



## ATTENTION

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

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

Thank you for your patience.

**1 Betty Jo Turner (Estate)**

**Case No. 10CEPR00681**

**Atty Janian, Paulette (for Petitioner/Executor Stanley Turner)**

**Atty Gin, Robert W. (for Objectors Michael Turner, Jad Turner, Adam Turner and Joseph Turner)**

**(1) First and Final Account and Report of Administration, (2) Petition for Final Settlement, (3) For Allowance of Statutory Fees to Attorney and for (4) Final Distribution (10900, 10951, 10810, 11000, 11600, 11640)**

<b>DOD: 4/4/2008</b>		<b>STANLEY TURNER</b> , Executor, is petitioner.	<p><b>NEEDS/PROBLEMS/ COMMENTS:</b></p> <p>1. Need Order</p>
		Account period: 4/4/2008 – 8/15/2012	
		Accounting - <b>\$719,338.35</b>	
		Beginning POH - <b>\$586,230.07</b>	
		Ending POH - <b>\$611,703.80</b>	
<b>Cont. from</b>		Executor - <b>waives</b>	
<input checked="" type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Attorney - <b>\$14,724.61</b> (statutory)	
<input checked="" type="checkbox"/>	<b>Verified</b>	Closing - <b>\$3,000.00</b>	
<input checked="" type="checkbox"/>	<b>Inventory</b>	<b>Distribution, pursuant to Decedent's Will, is to:</b>	
<input checked="" type="checkbox"/>	<b>PTC</b>	Stanley Turner - 50% interest in the Moles Note;	
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	Michael Turner - 35% of the Moles Note and \$37,797.00;	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	Jad Turner - 5%of the Moles Note and \$5,971.00;	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> W/	Adam Turner - 5%of the Moles Note and \$5,971.00;	
	<b>Aff.Pub.</b>	Joseph Turner - 5%of the Moles Note and \$5,971.00.	
	<b>Sp.Ntc.</b>	<b>Objections of Michael Turner, Jad Turner, Adam Turner and Joseph Turner filed on 9/19/2012.</b>	
	<b>Pers.Serv.</b>	Objector's allege:	
	<b>Conf. Screen</b>	1. The Petition does not include the 2008 payment on the Moles Note. Objectors understand that the payment was received by Stanley Turner shortly before or after the decedent's death.	
<input checked="" type="checkbox"/>	<b>Letters</b> 9/9/10	2. Objector's object to each distribution Stanley Turner, as Executor, made for his personal benefit without prior court review or approval. Objectors contend Stanley Turner should be surcharged the amount of such distributions.	
	<b>Duties/Supp</b>	<b>Please see additional page</b>	
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
	<b>Order</b> X		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		

**Reviewed by: KT**

**Reviewed on: 9/27/12**

**Updates:**

**Recommendation:**

**File 1 - Turner**

**Objections continued:**

3. Objectors object to the Summary of Account, since it does not contain complete information, and falsely indicates the account is in balance. The Summary of Account does not contain information in Schedule E (Change in Assets) in the amount of \$32,327.07
4. Objectors object to the Bank of America Service charges to December 2008, in the amount of \$314.96. There is no explanation why such charges should be the responsibility of the Estate.
5. Objectors object to the 2009 tax penalties, the 2010 tax penalties and the 2011 tax penalties. Objectors allege that Stanley Turner did not have the income tax returns for the Estate prepared until 2011. Therefore, any tax penalties should be his sole responsibility.
6. Objectors object to the accounting fees for John Rich & Company. Objectors allege Stanley Turner unreasonably delayed in providing information to his accountants. Stanley Turner should be solely responsible for any and all additional charges for his accountants, and he should be surcharged for these amounts.
7. The Petition does not explain why the estate was not closed within one year for the date Letters were issued, nor does the Petition attempt to justify the delay. Objectors contend that the delay in bringing the Estate to a close was unjustified and unreasonable, and Stanley Turner should be surcharged.
8. Objectors object to the proposed distribution of the balance remaining on the Moles Note. The interest going to Stanley Turner should be reduced by the amount of surcharge, including a surcharge for the unreasonable delay in bringing this estate to a close.

**Wherefore, the Objectors pray for an order as follows:**

1. That the objections herein be sustained;
2. That the accounting not be settled and allowed as filed.
3. That Stanley Turner be ordered to render a true, correct and legally sufficient verified account.
4. That Stanley Turner be surcharged the amount of the 2008 Moles note payment he received.
5. That Stanley Turner be surcharged for the amount of the distribution he made without court review or approval to himself or for his benefit.
6. That Stanley Turner be ordered to repay the Estate the amount of the Bank of America surcharges to December 2008, or in the alternative Stanley Turner be surcharged this amount.
7. That Stanley Turner be ordered to repay the Estate in the amount of the penalties and interest charged to the Estate for the 2009, 2010, and 2011 income tax returns, or in the alternative, that Stanley Turner be surcharged this amount.
8. That Stanley Turner be order to repay the estate the amount of the accounting fees paid to John Rich & Company, or in the alternative, that Stanley Turner be surcharged this amount.
9. That the share of the remaining Moles note payment to Stanley Turner be reduced in the amount of the surcharge assessed against him as requested above.
10. For attorney's fees for all objections.

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

<b>DOD: 08/17/2012</b>	<b>WANDA COULTER</b> , niece/named executor without bond, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note: If the petition is granted status hearings will be set as follows:</b>  <ul style="list-style-type: none"> <li>• <b>Friday, 03/01/2013 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <b>and</b></li> <li>• <b>Friday, 12/06/2013 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.</li> </ul> Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
	Full IAEA- o.k.	
	Will dated: 11/22/2011	
<b>Cont. from</b>	Residence: Selma Publication: Selma Enterprise	
<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>	<b>Estimated value of the estate:</b>	
<input type="checkbox"/> <b>Not.Cred.</b>	Personal property - \$205,000.00 Real property - \$140,000.00 <b>Total: - \$345,000.00</b>	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	w/	
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>	Probate Referee: Steven Diebert	
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<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> KT / LV
		<b>Reviewed on:</b> 09/26/2012
		<b>Updates:</b>
		<b>Recommendation:</b> Submitted
		<b>File 2 - Gilstrap</b>

(1) Final Account and Report of Conservator, (2) Petition for Allowance of Fees for Attorney and for (3) Termination of Conservatorship of the Estate

<b>DOD: 11/27/11</b>	<b>THEA WILKINS</b> , Conservator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Account period: <b>09/11/10 – 11/27/11</b>	<b>CONTINUED FROM 08/21/12</b>
	Accounting - <b>\$39,863.08</b>	Minute Order from 08/21/12 states:
<b>Cont. from 082112</b>	Beginning POH - <b>\$4,254.38</b>	Counsel advises the Court that there is no balance in the account. The Court directs counsel to submit a declaration referencing the relevant document and the paragraph.
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Ending POH - <b>\$1,483.36</b>	
<input checked="" type="checkbox"/> <b>Verified</b>	Conservator - <b>waives</b>	As of 09/27/12, no further documents have been filed and the following comments remain:
<input type="checkbox"/> <b>Inventory</b>	Attorney - <b>\$1,250.00</b> (per Local Rule)	1. Pursuant to Probate Code § 2620(b) the final accounting following the death of a conservatee shall include an accounting for the period that ends on the date of death and a separate accounting for the period subsequent to the date of death. The petition states that a supplemental accounting for the period of 11/28/11 – 05/08/12 is included; however, the Petition does not include a supplement. Need accounting for the period subsequent to the conservatee's death.
<input type="checkbox"/> <b>PTC</b>	<b>Petitioner prays for an Order:</b>	2. Petitioner requests to be released from her surety bond; however, the conservator may only be discharged and the bond released upon filing of an Ex Parte Petition for Final Discharge and Order. (The Examiner has interlineated the Order to reflect this).
<input type="checkbox"/> <b>Not.Cred.</b>	1. Approving, allowing and settling the Final Account;	3. Need statements from the conservatee's care facility pursuant to Probate Code § 2620(c)(5)
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	2. Authorizing the attorney's fees; and	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/	3. Releasing Conservator from her surety bond.	
<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>2620</b> x		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		<b>Reviewed by:</b> JF
<input type="checkbox"/> <b>Status Rpt</b>		<b>Reviewed on:</b> 09/27/12
<input type="checkbox"/> <b>UCCJEA</b>		<b>Updates:</b>
<input type="checkbox"/> <b>Citation</b>		<b>Recommendation:</b>
<input type="checkbox"/> <b>FTB Notice</b>		<b>File 3A - Hoehne</b>

<b>DOD: 11/27/11</b>	<b>THEA WILKINS</b> , daughter, was appointed Conservator of the Person and Estate on 03/03/09 and Letters were issued on 06/02/09.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. <b>Need declaration as instructed on Minute Order dated 08/21/12.</b></p>	
<b>Cont. from</b>	The First Account of Conservator was approved on 02/14/11.		
<b>Aff.Sub.Wit.</b>	<p>The <b>Final Account and Report of Conservator</b> was filed 07/12/12 and set for hearing on 08/21/12.</p> <p><b>Minute Order from hearing on 08/21/12</b> set this matter for a status hearing and states: Counsel advises the Court that there is no balance in the account. The Court directs counsel to submit a declaration referencing the relevant document and the paragraph.</p>		
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
		<b>Reviewed by:</b> JF	
		<b>Reviewed on:</b> 09/27/12	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 3B - Hoehne</b>	

<b>DOD: 1-8-09</b>		<p><b>MANUEL N. VIERRA</b>, Attorney for Executor James L. Elder, is Petitioner.</p> <p><b>JAMES L. ELDER</b> was appointed Executor with Full IAEA without bond and Letters issued on 3-3-09.</p> <p><b>Final Inventory and Appraisal filed 2-22-11 reflects a total estate value of \$205,337.78</b>, including \$66,337.78 cash and real property in Fresno and Tulare Counties.</p> <p><b>Petitioner requests</b> permission to withdraw as attorney of record under California Rule of Professional Conduct Rule 3-700(C) in that he has been unable to carry out his duties effectively because he has been unable to communicate with his client since receiving his letter of August 31, 2011 (attached).</p> <p>Petitioner states six (6) letters to his client between 8-9-10 and 7-3-12 (attached), and states the only response received is the client's letter dated 8-31-11.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> Decedent's will dated 12-10-08 devises specific personal property items to various charities and/or organizations, and devises the residue of the estate to the Fresno State University Foundation.</p> <p><b>Note:</b> The Court will set a status hearing for Executor's Failure to File Petition for Final Distribution on Friday 11-16-12.</p> <p>1. Need Order.</p>
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input type="checkbox"/>	<b>Verified Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	W	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input checked="" type="checkbox"/>	<b>Pers.Serv.</b>	W	
<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> skc</p> <p><b>Reviewed on:</b> 9-27-12</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 4 - Jaquay</b></p>	

Atty Walters, Jennifer (for Jessica Navarro – mother/Petitioner)  
 Atty Rusca, Rose Marie (for Rene Alvarado – father/Objector)  
 Atty Hopper, Cindy (for Vanessa Alvarado and Paul Pinegar – paternal aunt & uncle/guardians)

**Petition for Termination of Guardianship**

<b>Age:</b> 3	<p><b>JESSICA NAVARRO</b>, mother, is Petitioner.</p> <p><b>VANESSA ALVARADO</b> and <b>PAUL PINEGAR</b>, paternal aunt and uncle, were appointed as Co-Guardians on 03/28/11.</p> <p>Father: <b>RENE ALVARADO</b></p> <p>Paternal grandfather: RENE ALVARADO                  Paternal grandmother: MARGARET GONZALES</p> <p>Maternal grandfather: EDWARD NAVARRO                  Maternal grandmother: DANA ESTRADA</p> <p>Petitioner states that the guardianship is no longer necessary and it would be in "Bella's" best interest to be returned to her care full-time. Petitioner states that at the time the guardianship was established she was overwhelmed with the prospect of being a young mother with two small children (she also has a son who is now 6, that has remained in her care) and consented to the guardianship at that time. During the course of the guardianship, she has maintained significant contact with Bella, having visitation often. Petitioner now realizes that it is in Bella's best interest for the guardianship be terminated. Petitioner states that upon learning of her intention to terminate the guardianship, the guardians have not allowed her to visit as often.</p> <p><b>Court Investigator Charlotte Bien filed a report on 05/24/12.</b></p> <p><b>Father's objection to Termination of Guardianship filed 05/24/12</b> states that Bella has lived with his sister and her family since she was 4 weeks old and is bonded with them and that their home is the only home Bella knows. Mr. Alvarado further states that Bella is a happy, well-adjusted child and that while he too, would like to raise her 100% of the time, he and Petitioner couldn't care for her when she was born, and they have allowed her to bond with the guardians, and it would not be fair to Bella to drastically change her home. He states that this isn't about the Petitioner or him, but about Bella's best interest.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 06/05/12</b></p> <p><b>Note:</b> All relatives were served by mail on 05/07/12.</p> <p>1. Need Order.</p>
<b>Cont. from 060512</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 checked="" type="checkbox"/> <b>Notice of Hrg</b>		
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<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 checked="" 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>		

**Continued on Page 2**

**Opposition to Termination of Guardianship filed by Guardians, Paul Pinegar and Vanessa Alvarado on 05/31/12** states that Petitioner, Jessica Navarro "Jessica", Bella's mother, has been indecisive about caring for Bella her entire life. Jessica initially was going to place Bella up for adoption and Bella lived with adoptive parents for the first month of her life (and has the adoptive parents last name), on the 28<sup>th</sup> day, Jessica changed her mind and took back custody of Bella. Jessica immediately placed Bella in the Petitioners care and she has remained with them ever since. When Bella was placed in their care, she had nothing other than the clothes she was wearing, Petitioners immediately purchased everything needed to care for an infant and they have raised her as their own ever since. Bella is now almost 3 years old. Jessica has continued to display indecisiveness regarding parenting Bella, and has also had trouble parenting her son from another relationship; last year, she sent her son to stay with her mother for several months because she could not afford day care and was frustrated because he refused to be fully potty trained at 5 years old. Jessica told the Guardians at that time, that she was glad Bella did not live with her so she did not have two children to send away. Jessica's statement in her petition that she has remained a primary parental figure in Bella's life and that Bella would spend at least 3 nights a week with her (sometimes a week at a time) is untrue; the longest Bella has been in Jessica's care was for 4 days, on one occasion in February 2012, during which time, Jessica sent Vanessa text messages that Bella missed her and wanted to see a picture of her. The Guardians further state that Jessica has claimed that Bella lives with her so that she can have daycare paid for for her son through a program called Supportive Services. Since Jessica has her son on Supportive Services, she is also required to have Bella on Supportive Services or she would not qualify for the program as her income is too high for a family size of only two. Jessica kept asking guardians for Bella's immunization records so that she could provide them to Supportive Services, the guardians refused to provide the records and as a result, Jessica had a doctor re-immunize Bella so that she could get an immunization record as required to continue receiving assistance from Supportive Services. Further, Jessica did not tell the guardians that she had done this. The guardians called Supportive Services and told them that their services were no longer necessary because they were Bella's guardians and Jessica did not have custody of Bella. Jessica has stated to the guardians that if she does not have Bella in her care, she will not qualify for daycare for her son. Jessica has never wanted to take complete responsibility for Bella and has always expressed that she wants to see Bella when she wants to see her. She has never been consistent with her visits and this is why there is no set visitation schedule. Jessica can't have it both ways, she cannot be a parent when she wants to be and when times get tough give up and hand Bella off to someone else. Bella needs consistency in her life, consistency that the guardians can provide. The guardians do not believe that a termination of the guardianship is in Bella's best interest. They believe that Bella needs consistency and are requesting that Jessica have a set visitation schedule; however, if Jessica misses a visit then all contact is terminated between Jessica and Bella. The guardians request that the Court deny Jessica's Petition to terminate the guardianship.



**Petitioner states, continued:**

- The beneficiaries of each of the Sub-Trusts are the Settlor's five children: **ANTONIETTA ROSA VERNI (Rosa), NICOLA VERNI (Nick), LEONARD VERNI (Dino), MARIA STANZIALE, and CARMELA DeSANTIS** (Petitioner); and with respect to specific distributions from the Survivor's Sub-Trust only: **ERLINDA MARCIANO VERNI (\$200,000.00) and ST. ANTHONY OF PADUA CATHOLIC CHURCH (\$200,000.00)**;
- Following the death of Saverio and Leonarda, the Merged Family Sub-Trust names Rosa as First Successor Appointee, and Maria as Second Successor Appointee;
- **Petitioner seeks a Court order pursuant to Probate Code § 15642 removing Rosa as trustee of the Merged Family Sub-Trust on the grounds noted below; Petitioner is informed that Maria will decline to serve as the next successor trustee of the Merged Family Sub-Trust, and Petitioner seeks a determination by the Court that Maria has declined to so serve;**
- The Eighth Amendment provides that upon Saverio's ceasing to act as trustee, Nick will serve as trustee of the Survivor's Sub-Trust;
- **Petitioner seeks a Court order pursuant to Probate Code § 15642 removing Nick as trustee of the Survivor's Sub-Trust on the grounds noted below; Petitioner also seeks a determination by the Court that Dino is not qualified to serve as next successor trustee of the Survivor's Sub-Trust based upon the allegations noted below;**

**Petitioner states the Trust and interests of Petitioner will suffer loss or injury pending a hearing on this matter, and requests the Court immediately suspend the powers of the trustees, appoint a temporary trustee, and compel the trustees to surrender all Trust property to such temporary trustee(s) pursuant to Probate Code § 15642(e) and 17206**

**Petitioner also seeks a Court order removing the trustees and appointing a suitable person or persons selected by the Court to act as successor trustee(s) to receive the assets of the Family Sub-Trust and Survivor's Sub-Trust and to manage each respective Sub-Trust until such time as a final distribution of the respective Sub-Trust is made.**

**Petitioner's Grounds for Removal and Other Relief:**

- Over Petitioner's objections, Trustees Nick and Rosa have provided a commingled accounting for the Merged Family and Survivor's Sub-Trusts, which fails to segregate each Sub-Trust's assets, liabilities, receipts and disbursements (*copies of the first and second joint accountings of trustees attached as Exhibit B*); the allegations that follow may not distinguish between the respective Sub-Trust because the nature the accounting will not allow it; [*the following allegations of the practices by the Trustees are all practices that continue to the present*]:
- 1. Based on the first and second accountings of Trustees, the Trustees are breaching their fiduciary duties by commingling the assets of the Merged Family Sub-Trust and Survivor's Sub-Trust;
- 2. Based on the first and second accountings of Trustees, the Trustees are allowing real property assets of the Trust consisting of mature almond orchards to be exploited without compensation by Dino upon terms which are detrimental to the Trust and which confer a disproportionate benefit to beneficiary Dino; the Trustees purport to lease to Dino 102 acres of almond orchards in trust at **\$500** per acre; however, Dino does not pay actual rent, but instead provides receivables for his rent, and the receivables do not earn interest and are not actually collected by the Trust; according to the accountings, this practice has been going on for a number of years and the number of unpaid receivables are accumulating [*emphasis in original*];
- 3. Based on the first and second accountings of Trustees, the Trustees are using Trust assets to pay the expenses of Dino's separate farming operations [*emphasis in original*];

~Please see additional page~

Petitioner's Grounds for Removal and Other Relief, continued:

4. Based on the first and second accountings of Trustees, the Trustees are using Trust resources to market and manage the sale of the products from the harvest of said orchards and to collect the receipts from those sales, all for the sole benefit of Dino [emphasis in original];
5. As a result of the matters alleged above, the Trust is being denied the profit on fully mature orchard land owned by the Trust, for which the Trust pays all cultural expenses and for which the Trust pays all administrative expenses incurred in the sale and collection of receipts; the Trust receives nothing in return and the profits from the operation, which belong to the Trust, have been and continue to be, diverted to Dino, all with full knowledge and acquiescence of the trustees [emphasis in original];
6. Based on the first and second accountings of Trustees, the Trustees are allowing Trust labor and equipment to be diverted to Dino's personal farming uses, while Dino is charging the Trust (and the Trustees are paying) for replacement farm labor and equipment purportedly supplied by Dino for use on other acreage owned by the Trust; the Trust owns all of the farming equipment necessary to farm its properties, and as revealed by the accountings, employs and contracts with farm laborers on a scale which is more than sufficient to meet, and appears to exceed, that which is needed for Trust farming operations;
7. Based on the first and second accountings of Trustees, Dino controls and uses a revolving charge account held jointly in his name and the name of Saverio; the account was opened *after* Saverio died because the first statement provided is for 6/6 – 7/6/2009, the month following Saverio's death and the previous balance shown on the statement is **\$0.00**; over the ~18 months following Saverio's death (period covered by the accountings) charges on the account totaled **\$183,661.17**; the Trustees have been paying these charges from Trust funds; in addition, in 2009 the Trustees have paid an additional **\$228,650.23** in credit charges for which no detail has been provided in the accountings, with a total cash Trust disbursement in 2009 of **\$807,644.43**; the Trustees purported to have paid in 2010 an additional **\$25,267.33** on lines of credit for which no detail has been provided, for a total Trust cash disbursement in 2010 of **\$1,016,930.15**; the Trustees have made such payments without adequate controls and information to ensure the debts have been incurred for Trust purposes; [examples of charges made to the Trust account are listed, such as for restaurants, department stores, grocery stores, clothing stores, florists, pet supply stores, and pharmacies]; these charges are not Trust related;
8. Some or all of the amounts charged by Dino and paid for by the Trustees have been for Dino's own personal use and benefit and for his separately owned business; other revolving debt charges paid for by the Trustees have been similarly used to benefit Dino to the detriment of the Trust and exclusion of its other beneficiaries;
9. The Trustees have allowed Dino to convert additional Trust property to his own use and benefit, including substantial quantities of almond meats; Dino's purported claim of right to such commodities and the Trustee's acquiescence to this claim of right, have resulted in depletion of Trust assets; the Trustees have completely failed to account for this inventory in their first and second accountings; other commodities produced by the Trust are being sold to third parties, e.g., peddlers at various farmer's markets in the Southern California region, and local restaurants and businesses, the proceeds of which are not reported in Trustees accountings and are being improperly diverted from the Trust; the sale proceeds of Trust commodities that are actually being reported in Trustee's accountings do not reflect actual amounts received;

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**Petitioner's Grounds for Removal and Other Relief, continued:**

10. The Trustees' first accounting acknowledges that real property distributions from 2 of the 3 Sub-Trusts made by Saverio during his lifetime to Dino and to Nick were improper and without valid authority, yet the Trustees have failed and refuse to act to reclaim and recoup said properties into the Trust;
  11. The Trustees have failed to disclose, account for, and marshal assets owned in trust and located in Italy;
  12. The Trustees are also allowing trust equipment, labor and resources to be used without compensation by Rosa in her personal farming business.
- Grounds for removal of a trustee by a Court pursuant to Probate Code § 15642 and 16420 include where (a) a trustee has committed a breach of trust; (b) where the trustee fails or declines to act; and (c) for other good cause;

**Duties Violated by the Above Acts and Omissions:** Trustees have committed numerous breaches of trust and violated trustee duties by their conduct [as provided in Probate Code § 16000 et seq., specific citations omitted] as follows, with limitation:

1. Duty to administer the Trust according to the Trust instrument;
2. Duty to administer the Trust solely in the interest of the beneficiaries;
3. Duty to deal impartially with beneficiaries and to act impartially in investing and managing the trust property;
4. Duty not to use or deal with trust property for the trustee's own profit or for any other purpose unconnected with the trust, nor to take part in any transaction in which the trustee has an interest adverse to the beneficiary;
5. Duty to take reasonable steps under the circumstances and take and keep control of and preserve the trust property;
6. Duty to make the trust property productive under the circumstances and in furtherance of the purposes of the trust;
7. Duty to keep the trust property separate from other property not subject to the trust, and to ensure that trust property is designated as property of the trust; and
8. Duty to take reasonable steps to enforce claims that are trust property.

**Remedies Sought by Petitioner:**

- In addition to removal of the Trustees and finding that the trustees are either unfit or unwilling to serve, Petitioners seek an order for the following [pursuant to Probate Code §§ 15642 and 16420, citations omitted]:
  1. To immediately suspend the powers of the Trustees, appoint a temporary Trustee or Trustees, and compel the Trustees to surrender all Trust property to such temporary Trustee(s);
  2. To remove the Trustees and to appoint a successor trustee or trustees to take possession of the Trust property and administer the Trust;
  3. To compel the Trustees to redress their breaches through the payment of monetary damages;
  4. To deny or otherwise reduce the compensation of the Trustees;
  5. Subject to § 18100, to impose a constructive trust on property of the Trust which has been wrongfully converted; and
  6. Subject to § 18100, to cause proceedings to trace and recover property and proceeds to which the Trust is entitled.

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**Remedies Sought by Petitioner, continued:**

- Petitioner has suffered damages, the extent of which is unknown, but which is subject to proof at trial;
- Pursuant to Probate Code §§ 16420 and 16440, Trustees Rosa and Nick should be surcharged in an amount equal to the aggregate of the following: any loss suffered by, or depreciation in value of, the Trust estate resulting from the breach of trust, with interest; any profit made by the trustees through the breach of trust, with interest; any profit that would have accrued to the Trust estate if the loss of profit is the result of the breach of trust, that is appropriate under the circumstances;
- Petitioner requests an award of attorney's fees pursuant to any and all appropriate statutes and law including Probate Code §§ 17211(b), 15642(c), and 11003(b); in addition, to the extent the instant Petition results in recovery of property which benefits all beneficiaries of the Trust, Petitioners request that the Court award attorney's fees to Petitioner based upon the so-called common fund theory and related substantial benefit doctrine.

**Petitioner prays for an Order:**

1. Immediately suspending the powers of the Trustees, appointing a temporary Trustee or Trustees, and compelling the Trustees to surrender all Trust property to such temporary Trustee(s);
2. Removing Nick Verni as Trustees of the Survivor's Sub-Trust;
3. Finding that successor trustee of the Survivor's Sub-Trust, Dino Verni, is not qualified to act as successor trustee;
4. Removing Rosa Verni as Trustee of the Marital Sub-Trust and Family Sub-Trust;
5. Finding that successor trustee of the Marital Sub-Trust and Family Sub-Trust, Maria Stanziale, is unwilling to act as successor trustee;
6. Appointing a receiver or temporary trustee following the hearing;
7. Surcharging the Trustees, Nick Verni and Rosa Verni;
8. Denying compensation to Trustees, Nick Verni and Rosa Verni;
9. Imposing a constructive trust on Trust assets wrongfully diverted from any and all of the Sub-Trusts at issue;
10. Directing the commencement of proceedings to trace and recover property and proceeds of any and all of the Sub-Trusts at issue; and
11. Ordering payment of attorney's fees and costs incurred or to be incurred by the Petitioner.

- Atty Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)
- Atty Baldwin, Kenneth A.; Thompson, Timothy; of McCormick Barstow (for Antonietta "Rosa" Verni, daughter, Co-Trustee)
- Atty Armo, Lance, sole practitioner (for Leonard "Dino" Verni, son, and Nicola "Nick" Verni, son and Co-Trustee)
- Atty Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)

Petition to Construe Trust Provision [Prob. C. 17200]

<p>Leonarda DOD: 7/31/2000</p> <p>Saverio DOD: 5/25/2009</p> <p>Cont. from</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"></td> <td style="width: 15%;">Aff.Sub.Wit.</td> <td style="width: 5%;"></td> </tr> <tr> <td style="text-align: center;">✓</td> <td>Verified</td> <td></td> </tr> <tr> <td></td> <td>Inventory</td> <td></td> </tr> <tr> <td></td> <td>PTC</td> <td></td> </tr> <tr> <td></td> <td>Not.Cred.</td> <td></td> </tr> <tr> <td></td> <td>Notice of Hrg</td> <td style="text-align: center;">X</td> </tr> <tr> <td></td> <td>Aff.Mail</td> <td></td> </tr> <tr> <td></td> <td>Aff.Pub.</td> <td></td> </tr> <tr> <td></td> <td>Sp.Ntc.</td> <td></td> </tr> <tr> <td style="text-align: center;">✓</td> <td>Pers.Serv.</td> <td></td> </tr> <tr> <td></td> <td>Conf. Screen</td> <td></td> </tr> <tr> <td></td> <td>Letters</td> <td></td> </tr> <tr> <td></td> <td>Duties/Supp</td> <td></td> </tr> <tr> <td></td> <td>Objections</td> <td></td> </tr> <tr> <td></td> <td>Video Receipt</td> <td></td> </tr> <tr> <td></td> <td>CI Report</td> <td></td> </tr> <tr> <td></td> <td>9202</td> <td></td> </tr> <tr> <td style="text-align: center;">✓</td> <td>Order</td> <td></td> </tr> <tr> <td></td> <td>Aff. Posting</td> <td></td> </tr> <tr> <td></td> <td>Status Rpt</td> <td></td> </tr> <tr> <td></td> <td>UCCJEA</td> <td></td> </tr> <tr> <td></td> <td>Citation</td> <td></td> </tr> <tr> <td></td> <td>FTB Notice</td> <td></td> </tr> </table>		Aff.Sub.Wit.		✓	Verified			Inventory			PTC			Not.Cred.			Notice of Hrg	X		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		<p><b>CARMELA DeSANTIS</b>, daughter and Trust Beneficiary, is Petitioner.</p> <p><b>Petitioner states:</b></p> <ul style="list-style-type: none"> <li>• The <b>VERNI FAMILY TRUST of 1999</b> was created by <b>SAVERIO VERNI</b> and <b>LEONARDA VERNI</b> on 6/10/1999, and was amended once by Settlor on the following day, 6/11/1999; Leonarda died on 7/31/2000, thereby causing the Trust to be divided into three sub-trusts: the <b>VERNI MARITAL TRUST</b>, the <b>VERNI FAMILY TRUST</b>, (which was amended once during both Trustors' lifetimes), and the <b>VERNI SURVIVOR'S TRUST</b> (copies of Trusts attached as Exhibit A);</li> <li>• Following Leonarda's death, Saverio amended the <b>SURVIVOR'S TRUST</b> seven times, with the <i>Eighth Amendment</i> (the final) amending the <b>SURVIVOR'S TRUST</b> in its entirety;</li> <li>• Saverio served as sole trustee of the three sub-trusts until his death on 5/25/2009, and upon his death the Marital Sub-Trust terminated and its principal was added to the Family sub-trust, which became the <b>MERGED FAMILY SUB-TRUST</b>;</li> <li>• The instant petition relates to a provision contained in the <b>SURVIVOR'S SUB-TRUST</b>;</li> <li>• Pursuant to the Eighth Amendment to Trust, <b>NICOLA VERNI</b>, son, is first appointed and currently serves as Successor Trustee of the <b>SURVIVOR'S SUB-TRUST</b>;</li> <li>• The beneficiaries of each of the Sub-Trusts are the Settlor's five children: <b>ANTONIETTA ROSA VERNI (Rosa)</b>, <b>NICOLA VERNI (Nick)</b>, <b>LEONARD VERNI (Dino)</b>, <b>MARIA STANZIALE</b>, and <b>CARMELA DeSANTIS</b> (Petitioner); and with respect to specific distributions from the Survivor's Sub-Trust only: <b>ERLINDA MARCIANO VERNI (\$200,000.00)</b> and <b>ST. ANTHONY OF PADUA CATHOLIC CHURCH (\$200,000.00)</b>;</li> </ul> <p style="text-align: center;">~Please see additional page~</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note to Judge:</b> Proposed order finds, as the Petitioner contends, that distributions made by Saverio Verni during his lifetime to Affected Beneficiaries in addition to those distributions made to Affected Beneficiaries upon or after his death must be considered by the Trustee of the Survivor's Trust for purposes of applying the Equalization Provision.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Reviewed by: LEG</td> </tr> <tr> <td>Reviewed on: 9/28/12</td> </tr> <tr> <td>Updates:</td> </tr> <tr> <td>Recommendation:</td> </tr> <tr> <td>File 6B – Verni</td> </tr> </table>	Reviewed by: LEG	Reviewed on: 9/28/12	Updates:	Recommendation:	File 6B – Verni
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**Petitioner seeks and requests a judicial declaration from the Court concerning the proper construction of Subsection 1, of Section B, or Article IV of the SURVIVOR'S SUB-TRUST** [refer to copy of Trust or Paragraph 11 of Petition for exact language requiring apportionment of the residue of the trust estate into equal shares for Trustor's living children.]

- Over Petitioner's objections, Trustees Nick and Rosa have provided a commingled accounting for the Merged Family and Survivor's Sub-Trusts, which fails to segregate each Sub-Trust's assets, liabilities, receipts and disbursements;
- The failure to appropriately segregate assets, liabilities, receipts and disbursements among the Sub-Trusts prevents the Court, trustee and beneficiaries from determining the size and holdings of the **SURVIVOR'S SUB-TRUST**; because the **SURVIVOR'S SUB-TRUST** will be used to fund the above-referenced equalization provision, any appropriate increase in size to that particular Sub-Trust will allow greater realization of the Trustor's intent and will provide a means for effectuating the equalization of prior distributions; conversely, any inappropriate decrease in the size of the **SURVIVOR'S SUB-TRUST** will undermine the Trustor's intent and deny the Trustee the ability to effectuate an equalization;
- **The Trustee of the SURVIVOR'S SUB-TRUST believes that distributions made during Saverio's lifetime should not be considered for purposes of the equalization process; Petitioner believes this to be contrary to the language of the provision and intent of the Trustor;**
- Saverio made during his lifetime numerous distributions of real and personal property, including Trust property, to various beneficiaries of the Trust, and in particular, to Nick (Trustee of **SURVIVOR'S SUB-TRUST**), to Dino, and to Rosa (Trustee of the Family Sub-Trust); the distributions include two Madera properties transferred to Nick and Dino without authority; real property in Del Rey transferred to Rosa; a portion of the Auberry North property transferred to Nick and Dino; and real property in Chowchilla transferred to Rosa;
- Petitioner contends these distributions and others must be accounted for in order to give effect to the equalization provision contained in the **SURVIVOR'S SUB-TRUST**; Petitioner believes that failure to account for the lifetime distributions will result in a vastly reduced final distribution to Petitioner and Maria Stanziale;
- **An actual controversy exists between Petitioner and the Trustee of the SURVIVOR'S SUB-TRUST:**
  - The Trustee contends that the aforementioned equalization provision does not require the consideration of distributions made to beneficiaries during the lifetime of Saverio; Trustee contends that only distributions that are to be made upon or after Saverio's death should be considered for purposes of equalization.
  - Petitioner contends that the equalization provision contemplates that material distributions made during Saverio's lifetime should be included among those distributions considered for purposes of effecting the equalization provision.
- Petitioner desires a judicial determination that the equalization provision requires the Trustee of the **SURVIVOR'S SUB-TRUST** to determine the value of material distributions made during the lifetime of Saverio in addition to those that are to be made upon or after his death to effectuate the equalization provision.

**Petitioner prays for:**

1. A judicial determination concerning the proper construction of the equalization provision, and a judicial declaration that distributions made during the lifetime of Saverio Verni, in addition to those made upon or after death, be considered for purposes of the equalization process; and
2. An award of attorney's fees to the extent allowed by law; and
3. Costs of suit.



**Petitioner states, continued:**

- Over Petitioner's objections, Trustees Nick and Rosa have provided a commingled accounting for the Merged Family and Survivor's Sub-Trusts, which fails to segregate each Sub-Trust's assets, liabilities, receipts and disbursements; the allegations that follow may not distinguish between the respective Sub-Trust because the nature the accounting will not allow it; *[the following allegations of the practices by the Trustees are all practices that continue to the present]*:

**Petitioner's requests for specific relief:****Almond Crop and Almond Crop Proceeds: Petitioner seeks relief under Probate Code § 850 in connection with almond crops grown on Trust property following Saverio's death, almond meat on hand at the time of Saverio's death, and any proceeds from said crops and harvests;**

1. Based on the first and second accountings of Trustees, the Trustees are allowing real property assets of the Trust consisting of mature almond orchards to be exploited without compensation by Dino upon terms which are detrimental to the Trust and which confer a disproportionate benefit to beneficiary Dino; the Trustees purport to lease to Dino 102 acres of almond orchards in trust at **\$500** per acre; however, Dino does not pay actual rent, but instead provides receivables for his rent, and the receivables do not earn interest and are not actually collected by the Trust; according to the accountings, this practice has been going on for a number of years and the number of unpaid receivables are accumulating [emphasis in original];
2. Based on the first and second accountings of Trustees, the Trustees are using Trust assets to pay the expenses of the farming operations on the almond orchards [emphasis in original];
3. Based on the first and second accountings of Trustees, the Trustees are using Trust resources to market and manage the sale of the products from the harvest of said orchards and to collect the receipts from those sales, all for the sole benefit of Dino [emphasis in original];
4. As a result of the matters alleged above, the Trust is being denied the profit on fully mature orchard land owned by the Trust, for which the Trust pays all cultural expenses and for which the Trust pays all administrative expenses incurred in the sale and collection of receipts; the Trust receives nothing in return and the profits from the operation, which belong to the Trust, have been and continue to be, diverted to Dino, all with full knowledge and acquiescence of the trustees [emphasis in original];
5. Petitioner believes that the Trustees have allowed Dino to convert the following Trust property to his own use and benefit, i.e., substantial quantities consisting of **~235,000 lbs.** of almond meat that the Trust had on hand at the time of Saverio's death, all almond crops grown on Trust land since Saverio's death and all proceeds resulting from those crops; Dino's claim of right to such commodities and the Trustee's acquiescence to this claim of right have resulted in a depletion of Trust assets; Trustees have completely failed to account for this inventory in their first and second accountings;
6. Petitioner believes that Dino contends he is entitled to the **~235,000 lbs.** of almond meat that the Trust had on hand at the time of Saverio's death, all almond crops grown on Trust land since Saverio's death and all proceeds resulting from those crops; Petitioner contends that the leasing arrangement is a sham and has been merely a means by which Trust property and profits have been improperly diverted to Dino;

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Petitioner's requests for specific relief, continued:**Olive Crop and Olive Crop Proceeds: Petitioner seeks relief under Probate Code § 850 in connection with olive crops grown on Trust property following Saverio's death, olives on hand at the time of Saverio's death, and any proceeds from said crops and harvests;**

1. Although the personal property assets of the Verni Olive Oil Company are specifically devised to Dino, the olive groves themselves are located, in whole or in part, on Trust land not devised to Dino;
2. With only minor exception, the olive groves are held in trust for the benefit of several groups of beneficiaries of the Sub-Trusts;
3. Dino has been converting the crops from these olive groves, olive oil inventory and supply on hand, to his own benefit or the benefit of the Verni Olive Oil Co. (which Dino owns) and to the exclusion of other beneficiaries;
4. Petitioner alleges **78 acres** of olive groves are located on land held for the benefit of Dino as to an undivided 50% interest and for the benefit of the residual beneficiaries of the Survivor's Sub-Trust (subject to the equalization provision) as to the remaining undivided 50%;
5. Petitioner alleges the crops were grown on land belonging to the Trust; were planted, cultivated, and harvested using Trust resources, and were financed by the Trust;
6. The Trustees have allowed Dino to convert the olive inventory on hand at the time of Saverio's death, the harvest from subsequent olive crops grown on Trust property since Saverio's death, and proceeds from the harvest of said crops; Dino's purported claim of right to such commodities and the Trustee's acquiescence to this claim of right, have resulted in a depletion of Trust assets; the Trustees have completely failed to account for this inventory in their accountings;
7. Dino contends he is entitled to the olive inventory that the Trust had on hand at the time of Saverio's death, all olive crops grown on Trust land since Saverio's death, and all proceeds resulting from those crops; Petitioner contends said harvests, crops and proceeds are Trust property which has been improperly diverted to Dino, to the exclusion of Petitioner and other beneficiaries;
8. Petitioner contends the olives on hand at the time of Saverio's death rightfully belong to the Trust, and all olive crops grown and/or harvested on Trust property since Saverio's death rightfully belong to the Trust; Petitioner contends that the Trust is entitled to return of Trust assets received by Dino and return of any proceeds from the sale of said assets, or alternatively, judgment against the party receiving said assets for their value;
9. Petitioner contends buildings owned by the Trust are used without compensation to the Trust by Dino to conduct the olive oil business; the Trust is entitled to possession of the buildings or their rental value;
10. The taking, concealing and/or disposal of the property was wrongful and done in bad faith; Dino, and any other beneficiary complicit in such taking, concealing and/or disposal shall be liable for twice the value of the property recovered in addition to any other remedies available pursuant to Probate Code § 859;
11. Petitioner has apprised the Trustees of their claims through their attorneys of record; however, Trustees will not enforce the causes of action against Dino and have been complicit in Dino's wrongful conversion of the olive crops and proceeds; Trustees' failure to bring suit was negligent, wrongful and otherwise improper.

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**Petitioner's requests for specific relief, continued:****Other Crops (Stone Fruit, Grapes, Etc.) and Crop Product: Petitioner seeks relief under Probate Code § 850 in connection with other crops grown on Trust property following Saverio's death, inventory from the harvests of said crops on hand at the time of Saverio's death, and any proceeds from said crops and harvests;**

1. Trustees have failed to account for several crops grown on Trust land during 2009, including cherries, plums, and grapes; (Trustees have accounted for crops of that type for 2010.)
2. Petitioner alleges these types of crops have been in production for several years prior to 2010, that a harvest for each type of crop occurred in 2009, and that inventory from the harvest of said crops was on hand at the time of Saverio's death or during the remainder of 2009;
3. Petitioner alleges these crops were grown on land belonging to the Trust, were planted, cultivated and harvested using Trust resources, and were financed by the Trust;
4. The Trustees have allowed Dino and other beneficiaries to convert these 2009 crops and inventory on hand at the time of Saverio's death, and proceeds from those crops, to the exclusion of other beneficiaries; Petitioner alleges that Dino's and any other beneficiary's claim of right to such commodities and the Trustees' acquiescence to this claim of right, have resulted in depletion of the Trust assets; the Trustees have completely failed to account for this inventory in their accountings;
5. Dino, and any other beneficiaries receiving these types of crops, contend they are entitled to the 2009 inventory that (a) the Trust had on hand at the time of Saverio's death, (b) was harvested during 2009 following Saverio's death, and all proceeds resulting from those crops; Petitioner contends that said harvests, crops and proceeds are Trust property which has been improperly diverted to Dino and/or other Beneficiaries, to the exclusion of Petitioner and other beneficiaries;
6. Petitioner contends the 20089 crop harvest on hand at the time of Saverio's death and all such crops grown and/or harvested on Trust property since Saverio's death rightfully belong to the Trust; Petitioner contends that to the extent Dino has received Trust assets, the Trust is entitled to the return of said assets and return of any proceeds from the sale of said assets, or alternatively, judgment against the party receiving said assets for their value;
7. The taking, concealing and/or disposal of the property was wrongful and done in bad faith; Dino, and any other beneficiary complicit in such taking, concealing and/or disposal shall be liable for twice the value of the property recovered in addition to any other remedies available pursuant to Probate Code § 859;
8. Petitioner has apprised the Trustees of their claims through their attorneys of record; however, Trustees will not enforce the causes of action against Dino and have been complicit in Dino's wrongful conversion of the 2009 crops and inventory on hand, and proceeds from said crops; Trustees' failure to bring suit was negligent, wrongful and otherwise improper.

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Petitioner's requests for specific relief, continued:**Other Inventory on Hand at Date of Death: Petitioner seeks relief under Probate Code § 850 in connection with other inventory on hand at the time of Saverio's death;**

1. The Trustees have failed to account for other inventory on hand at the time of Saverio's death, including firewood and olive oil;
2. This inventory on hand at the time of Saverio's death was substantially greater than that reported by Trustees;
3. The inventory belongs to the Trust and was produced utilizing crops and timber from Trust land and Trust financing and resources;
4. The Trustees have allowed Dino and other beneficiaries to convert this other inventory on hand at the time of Saverio's death, and proceeds from the inventory, to the exclusion of other beneficiaries; Petitioner alleges that Dino's and any other beneficiary's purported claim of right to such commodities and the Trustees' acquiescence to this claim of right, have resulted in depletion of the Trust assets;
5. Dino, and any other beneficiaries receiving this other inventory, contend they are entitled to the inventory; Petitioner contends this other inventory on hand at the time of Saverio's death rightfully belongs to the Trust; Petitioner contends that to the extent Dino has received Trust assets, the Trust is entitled to the return of said assets and return of any proceeds from the sale of said assets, or alternatively, judgment against the party receiving said assets for their value;
6. The taking, concealing and/or disposal of the property was wrongful and done in bad faith; Dino, and any other beneficiary complicit in such taking, concealing and/or disposal shall be liable for twice the value of the property recovered in addition to any other remedies available pursuant to Probate Code § 859;
7. Petitioner has apprised the Trustees of their claims through their attorneys of record; however, Trustees will not enforce the causes of action against Dino and have been complicit in Dino's wrongful conversion of the other inventory on hand, and proceeds; Trustees' failure to bring suit was negligent, wrongful and otherwise improper.

**Proceeds from Sale of Trust Real Property:**

1. In 2004, Saverio, and possibly Dino and Nick, granted an option to DeYoung Properties to purchase certain real property, which included property held in the Trust and also property that was held (at least nominally) in the name of Nick and Dino; under the option, DeYoung could take all or less than all of the optioned property; DeYoung Properties paid **~\$3,000,000.00** for the option and the terms of the option allowed DeYoung Properties to use said funds toward the purchase price in the event DeYoung exercised the option as to any of the optioned property;
2. Nick and Dino received **\$1,000,000.00** of the option payment from DeYoung Properties prior to DeYoung exercising its rights under the option, and Nick and Dino each received **\$500,000.00**;
3. DeYoung Properties ultimately exercised the option as to some, but not all, of the optioned property; however, the property DeYoung purchased under the option was Trust property that was subject to the option, not the property that was held (at least nominally) in the name of Nick and Dino;
4. DeYoung used the option monies it had previously paid to satisfy the purchase price of the Trust property; thus, upon DeYoung opting to take Trust property in return for the option monies paid, said funds rightfully became property of the Trust; however, Nick and Dino never returned the money they received to the Trust;

*~Please see additional page~*

**Petitioner's requests for specific relief, continued:**

5. Dino and Nick contend they are entitled to keep the **\$1,000,000.00**; Petitioner contends the money is Trust property which has been improperly retained by Dino and Nick to the exclusion of the Trust, Petitioner, and other beneficiaries;
6. Petitioner contends that the Trust is entitled to return of said money, or alternatively, judgment against the parties receiving said asset for its value;
7. The taking, concealing and/or disposal of the property was wrongful and done in bad faith; Dino, and any other beneficiary complicit in such taking, concealing and/or disposal shall be liable for twice the value of the property recovered in addition to any other remedies available pursuant to Probate Code § 859;
8. Petitioner has apprised the Trustees of their claims through their attorneys of record; one Trustee, Nick, is retaining ½ of the funds; the other Trustee, Rosa, is unwilling to act to obtain return of the money; thus, the Trustees will not enforce the causes of action against Dino and have been complicit in Dino's wrongful conversion of the other inventory on hand, and proceeds; Trustees' failure to bring suit was negligent, wrongful and otherwise improper.

**Annuity Received by Erlinda Verni: Trust funds were used to purchase an annuity for Erlinda Verni, Saverio's spouse; Trust funds use to purchase the annuity were improperly obtained, in whole or in part, from the Family Sub-Trust and/or Marital Sub-Trust;**

1. The Trustee of the Merged Family Sub-Trust, Rosa, has allowed Erlinda to keep the annuity, to the exclusion of the other beneficiaries; Erlinda's purported claim of right to the annuity has resulted in depletion of Trust assets;
2. Erlinda contends she is entitled to the annuity and any payments received as a result of it; Petitioner contends that the annuity and any payments are Trust property which has been improperly diverted to Erlinda, to the exclusion of Petitioner and other beneficiaries;
3. Petitioner contends the annuity rightfully belongs to the Trust; to the extent Erlinda has received annuity payments or payments in exchange for the annuity, the Trust is entitled to return of said payments, or alternatively, judgment against Erlinda for their value;
9. Petitioner has apprised the Trustee of the Merged Family Sub-Trust, Rosa, through her attorneys, of this claim; the Trustee is unwilling to act to obtain return of the assets; thus, the Trustee will not enforce the causes of action against Erlinda; Trustees' failure to bring suit was negligent, wrongful and otherwise improper.

**Petitioner prays for an Order:**

1. Determining the that following is property of the Trust estate:
  - (a) **Almond crops:** (i) The almond meat inventory on hand at the date of Saverio's death; (ii) all almond crops grown on Trust land since Saverio's death; and (iii) proceeds from the sale of the almond inventory and crops;
  - (b) **Olive crops:** (i) The olive oil, olive crop and olive inventory on hand at the date of Saverio's death; (ii) all olive crops grown on Trust land since Saverio's death; and (iii) proceeds from the sale of the olive oil, inventory and crops;
  - (c) **Other crops (Stone Fruit, Grapes, Etc.):** (i) The inventory of other crop grown on Trust land, on hand at the time of Saverio's death but not reported in the Trustee's First Account; (ii) all such crops grown on Trust land since Saverio's death and during 2009; and (iii) proceeds from the sale of the inventory and crops;

***~Please see additional page~***

**Petitioner prays for an Order, continued:**

- (d) **Other Inventory on Hand:** (i) The inventory of firewood and olive oil on hand at the time of Saverio's death but not reported in the Trustee's First Account; (ii) all such items produced from products grown on Trust land since Saverio's death and during 2009; [and (iii) proceeds from the sale of the other inventory;]
- (e) **Proceeds from Sale of Trust Real Property:** The money received by Nick and Dino from DeYoung Properties in connection with the option to purchase land and used by DeYoung Properties to actually purchase Trust land which sum is believed to be not less than **\$1,000,000.00**;
2. Directing each of the beneficiaries in possession or holding the property to transfer such property to the Trustees to hold for the benefit of the Trust and the appropriate Sub-Trust(s);
  3. Directing each of the beneficiaries in possession or holding any proceeds from the sale or exchange of any of the property to transfer such proceeds to the Trustees to hold for the benefit of the Trust and the appropriate Sub-Trust(s);
  4. For judgment in favor of the Trustees of the Trust against any beneficiary who received the Trust property and proceeds, in an amount to be determined and as required to compensate for all of the detriment and damages cause to the Trust; and
  5. For treble damages pursuant to Probate Code § 859.

Age: 19	<p><b>KENNETH ROBERTS</b>, grandfather, was appointed Conservator of the Estate without bond on 08/06/12 and Letters were issued on 08/17/12.</p> <p><b>Minute Order from hearing on 08/06/12</b> set this matter for status regarding filing of the Inventory &amp; Appraisal.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need Inventory &amp; Appraisal.</p>	
Cont. from			
Aff.Sub.Wit.			
Verified			
Inventory			X
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			
	<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 09/27/12</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p>File 8 – Roberts</p>		

Atty Boyajian, Thomas M (for Richard M. Hernandez-Petitioner-Son)

Atty Bagdasarian, Gary G. (for Competing Petitioner Herbert J. Hernandez)

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

DOD: 12/25/2011	<b>RICHARD M. HERNANDEZ</b> , son is petitioner and request appointment as Administrator.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Full IAEA-o.k.	<b>Note:</b> Competing petition was filed on 06/19/2012 by decedent's son Herbert J. Hernandez and is set for hearing on 10/24/2012.
<b>Cont. from</b>		1. #2d(1), #2d(2) or #2d(3) of the petition regarding bond is incomplete.
<input type="checkbox"/> Aff.Sub.Wit.	Decedent died intestate	2. The issue of bond has not been addressed on the petition at #3d(1) or #3d(2). Need waivers of bond from:
<input checked="" type="checkbox"/> Verified	Residence: Fresno Publication: The Business Journal	<ul style="list-style-type: none"> <li>• Richard M. Hernandez</li> <li>• Herbert J. Hernandez</li> <li>• Shawna Robles</li> <li>• Danielle Hernandez</li> <li>• Zachary Hernandez</li> <li>• Christopher Frederickson</li> </ul>
<input type="checkbox"/> Inventory		Or bond set at \$140,138.00.
<input type="checkbox"/> PTC		3. Need Confidential Supplement to Duties & Liabilities Personal Representative.
<input type="checkbox"/> Not.Cred.	<b>Estimated value of the estate:</b>	<b>Note: If the petition is granted status hearings will be set as follows:</b>
<input checked="" type="checkbox"/> Notice of Hrg w/	Personal property \$108,863.00 Real property \$31,275.00 <b>Total: \$140,138.00</b>	<ul style="list-style-type: none"> <li>• Friday, 03/01/2013 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <b>and</b></li> <li>• Friday, 12/06/2013 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution.</li> </ul>
<input checked="" type="checkbox"/> Aff.Mail	Probate Referee: Rick Smith	Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
<input checked="" type="checkbox"/> Aff.Pub.		<b>Reviewed by:</b> KT / LV
<input type="checkbox"/> Sp.Ntc.		<b>Reviewed on:</b> 09/26/2012
<input type="checkbox"/> Pers.Serv.		<b>Updates:</b>
<input type="checkbox"/> Conf. Screen x		<b>Recommendation:</b>
<input checked="" type="checkbox"/> Letters		<b>File 9 - Hernandez</b>
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Age: 7		<p align="center"><b><u>NO TEMPORARY REQUESTED</u></b></p> <p><b>AMY TAYLOR</b> and <b>TOBY TAYLOR</b>, sister and brother-in-law, are Petitioners and request appointment as guardian of the person and estate without bond.</p> <p>Father: <b>UNKNOWN/NONE</b></p> <p>Mother: <b>LINDA CAMP</b> – deceased</p> <p>Paternal grandparents: UNKNOWN/NONE</p> <p>Maternal grandfather: DONALD CAMP - deceased</p> <p>Maternal grandmother: VIRGINIA CAMP – served by mail on 08/10/12</p> <p><b>Petitioners state:</b> the minor's mother died on 06/15/12 and he does not have a father. Alexander was adopted by Linda Camp at birth. Petitioner Amy Taylor is Alexander's sister. Petitioners state that they have always had a close relationship with Alexander and they have children who are his age and attend the same school. Petitioners state that they love Alexander and will take steps to adopt him if possible. The mother also appointed Amy Taylor to be the guardian of Alexander in her Will. Petitioners state that guardianship of the estate is necessary because Alexander is 40% beneficiary of his mother's life insurance policy and is expected to receive approximately \$20,000.00. Petitioners wish to place the life insurance proceeds into a blocked account and request that bond not be required. Petitioners further state that the minor is receiving social security and funds from Fresno County foster parent adoption program in the approximate amount of \$1,500.00 and expect him to continue to receive these benefits. Petitioners request that they be allowed to use the funds for the minor's benefit to pay for his food, clothing, housing and other needs. Petitioners request that these funds not be included as part of the guardianship and that they not be required to account for these funds.</p> <p><b>Court Investigator Julie Negrete filed a report on 09/25/12.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Order is missing page 2. Need revised Order.</p> <p><b>Note: If guardianship of the estate is granted, the following status hearings will be set:</b></p> <ul style="list-style-type: none"> <li>• <b>Friday, 11/16/12 at 9:00 am in Dept. 303</b> for filing of the Receipt of Funds in Blocked account and/or Bond, if applicable; and</li> <li>• <b>Friday, 02/01/13 at 9:00 am in Dept. 303</b> for filing of the Inventory &amp; Appraisal; and</li> <li>• <b>Friday, 11/29/13 at 9:00 am in Dept. 303</b> for filing of the first account.</li> </ul>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input 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		

<b>Age:</b> 3	<b><u>NO TEMPORARY IN PLACE:</u></b> <b><u>TEMPORARY DENIED ON 08/30/12</u></b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>DALE and CARMEN MARTINEZ</b> , Paternal Grandparents, are Petitioners.	<ol style="list-style-type: none"> <li>1. Need proof of personal service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition or Consent &amp; Waiver of Notice or Declaration of Due Diligence</i> for: - April Carpenter (mother)</li> <li>2. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition or Consent &amp; Waiver of Notice or Declaration of Due Diligence</i> for: - Janet Carpenter (maternal grandmother)</li> </ol>
<b>Cont. from</b>	Father: <b>MATTHEW MARTINEZ</b> - Deceased	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Mother: <b>APRIL CARPENTER</b>	
<input checked="" type="checkbox"/> <b>Verified</b>	Maternal Grandfather: Unknown Maternal Grandmother: Janet Carpenter	
<input type="checkbox"/> <b>Inventory</b>	<b>Petitioners state</b> Noah resided with them from birth until 7-29-12. Both parents resided with Petitioners until September 2009, when the father was deployed to Iraq. In October 2009, the mother left Noah with Petitioners and executed a medical authorization. The father was discharged in August 2010, but died in June 2011 as a result of an injury while on deployment. Noah continued to reside with Petitioners following the father's death and was enrolled in preschool in December 2011.	
<input type="checkbox"/> <b>PTC</b>	On 7-29-12, the mother picked Noah up for a visit and later told Petitioners that she did not intend to return him. On 7-31-12, Petitioners inquired at the preschool to ensure that the mother was taking him, but she was not. Petitioners went to the mother's residence to inquire about Noah, but the mother threatened to call the cops.	
<input type="checkbox"/> <b>Not.Cred.</b>	Petitioners state that for Noah's entire life, the mother would come and go and was never a permanent and stable person for Noah to rely on. She visited once a week as convenient for her, all facilitated by Petitioners. She has only attended one of Noah's baseball games and has made no effort to be a part of the extracurricular activities that he enjoys.	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	<b>Points and Authorities</b> state Petitioners are Noah's <i>de facto</i> parents pursuant to Family Code §3041 and refer to Probate Code §§ 2250 and 15100 regarding good cause.	
<input type="checkbox"/> <b>Aff.Mail</b> <span style="float: right;">x</span>	<b>Objection to Petition for General Guardianship filed 09/18/12 by April Carpenter, mother</b> states that she never left Noah in their care. She states that she allowed liberal visitation between Noah and his Father, who resided in Petitioners home, and left Noah with his father while she was in Army National Guard training. After Noah's father's death, she allowed Petitioners to continue visitation with Noah, but realized that he needed more stability and clarity to where his primary residence was and tried to arrange an appropriate visitation schedule with Petitioners, however, they were not in agreement with her suggestions and their counter visitation suggestion resulted in her only seeing Noah a couple times a week. Ms. Carpenter states that she became concerned with Petitioner's intentions and stopped visitation with them until it was court ordered on 08/30/12.	
<input type="checkbox"/> <b>Aff.Pub.</b>	<b>Court Investigator Jennifer Young filed a report on 09/26/12.</b>	
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b> <span style="float: right;">x</span>		
<input checked="" type="checkbox"/> <b>Conf. Screen</b>		
<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 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>		
		<b>Reviewed by:</b> JF <b>Reviewed on:</b> 09/28/12 <b>Updates:</b> <b>Recommendation:</b> <b>File 11 – Martinez</b>

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

<b>DOD: 06/10/2012</b>		<b>MARIA FLORES-CERVANTES,</b> spouse is petitioner and requests appointment as Administrator.  Full IAEA-?  Decedent died intestate  Residence: Selma Publication: NEEDED  <u>Estimated value of the estate:</u> Real property - \$62,000.00  Probate Referee- Steven Diebert	<b>NEEDS/PROBLEMS/COMMENTS:</b>  4. #2d(1), #2d(2) or #2d(3) of the petition regarding bond is incomplete.  5. The issue of bond has not been addressed on the petition at #3d(1) or #3d(2). Two beneficiaries are minors and cannot waive bond therefore bond should be set at \$62,000.00.  6. Need Notice of Petition to Administer Estate.  7. Need proof of service of Notice of Petition to Administer Estate on the following: <ul style="list-style-type: none"> <li>• Maria Y. Flores</li> <li>• Vanessa Flores</li> <li>• Manuel Flores</li> <li>• Maria Remedies Rizo</li> <li>• J. Guadalupe Flores</li> <li>• Martha Isbel Flores</li> </ul> 8. Need Affidavit of Publication. <b>Note: If the petition is granted status hearings will be set as follows:</b> <ul style="list-style-type: none"> <li>• <b>Friday, 03/01/2013 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <u>and</u></li> <li>• <b>Friday, 12/06/2013 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.</li> </ul> Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
<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> x		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<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> KT / LV			
<b>Reviewed on:</b> 09/26/2012			
<b>Updates:</b>			
<b>Recommendation:</b>			
<b>File 12 - Flores</b>			

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

<b>Age: 48</b>	<b>ARMANDO CARRASCO</b> , brother, is petitioner and requests appointment as Conservator of the person.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Court Investigator Advised Rights on 09/07/2012.</b></p> <p><b>Voting Rights Affected Need Minute Order</b></p> <ol style="list-style-type: none"> <li>#1g of the petition is not marked regarding medical consent powers however #9 is marked. Therefore, it is unclear whether the petitioner intended to request medical consent powers.</li> <li>The Capacity Declaration signed by Dr. H. Terry Hutchison was not dated.</li> <li>Notice of Hearing does not provide the name of the petitioner nor what was filed and served at #1.</li> <li>Per the Investigator Report, the conservatee is developmentally disabled therefore need proof of service of the Notice of Hearing with a copy of the petition thirty (30) days prior to the hearing to Central Valley Regional Center pursuant to Probate Code §1822(e).</li> </ol>
	Declaration of H. Terry Hutchison, M.D., supports request for medical consent.	
<b>Cont. from</b>	Voting Rights Affected.	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>	<b>Petitioner states:</b> conservatee cannot feed himself, clothe himself, walk or take care of his basic personal needs.	
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	<b>Court Investigator Charlotte Bien's report filed 09/10/2012.</b>	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	w/	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input checked="" type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input checked="" 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 checked="" type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> KT / LV
		<b>Reviewed on:</b> 09/27/2012
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 13 - Carrasco</b>

Age: 11		<b>GENERAL HEARING 11-20-12</b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<b>CECILIA K. CRAVEN and RONALD LEWIS CRAVEN</b> , Paternal Grandmother and Step-Grandfather, are Petitioners.		1. The father has not been served Notice of Hearing or a copy of this Temporary Petition.	
		Father: <b>AARON JAMES GROTHE</b> - Fresno County Jail		Petitioners state they were told by the Sheriff's clerk at the Fresno County Jail that they needed 10 days advance notice to serve an inmate due to their paperwork.	
	Aff.Sub.Wit.	Mother: <b>SHERYL SAVALA GROTHE</b> - Personally served 9-22-12		The Court may require continuance for notice as required by Probate Code §2250(e).	
✓	Verified	Paternal Grandfather: Not stated Maternal Grandfather: Deceased Maternal Grandmother: Connie Savala - Personally served 9-22-12		2. Petitioner Ronald Lewis Craven's Confidential Guardian Screening Form does not contain an explanation regarding an answer.	
	Inventory	<b>Petitioners state the mother is unable to care for Ashley and the father is in jail.</b>			
	PTC	<b>UCCJEA indicates the minor has lived with her parents for the last six years.</b>			
	Not.Cred.				
✓	Notice of Hrg				
	Aff.Mail				
	Aff.Pub.				
	Sp.Ntc.				
✓	Pers.Serv.	W			
✓	Conf. Screen	X			
✓	Letters				
	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order				
	Aff. Posting			Reviewed by: skc	
	Status Rpt			Reviewed on: 9-27-12	
✓	UCCJEA			Updates:	
	Citation			Recommendation:	
	FTB Notice			File 14 - Grothe	

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

<table border="1"> <tr><td>Janessa Brittany Holguin (10)</td></tr> <tr><td>James Raul Holguin Jr. (8)</td></tr> <tr><td>Justina Autianna Holguin (7)</td></tr> <tr><td>Adrian Erik Lopez (1)</td></tr> <tr><td> </td></tr> <tr><td>Aff.Sub.Wit.</td></tr> <tr><td>✓ Verified</td></tr> <tr><td>Inventory</td></tr> <tr><td>PTC</td></tr> <tr><td>Not.Cred.</td></tr> <tr><td>✓ Notice of Hrg</td></tr> <tr><td>Aff.Mail</td></tr> <tr><td>Aff.Pub.</td></tr> <tr><td>Sp.Ntc.</td></tr> <tr><td>Pers.Serv. X</td></tr> <tr><td>✓ Conf. Screen</td></tr> <tr><td>✓ Letters</td></tr> <tr><td>✓ Duties/Supp</td></tr> <tr><td>Objections</td></tr> <tr><td>Video Receipt</td></tr> <tr><td>CI Report</td></tr> <tr><td>9202</td></tr> <tr><td>✓ Order</td></tr> <tr><td>Aff. Posting</td></tr> <tr><td>Status Rpt</td></tr> <tr><td>✓ UCCJEA</td></tr> <tr><td>Citation</td></tr> <tr><td>FTB Notice</td></tr> </table>	Janessa Brittany Holguin (10)	James Raul Holguin Jr. (8)	Justina Autianna Holguin (7)	Adrian Erik Lopez (1)		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	<p><b>GENERAL HEARING 11-20-12</b></p> <p><b>DELILAH DESIREE GOMEZ</b>, Maternal Aunt, is Petitioner.</p> <p>Father (Janessa, James, Justina): <b>JAMES RAUL HOLGUIN</b></p> <p>Father (Adrian): <b>FILIBERTO LOPEZ</b></p> <p>Mother: <b>BERNADETTE RENEE GOMEZ</b> - Deceased</p> <p>Paternal Grandfather (Janessa, James, Justina): Mr. Holguin          Paternal Grandmother (Janessa, James, Justina): Carmen Holguin</p> <p>Paternal Grandfather (Adrian): Gilbert Lopez          Paternal Grandmother (Adrian): Celia Lopez</p> <p>Maternal Grandfather: Victor Gomez          Maternal Grandmother: Maria Hinojoz</p> <p><b>Petitioner states</b> the mother passed away 7-4-12. The mother left the children in Petitioner's care and Petitioner is able to provide a loving home. The fathers are not able to provide a stable home. Petitioner requests temporary guardianship to make sure the children's needs are met and needs documentation to allow her to sign and make necessary decisions.</p> <p>UCCJEA indicates all children previously lived with their mother and are currently with Petitioner.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need proof of personal service of Notice of Hearing at least five court days prior to the hearing pursuant to Probate Code §2250(e) on both fathers:          - James Raul Holguin          - Filiberto Lopez</p> <p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 9-27-12</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b>  <b>File 15 – Holguin &amp; Lopez</b></p>
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