Thursday, September 29, 2016

The Probate Examiner's Office does not recommend approval of any Probate matters.

The following Probate matters have been continued at the request of the Petitioner or the Petitioner's attorney:

11	14CEPR01009	Carol Green (Estate) - cont. to 11/9/16
26	16CEPR00859	Richard William Bland (CONS/P) – cont. to 10/27/16

The following Probate matters have been taken off calendar:

5	13CEPR00988	John-David Mercer Schofield (Estate
6	14CEPR00563	Earl Manoid Robinson (Estate)
7	14CEPR00657	Gabriella Krystal Simental (GUARD/E)
8	14CEPR00814	Ed Rontell (Estate)
13	15CEPR00074	Robert L. Britton (CONS/E)

Appearance of counsel is recommended for all remaining Probate matters set for hearing. Thank you.

1 Rosa Linda Larssen (CONS/PE) Case No. 0321261

Attorney **Catherine A. Amador (for Co-Conservator Sylvia JP Gonzalez)**

Probate Status Hearing Re: Filing of the Fourteenth Account

			SYLVIA J.P. GONZALES, sister, and **RACHEL REUTHER**, daughter, were appointed Successor Co-Conservators of the Person and Estate on 11/13/2014.
Cont. from 082516			***Minute Order* dated 3/19/2015** from the hearing on the Thirteenth Account set this status hearing on 8/25/2016 for the filing of the Fourteenth Account.
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt	X	
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

<u>Continued from 8/25/2016</u>. *Minute Order* states counsel requests 30 days. If the accounting is not filed, a status report verified by both Co-Conservators is required at least two days prior to 9/29/2016.

1. Need Fourteenth Account of the conservatorship estate, or a verified status report and proof of service of notice of the status hearing with a copy of the status report to all interested parties pursuant to Local Rule 7.5(B).

Reviewed by: LEG

Reviewed on: 9/23/16

Updates:

Recommendation:

File 1- Larssen

Dept. 303, 9:00 a.m. Thursday, September 29, 2016

2 Frances B. Van Camp (Estate) Case No. 05CEPR00250

Attorney: Heather H. Kruthers (for Public Administrator/Successor Administrator)
Objector: Preston Van Camp (former Administrator)

First and Final Account and Report of Successor Administrator and Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and for Distribution.

DOD: 11/25/2004		
Cont. from 072116, 090816		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	W/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	**Letters**	4/14/05
	Duties/Supp	
✓	**Objections**	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

PUBLIC ADMINISTRATOR, Successor Administrator, is petitioner.

Account period: 1/5/07 – 5/25/16

Accounting - **$176,659.00**
Beginning POH - **$175,249.00**
Ending POH - **$ 48,067.23**

Administrator (statutory) - **$3,306.36**
Administrator x/o - **$1,248.00** (for sale of real property and preparation of taxes)

Attorney (statutory) - **$3,306.36**
Attorney x/o - **$1,890.00** (itemization, 12.5 hours @ $150/hour for unlawful detainer with appeal)

Court Costs - **$46.50** (certified copies)

Closing - **$2,000.00**

Distribution, pursuant to intestate succession and assignments of interest is to:

Preston Van Camp - $23,301.14

Pamela Van Camp - $11,650.57

Please see additional page

NEEDS/PROBLEMS/COMMENTS:

Continued from 9/8/16. Minute order states Pamela Van Camp, and any other objecting party, must file written objections by 9/22/16. – As of 9/23/16 no additional documents have been filed.

1. Amendment to First and Final Account was filed on 8/31/16. Pursuant to California Rules of Court, Rule 7.53(a) an amendment to a pleading requires the same notice of hearing as the pleading it amends. Therefore, need proof service of the Notice of Hearing, 15 days prior to the hearing on:
   a. Preston Van Camp
   b. Pamela Van Camp

Please see additional page

Reviewed by:	KT
Reviewed on:	9/23/16
Updates:	
Recommendation:	
File 2- Van Camp	

Dept. 303, 9:00 a.m. Thursday, September 29, 2016

2 Frances B. Van Camp (Estate) Case No. 05CEPR00250

Objection to Final Account filed by Preston Van Camp on 7/7/16. Objector states he was removed as Administrator of the Estate by this Court on 11/28/06 for failure to file an accounting and distribution.

Mr. Van Camp alleges he never mismanaged the estate and no evidence was ever introduced to this court supporting a claim of mismanagement nor was there every any action on the part of Van Camp that led to a loss of estate assets.

The final Accounting submitted by Kruthers did not approve Van Cam his filing fee of $281.00 nor his 280.00 for notice of publication. Van Camp objects to not receiving reimbursement for these fees.

Van Camp spent hundreds of working hours on the estate, researched over 10 years of personal income taxes for the decedent and her deceased husband. Van Camp filed proper notices with the County of Fresno so that the property tax would be adjusted according to law. Personal payments on the estate's real property, association fees, and property taxes were made during the entire time Van Camp was administrator. Van Camp published notices of the estate, filed the petition plus status reports to the court and submitted three accountings of the estate. Van Camp noticed all creditors including Medi Cal and the State of California. Van Cam had the real property appraised and filed the inventory and appraisal. Most of the estate had already been completed by Van Camp, except for the selling of the real property and paying the debts.

Kruthers and the Fresno County Public Administrator took over management of the estate in November 2006. During the vast majority of the ten years since the County took over, they did nothing and let the estate fall into waste, disrepair, and substantial loss of market value. There is evidence of mismanagement in this estate by Fresno County. Van Camp asks the court to take judicial notice of the public administrator assigned to this estate throughout the last ten years and their subsequent criminal charges related to their job duties as public administrators.

For these reasons, Van Camp objects to Kruthers failure to distribute to Van Camp any administrator fees. Van Camp objects to Kruthers' request for extraordinary fees in its entirety based upon the negligence of the County of Fresno Public Administrator and also request that Kruthers is not entitled to any attorney fees, or public administrator fees, or at most a very minimal amount.

Kruthers had notice that there was an ongoing claim by Pamela Van Camp who was paying the mortgage and homeowner association dues throughout all the years this case was in probate. The approval of a claim by the Public Administrator and Kruthers for costs paid to the mortgage company are dubious at best since the liquid assets in the estate was limited to $9.00. Van Camp requests receipts showing proof the Public Administrator made those payments.

Finally, Van Camp objects to Kruthers' Final Accounting which never addressed nor paid the Claim of Lien that Fan Camp filed with the Fresno County Recorder's Office in the amount of $37,061.12 and recorded on the real property in the estate.

Please see additional page

2 Frances B. Van Camp (Estate) Case No. 05CEPR00250

NEEDS/PROBLEMS/COMMENTS (Cont.):

2. Amendment to First and Final Account alleges that at the hearing on 7/21/16 Pamela Van Camp provided a writing that Preston Van Camp had executed returning her interest in property that she had previously assigned to Preston. That document has not been filed, but Preston Van Camp admitted in Court that what Pamela had was a signed writing by him assigning Pamela's interest back to her. Court may require the document assigning the property back to Pamela to be filed prior to distribution.

3 Willie Mae Tims (Estate) Case No. 10CEPR00839

Administrator Houston, Alice (Pro Per – Daughter – Administrator)

First and Final Account of Administratrix and Petition for Final Distribution

DOD: 5/18/07			**ALICE HOUSTON**, Daughter and Administrator with Full IAEA with bond of $67,000.00, is Petitioner. Petitioner waives accounting. I&A: $335,000.00 POH: $335,000.00 (real property located at 3045 S. Clara in Fresno) Petitioner states the decedent died intestate, leaving no spouse or registered domestic partner. The decedent had three children (none deceased). Petitioner requests distribution of the entire estate (real property) to herself only.
Cont. from 063016, 082516			
	Aff.Sub.Wit.		
✓	**Verified**		
✓	**Inventory**		
✓	**PTC**		
✓	**Not.Cred.**		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	**Letters**	3/29/11	
✓	**Duties/Supp**		
	Objections		
	Video Receipt		
	CI Report		
✓	**9202**		
	Order	x	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	**FTB Notice**		

NEEDS/PROBLEMS/COMMENTS:

<u>Minute Order 8/25/16</u>: The Court deems the consents filed by Willie Tims and Milton Tims to be assignments and accepts them as assignments with which they will be receiving no portion of the property, and with which Alice Houston will be receiving all portions of the property. If they do not wish to give their interests away, they must file paperwork no later than 9/27/16. The Court further orders that the filing fee be paid before the Court will approve the petition.

<u>Note</u>: As of 9/23/16, nothing further has been filed. The filing fee has now been paid. If nothing further is filed by 9/27/16, it appears this matter can go forward.

1. **Need Order.**

Reviewed by: skc

Reviewed on: 9/23/16

Updates:

Recommendation:

File 3- Tims

Dept. 303, 9:00 a.m. Thursday, September 29, 2016

4 Michaela Lozano (Special Needs Trust) Case No. 13CEPR00241

Attorney: Jennifer A. Miller (for Petitioner/Trustee Melissa Lozano)

Second Account and Report of Trustee of Michaela Dawn Lozano Special Needs Trust; Petition to Settle Account; and to Fix and Allow Attorney Fees

Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	W/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

MELISSA LOZANO, Trustee, is petitioner.

Account period: 7/17/14 – 7/16/16

Accounting	-	**$106,388.52**
Beginning POH	-	**$103,794.24**
Ending POH	-	**$ 64,038.62**
Trustee	-	**Not requested**
Attorney (per Local Rule)	-	**$1,250.00**

Current bond is $110,000.00

Petitioner request that based on the property on hand the bond be reduced to $70,000.00 (o.k.)

Petitioner prays for an Order:

1. Approving, allowing and settling the second account:
2. Authorizing the attorney fees;
3. Reducing the bond to $70,000.00.

NEEDS/PROBLEMS/COMMENTS:

Note: If the petition is granted, a status hearing will be set as follows:

- **Wednesday, September 26, 2018** at 9:00 a.m. in Department 303, for the filing of the second account.

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

Reviewed by: KT
Reviewed on: 9/23/16
Updates:
Recommendation:
File 4- Lozano

Dept. 303, 9:00 a.m. Thursday, September 29, 2016

5 John-David Mercer Schofield (Estate) Case No. 13CEPR00988

Attorney Thomas Markeson; Richard Harris (for Administrator Kevin Gunner)

Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

DOD: 10/29/2013		
Cont. from 041015, 080615, 022516, 062316		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
✓	**Aff.Mail**	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
✓	**Status Rpt**	
	UCCJEA	
	Citation	
	FTB Notice	

KEVIN GUNNER, Attorney at Law, was appointed Administrator with Will Annexed with Full IAEA authority with bond of **$384,000.00** on 2/11/2014. *Proof of Bond* was filed 2/21/2014. *Letters* issued on 2/24/2014.

Pursuant to Probate Code § 8800(b), *Final Inventory and Appraisal* was filed 7/17/2014 showing an estate value of **$888,465.61**.

Pursuant to Probate Code § 12200, first account and/or petition for final distribution was due 2/24/2015.

***Minute Order* dated 2/11/2014** from the hearing on the petition for letters of administration set this status hearing on 4/10/2015 for filing of the first account and/or petition for final distribution.

***Status Report on Final Distribution filed 6/17/2016* by Attorney Markeson for the Administrator states:**

- This estate is not yet ready for distribution, and is likely insolvent; the Administrator has sold all personal and real property of the estate; some personal items have not yet been paid for nor picked up from the Administrator; Administrator is in possession of cash of **~$50,000.00**; Preparation of the accounting schedules are in progress;
- The estate is a named defendant in the matter of *Diocese of San Joaquin and The Episcopal Church v. Shofield (*08CECG01425); the defendants appealed to the Fifth District Court of Appeal;
- On 4/5/2016, the Court of Appeal issued an opinion in favor of the Plaintiffs, and on 5/4/2016, modified its opinion but left the judgment intact;
- The Defendants filed a petition for review with the Supreme Court of California on 5/16/2016; the Court has at least **60** days to grant review, but the Court may extend the deadline for one or more additional periods up to **30** days;
- He requests this matter be continued to **9/26/2016** or later in order for the Supreme Court to act;
- If the Supreme Court grants review, additional time will likely be required; if review is not granted, the case will be over, according to litigation counsel.

NEEDS/PROBLEMS/ COMMENTS:

OFF CALENDAR

Petition For Approval of Settlement of Account filed 9/7/2016 is set for hearing on 10/19/2016.

Reviewed by: LEG

Reviewed on: 9/23/16

Updates:

Recommendation:

File 5 - Schofield

6 Earl Manoid Robinson (Estate) Case No. 14CEPR00563

Attorney: Stephanie J. Krause Cota (for Sandra Brown – Executor)

Probate Status Hearing Re: First or Final Account

DOD: 1/18/2014			**SANDRA BROWN** was appointed Executor with full IAEA without bond on 3/19/2015.
			Letters issued 3/25/2015.
			I&A filed 1/4/2016 shows estate valued at **$115,973.96.**
Cont. from 062316, 072816			**Minute order dated 3/19/2016** set this status hearing for filing of the first or final account.
	Aff.Sub.Wit.		***Former* status report filed 7/22/2016 stated** most of the tasks required to close the probate have been completed. In the interest of conserving resources and saving the Court's time, Executor wishes to file a first and final accounting rather than a first accounting followed shortly by a second final accounting. The only remaining tasks to complete are the escrow on the sale of real property, the ancillary matter in Louisiana to transfer the property, and the accounting and petition for final distribution.
✓	**Verified**		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
✓	**Aff.Mail**	w/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		Petitioner requested a status hearing on the first accounting be scheduled for a date in October 2016, at which time all tasks should be completed and the first and final accounting and petition for final distribution will hopefully be filed.
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt	x	
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

OFF CALENDAR

Final Account filed 9/28/16 is set for hearing on 11/9/16

Continued from 7/28/2016. The following issues still exist:

1. Need first account, petition for final distribution or *current* written status report pursuant to Local Rule 7.5, which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.

Reviewed by: SEF

Reviewed on: 9/22/2016

Updates: 9/23/2016, 9/28/16 (skc)

Recommendation:

File 6- Robinson

7 Gabriella Krystal Simental (GUARD/E) Case No. 14CEPR00657

Petitioner **Melinda C. Simental (Pro Per, mother, Guardian of the Estate)**

First Account and Report of Melinda C. Simental of Gabrielle Krystal Simental and Estate

			MELINDA C. SIMENTAL, mother and Guardian of the Estate, is Petitioner.
Cont. from 080416, 090116			
	Aff.Sub.Wit.		
✓	**Verified**		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	**2620**	Non-original	
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

OFF CALENDAR

***Amended First Account and Report* filed 9/15/2016 is set for hearing on 10/31/2016.**

Continued from 8/4/2016. *Minute Order* states the Court orders that the funds must be placed into two separate federally insured accounts, with proof being filed prior to the 9/1/2016 hearing.

1. Need *Receipt and Acknowledgment of Order for the Deposit of Money Into Blocked Account* (Judicial Council form MC-356) for the two federally insured blocked accounts.
2. Need Amended First Account, which reflects the change from a single blocked account valued at **$286,623.65** to two federally insured blocked accounts, with the specific amounts contained in each account.
3. *Notice of Hearing* has not been filed showing proof of notice to the ward, **GABRIELLA KRYSTAL SIMENTAL**, pursuant to §§ 2621 and 1460. However, Court may excuse notice to the ward under Probate Code § 1460.1, if the Court determines that notice was properly given to a parent or guardian with whom the minor resides; or that the petition is brought by a parent or guardian with whom the minor resides. If Court confirms that the ward resides with the Petitioner, Court may excuse proof of service of notice to the ward.

Reviewed by: LEG

Reviewed on: 9/23/16

Updates:

Recommendation:

File 7- Simental

8 Ed Rontell (Estate) Case No. 14CEPR00814

Attorney Helon, Marvin T (for Steve Rontell & Nicholas L. Lucich, Jr. – Co-Executors)

Probate Status Hearing RE: Informal Accounting of the Reserve

Cont. from 031716		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

STEVE RONTELL and **NICHOLAS LUCICH, JR.,** were appointed Co-Executors, with full IAEA authority without bond on 10/14/2014.

Letters issued on 10/14/2014.

Order on Waiver of Accounting and Final Distribution was settled on 09/17/2015.

Minute Order of 09/17/2015 set this Status Hearing for the filing of an Informal Accounting of the Reserve of **$38,734.06.**

Status Report filed 02/24/2016 states on 09/17/2015 the Court entered herein its Judgment Settling Report of Co-Executors on Waiver of Account and for Approval of Division of Community Property and for Approval of Statutory Attorney's Fees, Reimbursement of Costs and for Final Distribution. Pursuant to said Judgment, the Court scheduled a Status Hearing for March 17, 2016 for an informal accounting for the reserve.

Balance of the Reserve account is $23,149.06 after the following disbursements:

- Baker, Petersen &Franklin CPA Preparation of Federal Estate Tax Return - $8000.00
- Backer, Petersen & Franklin CPA Preparation of Income Tax Returns - $1,820.00.
- United States Treasury Taxes on Federal Fiduciary Income Tax Return - $5,491.00.
- Franchise Tax Board Taxes on California Fiduciary Income Tax Return - $274.00.

The Federal Estate Tax Return for the Estate has now been approved by the Internal Revenue Service. However, the Co-Executors request authorization to continue to hold the reserve for an additional six months in the event of any audit and associated expenses in connection with the Fiduciary Income Tax Returns for the Estate.

Wherefore, the Co-Executors request the Court:

1. Approve the Status Report;
2. Authorize the Co-Executors to continue to hold a closing reserve of $23,149.06 for up to six months, and
3. For such other and further relieve the Court deems proper.

NEEDS/PROBLEMS/COMMENTS:

OFF CALENDAR. Informal Accounting filed 09/08/2016.

Reviewed by: LV

Reviewed on: 09/26/2016

Updates:

Recommendation:

File 8- Rontell

9 Richard Campbell Jr. (GUARD/P) Case No. 14CEPR00977

Petitioner **Ja-Hadrha Johnson (Pro Per, mother)**
Guardian **Willie Mae Johnson (Pro Per, maternal aunt)**

Petition for Termination of Guardianship

			JA-HADRHA JOHNSON, mother, is Petitioner. ***~Please see Petition for details~*** **Court Investigator's *Report* filed 7/8/2016.**
Cont. from 071316, 080316			
	Aff.Sub.Wit.		
✓	**Verified**		
	Inventory		
	PTC		
	Not.Cred.		
✓	**Notice of Hrg**		
✓	**Aff.Mail**	W/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
✓	**CI Report**		
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

<u>Continued from 8/3/2016</u>. *Minute Order* states the Court orders that visitation for Ja-Hadrha Johnson is to transition to every weekend, beginning on 8/5/2016, from Fridays at 2:30 pm through Sundays at 5 pm. The Court further orders that Ja-Hadrha Johnson may babysit the minor Monday through Friday during the day while the Guardian is at work. Beginning September 2nd, Ja-Hadrha Johnson will have the minor every other week from Friday at 2:30 through the following Friday at 2:30, and may still babysit the minor while the Guardian is at work during the alternate weeks. On 9/29/2016, the Court will consider terminating the guardianship.

Reviewed by: LEG
Reviewed on: 9/23/16
Updates:
Recommendation:
File 9- Campbell

Dept. 303, 9:00 a.m. Thursday, September 29, 2016

10 **Carmen Alvarado Moreno (Estate)** **Case No. 14CEPR01001**

Attorney **Fanucchi, Edward L. (for Executor Carmen C. Moreno)**

First and Final Account and Report of Executor and Petition for its Settlement, for Allowance of Compensation to Executor and Attorneys for Ordinary and Extraordinary Services and for Final Distribution

DOD: 8/30/96

Cont. from 071416

	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	W
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	**Letters**	1/14/15
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

CARMEN C. MORENO, Daughter, was appointed Executor with Full IAEA without bond on 12/16/14. Letters issued on 1/14/15.

Account period: 8/30/96 – 5/25/16
Accounting: $77,042.74
Beginning POH: $77,008.85
Ending POH: $68,131.24
($56,122.39 cash plus musical copyrights)

Executor (Statutory): $2,880.35

Attorney (Statutory): $2,880.35

Attorney (Extraordinary): $1,650.00
(for attorney and paralegal time in connection with the sale of the real property, per Exhibit C)

Costs: $1,362.59 (filing, publication, appraisal, certified copies)

Closing: $500.00

Petitioner states notice was provided to the Dept. of Health Care Services pursuant to §9202(a). Although no formal claim was filed in this estate, years prior to administration, they did submit to the heirs of the estate a claim. Petitioner negotiated with the DHCS on behalf of her and her sisters and the claim was reduced from $57,213.54 to $13,577.39 by exercising a hardship waiver and entering into a payment plan. Two of the daughters could not finish paying, so to prevent further action, Petitioner advanced $4,186.14 to satisfy the claim in full. See documentation at Exhibit A. Valentina Estrada and Rosa Maria Selzer have consented to reimbursement of Carmen Moreno from their distributive share in the amount of $2,093.07 each for a total amount to be reimbursed to Carmen C. Moreno of $4,18.14.

Distribution pursuant to Decedent's will, consents to reimbursement, and Distribution Agreement filed 9/15/16:

- Carmen C. Moreno: Musical copyrights valued at $12,008.85 plus cash of $19,802.50 ($15,616.36 plus $2,093.07 from the share of Valentina Estrada and $2,093.07 from the share of Rosa Maria Selzer)
- Valentina Estrada: $13,523.30
- Rosa Maria Selzer: $13,523.30

NEEDS/PROBLEMS/ COMMENTS:

Reviewed by: skc

Reviewed on: 9/23/16

Updates:

Recommendation:

File 10- Moreno

Dept. 303, 9:00 a.m. Thursday, September 29, 2016

11 Carol Green (Estate) Case No. 14CEPR01009

Attorney: Lisa Horton (for Petitioner/Executor Linda Green)

First and Final Account and report of Executrix and Petition for Its Settlement, for Allowance of Compensation to Attorneys and Executrix for Ordinary Services, for Allowance of Compensation to Executrix for Extraordinary Services, for Reimbursement of Costs Advanced, and for Final Distribution

DOD: 10/16/14		
Cont. from		
	Aff.Sub.Wit.	
	Verified	X
✓	**Inventory**	
✓	**PTC**	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	**Letters**	1/7/15
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

LINDA GREEN, Executor, is petitioner.

Account period: 10/16/14 – 7/31/16

Accounting - **$131,553.71**
Beginning POH - **$131,048.44**
Ending POH - **$ 74,830.97**

Executor (statutory) - **$4,946.61**
Executor x/o Local Rule) - **$1,000.00** (per

Attorney (statutory) - **$4,946.61**

Costs - **$1,427.54** (filing fees, probate referee, certified copies)

Closing reserve - **$4,000.00**

Distribution pursuant to Decedent's Will is to:

Diane Yvonne Dickinson - $8,667.37, 1/3 of decedent's jewelry, 1/3 of depression era glassware and 1/3 of the coin collection.

Linda Green - $12,369.83, 1/3 of decedent's jewelry, 1/3 of depression era glassware and 1/3 of the coin collection.

Michael Green - $7,869.83, 2001 Buick Regal, 1/3 of decedent's jewelry, 1/3 of depression era glassware and 1/3 of the coin collection.

Tower Foundation of San Jose State University - $16,103.17 to set up the Carol Nerell Green Memorial Scholarship.

NEEDS/PROBLEMS/COMMENTS:

<u>Continued to 11/9/16</u> at the request of the attorney.

1. Need Notice of Hearing.
2. Need proof of service of the Notice of Hearing on all interested parties.
3. Inventory and appraisals filed total $117,441.47. Petition states a supplemental inventory and appraisal with a value of $13,606.97 will be filed. Need supplemental inventory.
4. Petition was verified by the attorney. Probate Code §1023 does not allow an attorney to verify for the fiduciary appointed in the proceeding.
5. Need receipts for preliminary distributions.
6. Disbursement schedule shows an unknown disbursement for $139.11.
7. Need order.

Reviewed by: KT
Reviewed on: 9/26/16
Updates:
Recommendation:
File 11- Green

12 Nabella Evangelina Varela (GUARD/P) Case No. 14CEPR01034

Petitioner Vargas, Patricia (Pro Per – Maternal Grandmother)

Petition for Visitation

Age: 1 year			**PATRICIA VARGAS,** maternal grandmother, is petitioner. **Please see petition for details**	**NEEDS/PROBLEMS/COMMENTS:** **Minute Order of 08/11/2016:** Examiner notes provided in open court. 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: • Manuel Edward Varela (Father) • Latisha Renee Deloris 2. Notice of Hearing filed 08/08/2016 is incomplete in the following areas and therefore service is defective regarding Co-Temporary Guardians, Evangelina McAnulty and Dale McAnulty, Sr.: • #1 of the Notice of Hearing does not include the Petitioner's name nor what was filed. • Proof of Personal Service portion does not include the address that the petitioners were served, as well as the proof of service states they were served on 02/27/2016, six months prior to the petition being filed.
Cont. from 081116				
	Aff.Sub.Wit.			
✓	**Verified**			
	Inventory			
	PTC			
	Not.Cred.			
✓	**Notice of Hrg**			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
✓	**Pers.Serv.**			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order	x		
	Aff. Posting			**Reviewed by:** LV
	Status Rpt			**Reviewed on:** 09/26/2016
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 12- Varela**

13 Robert L. Britton (CONS/E) Case No. 15CEPR00074

Attorney **Gary L. Winter (for Conservator Jill McCool)**

Probate Status Hearing Re: Filing of First Account

			JILL McCOOL, daughter, was appointed Conservator of the Estate on 6/8/2015.
Cont. from 082516			
	Aff.Sub.Wit.		
✓	**Verified**		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
✓	**Aff.Mail**	W/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
✓	**Status Rpt**		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

OFF CALENDAR

First Account and Report of Conservator of Estate, etc., filed 9/22/2016 is set for hearing on 11/7/2016.

Reviewed by: LEG

Reviewed on: 9/23/16

Updates:

Recommendation:

File 13- Britton

14 **Charlotte Marie Inman (Estate)** **Case No. 15CEPR00279**

Attorney **Horton, Lisa (for Administrator Bruce Bickel)**

Status RE: Filing of the Inventory and Appraisal

DOD: 1/23/15	**BRUCE BICKEL** was appointed Administrator with Full IAEA with bond of $215,000.00 on 9/23/15. Bond was filed 10/6/15 and Letters issued 10/9/15. At the hearing on 9/23/15, the Court set this status hearing for the filing of the Inventory and Appraisal. **Status Report filed 2/24/16 states** the decedent's conservatorship action Case No. 0237515 which currently holds possession of the assets has not yet concluded. The Second and Final Account is scheduled for hearing on 3/1/16, which petition asks that the assets be delivered to the administrator of the estate. The Administrator has not yet filed an Inventory and Appraisal because the assets have not come into this estate. Therefore, Ms. Horton humbly requests that this status hearing be continued to 3/1/16 or alternatively for 60 days. **Partial I&A No. 1** was filed 9/1/16; however, a Final I&A has not yet been filed.	**NEEDS/PROBLEMS/COMMENTS:** **<u>Note</u>: Order on Second and Final Account of Co-Conservators was entered 7/29/16 and included distribution to Bruce Bickel as Administrator of the Estate.** **1. Need Final Inventory and Appraisal per Probate Code §8800 or current written status report per Local Rule 7.5.**
Cont'd from 022516, 050516, 051216, 062316, 072116, 090116		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		**Reviewed by:** skc
Status Rpt		**Reviewed on:** 9/23/16
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 14- Inman**

15 Donald Duane Scott (Estate) Case No. 15CEPR00289

Attorney Kruthers, Heather H (for Public Administrator)

Probate Status Hearing RE: First or Final Account

DOD: 01/20/2015	**PUBLIC ADMINISTRATOR,** was appointed Administrator with full IAEA authority, without bond, on 05/07/2015. Letters issued on 05/08/2015. Final Inventory and Appraisal filed 10/14/2015 shows an estate valued at $197,904.48. Supplemental Inventory and Appraisal filed 10/29/2015 shows an estate valued at $902.50. Minute Order of 05/07/2015 set this status hearing for the filing of the First and/or Final Account. **Status Report Regarding Filing of Final Account and Report of Administrator filed 09/23/2016** states when the PA was in the process of preparing the account, she realized there was an investment account that had never been inventoried. That must be done before she can file her final account. Because the inventory must go to the probate referee, it is requested that the next status hearing be set 60 days from now.	**NEEDS/PROBLEMS/COMMENTS:** 1. Need First Account or Petition for Final Distribution.
		Reviewed by: LV
		Reviewed on: 09/26/2016
		Updates:
		Recommendation:
		File 15- Scott

Cont. from 072116		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

16 **Catarino Garcia (Estate)** **Case No. 15CEPR01126**

Attorney **Krbechek, Randolf (for Administrator with Will Annexed Juanita G. Salinas)**

Status RE: Receipt for Blocked Account

DOD: 4/25/13	**JUANITA G. SALINAS**, daughter, was appointed Administrator with Will Annexed with Limited IAEA without bond, on 4/19/16. Letters issued 4/19/16. On 8/11/16, the Court confirmed the sale of real property and ordered the proceeds be placed into a blocked account. The Court set this status hearing re receipt for blocked account.	**NEEDS/PROBLEMS/COMMENTS:** 1. **Need receipt for blocked account or status report per Local Rule 7.5.**
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		**Reviewed by:** skc
Status Rpt		**Reviewed on:** 9/23/16
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 16- Garcia**

Dept. 303, 9:00 a.m. Thursday, September 29, 2016

17 Nathina Rios, Brandon Esqueda, Ethan Esqueda (GUARD/P)

Case No. 15CEPR01157

Petitioner Gutierrez, Paul (Pro Per – Maternal Uncle)
Petitioner Gutierrez, Jamie (Pro Per – Maternal Aunt)

Petition for Appointment of Guardianship of the Person

Ethan Age: 3			**NO TEMPORARY REQUESTED**	**NEEDS/PROBLEMS/COMMENTS:**
			PAUL GUTIERREZ, and **JAMIE GUTIERREZ**, maternal aunt and uncle, are petitioners.	**Petition is as to Ethan Esqueda only.**
Cont. from			**Please see petition for details**	**Maternal great grandmother, Mary Perez, was appointed guardian of Brandon Esqueda on 02/29/2016. Ms. Perez has filed a Petition for Guardianship of Nathina Rios, the hearing is set for 10/26/2016.**
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	w/		
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.	w/		
	Conf. Screen			
✓ ✓	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			**Reviewed by:** LV
	Status Rpt			**Reviewed on:** 09/26/2016
✓	UCCJEA			**Updates:** 09/28/2016
	Citation			**Recommendation:**
	FTB Notice			**File 17- Rios/ Esqueda**

Dept. 303, 9:00 a.m. Thursday, September 29, 2016

18 Ismael Pineda (CONS/PE) Case No. 16CEPR00012

Conservator Pineda, Raquel (Pro Per – Daughter – Conservator)

Status RE: Filing of the Inventory and Appraisal

			RAQUEL PINEDA, Daughter, was appointed Conservator of the Person and Estate on 5/5/16 and Letters issued 5/11/16. (Bond reserved) At a status hearing re capacity declaration and reserved bond on 5/26/16, the Court set this status hearing for the filing of the Inventory and Appraisal.	**NEEDS/PROBLEMS/COMMENTS:** **Note:** Ms. Pineda was also appointed conservator of her mother, also named Raquel Pineda, in related matter 16CEPR00014; however, at a status hearing on 8/11/16, Ms. Pineda resigned as conservator and the Court appointed the Public Guardian in that matter. The matter was continued to 10/6/16 for status re capacity declaration. 1. **Need Inventory and Appraisal pursuant to Probate Code §2610 or written status report pursuant to Local Rule 7.5.**
				Reviewed by: skc
				Reviewed on: 9/23/16
				Updates:
				Recommendation:
				File 18- Pineda
Cont. from				
	Aff.Sub.Wit.			
	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Dept. 303, 9:00 a.m. Thursday, September 29, 2016

19 Jerry and Jorja Family Trust — Case No. 16CEPR00304

Attorney: Jeffrey A. Jaech (for Petitioner Jill Jones)
Attorney: Scott D. Laird (for Respondent Jorjoa Jones)

Petition for Orders Ordering Conveyance of Property, Imposing Damages under Probate Code Section 859, Finding Respondent Liable for Elder Abuse, and Imposing Constructive Trust

Cont. from 050216, 060916, 071416

	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
✓	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

JILL JONES, daughter, is petitioner.

Please see Petition for details.

Verified Objection to Petition for Orders Ordering Conveyance of Property, Imposing Damages under Probate Code §859, Finding Respondent Liable for Elder Abuse and Imposing Constructive Trust filed by Jorja Jones on 9/19/16.

NEEDS/PROBLEMS/COMMENTS:

Continued from 7/14/16. Minute order states elder abuse is not handled in Probate. The Court will possibly set matter for trial on 9/29/16.

1. Petition includes an action for elder abuse. Elder abuse is a separate civil action and should be brought in the Civil Court.
2. Probate Code §17201 requires the petition to include the names and addresses of each person entitled to notice. Probate Code §17203 requires notice to each beneficiary of the trust. Beneficiaries Jamie Lea Tosland and Jared A. Senn are not included in the petition, as persons entitled to notice.
3. Need proof of service of the Notice of hearing on:
   a. Jamie Lea Tosland
   b. Jared A. Senn
4. Need Order.

Reviewed by: KT
Reviewed on: 6/7/16
Updates:
Recommendation:
File 19- Jorja

Dept. 303, 9:00 a.m. Thursday, September 29, 2016

20A Brendan Yang, Jennie Yang, Jackson Yang (GUARD/P) **Case No. 16CEPR00572**
Attorney: Jamie K Xiong-Vang (for Ge Her - Maternal grandmother)

Petition for Appointment of Guardian of the Person (Petitioner Ge Her)

			TEMPORARY EXPIRES 9/29/2016
			Surapol Vue (competing petitioner) was appointed temporary guardian on 8/8/2016
			GE HER, maternal grandmother, is petitioner.
Cont. from 080216, 080816			
	Aff.Sub.Wit.		
✓	**Verified**		***See petition for details.***
	Inventory		
	PTC		
	Not.Cred.		
✓	**Notice of Hrg**		
✓	**Aff.Mail**	w/	
	Aff.Pub.		
	Sp.Ntc.		
✓	**Pers.Serv.**	w/	
✓	**Conf. Screen**		
✓	**Letters**		
✓	**Duties/Supp**		
	Objections		
	Video Receipt		
✓	**CI Report**		
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
✓	**UCCJEA**		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

Please see related page 20A for Surapol Vue's competing petition for guardianship.

Continued from 8/8/16. Matter continued due to service defects. The Court orders unsupervised visitation for Ge Her every Saturday, starting 8/13/2016, from 10 am to 6 pm. Exchanges shall occur at 10 am.

1. Need proof of service of *Notice of Hearing* with copy of petition <u>or</u> consents and waivers of notice for:
   a. Wang Pao Vang (paternal grandfather) – *unless the Court excuses notice*
   b. Vang Koua Vang (maternal grandfather)
2. Need *Orders*.
3. Need *Letters*.

Reviewed by: SEF
Reviewed on: 9/22/2016
Updates: 9/23/2016
Recommendation:
File 20A- Yang

Dept. 303, 9:00 a.m. Thursday, September 29, 2016

20B Brendan Yang, Jennie Yang, Jackson Yang (GUARD/P) Case No. 16CEPR00572

Petitioner: Surapol Vue (Pro per – Paternal uncle)

Petition for Appointment of Guardian of the Person (Petitioner Surapol Vue)

			TEMPORARY EXPIRES 9/29/2016
			SURAPOL VUE, paternal uncle, is petitioner.
Cont. from			
	Aff.Sub.Wit.		
✓	**Verified**		***See petition for details.***
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	x	
	Aff.Mail	x	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
✓	**Conf. Screen**		
✓	**Letters**		
✓	**Duties/Supp**		
	Objections		
	Video Receipt		
	CI Report	x	
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
✓	**UCCJEA**		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

Please see related page 20A for Ge Her's (maternal grandmother) competing petition for guardianship.

Continued from 8/8/16. Temporary petition was granted to Surapol Vue, to preserve the status quo. The Court orders unsupervised visitation for Ge Her every Saturday, starting 8/13/2016, from 10 am to 6 pm.

Petitioner:

1. Need *Notice of Hearing*.
2. Need proof of service with at least 15 days notice of *Notice of Hearing* with copy of petition <u>or</u> consents and waivers of notice <u>or</u> declarations of due diligence for:
   a. Ni Wang Pao Yang (paternal grandfather)
   b. Mor Vue (paternal grandmother)
   c. Neeg Vang (maternal grandfather)
   d. Ge Her (maternal grandmother)
3. Item 3a of UCCJEA does not include minor Brendan Yang's residence information for past 5 years (2011 through 2013), as required.

Reviewed by: SEF

Reviewed on: 9/22/2016

Updates: 9/23/2016

Recommendation:

File 20B- Yang

Dept. 303, 9:00 a.m. Thursday, September 29, 2016

21A James D Frantz (CONS/P) Case No. 16CEPR00751

Petitioner Frantz, James Ben (Pro Per – Son – Petitioner)
Attorney Kruthers, Heather H. (for Public Guardian)
Attorney Boyett, Deborah (Court appointed for Proposed Conservatee)

Petition for Appointment of Probate Conservator of the Person

			See petition for details.
Cont. from 081816			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
✓	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
✓	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

Court Investigator advised rights on 8/12/16

Minute Order 8/18/16: The Court orders that counsel be appointed for James D. Frantz, proposed Conservatee. The Court orders the Public Guardian appointed as Temporary Conservator of the Person and Estate, with full authority. Matter continued to 9/29/16 and set on 9/29/16 for status report from PG (Page B).

The following issues remain noted:

1. It does not appear that all relatives within the second degree are listed at #11. Need complete list.
2. Based on the Court Investigator's recommendation, the Court may require that a new petition for general conservatorship of the person and estate, with service on the proposed Conservatee and all relatives within the second degree be filed by the Public Guardian, since this petition requested only limited conservatorship of the person only, and does not appear to have been served on all relatives. If medical consent powers are requested, need capacity declaration.

Reviewed by: skc

Reviewed on: 9/23/16

Updates:

Recommendation:

File 21A- Frantz

Dept. 303, 9:00 a.m. Thursday, September 29, 2016

21B **James D Frantz (CONS/P)** **Case No. 16CEPR00751**

Petitioner **Frantz, James Ben (Pro Per – Son – Petitioner)**
Attorney **Kruthers, Heather H. (for Public Guardian)**
Attorney **Boyett, Deborah (Court appointed for Proposed Conservatee)**

Status RE: Report from the Public Guardian

			TEMP (PG) EXPIRES 9/29/16	**NEEDS/PROBLEMS/COMMENTS:**
			JAMES BEN FRANTZ, Son, filed a Petition for Appointment of Limited Probate Conservator of the Person of **JAMES D. FRANTZ.** On 8/18/16, the Court appointed the **FRESNO COUNTY PUBLIC GUARDIAN** as Temporary Conservator and set this status hearing re report from the PG.	**1. Need status report from PG.** **Note: Due to the numerous issues noted with the original petition filed by Mr. Frantz, the Court may require that a <u>new petition</u> be filed by the Public Guardian for general (not limited) conservatorship of the person and estate, with service on the proposed Conservatee and all relatives within the second degree, and all supporting documentation as required.**
	Aff.Sub.Wit.			
	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			**Reviewed by:** skc
	Status Rpt			**Reviewed on:** 9/23/16
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 21B- Frantz**

21B

Dept. 303, 9:00 a.m. Thursday, September 29, 2016

22 Felicity Tobias (GUARD/P) Case No. 16CEPR00794

Attorney Kezirian, Teri Ann(for Margarita Donez and Justin Garcia – Maternal Cousins)

Petition for Appointment of Guardian of the Person

Age: 4 mos.			TEMPORARY EXPIRES 09/29/2016	NEEDS/PROBLEMS/COMMENTS:
			MARGARITA PEARL DONEZ, and **JUSTIN GARCIA**, maternal cousins, are petitioners.	**Note: Maternal grandmother, Erlinda De La Torre, filed a competing petition on 08/16/2016. Hearing is set for 10/18/2016.**
			Please see petition for details	**Minute Order of 08/10/2016 re: Temporary Hearing states: The Court grants permission for Andrina Tobias, mother, to be noticed via Facebook or text message that includes all of the pertinent information; proof of any said message is to be brought to court.**
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			**Note:** Petition filed by Margarita Donez and Justin Garcia list the minor's name as Felicity Tobias and that is how it was entered in the Court's case management system. The Court Investigator's report includes a copy of the minor's birth certificate and lists the minor's name as Felicitie Tobias. The Court may wish to do a true name finding regarding the minor.
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	w/		1. Need proof of personal 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: • Father (Unknown) • Andrina Tobias (Mother) – Unless the Court Dispenses with notice.
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			**Note: Declaration filed 09/22/2016 includes text message to Ms. Tobias regarding hearing date.**
				Please see additional page
	Aff. Posting			**Reviewed by:** LV
	Status Rpt			**Reviewed on:** 09/26/2016
✓	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 22- Tobias**

Dept. 303, 9:00 a.m. Thursday, September 29, 2016

NEEDS/PROBLEMS/COMMENTS continued:

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:
    - Paternal Grandparents (Unknown)

3. Need new order and letters with correct spelling of minor's name.

23 Elvey Perkins (Det. Succ) Case No. 16CEPR00798

Attorney: Melvin K. Rube (for Petitioner Lois Harris Perkins)

Petition to Determine Succession to Real Property

DOD: 8/3/15			**LOIS HARRIS PERKINS**, surviving spouse, is petitioner.
			40 Days since DOD.
Cont. from 090816			No other proceedings.
	Aff.Sub.Wit.		
✓	**Verified**		Will dated: 3/23/05 devises entire estate to spouse, Lois Harris Perkins.
	Inventory		
	PTC		
	Not.Cred.		I & A - **$110,000.00**
✓	**Notice of Hrg**		
✓	**Aff.Mail**	W/	**Petitioner requests** Court determination that Decedent's interest in real property pass to her pursuant to Decedent's will.
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

1. There is no record that the original will has been deposited. Probate Code §8200. – Will attached to the petition is a color copy and not the original.
2. Attachment 11 does not state the decedent's interest in the real property as required.
3. Need Order.

Reviewed by: KT

Reviewed on: 9/23/16

Updates:

Recommendation:

File 23- Perkins

Dept. 303, 9:00 a.m. Thursday, September 29, 2016

24 The Willy K. and Lily Y. Suda 1988 Trust Case No. 16CEPR00839

Attorney **Patricia L. Suda, of South Lake Tahoe, CA (for Petitioner Kathleen Suda, Co-Trustee)**

Petition to Modify Trust and Revoke Exemption Trust

Willy DOD: 11/14/2015		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	W/
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	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
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✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

KATHLEEN SUDA, Co-Trustee, is Petitioner.

Petitioner states:

- Petitioner and Attorney Patricia L. Suda are two of four Co-Trustees of the **WILLY K. AND LILY Y. SUDA TRUST dated December 1, 1988** and are the designees of the agents of the sole beneficiary of the trust, **LILY Y. SUDA** *(copy of power of attorney authorization as Agents and Trustees attached as Exhibit 1 and 2;* Petitioner has been authorized by the agents under Lily Y. Suda's power of attorney to sign all documents reflecting her rights as Trust beneficiary;
- The Trust was created as an A-B Split trust; as written, the **EXEMPTION TRUST** became irrevocable upon the death of Settlor Willy K. Suda; the **EXEMPTION TRUST** was created pursuant to a written declaration of trust of Willy K. Suda and Lily Y. Suda *(copy attached as Exhibit "A");*
- Petitioner seeks to modify the A-B Trust and revoke the **EXEMPTION TRUST**, not create a **MARITAL TRUST**, and to manage the trust assets as a single "**SURVIVOR TRUST**;"
- The proposed modification is necessary because a mandatory split into an exemption trust and survivor trust and marital trust was created in order to plan for estate tax consequences, which no longer exist due to the current value of the trust assets and the changes made in the current federal and state estate tax laws, which eliminate any taxes on estates under **$5,430,000.00**;
- The requested modification and revocation is necessary to make the Trust amendable and revocable by Lily Y. Suda, the surviving Settlor and primary beneficiary; the **EXEMPTION TRUST** is no longer necessary and maintaining it will create significant and unnecessary administrative costs; a **MARITAL TRUST** was not created;
- The beneficiaries have consented to the proposed modification *(signed consents attached as Exhibit C)*.

Petitioner prays for an order:

1. Granting Permission to revoke the **EXEMPTION TRUST** and not create a **MARITAL TRUST** *[and continue the Trust as a revocable single **SURVIVOR TRUST** only]*; and
2. Approving the execution of the **SEVENTH** Amendment to Trust *(copy attached as Exhibit D.)*

NEEDS/PROBLEMS/ COMMENTS:

1. Proposed order violates Local Rule 7.6.1(D), in that the proposed order refers to execution of the Seventh Amendment to the trust "attached to the *Petition* on file." Need revised proposed order that is drawn so that its general effect may be determined without reference to the *Petition*.

Reviewed by: LEG

Reviewed on: 9/26/16

Updates:

Recommendation:

File 24- Suda

Dept. 303, 9:00 a.m. Thursday, September 29, 2016

25 **Benita Hernandez (Estate)** **Case No. 16CEPR00854**

Attorney **Lind, Ruth P. (for Petitioners)**

Petition for Probate of Will and for Letters Testamentary with IAEA

DOD: 12/15/12			**SAMUEL HERNANDEZ and ALMA E. WELLS**, Son and Daughter, Named Co-Executors without bond, are Petitioners. Full IAEA – ok Will dated 9/9/94 Residence: Fresno Publication: Business Journal Estimated value of estate: Real property: $135,000.00 Probate Referee: Rick Smith (due to assignment in related matter)	**NEEDS/PROBLEMS/COMMENTS:** **<u>Note</u>: See related matter at Page 27 of this calendar.** **<u>Note</u>: If granted, the Court will set status hearings as follows:** • **Thursday, March 2, 2017 for filing Inventory and Appraisal** • **Thursday, Nov. 30, 2017 for filing the first account or petition for final distribution.**
	Aff.Sub.Wit.	S/P		
✓	**Verified**			
	Inventory			
	PTC			
	Not.Cred.			
✓	**Notice of Hrg**			
✓	**Aff.Mail**	w		
✓	**Aff.Pub.**			
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	Pers.Serv.			
	Conf. Screen			
✓	**Letters**			
✓	**Duties/Supp**			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	**Order**			
	Aff. Posting			**Reviewed by:** skc
	Status Rpt			**Reviewed on:** 9/26/16
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 25- Hernandez**

26 Richard William Bland (CONS/P) Case No. 16CEPR00859

Petitioner Valerie Jean Bland (Pro Per)

Petition for Appointment of Probate Conservator

				NEEDS/PROBLEMS/COMMENTS:
				CONTINUED TO 10/27/2016 **Per Petitioner's request**
Cont. from				
	Aff.Sub.Wit.			
	Verified			
	Inventory			
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	Not.Cred.			
	Notice of Hrg			
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	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			**Reviewed by:** LEG
	Status Rpt			**Reviewed on:** 9/26/16
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 26- Bland**

26

Dept. 303, 9:00 a.m. Thursday, September 29, 2016

27 **Benita Hernandez (Det. Succ)** **Case No. 16CEPR00682**

Attorney **Lind, Ruth P. (for Petitioners)**

Petition to Determine Succession to Real Property

DOD: 12/15/12	**SAMUEL HERNANDEZ, ALMA E. WELLS,** and **ELUID HERNANDEZ,** children, and **BATYA HERNANDEZ, and MATEA HERNANDEZ**, children of post-deceased son **DAVID HERNANDEZ**, are Petitioners. 40 days since DOD No other proceedings I&A: $135,000.00 (real property located at 1881 S. Karen Ave., in Fresno) Will dated 9/9/94 devises the decedent's estate to her children who survive her, or the issue of children who predeceased her. Petitioners request Court determination that the decedent's property passes to them as follows: • Samuel Hernandez: 25% • Alma E. Wells: 25% • Eluid Hernnadez: 25% • Batya Hernnadez: 12.5% • Matea Hernandez: 12.5% **See Declaration filed 9/19/16** re authority re Batya Hernandez and Matea Hernandez as successors to this estate.	**NEEDS/PROBLEMS/COMMENTS:** **<u>Note</u>: See related matter at Page 25 of this calendar.** **1. <u>As previously noted, the petition cannot go forward as filed.</u> Batya Hernandez and Matea Hernandez are not successors of this decedent; they are successors of post-deceased heir David Hernandez, who survived the decedent, but died 2/25/13.** **Pursuant to Probate Code §§ 13150 et seq., and as described in Law Revision Commission Comments, a petition under this section must be joined by all who succeed to the real property.** **The estate of post-deceased heir David Hernandez is the successor pursuant to §11801, not Batya and Matea individually. Once his estate succeeds to his share, Batya and Matea may then use summary proceeding to succeed to his estate.** **If the real property of Benita Hernandez is to pass via Petition to Determine Succession, need amended petition by all successors in interest, which would be Samuel, Alma, Eluid, and a personal representative of David's estate.** ***<u>However</u>*, it now appears that a full petition for probate has been filed for the Estate of Benita Hernandez. See Page 25 (16CEPR00854).**
		Reviewed by: skc
		Reviewed on: 9/27/16
		Updates:
		Recommendation:
		File 27- Hernandez

Cont. from 080916, 092016		
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	Letters	
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	Objections	
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	CI Report	
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	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

Dept. 303, 9:00 a.m. Thursday, September 29, 2016