

Atty Kruthers, Heather H., of County Counsel's Office (for Public Administrator, Court-appointed Successor Administrator)  
 Atty Walker, Keith S., sole practitioner of Claremont (formerly representing Nitza Peña, former Administrator)

(1) First and Final Account and Report of Former Administratrix and (2) for Costs and (3) for Exoneration of Bond [Prob. C. 8485, 10900, 10950]

<b>DOD: 6/12/1995</b>	<p><b>NITZA PEÑA</b>, niece and <i>Former Administrator</i>, is Petitioner.</p> <p><b>Account period: 6/12/1995 – 5/9/2012</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Accounting</td> <td style="width: 10%; text-align: center;">-</td> <td style="width: 60%; text-align: right;"><b>\$9,080.37</b></td> </tr> <tr> <td>Beginning POH</td> <td style="text-align: center;">-</td> <td style="text-align: right;"><b>\$ not stated</b></td> </tr> <tr> <td>Ending POH</td> <td style="text-align: center;">-</td> <td style="text-align: right;"><b>\$ 0.00</b></td> </tr> <tr> <td>Administrator</td> <td style="text-align: center;">-</td> <td style="text-align: right;"><b>not requested</b></td> </tr> <tr> <td>Attorney</td> <td style="text-align: center;">-</td> <td style="text-align: right;"><b>not requested</b></td> </tr> <tr> <td>Keith Walker Costs</td> <td style="text-align: center;">-</td> <td style="text-align: right;"><b>\$2,123.25</b></td> </tr> </table> <p><i>(for 1996 accident report, coroner's report, photocopies, Courtcall telephonic appearances, overnight delivery services, filing fee;)</i></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Costs</td> <td style="width: 10%; text-align: center;">-</td> <td style="width: 60%; text-align: right;"><b>\$545.25 (PAID)</b></td> </tr> </table> <p><i>(filing fee, publication, bond premium certified copies; all dated for same date of 3/26/1996 and stated as paid to Allard, Shelton &amp; O'Connor, Walker's former firm.)</i></p> <p><b>Petition states:</b></p> <ul style="list-style-type: none"> <li>• On an unknown date, a total of <b>\$8,535.12</b> represented by cash of <b>\$8,462.50</b> and a <b>\$72.62</b> refund check from Scripps Health was turned over to the State Controller as unclaimed property; <b>Petitioner is informed and believes that the larger of the two items turned over to the State Controller, a balance of \$8,462.50 at Wells Fargo Bank has already been claimed and recovered by the Successor Administrator;</b></li> <li>• At the time Petitioner initially sought appointment, it was not clear what assets would be subject to administration;</li> </ul> <p style="text-align: center;"><i>~Please see additional page~</i></p>	Accounting	-	<b>\$9,080.37</b>	Beginning POH	-	<b>\$ not stated</b>	Ending POH	-	<b>\$ 0.00</b>	Administrator	-	<b>not requested</b>	Attorney	-	<b>not requested</b>	Keith Walker Costs	-	<b>\$2,123.25</b>	Costs	-	<b>\$545.25 (PAID)</b>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Notes for background:</b></p> <ul style="list-style-type: none"> <li>• Minute Order dated 5/9/2012 states Mr. Walker is appearing via conference call. The Court removes Keith Walker as counsel. Additionally, the Court removes Nitza Peña as the Administrator and appoints the Public Administrator. Mr. Walker is directed to provide the necessary information to the Public Administrator.</li> <li>• Letters with Full IAEA Authority issued to the Public Administrator on 5/16/2012.</li> <li>• Minute Order dated 7/11/2012 states in pertinent part: The Court directs Mr. Walker to provide Ms. Kruthers and the court examiner any information he has on Ms. Peña including her address and telephone number.</li> </ul> <p style="text-align: center;"><b>~Please see additional page~</b></p>																																				
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Petition states, continued:

- Decedent was survived by 7 children, all of whom were minors at the time of her death, and Petitioner was asked to take charge of the estate, which she agreed to do despite the distance between her home in San Bernardino County and the Court in Fresno;
- Even though the value of the estate turned out to be so low that administration would ordinarily not have been required, administration was deemed appropriate because (1) all of the heirs were minors and a guardian of their estates would have to be appointed in order to execute and affidavit under Probate Code § 13101 on their behalf; (2) it was anticipated that a creditor's claim for expenses of the Decedent's last illness would exceed the value of the estate, rendering the estate insolvent and subjecting the heirs to potential liability for such claim under Probate Code § 13109; and (3) it was contemplated that an action for the wrongful death of the Decedent might be filed on behalf of the Decedent's children.
- Valley Medical Center of Fresno [now Community Regional Medical Center] did file a claim for **\$203,464.43** on 12/16/1995, and an amended claim for **\$198,043.68** on 6/21/1996; Petitioner allowed the amended claim in full prior to her removal [Please refer to examiner's Note re Creditor's Claim, below];
- On 3/20/2012, Petitioner filed a *Petition for Family Allowance* on behalf of the Decedent's children, which was denied on 5/9/2012. The petition was filed in the hope that the family allowance could be ahead of the one outstanding creditor's claim; **in the light of the fact that the claim is for an expense of Decedent's last illness, the claim would have had priority over the family allowance in any event under Probate Code § 11420(a)**; [Note re Denial of Petition for Family Allowance: Court required legal authority to support request for family allowance per Probate Code § 6540(b)(1), which Mr. Walker did not provide; a family allowance is preferred to most other claims (Probate Code § 750) and upon proper application, it must be granted even if the estate is insolvent];
- Petitioner had on hand as of 5/9/2012 no assets belonging to the estate, all such assets having been turned over to the State Controller as unclaimed property;
- Due to the passage of time and lack of records, the bank balance set forth in the *Inventory and Appraisal* [filed 3/20/2012] was determined by extrapolation, working from the balance that was turned over to the State Controller after the payment of costs to Petitioner's counsel;
- Petitioner has no records, and no current recollection, with respect to interest earned on the estate account; any such interest would have been *de minimus* and would mean the actual date-of-death balance would have been slightly less than the amount inventoried;
- No assets of the estate were sold during the period covered by this account and report [Examiner's Note: this account does not mention or explain disposition of the real property of the estate with a value of **\$42,000.00** which was listed on the initial Petition for Probate filed 10/31/1995. However, examiner has noted that two years ago information was presented before this Court, per the Minute Order dated **9/9/2010** [Judge Gallagher] which states Attorney Walker represents to the Court that he lost contact with his client for a period of time but has now obtained a current address and should be able to close the estate quickly as the property has been lost.]
- Because a successor personal representative has been appointed and the statutory commissions and attorney's fees will have to be apportioned in accordance with Probate Code § 10805 and 10814, Petitioner does not make any request at this time for any part of the statutory personal representative's commission or for any part of the statutory attorney's fees on behalf of her attorney;
- Keith S. Walker has represented Petitioner since the inception of this proceeding; until 12/31/2010, Mr. Walker was a partner in the firm of Allard, Shelton & O'Connor, which was dissolved on that date; since 1/1/2011, Mr. Walker has continued to represent Petitioner; under the terms of the dissolution of the former firm, Mr. Walker is entitled to all fees and costs that would have been payable to said firm if it were still in existence;

~Please see additional page~

**Petition states, continued:**

- No compensation has been taken by Petitioner or paid to her counsel; on 3/26/1996, Petitioner did pay to Allard, Shelton & O'Connor the sum of **\$545.25** in costs, which included the filing fee, the cost of publishing the notice of death, the premium on Petitioner's bond, and certification fees; unfortunately, due to the passage of time and dissolution of Allard, Shelton & O'Connor, neither Petitioner nor her counsel can provide an itemization of those costs at this time;
- *Exhibit 1* attached is a statement of costs advanced since 3/19/1996, totaling **\$2,123.25**; most of these costs consist of filing fees and charges for telephonic appearance by CourtCall; Petitioner requests that the Court make an order allowing such costs to her attorney and directing the Successor Administrator to pay the same to Keith S. Walker;
- Decedent was survived by 7 children, all of whom were still minors at the time of her death, and who are all now adults; Decedent's children are her heirs at law and succeed to her entire estate under Probate Code § 6402(a).

**Petitioner prays for an Order:**

1. Approving, allowing and settling, and in all respects confirming, Petitioner's First and Final account;
2. Allowing the sum of **\$2,123.25** to Petitioner's attorney Keith S. Walker for costs advanced; and
3. Exonerating Petitioner's bond in the penal amount of **\$20,000.00**.

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

**Note re Signatures:** All documents in this case, including this *First and Final Account* filed 8/8/2012, that purportedly have been signed by Nitza Peña that have been filed subsequent to the issuance of *Letters* to her on 12/15/1995, appear to contain an inauthentic signature of Nitza Peña, based upon the following:

- Comparison of all 1995 signatures and post-1995 purported signatures of Nitza Peña contained on all of the filed documents in this case from its inception in 1995 to the present; and
- Nitza Peña was never notified of the first status hearing that the Court set originally for 9/9/2010, and there is **no indication anywhere in the file that she has ever been sent any sort of notice of any of the hearings** in this matter since *Letters* were issued to her on 12/15/1995; notice of status hearing by the Court was sent **only** to Attorney Keith Walker on 7/28/2010 because it has typically been the Court's practice to send notices of status hearings solely and directly to the attorneys for personal representatives.

It appears based upon the suspect signature and lack of notice to Nitza Peña that she is completely unaware that any proceedings have taken place and that petitions and documents have been filed in this estate under her purported signature. In fairness to Nitza Peña, whom the Court removed as personal representative on 5/9/2012, the **Court may choose to order that Nitza Peña is exonerated from all liability for actions purportedly taken by her as personal representative of this estate.**

**Note re Notice:** *Petition for Probate* filed on 10/31/1995 lists 7 children of Decedent who had not been sent notice of any proceedings in this matter since the *Notice of Petition to Administer Estate* filed on 11/8/1995. *Proof of Service by Mail* filed 9/10/2012 indicating notice was mailed to the Decedent's 7 heirs on 9/7/2012 shows that they all live in distant cities from Fresno (such as San Diego, El Cajon, Chula Vista, National City). This 9/10/2012 *Proof of Service* **does not** show that Nitza Peña was mailed the notice on 9/7/2012, which attorneys have been known to do as a courtesy to the personal representative of the estate they represent despite that the personal representative is the one expected to have filed the petition for which the notice is being sent.

**~Please see additional page~**

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

**Note re Creditor's Claim:** *Allowance of Creditor's Claim* for Valley Medical Center of Fresno (now Community Regional Medical Center) dated 3/19/2012 in the amount of **\$198,043.68** was submitted by Keith Walker to the Court on 9/13/2012 for processing (Keith Walker's letter to the Court Clerk requesting processing of the Allowance is dated 9/10/2012, and date of mailing the Allowance to "Valley Medical Center" is 9/10/2012.) However, processing of the Allowance has been halted based upon Nitza Peña's removal by the Court on 5/9/2012 from the office of Administrator. Pursuant to Probate Code § 8501, *Cessation of Authority*, a former administrator cannot allow a creditor's claim on a date subsequent to the date she was removed as administrator because upon her removal her Letters were revoked by the Court, and her authority as personal representative ceased. Public Administrator is the current estate administrator. *Petition* states at lines 18 – 19 that Petitioner allowed the amended claim in full prior to her removal, and Court records show that this statement is not accurate.

**Note re Bond:** *Minute Order* dated 3/21/2012 directed Keith Walker to put the bonding company on notice. **Keith Walker filed on 5/4/2012 and on 9/10/2012 proof of notice to a different bonding company** than the one that issued the **\$20,000.00** bond on 12/15/1995, at an incorrect address. *Proof of Service by Mail of the Notice of Hearing* filed on 5/4/2012 shows notice was mailed on 4/24/2012 to American Contractors Indemnity Company in Los Angeles. **Proof of Bond filed 12/15/1995 indicates Highlands Insurance Company is the bond company that issued the \$20,000.00 bond to Petitioner.** Further, Highlands Insurance Company filed on 10/5/2001 a *Notice of Change of Address* indicating a P.O. Box **address in Van Nuys**, while the most recent *Proof of Service by Mail of the Notice of Hearing* filed on 9/10/2012 shows **Southern California Bonding Service, Inc.**, was mailed notice on 9/7/2012 to an **old address** on Wilshire Blvd. in Los Angeles.

**Note re Estate Inventory:** *Final Inventory and Appraisal* filed on 3/20/2012 does not comply with Probate Code § 8802 which provides the inventory and appraisal shall separately list each item and shall state the fair market value of the item **at the time of the Decedent's death** on 6/12/1995, despite that estate property was later lost during administration. The *Final Inventory and Appraisal* filed on 3/20/2012 shows an estate value of **\$9,080.37** cash. Court fixed bond in this estate for good reason, based upon the following: *Initial Petition for Probate* filed 10/31/1995 indicated an estimated value of the estate of **\$62,000.00, consisting of real property (\$42,000.00) and personal property (\$20,000.00)**; *Order for Probate* filed 12/6/1995 fixed bond at **\$20,000.00**; *Proof of Bond* was filed 12/15/1995, and *Letters* issued on that same date to Administrator Nitza Pena's, authorizing **Limited IAEA Authority only**.

**Note re Request for Reimbursement of Keith Walker's Costs Advanced:** Notwithstanding the fact that Keith Walker was removed as counsel in this matter, and the fact that the bulk of Keith Walker's costs listed on *Exhibit 1* were incurred as a result of his own delay in completing administration of this estate (CourtCall appearances totaling **\$1,144.00**), pursuant to Local Rule 7.17(B) and (C), the following costs are either **not reimbursable costs** because they are considered costs of doing business, or are only allowable in the Court's discretion in limited circumstances:

- **\$42.75** for overnight delivery; and
- **\$66.50** for photocopies of the Court file.

The reasons that this Decedent's estate should be made to pay Attorney Walker's costs are elusive.

~Please see additional page~

**Case background and chronology:**

- **NITZA PEÑA** was appointed Administrator with **Limited IAEA** on 12/6/1995 with bond fixed at **\$20,000.00**.
- **Proof of Bond** posted in the amount of **\$20,000.00** was filed on 12/15/1995, and *Letters* issued on that date.
- **The Inventory and Appraisal was due on 3/15/1996. The first account or petition for final distribution was due on 12/15/1996.**
- **Following a long history of Court notices to Attorney Keith Walker** for status hearings regarding failure to file the inventory and appraisal and failure to file a first account and petition for final distribution, and after the most recent hearings on the status of the estate and on Attorney Keith Walker's *Petition for Family Allowance* filed by him on 3/20/2011, the **Court determined as follows per Minute Order dated 5/9/2012 from the last hearing, which states:**
  - Mr. Walker is appearing via conference call. The Court removes Keith Walker as counsel.
  - Additionally, the Court removes Nitza Pena as the administrator and appoints the Public Guardian.
  - Mr. Walker is directed to provide the necessary information to the Public Guardian.
  - *Petition for Family Allowance* is denied.
- **Proof of Service by Mail – Failure to File Inventory and Appraisal was filed on 5/20/1996** indicating the notice of failure to file an inventory and appraisal, a first account or petition for final distribution was mailed to Attorney Keith Walker on 5/20/1996. Court file contains no record of any response by Attorney Walker to this notice (no hearing date was set by the Court; notice was a courtesy to Attorney.)
- **Notice of Status Hearing filed on 7/28/2010 set a status hearing on 9/9/2010** for failure to file the inventory and appraisal, and failure to file a first account or petition for final distribution. *Clerk's Certificate of Mailing* shows the *Notice* was mailed to Keith S. Walker on 7/28/2010.
- **Minute Order dated 9/9/2010 [Judge Gallagher]** states Attorney Walker represents to the Court that he lost contact with his client for a period of time but has now obtained a current address and should be able to close the estate quickly as the property has been lost. If the accounting is filed, no appearance is necessary on 12/6/2010.
- **Minute Order dated 12/06/10 [Judge Hamlin]** states Attorney Walker states his intention to file a *Petition to Set Aside* in this matter and requests a continuance. If said petition is filed, then no appearance is necessary on 1/27/2011.
- **Minute Order dated 1/27/2011 [Judge Oliver]** states Counsel is directed to file the inventory with the petition. If filed by 4/6/2011 and reviewed by an examiner no appearance will be necessary.
- **Minute Order dated 4/6/2011 [Judge Oliver]** states Mr. Walker is appearing via conference call. Counsel advises the Court that he has managed to re-establish contact with his client and has made contact with an attorney in San Diego. Counsel further advises that he will be filing a *Petition for Family Allowance*.
- **Minute Order dated 6/7/2011 [Judge Oliver]** states Mr. Walker is appearing via conference call. Counsel requests a continuance. Matter continued to 9/6/2011.
- **Minute Order dated 9/6/2011 [Judge Oliver]** states Keith Walker states that he has had a medical procedure keeping him away from court. Mr. Walker requests a continuance, stating, for example, a pending creditor's claim. The Court notes the creditor's claim and understands the matter will be finished at the next court hearing of 11/8/2011.
- **Minute Order dated 11/8/2011 [Judge Oliver]** states Mr. Walker is appearing via conference call. Mr. Walker informs the Court that he has the *Petition for Family Allowance* largely prepared, but needs a continuance due to medical issues. Matter continued to 12/13/2011.
- **Minute Order dated 12/13/2011 [Judge Oliver]** states Mr. Walker appears by CourtCall. Mr. Walker advises the Court that he should have the petition filed by the end of this year.
- **Minute Order dated 2/8/2012 [Judge Oliver]** states Keith Walker appears via Courtcall. Court orders Mr. Walker and Ms. Pena to personally appear if the *Inventory and Appraisal* is not filed by the next hearing on 3/21/2012.
- **Minute Order dated 3/21/2012 [Judge Oliver]** states Mr. Walker is appearing via conference call. The Court directs counsel to put the bonding company on notice. The matter is continued to 5/9/2012. The Court orders that the hearing currently set for 5/3/2012 be vacated and rescheduled for 5/9/2012.
- **Minute Order dated 5/9/2012 [Judge Oliver]** states Mr. Walker is appearing via conference call. The Court removes Keith Walker as counsel. Additionally, the Court removes Nitza Peña as the Administrator and appoints the Public Administrator. Mr. Walker is directed to provide the necessary information to the Public Administrator. *Petition for Family Allowance* is denied. Matter set for status hearing for filing inventory and appraisal and petition for final distribution.
- **Letters with Full IAEA Authority issued to the Public Administrator on 5/16/2012.**
- **Minute Order dated 7/11/2012 [Judge Oliver]** states Mr. Walker is appearing via conference call. Mr. Walker advises the Court that he will have the accounting done sometime next week. Mr. Walker requests a continuance. Matter continued to 8/8/2012. If everything is completed by 8/8/2012, no appearance will be necessary. In the event Mr. Walker is unable to complete the necessary documents by 8/8/2012, he and his client are to be personally present on that date. The Court directs Mr. Walker to provide Ms. Kruthers and the court examiner any information he has on Ms. Peña including her address and telephone number.
- **Minute Order dated 8/8/2012 [Judge Oliver]** states Keith Walker appears via Courtcall. Mr. Walker informs the Court he submitted an accounting.

(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)

<b>Age: 86</b>	<b>PUBLIC GUARDIAN</b> , Conservator, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note: The Court will set a status hearing for the filing of the next account on 9-26-14.</b></p> <p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 9-21-12</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 2 - McNiece</b></p>
	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"/> <b>Aff.Sub.Wit.</b>	Conservator: \$819.20 (2.20 Deputy hours @ \$96/hr and 8 Staff hours @ \$76/hr)	
<input checked="" type="checkbox"/> <b>Verified</b>	Attorney: \$2,000.00 (per local rule)	
<input type="checkbox"/> <b>Inventory</b>	Bond fee: \$50.00 (ok)	
<input type="checkbox"/> <b>PTC</b>	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"/> <b>Not.Cred.</b>	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"/> <b>Notice of Hrg</b>	<b>Petitioner prays for an order:</b>	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> <input type="checkbox"/> W	1. Approving, allowing and settling the third account;	
<input type="checkbox"/> <b>Aff.Pub.</b>	2. Authorizing the conservator and attorney fees and commissions;	
<input type="checkbox"/> <b>Sp.Ntc.</b>	3. Payment of the bond fee;	
<input type="checkbox"/> <b>Pers.Serv.</b>	4. Authorizing a lien against the estate for any unpaid balances of the authorized fees and commissions;	
<input type="checkbox"/> <b>Conf. Screen</b>	5. Dispensing further accounts; and	
<input type="checkbox"/> <b>Letters</b>	6. Any other orders the Court deems proper.	
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input checked="" type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		

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

<b>Age:</b> 71	<b>PUBLIC GUARDIAN</b> , Conservator of the Person and Estate, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<u>Continued from 9-6-12.</u>
<b>Cont. from 090612</b>	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.	<b>Minute Order 9-6-12:</b> Mr. Knudson objects to the sale on behalf of Douglas Setrakian. Ms. Kruthers requests a continuance.
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		<b>As of 9-21-12, nothing further has been filed. The following issues remain:</b>
<input checked="" type="checkbox"/> <b>Verified</b>		1. Although this is not a traditional sale, Petitioner seeks to abandon the Conservatee's former residence.
<input type="checkbox"/> <b>Inventory</b>	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.	As such, the Court may require verified information with reference to Probate Code §2450(b):
<input type="checkbox"/> <b>PTC</b>		Has the matter been discussed with the Conservatee? Does the Conservatee support or oppose this transaction?
<input type="checkbox"/> <b>Not.Cred.</b>		2. The Court may also require notice to the remainder beneficiaries and/or their counsel.
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b> <span style="float:right">w</span>		
<input type="checkbox"/> <b>Aff.Pub.</b>	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.	
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>	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.	
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>	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.	
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>	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.	
	<b>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.</b>	
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 8-31-12
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 3 - Setrakian</b>

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

<b>DOD: 08/28/2011</b>		<b>HOWARD G. HARCROW</b> , Executor, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Accounting is waived.	
<b>Cont. from 082112</b>		I & A - <b>\$95,000.00</b>	
	<b>Aff.Sub.Wit.</b>	POH - <b>\$6,000.00</b>	
✓	<b>Verified</b>	Executor (Statutory) - <b>\$3,000.00</b>	
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>	Attorney (Statutory) - <b>\$3,000.00</b>	
✓	<b>Notice of Hrg</b>		
✓	<b>Aff.Mail</b>	w/o	
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>	<b>Disbursement, pursuant to decedent's Will, is to:</b>	
	<b>Pers.Serv.</b>	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.	
	<b>Conf. Screen</b>		
✓	<b>Letters</b>	03/12/12	
	<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>		
			<b>Reviewed by:</b> KT / LV
			<b>Reviewed on:</b> 09/24/2012
			<b>Updates:</b>
			<b>Recommendation:</b> Submitted
			<b>File 4 - Harcrow</b>

**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	<b>GERALD ISHII</b> , Beneficiary and Co-Trustee, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Lily Y. Ishii	Petitioner states he and <b>LESLIE ISHII</b> (Respondent) were named successor co-trustees of the <b>ISHII FAMILY TRUST DATED 3-3-92 (the "Trust")</b> . 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 <b>Frank K. Ishii &amp; Sons, Inc.</b> , a California corporation owned by the Settlor.	<p><b>Continued from 7-2-12, 7-27-12, 8-31-12</b></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"> <li>• The <b>FRANK K. ISHII TRUST</b></li> <li>• The <b>ISHII FAMILY MARITAL DEDUCTION TRUST</b></li> <li>• The <b>ISHII FAMILY SUVIVOR'S TRUST</b> (revocable)</li> </ul>	
✓ Verified	<p>On 3-15-95, <b>Lily Ishii</b>, individually and as Trustee of the Trust, assigned a 36.44% interest to the <b>FRANK K. ISHII TRUST</b>, a 13.56% interest to the <b>ISHII FAMILY MARITAL DEDUCTION TRUST</b>, and a 50% interest to the <b>ISHII FAMILY SUVIVOR'S TRUST</b> 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 <b>LESLIE ISHII</b> (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"> <li>• \$75,000.00 to Sharon J. Shoji (daughter)</li> <li>• One-half of the remaining balance to Gerald</li> <li>• One-half of the remaining balance to Leslie</li> </ul>	Reviewed on: 9-21-12
Not.Cred.	<b>SEE PAGE 2</b>	Updates:
✓ Notice of Hrg		Recommendation:
✓ Aff.Mail		File 5 - Ishii
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

**PAGE 2**

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)

<b>DOD: 10-5-11</b>	<b>JOSEPH COMMINS</b> , Son, is Petitioner and requests appointment as Administrator with Full IAEA without bond.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note: The Court will set status hearings as follows:</b>  <b>1-4-13 for filing of the Inventory and Appraisal</b>  <b>1-3-14 for filing of the First Account or Petition for Final Distribution</b>
	All heirs nominate Petitioner and waive bond.	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>	Full IAEA – ok	
<input type="checkbox"/> <b>Inventory</b>	Decedent died intestate	
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>	Residence: Clovis	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Publication: Fresno Business Journal	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	<b>Estimated Value of Estate:</b> W/O	
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>	Personal property: \$ 20,000.00	
<input type="checkbox"/> <b>Sp.Ntc.</b>	Real property: \$ 160,000.00	
<input type="checkbox"/> <b>Pers.Serv.</b>	Total: \$ 180,000.00	
<input type="checkbox"/> <b>Conf. Screen</b>	Probate Referee: Rick Smith	
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 9-21-12
		<b>Updates:</b>
		<b>Recommendation:</b> SUBMITTED
		<b>File 6 - Commins</b>

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

Age: 71	<b>TEMPORARY DENIED 9-5-12</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>PATRICK G. ELLER</b> , 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).	<u>Minute Order 9-5-12 (Temp)</u> : 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.
<input type="checkbox"/> Aff.Sub.Wit.	<b>Voting rights <u>NOT</u> affected.</b>	
<input checked="" type="checkbox"/> Verified	<b>Capacity Declaration <u>not</u> filed.</b>	
<input type="checkbox"/> Inventory	Petitioner states the proposed Conservatee suffers from numerous ailments including diabetes, Parkinson's, and dementia, and her son, <b>GREG ELLER</b> , 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.	<b><u>SEE ADDITIONAL PAGES</u></b>
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail <span style="float:right">w</span>		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv. <span style="float:right">w</span>		
<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 <span style="float:right">X</span>		
<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	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.	
	<b>PATRICIA P. ELLER. Proposed Conservatee, filed her Opposition on 8-31-12.</b>	
	<b><u>SEE ADDITIONAL PAGES</u></b>	
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 9-24-12
		<b>Updates:</b>
		<b>Recommendation:</b>
		File 7 - Eller

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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**

Page 3

**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**

## Page 4

**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.

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**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.**

<b>Age: 13 years</b>	<b>RENEE STOVER</b> , paternal grandmother, is petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Please see related case on page 9. Clarence Vogel is the sibling of Frankie Vogel.</b></p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing.</li> <li>2. Need proof of service of the Notice of Hearing along with a copy of the Petition on:             <ol style="list-style-type: none"> <li>a. Teresa Sanchez (current guardian)</li> <li>b. Frankie Eddie Vogel (minor)</li> </ol> </li> </ol>
	<b>TERESA SANCHEZ</b> was appointed successor guardian on 10/22/10.	
<b>Cont. from</b>	Father: <b>FRANK VOGEL, Sr.</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Mother: <b>HEATHER BERRIGAN</b>	
<input checked="" type="checkbox"/> <b>Verified</b>	Paternal grandfather: Deceased	
<input type="checkbox"/> <b>Inventory</b>	Maternal grandfather: Deceased	
<input type="checkbox"/> <b>PTC</b>	Maternal grandmother: Lorna Smith	
<input type="checkbox"/> <b>Not.Cred.</b>	<b>Petitioner states</b> 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"/> <b>Notice of Hrg</b>	<input checked="" type="checkbox"/>	
<input type="checkbox"/> <b>Aff.Mail</b>	<input checked="" type="checkbox"/>	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>	<b>Declaration of Guardian, Teresa Sanchez, filed on 9/24/12 states</b> she went to Renee's home and Renee was talking inappropriately to Frankie. Ms. Sanchez states she asked Renee to stop or they would have to leave and that is she didn't stop talking inappropriately they would not be coming back. Renee then showed them a penis stick figure that went into a bouquet for flowers so they left. Two months went by and Renee called non-stop wanting to see Frankie. So Ms. Sanchez and Carolyn Waltrip [guardian of Clarence Vogel] agreed they would try again for a visit. They set up a visit and Renee agreed that she would not talk like that anymore. Ms. Sanchez states she showed up on 9/21/12 and Renee served her yelling and screaming at her in front of Frankie. Frankie was crying. Renee stood in front of the door and would not let them leave until Ms. Sanchez threatened to call 911. Petitioner states Renee is very unstable and Frankie does not want to see her.	
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input type="checkbox"/> <b>Order</b>	<input checked="" type="checkbox"/>	
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 9/24/12</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 8 - Vogel</b>

**Petition for Visitation**

<b>Age:</b> 11 years	<p><b>RENEE STOVER</b>, paternal grandmother, is petitioner.</p> <p><b>CAROLYN WALTRIP</b> was appointed successor guardian on 10/22/10.</p> <p>Father: <b>FRANK VOGEL, Sr.</b></p> <p>Mother: <b>HEATHER BERRIGAN</b></p> <p>Paternal grandfather: Deceased          Maternal grandfather: Deceased          Maternal grandmother: Lorna Smith</p> <p><b>Petitioner states</b> 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><b>NEEDS/PROBLEMS/COMMENTS:</b></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>	
<b>Cont. from</b>			
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/> <b>Verified</b>			
<input type="checkbox"/> <b>Inventory</b>			
<input type="checkbox"/> <b>PTC</b>			
<input type="checkbox"/> <b>Not.Cred.</b>			
<input type="checkbox"/> <b>Notice of Hrg</b>			X
<input type="checkbox"/> <b>Aff.Mail</b>			X
<input type="checkbox"/> <b>Aff.Pub.</b>			
<input type="checkbox"/> <b>Sp.Ntc.</b>			
<input type="checkbox"/> <b>Pers.Serv.</b>			
<input type="checkbox"/> <b>Conf. Screen</b>			
<input type="checkbox"/> <b>Letters</b>			
<input type="checkbox"/> <b>Duties/Supp</b>			
<input type="checkbox"/> <b>Objections</b>			
<input type="checkbox"/> <b>Video Receipt</b>			
<input type="checkbox"/> <b>CI Report</b>			
<input type="checkbox"/> <b>9202</b>			
<input type="checkbox"/> <b>Order</b>			X
<input type="checkbox"/> <b>Aff. Posting</b>			
<input type="checkbox"/> <b>Status Rpt</b>			
<input type="checkbox"/> <b>UCCJEA</b>			
<input type="checkbox"/> <b>Citation</b>			
<input type="checkbox"/> <b>FTB Notice</b>			
		<p><b>Reviewed by:</b> KT</p> <p><b>Reviewed on:</b> 9/24/12</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 9 - Vogel</b></p>	

Aliah, age 3	<p><b>ROBERT RICHARDSON</b>, Maternal Grandfather, is Petitioner.</p> <p><b>TINA RICHARDSON</b>, 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><b>Petitioner states</b> 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><b>Court Investigator Julie Negrete filed a report on 9-12-12.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></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			

Petition for Visitation

Nathaniel Collins Age: 2		ANGELINA DENISE COLLINS, mother, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note: Court trial is scheduled for 10/15/2012 for the appointment of guardian.</b>
Malichi Collins Age: 1			
Cont. from		LANA PRATT, maternal grandmother, was appointed temporary guardian of the minors on 06/22/2012.	1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Visitation on the following: <ul style="list-style-type: none"><li>Lana Pratt (Temporary Guardian)</li><li>Nathaniel Comenger (Father)</li><li>Kurt Ricardo (Paternal Grandfather)</li><li>Paternal Grandmother (Not Listed)</li><li>Maternal Grandfather (Not Listed)</li></ul>
Aff.Sub.Wit.			
✓ Verified		Father: <b>NATHANIEL COMENGER</b>	
Inventory		Paternal Grandfather: Kurt Ricardo Paternal Grandmother: Not Listed	
PTC		Maternal Grandfather: Not Listed	
Not.Cred.		<b>Petitioner states:</b> she arrived at the guardian's residence to visit the children, the guardian was rude and refused to let the petitioner/mother see her children. Petitioner/mother is concerned about the children going to mental disorder classes, she believes them to be healthy. Petitioner would prefer that a relative go with her to her mother's home as a disagreement broke out and she does not want to be lied to.	
Notice of Hrg	x		
Aff.Mail	x		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt		<b>Note: Current visitation order pursuant to minute order of 08/21/2012:</b> The Court orders that mother, Angelina Collins may visit with the children everyday between noon and 5pm or earlier as may be agreed upon by the parties.	
CI Report			
9202			
Order	x		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: KT / LV
			Reviewed on: 09/25/2012
			Updates:
			Recommendation:
			File 11 - Collins

**Amended Petition to Determine Succession to Real Property**

<b>DOD: 4-30-11</b>	<b>VALERIE EVERARD and HEATHER EVERARD ROSALES</b> , Daughters, are Petitioners.	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
	40 days since DOD		
<b>Cont. from 081612</b>	No other proceedings		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/> <b>Verified</b>	I&A: \$80,000.00		
<input checked="" type="checkbox"/> <b>Inventory</b>	Decedent died intestate		
<input type="checkbox"/> <b>PTC</b>			
<input type="checkbox"/> <b>Not.Cred.</b>			
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Petitioners request Court determination that Decedent's 100% fee title ownership interest passes to Petitioners in fee simple (50% each)		
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	w/o		
<input type="checkbox"/> <b>Aff.Pub.</b>			
<input type="checkbox"/> <b>Sp.Ntc.</b>			
<input type="checkbox"/> <b>Pers.Serv.</b>			
<input type="checkbox"/> <b>Conf. Screen</b>			
<input type="checkbox"/> <b>Letters</b>			
<input type="checkbox"/> <b>Duties/Supp</b>			
<input type="checkbox"/> <b>Objections</b>			
<input type="checkbox"/> <b>Video Receipt</b>			
<input type="checkbox"/> <b>CI Report</b>			
<input type="checkbox"/> <b>9202</b>			
<input checked="" type="checkbox"/> <b>Order</b>			
<input type="checkbox"/> <b>Aff. Posting</b>			
<input type="checkbox"/> <b>Status Rpt</b>			
<input type="checkbox"/> <b>UCCJEA</b>			
<input type="checkbox"/> <b>Citation</b>			
<input type="checkbox"/> <b>FTB Notice</b>			
			<b>Reviewed by:</b> skc
			<b>Reviewed on:</b> 9-21-12
		<b>Updates:</b>	
		<b>Recommendation:</b> SUBMITTED	
		<b>File 12A - Everard</b>	

Sergio Rocha Age: 16		<p align="center"><b>NO TEMPORARY ORDERS</b></p> <p><b>YADIRA NOEMI CAMPBELL &amp; LAUREN LEROY CAMPBELL</b>, sister and brother in law, are petitioners. Petitioners reside in Colorado Springs, Co.</p> <p>Father: <b>RAMIRO ROCHA DURAN</b>, consents and waives notice</p> <p>Mother: <b>OFELIA GALVEZ</b>, consents and waives notice</p> <p>Paternal Grandfather: Everado Rocha, consents and waives notice Paternal Grandmother: Socorro Duran Rocha, consents and waives notice</p> <p>Maternal Grandparents: Not Listed, Declaration of Due Diligence filed 07/26/2012.</p> <p><b>Petitioner states:</b> Father is terminally ill, he cannot physically or morally support the children's needs.</p> <p><b>Court Investigator Jennifer Young's report filed 09/26/2012.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing</li> <li>2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> <li>• Maternal Grandparents (Not Listed) – Unless the Court dispenses with notice.</li> </ul> <p><b>Note:</b> Declaration of Due Diligence states that the maternal grandparents are believed to be residing in Mexico. Attempts were made to call the maternal grandparents however a busy signal was received or the number was not in service.</p> </li> <li>3. The UCCJEA does not provide the children's residence for the past five years as required.</li> </ol>	
Estafanie Rocha Galvez Age: 12				
<b>Cont. from</b>				
<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.			n/a
<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 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><b>Reviewed by:</b> KT / LV</p> <p><b>Reviewed on:</b> 09/24/2012</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 13 – Rocha &amp; Galvez</b></p>		

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

<b>Age:</b> 5	<b><u>TEMPORARY EXPIRES 09/27/12</u></b>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></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>
	<b>SANDRA FONSECA</b> , paternal grandmother, is Petitioner.	
	Father: <b>JAMES R. DENNINGTON</b> – <i>Consent &amp; Waiver of Notice filed 08/30/12</i>	
<b>Cont. from</b>	Mother: <b>DENISE CARRASCO</b> – <i>Personally served on 08/09/12</i>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Paternal grandfather: JAMES DENNINGTON – <i>Served by mail on 08/30/12</i>	
<input checked="" type="checkbox"/> <b>Verified</b>	Maternal grandfather: MR. CARRASCO – <i>Served by mail on 08/30/12</i>	
<input type="checkbox"/> <b>Inventory</b>	Maternal grandmother: MARIA GARCIA – <i>Served by mail on 08/10/12</i>	
<input type="checkbox"/> <b>PTC</b>	<p><b>Petitioner alleges</b> 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><b>Court Investigator Jo Ann Morris filed a report on 09/20/12.</b></p>	
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b>		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input checked="" type="checkbox"/> <b>Pers.Serv.</b>		
<input checked="" type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input checked="" type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input checked="" type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 09/24/12</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 14A - Denington</b></p>

**Petition for Termination of Temporary Guardianship**

<b>Age:</b> 5	<b><u>TEMPORARY EXPIRES 09/27/12</u></b>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> The Temporary guardianship will expire on 09/27/12 and unless extended will no longer be in effect.</p> <p>1. Need <i>Notice of Hearing</i> (mandatory Judicial Council Form GC-020). <b>Note:</b> Petitioner filed <i>Form FL-335 Proof of Service by Mail</i> to indicate that the interested parties have been served by mail; however, this is not the correct form for guardianship proceedings.</p>
	<p><b>DENISE CARRASCO</b>, mother, is Petitioner.</p> <p><b>SANDRA FONSECA</b>, paternal grandmother, was appointed temporary guardian Ex Parte on 08/01/12 and temporary letters were extended at the hearing on 08/13/12.</p> <p>Father: <b>JAMES R. DENNINGTON</b> – Served by mail on 08/05/12</p> <p>Paternal grandfather: JAMES DENNINGTON – Served by mail on 08/05/12</p> <p>Paternal Grandmother: SANDRA FONSECA - Served by mail on 08/05/12</p> <p>Maternal grandfather: FELICIANO CARRASCO – Served by mail on 08/05/12</p> <p>Maternal grandmother: MARIA GARCIA – Served by mail on 08/05/12</p> <p>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.</p>	
<b>Cont. from</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input type="checkbox"/> <b>Notice of Hrg</b>	x	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input type="checkbox"/> <b>Order</b>	x	
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 09/24/12</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b>  <b>File 14B – Denington</b></p>

Age: 5	<b><u>TEMPORARY EXPIRES 09/27/12</u></b>		<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 by mail at least 15 days before the hearing of <i>Notice of Hearing</i> on:                     <ul style="list-style-type: none"> <li>- Sandra Fonseca (temporary guardian/paternal grandmother)</li> <li>- James R. Dennington (father)</li> </ul> </li> </ol> <p><u>Note:</u> Petitioner filed a proof of service indicating that the temporary guardian and father have been mailed a copy of Petitioner's Petition to Terminate Temporary Guardianship (Page 14B).</p>
	DENISE CARRASCO, mother, is Petitioner.		
	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.		
Cont. from	Father: <b>JAMES R. DENNINGTON</b>		
Aff.Sub.Wit.	Paternal grandfather: JAMES DENNINGTON		
✓ Verified	Paternal Grandmother: SANDRA FONSECA		
Inventory	Maternal grandfather: FELICIANO CARRASCO		
PTC	Maternal grandmother: MARIA GARCIA		
Not.Cred.	Petitioner states that since Sandra Fonseca was appointed temporary guardian she has not allowed Petitioner any contact with Kaylee. Petitioner is requesting to have immediate visitation with Kaylee on the 2 <sup>nd</sup> and 3 <sup>rd</sup> weekends of each month beginning Friday at 7:00 pm through Monday morning dropping off at school, and that she be allowed phone communication with Kaylee daily between the hours of 6:30 pm and 7:30 pm.		
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: JF
			Reviewed on: 09/24/12
			Updates:
			Recommendation:
			File 14C - Denington

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

Age: 7 years		<p align="center"><u>GENERAL HEARING 11/14/2012</u></p> <p><b>AURELIA SAN MIGUEL</b>, paternal grandmother, is petitioner.</p> <p>Father: <b>MAURO LEE SAN MIGUEL</b> – consents and waives notice.</p> <p>Mother: <b>LAURA MAGDELENO</b></p> <p>Paternal grandfather: Oscar San Miguel          Maternal grandfather: unknown          Maternal grandmother: Rosa Urbina</p> <p><b>Petitioner states</b> 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><b>NEEDS/PROBLEMS/COMMENTS:</b></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		

Atty Mejia, Maria Dolores (pro per Petitioner/maternal grandmother)  
 Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)

Kevin age: 6 years	<b>GENERAL HEARING 11/14/12</b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>  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: a. Hanna's father
Hanna age: 2 yrs	<b>MARIA MEJIA</b> , maternal grandmother, is petitioner.		
Anthony age: 11 mo.	Father (of Kevin): <b>JOSE TRINIDAD AVILA</b> - personally served on 9/21/12		
<b>Cont. from</b>			
<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 type="checkbox"/>	Aff.Mail		
<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 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		
Father (of Hanna): <b>UNKNOWN</b>  Father (of Anthony): <b>JOSE CARDENAS</b> - personally served on 9/21/12  Mother: <b>YULISSA ELIZABETH PALACIOS</b> – personally served on 9/21/12  Paternal grandfather (of Kevin): Juan Avila Paternal grandmother (of Kevin): Liduvina Cortez Paternal grandparents (of Hanna): Unknown Paternal grandfather (of Anthony): Mr. Cardenas Paternal grandmother (of Anthony): Berta Escandon Maternal grandfather: Alex Antonio Palacios  <b>Petitioner states</b> the Anthony's father is out on the streets and is upset that he cannot see his child. CPS told Petitioner not to have him near the children because he was using in front of them. On 9/11/12 the mother came and threatened to take the children from Petitioner. Mom is abusing drugs and is in a relationship with Anthony's dad who is abusive towards her.			
<b>Reviewed by: KT</b>			
<b>Reviewed on: 9/24/12</b>			
<b>Updates:</b>			
<b>Recommendation:</b>			
<b>File 16 – Avila-Palacios &amp; Cardenas-Palacios</b>			

Muller, Gary (pro per – paternal grandfather/Petitioner)

Atty Muller, Nina (pro per – paternal grandmother/Petitioner)

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

<b>Sterlyn, 14</b>	<p><b><u>TEMPORARY EXPIRES 09/27/12</u></b></p> <p><b>GARY MULLER</b> and <b>NINA MULLER</b>, paternal grandparents, are Petitioners.</p> <p>Father: <b>AARON MULLER</b></p> <p>Mother (Sterlyn &amp; Zoey): <b>BELINDA SAMONS</b>                  Mother (Wyatt): <b>MEGAN MULLER</b></p> <p>Maternal grandparents (all): UNKNOWN</p> <p>Sibling: Paetyn Blakely</p> <p>Petitioners state that Aaron (father) and Megan (Wyatt's mother) are homeless and jobless. Megan is a heroin addict and Aaron is also using drugs. Belinda (Sterlyn &amp; Zoey's mother) had the children removed from her care due to abuse and neglect and her whereabouts are unknown. Petitioners state that the children came to live with them in March after a domestic violence incident between Aaron &amp; Megan. Upon learning that the Petitioners were planning to seek guardianship, Aaron came and got the kids and threatened the Petitioners. Later the same day there was a violent episode between Aaron &amp; Megan and the Petitioners got the kids again. Petitioners state that the parents are against the guardianship because they will lose the public assistance they get for the kids which they use for drugs. Petitioners state that temporary guardianship is necessary in order to protect the children and provide them with a clean and safe home free from violence and drugs.</p> <p><b>Petition for Termination of Temporary Guardianship filed Ex Parte by Megan Muller, Wyatt's mother, on 09/6/12 was denied 09/07/12.</b></p> <p><b>Court Investigator Jennifer Young filed a report on 09/21/12.</b></p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Zoey, 9</b>		<ol style="list-style-type: none"> <li>1. Fee waiver of Gary Muller was denied on 07/30/12. Therefore filing fees in the amount of \$285.00 are now due. (\$225.00 for the General Guardianship petition and \$60.00 for the Temporary Petition.)</li> <li>2. Need <b>Notice of Hearing</b>.</li> <li>3. Need proof of personal service at least 15 days before the hearing of <b>Notice of Hearing</b> with a copy of the <b>Petition for Appointment of Guardian of the Person</b> or Consent and Waiver of Notice or Declaration of Due Diligence for:                             <ul style="list-style-type: none"> <li>- Aaron Muller (father)</li> <li>- Megan Muller (Wyatt's mother)</li> <li>- Belinda Samons (Sterlyn &amp; Zoey's mother)</li> <li>- Sterlyn Muller (minor)</li> </ul> </li> <li>4. Need proof of service by mail at least 15 days before the hearing of <b>Notice of Hearing</b> with a copy of the <b>Petition for Appointment of Guardian of the Person</b> or Consent and Waiver of Notice or Declaration of Due Diligence for:                             <ul style="list-style-type: none"> <li>- maternal grandparents (all)</li> </ul> </li> </ol>
<b>Wyatt, 4</b>		
<b>Cont. from</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
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<input checked="" type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
	<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 09/25/12</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 17A - Muller</b></p>	

