



## ATTENTION

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

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

Thank you for your patience.

<b>Age: 12</b>		<p><b>RHONDA L. MOMMER</b>, Mother and Guardian of the Estate, is Petitioner.</p> <p><b>Petitioner states</b> a judgment on the dissolution of Petitioner and Decedent was entered on 6-6-08 (after Decedent's death) in which the family residence (the DeWitt House) was awarded 73.339% interest to Petitioner and 8.887% interest to each of the three minor children. Petitioner was appointed guardian of the estates of all children and managed their estates, including their interests in the DeWitt House.</p> <p>Petitioner states two of the children have reached majority, and Sarah is now 12. Petitioner has remarried and she and Sarah now reside with Petitioner's husband. The DeWitt House has been rented for approx. two years.</p> <p>Petitioner, for herself and as guardian of Sarah's estate, along with the older children, now wish to refinance the DeWitt House to consolidate the existing first mortgage and equity line into a single mortgage to reduce the term and interest rate. The first mortgage is at 5.75% and Petitioner is informed she should qualify to reduce that rate by a full point. The second mortgage has a variable interest rate. Therefore, Petitioner seeks an order permitting her to refinance the DeWitt House pursuant to Probate Code §2501 (a) (2). Petitioner hopes to consolidate the existing debt on the property, reduce the interest rate and expense of same, and reduce the remaining term on the debt. If consolidation is available, she will be able to afford to replace the carpet with the monthly savings she will realize from the transaction. If consolidation is not available, Petitioner will attempt to refinance the first mortgage only, still reducing the interest rate, but will increase the amount of debt to include the cost to replace the carpet (\$5,000.00). This will make the house more marketable as a rental. Petitioner expects the monthly payments to remain roughly the same, but the term will be reduced by approx. three (3) years. Petitioner states both of Sarah's siblings (who have reached majority) support the proposal.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Note: Petitioner was appointed Guardian of the Estate without bond, and is not authorized to take possession of money or any other property without a specific court order pursuant to Order 4-3-06. Nothing further occurred in this guardianship estate since that date (no assets inventoried, no account).</u></p> <p><u>Continued from 8-7-12. As of 10-2-12, nothing further has been filed.</u></p> <p>1. <u>This guardianship estate has no assets. No inventory and appraisal or account has ever been filed. The Court cannot make any orders regarding assets not inventoried as assets of the guardianship estate.</u></p> <p>From a review of Court records, it appears that:</p> <ul style="list-style-type: none"> <li>- Petitioner was appointed guardian of the estate for the three minor children in anticipation of receipt of assets from their father's estate.</li> <li>- However, the Estate of Gordon Mommer 05CEPR01325 was never concluded or distributed.</li> <li>- There was also a pending family law dissolution case 02CEFL04083.</li> <li>- On 6-6-08, some assets, including interests in the house, appear to have been distributed directly to the minors pursuant to a stipulated judgment between Petitioner and the Fresno County Public Administrator (as personal representative of the estate) in the family law dissolution case.</li> <li>- <u>However, no assets were ever inventoried in the guardianship estates. Therefore, the Court cannot address this petition at this time.</u></li> </ul> <p><u>Need Inventory and Appraisal and account current.</u></p> <p style="text-align: center;"><b>SEE PAGE 2</b></p>
<b>Cont. from 080712</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> w/o		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b> X		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 10-2-12</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 1 - Mommer</b></p>	

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The Court has set additional status hearings as follows and mailed notice to appropriate parties:

- Friday 10-26-12 for failure to file Inventory and Appraisal pursuant to Probate Code §2610 and failure to file first account pursuant to Probate Code §2620(a), and failure to file a final account pursuant to Probate Code §2630 or waiver pursuant to Probate Code §2627 in related guardianship estates 06CEPR00109 (Lars, age 18+) and 06CEPR00110 (Briana, age 18+).
- Friday 10-26-12 for failure to file Inventory and Appraisal pursuant to Probate Code §8800 and failure to file a first account or petition for final distribution pursuant to Probate Code §12200 in the probate estate Estate of Gordon Mommer 05CEPR01325.



**Petitioner states, continued:**

- Prior to the appointment of the Public Guardian as temporary conservator, the Conservatee paid **\$8,961.63** to Petitioner, of which **\$7,252.25** was applied to fees;
- Petitioner requests the Court approve this petition and direct the Conservator to pay the sum of **\$29,449.75** to Petitioner for the Conservatorship estate;
- Petitioner has paid **\$5,212.27** in expenses, of which **\$1,709.38** has been reimbursed by the Conservatee for bills paid prior to appointment of the Public Guardian as temporary conservator;
- Petitioner requests the Court direct the Conservator of the Estate to reimburse Petitioner **\$3,502.89** for costs advanced on the Conservatee's behalf in connection with both the Conservatorship proceeding and the Accounting Litigation (*please refer to detailed itemization in Declaration of Marcus D. Magness attached as Exhibit A*);
- Petitioner holds on deposit in the firm's trust account the sum of **\$2,536.51** that belongs to the Conservatee; Petitioner requests the firm be allowed to apply the funds held on behalf of the Conservatee in its trust account to the fees and costs being authorized by the Court in this proceeding.

**Petitioner requests an Order:**

1. Authorizing Petitioner to apply the funds of **\$2,536.51** held on deposit for the benefit of the Conservatee toward payment of the legal fees and costs due the firm for services rendered;
2. Directing the Public Guardian, as Conservator of the Conservatee's estate, to pay to the firm the sum of **\$26,913.24** (representing **\$29,449.75**, less money held on deposit) for the balance of the sums due for legal services rendered; and
3. Directing the Public Guardian, as Conservator of the Conservatee's estate, to pay to the firm the sum of **\$3,502.89** to reimburse the firm for costs advanced on the Conservatee's behalf.

**Note:** Attorney fee itemization indicates a combined total of **111.60 hours** at the attorney rates of **\$315.00, \$325.00, \$200.00** and the paralegal rate of **\$105.00** per hour. Itemization also includes billing statement for professional services of specialist David I. Margolin, M.D., Ph.D., J.D., totaling **\$4,553.00**.

**7 Betty Jean McCoon (CONS/PE)**

**Case No. 12CEPR00516**

**Atty Morris, Rhonda Rene (Pro Per – Non-relative – Petitioner)**  
**Atty Suhr, John (Appeared at 7-10-12 hearing for Petitioner; no Substitution has been filed)**  
**Atty Rindlisbacher, Curtis D. (Court-appointed for Proposed Conservatee Betty Jean McCoon)**  
**Atty Kruthers, Heather (for Public Guardian)**

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

Age: 80 DOB: 4-19-32	<b>TEMPORARY EXPIRES 7-10-12 (Person only), extended to 8-7-12</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<u>Court Investigator advised rights on 6-26-12.</u>
		<u>Continued from 7-10-12, 8-7-12.</u>
Cont. from 071012, 080712	<b>RHONDA RENE MORRIS</b> , a non-relative (concerned friend), is Petitioner and requests appointment as Conservator of the Person and Estate.	<b>Minute Order 6-19-12 (temp):</b> Ms. McCoon consents to temporary conservatorship. Court grants Rhonda Morris Conservatorship of the Person only. Temporary Letters expire 7-10-12. The court further orders that Ms. McCoon not be moved from her home without a court order.
<input type="checkbox"/> Aff.Sub.Wit.	(The Petition is blank re bond information at # 1c.)	<b>Minute Order 7-10-12:</b> Mr. Suhr informs the Court that he is representing Rhonda Morris and will be submitting a substitution of attorney. Matter continued to 8/7/12. The temporary of the person is extended to 8/7/12.
<input checked="" type="checkbox"/> Verified	<b>Voting rights <u>not</u> affected.</b>	<b>Minute Order 8-7-12:</b> Counsel informs court their intention is to have Ms. McCoon give power of Attorney to Ms. Morris to assist in her estate. Counsel would like to have Ms. Morris file periodic accountings with the court. Temporary Letters for person only is extended to 10/9/12. Continued to 10/9/12.
<input type="checkbox"/> Inventory		<b>As of 10-2-12 nothing further has been filed. The following issues remain:</b>
<input type="checkbox"/> PTC		<b>SEE PAGE 2</b>
<input type="checkbox"/> Not.Cred.	<b>Estimated Value of Estate:</b>	<b>Reviewed by:</b> skc
<input checked="" type="checkbox"/> Notice of Hrg	Personal Property: \$ 300,000.00	<b>Reviewed on:</b> 7-5-12
<input checked="" type="checkbox"/> Aff.Mail w/o	Annual income: \$ 11,000.00	<b>Updates:</b>
<input type="checkbox"/> Aff.Pub.	Real property: \$ 150,000.00	<b>Recommendation:</b>
<input type="checkbox"/> Sp.Ntc.	<b>Petitioner states</b> she has been helping Betty with her personal needs re: health, food, shelter, etc., since August 2011. It is very apparent that she is unable to handle this on her own, and Petitioner is seeking conservatorship to have the ability to help her while protecting both the proposed Conservatee and Petitioner by being accountable to the courts for her continued care.	<b>File 7 - McCoon</b>
<input checked="" type="checkbox"/> Pers.Serv. w	<b>A Capacity Declaration was filed 6-15-12.</b>	
<input checked="" type="checkbox"/> Conf. Screen	<b>Court Investigator Julie Negrete filed a report on 7-2-12.</b>	
<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 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 checked="" type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

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## NEEDS/PROBLEMS/COMMENTS:

1. Notice of Hearing filed 6-12-12 does not indicate that a copy of the Petition was included with the notice to Elva Van Buskirk (sister) pursuant to Probate Code §1822. The Court may require further service.
2. Petitioner's Confidential Supplemental Information form contains Petitioner's information instead of Ms. McCoon's information at #1 (name, DOB, SSN, etc.). Need amended form with the proposed Conservatee's information.
3. The Petition does not request medical consent powers; however, Petitioner filed a Capacity Declaration that states the proposed Conservatee lacks capacity for medical consent.

If medical consent powers are considered as part of this conservatorship pursuant to Probate Code §2355, the Court may require amendment and further service on the proposed Conservatee and all relatives, including those not previously listed.

4. If granted, bond is required pursuant to Probate Code §2320(c)(4) and Cal. Rules of Court 7.207. Based on the estimated value of the estate including personal property and income, Examiner calculates bond should be \$342,100.00.

Note: If granted, the Court will set status hearings as follows:

- Friday 1-11-13 for filing of bond
- Friday 2-8-13 for filing of Inventory and Appraisal and Review of Bond
- Friday 2-7-14 for filing of First Account

Atty Tucker, Eugene (Pro Per – Co-Executor)

Atty Tucker, James (Pro Per – Co-Executor)

Atty Amey, Dorothy (Pro Per – Co-Executor)

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

<b>DOD: 12-13-04</b>	<b>EUGENE TUCKER, JAMES TUCKER, and DOROTHY AMEY</b> were appointed Co-Executors with Full IAEA and bond of \$150,000.00 on 9-5-06. Bond was filed and Letter issued on 9-29-06.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>Note: The former Co-Executors were formerly represented by Attorney Sandra Smith, who is no longer eligible to practice law.</b>
		<b>Note: The Public Administrator requests 90 days.</b>
<b>Prior hearings: 7-25-11, 10-3-11, 11-7-11, 2-6-12, 060512</b>	<b>Final Inventory and Appraisal</b> filed 8-11-08 reflects real property valued at \$95,000.00 (at 12-13-04).	<b>1. <u>Need petition for final distribution.</u></b>
<b>Aff.Sub.Wit.</b>		<b>Note:</b> The two outstanding creditor's claims total \$2,235.93.
<b>Verified</b>	<b>A petition for final distribution</b> was heard on 2-9-09, 2-24-09, 3-17-09, and 4-21-09. The matter was continued due to various defects and ultimately denied on 4-21-09.	
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>	<b>On 6-5-12</b> , after numerous status hearings, the Court appointed the Public Administrator.	
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>	<b>Public Administrator's Status Report filed 9-17-12 states</b> Deputy Noe Jimenez met with the family and they decided they would cover all probate fees minus the two Fresno County creditor's claims. The family reported that they were working with the two county agencies to have the claims withdrawn. If they are successful, they will pay all fees so that the house can be deeded to the heirs. At the family's request, a reappraisal was done to ascertain the current market value of the home.	
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>	<b>The Public Administrator requests that the next status hearing be set out 90 days to allow the family more time to negotiate with the County of Fresno and for the Public Administrator to file the account.</b>	
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		<b>Reviewed by:</b> skc
<b>Status Rpt</b>		<b>Reviewed on:</b> 10-2-12
<b>UCCJEA</b>		<b>Updates:</b>
<b>Citation</b>		<b>Recommendation:</b>
<b>FTB Notice</b>		<b>File 10 - Tucker</b>