his mother has dementia. If dementia medication and/or placement powers are requested:
 - Amended petition (with Dementia Attachment) may be necessary with amended service, and
 - the Capacity Declaration must also contain the Mandatory Judicial Council Form GC-335A Dementia Attachment with appropriate information for the Court to make the findings required pursuant to Probate Code §2356.5.
3. Need video receipt (Local Rule 7.15.8.A.).
4. Petitioner requests appointment without bond pursuant to Probate Code §2323(a) and requests that the Court waive accountings because all of the proposed Conservatee's income and assets are held in trust; therefore, the estate would meet the requirements of Probate Code §2628. However, the Court may require a first account before authorizing such waiver.

If conservatorship is granted, status hearings will be set as follows:

- Friday 1-25-13 for filing of the Inventory and Appraisal
- Friday 1-10-14 for filing of the first account (if required)

Note: If Petitioner is appointed without bond, the Court may revisit the issue of bond upon filing of the Inventory and Appraisal and/or first account.

Examiner's Note: Examiner notes that both the Petition and the Opposition indicate issues regarding the family trust, including the allegation that Petitioner removed approx. \$50,000.00 from his mother's account, and Petitioner's allegation that as trustee he had the authority to do so. The Court cannot address issues involving the trust within this conservatorship case. Any issues regarding the trust must be filed separately under appropriate authority.

Petition for Visitation

Age: 13 years	RENEE STOVER , paternal grandmother, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing along with a copy of the Petition on: a. Teresa Sanchez (current guardian) b. Frankie Eddie Vogel (minor)
	TERESA SANCHEZ was appointed successor guardian on 10/22/10.	
Cont. from	Father: FRANK VOGEL, Sr.	
<input type="checkbox"/> Aff.Sub.Wit.	Mother: HEATHER BERRIGAN	
<input checked="" type="checkbox"/> Verified	Paternal grandfather: Deceased	
<input type="checkbox"/> Inventory	Maternal grandfather: Deceased	
<input type="checkbox"/> PTC	Maternal grandmother: Lorna Smith	
<input type="checkbox"/> Not.Cred.	Petitioner states she had custody of the minor since he was born. Then she got sick and lost custody. She is asking for visitation every other weekend from Friday to Sunday. Petitioner states the minor wants to be with her. She has not been seeing the minor at all because they won't bring him to her or let her talk on the phone.	
<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		
		Reviewed by: KT
		Reviewed on: 9/24/12
		Updates:
		Recommendation:
		File 8 - Vogel

Petition for Visitation

Age: 11 years	<p>RENEE STOVER, paternal grandmother, is petitioner.</p> <p>CAROLYN WALTRIP was appointed successor guardian on 10/22/10.</p> <p>Father: FRANK VOGEL, Sr.</p> <p>Mother: HEATHER BERRIGAN</p> <p>Paternal grandfather: Deceased Maternal grandfather: Deceased Maternal grandmother: Lorna Smith</p> <p>Petitioner states she has only seen Clarence once since October 2011. The guardian will not answer the phone or bring him to see her. Petitioner is asking for visitation every other weekend when his brother, Frank, comes to visit so that they can be together. The boys are not seeing each other and they were supposed to. Petitioner states she would like the court to look in on Clarence at his home without the guardian knowing when they will show up for his safety.</p> <p>Please see additional page notes to Judge.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>3. Need Notice of Hearing.</p> <p>4. Need proof of service of the Notice of Hearing along with a copy of the Petition on: c. Carolyn Waltrip (current guardian)</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 type="checkbox"/> Notice of Hrg			X
<input type="checkbox"/> Aff.Mail			X
<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			X
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
		<p>Reviewed by: KT</p> <p>Reviewed on: 9/24/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 9 - Vogel</p>	

Aliah, age 3	<p>ROBERT RICHARDSON, Maternal Grandfather, is Petitioner.</p> <p>TINA RICHARDSON, Maternal Step-Grandmother, was appointed guardian of Aliah on 6-18-09 and Jasmine on 6-2-10.</p> <p>Father (Aliah): Unknown Father (Jasmine): David Massey, Jr. - Notice dispensed per minute order 6-2-10 unless whereabouts become known Mother: Damisha Lafay Richardson - Notice dispensed per minute order 6-2-10 unless whereabouts become known</p> <p>Petitioner previously filed a petition for visitation that was denied by the Court on 11-28-11.</p> <p>Petitioner states the last time he came to court requesting visitation of his biological granddaughters the Court denied his request because of lies that his now-ex-wife told the Court. But she is not their biological grandmother, she is was just Petitioner's wife.</p> <p>Petitioner states the guardian was issued a restraining order on 12-22-11 because of lies she told the Court, but immediately after court, up until 4-19-12, Petitioner was having regular weekend visits with his granddaughters. The reason those visits were cut short is contained in a police report made on 4-25-12 after his son moved from the guardian's home due to abuse. Since then, the children have not been able to communicate or visit with Petitioner or their 17-month-old little brother.</p> <p>Petitioner states on 4-14-12 his 2-year-old granddaughter walked into the bedroom while he was changing her little brother and pointed to his penis and said "dick." That's not a word that a 2-year-old has in her vocabulary. Petitioner requests that if the Court doesn't give him visitation that his granddaughter be removed from the guardian's home. Petitioner requests that the Court take all of this information under consideration when making a final decision.</p> <p>Court Investigator Julie Negrete filed a report on 9-12-12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> Petitioner's previous petition for visitation was denied on 11-28-11. The Court found that it is not in the best interest of the minors to grant the petition.</p> <p><u>Note:</u> The guardian Tina Richardson has an active restraining order against Petitioner that expires 12-22-12 in 11CEFL07236.</p> <p><u>Continued from 8-2-12.</u></p> <p><u>Minute Order 8-2-12:</u> Ms. Richardson was served for this hearing on 6/28/12 by Lena Richardson. The court orders an Order to Show Cause for Tina Richardson regarding her failure to appear. She is ordered to personally appear on 9/27/12. The Court Investigator will get into contact with Robert Richardson and Tina Richardson. Continued to 9/27/12.</p> <p><u>OSC was mailed to Tina Richardson on 8-3-12.</u></p>	
Jasmine, age 2			
Cont. from 080212			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
Aff.Mail			
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			

Amended Petition to Determine Succession to Real Property

DOD: 4-30-11	VALERIE EVERARD and HEATHER EVERARD ROSALES , Daughters, are Petitioners.	NEEDS/PROBLEMS/COMMENTS:	
	40 days since DOD		
Cont. from 081612	No other proceedings		
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified	I&A: \$80,000.00		
<input checked="" type="checkbox"/> Inventory	Decedent died intestate		
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg	Petitioners request Court determination that Decedent's 100% fee title ownership interest passes to Petitioners in fee simple (50% each)		
<input checked="" type="checkbox"/> Aff.Mail	w/o		
<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 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: 9-21-12
		Updates:	
		Recommendation: SUBMITTED	
		File 12A - Everard	

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

Age: 5	<p style="text-align: center;"><u>TEMPORARY EXPIRES 09/27/12</u></p> <p>SANDRA FONSECA, paternal grandmother, is Petitioner.</p> <p>Father: JAMES R. DENNINGTON – <i>Consent & Waiver of Notice filed 08/30/12</i></p> <p>Mother: DENISE CARRASCO – <i>Personally served on 08/09/12</i></p> <p>Paternal grandfather: JAMES DENNINGTON – <i>Served by mail on 08/30/12</i></p> <p>Maternal grandfather: MR. CARRASCO – <i>Served by mail on 08/30/12</i></p> <p>Maternal grandmother: MARIA GARCIA – <i>Served by mail on 08/10/12</i></p> <p>Petitioner alleges that without a guardian, the minor will not have a stable home. Petitioner fears for the emotional state of the child as the mother has engaged in explicit sexual conduct in front of the child. The child has been expressing some sexual behavior. On a separate occasion the child witnessed her mother strangle her half-sister which caused the minor child to be fearful of her mother. The child is suffering from tooth decay and her mother has neglected to seek medical attention. Another incident occurred where the child was hungry, the child cooked her toy in the microwave which resulted in firefighters coming to the home.</p> <p>Court Investigator Jo Ann Morris filed a report on 09/20/12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>See Page 14 B for Mother's Petition to Terminate Guardianship and</p> <p>See Page 14C for Mother's Petition for Visitation</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			
<input checked="" type="checkbox"/> Aff.Mail			
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input checked="" type="checkbox"/> Pers.Serv.			
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" 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 checked="" type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
<p>Reviewed by: JF</p> <p>Reviewed on: 09/24/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 14A - Denington</p>			

Petition for Termination of Temporary Guardianship

Age: 5 DOB: 12/28/06	<u>TEMPORARY EXPIRES 09/27/12</u>	NEEDS/PROBLEMS/COMMENTS:
	DENISE CARRASCO , mother, is Petitioner.	Note: The Temporary guardianship will expire on 09/27/12 and unless extended will no longer be in effect.
	SANDRA FONSECA , paternal grandmother, was appointed temporary guardian Ex Parte on 08/01/12 and temporary letters were extended at the hearing on 08/13/12.	1. Need <i>Notice of Hearing</i> (mandatory Judicial Council Form GC-020). Note: Petitioner filed Form FL-335 Proof of Service by Mail to indicate that the interested parties have been served by mail; however, this is not the correct form for guardianship proceedings.
Cont. from	Father: JAMES R. DENNINGTON – Served by mail on 08/05/12	
<input type="checkbox"/> Aff.Sub.Wit.	Paternal grandfather: JAMES DENNINGTON – Served by mail on 08/05/12	
<input checked="" type="checkbox"/> Verified	Paternal Grandmother: SANDRA FONSECA - Served by mail on 08/05/12	
<input type="checkbox"/> Inventory	Maternal grandfather: FELICIANO CARRASCO – Served by mail on 08/05/12	
<input type="checkbox"/> PTC	Maternal grandmother: MARIA GARCIA – Served by mail on 08/05/12	
<input type="checkbox"/> Not.Cred.	Petitioner states that she experienced car trouble on her way to the courthouse to attend the hearing on the temporary guardianship and by the time she made it to Court, the matter had already been heard. She immediately filed an Ex Parte Petition to Terminate the Temporary Guardianship and an objection to the Guardianship. Petitioner states that she is not in agreement with the guardianship and states that the allegations made against her by Sandra Fonseca are false. She states that she is a good mother and is devastated that Ms. Fonseca has not allowed her to see Kaylee since being granted temporary guardianship. She further states that she fears Ms. Fonseca poses a flight risk with Kaylee and fears that she will take Kaylee to visit her father in San Diego where he is currently incarcerated. Petitioner requests that the temporary guardianship be terminated and Kaylee be returned to her care.	
<input type="checkbox"/> Notice of Hrg		
<input checked="" 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 checked="" type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 09/24/12
		Updates:
		Recommendation:
		File 14B – Denington

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

Age: 7 years		<u>GENERAL HEARING 11/14/2012</u>		NEEDS/PROBLEMS/COMMENTS:	
		<p>AURELIA SAN MIGUEL, paternal grandmother, is petitioner.</p> <p>Father: MAURO LEE SAN MIGUEL – consents and waives notice.</p> <p>Mother: LAURA MAGDELENO</p> <p>Paternal grandfather: Oscar San Miguel Maternal grandfather: unknown Maternal grandmother: Rosa Urbina</p> <p>Petitioner states the minor has resided most of his life with her. He feels safe in Petitioner's care. The minor's mother would pick him up for visitation and bring him back. The minor told Petitioner's brother that while he was visiting his mother the maternal grandmother was verbally and physically abusive toward him and that his mother failed to protect him. Now that the father is incarcerated Petitioner fears the mother will pick up the child and not return him.</p>		<p>1. Need proof of personal service of the Notice of Hearing along with a copy of the temporary petition or Consent and Waiver of Notice or Declaration of Due Diligence on:</p> <p>a. Laura Magdeleno (mother)</p>	
Cont. from					
	Aff.Sub.Wit.				
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
✓	Notice of Hrg				
	Aff.Mail				
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.		X		
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
✓	UCCJEA				
	Citation				
	FTB Notice				
				Reviewed by: KT	
				Reviewed on: 9/24/12	
				Updates:	
				Recommendation:	
				File 15 – San Miguel	