

Probate Status Hearing Re: Further Status of the Estate

DOD: 01/03/05	<p>JAMES C. DOBBS was appointed Administrator with will annexed on 05/02/06. Letters were issued 05/03/06.</p> <p>Final I & A filed 10/11/06 - \$167,750.00 Reappraised for sale I &A filed 08/08/08 - \$122,000.00</p> <p>Minute Order from 09/22/10 hearing on Third Amended First Account Current and Report of Administration and Petition for its Settlement and Approval and for Authority to Continue Administration states Examiner Notes handed in open court. Defects are orally satisfied in court. Atty Krouskup represents to the court that the home is currently on the market for \$75,000.00. The court directs that the next accounting should address an explanation of the small discrepancy in this accounting. Status hearing Re: Further Status of the Estate set for 03/16/11.</p> <p>Notice of Proposed Action filed 02/18/11 re: Sale of the property for \$65,000.00.</p> <p>Status Report filed 03/07/11 states that the property was in escrow, but escrow was cancelled at the buyer's request. The property is currently on the market. Once a sale is consummated, a final accounting will be prepared.</p> <p>Reappraisal for sale I &A filed 03/18/11 - \$57,500.00</p>	NEEDS/PROBLEMS/COMMENTS:	
		CONTINUED FROM 06/15/11	
		Minute order from 06/15/11 states: Susan Moore states to the Court that there are three beneficiaries and the house is vacant by way of unlawful detainer. The house is currently listed to be sold and the estate proceeding has been delayed due to a Medi-Cal claim, which will be paid from proceeds of the house.	
		Status Report filed 09/19/11 states that there is nothing new to report. The filing of a Petition for Final Distribution in this matter is dependent on the sale of the real property. The property is still on the market and none of the heirs have objected to the administration of the estate or the current listing of the property for sale. A final accounting will be prepared, creditors paid and a petition for final distribution filed upon sale of the property.	
Cont. from 031611, 061511			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Updates:	
		Reviewed on: 10/04/11	
		Recommendation:	
		Reviewed by: JF	
		File 1 - Dobbs	

AMENDED Report of Waiver of Accounting and Petition for Allowance of Reimbursement to Executor and for Final Distribution

DOD: 05/26/08	MATHEW OWENS , Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> Notice was given to the Franchise Tax Board (“FTB”) on 08/01/11, the time they may file a claim will not elapse until 12/01/11. The Petition requests that the Court approve the final distribution or property although such distribution will occur during the time period the FTB has to file a claim. Petitioner states that such a distribution is appropriate because such distribution would not affect any claim the FTB may have against the estate, which extends fully with interest to the distributees (Prob. Code §9203(b)). Further, petitioner states that there is no reason to anticipate any claim from the FTB.
	Accounting is waived.	
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.	I & A - \$181,576.00	
<input checked="" type="checkbox"/> Verified	POH - \$181,456.57 (\$16,456.57 is cash)	
<input checked="" type="checkbox"/> Inventory		
<input checked="" type="checkbox"/> PTC		
<input checked="" type="checkbox"/> Not.Cred.	Executor - waives	
<input checked="" type="checkbox"/> Notice of Hrg	Attorney - waives	
<input checked="" type="checkbox"/> Aff.Mail		
Aff.Pub.	Expenses - \$4,732.31 (to be reimbursed to the personal representative for Probate Referee, certified copies, and funeral expenses)	
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters 05/06/09		
Duties/Supp	Distribution, pursuant to decedent’s Will, is to:	
Objections		
Video Receipt	James Moore - Colt .45 Automatic	
CI Report	Michael Owens - \$11,724.26 plus real property	
<input checked="" type="checkbox"/> 9202	Mathew Owens - 50% of remaining guns	
<input checked="" type="checkbox"/> Order	Tyler Owens - 50% of remaining guns	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
<input checked="" type="checkbox"/> FTB Notice		

Petitioner states, continued:

- Petitioner possesses certain transactional documents and forms which Respondent signed in her capacity as “power of attorney in fact” in which she indicated she held the power for both Conservatee and Elmer, and these transactional documents conclusively establish that Respondent was acting in a fiduciary capacity for Conservatee;
- Petitioner possesses copies of a number of checks written on an account in the names of Conservatee, Elmer, and Virginia “Ginger” Greggains (Respondent); the transactions in this account are the prime source of a number of questionable expenditures made by Respondent from Conservatee’s funds; the address on the checks is the personal residence of Respondent; a number of checks were written, signed and made payable to Respondent as well as to Respondent’s husband, **STEPHEN ROY GREGGAINS**, each in the amount of **\$5,000.00**;
- In early 2008, Respondent contacted **SOUTAS & ASSOCIATES**, a firm engaged in Medi-Cal planning services, and in connection with the consultation, Respondent agreed to purchase an annuity on behalf of Conservatee and signed an application for an annuity with OM Financial Life Insurance on 5/29/2009 of **\$159,983.79**;
- On the annuity application, Respondent stated Conservatee held cash and investment accounts valued at **\$357,000.00**; the application contains handwritten entries detailing **\$82,000** in “Investment Experience and Holdings,” **\$200,000** in “Money Market” accounts, and **\$75,000** in “Other Mutual Funds” accounts;
- As of 9/12/2008, the date of **PUBLIC GUARDIAN’S** appointment as temporary conservator, Respondent surrendered **~\$231,000.00** in accounts, and it appears that **\$120,000.00** in cash and investments accounts asserted to have existed by Respondent in May 2008 is missing;
- **Respondent should be ordered to account for all of the cash and investment accounts held by Conservatee from 12/1/2007 to the date Respondent surrendered the assets in her possession to the Public Guardian;**
- Respondent arranged for the removal and disposition of jewelry, motor vehicles, household furniture and furnishings, and several personal property items belonging to the Conservatee contained in her personal residence, in anticipation of the sale of the residence by Respondent; Petitioner alleges Respondent personally took and/or made gifts to family members of a number of the items from the residence, she sold some of the personal property at several yard sales, and she did not account to the principals for any of the proceeds or disposition of the items;
- Petitioner alleges that Respondent made gifts of motor vehicles that belonged to the Conservatee to family members without consideration; she removed and disposed of a number of plants growing on the residential property of Conservatee which are believed at the time to be worth thousands of dollars; she used funds belonging to the Conservatee to purchase and make improvements on her own residence, to make the down payment on a personal vehicle for herself, and to pay off a personal loan that she and her husband owned on a travel trailer;
- The Conservatee’s financial status at present is tenuous at best; her annuity payments and monthly income are sufficient to fund her care for ~2 years; Petitioner has been unable to modify the annuity payments from the original terms to allow monthly payments, which combined with her income would sustain payments of **\$5,625.00 per month** to her residential facility; it is anticipated that additional funds will be necessary to sustain the Conservatee in her present environs.

Causes of Action:

1. **Breach of Fiduciary Duty:** Respondent as Successor Trustee owed a fiduciary duty to the Petitioner and Respondent had a duty to exercise the utmost care, integrity, honesty and loyalty in her dealings with Conservatee’s property in her capacity as attorney in fact for Conservatee or in her capacity as trustee of Conservatee’s Trust; in breach of her fiduciary duty, Respondent deposited Trust funds into her own personal account; she took Conservatee’s funds and used them for her own benefit, she took possession of Conservatee’s personal property and the proceeds from sale of such property and converted those funds to her own use; the actions of Respondent accrued to the detriment of the Conservatee; Respondent know or should have known that her acts would accrue to the detriment of the Conservatee and that she did all of these acts in patent “bad faith” with the intent of depriving the Conservatee of her property without good and sufficient consideration and in violation of her duty to the Conservatee;
 - Respondent has not rendered an account of her administration of the personal property and funds of Conservatee as required by law, and has not accounted to Conservatee or her legal representative for her actions as to the Conservatee’s assets and their disposition; she has provided inaccurate and incomplete information regarding the assets taken for her benefit; **Petitioner requests the Court order Respondent to render a verified detailed account of her handling of the financial and personal affairs of the Conservatee from 12/1/2007 to the present and to serve that account to Petitioner within 90 days of the hearing.**

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Causes of Action, continued:**1. Breach of Fiduciary Duty, continued:**

- Respondent owed the Conservatee a duty to act in scrupulous good faith and absolute candor; Respondent breached her fiduciary duty to the Conservatee by failing to preserve the Conservatee's property, failing to deal impartially with the Conservatee's assets, failing to administer the affairs in Conservatee's best interest, failing to keep the Conservatee and her representatives reasonably informed, failing to keep Conservatee's property separate from her own property, converting Conservatee's property to her own use and enjoyment, and failing to maintain cash held on behalf of Conservatee in interest bearing accounts; Respondent should be ordered to respond in damages for each and every breach of fiduciary duty, wrongful act and/or both as provided for in the law;
- Respondent's acts in this matter constitute breach of fiduciary duty, as she engaged in self-dealing, she breached her duties of loyalty and impartiality, and all acts of Respondent alleged herein were patently unfair and prejudicial to the interest of the Conservatee and her estate; Respondent failed to observe the directions and intent of the Settlers as expressed in their Trust, and all acts of Respondent in regards to the Trust were done "in bad faith" with intent to deprive Conservatee of property to which she is rightfully entitled and constitute breach of trust; **Petitioner alleges Conservatee is entitled to damages with interest as provided in the Code, or in the alternative that Respondent be ordered to pay damages in an amount equal to double the value of all property taken, concealed and/or disposed of by Respondent in bad faith according to proof.**
- Petitioner alleges Respondent did all of the acts alleged with the intent to deprive the Conservatee of her property while she held a fiduciary relationship with Conservatee, and that any and all actions of Respondent were in violation of her fiduciary duty and **should be adjudged voided and set aside, and the assets or the value of the assets should be ordered returned and any loss incurred should be surcharged against Respondent.**

2. Conversion: The acts of Respondent as set forth constitute conversion of the Conservatee's property; Respondent without legal claim, privilege or right seized and disposed of the tangible personal property of the Conservatee, the Conservatee and/or her estate sustained damages thereby equal to the value of the property at the time it was converted by Respondent; **Respondent should be ordered to respond in damages proximately caused by her actions.**

- 3. Abuse of an Elderly Person:**
- For a time period to be proven at trial, but no later than December 2007, the Conservatee was elderly, suffering from diminished mental capacity and was easily subjected to be taken advantage of by designing persons such as Respondents; with knowledge of this, each Respondent schemed to take advantage of the Conservatee and intended to cheat her out of her interest in the property; in furtherance of said scheme, which each Respondent concealed from the Conservatee, each Respondent exercised complete dominion and control over the Conservatee's assets and gained knowledge of her assets and property; the conduct of each Respondent resulted in the deprivation of Conservatee's assets which are necessary for her care and ongoing maintenance;
- The conduct of each Respondent constitutes financial abuse under Welfare & Inst. Code § 15657 as defined in § 15610.30; each Respondent is guilty of recklessness, oppression, and fraud, and acted with malice against the Conservatee in the commission of the abuse; the conduct of each Respondent was in no way for the benefit of Conservatee and was willful and wanton, and was intended to cause injury to her; **the Conservatee is entitled to an award of exemplary or punitive damages;**
 - **Under Welfare & Inst. Code § 15657(a), each Respondent is liable to the Conservatee for reasonable attorney fees and costs, including reasonable fees for the services of the Public Guardian, as Conservator of her Estate, and their attorney for his services provided to litigate this claim necessitated by conduct of each Respondent.**

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Causes of Action, continued:

4. **Constructive Trust:** Respondent Greggains and the unnamed Respondents each have wrongfully taken, transferred, concealed and otherwise deprived the Conservatee of funds and/or personal property which rightfully belongs to her, and they therefore have become the involuntary trustees of said property for the benefit of the Conservatee; **Respondents should be ordered to surrender and deliver said property to the Conservatee and/or the Petitioner, her legal representative.**

Petitioner prays the Court Order:

1. Respondent must render a detailed and correct account for all property held and administered by her, either as Trustee and/or as agent under her power of attorney within 90 days of the date of the initial hearing, for the period from 12/1/2007 to the date she surrendered the Conservatee's funds and property to the Public Guardian;
2. Respondent must respond in damages for all property taken and/or wrongfully appropriated by her, or for funds and/or property that is missing or unaccounted for, together with interest at the legal rate per annum, from the date of the breach of trust and/or fiduciary obligation;
3. Respondent must respond in damages together with interest at the legal rate per annum from the date of breach of trust and/or fiduciary obligation;
4. Respondent and the unnamed Respondents must respond in exemplary damages for their outrageous, recklessness, oppressive, fraudulent and malicious conduct in this matter;
5. In the alternative, Respondents must respond in damages in an amount equal to twice the value of property taken, concealed and/or disposed of by her "in bad faith;"
6. Respondent and the unnamed Respondents must respond in actual damages caused to the Conservatee by their conversion of her tangible personal property;
7. Respondent and the unnamed Respondents are found guilty of elder abuse and are assessed all the damages afforded the Conservatee under the law, including actual damages, exemplary damages, and attorney fees and costs;
8. A Constructive Trust is imposed on all assets taken by the Respondent and the unnamed Respondents for any property and sums the Court determines are rightfully due the Conservatee for their wrongful conduct; and
9. Attorney's fees and costs of suit are awarded as provided for in the law.

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution (Prob. C. 12200, et seq)

DOD: 12-18-08	<p>PUBLIC ADMINISTRATOR was authorized to administer and distribute the Decedent's estate pursuant to Probate Code §7660(a)(1) on 1-16-09.</p> <p>On 6-30-11, the court set status hearing for failure to file an account or petition for final distribution on 8-10-11, which was continued to this date.</p> <p>Background:</p> <p>Joanne Sanoian was court-appointed counsel for the Decedent in the Conservatorship Case 08CEPR00367. On 3-11-09, the court granted attorney's fees in the amount of \$1,380.00, payable from the conservatorship estate.</p> <p>On 5-14-09, Joanne Sanoian filed a Creditor's Claim for that amount and a Request for Special Notice in this estate case. Since then, two additional creditor's claims have been filed (\$998.25 and \$373.98).</p> <p>The Inventory and Appraisal filed 6-3-09 reflected a total estate value of \$60,400.00, including real property, a 1984 Pontiac Grand Am, and miscellaneous household furniture and personal effects.</p> <p>A Notice of Proposed Action filed 3-12-10 indicated that the Public Administrator proposed to sell the real property for \$60,000.00, less commission, etc.</p> <p>On 7-11-11, Public Administrator filed an ex parte request for extraordinary commissions for sale of the Decedent's real and personal property in the amount of \$1,345.55. That petition was set for noticed hearing (Page 5B) due to the Request for Special Notice and granted on 8-10-11.</p> <p>Also on 8-10-11, the Court continued the status hearing for failure to file an account or petition for final distribution to 10-12-11.</p> <p>Status Report filed 10-7-11 states that this because this \$7660 estate is insolvent with creditors, the Public Administrator will be filing a formal account and request for distribution, and is in the process of preparing the documents.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>The Public Administrator requests 60 days to file a final account.</u></p>
Cont. from 081011		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
✓ Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p>Updates:</p> <p>Contacts: Reviewed 10-11-11</p> <p>Recommendation:</p> <p>Reviewed by: skc</p> <p>File 4 - Sprague</p>	

(1) Second and Final Account and Report of Conservator; (2) Petition for Allowance of Compensation to Conservator and Attorney (Prob. C. 1860; 2620; 2623; 2630; 2631; 2942)

DOD: 1/19/11	PUBLIC GUARDIAN , Conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:	
	Account period: 9/8/10 – 1/19/11		
	Accounting - \$40,878.28		
Cont. from	Beginning POH - \$35,618.22		
Aff.Sub.Wit.	Ending POH - \$ 3,211.01		
<input checked="" type="checkbox"/> Verified	Subsequent account period: 9/8/10 – 1/19/11		
Inventory	Accounting - \$8,574.81		
PTC	Beginning POH - \$3,211.01		
Not.Cred.	Ending POH - \$5,088.89		
<input checked="" type="checkbox"/> Notice of Hrg	Conservator - \$1,257.20 (7.00 Deputy hours @ \$96/hr and 7.70 Staff hours @ \$76/hr)		
<input checked="" type="checkbox"/> Aff.Mail W/	Attorney - \$1,000.00 (per Local Rule)		
Aff.Pub.	Bond fee - \$25.00 (o.k.)		
Sp.Ntc.	Petitioner states that after payment of the court ordered fees and commissions, there will remain \$2,806.69. This amount will be paid to the State of California, Department of Health Services, as partial payment of its claim in the amount of \$40,596.99.		
Pers.Serv.	Petitioner prays for an Order:		
Conf. Screen	1. Approving, allowing and settling the second account.		
Letters	2. Authorizing the conservator and attorney fees and commissions		
Duties/Supp	3. Payment of the bond fee		
Objections	4. Distributing the remaining balance of the conservatorship estate to the Department of Health Services.		
Video Receipt			
CI Report			
9202			
<input checked="" type="checkbox"/> Order			
Aff. Posting			
Status Rpt			
UCCJA			
Citation			
FTB Notice			
			Reviewed by: KT
			Reviewed on: 10/4/11
			Updates:
			Recommendation:
			File 5 - Gilker

(1) Petition for Settlement of First and Final Account; (2) Petition for Distribution and (3) for Attorney's Compensation

DOD: 4/28/10		<p>JOY C. CARSON, Executor, is petitioner.</p> <p>Accounting is waived.</p> <p>I & A - \$53,000.00 POH - \$53,000.00</p> <p>Executor - waives</p> <p>Attorney - \$2,120.00 (statutory)</p> <p>Distribution, pursuant to Decedent's Will is to:</p> <p>Joy C. Carson - 100% interest in real property located in Coalinga, CA, furniture, fixtures and tools.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 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 does not contain a statement whether or not notice to the Franchise Tax Board was performed, as required by Probate Code 9202(c)(1). Petition does not include the legal description of the real property pursuant to California Rules of Court 7.651(b)(3). Inventory and appraisal does not contain the legal description of the real property. Local Rule 7.11.2. Order does not include the legal description of the real property. Local Rule 7.6.1A.
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	10/25/10	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice	X	
Reviewed by: KT			
Reviewed on: 10/5/11			
Updates:			
Recommendation:			
File 6 - Gentry			

(1) Petition for Approval of First and Final Report on Waiver of Account, (2) for Payment of Ordinary Attorney Fees, for Reimbursement of Costs Advanced by Attorneys, for Payment of Extraordinary Attorney Fees, and for (3) Distribution of the Estate (Prob. C 11600)

DOD: 2/6/09		<p>NICHOLAS BOGHOSIAN and PHILIP BOGHOSIAN, Administrators with Will Annexed, are petitioners.</p> <p>Accounting is waived.</p> <p>I & A - \$227,050.02 POH - \$237,807.39</p> <p>Administrators - waive</p> <p>Attorney (statutory) - \$7,141.00</p> <p>Attorney x/o - \$5,115.25 (24.15 hrs @ \$205 - \$240/hr. for services in connection with defense of petitioners petition with regards to a competing petition for probate, legal research, communications with attorney and court appearances.)</p> <p>Costs - \$1,655.00 (filing fees, certified copies, publication, probate referee)</p> <p>Closing - \$1,000.00</p> <p>Distribution, pursuant to Decedent's Will, is to:</p> <ul style="list-style-type: none"> • John Choboian and Sandra Choboian - \$7,500.00 each; • Thomas Morradian, Edward Mooradian and Margaret Dutton - \$5,000.00 each; • Nicholas Boghosian and Philip Boghosian - \$96,448.07 each. 	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail W/		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters 1/24/11		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		

Reviewed by: KT

Reviewed on: 10/5/11

Updates:

Recommendation:

File 7A - Boghosian

Atty Markeson, Thomas A. (for Petitioners Nicholas Boghosian and Philip Boghosian)

Petition for Withdrawal of Funds from Blocked Account

DOD: 2/6/09		<p>NICHOLAS BOGHOSIAN and PHILIP BOGHOSIAN, Administrators with Will Annexed, are petitioners.</p> <p>Petitioners request withdrawal of funds from the blocked account in connection with their Petition for Final Distribution.</p> <p>Petitioners request withdrawal of funds from the blocked account as follows:</p> <ul style="list-style-type: none"> • \$7,141.00 to Wild, Carter and Tipton for attorney fees; • \$5,115.25 to Wild, Carter and Tipton for extraordinary attorney fees; • \$1,655.00 to Wild, Carter and Tipton as reimbursement for costs; • \$1,000.00 to Nicholas Boghosian and Philip Bogoshian for a closing reserve; • \$7,500.00 to John Choboian; • \$7,500.00 to Sandra Choboian; • \$5,000.00 to Thomas Morradian; • \$5,000.00 to Edward Mooradian; • \$5,000.00 to Margaret Dutton; • \$96,448.07 to Nicholas Boghosian and • \$96,448.07 to Philip Boghosian. 	<p>NEEDS/PROBLEMS/COMMENTS:</p>
Cont. from			
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			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: KT	
		Reviewed on: 10/5/11	
		Updates:	
		Recommendation:	
		File 7B - Boghosian	

Amended First and Final Report of Personal Representative on Waiver of Account and for Final Distribution

	JACK EDWARD HANCOCK , son and Executor with full IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Executor made preliminary distributions to the heirs without court approval pursuant to Probate Code §11623. 2. The petition states Attorney Diana Hancock (spouse of heir Gerald Hancock) has been paid \$6,410.00 without prior court authorization in violation of Probate Code §10830 and Cal. Rule of Court 7.700: - \$2,000.00 "in lieu of statutory fees" - \$4,410.00 as reimbursement for airline tickets, lodging, rental car, courier, certified mail, probate referee fee, and filing fee. <u>Examiner notes</u> that statutory compensation based on the I&A would have been \$5,718.58. Attorney Hancock states she waives statutory fees, but has in fact been paid more. <u>Examiner further notes</u> that certain costs received by the attorney are considered costs of doing business by the court and do not qualify for reimbursement per Local Rule 7.17.B. (<i>courier, mailing</i>). Certain other costs require court authorization for reimbursement (<i>travel, etc.</i>). <i>It is unclear why travel and other expenses were necessary.</i> <u>Update:</u> <i>The heirs signed consents to the payment of Fees and reimbursement of costs; however, Examiner notes that the payments remains a violation of Probate Code §10830, Cal. Rule of Court 7.700 and Local Rule 7.17.B.</i> 3. It is unclear why the cash is not distributed evenly. Examiner notes that Gerald Hancock signed a Waiver of Further Notice; however, it does not appear that he received a copy of the proposed distribution order. Need clarification. 4. If granted, the Court may strike language approving the acts of the Executor due to the above issues or may require a revised order for signature.
DOD: 8-30-10	Accounting is waived.	
Cont. from 082911	I&A: \$157,286.02 POH: \$120,971.00 (\$45,971.00 cash plus real and personal property)	
Aff.Sub.Wit.	Executor: Waived Attorney: Waived	
✓ Verified	Distribution pursuant to Decedent's will:	
✓ Inventory	Jack Edward Hancock: a 50% undivided interest in the real property plus \$25,971.00	
✓ PTC	Gerald Edwin Hancock: a 50% undivided interest in the property of the estate plus \$20,000.00	
✓ Not.Cred.		
✓ Notice of Hrg		
✓ Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
✓ Letters 10-20-10		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
✓ 9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
✓ FTB Notice		
Updates:		
Contacts: Reviewed 10-4-11		
Recommendation:		
Reviewed by: skc		
File 8 - Hancock		

(1) First and Final Account and Report of Co-Executors and (2) Petition for Its Settlement, and (3) Allowance of Attorney's Compensation for Ordinary Services, and (4) Final Distribution (Prob. C. 10954, 11640)

DOD: 02/03/11		NEAL F. SIEBERT and KRISTIE E. WILSON, Co-Executors, are Petitioners.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 02/03/11 – 08/15/11	
Cont. from		Accounting - \$495,126.89	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$495,069.74	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$483,695.47	
<input checked="" type="checkbox"/>	Inventory	(\$211,155.34 is cash)	
<input checked="" type="checkbox"/>	PTC	Executors - waive	
<input checked="" type="checkbox"/>	Not.Cred.	Attorney - \$12,832.54	
<input checked="" type="checkbox"/>	Notice of Hrg	(statutory)	
<input checked="" type="checkbox"/>	Aff.Mail	w/	
	Aff.Pub.	Costs - \$822.52	
	Sp.Ntc.	(filing fees and certified mailing, DMV fees, tax returns – to be reimbursed to Neal Siebert)	
	Pers.Serv.		
	Conf. Screen		
	Letters	03/28/11	
	Duties/Supp	Closing - \$1,500.00	
	Objections	Distribution, pursuant to decedent's Will, is to:	
	Video Receipt	Neal F. Siebert - \$98,000.14	
	CI Report	plus 50% interest in various securities and .25 unit of Post Street Renaissance Partners	
<input checked="" type="checkbox"/>	9202	Kristie E. Wilson - \$98,000.14	
<input checked="" type="checkbox"/>	Order	plus 50% interest in various securities and .25 unit of Post Street Renaissance Partners	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
			Reviewed by: JF
			Reviewed on: 10/05/11
			Updates:
			Recommendation: SUBMITTED
			File 9 - Siebert

Petition for Settlement of First and Final Account and Report of Trustee and Final Distribution and Termination of Trust [Probate Code 16063 and 17200 (b)(5)]

		PATRICIA E. MAHONEY , Trustee, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 7/7/03 – 12/31/10	
		Accounting - \$2,753,171.11	
		Beginning POH - \$2,101,332.48	
		Ending POH - \$ 134,047.53	
Cont. from 090611		Trustee - \$20,774.00 (already paid)	
<input type="checkbox"/>	Aff.Sub.Wit.	Attorney - \$52,354.77 (already paid)	
<input checked="" type="checkbox"/>	Verified	Petitioner prays for an Order of this Court:	
<input type="checkbox"/>	Inventory	1. Settling and allowing the First and Final Account as filed;	
<input type="checkbox"/>	PTC	2. The administration of the Trust be brought to a close and the Trust be terminated;	
<input type="checkbox"/>	Not.Cred.	3. Ratifying, confirming, and approving all of the acts and transactions of Petitioner as Trustee;	
<input checked="" type="checkbox"/>	Notice of Hrg	4. Ratifying the payment of the accounting, legal, financial and other professional services described in the account;	
<input checked="" type="checkbox"/>	Aff.Mail	5. Ratifying the payment to Petitioner for her services as Trustee;	
<input type="checkbox"/>	Aff.Pub.	6. Ratifying the distributions that have been made to Susan L. Gratz; Barbara D. Eggbrouwer and Patricia E. Mahoney;	
<input type="checkbox"/>	Sp.Ntc.	7. Ratifying the cash distributions made to Annelise Eggbrouwer, Lou Eggbrouwer, Eric Gratz, Rick Gratz, Lance Mahoney and Michael Mahoney and authorizing the distribution of the balance of the coins on hand;	
<input type="checkbox"/>	Pers.Serv.	8. Authorizing and directing Petitioner to reserve the balance of cash on hand after the payment of expenses for insurance, property taxes, electrical and other expenses related to Lazy B Ranch real property; that Michael Mahoney be designated as agent for payment of these expenses;	
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Reviewed by: KT
Reviewed on: 10/4/11
Updates:
Recommendation:
File 10 - Beasley

Atty Walters, Jennifer L. (for Ronald Markarian – spouse/competing Petitioner)

Atty Harris, Richard A. or Markeson, Thomas (for Pamela Milam – daughter/Petitioner)

Atty Sanoian, Joanne (court appointed for Conservatee)

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

Age: 78 DOB: 07/17/33		<u>TEMPORARY EXPIRES 10/12/11</u>		NEEDS/PROBLEMS/COMMENTS:										
		<p>PAMELA MILAM, daughter, is petitioner and requests appointment as conservator of the person with medical consent and dementia powers to administer dementia medications and for appointment as conservator of the estate with all liquid funds placed in a blocked account.</p>		<p>Note: Petitioner Pamela Milam has filed a Petition for Enforcement of Support of Conservatee Spouse from Community Property that is set for hearing on 11/10/11.</p>										
Cont. from		<p>Estimated value of the Estate:</p> <table border="0"> <tr> <td>Personal property</td> <td>-</td> <td>\$260,000.00</td> </tr> <tr> <td>Annual income</td> <td>-</td> <td>\$ 13,400.00</td> </tr> <tr> <td>Total</td> <td>-</td> <td>\$273,400.00</td> </tr> </table>		Personal property	-	\$260,000.00	Annual income	-	\$ 13,400.00	Total	-	\$273,400.00	<p>Note: The Petitioner proposes to place all liquid assets into a blocked account, and has provided an Order to Deposit Money into Blocked Account. If the Court determines a bond is necessary, bond should be set at \$300,740.00.</p>	
Personal property	-	\$260,000.00												
Annual income	-	\$ 13,400.00												
Total	-	\$273,400.00												
<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.													
<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													
		<p>Declaration of Michael Nisco, M.D. was filed 09/02/11.</p>												
		<p>Petitioner states the proposed conservatee is not capable of living on her own. She has severe dementia, cannot cook, cannot feed herself and cannot sit up by herself. She does not communicate other than responding “I love you” when someone says it to her first. She also says no at times when she gets agitated. She hallucinates and speaks to persons who are not there.</p>												
		<p>Petitioner also states that a conservatorship of the estate is necessary because, due to her severe dementia, the proposed conservatee can no longer add, subtract, divide, or multiply even simple numbers. She is compliant and not able to communicate her needs. She is not able to comprehend the effect of legal documents. If left on her own, she would not be able to maintain what she has and keep it safe.</p>												
		<p>Nomination and consent to appointment of Pamela Milam by proposed conservatee’s son, Ronald Markarian, and daughter, Sandra Markarian were filed 09/08/11.</p>												
		<p>Court Investigator Dina Calvillo’s report was filed 10/05/11.</p>												
				<p>Reviewed by: JF</p>										
				<p>Reviewed on: 10/05/11</p>										
				<p>Updates: 10/11/11</p>										
				<p>Recommendation:</p>										
				<p>File 11A - Markarian</p>										

Atty Walters, Jennifer L. (for Ronald Markarian – spouse/competing Petitioner)

Atty Harris, Richard A. (for Pamela Milam – daughter/Petitioner)

Atty Sanoian, Joanne (court appointed for Conservatee)

Petition for Exclusive Authority to Give Consent for Medical Treatment

Age: 78 DOB: 07/17/33	PAMELA S. MILAM, daughter, is Petitioner. Petitioner requests medical consent powers and dementia powers to administer dementia medication.	NEEDS/PROBLEMS/COMMENTS: 1. The petitioner has requested medical consent powers in her Petition for Appointment of Probate Conservator, therefore, this petition appears to be unnecessary.
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: JF
Status Rpt		Reviewed on: 10/05/11
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 11B - Markarian

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

Age: 78 DOB: 07/17/33	<p align="center">TEMPORARY CONSERVATORSHIP OF THE PERSON ONLY WAS GRANTED TO DAUGHTER, PAMELA MILAM; EXPIRES 10/12/11</p> <p>RONALD MARKARIAN, spouse, is petitioner and requests appointment as Conservator of the person with medical consent and dementia powers to administer dementia medications and for appointment as conservator of the estate with bond set at [NOT SPECIFIED].</p> <p>Estimated value of the estate: Personal property - \$100,000.00 Annual income - \$ 35,000.00 Total - \$135,000.00</p> <p>Petitioner states he has been married to the conservatee for close to 60 years. He and the conservatee have always resided together and leaned on one another. Currently the conservatee has dementia, in addition to other mental and physical conditions. In 2008, Conservatee was diagnosed with Alzheimer's. During that same year, Conservatee's daughter Pamela Milam, had a medical Power of Attorney drafted for her mother and her mother signed it. Petitioner was not provided with any information regarding this Power of Attorney until recently and is consequently being pushed out of medical decisions for his wife.</p> <p>Petitioner states Conservatee was recently hospitalized. After being admitted, Petitioner tried to visit the Conservatee and was told that he could not visit during her stay, was not entitled to any information, and upon release Conservatee would be released to her daughter, Pamela. Ronald called his daughter, Pamela and she indicated that she was moving the Conservatee to her home and seeking hospice care. She also indicated she would make no arrangements to allow Petitioner to see his wife.</p> <p>Petitioner states he has always provided security and financial stability for the Conservatee. Their money and property is commingled and there is no reason or documentation that would entitle anyone else to serve as the conservator of the estate. See Page 2 for more information</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 10/06/11</u></p> <p>Competing petition of Pamela Milam, daughter, is set for hearing on 10/12/11.</p> <ol style="list-style-type: none"> 1. Need Capacity Declaration. 2. The petition does not specify the amount of bond requested. 3. Need Citation and proof of personal service of the Citation on the proposed conservatee. 4. Need receipt for viewing of conservatorship video. <p><u>Court Investigator advised rights on 09/20/11</u></p> <p>Voting rights affected. Need minute order.</p>
Cont. from 10/06/11		
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 x		
✓ CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation x		
FTB Notice		
		<p>Reviewed by: JF</p> <p>Reviewed on: 09/30/11</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 9 - Markarian</p>

Atty Walters, Jennifer L. (for Ronald Markarian – husband/Petitioner)

Atty Harris, Richard A. (for Pamela Milam – daughter/competing Petitioner)

Atty Sanoian, Joanne (court appointed for Conservatee)

Additionally, in the last month documents have been received regarding the Conservatee's finances and that bank accounts have been opened in the Conservatee's and Pamela's name. These bank accounts have been opened since 2008 and Pamela has tried to remove significant amounts of money from them. Conservatee and Petitioner have built a significant estate and Petitioner is concerned that if he does not receive temporary and permanent conservatorship that funds will disappear or title to the property will be changed.

Court Investigator Dina Calvillo's report was filed 10/05/11.

**Probate Status Hearing Re: Termination of Proceeding for Deceased Conservatee
 (Prob. C. § 1860, et seq.)**

DOD: 11/6/09	<p>DEPARTMENT OF DEVELOPMENTAL SERVICES is Conservator.</p> <p>Conservatee died on 11/6/09.</p> <p>The Thirteenth Account was approved on 6/16/09 showing a property on hand balance of \$14,193.12.</p> <p>This status hearing was set for termination of proceedings for deceased conservatee.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need petition to terminate proceedings for deceased conservatee or current status report.</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			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: KT
			Reviewed on: 10/5/11
			Updates:
		Recommendation:	
		File 12 - Tortorella	

Age:		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR.</u> Second Account filed and set for hearing on 10/27/11.</p>
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 10/5/11
		Updates:
		Recommendation:
		File 13 - Vogt

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR.</u> Order approving second account and termination of guardianship was signed on 8/23/11.</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		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 10/5/11
		Updates:
		Recommendation:
		File 14 - Oliva

Age: 5 years DOB: 10/28/2005		TEMPORARY EXPIRES 10/12/11		<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>1. Proof of service on the paternal grandmother, Cheryl Sweet does not indicate that it was served with a copy of the petition as required by Probate Code §1511.</p>
		<p>WILLIAM PETER BUCK-FRIIS and ROBIN BUCK-FRIIS, maternal grandparents, are Petitioners.</p>		
		<p>Father: STELVIN SWEET - Consent and waiver of notice filed 8-10-11</p>		
Cont. from		<p>Mother: MCKENZIE BUCK-FRIIS - Personally served 8-15-11</p>		
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W/O		
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
✓	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			

Paternal grandfather: Dershell Contralar (*Deceased*)
 Paternal grandmother: Cheryl Sweet – served by mail on 9/20/11 without a copy of the petition.

Petitioners state mother moved to Arizona in April 2011 to live with her boyfriend Dominic, who has a history of abuse, including domestic violence on mother, and possible drug usage. Petitioners are fearful that mother will remove Aniya to live with her and Dominic. This will put her in harm’s way. Aniya is in school here and the only home that she knows is Petitioners’ home. All of Aniya’s belongings are in Petitioners’ home. Her doctor is here, her dentist is here, and all of her friends and family are here including her father. father visits every weekend, and she has frequent and continuing contact with him. Father consents to this petition.

Petitioners’ Supplemental Declarations filed 8/19/11 states that it has come to her attention that mother is not living with her boyfriend. Mother claims she does not see him anymore. His name is “Damien McDowell” (not “Dominic” as stated above), and it is unknown whether he was convicted of any crimes, but he was arrested for spousal abuse and child endangerment. “Damien McDowell only hit McKenzie Buck-Friis on one occasion but law enforcement was not contacted.” Petitioners state mother lived with Petitioners from approx. June 2009 to December 2010, and during that time, she did assist with appointments as necessary.

Please see additional page

Reviewed by: KT

Reviewed on: 10/5/11

Updates:

Recommendation:

File 15 – Sweet

Objections of McKenzie Buck-Friis filed on 9/30/11 states the appointment of a guardian is not necessary and not in the best interest of Aniya. The original Petition for Appointment of Temporary Guardian contained several false statements. Mother states she did not move to Arizona to reside full time with her boyfriend. She moved to Arizona because she had a job there. While in California she completed her education and obtained a nursing degree. She was able to secure employment with the Arizona State Prison Complex. The sole purpose of her move was to secure that beneficial employment. While in Arizona Mother states she has not lived with any third party and does not know anyone by the name of Dominic. She was dating a man by the name of Damien McDowell and he does live in Arizona – but in a city that is three hours away. At no time was Aniya in the care of Damien. At no time did she and Damian have an argument – much less a fight in front of Aniya.

Mother states that before she moved to Arizona on April 4, 2011 it was understood by everyone that Aniya would remain in Fresno with her grandparents so that she could complete her school year in Fresno. It was known by everyone involved that Aniya would come live with her after the completion of the school year. At the conclusion of the school year situations arose that cause delays in bringing Aniya to Arizona. In late July, 2011 it became clear that Petitioners did not intend to honor their agreement to bring Aniya to Arizona. Repeated requests were put off and denied. Mother states she made arrangements for a long-time friend to bring Aniya to her. On August 11, 2011 mother states she received a telephone call from her mother (Petitioner Robin Buck-Friis) informing her that they were keeping Aniya. Mother states she immediately came to Fresno to get Aniya.

Mother states Petitioners' claims that they have been caring for Aniya since birth implies that Aniya has resided with them her entire life. Mother states Aniya has resided with her from the date of her birth until she moved to Arizona in April 2011. She has been Aniya's primary caretaker since her birth. Mother states she has provided Aniya with a loving and stable environment. There is no reason for this to go to court. Aniya will not suffer any detriment by being returned to her mother. In fact, it is in her best interest to do so.

Points and Authorities in Opposition to Appointment of Guardian filed on 10/4/2011.

Evidentiary Objection filed on 10/4/11. Objector McKenzie Buck-Friis submits the following evidentiary objections to the Supplemental Declaration of Robin Buck-Friis and the Supplemental Declaration of William Buck Friis.

Allegation: "I am informed and believe that Mr. [Damien] McDowell was only arrested for spousal abuse and child endangerment but do not believe or know if he suffered a conviction for the crimes he was arrested for. [Supplemental Declaration of Robin Buck Friis and Supplemental Declaration of William Buck-Friis]

Objection: Objector objects to these allegations and asks that they be stricken from the record on the grounds that they lack foundation. Petitioners do not provide this court with any basis for their knowledge of these allegations. At the hearing in this matter Petitioner's attorney, Cindy Hopper, informed the court that "[Mr. McDowell] has a lengthy criminal record. He has spousal abuse charges plus child endangerment charges." She later stated that he has ten court cases in Fresno and at least one in Arizona. At no time has Ms. Hopper or Petitioner provided the court or counsel for objector with the basis for these allegations. Objector's attorney asked Ms. Hopper to provide the criminal report on Mr. McDowell that supported this allegation. Ms. Hopper refused to provide it, claiming "work product".

Allegation: Damien McDowell only hit McKenzie Buck-Friis on one occasion but law enforcement was not contacted. [Supplemental Declaration of Robin Buck Friis and Supplemental Declaration of William Buck-Friis]

Objection: Objector objects to these allegations and requests that they be stricken from the record on the ground of lack of foundation. Petitioners do not provide this court with any basis for their knowledge of these allegations.

Court Investigator JoAnn Morris' Report filed on 9/29/11.

(1) First and Final Account and Report of Administrator and (2) Petition for Its Settlement for Final Distribution

DOD: 8-26-08		<p>MARYANN RYAN-PATE, Daughter and Administrator with Full IAEA without bond, is Petitioner.</p> <p>Account period: 11-21-08 through 6-1-10</p> <p>Accounting: \$95,289.03 / \$91,592.07 Beginning POH: \$90,000.00 (reappraisal) Ending POH: \$4,517.34 (\$1.00 after payment to attorney)</p> <p>Administrator: Not addressed</p> <p>Attorney: \$4,516.34 (paid 1-20-11 in violation of applicable law; higher than statutory)</p> <p>Petitioner states the estate is insolvent and that any remaining or undiscovered property should be distributed to the remaining creditors until paid in full: *</p> <p>Citibank/Sears: \$7,556.98 Capital One: \$1,559.05 West Asset Management: \$1,689.24 Bank of America: \$12,662.40</p> <p><i>* See Examiner Notes.</i></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> Petitioner was formerly represented by Sandra Smith, who has been disqualified to act as an attorney. Petitioner is now in pro per.</p> <ol style="list-style-type: none"> The accounting does not balance and does not contain the required schedules per Probate Code §1060. A Final Inventory and Appraisal showing the value of the estate as of the date of death was never filed. <u>Note:</u> A “Reappraisal for Sale” reflects a value for the residence of \$90,000.00; however, the accounting indicates that there may have been other assets including cash accounts. <u>Therefore, need clarification.</u> Was the \$90,000.00 the value of the estate as of the date of death, or was it a reappraisal value for the residence only? Were there additional assets? Petitioner indicates the residence was sold at a loss of \$84,085.88, but does provide details of the sale. For example, Petitioner states she “placed the home for sale” for \$90,000.00 but does not state what it sold for. If the sale price was \$90,000.00, like the reappraised value, there may not be a loss. Need clarification. <p style="text-align: center;"><u>SEE PAGE 2</u></p> <p>Reviewed by:</p> <p>Reviewed on:</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 16 – Ciano</p>
Aff.Sub.Wit.			
✓ Verified			
✓ Inventory	X		
✓ PTC			
✓ Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	W		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
✓ Letters	11-21-08		
Duties/Supp			
Objections			
Video Receipt			
CI Report			
✓ 9202	X		
Order	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
✓ FTB Notice			

(1) First and Final Account and Report of Administrator and (2) Petition for Its Settlement for Final Distribution

NEEDS/PROBLEMS/COMMENTS (Continued):

- 4. Need Allowance or Rejection of Creditor's Claims (DE-174) for each claim filed.**
- 5. Petitioner states the St. Agnes creditor's claim (\$315.01) was paid, and the Bank of America creditor's claim (\$12,662.40) was "released informally," but that the estate is insolvent and the remaining claims are not paid. These payments appear to be in violation of Probate Code §11420(b) (priority of debts). Need clarification.**
- 6. Petitioner states the estate is insolvent, and any property not now known or discovered should be distributed to the remaining creditors until paid in full. This statement also does not appear to consider the priority requirements in Probate Code §11420(b).**
- 7. Petitioner includes the Bank of America creditor's claim (\$12,662.40) in the list of unpaid claims, but previously stated that this claim was "released informally." Need clarification.**
- 8. Petitioner paid Former Attorney Sandra Smith \$4,516.34 from estate funds on 1-20-11 without court authorization in violation of Probate Code §10830, Cal. Rule of Court §7.700 and Local Rules 7.17 and 7.18. Attorney Smith was disqualified to practice law in May 2011. There is no itemization of time or costs and the amount paid is higher than the statutory fee would have been based on this accounting.**

Note: Petitioner states she was directed to pay this amount to file the final documents because the judge was aware the estate was insolvent and was ready to close the probate. Petitioner had no reason to doubt her attorney and gave the check (copy attached) to the runner.
- 9. Notice to beneficiary Johanna Wolfe was sent "C/O" to an address in Merced. Need clarification. Cal. Rule of Court 7.51 requires direct notice.**
- 10. Petitioner does not address Probate Code §9202(b) (notice to the Director of the California Victim Compensation and Government Claims Board).**
- 11. Petitioner does not address whether she is waiving her own commission as Administrator, or whether it will be due prior to creditor's payments or other distribution pursuant Probate Code §11420.**
- 12. Need Order in compliance with Local Rule 7.6.1.**
- 13. Based on the above items, an amended petition is necessary. Alternatively, a petition on waiver may be an option (if waivers from the other beneficiaries can be obtained).**

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 2 months	<p align="center"><u>TEMPORARY GRANTED EX PARTE; TEMPORARY EXPIRES 10/12/11</u></p> <p>ANN FRANK, maternal great aunt, is Petitioner.</p> <p>Father: IRMAN WILLIAMS; <i>Declaration of Due Diligence filed 8/11/2011; Court dispensed with notice per Minute Order of 8/29/11.</i></p> <p>Mother: MERCEDEZ DAVIS; <i>personally served 8/22/11 and again on 10/3/11</i></p> <p>Paternal grandfather: Unknown Paternal grandmother: Unknown</p> <p>Maternal grandfather: Fude Davis; <i>incarcerated;</i> Maternal grandmother: Fontell Amous</p> <p>Petitioner states the mother gave birth to the child with a positive test for cocaine, and the Department of Social Services placed a hold on the child on 8/8/11. Petitioner states the child was placed in her care and she seeks guardianship as the mother is unable to care for the child at this time, and Petitioner can provide for his needs and provide a stable home for the child, and is able to love and nurture him as she does with her own children.</p> <p>Court Investigator’s Julie Negrete’s Report, filed 10/5/11.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Need proof of mail service 15 court days prior to the hearing of the <i>Notice of Hearing</i> along with a copy of the <i>Petition</i> <u>or</u> consent to appointment of guardianship and waiver of notice <u>or</u> declaration of due diligence for: <ol style="list-style-type: none"> Maternal grandfather, Fude Davis (“incarcerated”) Maternal grandmother, Fontell Amous <i>Petition</i> indicates minor’s paternal grandparents are unknown. Court may require proof of 15 court days’ service by mail of <i>Notice of Hearing</i> along with a copy of <i>Petition</i> <u>or</u> consent to appointment of guardianship and waiver of notice <u>or</u> declaration of due diligence for: <ol style="list-style-type: none"> Paternal grandparents (“Unknown”) 	
DOB: 8/3/2011			
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
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			
<p>Reviewed by: NRN</p> <p>Reviewed on: 10/5/11</p> <p>Updates: 10/6/11, 10/11/11</p> <p>Recommendation:</p> <p>File 17 - Williams</p>			

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 3.5 months	<p><u>TEMPORARY PETITION</u> <u>GRANTED EX PARTE;</u> <u>TEMPORARY EXPIRES</u> <u>10/12/11</u></p> <p>JORGE A. RAMOS AND ELVIRA RAMOS, maternal grandparents, are Petitioners.</p> <p>FATHER: JASON JOSEPH MARTINEZ; <i>Declaration of Due Diligence filed 8/12/11</i></p> <p>MOTHER: ROSARIO GUADALUPE RAMOS; <i>Declaration of Due Diligence filed 8/12/11</i></p> <p>Paternal grandfather: NOT LISTED Paternal grandmother: NOT LISTED</p> <p><u>Petitioners state:</u> When he was 2 months old, the minor was abandoned by the parents at Petitioners' home. The minor's parents are homeless and unstable. Petitioners do not know where the mother and father currently are. Both mother and father have priors and a history of substance abuse and violence. Petitioners are able to provide a safe environment for the minor. <i>(Per UCCJEA, the minor has resided with the Petitioners since 8/8/11.)</i></p> <p><u>Court Investigator Jennifer Young's report, filed 10/4/11.</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Petitioners have filed <i>Declarations of Due Diligence</i> for both Mother and Father, claiming they have tried contacting both at their last known telephone number, and that mother and father homeless and their whereabouts are unknown. If Court does not dispense with notice, need proof of 15 court days' notice by personal service of the Notice of Hearing and a copy of the Petition <u>or</u> consent and waiver of notice for: <ol style="list-style-type: none"> Father (Jason Joseph Martinez) Mother (Rosario Guadalupe Ramos) <i>Petition</i> does not identify the minor's paternal grandparents by name. Court may require proof of 15 court days' service by mail of <i>Notice of Hearing</i> along with a copy of <i>Petition or</i> consent to appointment of guardianship and waiver of notice <u>or</u> declaration of due diligence for: <ol style="list-style-type: none"> Paternal grandparents 	
DOB: 6/16/11			
Cont. from			
Aff.Sub.Wit.			
√ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
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			
<p>Reviewed by: NRN</p> <p>Reviewed on: 10/5/11</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 18 - Martinez</p>			

DOD: 7/13/11		<p>RAYMOND LOVEJOY, son and named Alternate Executor without bond, is Petitioner. Named Executor declines to act.</p> <p>Will dated- 7/23/92</p> <p>Full IAEA – o.k.</p> <p>Residence – Clovis, CA Publication – Fresno Business Journal</p> <p>Estimated value of estate: Personal property \$ 650.00 Annual income Real property \$240,000.00</p> <hr/> <p>Total \$240,650.00</p> <p>Probate Referee: Rick Smith (already appraised estate assets – Final I&A filed 9/27/11)</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><i>[Note: Per final I&A filed 9/27/11, the real property was valued at \$215,000 and the personal property \$650.00, for a stated total estate value of \$215,650.00.]</i></p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit. s/p		
<input checked="" type="checkbox"/>	Verified		
<input checked="" 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 checked="" 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		
<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: NRN</p> <p>Reviewed on: 10/5/11</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 19 - Lovejoy</p>	

Atty Gosselin, DeAnna
 Atty Gosselin, Jacob
 Atty Betz, Joyce
 Atty Toby, Melissa Mae

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

Age:		NEEDS/PROBLEMS/COMMENTS: <u>OFF-CALENDAR; PETITION DENIED PER MINUTE ORDER OF 10/4/11</u>
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: NRN
		Reviewed on: 10/5/11
		Updates:
		Recommendation:
		File 20 - Huggins