

Petition for [Successor] Letters of Administration with IAEA

DOD: 11/13/2007	<p>CAROL R. VELASQUEZ-CERDA, daughter, is Petitioner and requests appointment as [Successor] Administrator with Full IAEA authority without bond.</p>		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 9/10/2015 per request of counsel.</p> <p>Note: Status Hearings were not set by Court at the time of appointment of the Administrator on 2/26/2008. Court will set a status hearing as follows pursuant to Probate Code § 1456.5:</p> <ul style="list-style-type: none"> • Thursday, November 19, 2015 at 9:00 a.m. in Dept. 303 for filing of inventory and appraisal; and for filing of the 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>The following issues from the last hearing remain:</p> <ol style="list-style-type: none"> 1. Pursuant to Probate Code § 8800(b), <i>Final Inventory and Appraisal</i> was due 6/26/2008. Need <i>Final Inventory and Appraisal</i>. 2. Pursuant to Probate Code § 12200, first account and/or petition for final distribution was due 6/26/2009. Need first and final account, or verified status report pursuant to Probate Code § 12200, and proof of service of notice of the status hearing pursuant to Local Rule 7.5(B). <p align="center">~Please see additional page~</p>
Cont. from 091015	<p>CORA VELASQUEZ, spouse, was appointed Administrator with Full IAEA authority without bond on 2/26/2008, and <i>Letters</i> issued on that date. Administrator passed away on 10/21/2014.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> • Subsequent to the time Decedent died on 11/13/2007, there were many issues surrounding both the estate of the Decedent and many issues as to title to certain assets which, at this time, Petitioner believes are resolved; • However, immediately prior to the resolution of those issues which precluded the proper completion of the Decedent's probate in this Court, Cora Velasquez, Decedent's surviving spouse who was appointed Administrator, passed away on 10/21/2014; • Decedent and his spouse had 6 surviving adult children, all of whom are the sole heirs and they have joined [<i>in this Petition</i>] and waived bond, as the Court can see from the Waivers of Bond attached to the <i>Petition</i>; • In addition, all of the surviving children have [signed] a <i>Consent to Appointment of Successor Administrator</i> [filed on 7/30/2015] requesting that the Court appoint Petitioner as successor administrator. 		
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	W/		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: LEG	
		Reviewed on: 10/6/15	
		Updates:	
		Recommendation:	
		File 1 – Velasquez	

NEEDS/PROBLEMS/COMMENTS, continued:

3. *Petition* states that Decedent's son, **EDMOND VELASQUEZ**, died on 1/22/2015. Item 8 of the *Petition* does not but should list any surviving children of **EDMOND VELASQUEZ**, and if any, notice of the petition for appointment of successor administrator must be served to them pursuant to Probate Code §§ 8522(b) and 8110(a). [Note: Signed Waiver of Bond forms would be required from each surviving child of Edmond Velasquez.]
4. *Petition* states Decedent and his spouse had 6 surviving adult children, all of whom are the sole heirs of the estate. However, it appears pursuant to Probate Code §§ 6401 and 6402 that they are not the sole heirs, as the heirs of the estate appear to consist of the **ESTATE OF CORA VELASQUEZ**; the Decedent's surviving children, namely **CHRISTINA FRICKE-TREVINO, KATHRYN T. VIGIL, SARAH L. LOPEZ, CAROL R. VELASQUEZ-CERDA, GREGORY C. VELASQUEZ, DERECK L. VELASQUEZ**; and any issue of post-deceased son, **EDMOND VELASQUEZ**.
5. It is unclear whether mandatory-use Judicial Council form DE-142, *Waiver of Bond by Heir of Beneficiary*, is intended to include an attachment page for signatures of multiple heirs. *Waiver of Bond by Heir of Beneficiary* attached to the *Amended Petition* filed 7/30/2015 includes an attached page containing the signatures of 5 of the heirs; the attachment does not include the text of the *Waiver of Bond by Heir of Beneficiary*, although the preceding statement before the signatures states the undersigned persons have read the form and waive bond; additionally, the signatures on the attachment page are not dated by the heirs who signed. Item E of the *Waiver of Bond by Heir of Beneficiary* form refers to "signing this form" but is unclear as to the acceptability of an attachment page to the form, and the form itself does not include a check box indicating continuance on an attachment or additional page, as is typically seen on Judicial Council forms.
6. Need proposed order for appointment of successor administrator. [Note: Proposed letters submitted by Petitioner have been interlineated to strike the word "amended" as the letters will be "successor" letters of administration, which term also has been interlineated on the proposed letters.]

2A Taylor Cheek & Byron Cheek (GUARD/P) Case No. 08CEPR00940

Attorney Mathes, Karen L. (for Linda & Terry Cheek – Guardians/Objectors)
 Attorney Ruiz, Richard A. (for Tania Cheek – Petitioner)
 Petition for Visitation

Taylor, 13	TANIA CHEEK, mother, is Petitioner.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Petitioner Tania Cheek withdrew her Petition for Termination of Guardianship on 08/24/15.</p> <p>CONTINUED FROM 09/08/15 Minute Order from 09/08/15 states: Parties will file a written stipulation in which they agree to submit on the pleadings and cite the documents that are currently pending before the Court. Mr. Ruiz will file a reply brief by 10/02/15, and Ms. Mathes may file a supplemental declaration at or before 10/08/15. Parties agree to present oral arguments on 10/08/15 then submit the matter.</p> <p>As of 10/06/15, nothing further has been filed.</p> <p>Note: According to Court Records, Tania Cheek has a balance owing of \$180.00 for filing fees.</p> <p>Reviewed by: JF</p> <p>Reviewed on: 10/06/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2A – Cheek</p>
Byron, 10	LINDA CHEEK and TERRY CHEEK, paternal grandparents, were appointed as Guardians on 12/01/08.		
	Petitioner requests unsupervised visitation with her children.		
Cont. from 082415, 090815	Petitioner states [see file for details].		
<input type="checkbox"/> Aff.Sub.Wit.	Guardians' Objections to Petition for Termination of Guardianship filed 08/17/15 states: [see file for details].		
<input checked="" type="checkbox"/> Verified	Court Investigator Jennifer Daniel filed a report on 08/19/15.		
<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	x		
<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			

		CONFIDENTIAL	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 09/08/15</u>
Cont. from 082415, 090815			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		Reviewed by: JF
	Status Rpt		Reviewed on: 10/08/15
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 2B – Cheek

Attorney Mathes, Karen L. (for Linda & Terry Cheek – Guardians/Objectors)

Attorney Ruiz, Richard A. (for Tania Cheek – Petitioner)

**Notice of Guardians' Motion to Strike; Motion to Strike; Points and Authorities:
Legal Argument**

Taylor, 13	<p>TERRY CHEEK and LINDA CHEEK, paternal grandparents/Guardians, are the Moving Parties.</p> <p>Guardian's move to strike material from the Notice of Petition for Visitation, Petition for Visitation, Memorandum of Points and Authorities in Support thereof filed by Petitioner on 07/29/15, and exhibit A and B to Petitioner's Declaration of Petitioner Tania Cheek in Support of Petition for Visitation filed on 07/29/15 in their entirety, based on the following:</p> <ul style="list-style-type: none"> The Petition is unverified, unsworn and unsigned by Petitioner. The matter set forth in the document as Statements of Fact, page 2 through 4, is improper and unsworn, unverified narrative alternately of Petitioner and her attorney and must be stricken. Material set forth in the document as Law and Argument, page 4 through 5, also includes declarative matter which is unclear as to who is making the statements and is improper, unsworn, and unsigned and must be stricken. Two exhibits to the Declaration of Petitioner Tania Cheek in Support of Petition for Visitation purporting to be expert opinion testimony are highly prejudicial material not permitted in the court record in prior proceedings, have not been admitted, and are unauthenticated, inadmissible opinion, and hearsay, statements. Prejudice has already occurred in this matter as a result of Petitioner's improper use of these documents. Petitioner has previously been prevented from introducing the documents. At an earlier trial relating to the same parties, after Guardians objected, Petitioner agreed to withdraw the documents. 	NEEDS/PROBLEMS/COMMENTS:	
Byron, 10		1. Need Order.	
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 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 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			

Continued on Page 2

Petitioner again sought to utilize the reports at trial and withdrew them only after Guardians filed a formal motion in limine and the trial judge questioned counsel prompting the withdrawal of the documents or any attempt to use them in court.

Prejudice, however, was evident in the trial when the Court mediator testified that she had reviewed the reports when she reviewed the court file as part of her investigation, which resulted in a recommendation affecting child custody and adoption. She saw them only because they had been attached to Petitioner's ex parte request for order, which was denied never having been served on the Guardians.

Now for the fourth time, Petitioner attempts to use the documents to persuade the Court by attaching them to her declaration.

In addition to the evidentiary objections already set forth, Guardian's object to the reports on the following bases:

- Dr. Hirokawa, who shared office space with Petitioner's attorney until very recently, purports to make an evaluation related to a substance abuse risk assessment when he was not qualified as an expert in that area.
- Dr. Girouard offers his opinion on a custodial placement, including visitation of the children in violation of Ethical Standard 9.01 of the American Psychological Association Ethical Principles of Psychologists and Code of Conduct. He has not qualified as an expert in the area, he violated the guidelines for professional conduct propounded by the American Psychological Association, and he is not licensed to practice psychology in California according to the state public records.

For all of these reasons, Guardians move the court to strike the referenced material from the Notice of Petition for Visitation, Petition for Visitation, Memorandum of Points and Authorities in Support thereof filed by Petitioner on 07/29/15, and exhibit A and B to Petitioner's Declaration of Petitioner Tania Cheek in Support of Petition for Visitation filed on 07/29/15 in their entirety.

Guardians' Memorandum of Points and Authorities Supporting Denial of Petitioner's Request for Visitation; Request for Judicial Notice filed 08/31/15.

Chester Beeler DOD: 12/29/09		FRANCES BEELER ALBERS , Beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <div style="border: 1px solid black; padding: 5px; text-align: center;"> OFF CALENDAR Request for Dismissal filed 10/07/15 by Petitioner </div>
Mary Lorene Beeler DOD: 4/2/10			
Cont. from 090115		Petitioner states the Chester & Lorene Beeler Trust was created 4/12/07. CHESTER PORTER BEELER and GAIL BROWN were designated as the initial co-trustees pursuant to the Third Amendment dated 7/3/08.	
<input type="checkbox"/>	Aff.Sub.Wit.	As a result of the resignation of Gail Brown, a vacancy has developed in the office of trustee. No provision was made in said trust for the appointment of a successor trustee.	
<input checked="" type="checkbox"/>	Verified	The sole asset of the trust is an Installment Note (interest included) dated 8/27/07 in the face amount of \$171,000.00 executed by Bentotage Premaial Desilva and Damayanthi Desilva, which is secured by a Deed of Trust and Assignment of Rents recorded e9/7/07 in Fresno County Records as Document No. 2007-0167311. The unpaid balance as of 6/20/15 is \$158,381.87	
<input type="checkbox"/>	Inventory	The Third Amendment to the Trust does not provide for the appointment of a successor trustee. Petitioner as income beneficiary requests that the Court appoint MATT BICKEL , a licensed California fiduciary, as Successor Trustee (consent attached) with bond of \$160,000.00 due to the vacancy.	
<input type="checkbox"/>	PTC	Petitioner states the beneficiaries entitled to notice of this petition are Anna B. Hinley, Elizabeth Beeler Rogers, Gail Brown, Frances Albers, and West Park Baptist Church.	
<input type="checkbox"/>	Not.Cred.	Petitioner requests that:	
<input checked="" type="checkbox"/>	Notice of Hrg	<ol style="list-style-type: none"> The Court appoint Matt Bickel as Successor Trustee of the Chester & Lorene Beeler Living Trust dated 4/12/07; The Court order that a bond of \$160,000.00 be obtained by the Successor Trustee with a receipt to be filed; and The Court make all further and proper orders that the Court may deem necessary. 	
<input checked="" type="checkbox"/>	Aff.Mail		
<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		
<u>SEE ADDITIONAL PAGES</u>			
Reviewed by: skc			
Reviewed on: 9/30/15			
Updates:			
Recommendation:			
File 3 – Beeler			

Attorney Bagdasarian's declaration filed 8/26/15 states Gail Brown is the current trustee, and was formerly represented by Attorney Gregory Roberts. It is alleged that Gail Brown has failed to continue to administer the trust and was contacted through her counsel to resign as trustee. Mr. Roberts indicated that he would recommend same to Ms. Brown. However, on further contact with Mr. Roberts, he indicates that he has not been able to contact Ms. Brown to determine her willingness to resign and obtain the resignation on her behalf.

Mr. Bagdasarian indicates that it is imperative that a trustee be appointed to continue to administer the trust, including the collection of payments under a promissory note and the payment of fiduciary income taxes. Therefore, request is made that Matt Bickel be appointed as Successor Trustee with bond of \$160,000.00.

NEEDS/PROBLEMS/COMMENTS:

1. **Petitioner states the resignation of Gail Brown is attached as Exhibit C; however, no Exhibit C is attached. Mr. Bagdasarian's later declaration indicates that there may not be a signed resignation. Need clarification.**
2. **On 9/24/13, this Court granted Trustee Gail Brown's Petition for Settlement of her Second and Final Account and Report, which included final distribution of various trust assets, including the subject Installment Note as follows:**
 - To Elizabeth Beeler Rogers and John H. Beeler, 5.625% each or 11.25%
 - To Anna B. Hinley and Frances Beeler Albers (Petitioner), 18.0% each or 36.0%
 - To Fresno Rescue Mission 52.75%

This petition does not address that Order or allege whether any distribution occurred thereto, including distribution of the subject Installment Note or any of the other assets. Need clarification. Were the other assets distributed pursuant to the Order, leaving only this Installment Note as an asset of the trust? If so, why?

3. **Petitioner lists five parties entitled to notice as "income beneficiaries" at Paragraph 7, but does not include certain parties to whom shares of the subject Installment Note were *distributed* pursuant to the 9/24/13 order, namely, John H. Beeler and Fresno Rescue Mission.**

Further, this list should include each person entitled to notice of proceedings regarding the trust pursuant to Probate Code §17201, which based on the above details, may include more than just the five income beneficiaries of this particular trust asset.

Therefore, need complete list of persons entitled to notice of these proceedings. Continuance may be required for notice to those entitled thereto.

4. **Petitioner requests appointment of a successor trustee, but does not appear to request removal of the current trustee or provide grounds for removal pursuant to Probate Code §15642. Need clarification. At this point, there does not appear to be a vacancy, since no resignation has been filed. If granted, the Court may require a revised order including removal of Ms. Brown as trustee.**

Petitioner

Hill, Andrew (pro per – father)

Petition for Termination of Guardianship

Age: 6	ANDREW HILL, father, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 09/01/15 As of 10/06/15, nothing further has been filed and the following notes remain:</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</i> <u>or</u> <i>Consent & Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for: <ol style="list-style-type: none"> a. Stephanie Morrison (mother) b. Paternal grandparents
	DONAVAN MORRISON and PRISCILLA MORRISON , maternal grandparents, were appointed as Co-Guardians on 07/12/11. – <i>Consent of both guardians filed 05/21/15.</i>	
Cont. from 072115, 090115	Mother: STEPHANIE MORRISON	
Aff.Sub.Wit.	Paternal grandparents: NOT LISTED	
✓ Verified	Petitioner states [see Petition for details].	
Inventory	Court Investigator Jennifer Young filed a report on 07/14/15.	
PTC		
Not.Cred.		
Notice of Hrg	X	
Aff.Mail	X	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
✓ CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 10/06/15
		Updates:
		Recommendation:
		File 4 – Morrison

Second and Final Account and Report of Guardian and Petition for its Settlement; for Allowance of Attorney Fees and Reimbursement of Costs Advanced; for Termination of Guardianship Proceedings, for Discharge of Guardian and for Transfer of Guardianship Funds to Conservatorship Estate

		DELIA GONZALEZ , Guardian, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Petition indicates that upon the filing of receipts petitioner should be discharged as guardian of the estate. Probate Code 2627(b) states a guardian is not entitled to discharge until one year after the minor has attained the age of majority. Examiner has removed the language regarding discharge from the order.</p> <p>Reviewed by: KT</p> <p>Reviewed on: 10/5/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5 – De La Mora</p>
		Account period: 10/31/13 – 6/30/15	
Cont. from 091715		Accounting - \$571,124.28	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$113,657.09	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$569,204.53	
<input type="checkbox"/>	Inventory	Guardian - waives	
<input type="checkbox"/>	PTC	Attorney - \$2,884.00	
<input type="checkbox"/>	Not.Cred.	(12.5 hours @ \$225/hr. and 1.3 hours @ \$65/hr.)	
<input checked="" type="checkbox"/>	Notice of Hrg	Costs - \$488.00	
<input checked="" type="checkbox"/>	Aff.Mail	(filing fee and certified copies)	
<input type="checkbox"/>	Aff.Pub.		
<input checked="" type="checkbox"/>	Sp.Ntc.	Petitioner prays for an Order:	
<input type="checkbox"/>	Pers.Serv.	1. Settling, allowing and approving the second and final account;	
<input type="checkbox"/>	Conf. Screen	2. Approving all acts and transactions of Guardian;	
<input type="checkbox"/>	Letters	3. Payment of attorney fees and costs.	
<input type="checkbox"/>	Duties/Supp	4. Directing the remaining property on hand be transferred to the conservator of the estate of Francisco De La Mora;	
<input type="checkbox"/>	Objections	5. Upon approval of this accounting and the filing of receipts, petitioner should be discharged as guardian of the estate;	
<input type="checkbox"/>	Video Receipt	6. The Guardianship estate proceedings be terminated.	
<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		

6 Julissa Contreras, Arianna Contreras, Danny Cabrera and Ramon Contreras

(GUARD/P)

Case No. 13CEPR00234

Petitioner Contreras, Ramon Victor (Pro Per – Father)

Objector Martinez, Patricia (Pro Per – Co-Guardian)

Objector Gomez, Candice (Pro Per – Co-Guardian)

Petition for Visitation

Julissa age: 12	<p>RAMON VICTOR CONTRERAS, father, is petitioner.</p> <p style="text-align: center;"><u>Please see petition for details</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service of Notice of Hearing at least 15 days prior to the hearing on all relatives pursuant to Probate Code §1460, including: <ul style="list-style-type: none"> • Juissa Contreras (Minor) • Stephanie Cabrera (Mother) • Maria Contreras (Paternal Grandmother) • John Cabrera (Maternal Grandfather) 	
Ariana age: 7			
Danny age: 7			
Ramon age: 5			
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 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: LV	
		Reviewed on: 10/05/2015	
		Updates:	
		Recommendation:	
		File 6 – Contreras & Cabrera	

Dale W. Balagno Revocable Trust

Atty Kruthers, Heather (for Public Administrator – Petitioner)
 Atty Roberts, Gregory J. (for Joseph Balagno – Beneficiary - Objector)
 Atty Armo, Lance E. (for Linda Balagno and Lori Brown – Beneficiaries)
 Atty Gromis, David Paul (for Nicholas Kovacevich – Former Trustee)
 Atty Johnson, Summer (for Mary Pond – Respondent)

First and Final Account and Report of Successor Trustee; Petition for Allowance of Compensation to Successor Trustee and her Attorney; and for Distribution

		FRESNO COUNTY PUBLIC ADMINISTRATOR, Successor Trustee, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 9/1/15: Joseph Balagno objects to the petition. Written objections are to be filed no later than 9/22/15 and mail a copy to everyone legally entitled to notice. Ms. Johnson reports that they are ironing out the details regarding distribution and requests continuance.</p> <p>Note: On 7/28/15, the Court granted preliminary distribution of \$50,000.00 to each of the four beneficiaries.</p> <p>Update: Joseph Balagno's objection was filed 9/22/15. See Page 2.</p> <p>The following issues remain:</p> <ol style="list-style-type: none"> 1. Need receipts for the preliminary distribution from Linda Sue Balagno, Lori Jo Brown, Joseph Dale Balagno, and Mary Pond. 2. Given the preliminary distribution, need recalculation of final distribution and revised order. <p>Reviewed by: skc Reviewed on: 9/30/15 Updates: Recommendation: File 7 – Balagno</p>
		Account period: 10/15/13 – 5/27/15	
		Accounting: \$560,600.75	
		Beginning POH: \$516,776.66	
		Ending POH: \$503,035.65	
		(\$464,108.72 cash plus personal property)	
Cont. from 072815, 090115		Successor Trustee (Statutory): \$14,129.06	
<input type="checkbox"/>	Aff.Sub.Wit.	Successor Trustee (Extraordinary): \$248.00 (preparation, filing tax returns)	
<input checked="" type="checkbox"/>	Verified	Bond fee: \$2,102.27	
<input type="checkbox"/>	Inventory	Costs: \$141.50 (to pay to Fresno Superior Court for certified copies)	
<input type="checkbox"/>	PTC	Reserve: \$400.00 (for payment of any tax preparation after date of this account)	
<input type="checkbox"/>	Not.Cred.	Reserve: \$25,000.00 (pursuant to settlement agreement, for fees that may be awarded to the former trustee and his attorney)	
<input checked="" type="checkbox"/>	Notice of Hrg	Petitioner states the children and longtime girlfriend of Dale W. Balagno entered into a settlement agreement regarding distribution of assets as follows:	
<input checked="" type="checkbox"/>	Aff.Mail	Linda Sue Balagno: \$101,880.95 cash plus Bersa handgun, 2005 Ford Mustang, 1965 Chevy Pickup, and 1985 Harley Davidson	
<input type="checkbox"/>	Aff.Pub.	Lori Jo Brown: \$101,880.96 cash plus Colt pistol, Smith & Wesson handgun, 2002 Harley Davidson	
<input type="checkbox"/>	Sp.Ntc.	Joseph Dale Balagno: \$101,880.96 cash plus Beretta handgun, Smith & Wesson handgun, .80 round of ammunition, .25 rounds of ammunition, Yellow ring with stones, Peugeot watch, Harley Davidson watch, Geneva watch, 2005 Harley Davidson	
<input type="checkbox"/>	Pers.Serv.	Mary Pond: \$101,880.96 cash	
<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		

Page 2

Objection to Proposed Distribution of Personal Property filed 9/22/15 by Joseph Balagno states he did not sign the settlement agreement. He agrees with all terms with the exception of the distribution of the personal property. In addition to the items being distributed to him, Joseph Dale Balagno should receive the following items that his father wanted him to have:

- 1965 Chevy Pickup
- 1986 Harley Davidson Sportster
- 1985 Harley Davidson
- Helmet, gloves, jacket
- 1/3 of the unclaimed property with the State Controller.

Joseph Dale Balagno has been told that he cannot receive the guns. If he cannot receive the guns, they should be distributed to his mother, Sarah Roberts, so they can ultimately be distributed to his children when they are old enough.

Declaration of Attorney Lance Armo filed 9/29/15 (Attorney for beneficiaries Linda Balagno and Lori Brown) states he has reviewed the objection with his clients. In light of said objection, his clients no longer agree to any further distribution of funds or personal items until and unless Joseph Balagno and his clients agree in writing to the distribution pursuant to the settlement agreement.

Further, his clients hereby request that the 1965 pickup located in the garage of Joseph Balagno's residence be turned over to the Public Administrator for the pendency of this matter.

Mr. Armo will not be present on 10/8/15 as he will be attending the State Bar Annual Meeting and Convention.

Petitioner: Rosie H. Acosta (pro per)

Petition for Final Distribution on Waiver of Accounting (And for Allowance of Statutory Commissions)

DOD: 3/31/14		ROSIE ACOSTA , Administrator, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Creditor's Claim from St. Agnes filed on 12/8/14 in the amount of \$136.15 was not addressed. Need Allowance or Rejection of Creditor's Claim of St. Agnes. Petition does not contain a statement regarding Probate Code §216 and 9202(b) re: notice to the Director of Victims Compensation and Government Claims Board. Petition must state specifically the amount cash to be distributed to each beneficiary (after the costs of administration and closing reserve have been deducted). Petition does not state the status of the 2005 Monte Carlo. Property on hand schedule does not include the carry value of the real property. Need Order. <u>Note:</u> order must comply with Local Rule 7.6.
		Accounting is waived.	
Cont. from		I & A - \$864,681.16	
<input type="checkbox"/>	Aff.Sub.Wit.	POH - ???	
<input checked="" type="checkbox"/>	Verified	Administrator (statutory) - \$20,293.62	
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC	Closing - \$1,000.00	
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Distribution, pursuant to intestate succession, is to:	
<input checked="" type="checkbox"/>	Aff.Mail	Rosie Acosta - 1/2	
<input type="checkbox"/>	Aff.Pub.	Thomas Acosta, Sr. - 1/2	
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	7/25/14	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202	X	
<input type="checkbox"/>	Order	X	
<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: KT			
Reviewed on: 10/5/15			
Updates:			
Recommendation:			
File 9 – Acosta			

**Third Amended Petition for Probate of Lost Will and for Letters Testamentary;
Authorization to Administer Under the Independent Administration of
Estates Act**

DOD: 12/28/2014	VELIA JUAREZ , daughter and named Executor without bond, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Petition to Administer Estate</i> and proof of mailed notice for the <i>Third Amended Petition</i> filed 8/28/2015 pursuant to Probate Code § 8110, for the following persons: <ul style="list-style-type: none"> • Jesus Juarez, son; • Jose Juarez, son; • Jaimie Juarez, son. 2. CA Rule of Court 7.53 requires the same publication for amended pleadings as for the pleading it amends. Need <i>Affidavit of Publication</i> pursuant to Probate Code §§ 8120 – 8124, and Local Rule 7.9 for the <i>Third Amended Petition</i> filed 8/28/2015. 3. Item 5(a) of the <i>Petition</i> is incomplete as to (3) or (4) re: registered domestic partner. <p>~Please see additional page~</p>
	Full IAEA: Need publication	
	Lost Will Dated: 8/20/1991	
Cont. from	Residence: Del Rey, California	
<input checked="" type="checkbox"/> Aff.Sub.Wit.	Publication: Need	
<input checked="" type="checkbox"/> Verified	Estimated value of the Estate:	
Inventory	Real property - \$300,000.00	
PTC	Total - \$300,000.00	
Not.Cred.	Probate Referee: Rick Smith	
Notice of Hrg X	Petitioner states:	
Aff.Mail X	<ul style="list-style-type: none"> • The Decedent left a Will dated 8/20/1991 which Petitioner believes is the last Will of Decedent, and believes that the Will has never been revoked, but was lost; (<i>copy of Will attached as Exhibit A</i>); • Petitioner was present at the time Decedent executed her Will and she received a true and correct copy at that time; • Petitioner is not aware of the location of the original signed Will; • Petitioner's efforts to locate and contact Decedent's attorney to inquire about the whereabouts of the original Will were unsuccessful because the attorney has since resigned his license to practice law in California; • Decedent had Alzheimer's Disease at the time of her death (<i>copy of death certificate attached as Exhibit B</i>); Decedent had been living with the disease for ~4 years prior to her death; because the disease compromises competency, the presumption of revocation under Probate Code § 6124 should be determined inapplicable in this matter. 	
Aff.Pub. X		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p>Reviewed by: LEG</p> <p>Reviewed on: 10/6/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11 – Juarez</p>

NEEDS/PROBLEMS/COMMENTS, continued:

Note: If *Petition* is granted, Court will set Status Hearings as follows:

- **Tuesday, March 15, 2016 at 9:00 a.m. in Dept. 303 for the filing of final inventory and appraisal; and**
- **Thursday, December 15, 2016 at 9:00 a.m. in Dept. 303 for the 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.

Petitioner: Juanita Cadena (pro per)

Petition for Appointment of Probate Conservator

		TEMPORARY EXPIRES 10/8/15.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator Advised Rights on 8/17/15.</p> <p>Voting Rights affected need Minute Order</p>
		JUANITA JENNY CADENA, sister, is petitioner	
		Please see petition for details.	
Cont. from 082715		Court Investigator Report filed on 8/21/15	
<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 checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input checked="" type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input checked="" type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed on: 10/5/15
			Updates:
			Recommendation:
			File 12 – Schembri

13 James Biggs (Spousal)

Case No. 15CEPR00826

Attorney Koligian, Robert, JR (for Barbara Geraldine Biggs – Petitioner – Surviving Spouse)

Petition Spousal or Domestic Partner Property Petition

DOD: 08/23/2014	BARBARA GERALDINE BIGGS , Surviving Spouse, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
	No other proceedings.	
	Decedent died intestate.	
Cont. from	Petitioner states she was married to the decedent on 03/23/1959, and had been happily married to him until the time of his passing on 08/23/2014. On or about 06/2013, the Petitioner executed a Quitclaim Deed which transferred title from her name, along, as a married woman as her sole and separate property, to her and the decedent as community property. Petitioner requests court confirmation that the decedent's ½ interest in real property located in Fresno County pass to petitioner, Barbara Geraldine Biggs.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<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: LV
		Reviewed on: 10/06/2015
		Updates:
		Recommendation: Submitted
		File 13 – Biggs

Furthermore, the Werfel Family Limited Partnership K-1s for the tax years 2012 and 2013 (2014 are now in preparation) have, on their face pages, listed "THE GAE WERFEL TRUST, GAE WERFEL TRUSTEE" as the partners name, also indicating Ms. Werfel's intent. The Wer-Stan Associates LP K-1s, for the tax year 2012, 2013 and 2014, the face pages also indicate "THE GAE WERFEL TRUST" as the partner's name.

A copy of Ms. Werfel's Last Will and Testament dated September 23, 2014, a classic "pour over Will" in which all of Ms. Werfel's assets were "poured over" at the time of her death into the TRUST.

Petitioner requests instructions directing that all items in Exhibit "F" of the petition are assets of the TRUST, that the Trust has title to said assets, and Robert Holland, as the sole successor Trustee, has full power to sell and transfer said assets in accordance with the provisions of the TRUST.

Wherefore, Petitioner, Robert Holland, Prays for an Order:

1. Instructing the Trustee with regard to the proper administration of the Trust with the respect to matters alleged herein;
2. Instructing the Trustee that the personal property described in Exhibit "F" to the Petition are assets of the Gae Werfel Trust; and
3. That title of said personal property described in Exhibit "F" is vesting fully in the name of the Gae Werfel Trust; and
4. Robert Holland, as sole Successor Trustee, of the Gae Werfel Trust, has full power to sell, transfer and deal with said personal property, in accordance with the provisions of the Trust.

Attorney Zepure "Zeppy" Attashian (self-represented Attorney Petitioner)

Petition for Probate of Will and for Letters Testamentary

DOD: 11/27/2014		<p>ZEPURE "ZEPPY" ATTASHIAN, Attorney and named Executor without bond, is Petitioner.</p> <p>Full IAEA: OK</p> <p>Will Dated: 5/9/2014</p> <p>Residence: Clovis</p> <p>Publication: Business Journal</p> <p>Estimated value of the Estate: Real property - \$ 63,000.00 Personal property - \$ 41,786.00 Total - \$104,786.00</p> <p>Probate Referee: Steven Diebert</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Page 15B is the <i>Petition for Special Administration</i> filed by Petitioner on 8/28/2015.</p> <p>1. Need original Will of Decedent to be filed with the Court pursuant to Probate Code § 8200(a)(1). <i>Petition</i> contains a copy of Decedent's Will attached; however, Court records do not show an original Will has been deposited with the Court as required.</p> <p>2. Need <i>Confidential Supplement to Duties and Liabilities of Personal Representative</i> form, pursuant to Local Rule 7.10.1 and Probate Code § 8404.</p> <p>~Please see additional page~</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit. S/P		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred. X		
<input type="checkbox"/>	Notice of Hrg X		
<input type="checkbox"/>	Aff.Mail		
<input checked="" type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp Need Supp X		
<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: LEG	
		Reviewed on: 10/7/15	
		Updates:	
		Recommendation:	
		File 15A – Bongardt	

3. **Need Notice of Petition to Administer Estate** and proof of mailed notice pursuant to Probate Code § 8110 for the following persons:
- **JESSICA LORAIN BONGARDT**, granddaughter
 - **DONALD P. DWYER**, step-son; (*Note: Declaration Re: Service of Notice filed 9/10/2015 does not suffice to show that he was served with Notice of Petition to Administer Estate containing the hearing date and other mandatory information.*)
 - **SUZANNE ROSALES**, step-granddaughter.
4. Local Rule 7.1.1(D) provides that if a beneficiary, heir, child, spouse or registered domestic partner in any action before the Probate Court is deceased, that person's date of death shall be included in the petition. *Petition* violates this rule as follows:
- **Item 5(a)(2)(b) of the *Petition* states Decedent's spouse is deceased. Item 8 of the *Petition* does not but should include the name and date of death of Decedent's pre-deceased spouse.**
 - **Decedent's Will mentions his pre-deceased daughter. Item 8 of the *Petition* does not but should include her name and date of death.**

Note: If *Petition* is granted, Court will set Status Hearings as follows:

- **Thursday, December 10, 2015 at 9:00 a.m. in Dept. 303 for filing proof of net sale proceeds deposited into a blocked account;**
- **Tuesday, March 15, 2016 at 9:00 a.m. in Dept. 303 for the filing of final inventory and appraisal; and**
- **Thursday, December 15, 2016 at 9:00 a.m. in Dept. 303 for the 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.

Attorney Zepure "Zeppy" Attashian (self-represented Attorney Petitioner)

Petition for Letters of Special Administration with General Powers

DOD: 11/17/2014		<p>LETTERS OF SPECIAL ADMINISTRATION GRANTED EX PARTE EXPIRE on 10/8/2015</p> <p>ZEPURE "ZEPPY" ATTASHIAN, Attorney, is Petitioner.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Notes:</p> <ul style="list-style-type: none"> Examiner did not invest time reviewing the <i>Petition for Special Administration</i> filed 8/28/2015, as it appears to be subsumed into the <i>Petition for Probate</i> filed 8/28/2015. If <i>Letters of Special Administration</i> must be extended, the Court's Minute Order will suffice for that purpose. The <i>Petition for Special Administration</i> filed 8/28/2015, and the <i>Supplemental Declaration for Request for Ex Parte Hearing for Immediate Appointment of Special Administrator</i> filed 9/2/2015 in support, indicate that the Petitioner inadvertently made no request for an ex parte hearing for Special Administration; request was thereby made for ex parte consideration of the <i>Petition for Special Administration</i> to prevent foreclosure of Decedent's real property. Order for Probate filed 9/2/2015 appointing the Petitioner as Special Administrator was granted for the sole purpose of Petitioner entering into a sales contract for Decedent's real property, also finding that all net funds received shall be placed into a blocked account. <p>1. Need mandatory-use Judicial Council form <i>Order to Deposit Money Into Blocked Account</i> (Judicial Council form MC-355) for the Court's signature, for the purpose of depositing net sale proceeds into a blocked account.</p>
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	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: LEG	
		Reviewed on: 10/7/15	
		Updates:	
		Recommendation:	
		File 15B – Bongardt	

**16 Kenneth Ray Lane and Cynthia Kaye Lane Living Trust dated April 2, 2012
Case No. 15CEPR00845**

Petition for Order Ascertaining Beneficiaries and Determining to Whom Property Shall Pass.

Home Ranch. The Trust provides that:

“Two (2) years after the death of KENNETH RAY LANE, our Trustee shall distribute the Trustee shall distribute the 70 acres (Home Ranch) . . . to ANALISA LANE ENGLAND. During the two (2) year period after the death of KENNETH RAY LANE, **the surviving Trustee shall be responsible for the management and payment of all expenses associated with such property.** Prior to the sale of such property, the runway, hanger, and shop shall be leased by Kenny's Crop Dusting, Inc. at a reasonable amount to be determined by the Trustee. **The Trustee shall be entitled to receive a monthly salary based on available funds.**” [Emphasis added.]

Cynthia contends that during the two-year period following Decedent's death, she was entitled to do whatever she wanted with the trust assets (including Kenny's Crop Dusting, Inc. and the Home Ranch) and that she was entitled to all the income therefrom. Cynthia took not just the net income of the Home Ranch, but the gross income – saddling the costs of its operation on Kenny's Crop Dusting, Inc. However there is no provision in the Trust providing for Cynthia to do this. Based on the above-quoted provision of the Trust, Petitioner contends that Cynthia is only entitled to a reasonable monthly salary for managing the Home Ranch. Any income earned from the property over and above her “monthly salary based on available funds” should have been held in trust for the benefit of Petitioner. At the expiration of the two-year period, the Home Ranch and the accumulated income should have been distributed to Petitioner. It was not. Petitioner requests an order from the Court to correct this breach of trust.

Petition for Order Confirming Property to be Trust Assets.

Transfer of All of the Settlor's Property to the Trust. The Trust provides that:

“We hereby transfer, assign, and convey all of our right, title, and interest in and to all of our property identified in Exhibit A, and any other property, that is permitted by law to be held in trust, wherever situated, whether personal or real, tangible or intangible, separate or community, to our Trustee to hold and administer for our benefit or for the benefit of our beneficiaries pursuant to the of the trust, EXCEPT that we do not intend to transfer any incidents of ownership of any retirement plan, nor any ownership in any retirement plan of any type.” [Emphasis added.]

20-Acre Parcel.

Following the death of the Decedent, Cynthia repudiated the above-quoted provision, claiming that she and the Decedent did not intend to transfer all of their property to the Trust. Petitioner is informed and believes that Decedent and Cynthia owed significant assets to which recorded title has not been transferred to the Trust, including, without limitation, a 20-acre parcel of real property located in the County of Fresno.

Please see additional page

Dept. 303, 9:00 a.m. Thursday, October 8, 2015

**16 Kenneth Ray Lane and Cynthia Kaye Lane Living Trust dated April 2, 2012
Case No. 15CEPR00845**

The 20-Acre parcel (or at least Decedent's interest therein) should be found to be a Trust asset.

The USB Loan.

Cynthia also claims that a promissory note purchased by the Decedent from United Security Bank is not a Trust asset. She claimed that even though it is not titled as a joint tenancy asset, Cynthia is entitled to the entirety of the asset, to the detriment of the beneficiaries.

Stephen C. England is Cynthia's brother. Stephen C. England also happens to be Petitioner's ex-husband. During their marriage, Steven C. England borrowed money from United Security Bank to pursue his separate property business. United Security Bank required collateral to secure repayment of such loan. Stephen C. English pledged as collateral the home in which Petitioner and Stephen C. English lived. Petitioner did sign the deed of trust to appease her husband.

Petitioner's home is adjacent to the Home Ranch. It turns out that a portion of the runway used by the Decedent's business (Kenny's Crop Dusting, Inc.) encroaches onto Petitioner's property.

In order to protect his business and Petitioner's home, the Decedent purchased the loan from United Security Bank (USB Loan).

During Petitioner's divorce from Stephen C. English, the Court found the debt to the Decedent to be the sole liability of Stephen C. English. The Court awarded the home to Petitioner.

Petitioner is informed and believes that notwithstanding the assignment of all of their assets to the Trust, Cynthia now claims the USB Loan is her property. The USB Loan is clearly a Trust asset, either by reason of the assignment made in the Trust or by reason of Decedent's Will.

Pursuant to the foregoing, Petitioner requests this Court confirm that title in and to all of the assets owed by the Decedent and Cynthia when the Trust was established and amended are Trust assets, including, without limitation, the 20-Acre Parcel and the USB Loan.

If the Court grants the requested order and confirms such property to be Trust assets, Petitioner requests that all rents, issues and profits derived from the 20-Acre Parcel since the Decedent's date of death, together with any interest earned and any payments made with respect to the USB Loan be ordered Trust assets and to compel Cynthia to distribute same to the Trust beneficiaries.

Please see additional page

16 Kenneth Ray Lane and Cynthia Kaye Lane Living Trust dated April 2, 2012 Case No. 15CEPR00845

Petition to Compel Trustee to Provide Information and Account.

Petitioner has requested that Cynthia account to her by letter dated June 26, 2014. Cynthia has failed to account to Petitioner in violation of the duty imposed by her by the Probate Code.

Petitioner has requested that Cynthia provided relevant information to her by letters dated 12/3/13, 4/3/14 and 6/26/14. Cynthia has refused to comply with these requests and has refused to provide the requested information.

Petitioner requests an order compelling the trustee to report the requested information and account to the beneficiaries.

Petition to Compel Redress of Breaches of Trust.

Notwithstanding the signing of the Trust and evidencing, in writing, that the Decedent and Cynthia assigned to the Trustee of the Trust all of their right, title, and interest, in and to all of their property, Cynthia now disavows that language and contends that neither she nor the Decedent transferred the 20-Acre Parcel or the USB Loan to the Trust. This constitutes a breach of Trust and greatly harms the Trust beneficiaries.

Payment of Income from the Home Ranch

Cynthia contends that she is entitled to receive the income from the Home Ranch for the 2-year period following the death of the Decedent. However there is no Trust provision providing for the income to be paid to her; rather, the Trust provides that Cynthia, acting in her fiduciary capacity, "be responsible for the management and payment of expenses associated with [the Home Ranch] . . . The Trustee shall be entitled to receive a monthly salary based upon available funds." The Home Ranch is specifically bequeathed to Petitioner, and therefore any income should be carried out to her. Rather than paying herself a salary as the Trust provided, Cynthia paid herself the entire gross income and has paid nothing to Petitioner.

Waste; Mismanagement

Despite being responsible for the management of the Home Ranch, Cynthia failed to manage and maintain the Home Ranch. The Home Ranch is planted with pistachios and grapes. Cynthia instructed Kenny's Crop Dusting employees to properly irrigate, prune, tie, weed, and fertilize the 20-Acre Parcel (that she claims is her exclusive property) while specifically instructing those same employees not to maintain the Home Ranch.

Commingling of Assets

During the Decedent's life, he treated the Home Ranch and the 20-Acre Parcel as separate farming entities. Rather than maintaining this practice, Cynthia commingled the crop from the 20-Acre Parcel with that of the Home Ranch. On information and belief, such commingling was done to intentionally obfuscate the income of the Home Ranch.

Please see additional page

Dept. 303, 9:00 a.m. Thursday, October 8, 2015

**16 Kenneth Ray Lane and Cynthia Kaye Lane Living Trust dated April 2, 2012
Case No. 15CEPR00845**

Self-Dealing

Cynthia in her capacity as Trustee, acted as sole shareholder, the director, and officers of the Kenny's Crop Dusting, Inc. (the "Corporation") upon Decedent's Death. In this capacity, she ordered the Corporation's employees to do 100% of the farm labor on the Home Ranch and the 20-Acre Parcel. She also caused the Corporation to pay all expenses of such farming. Cynthia never reimbursed the Corporation for those costs and she never caused the Corporation to book a receivable or to issue an invoice with respect thereto. Thus, Cynthia concocted a scheme whereby the Corporation would pay for 100% of the cost and expense of farming, while she personally retained the gross income from the farming operation. In doing so, Cynthia bled the Corporation of its cash reserves while enriching herself.

Payment of Income from Four Play Property

One of the assets of the Trust was an interest in real property commonly referred to as Four Play. Rents from this property were made payable to the Decedent, but such rents were not deposited into a Trust account. Rather, Petitioner retained such funds for herself. Such interest in such real property was distributed to, among others, Petitioner following Decedent's death. However, the rents continued to be received and retained by Cynthia in violation of her fiduciary duties.

Mismanagement of Kenny's Crop Dusting

During her tenure as Trustee, Cynthia completely mismanaged the Corporation, and it appears intentionally harmed the Corporation to the detriment of the Trust beneficiaries.

Cynthia failed to pay the Corporation's workers compensation insurance bill. This caused the Corporation's policy to be cancelled. While a new policy was later obtained, it was at a much higher rate that it was previously.

Cynthia's brother, Stephen C. English, is a creditor of the Corporation. Notwithstanding the fact that Mr. English owes the Corporation significant sums of money, Cynthia caused the Corporation to pay money to Mr. English for unnecessary items. If such items were really necessary, the purchase price should have been applied to reduce Mr. English's debt to the Corporation.

Cynthia failed to collect on a loan/account receivable of the Corporation in the amount of \$68,000.00. Petitioner is informed and believes that the creditor, Jerrie Bacigalupi is a personal friend of Cynthia and she chose not to require repayment of this debt to the detriment of the Corporation and the beneficiaries.

Cynthia failed to maintain the necessary permits/licenses to operate the Corporation's crop dusting business. This failure prevented the Corporation from being able to service its accounts for several months. Hence, the Corporation lost income and customers, while its expenses continued.

Please see additional page

16 Kenneth Ray Lane and Cynthia Kaye Lane Living Trust dated April 2, 2012 Case No. 15CEPR00845

Cynthia cause the Corporation to incur approximately \$5,000 to repair a Cadillac driven by Cynthia but owned by the Corporation. She then "purchased" the Cadillac from the Corporation for \$5,000. Even after its "purchase," Cynthia had the Corporation pay to insure the vehicle for Cynthia's private benefit.

Cynthia has a Corporation cellular phone that she refused to return or to cancel. The cellular provider will not cancel the service without Cynthia's cooperation.

Cynthia cause the Corporation to pay for the maid service at the home in which Cynthia resided. Said expenses are personal to Cynthia and should have been paid by her.

Cynthia used the Corporation's funds to pay for personal expenses. Cynthia then sought to obfuscate such embezzlement by booking the transactions as something other than they were. She then sought to further hide her wrongdoing by deleting the Corporation's Quickbooks records. The Corporation had to hire computer professionals to recover this data and reconstruct the Corporations financial records.

Failure to Pay Rent

Cynthia has resided on the property owned by the Trust without the payment of fair rental value for her use of the property. The Trust provides that a beneficiary who is serving as Trustee shall have no independent wright to reside in any Trust real property other than as a tenant paying fair market value rent.

Failure to Charge Rent

Cynthia allowed her father to reside rent free in property owned by the Trust.

Compensation for Work for Corporation

Cynthia has taken a \$4,000 per month salary for management of the Corporation, which salary Petitioner contends is excessive given her total mismanagement of the Corporation.

Removal of Trust Property and Corporation Property

Cynthia has removed tractors and farming equipment from the Home Ranch which are Trust assets. Cynthia has also removed important and expensive equipment from the Corporation used to service its planes. Petitioner is informed and believes that Cynthia gave these assets to her brother, Stephen C. England. Cynthia must account for these assets.

Stealing Corporate Dividend

During her tenure as Trustee, Cynthia caused the Corporation to pay a \$25,000 dividend. While the Trust owned 100% of the issued and outstanding shares of the stock of the Corporation, the dividend check went into Cynthia's personal bank account, to the detriment of the Trust and its beneficiaries.

Please see additional page

**16 Kenneth Ray Lane and Cynthia Kaye Lane Living Trust dated April 2, 2012
Case No. 15CEPR00845**

Failure to Repair Damage to Trust Property; Embezzlement of Insurance Proceeds

While Cynthia was residing in the Trust residence, a tree fell onto the roof causing damage. Cynthia made a claim to the insurance company, received the insurance funds, but failed to have the tree removed or the house repaired. Instead she personally pocketed the insurance proceeds.

Wherefore, Petitioner requests that the Court enter an order as follows:

1. Determining that the 20-Acre Parcel and the USB Loan are Trust Assets;
2. Compelling Cynthia to return to the trust all proceeds from the 20-Acre Parcel and the USB Loan from and after the Decedent's date of death;
3. Determining that Cynthia was not entitled to receive any of the income from the Home Ranch for any period after the Decedent's date of death, and requiring her to pay to the Trust all of the proceeds of the Home Ranch accruing from and after the Decedent's date of death, including, without limitation, reasonable rent for Cynthia's use of the home, reasonable rent for Cynthia's father's use of the Home Ranch, rents paid by the Corporation for the use of the runway and hanger, and income from farm operations;
4. Compelling that the funds returned in paragraph 3 be distributed to Petitioner as the Home Ranch was specifically bequeathed to her;
5. Compelling the Trust to provide requested information to the Petitioner;
6. Compelling the Trustee to account to Petitioner;
7. Compelling the redress of the Trustee's breaches of the Trust, including by surcharging the Trustee in an amount equal to the loss or depreciation in value of the Trust estate resulting from her breaches of Trust, with interest;
8. Awarding costs of suit incurred herein and reasonable attorneys' fees to petition, to the extent permitted by law; and,
9. Such other and further relief as the Court deems just and proper.

DOD: 08/23/2015	WILLIAM R. SEAY , son, requests appointment as Administrator without bond.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Court will set Status Hearings as follows:</p> <ul style="list-style-type: none"> • Thursday, March 12, 2016 at 9:00 a.m. in Dept. 303 for the filing of final inventory and appraisal; and • Thursday, December 8, 2016 at 9:00 a.m. in Dept. 303 for the 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>
	All heirs waive bond.		
Cont. from	Full IAEA – o.k.		
<input type="checkbox"/> Aff.Sub.Wit.	Decedent died intestate		
<input checked="" type="checkbox"/> Verified	Residence: Fresno		
<input type="checkbox"/> Inventory	Publication: The Business Journal		
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg	Estimated value of the Estate:		
<input checked="" type="checkbox"/> Aff.Mail	w/	Personal property - \$6,000.00	
<input type="checkbox"/> Aff.Pub.		Real property - \$150,000.00	
<input type="checkbox"/> Sp.Ntc.		Total - \$156,000.00	
<input type="checkbox"/> Pers.Serv.		Probate Referee: Rick Smith	
<input type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
			Reviewed by: LV
			Reviewed on: 10/06/2015
			Updates:
			Recommendation: Submitted
			File 17 – Seay

Petition for Appointment of Guardian Ad Litem

		<p>GARY B. JENNINGS, Trustee of the Jennings Family Trust, is Petitioner.</p> <p>Petitioner requests attorney, THOMAS MARKESON be appointed as Guardian Ad Litem to represent the unborn, unascertained and the designated class of persons who are not in existence or not in being for the purpose of consenting to the modification or termination of the Jennings Family Trust.</p>	<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 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>Reviewed by: KT</p> <p>Reviewed on: 10/7/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 18A - Jennings</p>	

At the time of decedent's death, the trust was not of sufficient size that there was any non-GST Exempt property, the decedent's GST exemption covered all assets of the trust and a division of each share was not required.

Under the terms of the Trust each of the respective children of the decedent is to act as trust of the trust established for his benefit.

The Trust further provides that the trustee may make distribution to or for the benefit of any issue of the primary beneficiary (the child for whose benefit the trust was established) of such amounts of income or principal as appropriate for the care, support and maintenance of the issue.

The Trust contains certain real property located in the city of San Francisco.

Following the death of the decedent, Petitioner, through his counsel, became aware of interpretations by the State Board of Equalization indicating, generally that while property held in trust for a child of a beneficiary will qualify for the parent-child exclusion for reassessment, if the trustee has authority to distribute income to persons other than the children of the decedent, such power may cause such property to become subject to reassessment as of the death of the trustor. The property has been held by the decedent for a substantial length of time, and reassessment would substantially increase the property tax attributable to that property.

Accordingly, each of the trustees of the respective GST Exempt Trusts executed a Disclaimer and Release of the Power to Distribute Property to any of the primary beneficiaries issue.

Petitioner requests an order of the court confirming the valid execution of the disclaimers and release of the powers by the trustee.

Petitioner further request, the trust be modified by deleting language allowing the trustee to distribute to their issue.

By so modifying the trust, it will make it clear that no one had the power to make distributions of trust property to anyone other than a child of the decedent, and thus maintain the parent/child exclusion.

Petitioner prays for an order that:

1. The Disclaimers and Release by the Trustees of the power to distribute property to any person or individual other than the primary beneficiary of each of the GST Exempt Trusts established under the Trust Agreement are valid disclaimers and that none of the individual Trustees have the power to distribute income or principal to anyone other than the primary beneficiary of each trust;
2. That the Jennings Trust Agreement be modified by deleting therefrom certain language as set forth in the petition.

19 Raul Tafoya (CONS/P)

Case No. 15CEPR00854

Petitioner Pavline, Jessica Marie (Pro Per – Petitioner – Sister)

Petitioner Campos, Eulalia (Pro Per – Petitioner – Mother)

Petition for Appointment of Probate Conservator of the Person

Age: 32	<u>NO TEMPORARY REQUESTED</u>	NEEDS/PROBLEMS/COMMENTS:	
	<p>JESSICA MARIE PAVLINE, sister, and EULALIA CAMPOS, mother, are petitioners and request appointment as Conservator of the person, with medical consent powers.</p> <p style="text-align: center;"><u>Please see petition for details</u></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 checked="" type="checkbox"/> Pers.Serv.		w/	
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input checked="" type="checkbox"/> Video Receipt			
<input checked="" type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input checked="" type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
		Reviewed by: LV	
		Reviewed on: 10/07/2015	
		Updates:	
		Recommendation:	
		File 19 – Tafoya	

DOD: 08/06/2015	JACOB L. ROTTSOLK , son, and REBECCA L. O'DETTE , daughter, are petitioners and request to be appointed as co-administrators without bond.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Letters.</p> <p>Note: Court will set Status Hearings as follows:</p> <ul style="list-style-type: none"> • Thursday, March 12, 2016 at 9:00 a.m. in Dept. 303 for the filing of final inventory and appraisal; and • Thursday, December 8, 2016 at 9:00 a.m. in Dept. 303 for the 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>
Cont. from	All heirs waive bond and nominate petitioners.		
<input type="checkbox"/> Aff.Sub.Wit.	Full IAEA – o.k.		
<input checked="" type="checkbox"/> Verified	Decedent died intestate		
<input type="checkbox"/> Inventory	Residence: Fresno		
<input type="checkbox"/> PTC	Publication: The Business Journal		
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	w/		
<input type="checkbox"/> Aff.Pub.	Estimated value of the Estate:		
<input type="checkbox"/> Sp.Ntc.	Personal property - \$10,000.00		
<input type="checkbox"/> Pers.Serv.	Real property - \$350,000.00		
<input type="checkbox"/> Conf. Screen	Total - \$360,000.00		
<input type="checkbox"/> Letters	x	Probate Referee: Steven Diebert	
<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			
			Reviewed by: LV
			Reviewed on: 10/07/2015
			Updates:
			Recommendation:
			File 20 – Rottsolk

Petitioner Boos, Roger Keith (Pro Per Petitioner)

Petition for Appointment of Temporary Guardian of the Person

		<p>General Hearing set for 11/16/2015</p> <p>ROGER KEITH BOOS, non-relative, is Petitioner.</p> <p align="center">~Please see Petition for details~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 9/24/2015. Minute Order states the Court directs Mr. Boos to message Carolyn Zack on Facebook with the date, time, and place of the next hearing and to bring paper proof of the message. Mr. Boos is also to bring a copy of the minor's birth certificate on 10/8/2015.</p> <p>The following issues from the last hearing remain:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. 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: <ul style="list-style-type: none"> • Carolyn Zack, mother, if Court does not excuse notice as Petitioner requests; • Father.
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LEG
			Reviewed on: 10/7/15
			Updates:
			Recommendation:
			File 21 – Zack

Petition for Appointment of Temporary Guardian

Age: 10 mos.	<u>GENERAL HEARING: 12/03/15</u>	NEEDS/PROBLEMS/COMMENTS:
	ELVIRA GARRISON , paternal grandmother, is Petitioner.	
	Father: REY FLORES, SR. – <i>Consent & Waiver of Notice filed 09/25/15</i>	
Cont. from	Mother: SARAH FLORES – <i>Personally served on 10/02/15</i>	
<input type="checkbox"/> Aff.Sub.Wit.	Paternal grandfather: REY FLORES – <i>deceased</i>	
<input checked="" type="checkbox"/> Verified	Maternal grandfather: JESSE GARCIA	
<input type="checkbox"/> Inventory	Maternal grandmother: KELLY WORDEN	
<input type="checkbox"/> PTC	Siblings: ADAM, SERENITY	
<input type="checkbox"/> Not.Cred.	Petitioner states [see file for details].	
<input checked="" type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv. w/		
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 10/07/15
		Updates:
		Recommendation:
		File 22 – Flores

23 Abryanna Clark (GUARD/P) Case No. 15CEPR00959

Petitioner Nash, Kjiyana Michelle (Pro Per – Non –Relative)

Petition for Appointment of Temporary Guardian of the Person

Age: 4	<p align="center"><u>GENERAL HEARING 12/07/2015</u></p> <p>Kjiyana Nash, non-relative, is petitioner.</p> <p align="center"><u>Please see petition for details</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service five(5) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Temporary Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Father (Unknown) • Latoya Clark (Mother) 	
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			
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			x
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input checked="" type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
		Reviewed by: LV	
		Reviewed on: 10/07/2015	
		Updates:	
		Recommendation:	
		File 23 – Clark	

24 Schon Maggard and Teja Maggard (GUARD/P) Case No. 15CEPR00968

Petitioner **Connie Lisa Vellez Laxson (Pro Per)**

Petition for Appointment of Temporary Guardian of the Person

		<u>General Hearing set for 12/9/2015</u>	NEEDS/PROBLEMS/COMMENTS:
		CONNIE LISA LAXSON, paternal aunt, is Petitioner.	
		~Please see Petition for details~	<ul style="list-style-type: none"> • Need Notice of Hearing and 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: • Sandra Maggard, mother, if Court does not excuse notice as Petitioner requests; • Schon Maggard, proposed ward (age 13); • Teja Maggard, proposed ward (age 12). • UCCJEA form filed on 9/29/2015 does not provide residence information for the last 5 years as required.
Cont. from		Declaration of Connie Lisa Laxson Re Service [to minor's mother] was filed 9/29/2015.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LEG
			Reviewed on: 10/7/15
			Updates:
			Recommendation:
			File 24 – Maggard

**Burnside, Leigh W. (for Randy Woodrum – Conservator – Petitioner)
Second and Final Account, Report of Conservator and Petition for Its Settlement, for Allowance of Attorneys' Fees and Costs, Delivery of Remaining Assets to Conservatee's Beneficiaries Pursuant to Probate Code Section 12100 Declaration and by Beneficiary Designation; and Termination of Conservatorship Proceedings**

DOD: 6/16/15	RANDY WOODRUM , Conservator with bond of \$724,457.79, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 10/01/15</u> Minute Order from 10/01/15 states: If upon review of the late filed declaration the Court is able to approve the Petition, then the 10/08/15 hearing will come off calendar.</p> <p>1. Petitioner states the Conservatee's two surviving sons are the named beneficiaries under the Morgan Stanley account and requests that the Court authorize distribution of the account to them.</p> <p>Note: Pay on death accounts do not require Court authorization. Typically, an account with a named pay on death beneficiary will be distributed by the institution, and the accounting will reflect such distribution, as it is done outside the Court's jurisdiction. Declaration filed on 10/1/15 includes the beneficiary designation form from Morgan Stanley.</p> <p>Reviewed by: skc Reviewed on: 10/7/15 (KT) Updates: Recommendation: File 25 – Woodrum</p>
	Account period: 7/1/14 – 6/16/15 Accounting: \$670,465.93 Beginning POH: \$580,765.89 Ending POH: \$575,152.37	
Cont. from 100115	Account period: 6/17/15 – 7/21/15 Accounting: \$583,231.20 Beginning POH: \$575,152.37 Ending POH: \$582,323.87 (\$42,999.03 cash plus various investments)	
<input type="checkbox"/> Aff.Sub.Wit.	Conservator: Waived	
<input checked="" type="checkbox"/> Verified	Attorney: \$6,994.00 (for 6 attorney hours @ \$370/hr and 34.10 paralegal hours @ \$140/hr itemized in the declaration for services in connection with the first account and the second and final account, and services upon the death of the Conservatee including recording, etc.)	
<input type="checkbox"/> Inventory	Costs: \$485.00 (filing, lodge will)	
<input type="checkbox"/> PTC	Closing: \$4,000.00 (for any liabilities determined to be due from the conservatorship estate)	
<input type="checkbox"/> Not.Cred.	Petitioner states the Conservatee died testate on 6/16/15. Most assets are located in a Morgan Stanley account which names the Conservatee's surviving sons, Robert Woodrum and Randall Woodrum, as beneficiaries. The remaining asset, an account at Citibank, has a balance of less than \$150,000.00 and will be transferred to the beneficiary under the will per Probate Code §13100 (affidavit attached).	
<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 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		

SEE ADDITIONAL PAGE

Page 2

Petitioner states conservatorship is no longer necessary and requests that the conservatorship be terminated.

Petitioner requests that he be authorized to distribute the assets held in the Morgan Stanley account to the Conservatee's two surviving sons, the named beneficiaries thereunder, as set forth in the petition.

Petitioner further requests that all remaining assets in the conservatorship estate in the amount of \$28,565.63 be transferred to the beneficiary of the estate under Probate Code §13100, Randall D. Woodrum, Trustee of the Woodrum Family Trust of 6/24/98.

Petitioner prays for judgment of this Court that:

1. Notice of hearing of this account, report and petition be given as required by law;
2. The Court make an order approving, allowing and settling the second and final account and report of Conservator as filed;
3. Petitioner be authorized to pay the law firm of Dowling Aaron Incorporated attorney's fees of \$6,994.00 and reimburse expenses of \$485.00;
4. Petitioner be authorized to withhold a reserve of \$4,000.00 for closing expenses and deliver the unused part to Randall D. Woodrum, trustee of the Woodrum Family Trust of 6/24/98, as amended and restated, without further court order;
5. The Court authorize and direct Conservator to transfer and deliver the assets held in the Morgan Stanley account to the named beneficiaries and to file proper receipts with the Court in connection with same;
6. The Court authorize and direct Conservator to transfer and deliver all remaining property held by the conservatorship estate to the beneficiary under the will pursuant to the Probate Code §13100 declaration filed in this proceeding, and to file a proper receipt with the Court in connection with same;
7. The Conservatorship is terminated; and
8. Such further orders be made as the Court deems proper.

Declaration in Support of Second and Final Account, Report of Conservator and Petition for Its Settlement, etc. filed 10/01/15 states:

- Attached as Exhibit A is a copy of the beneficiary designation to Morgan Stanley Retirement Account No. 244-040275-006 showing that Robert Woodrum, Randal Woodrum, and *David Woodrum* are the designated beneficiaries of the account. The petition implies that David Woodrum is deceased however examiner could find nothing in the file that says that. David was sent notice as recent as July 7, 2015 which is after the date of death of the conservatee. If David survived the conservatee it appears that he is entitled to a share of the Morgan Stanley Account. However, accounts with a named pay on death beneficiary are distributed by the institution outside the Court's jurisdiction. The account would reflect this as "other credits" showing the pay on death distribution.