

Petition for Visitation

Jesus Gonzalez Rodriguez, age 9		<p>JESUS N. GONZALEZ, Father, is Petitioner.</p> <p>MARIA IBARRA, Maternal Grandmother, was appointed Guardian on 6-26-08. - served by mail 5-27-13</p> <p>Mother: Patricia Rodriguez (Deceased) Paternal Grandfather: Jose Gonzalez Paternal Grandmother: Josefina Gonzalez Maternal Grandfather: Lorenzo Rodriguez</p> <p>Petitioner requests to have custody of his son and to have his case reviewed. Petitioner sees no reason for his son to be with his grandmother when he is fully capable and willing to be fully responsible for his son. Petitioner doesn't feel the visitation that he is allowed is sufficient to fully bond with his son, especially now that he will be having a sibling. Petitioner believes it is in his son's best interest to be closer to his little brother and father than the 2 hours a week that is currently allowed (sometimes less because the grandmother arrives late).</p> <p>Petitioner believes his son needs a father figure and he and his wife are able to provide a stable house for his son. Petitioner states there is no need for his son to continue living with his grandmother when he has a loving father who wants to be a part of his life.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 6-11-13, 7-30-13, 9-10-13. Minute Order 9-10-13 states: Ms. Valdivinos is sworn and interprets for Maria Ibarra. Maria Ibarra objects to the petition. Counsel is directed to facilitate counseling between father and child. Matter continued to 10/8/13.</u></p> <p>Please see Page 2 for summary of CI Reports filed 7-26-13 and 9-3-13.</p> <p>See Page 4 for the most recent report.</p>
Cont. from 061113, 073013, 091013			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	w/o		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: skc	
		Reviewed on: 10-1-13	
		Updates: 10-2-13 / 10/04/2013 (LV)	
		Recommendation:	
		File 1 – Rodriguez	

Page 2

Court Investigator Jennifer Young filed a report on 7-26-13.

Minute Order 7-30-13: Also present in the courtroom is Jesus Rodriguez. Rosie Valdivinos is sworn and interprets for Maria Ibarra. Ms. Ibarra objects to the petition. Visitation between father and the minor is ordered as follows: visitation shall be every Sunday from 1:00 p.m. to 5:00 p.m. at a place mutually agreed upon by the parties. Father is ordered not to expose the minor to any horror movies or encourage any horse play with other children that may be uncomfortable for the minor. **The Court orders the court investigator to contact the Carmen Meza Center regarding the minor's therapy. Parties enter into a waiver of confidentiality for said purpose.** Continued to 9/10/13.

Court Investigator Jennifer Young filed a report on 9-3-13.

Guardian Maria Ibarra filed a declaration on 9-6-13. Ms. Ibarra states Jesus has always been in her custody since the death of his mother on 10-31-05. Jesus' mother was murdered with a kitchen knife. Her throat was cut open and Jesus was found on top of his mother's dead body covered in blood (at age 1½). The police turned him over to Ms. Ibarra that day. Shortly after the murder, Ms. Ibarra spoke with Mr. Gonzalez, who stated she could keep Jesus as long as he could use his SSN for his taxes. He did not participate in Jesus' life. When Jesus was two years old, Ms. Ibarra allowed overnight visits. During the visits, Jesus slept on pillows on the floor with the family dog. Mr. Gonzalez never returned him on time and she always had to pick him up. On one occasion, he wasn't even present, and Jesus was running around unsupervised with the grandfather getting drunk with his friends. A police report was made. In 2008, Jesus came home with a burn on his hand. Jesus told her that his aunt Karina was mad at him and grabbed his hand and burned it. A police report was made. Also, Jesus was always starving upon return from his visits.

Of great concern to Ms. Ibarra is the fact that Mr. Gonzalez was inconsiderate of what happened to Jesus. He had him watch the movie "Chucky" where a doll is murdering people with a knife. Mr. Gonzalez should have been more conscious of the fact that Jesus' mother was killed with a knife. Jesus was traumatized.

Ms. Ibarra states that even now, he continues to have little regard for Jesus' needs, and Mr. Gonzalez lacks maturity when it comes to Jesus' care. Recently he forced horseplay (fight) with Jesus' cousins, and tried to block Ms. Ibarra from seeing with a chair.

Further traumatizing Jesus, Mr. Gonzalez had Ms. Ibarra served with court papers in front of Jesus. The person was rude and disrespectful, demanding to see photo identification or verification of her address. She felt forced to show her PGE bill. Jesus was scared that he was going to be removed from her home.

Ms. Ibarra states she regularly attends church on Sunday afternoons. Jesus enjoys this because that is when his friends go to service too. Mr. Gonzalez refuses to change the visitation schedule so Jesus can attend. Ms. Ibarra would like visits to be Sundays 9-12.

Ms. Ibarra is not opposed to the court ordering Mr. Gonzalez to attend therapeutic visits with Jesus and his counselor. She has attended some sessions, and believes he should also.

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Mr. Gonzalez pays only \$128/month child support. Ms. Ibarra pays \$60-70/week in child care. Mr. Gonzalez takes no interest in helping pay for school supplies, uniforms, medical bills, and **refuses to provide her with his insurance card or a letter stating he is not covered. The providers will not accept Medi-Cal because their system shows he has an insurance provider.** Jesus suffers from asthma and this is creating a hardship. Ms. Ibarra cannot afford these bills. All she needs from him is the insurance card.

Declaration of Jesus N. Gonzalez filed 10/03/2013 disputes the claims of the guardian, Maria Ibarra. Mr. Gonzalez is seeking to increase his visitation with the minor child to include overnight visits in order for him to become more familiar with his family and become a stronger part of their lives. Mr. Rodriguez states that both he and the guardian shared custody of Jesus, the minor child, without a structured agreement and transportation of the child was done by both parties as well as the father's sister. The father states that when the child would visit his family he always had a comfortable place to sleep, not on the floor. He states the child was with him one time while watching movie clips on You-Tube and there were a few clips from the movie "Chucky" as well as other comedies, cartoons and other genres. The father states the child did not seem disturbed by any of the movie clips. Mr. Gonzalez states that the safety of his son is always held in high regards. He says that Jesus is a normal 10 year old who regularly plays with all of his cousins. Mr. Gonzalez states that he has always been and is willing to help with the child's needs. He states he has purchased shoes, clothing and other items outside of the dollar amount taken for child support. He states that the guardian makes it difficult to bring gifts from family members since she is an active Jehovah's Witness and has gotten upset with Mr. Gonzalez's mother for taking a birthday cake to celebrate with the child during one of the visits. Mr. Gonzalez states that he has provided the guardian with a letter for the child's medical coverage.

Attached to the declaration are pictures of the child with the father in response to the allegations that the child does not want to visit with the father.

Confidential Supplemental Investigator's Report filed 10-1-13 by Court Investigator Jennifer Young.

(1) Report on Waiver of Accounting and (2) Petition for Final Distribution and (3) Allowance of Costs Advanced by Attorney

DOD: 3-22-11	ROBERT B. PYE , Administrator with Will Annexed, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 5-21-13.</u></p> <p>On 9-19-13, Attorney Pye filed a Supplement addressing certain issues. However, the following issues remain:</p> <ol style="list-style-type: none"> Per Supplement filed 9-19-13, DHS was notified via its electronic filing system. However, Probate Code requires service by mail. See §§ 9202, 215, 1215. Also, the time for response is four months, not 60 days. The Court may require further continuance for proper notice. <p><i>Note: Examiner notes that there was never a statement as to whether notice to DHS was required. If neither the decedent nor her predeceased spouse received services, this is not an issue. However, there is no verified statement either way in the petition or supplement. Need clarification.</i></p>
	All heirs waive accounting	
	I&A: \$311,572.64 POH: \$296,758 (Stocks, accounts)	
Cont from 052113		
<input type="checkbox"/> Aff.Sub.Wit.	Attorney Administrator: Waived	
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory	Costs: \$747.50 (filing, publication, certification)	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Petitioner states heir Stacy Ruth Pye was given a lifetime advance from her mother valued at \$135,000.00, to be offset against her sister's distribution from the estate.	
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	Distribution pursuant to Decedent's will:	
<input type="checkbox"/> Aff.Pub.	Karen Louise Arnold: \$105,147.00 cash plus certain various stocks	
<input type="checkbox"/> Sp.Ntc.	Stacy Ruth Pye: \$3,667.00 cash plus certain various stocks	
<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"/> 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 checked="" type="checkbox"/> FTB Notice		
		Reviewed by: skc
		Reviewed on: 10-1-13
		Updates:
		Recommendation:
		File 2 – Arnold

3 Thelma Henrichs (CONS/PE)

Case No. 13CEPR00314

Atty Kruthers, Heather H (for Public Guardian/Conservator)

Atty Teixeira, J. Stanley (Petitioner/court appointed attorneyfor conservatee)

Petition for Compensation

Age: 92 years DOB: 2/4/1921	<p>J. STANLEY TEIXEIRA, petitioner was Court appointed to represent the Conservatee on 4/22/13.</p> <p>The Public Guardian was appointed Conservator of the Person and Estate on 5/29/2013.</p> <p>Petitioner requests fees in connection with the representation of the Conservatee for the Public Guardian's petition to appoint a conservator.</p> <p>Petitioner asks that he be paid from the conservatorship estate for 5.20 hours @ \$250.00 per hour and costs of \$435 (filing fee) for a total of \$1,735.00.</p> <p>Services are itemized by date and include review of documents, visits with client, and court appearances.</p>	NEEDS/PROBLEMS/COMMENTS:	
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 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: 10/2/13	
		Updates:	
		Recommendation:	
		File 3 - Henrichs	

Atty Boyajian, Thomas M., sole practitioner (for Petitioner Carl John Peterson, former spouse)
 Atty Shahbazian, Steven L., sole practitioner (Limited-Scope Representation for Objector Kimbra Pannett, daughter)

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

DOD: 2/21/2013	CARL JOHN PETERSON , former spouse and first named Executor without bond, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Notice of Limited Scope Representation filed 10/3/2013 indicates Attorney Shahbazian will represent Kimbra Pannett at the hearing on 10/8/2013.</p> <p>Continued from 8/20/2013. Minute Order states the Court indicates to the parties that it will expect a declaration and/or live testimony at the next hearing addressing the issues regarding the subscribing witnesses and the presumption relating to the destruction of a will. The Court advises the parties that it will entertain a petition for special letters for the maintenance of the property.</p> <p>Note for background: Minute Order dated 7/2/2013 [Judge Snauffer] from the last hearing states the Court directs the parties to submit their concerns in writing. As of 10/1/2013, Court records show no written objection has been filed since the hearing on 8/20/2013.</p> <p style="text-align: center;">~Please see additional page~</p>
Cont. from 070213, 082013	Full IAEA – o.k.	
<input checked="" type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Will dated: 06/19/2012	
Inventory		
PTC		
Not.Cred.	Residence: Clovis	
<input checked="" type="checkbox"/> Notice of Hrg	Publication: The Business Journal	
<input checked="" type="checkbox"/> Aff.Mail	W/	
<input checked="" type="checkbox"/> Aff.Pub.	Estimated value of the Estate:	
Sp.Ntc.	Personal property - \$434,000.00	
Pers.Serv.	Real property - \$325,000.00	
Conf. Screen	Total: - \$759,000.00	
<input checked="" type="checkbox"/> Letters	Probate Referee: Steven Diebert	
<input checked="" type="checkbox"/> Duties/Supp		
<input checked="" type="checkbox"/> Objections		
Video Receipt		
CI Report		
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 10/1/13
		Updates: 10/7/13
		Recommendation:
		File 4 - Gomes

NEEDS/PROBLEMS/COMMENTS, continued:

1. Petitioner states in the *Explanatory Declaration* filed 7/31/2013 that "the original statutory Will of the Decedent is not in the possession of the Petitioner at the moment and is not available." Probate Code § 6124 provides if the testator's Will was last in the testator's possession, the testator was competent until death, and neither the Will nor a duplicate original of the Will can be found after the testator's death, it is presumed that the testator destroyed the Will with intent to revoke it. This presumption is a presumption affecting the burden of producing evidence. If the proponents of the Will introduce no contrary evidence, the Court should find that the Will was revoked. *Declaration* filed 7/31/2013 states the submitted statutory Will is a "duplicate/copy." It does not appear that the copy of the Will that Petitioner has submitted constitutes a duplicate original. Further, *Attachment A, Declaration of Scott Ferguson and Declaration of Michelle Torres*, submitted by both of the subscribing witnesses to the Will (in addition to the *Proof of Subscribing Witness* filed 5/20/2013 by each of them) discuss the validity of execution of the Will and the Decedent's capacity at the time of making her Will. None of the Declarations discuss the status of the original Will other than stating it is not in Petitioner's possession and is not available, nor do they provide any evidence to support that her Will was not likely revoked by Decedent.
2. If Petitioner seeks to request the Court admit Decedent's Will as a "lost" Will following the Court's determination regarding whether Decedent revoked her Will (as noted above), Probate Code § 8223 provides that a petition for probate of a lost or destroyed Will shall include a written statement of the testamentary words or their substance. If the Will is proved, the provisions of the Will shall be set forth in the order admitting the Will to probate. If Court grants the petition for probate of Decedent's Will as a "lost" Will, pursuant to Probate Code § 8223 need revised proposed order containing the provisions of the lost Will (i.e., a copy of the Will attached to the order with a signature line included on the last page of the Will for the Court's approval.)
3. Proposed letters submitted by Petitioner have been altered with whiteout at Item 2, and do not indicate that Petitioner will be appointed as executor of Decedent's "lost" Will. Need revised proposed letters.

Note: Court will set status hearings as follows:

- **Friday, March 7, 2014 at 9:00 a.m. in Dept. 303 for filing of inventory and appraisal; and**
- **Friday, December 12, 2014 at 9:00 a.m. in Dept. 303 for filing of first account and/or petition for final distribution.**

Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.

~Please see additional page~

Objection and Memorandum of Kimbra Pannett to Decedent's Purported Will filed 10/3/2013 states:

- She is an interested person as defined in Probate Code § 48(a) as a daughter of the Decedent;
- From review of the pleadings on file, including the "Explanatory Declaration" filed on behalf of Petitioner Carl John Peterson on 7/31/2013, and the subscribing witness declarations attached as Attachment A, it appears that the primary issue to be addressed and which the Court has raised is the "presumption of revocation" under Probate Code § 6124 of the Decedent's Will submitted to probate;
- A review of the declarations filed on behalf of the admission of said Will (contained in the "Explanatory Declaration") confirms the statutory factors that are consistent with "revocation" of the purported Will dated 6/19/2012, submitted to probate, *[as follows]*:
 - (a) No person other than the testator Natalie Gomes is alleged to have "possession" of the Will until her death;
 - (b) Testator was competent throughout, to the "observations" of the subscribing witnesses;
 - (c) The purported Will presented for probate is, in fact, a copy, i.e., a photocopy, of the purported original Will; by their declarations submitted in support of the Will for admission to probate, the subscribing witnesses have supported the Will's presumptive revocation;
- In reference to the first two grounds noted above (the Will was last in testator's possession, or at least, not in anyone else's possession while the testator was "competent"), there have been no contrary statements or evidence presented to contradict the application of Probate Code § 6124;
- The assertion in both declaration that the document being submitted is a "copy/duplicate of the Statutory Will" *[cites to declarations omitted]* confirms the statutory revocation of the Will;
- In the case of *Lauermann v. Superior Court (2005)* *[citations omitted]*, the Appellate Court held that the meaning of the term "duplicate original" as used in Probate Code § 6124 does not *[emphasis in original]* include a photocopy not personally executed by the testator and witnesses;
- Therefore, the actual "Will" attached to the petition for probate is not a "duplicate original" but just a disqualified "copy;"
- Based upon the pleadings on file in this matter, and the clear application of California law set forth herein, it is requested that the Court find that the purported Will presented for probate on the Petition for Probate filed 5/20/2013 is not the Will of the testator and that said purported Will has been destroyed pursuant to Probate Code § 6124.

Note: *Objection and Memorandum of Kimbra Pannett to Decedent's Purported Will filed 10/3/2013* is not signed nor verified by Kimbra Pannett pursuant to Probate Code § 1021(a)(2) and (b)(3). *Proof of Service* attached to the *Objection* shows Attorney Boyajian was mailed notice on 10/2/2013.

DOD: 05/17/2013	KORINA BERSENTES , daughter is petitioner and requests appointment as Administrator without bond.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>The following issues remain:</p> <ol style="list-style-type: none"> Proposed personal representative is a resident of Colorado. Probate Code §8571 states notwithstanding a waiver of bond, the Court in its discretion may require a nonresident personal representative to give a bond in an amount determined by the Court. Petition states all heirs are adults and have waived bond. Need signed waivers of bond from: <ul style="list-style-type: none"> Korina Bersentes John Bersentes Or in the alternative bond set at \$250,000.00. <p>Note: If <i>Petition</i> is granted, Court will set status hearings as follows:</p> <ul style="list-style-type: none"> Friday, 03/07/2014 at 9:00 a.m. in Dept. 303 for filing of final inventory and appraisal; and Friday, 12/05/2014 at 9:00 a.m. in Dept. 303 for filing of first account and/or petition for final distribution. <p>Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.</p> <p>Reviewed by: LV</p> <p>Reviewed on: 10/02/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5 – Bersentes</p>
	Petitioner is a resident of Superior, Colorado	
Cont. from 090313	Full IAEA – o.k.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory	Decedent died intestate.	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Residence: Fresno Publication: The Business Journal	
<input checked="" type="checkbox"/> Aff.Mail	w/	
<input checked="" type="checkbox"/> Aff.Pub.	Estimated value of the estate: Personal property \$250,000.00	
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen	Probate Referee: Rick Smith	
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

DOD: 6/16/2013		YOLANDA HAUSCHEL, ANITA OAXACA	NEEDS/PROBLEMS/COMMENTS:
		and NORMA VIGIL are petitioners.	
		40 days since date of death.	1. Need Notice of Hearing.
Cont. from		No other proceedings.	2. Need proof of service of the Notice of Hearing on all those entitled to notice pursuant to Probate Code §13153.
<input type="checkbox"/>	Aff.Sub.Wit.		3. #9a(3) or (a(4) of the petition was not answered re: domestic partner.
<input checked="" type="checkbox"/>	Verified	Will dated: June 11, 2013 devises the residue of the estate to Yolanda Haushel, Anita Oaxaca and Norma Vigil.	4. #9a(5) or 9a(6) of the petition was not answered re: child.
<input type="checkbox"/>	Inventory		5. #9a(7) or 9a(8) of the petition was not answered re: issue of predeceased child.
<input type="checkbox"/>	PTC		6. Need attachment 11 containing the legal description of the property along with the decedent's interest.
<input type="checkbox"/>	Not.Cred.		7. Need attachment 13 the specific property interest claimed by each petitioner.
<input type="checkbox"/>	Notice of Hrg	X	8. Need attachment 14 the names, relationships, ages and addresses of all heirs and devisees of the decedent.
<input type="checkbox"/>	Aff.Mail	X	9. Will attached to the petition is the original. Petitioner requires a copy to be attached. Probate Code §8200 requires the original will to be deposited with the court.
<input type="checkbox"/>	Aff.Pub.		10. Inventory and appraisal was not signed by the attorney as required.
<input type="checkbox"/>	Sp.Ntc.	I & A - \$75,000.00	11. Inventory and appraisal was only signed by Yolanda Haushel. It should be signed by all petitioners.
<input type="checkbox"/>	Pers.Serv.	Petitioners request Court determination that Decedent's interest in real property pass to them.	12. Need Order
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 10/2/13
			Updates:
			Recommendation:
			File 6 - Lopez

Status Hearing

Bernice C. Kasabian DOD: 1-17-13	JENNIFER KAPUR , Granddaughter and beneficiary, filed a Petition to Determine Existence of Trust on 6-12-13.	NEEDS/PROBLEMS/COMMENTS:			
	Order Determining Existence of Trust filed 7-30-13 orders that Dana T. Kahler provide a true and correct copy of the trust, including the operative amendments.	Minute Order 9-10-13: Mr. Roberts indicates that he will send out the notices to the beneficiaries and complete the administration.			
	<i>Note: Proposed language ordering Dana T. Kahler to account was stricken from the order.</i>	<ol style="list-style-type: none"> As of 10-1-13, nothing further has been filed. Need status pursuant to Minute Order 7-30-13. 			
Cont from 091013	Minute Order 7-30-13: Mr. Roberts requests a continuance to speak with Dana Kahler. The Court grants the petition and denies the request for an accounting finding that it is premature at this time. Matter is set for Status Hearing on 9/10/13. The Court orders Dana Kahler to be personally present at the next hearing. Dana Kahler is ordered to provide evidence of any notices the he has given and/or other actions he has taken as trustee. In addition, Dana Kahler is ordered to file all documents with this court and provide copies to Mr. Teixeira and Mr. Roberts. Set on 9/10/13 at 9:00am in Dept. 303 for Status Hearing. Petition is granted before Court Trial. Order signed.	Reviewed by: skc			
<table border="1"> <tr> <td data-bbox="82 470 131 512"></td> <td data-bbox="131 470 321 512">Aff.Sub.Wit.</td> <td data-bbox="321 470 394 512"></td> </tr> </table>		Aff.Sub.Wit.		A copy of the minute order was mailed to Attorneys Teixeira and Roberts and to Dana Kahler on 8-5-13.	Reviewed on: 10-1-13
	Aff.Sub.Wit.				
<table border="1"> <tr> <td data-bbox="82 512 131 554"></td> <td data-bbox="131 512 321 554">Verified</td> <td data-bbox="321 512 394 554"></td> </tr> </table>		Verified		Updates:	
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8 Brooklyn E. Jane and Nevaeh A. May Adams (GUARD/P)

Case No. 09CEPR00464

Atty LeFors, Teri (pro per Petitioner/guardian/paternal grandmother)
 Atty LeFors, Michael E. (pro per guardian/paternal step-grandfather)
 Atty Basquez, Patricia Viola (pro per mother)
 Atty Adams, Bryce S (pro per father)

Request for Modification of Visitation

Brooklyn age: 5	<p>TERI LEFORS, Guardian/paternal grandmother, is petitioner.</p> <p>Petitioner alleges: There has been a change in circumstances. During the 2012 through 2013 school year, both Brooklyn and Nevaeh have experienced extensive absences and almost all occurred while at their bi-weekly visits with their parents. Brooklyn has had 15 absences and 8 tardies in what amounts to only one half of the school year.</p> <p>This continued pattern of absences cause them to be summoned to attend a School Attendance Review Board pre-hearing. Both guardians and parents were in attendance. At that time all parties entered into an agreement to have the attendance problems resolved.</p> <p>Neither parent has taken any interest in attending parent attending parent/teacher conferences, special parent activities or participation in the education of Brooklyn and Nevaeh to the degree that is necessary to nurture and support their education.</p> <p>At the last parent/teacher conferences for both girls, Petitioner states she was advised that their homework is not consistent and turned in during the weeks the girls are with their parents.</p> <p style="text-align: center;">Please see additional page</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 8/13/13. Minute order states the following visitation orders are in place pending the next hearing; mother and father shall have visitation with the children every other weekend beginning next weekend. Visitation shall be from Friday at 6 p.m. to Sunday at 4 p.m. The court orders the Court Investigator to conduct a new and complete investigation of the parties. The Court further orders that the investigation include any matter(s) involving CPS; the children's school attendance, and any other matters deemed necessary. Court is specifically concerned with the injury sustained by Brooklyn.</p>	
Nevaeh age: 4			
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		Reviewed by: KT	
		Reviewed on: 10/1/2013	
		Updates: 10/3/13	
		Recommendation:	
		File 8 – Adams	

Petitioner states on Wednesday, June 12, 2013, while on their weekly visit with their parents, Brooklyn jumped off the top bunk bed at a friend's house and hit her nose on the bed frame below. Brooklyn was not taken for any medical treatment by her parents, nor was Petitioner contacted and given the option to seek evaluation of the injury. It was not until Petitioner picked up Brooklyn and Nevaeh on Sunday, June 16 that she saw that Brooklyn had, what amounted to, two black eyes. On Monday, Petitioner states she made an appointment with Brooklyn's physician, for her to be seen on June 18. The Doctor examined Brooklyn, took her for an x-ray and diagnosed her with a fractured nose. Brooklyn has been referred to a specialist at Children's Hospital for further evaluation.

As a result of Brooklyn's nose injury a referral was made to Child Protective Services. Petitioner states they were interviewed by a CPS worker on June 26th and advised that she would make a visit to Bryce and Patricia and that this would be listed as a "substantiated" referral for medical neglect.

Petitioner states that she also learned there have been other CPS referrals in regards to Bryce and Patricia and all three of their children, Brooklyn, Neveah and Owen (DOB: 10/21/11) that Petitioner, as guardian, did not know about. Petitioner states she has requested copies of all CPS referrals that she is entitled to receive as Legal Guardian and will present them at the hearing.

Petitioner states Patricia does not have a driver's license due to two DUI convictions in Fresno within the last two years. During most of the last school year, Bryce Adams drove Brooklyn and Neveah to school in their visitation weeks. Bryce recently became employed full time and will not be available to drive Brooklyn and Neveah to and from school this next school year. Petitioner states she believes that Patricia will drive the girls to school, unlicensed, as she has admitted to driving unlicensed with baby Owen in the car.

Petitioner states they have recently learned that Patricia is pregnant and due after the first of the year. Petitioner states she is further advised that parentage is at issue. Since Bryce will no longer be home to assist with the children, Petitioner states she does not believe that Patricia will be able to effectively deal with the demands of pregnancy, caring for an 18 month old, maintaining the schedule for homework and legally get the girls to and from school each day.

Petitioner respectfully requests that the current visitation schedule be modified to allow Brooklyn and Neveah to have visitation with Bryce Adams and Patricia Basquez every other weekend from Friday at 6:00 p.m. to Sunday at 4:00 p.m. to begin the week of the Court hearing.

Visitation order (per Minute Order dated 3/27/12): Visitation for the father Bryce Adams and the mother Patricia Basquez shall be on alternating weekends from Sunday at 6:00 p.m. until Sunday at 6:00 p.m. Pick-up and delivery of the children to be arranged by mother and father. The children are not to be driven in any vehicle unless licensed and insured, and the children are to be in appropriate safety restraints. No party shall have any amount of alcohol in their body while transporting the children.

Court Investigator Julie Negrete's report filed on 10/2/13.

Pro Per Griffith, Estella (Pro Per Petitioner, Administrator)

First Amended Final Account and Report and Petition for Final Distribution [Prob. C. 10400-10406, 10954, 11600-11642]

DOD: 8/18/2010		<p>ESTELLA GRIFFITH, sister and Administrator appointed on 9/26/2011 with Full IAEA without bond, is Petitioner.</p> <p>Account period: 19/26/2011 – 3/2013</p> <p>Accounting - [\$231,171.41] Beginning POH - [\$193,100.00] Ending POH - \$193,000.00 <i>(no cash; 1/5 interest in rental real property located in Los Angeles)</i></p> <p>Administrator - waives</p> <p>Distribution pursuant to intestate succession is to:</p> <ul style="list-style-type: none"> • Estella Griffith: 1/8 of Decedent's 1/5 interest; • Ralph Escandon, Sr.: 1/8 of Decedent's 1/5 interest; • Raquel Pena: 1/8 of Decedent's 1/5 interest; • Albert Oliva: 1/8 of Decedent's 1/5 interest; • Donna Stevens: 1/2 of a 1/8 interest in Decedent's 1/5 interest; • Steven Escandon: 1/2 of a 1/8 interest in Decedent's 1/5 interest; • Raymond Beltran: 1/2 of a 1/8 interest in Decedent's 1/5 interest; • ESTATE OF Arthur Robles: 1/2 of a 1/8 interest in Decedent's 1/5 interest; • Esther Tinajero: 1/7 of a 1/8 interest in Decedent's 1/5 interest; • Sandra E. Rapozo: 1/7 of a 1/8 interest in Decedent's 1/5 interest; • Manuel Escandon, Jr.: 1/7 of a 1/8 interest in Decedent's 1/5 interest; • Pedro Escandon: 1/7 of a 1/8 interest in Decedent's 1/5 interest; • Christina Escandon: 1/7 of a 1/8 interest in Decedent's 1/5 interest; • Moses Escandon: 1/7 of a 1/8 interest in Decedent's 1/5 interest; • Monalissa Escandon: 1/7 of a 1/8 interest in Decedent's 1/5 interest; • Erlinda Cananda: 1/2 of a 1/8 interest in Decedent's 1/5 interest; • Jay Alamo: 1/2 of a 1/8 interest in Decedent's 1/5 interest. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: <i>Petition</i> does not state the account period pursuant to Probate Code § 1061(a). However, the schedules indicate the ending dates of the transactions reported in this account is March 2013.</p> <ol style="list-style-type: none"> 1. <i>Final Inventory and Appraisal</i> filed on 3/11/2011 is incomplete at Item 5 re: property tax certificate, as required by Probate Code § 8800(d). Need statement regarding Property Tax Certificate. (Revenue and Tax Code § 480.) 2. <i>Supplemental Declaration to the Petition for Final Distribution</i> filed 8/14/2013 states a clearance certificate from the Franchise Tax Board will be filed with the Court upon receipt. Court records do not show such receipt has been filed; therefore, need said receipt to be filed with the Court showing no tax liability, or need proof of service of notice mailed to the Franchise Tax Board pursuant to Probate Code 9202(c)(1). 3. <i>Schedule F "Heirs of Decedent and Proposed Distribution"</i> includes distribution to Arthur Robles (on Page 1), who post-deceased the decedent. Based upon his having survived the Decedent, but being now deceased, pursuant to Probate Code § 11802, his distributive interest in the real property should be distributed to the personal representative of his estate (who may choose to distribute the real property via Probate Code § 13200, et seq. or some other mechanism.) Proposed order should include this finding. 4. Need proposed order. ~Please see additional page~
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NEEDS/PROBLEMS/COMMENTS, continued:

Note: Schedule C entitled "Initial Distribution" indicates Petitioner paid a total of **\$7,354.59** to estate heirs consisting of rental income receipts from the real property. It appears such payments may be considered preliminary distributions under Probate Code § 10520(a), as the real property rental receipts are income received during administration. Dates of payments are not provided on Schedule C, raising the question of whether the time for filing claims had expired prior to the distributions; however, it appears the preliminary distributions were made without loss to creditors or injury to the estate as required by Probate Code 10520(a).

Note: Documents entitled *Waiver of Account*, each stating that the undersigned beneficiary of the estate "hereby waives the filing and settlement of a final account," were filed by the Petitioner on the following dates, signed by the following persons (these persons do not constitute all heirs listed in the initial petition for letters of administration):

- **PEDRO S. ESCANDON**, nephew, filed 10/29/2012;
- **ESTHER E. TINAJERO**, niece, filed 10/29/2012;
- **ESTELLA GRIFFITH**, sister (Petitioner), filed 10/23/2012;
- **DONNA STEVENS**, niece, filed 6/25/2012;
- **STEVEN ESCANDON**, nephew, filed 6/21/2012;
- **JAY ALAMO**, nephew, filed 5/29/2012;
- **RAYMOND BELTRAN**, nephew, filed 5/21/2012;
- **ALBERT OLIVA**, nephew, filed 3/16/2012;
- **ERLINDA CANANDA LOPEZ**, niece, filed 3/16/2012;
- **ARTHUR ROBLES**, nephew, filed 3/15/2012; [Note: Heir is post-deceased per Minute Order dated 11/13/2012.]
- **RAQUEL PENA**, sister, filed 3/15/2012;
- **CHRISTINA ESCANDON**, niece, filed 3/15/2012.

Note: Declaration of Estella Griffith filed 7/13/2011 states, in pertinent part, that Decedent had two families, and that Decedent's nephew, **MANUEL ESCANDON, JR.**, does not want Decedent's estate to be distributed to any of the Decedent's second family, consisting of the following children: **CHRISTINA ESCANDON**, **MOSES ESCANDON**, and **MONALISSA ESCANDON**. It appears from the filed documents that Petitioner may have attempted to seek the waiver of account from all estate heirs, and perhaps being unsuccessful in that effort, she filed a *Final Account and Report* on 5/9/2013, and later she filed the instant *First Amended Final Account and Report* on 9/5/2013. It appears Petitioner may be unable to obtain waivers of account from the following estate heirs:

- **RALPH ESCANDON, SR.**, brother;
- **MANUEL ESCANDON, JR.**, nephew;
- **SANDRA RAPOZO**, niece;
- **MOSES ESCANDON**, nephew;
- **MONALISSA ESCANDON**, niece.

Note: Supplemental Declaration to the Petition for Final Distribution filed 8/14/2013 provides fairly satisfactory explanations for much of the transactions presented in the accounting which were previously questionable and unexplained. However, Petitioner does not explain, nor request that the Court approve, the payment from the Decedent's estate the sum of **\$3,200.00** as indicated on Schedule D "Estate Expenses" (in the initial First Account), to **LEGAL TECH** for typing service, which is an unauthorized expense from the estate. Probate Code § 10831(a)(1) and (2) provides that at the time of filing the final account and petition for an order for final distribution, the personal representative may petition the Court for an order fixing and allowing the personal representative's compensation and the compensation of an attorney for all services rendered in the estate proceeding. The Probate Code provisions do not provide for payment of fees of document preparer services.

~Please see additional page~

Second Additional Page 9, Pedro Perez Escandon Case No.10CEPR01095

NEEDS/PROBLEMS/COMMENTS, continued:

Note: *Supplemental Declaration to the Petition for Final Distribution* filed 8/14/2013 states *Consent to Distribut[ion] of Real Property* was sent to each beneficiary, and [7] out of the 17 that were sent out have been signed and returned to Petitioner. Signed *Consents to Distribution of Real Property* have been filed with the Court for the following estate heirs:

- **CHRISTINA ESCANDON**, niece, filed 7/23/2013;
- **ESTELLA GRIFFITH**, sister (Petitioner), filed 7/31/2013;
- **ALBERT OLIVA**, nephew, filed 7/31/2013;
- **JAY ALAMO**, nephew, filed 7/31/2013;
- **ERLINDA CANANDA LOPEZ**, niece, filed 8/27/2013;
- **STEVEN ESCANDON**, nephew, filed 10/2/2013;
- **DONNA STEVENS**, niece, filed 10/3/2013.

Note: Pursuant to Local Rule 7.12.4, the Court does not order distribution of real property in undivided interests without the written consent of all distributees. The desire to have the parties agree and thus have the estate distributed expeditiously reflects the preference of the Court, but is not a requirement of the Probate Code. Therefore, the Court may proceed with distribution of the real property in undivided interests despite being unable to obtain the consent of all of the distributees.

Atty Williams, Jasmine T. (pro per – mother/Petitioner)

Petition for Termination of Guardianship

Xazavier, 14	<p>JASMINE WILLIAMS, mother, is Petitioner.</p> <p>GENICE WHITTLE, paternal grandmother, was appointed guardian on 06/11/12.</p> <p>Father: DARRELL RICHARDSON</p> <p>Paternal grandfather: UNKNOWN</p> <p>Maternal grandfather: GEORGE WILLIAMS Maternal grandmother: DECEASED</p> <p>Petitioner requests that the guardianship be terminated so that Xazavier can have a stable, loving home with her where he won't run away or be picked on.</p> <p>Court Investigator Dina Calvillo filed a report on 10/02/13.</p>	NEEDS/PROBLEMS/COMMENTS:
		<p>This Petition pertains to Xazavier only. Maria is now 18 years old.</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 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 for Termination of Guardianship or Consent & Waiver of Notice or Declaration of Due Diligence</i> for: <ul style="list-style-type: none"> - Genice Whittle (paternal grandmother) - Darrell Richardson (father) - Paternal grandfather (unknown) - George Williams (maternal grandfather) - Xazavier Williams (minor) - Maria Williams-Richardson (sibling) - Maurice Richardson (sibling)
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		Reviewed by: JF
		Reviewed on: 10/01/13
		Updates: 10/04/13
		Recommendation:
		File 10 – Williams - Richardson

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

Age: 14		<p align="center"><u>TEMPORARY GRANTED EX PARTE:</u> <u>TEMPORARY EXPIRES 10/08/13</u></p> <p align="center"><u>GENERAL HEARING 12/04/13</u></p> <p>ALIYAH M. BAIS, minor, is petitioner and requests that SALENA BAIS NOWAK, paternal aunt, be appointed as her Guardian.</p> <p>Father: RICHARD BRANDON BAIS; <i>personally served (NV) 10/2/2013.</i></p> <p>Mother: KACIE BAIS; <i>personally served c/o BEVERLY MEANS 10/3/2013; declaration regarding substituted service attached.</i></p> <p>Paternal grandfather: RICHARD BAIS – <i>Consent & Waiver of Notice filed 09/26/13</i> Paternal grandmother: JOHNNIE WRAY HUGHES – <i>served by mail on 10/01/13</i></p> <p>Maternal grandfather: JON EVANS Maternal grandmother: BEVERLY MEANS -- <i>served by mail on 10/01/13</i></p> <p>Siblings: TIARA BAIS, QADON BAIS, SAVION BAIS – <i>served by mail on 10/01/13*</i></p> <p>Petitioner states that she is afraid of her father because he has threatened her and been violent with her in the past. The minor states that she has recordings of her father ranting at her using profanities. Her father is currently living and working in Elko, Nevada and has placed the minor with different people while he is gone. The minor states that she is not comfortable in any of the homes where her father placed her. The minor states that her mother is very unstable and is always moving from place to place. The minor states that she does not know where her mother is currently staying. Petitioner states that she wants to live in a secure environment and be able to go to school and requests that her aunt Salena Bais Nowak be appointed as her guardian.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Duties of Guardian. 2. Need Notice of Hearing.—<i>Filed 10/7/2013.</i> 3. Need proof of personal service at least 5 court days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Temporary Guardian of the Person or Consent & Waiver of Notice or Declaration of Due Diligence for: <ul style="list-style-type: none"> - Richard Brandon Bais (father) <i>Proof of personal service filed 10/7/2013.</i> - Kacie Bais (mother) ; <i>Proof of personal service c/o BEVERLY MEANS filed 10/7/2013; declaration regarding substituted service attached.</i> <p>*Note: Tiara, Qadon and Savion Bais were all served in care of their mother Lydia Pedregon. Service in care of another person is insufficient pursuant to CA Rules of Court 7.51 (a)(1). Service to the siblings by mail is only necessary if the sibling is 12 years of age or older.</p>
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Citation			
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		<p>Reviewed by: JF</p> <p>Reviewed on: 10/02/13</p> <p>Updates: 10/04/13; 10/7/13</p> <p>Recommendation:</p> <p>File 11 - Bias</p>	

Amended (1) First and Final Report of Personal Representative, and (2) Petition for Final Distribution and (3) Attorneys' Fees for Ordinary and Extraordinary Services on Waiver of Accounting (PC 12200)

DOD: 2-5-09	STANLEY KOBASHI , Brother and Administrator with Full IAEA without bond, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 8-6-13 (Judge Black): Matter taken under submission. Later and off the record: The Court finds that distribution of the estate shall be to a Special Needs Trust created for the benefit of Gregory Zaragosa. The Special Needs Trust will be subject to continuing Court jurisdiction and must comply with the Probate Code and the Fresno County Local Rules. The Court orders the attorney to file a new case for the approval of the Special Needs Trust. Once the Special Needs Trust is established the Court will sign an order for distribution based on this ruling. Taken under submission. Continued to 10/8/13. Set on 10/8/13 for: Status on the Filing of the Special Needs Trust</p> <p>Note: The following issues remain:</p> <ol style="list-style-type: none"> Costs include \$9.08 for overnight delivery services. However, pursuant to Local Rules, this is considered a cost of doing business and not reimbursable. Therefore, if granted, cost reimbursement will be decreased by this amount. The proposed promissory note provides that Petitioner as Administrator will make payments to Petitioner individually over a 21-month period, secured by a lien on the real property. However, this petition proposes to close the estate, which has minimal cash, and distribute to petitioner individually. Therefore, need clarification as to how Petitioner proposes to repay himself from the estate if the estate is closed.
	Accounting is waived.	
Cont from 080613	I&A: \$180,000.00	
Aff.Sub.Wit.	POH: \$186,128.84 (\$6,128.84 cash plus real and personal property)	
✓ Verified	Administrator (Statutory): Waived	
✓ Inventory	Attorney (Statutory): \$6,400.00	
✓ PTC	Attorney (Extraordinary): \$3,466.00 (for 11.15 paralegal and attorney hours for services in connection with establishing a special needs trust for Decedent's son)	
✓ Not.Cred.	Attorneys' fees for Guardian Ad Litem: \$3,368.75 (Exhibit Dooley Herr Pedersen & Berglund Bailey, for Leonard C. Herr, GAL for Gregory Zaragoza, Decedent's adopted son, for 20.75 hours @ \$150-175/hr, per separate declaration)	
✓ Notice of Hrg	Costs: \$1,073.08 (filing, certified letters, overnight delivery service, publication)	
✓ Aff.Mail	Petitioner states the decedent was survived by his adopted son, his mother, and his brother (Petitioner). The family agreed that the son and mother would disclaim their interest so that Petitioner would inherit the estate, and he would then establish a special needs trust for the decedent's son.	
Aff.Pub.	Petitioner proposes that due to the shortage of cash to pay the administrative expenses, he will loan the estate the balance to pay these expenses under certain terms detailed in the attached promissory note, secured by deed of trust.	
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