



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) Executor's Final Account and Report, (2) Petition to Approve Attorney Fees and Costs to (3) Authorize Reimbursement of Executor and Close Estate

DOD: 12/12/06	GEORGE BAKER , Executor, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. A Creditor's Claim was filed 04/03/07 by FIA Services in the amount of \$1,896.22. No allowance or rejection of creditors claim has been filed. The Petition indicates that there are not sufficient funds to pay this debt and that it will not be paid. An allowance or rejection of creditor's claim should be filed regarding this debt.</p>
	Account period: 09/11/11 – 08/31/13	
Cont. from 090413	Accounting - \$60,528.93	
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH - \$60,447.72	
<input checked="" type="checkbox"/> Verified	POH - \$24,632.56 (\$22,432.56 is cash)	
<input checked="" type="checkbox"/> Inventory	Executor - not requested	
<input checked="" type="checkbox"/> PTC	Executor reimbursement - \$10,961.96 , plus 1995 Nissan Sentra valued at \$2,200 (as partial reimbursement for mortgage payments on the real property of the estate)	
<input checked="" type="checkbox"/> Not.Cred.	Attorney - \$2,378.85 (statutory)	
<input checked="" type="checkbox"/> Notice of Hrg	Attorney x/o - \$1,121.15 (for work related to the sale of real property, itemized)	
<input checked="" type="checkbox"/> Aff.Mail w/	Costs - \$2,559.02 (for filing fees, publication, courtcall and travel expenses, overnight shipping charges and certified mail)	
Aff.Pub.	Public Guardian reimbursement - \$5,411.58 (for monies advanced for repairs on the real property asset of the estate)	
Sp.Ntc.	Petitioner states that after making these disbursements, there will be no assets remaining to pay other claims against the Estate or to make distributions to the Decedent's heirs. Upon making the payments and disbursements set forth above, the Executor asks that the Estate be closed and the Executor be discharged.	
Pers.Serv.	Petitioner filed his First Account and Status Report on 12/12/06 – 09/10/11. At the hearing for the First Account on 10/20/11, the Court deferred judgment on the First Account to the date of the filing of the final account.	
Conf. Screen		
Letters 03/19/07		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202 n/a		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice n/a		

Reviewed by: JF

Reviewed on: 09/26/13

Updates:

Recommendation:

File 1 – Russell

(1) Second Account and Report of Conservator, (2) Petition for Settlement, (3) Reimbursement for Mileage, (4) Commissions and Fees to Conservator and Attorney

Age: 58 years	BRYAN JENSEN , Conservator, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Disbursement schedule shows the purchase of mobility scooter on 1/29/2011 in the amount of \$2,446.00. However, the mobility scooter is not listed on the property on hand schedule. - Declaration filed on 9/27/13 amends the property on hand to include this item. Disbursement schedule shows the purchase of a TV on 6/23/2011 in the amount of \$301.61. However, the TV is not listed on the property on hand schedule. - Declaration filed on 9/27/13 amends the property on hand to include this item. Disbursement schedule shows the purchase of a scooter car carrier on 1/25/12 in the amount of \$1,835.00. However, the scooter car carrier is not listed on the property on hand schedule. - Declaration filed on 9/27/13 amends the property on hand to include this item.
	Account period: 1/1/11 – 12/31/12	
	Accounting - \$99,385.86	
	Beginning POH - \$57,863.35	
	Ending POH - \$ 2,841.05	
Cont. from	Conservator - \$3,090.50 (20 hours @ \$47.00 per hour and 3910 miles @ \$.55 per mile)	
<input type="checkbox"/> Aff.Sub.Wit.	Attorney - \$1,250.00 (per Local Rule)	
<input checked="" type="checkbox"/> Verified	Current bond is \$25,988.66. Petitioner request bond be reduced to \$5,000.00.	
<input type="checkbox"/> Inventory	Petitioner prays for an Order:	
<input type="checkbox"/> PTC	1. Approving, allowing and settling the second account.	
<input type="checkbox"/> Not.Cred.	2. Authorizing the conservator commissions in the amount of \$3,090.00	
<input checked="" type="checkbox"/> Notice of Hrg	3. Authorizing attorney in the amount of \$1,250.00.	
<input checked="" type="checkbox"/> Aff.Mail W/		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 2620(c)		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: KT
		Reviewed on: 9/26/13
		Updates: 9/30/13
		Recommendation:
		File 2 – Jensen

NEEDS/PROBLEMS/COMMENTS (cont.):

4. Disbursement schedule shows a payment to Shepard, Shepard and Janian on 4/21/11 in the amount of \$462.59 without stating the nature and purpose of the payment. Declaration filed on 9/27/13 states this disbursement was for reimbursement of the filing fees, certified copies and miscellaneous costs advanced by their office. Need itemization.
5. Disbursement schedule shows payments to the Conservator, for court ordered mileage and commissions, in the amount of \$6,762.00 on 5/26/11. Schedule D also shows payment of \$6,762.00. Therefore, the accounting shows the conservator being paid twice for his commissions and mileage.
6. Petitioner requests bond be reduced to \$5,000.00. Based on the property on hand and income for one year bond could be reduced to \$20,000.00. – Faxed copy of declaration states the Petitioner is now requesting bond be reduced to \$20,000.00.
7. Need new order to reflect the additional items now included in the property on hand and the change in the bond amount.

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

- **Friday, February 6, 2015** at 9:00 a.m. in Department 303, for the filing of the third 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.

(1) Second Account Current and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney

Age: 67	PUBLIC GUARDIAN , Conservator of the Estate, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Friday, 11/06/2015 at 9:00a.m. in Dept. 303 for the filing of the Third Account <p>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.</p>
	Account period: 07/27/11 – 07/26/13	
	Accounting - \$84,788.54	
	Beginning POH - \$39,504.08	
	Ending POH - \$47,387.95	
Cont. from	Conservator - \$1,004.72 (6.5 staff hours @ \$76/hr. and 5.32 deputy hours @ \$96/hr.)	
<input type="checkbox"/> Aff.Sub.Wit.	Attorney - \$2,000.00 (ok per Local Rule)	
<input checked="" type="checkbox"/> Verified	Bond Fee - \$423.94 (ok)	
<input type="checkbox"/> Inventory	Costs - \$435.00 (filing fee)	
<input type="checkbox"/> PTC	Petitioner prays for an Order:	
<input type="checkbox"/> Not.Cred.	1. Approving, allowing and settling the Second Account and Report of Conservator;	
<input checked="" type="checkbox"/> Notice of Hrg	2. Authorizing the Conservator and attorney fees and commissions; and	
<input checked="" type="checkbox"/> Aff.Mail w/	3. Payment of bond fee and costs.	
<input type="checkbox"/> Aff.Pub.	Court Investigator Jennifer Daniel filed a report on 06/05/13.	
<input type="checkbox"/> Sp.Ntc.	Reviewed by: JF	
<input type="checkbox"/> Pers.Serv.	Reviewed on: 09/26/13	
<input type="checkbox"/> Conf. Screen	Updates:	
<input type="checkbox"/> Letters	Recommendation:	
<input type="checkbox"/> Duties/Supp	File 3 – Barron	
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 2620 n/a		
<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		

Pro Per Lovejoy, Raymond (Pro Per Petitioner)
 Atty Helon, Marvin T., of Helon & Manfredo (for John Lovejoy, Beneficiary)

(1) Final Account and Report and (2) Petition for Final Distribution

DOD: 7/13/2011		<p>RAYMOND LOVEJOY, son and Executor, is Petitioner.</p> <p>Accounting is NOT waived.</p> <p>I & A — \$215,650.00 POH — \$215,650.00</p> <p>Executor — waives</p> <p>Distribution pursuant to Decedent's Will is to:</p> <ul style="list-style-type: none"> • RAYMOND LOVEJOY – dresser, costume jewelry and entire interest in real property; • RUTH ANN HARDY – bed and costume jewelry; • LINDA WHITE – costume jewelry and Betty Boop items; • WILLIAM LOVEJOY – costume jewelry and Betty Boop items; • SALLY LOVEJOY – costume jewelry and Betty Boop items; • JOHN LOVEJOY – costume jewelry and Betty Boop items. <p>Supplement to Final Account and Report of Petition for Final Distribution filed 7/31/2013 contains Exhibit A consisting of a list of personal property items, Exhibit B consisting of copies of Bank of the West account statements for two different accounts, and copies of signature cards of Bank of the West accounts.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 8/21/2013. Minute Order states the Court is advised that William Lovejoy is deceased. The Court orders the parties to set a mutually agreed upon date within two weeks to meet at Raymond Lovejoy's residence to view and agree on the distribution of items. William Lovejoy's widow is to be invited to attend so she can participate in the distribution; if she declines to appear, Linda White may appear and select for her. Unselected items may be distributed at random through a number lottery. Counsel is directed to prepare the order. Matter continued to 10/2/2013. If the distribution is made by 10/2/2013, matter will be off calendar.</p> <p>Note: Court records do not show that an order has been submitted since the hearing on 8/21/2013 per the Minute Order of that date.</p> <p>~Please see additional page~</p>
Cont. from 011613, 031313, 042413, 071013, 082113			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail W/O		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters 101311		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
		<p>Reviewed by: LEG</p> <p>Reviewed on: 9/26/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 – Lovejoy</p>	

Notes for background:

- *Minute Order* dated 7/10/2013 states: "Mr. Helon is appearing as counsel for John Lovejoy. Mr. Helon informs the Court that his client is not prepared to waive the accounting. The Court orders Raymond Lovejoy to provide a copy of the inventory to Mr. Helon as well as any copies of bank accounts belonging to Rose Lovejoy showing the state of the accounts. Said documents are to be provided to Mr. Helon by 7/17/2013."
- Petitioner filed on 4/9/2013 a verified, undated *Declaration of Raymond Lovejoy* stating he declares that on three occasions a Waiver of Account was sent to **WILLIAM LOVEJOY** and **JOHN LOVEJOY**, and that the Waivers have never been signed or returned.
- Petitioner filed on 4/12/2013 a signed and verified *Declaration of Ruth Ann Hardy* and *Declaration of Sally Lovejoy*, both containing the same form and substance, as follows: "I, the undersigned,... , declare that I acknowledge that the estate of the above decedent is of minimal value, consisting of a bed, dresser, Betty Boop Collection and Costume Jewelry. The property was deeded to Raymond Lovejoy in the decedent's will. I accept the distribution of the estate."

Report of Administrator of Insolvent Estate and Request for Final Discharge

DOD: 7/25/2011		<p>PUBLIC ADMINISTRATOR, Successor Administrator, is petitioner.</p> <p>Petitioner states the Court on its own motion removed former Administrator David Davis for failure to file an accounting of the estate and appointed the Public Administrator.</p> <p>Deputy Public Administrator Noe Jimenez has repeatedly tried to reach David Davis by telephone and by certified mail. In the letter Deputy PA Jimenez discussed eight outstanding creditor's claims, the status of the asset on the inventory and appraisal and whether the taxed for the estate had been filed. No response has been received.</p> <p>The Court set an Order to Show Cause hearing on 7/19/13 ordering Mr. Davis to be personally present. Mr. Davis failed to appear.</p> <p>Mr. Davis has failed to cooperate and turn over assets belonging to the estate.</p> <p>Inventory and appraisals filed total \$325,844.45 (\$291,344.45 was cash).</p> <p style="text-align: center;">Please see additional page</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Probate Code § 11424 states the personal representative shall pay a debt to the extent of the order for payment of the debt, and is liable personally and on the bond, if any for failure to make the payment. It appears that David Davis (removed Administrator) should be held personally liable for the debts of the estate. The petition does not pray for and the order does not include a statement that David Davis is personally liable for the debts of the estate. The order should specifically list each creditor with amounts owed to each creditor. 2. It appears that Mr. Molsenbocker's statutory fees should be included in the debts of the estate and that David Davis should be held personally liable for said fees. 3. The court may wish to order the Public Administrator to mail a copy of the order to each creditor who has not been paid along with the last known address of David Davis. <p style="text-align: center;">Please see additional page</p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			X
<input type="checkbox"/>	Aff.Mail			X
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		Reviewed by: KT		
		Reviewed on: 9/26/13		
		Updates:		
		Recommendation:		
		File 5 - Davis		

The Public Administrator has allowed the following creditor's claims:

Franchise Tax Board -	\$ 9,769.87
American Express -	\$ 6,892.33
American Express -	\$ 999.45
DMC Services -	\$ 352.56
DMC Services -	\$ 604.60
GE Capital Bank -	\$ 300.84
CitiBank -	\$ 7,071.24
Bank of America -	\$ 877.11
Total	\$26,868.00

However with no assets being turned over to the Public Administrator, the claims cannot be paid.

Wherefore, petitioner prays that:

1. The final report prepared herewith be settled, allowed and approved as filed, and all acts and proceedings of the petitioner as personal representative be confirmed and approved;
2. Due to the insufficiency of the estate, it is not possible to pay the outstanding debts of the estate, and there will be no estate to distribute;
3. The Fresno County Public Administrator, be discharged and successor administrator of the estate of Adin Davis, decedent;
4. And for such other and further orders as the Court considers just and proper.

NEEDS/PROBLEMS/COMMENTS (cont.):

4. Need proof of service of the Notice of Hearing on:
 - a. American Express
 - b. DMC Services
 - c. GE Capital Bank
 - d. CitiBank
 - e. Bank of America

Petitioner prays for an Order:

1. Admitting the Decedent's holographic Will dated 1/15/2005 to probate, thereby revoking admission of the 1990 Will;
2. Determining that the three children are the heirs of this estate.

Petition to Determine Person Entitled to Distribution of Estate by Surviving Spouse

DOD: 10/15/2011		JUN HAWKINS , surviving spouse, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Attorney Steven R. William is the attorney for the Executor Paul Gestic. It appears he is also representing the beneficiary/surviving spouse, Jun Hawkins. This appears to be a conflict of interest. Need proof of service of the Notice of Hearing along with a copy of the Petition on: <ol style="list-style-type: none"> Gary L. Winter (attorney for Arlene Hawkins) <ul style="list-style-type: none"> Pursuant to the Requests for Special Notice. Order apportions the expenses of administration and debts of decedent 94.39 % to Jun Hawkins and 5.61% to Larry Hawkins. The expenses of administration come from the estate not the beneficiaries and if they do come from the beneficiaries it is only to the extent of the value of the property they receive. In addition, they have to agree to take the property subject to paying the expenses. Otherwise the property is sold and the costs of administration are paid from the proceeds of the sale. <p style="text-align: center;">Please see additional page</p>
		Petitioner states the decedent left an estate consisting of real property. The property was acquired by the decedent prior to the marriage to the petitioner and paid for in part as the result of the joint efforts of the marriage. Petitioner alleges the property is partially separate property and partially community property.	
Cont. from		The property was appraised at \$230,000.00. The property has a current unpaid principal balance of \$275,439.07 with a past due balance of \$13,138.49.	
<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	W/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input checked="" 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		

As an omitted spouse, petitioner is entitled to a share of the estate under Probate Code §21610.

Petitioner states that in determining the respective separate or community property interests of the parties entitled to distribution by reason of the principal reductions against the encumbrances secured by the real property the equity gained before the marriage of \$3,251.78 would be equally shared by Petitioner and decedent's son. The reductions made during the term of the marriage of \$15,809.10 would appropriately be allocated to petitioner and the post-death principal reductions would also be appropriately allocated to petitioner to provide for a 94.39% interest in the real property to be distributed to petitioner and a 5.61% interest to the decedent's son.

Petitioner prays that the Court determine the persons who are entitled to distribution of decedent's estate, and specifically determine as follows:

1. That the above described personal property is the community property of Petitioner and decedent, the one half of it belongs to petitioner and that Petitioner is entitled the decedent's ½ community interest.
2. The separate property interest, if any of the decedent; the community property interest of Petitioner and decedent and/or separate property interest of Petitioner in the above-described real property.

Objections of Arlene Hawkins to Petition to Determine Persons Entitled to Distribution of the Estate filed by Arlene Jones Hawkins on 9/27/13. Objector alleges that she is the sole beneficiary of the specific gift of decedent's principal residence. Objector states the property was the sole property of the decedent, it was purchased by the decedent prior to his marriage to Jun and was solely vested in the decedent's name. For the purpose of determining the character of the real property there is a rebuttable presumption that the character of the property is as set forth on the deed. This presumption may be rebuttable only by clear and convincing evidencing proof. The petition provides no evidence to rebut and does not even allege that the property was in some way transmuted to community property.

Petitioner contends that Jun's statutory share is one half of decedent's community property and one half of decedent's separate property. Therefore Arlene is entitled to one half of the residence. Decedent's residence was Decedent's separate property prior to and during the marriage to Jun. Decedent's earnings were presumed community and the petition provides evidence of principal reduction as a result of the community earnings during the marriage in the amount of \$15,809.10. Any such principal reduction may be characterized as pro tanto interest of the community.

Under Probate Code §26210, Jun is only entitled to one-half of the Decedent's community property. Decedent specifically devised the residence to Arlene and Arlene contends that as with the separate portion of the residence, she is entitled to one-half of the community property in the residence.

Objector contends that she should be awarded any costs under Probate Code §1002 and in equity should be reimbursed her fees because requiring her to incur fees would be contrary to Decedent's intent.

Objector prays for an Order:

1. Decedent's real property, located at 2075 E. Eclipse in Fresno is the Decedent's principal residence described in the Decedent's Will;
 2. The residence is the separate property of the Decedent;
 3. Principal reduction of the residence during the marriage is community property;
 4. Arlene Jones Hawkins is the sole named beneficiary of Decedent's residence under the terms of the Will;
 5. Jun Hawkins' statutory share as omitted spouse is one-half of Decedent's community property and one-half of Decedent's separate property;
 6. As the sole beneficiary and devisee of Decedent's residence, and subject to Jun Hawkins' one-half statutory share, Arlene Jones Hawkins is entitled to and should be distributed one-half of Decedent's residence under the terms of Decedent's Will;
 7. Arlene Jones Hawkins is a prevailing party under this proceeding and entitled to an award of costs under Probate Code §1005.
 8. Arlene Jones Hawkins is, in equity, entitled to be reimbursed her attorney fees.
-

NEEDS/PROBLEMS/COMMENTS (cont.):

4. The real property is the separate property of the decedent because it was acquired prior to the marriage. Petitioner states she has a community interest in the real property because during the 3 year marriage the mortgage was paid with community property funds. This is correct. She does have a small community interest in the property. However, she does not appear to be entitled to 95% of the property. It appears that she would only be entitled to a small community property interest, if any.

Petitioner states the encumbrances on the property total \$275,439.07 with an outstanding balance of \$13,138.49 and the appraised value of the property is \$230,000.00. She states \$15,809.10 was paid using community funds to reduce the mortgage on the property. Family Code § 2622 (b) states to the extent that community debts exceed total community and quasi-community assets, the excess of debt shall be assigned as the court deems just and equitable, taking into account factors such as the parties' relative ability to pay.

Pursuant to Probate Code §21610 petitioner is entitled to an intestate share of the estate as an omitted spouse. Therefore, once the community interest is determined, she would be entitled to the community interest in the property, if any, and a ½ interest in the separate property. With regards to the mortgage payments paid after the date of death, they may be considered costs of administration and reimbursable to her. However, since Petitioner has been living in the home the amounts paid could also be considered rents for the occupancy of the property.

Note: It appears that pursuant to Prob. Code, § 6122 the specific gift to former spouse/objector Arlene Jones Hawkins is void. Probate Code §6122 (a) states unless the will expressly provides otherwise, if after executing a will the testator's marriage is dissolved or annulled, the dissolution or annulment revokes all of the following: (1) Any disposition or appointment of property made by the will to the former spouse.

(1) First and Final Account and Report of Conservator; and (2) Petition for Allowance of Compensation to Conservator and her Attorney

Age: 85		<p>PUBLIC GUARDIAN, Conservator, is Petitioner.</p> <p>Account period: 03/14/13 – 08/02/13</p> <p>Accounting - \$10,099.32 Beginning POH - \$0.00 Ending POH - \$2,500.01</p> <p>Conservator - \$3,458.56 (4.5 staff hours @ \$76/hr. and 32.86 deputy hours @ \$96/hr.)</p> <p>Attorney - \$1,250.00 (less than allowed per Local Rule)</p> <p>Costs - \$922.00</p> <p>Petitioner requests that due to the insufficiency of the estate to pay the fees and commissions that a lien be imposed on the estate for any unpaid balances of the authorized fees and commissions.</p> <p>Petitioner prays for an Order:</p> <ol style="list-style-type: none"> 1. Approving, allowing and settling the first and final account; 2. Authorizing the conservator and attorney fees and commissions; 3. Authorizing the payment of the costs; and 4. Authorizing Petitioner to impose a lien on the estate for any unpaid balances of authorized fees and commissions. 	<p>NEEDS/PROBLEMS/COMMENTS:</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	2620 n/a		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: JF	
		Reviewed on: 09/26/13	
		Updates:	
		Recommendation:	
		File 8 – Simpson	

(1) First and Final Account and Report of Conservator; and (2) Petition for Allowance of Compensation to Conservator and (3) Distribution

DOD: 5/16/2013	PUBLIC GUARDIAN , Temporary Conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:	
	Account period: 3/29/13 – 5/16/13		
Cont. from	Accounting - \$101,431.18		
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH - \$101,431.18		
<input checked="" type="checkbox"/> Verified	Ending POH - \$ 83,406.68		
<input type="checkbox"/> Inventory	Subsequent account period: 5/17/13 - 7/22/13		
<input type="checkbox"/> PTC	Accounting - \$84,338.22		
<input type="checkbox"/> Not.Cred.	Beginning POH - \$83,406.68		
<input checked="" type="checkbox"/> Notice of Hrg	Ending POH - \$72,628.34		
<input checked="" type="checkbox"/> Aff.Mail W/	Conservator - \$4,154.76		
<input type="checkbox"/> Aff.Pub.	(40.30 Deputy hours @ \$96/hr and 3.75 Staff hours @ \$76/hr)		
<input type="checkbox"/> Sp.Ntc.	Attorney - \$1,250.00 (per Local Rule)		
<input type="checkbox"/> Pers.Serv.	Bond fee - \$25.00 (o.k.)		
<input type="checkbox"/> Conf. Screen	Court fees - \$487.00 (filing fee, certified copies)		
<input type="checkbox"/> Letters	Petitioner prays for an Order:		
<input type="checkbox"/> Duties/Supp	4. Approving, allowing and settling the first and final account.		
<input type="checkbox"/> Objections	5. Authorizing the conservator and attorney fees and commissions		
<input type="checkbox"/> Video Receipt	6. Payment of the bond fee		
<input type="checkbox"/> CI Report	7. Payment of court fees		
<input type="checkbox"/> 9202	8. Distribution of the remaining assets to the Public Administrator for administration of the deceased conservatee's estate under Probate Code §7660.		
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
			Reviewed by: KT
			Reviewed on: 9/27/13
		Updates:	
		Recommendation:	
		File 9 – Cross	

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

DOD: 10-2-06		<p>JOAN GOUVEIA, Daughter, is Petitioner and requests appointment as Administrator with Will Annexed without bond.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 9-4-13 (No appearances).</u></p> <p>1. The Court may require bond in the amount of \$350,000.00.</p> <p><u>Note: If granted, the Court will set status hearings as follows:</u></p> <ul style="list-style-type: none"> Friday 11-15-13 for filing of bond, if required Friday 2-7-14 for filing of I&A Friday 2-6-15 for filing of first account or petition for final distribution <p>If the proper documents are on file prior to the hearings pursuant to local rules, the status hearings may come off calendar.</p>
Cont. from 090413		Full IAEA – ok	
	Aff.Sub.Wit.	Holographic Will dated 9-1-55 (Proof of Holographic Instrument filed)	
✓	Verified		
	Inventory		
	PTC	Residence: Fresno Publication: Fresno Business Journal	
	Not.Cred.		
N/A	Notice of Hrg	Estimated value of estate: Real property: \$350,000.00	
	Aff.Mail		
✓	Aff.Pub.	Probate Referee: Rick Smith	
	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>Reviewed by: skc</p> <p>Reviewed on: 9-27-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10 – Gouveia</p>

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

DOD: 6/28/2012		J. TODD ARMAS , named executor without bond, is petitioner. Full IAEA – o.k. Will dated: 1/5/2006 Residence: Fresno Publication: Fresno Business Journal Estimated value of the estate: Personal property - \$ 500.00 Real property - \$100,000.00 Total - \$100,500.00	NEEDS/PROBLEMS/COMMENTS: Continued from 9/4/13. As of 9/25/13 the following issues remain: 1. #6 of the petition was not answered re: next of kin. 2. #8 of the petition does not identify the relationship to the decedent of the persons listed. 3. Petition does not include a copy of the decedent's will (attachment 3e(2)). 4. Need Duties and Liabilities. 5. Need supplement to Duties and Liabilities. 6. Need Order 7. Need Letters Note: If the petition is granted, status hearings will be set as follows: <ul style="list-style-type: none"> Friday, February 14, 2014 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. Friday, December 5, 2014 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution. 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.
Cont. from 090413			
Aff.Sub.Wit.	S/P		
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
✓ Aff.Mail			
✓ Aff.Pub.			
Sp.Ntc.		Probate Referee: Rick Smith	
Pers.Serv.			
Conf. Screen			
Letters	X		
Duties/Supp	X		
Objections			
Video Receipt			
CI Report			
9202			
Order	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
Reviewed by: KT			
Reviewed on: 9/25/2013			
Updates:			
Recommendation:			
File 11 – Cole			

Melanie Age: 16	<p>VINCENT A. GONZALEZ, SR., father, is petitioner.</p> <p>RICKY C. PEREZ and ROSENDA PEREZ, maternal grandparents were appointed guardians on 07/19/2005. Ricky Perez was personally served on 09/18/2013.</p> <p>Mother: Corienne Rene Perez</p> <p>Paternal Grandparents: Not Listed</p> <p>Minors: Melanie, Abriana and Fernando, all consent and waive notice</p> <p>Petitioner states: medical neglect, mentally abused, funds being used for personal use, mother is a drug addict in the home are reasons for the request for termination. Petitioner states that all of the children have expressed to him that they wish to live with him. Petitioner states that none of the court orders have been followed except when it is convenient for them.</p> <p>Court Investigator Dina Calvillo's report filed 09/30/2013.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need proof of service by mail at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Termination of Guardianship on the following:</p> <ul style="list-style-type: none"> • Corienne Rene Perez (Mother) • Rosenda Perez (Guardian/Maternal Grandmother) • Paternal Grandparents (Not Listed)
Abriana Age: 15		
Fernando Age: 12		
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		
<p>Reviewed by: LV</p> <p>Reviewed on: 09/25/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13 – Gonzalez & Perez</p>		

Faith Rose Venegas (14)		FRANCES VENEGAS , mother, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service by mail at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Termination of Guardianship on the following: <ul style="list-style-type: none"> • Bobby Joe Grider (Guardian) • Moises Vargas (Father) • Paternal Grandparents • Joe Venegas (Maternal Grandfather) • Faith Rose Venegas (Minor)
		BOBBY JOE GRIDER , maternal uncle was appointed guardian on 06/20/2011.	
		Father (Faith): MOISES VARGAS	
Cont. from		Paternal Grandfather: Not provided Paternal Grandmother: Not provided	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	x	
<input type="checkbox"/>	Aff.Mail	x	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input 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		
<p>Court Investigator Jo Ann Morris' report filed 09/26/2013 states on 08/01/2013, Frances Venegas filed a petition requesting that the guardianship of her daughter be terminated. Court Investigator attempted to reach the petitioner by phone and left a message but as of the writing of this report has not heard back from her. Court Investigator also tried to reach the guardian by phone but the numbers were both disconnected. Therefore the Court Investigator is unable to complete an investigation into the petition to terminate the guardianship.</p>			
Reviewed by: LV			
Reviewed on: 09/27/2013			
Updates:			
Recommendation:			
File 14 – Garcia & Venegas			

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

DOD: 01/28/2013		LUPE GALINDO , niece/named executor without bond, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Full IAEA – <i>need publication</i>	<u>Amended Petition filed 09/18/2013. Hearing is set for 10/28/2013.</u>
Cont. from 070313, 082113		Will dated: 02/08/2001	The following issues still remain:
	Aff.Sub.Wit. s/p	Residence: Kernan Publication: Need	<ol style="list-style-type: none"> 1. Need Affidavit of Publication. 2. Need proof of service of Notice of Petition to Administer Estate on the following: <ul style="list-style-type: none"> • Juan Samora • Manuel Samora • Senon Samora
✓	Verified		
	Inventory	<u>Estimated value of the Estate:</u> Personal Property: \$105,878.00 Real property: \$105,878.00 Total: \$105,878.00 (?)	<p><i>Note: Petitioner filed a declaration of due diligence regarding Juan Samora, Manuel Samora, and Senon Samora.</i></p> <p><i>Note to Judge: The decedent's will specifically disinherits her three children and devises the entire estate to Petitioner.</i></p>
	PTC		
	Not.Cred.	Probate Referee: Steven Diebert	<ol style="list-style-type: none"> 3. <u>Need clarification regarding the estimated value of the estate:</u> Petition lists real property and personal property both valued at \$105,878.00, but states the total estimated value of the estate is \$105,878.00.
✓	Notice of Hrg		
✓	Aff.Mail W		<p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Friday, 03/07/2014 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Friday, 12/05/2014 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution.
	Aff.Pub. x		
	Sp.Ntc.		<p>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.</p>
	Pers.Serv.		
	Conf. Screen		<p>Reviewed by: LV</p> <p>Reviewed on: 09/25/2013</p> <p>Updates: 10/01/2013</p> <p>Recommendation:</p> <p>File 15 – Samora</p>
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

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

Harmonee Age: 2		GENERAL HEARING 11/20/2013		NEEDS/PROBLEMS/COMMENTS:	
		STACY MICHELLE EDWARDS , maternal aunt, is petitioner.		Petition pertains to Hamonee Gardner only. Temporary guardianship of Travis Gardeley was granted on 09/18/2013 appointing maternal aunt, Emma Frierson as guardian.	
Cont. from		Father: UNKNOWN		<p>1. <i>If Court does not excuse notice as Petitioner requests, need proof of five (5) court days' notice by personal service of the Notice of Hearing with a copy of the Petition for Appointment of Temporary Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence for:</i></p> <ul style="list-style-type: none"> • Unknown father. <p>2. UCCJEA form filed on 9/18/2013 does not provide residence information for the last 5 years as required.</p> <p>3. <i>Confidential Guardian Screening Form</i> filed 09/18/2013 is incomplete.</p>	
<input type="checkbox"/>	Aff.Sub.Wit.				
<input checked="" type="checkbox"/>	Verified	Mother: TANYANNA GARDNER , consents and waives notice			
<input type="checkbox"/>	Inventory	Paternal Grandparents: Unknown			
<input type="checkbox"/>	PTC	Maternal Grandfather: Unknown Maternal Grandmother: Not Listed			
<input type="checkbox"/>	Not.Cred.				
<input type="checkbox"/>	Notice of Hrg	<input checked="" type="checkbox"/>			
<input type="checkbox"/>	Aff.Mail				
<input type="checkbox"/>	Aff.Pub.				
<input type="checkbox"/>	Sp.Ntc.				
<input type="checkbox"/>	Pers.Serv.	<input checked="" type="checkbox"/>			
<input checked="" type="checkbox"/>	Conf. Screen				
<input checked="" type="checkbox"/>	Letters				
<input checked="" type="checkbox"/>	Duties/Supp	Petitioner states: she is seeking temporary guardianship because her sister is unable to care for the minor right now. The mother does not have a stable living place for the minor and the petitioner is worried for the child's safety. Petitioner does not want the child to grow up in the system, she wants her to be with family. Petitioner is seeking temporary guardianship for the child's medical and school needs.			
<input type="checkbox"/>	Objections				
<input type="checkbox"/>	Video Receipt	Petitioner requests to be excused from giving notice to the father because he is unknown.			
<input type="checkbox"/>	CI Report				
<input type="checkbox"/>	9202				
<input checked="" type="checkbox"/>	Order				
<input type="checkbox"/>	Aff. Posting				
<input type="checkbox"/>	Status Rpt				
<input checked="" type="checkbox"/>	UCCJEA				
<input type="checkbox"/>	Citation				
<input type="checkbox"/>	FTB Notice				
				Reviewed by: LV	
				Reviewed on: 09/26/2013	
				Updates:	
				Recommendation:	
				File 16 – Gardeley & Gardner	

Atty Rios, Juanita D. (Pro Per – Petitioner – Paternal Grandmother)

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

Christian Age: 5	<u>GENERAL HEARING 11/19/2013</u>		<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> The mother, Roseanna Cottrell, was served by mail on 09/21/2013. Pursuant to Probate Code §2250 personal service is required. The mother, Roseanna Cottrell, was served by mail on 09/21/2013. Pursuant to Probate Code §2250 personal service is required. Page #5 of the Guardianship Petition – Child Information Attachment (GC 210(CA)) which pertains to whether the children have Native American Ancestry was not completed for either of the children. Need declaration with page #5 attached. 		
Noah Age: 3	<p>JUANITA D. RIOS, paternal grandmother, is petitioner.</p> <p>Father: JORGE D. RIOS, served by mail 09/21/2013</p> <p>Mother: ROSEANNA COTRELL, served by mail on 09/21/2013</p> <p>Paternal Grandfather: Arturo G. Rios, Deceased</p> <p>Maternal Grandfather: Allen Lederman, Deceased</p> <p>Maternal Grandmother: Autumn Verdote, served by mail on 09/21/2013</p> <p>Petitioner states: Jorge D. Rios, father, is incarcerated as of 09/10/2013 and has signed a temporary notarized guardianship. The mother, Roseanna Cottrell, is unfit to have the children. There is an open CPS case for child abuse and child neglect and endangerment. Paternal grandmother/petitioner is greatly concerned for her grandchildren. The children have resided with her since off and on since the birth of the eldest child. The child have suffered both physical abuse and mental abuse. The mother's boyfriend has beaten the children on multiple occasions. The mother would leave the children in the care of her boyfriend and he would beat them. The minor child, Evelyn, ended up in the emergency room for food poisoning because the mother did not want to get up and feed her. The child got into the refrigerator and ate raw bacon. Petitioner is fearful that the children will be mortally injured or sustain irreversible injuries.</p> <p>Attached to the petition is a notarized document from the father which gives the paternal grandmother/petitioner temporary custody of the three minor children beginning on 09/10/2013 and to continue for as long as necessary.</p>				
Evelyn Age: 2					
Cont. from					
Aff.Sub.Wit.					
✓ Verified					
Inventory					
PTC					
Not.Cred.					
✓ Notice of Hrg					
✓ Aff.Mail				w/	
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>Reviewed by: LV</p> <p>Reviewed on: 09/26/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 17 – Lederman-Rios & Rios</p>		