



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.

7th Account and Report of Conservator, Allowance of Attorney Fees,
Motion for Reduction of Bond and For Substitution and Release of Surety

		<p>MARY McCALL, mother and Conservator of the Person and Estate, is Petitioner.</p> <p align="center">~Please see Petition for details~</p> <p>Court Investigator's Report was filed 6/1/2016.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Bank account statements were not filed confidentially in a separate affidavit in accordance with Probate Code § 2620(c)(7). (Note: This issue is raised for future reference of the attorney.)</p> <p>Note: Court will set status hearings as follows:</p> <ul style="list-style-type: none"> Thursday, November 17, 2016 at 9:00 a.m. in Dept. 303 for the filing of proof of reduced bond of \$380,000.00; and of the <i>Receipt and Acknowledgment of Order for the Deposit of Money Into Blocked Account</i> (Judicial Council form MC-356) for \$100,000.00. <p>and</p> <ul style="list-style-type: none"> Thursday, August 30, 2018 at 9:00 a.m. in Dept. 303 for the filing of the eighth account. <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				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
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<input type="checkbox"/>	FTB Notice			
		<p>Reviewed by: LEG</p> <p>Reviewed on: 10/5/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1- McCall</p>		

3A James Gardner III (GUARD/E)

Case No. 07CEPR00723

Attorney Markeson, Thomas A. (for Valerie Pearce-Gardner – Petitioner – Guardian)

Second and Final Report of Guardian on Waiver of Account; Petition for Allowance of Fees to Attorneys for Guardian and for Reimbursement of Costs Advanced by Attorneys; Petition for Reimbursement of Costs Advanced by Guardian; and Petition for Delivery of Assets

Age:18	VALERIE PEARCE-GARDNER , Guardian, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>3B is the Ex Parte Petition to Withdrawal Funds from Blocked Account.</p> <p>1. Petition requests that the estate be distributed to Valerie Pearce and Edward Hashim, Trustees of the James Gardner Trust, for the benefit of James Gardner, III. Need authority which would allow the estate to distribute to a trust and not to the adult beneficiary.</p>
	Accounting is waived	
Cont. from	Accounting - \$877,470.80	
<input type="checkbox"/> Aff.Sub.Wit.	Ending POH - \$873,335.85	
<input checked="" type="checkbox"/> Verified	Guardian - waives	
<input type="checkbox"/> Inventory	Guardian Reimbursement - \$9,002.55 (medical expenses)	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Attorney - \$4,713.75 (Per itemization for 20.95 hrs @ \$225/hr)	
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.	Costs - \$930.00 (filing fees)	
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	Closing - \$750.00	
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters 6/9/09	Petitioner prays for an order:	
<input type="checkbox"/> Duties/Supp	1. Approving, allowing and settling the first account and report;	
<input type="checkbox"/> Objections	2. Authorizing Petitioner to pay attorney fees in the sum of \$4,713.75;	
<input type="checkbox"/> Video Receipt	3. Authorizing Petitioner to pay reimbursement for costs advanced in the sum of \$930.00;	
<input type="checkbox"/> CI Report	4. The Court order distribution of the balance of funds, \$857,939.55 to Valerie Pearce and Edward Hashim as Trustees of the James Gardner Trust, fbo James Gardner, III.	
<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		
		Reviewed by: LV
		Reviewed on: 10/05/2016
		Updates:
		Recommendation:
		File 3A- Gardner

Age:18		<p>VALERIE PEARCE, Guardian, is petitioner.</p> <p>Petitioner requests the Court allow withdrawal of funds from the blocked accounts as follows:</p> <ul style="list-style-type: none"> • Court ordered attorney fees in the amount of \$4,713.75 and costs in the amount of \$930.00. • Reimbursement of Medical expenses in the amount of \$9,002.55. • Reserve in the amount of \$750.00. • Final distribution in the amount of \$857,939.55 to Valerie Pence-Gardner and Edward Hashim, Trustees of the James Gardner Trust, fbo James Gardner, III. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: This petition is contingent on the court granting the petition on page 3A.</p>
Cont. from			
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<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: LV</p> <p>Reviewed on: 10/06/2016</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3B- Gardner</p>	

Petitioner Mary Gutierrez (Pro Per, non-relative)

Petition for Appointment of Guardian of the Person

		NO TEMPORARY REQUESTED	NEEDS/PROBLEMS/COMMENTS:
		MARY GUTIERREZ , non-relative (mother of three of the father's children), is Petitioner.	
		<i>~Please see Petition for details~</i>	<ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of personal service of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian</i>, or <i>Consent to Appointment of Guardian and Waiver of Notice</i>, or a <i>Declaration of Due Diligence</i>, for: <ul style="list-style-type: none"> • Miranda Higareda, mother. <p style="text-align: center;"><i>~Please see additional page~</i></p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
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<input type="checkbox"/>	CI Report	X	
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<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
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<input type="checkbox"/>	FTB Notice		
			Reviewed by: LEG
			Reviewed on: 10/5/16
			Updates:
			Recommendation:
			File 4- Garcia

4 Additional Page, Carlos Paul Garcia (GUARD/P) Case No. 11CEPR00475

NEEDS/PROBLEMS/COMMENTS, continued:

3. Need proof of service by mail of the *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence*, for:
 - Esmeralda Moreno, paternal grandmother;
 - maternal grandparents;
 - Odgreana Garcia, half-sibling, if age 12 or over;
 - Adreana Garcia, half-sibling, if age 12 or over;
 - Ariana Garcia, half-sibling, if age 12 or over;

4. Need Attachment 3 explaining answer to Item 3 of Petitioner's *Confidential Guardian Screening* form filed on 8/12/2016

5. Need Attachment 19 explaining answer to Item 19 of Petitioner's *Confidential Guardian Screening* form filed on 8/12/2016.

Attorney Janet L. Wright (for Bruce Bickel, Successor Trustee)

Petition for Instructions, for Imposition of Surcharge on Prior Trustee and for Approval of First Account and Report of Successor Trustee

James DOD: 3/13/2011	BRUCE BICKEL, Successor Trustee, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. <i>Petition</i> states no request for special notice has been filed in these proceedings; however, <i>Request for Special Notice</i> was filed 1/21/2014 by JAMIE STAR HAMILTON THOMAS, daughter, who was served with notice "C/O Spencer's RV Park" on 8/30/2016, per the <i>Proof of Service by Mail</i> of the <i>Notice of Hearing</i> filed 8/31/2016. Notice sent by mail must be mailed individually and directly to the person entitled to notice pursuant to CA Rule of Court 7.51(a)(1) and (2). Court may require direct notice to JAMIE STAR HAMILTON THOMAS.</p> <p>2. Need proposed order pursuant to Local Rule 7.1.1(F) which provides a proposed order shall be submitted with all pleadings that request relief.</p>
	Petitioner states:	
	<ul style="list-style-type: none"> Settlor JAMES O. HAMILTON established the JAMES O. HAMILTON LIVING TRUST on 4/16/2003, for which he served as initial Trustee, and which he amended on 12/20/2007 (<i>copy of the Trust and the Amendment attached as Exhibit A</i>); The Trust became irrevocable on James Hamilton's death, and following his death, the beneficiaries of the Trust were JAMIE STAR HAMILTON THOMAS, daughter, WADE HAMILTON, son, CYNTHIA ANN BARTON his granddaughter, and RICHARD ALLEN THOMAS, grandson, each as to a 25% interest, to be held in 4 separate sub-trusts for each of their benefit; Pursuant to Trust terms, GARY K. aka GARY C. HAMILTON, adopted son, began serving as the first Successor Trustee at the death of the Settlor; during his administration, Beneficiary Jamie filed a <i>Petition to Remove Trustee</i> on 6/3/2013; shortly before a trial was scheduled to commence, Gary resigned as part of an overall settlement documented in the <i>Order Upon Stipulation</i> filed on 1/8/2015 (<i>copy attached as Exhibit B</i>); an accounting for Gary's term as First Successor Trustee (March 13, 2011 through April 30, 2015) was delivered to Successor Trustee Bruce Bickel on 6/12/2015 (<i>see copy of Gary Hamilton's Account attached hereto as Exhibit C</i>); 	
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	~Please see additional page~	
	Reviewed by: LEG	
	Reviewed on: 10/6/16	
	Updates:	
	Recommendation:	
	File 5- Hamilton	

Petitioner states, continued:

- Pursuant to the Order Upon Stipulation, Petitioner **BRUCE BICKEL** was appointed by the Court to act as Successor Trustee on 1/8/2015; however, Petitioner did not receive any Trust assets until 5/22/2015, when the funds from the Trust's bank account were delivered to him. Petitioner received no information about the specific character, value and status of the Trust assets until Gary Hamilton's Account was received on 6/12/2015;
- **Review of Prior Trustee Gary K. Hamilton's Administration.** Pursuant to the Order Upon Stipulation, Petitioner was directed to "review the Prior Trustee's Report and Account and all acts of the prior Trustee during his term as Trustee of the Trust." The Order Upon Stipulation further denotes that after review and taking into consideration the recommendations of the Trust Beneficiaries, Petitioner "in his sole, unfettered and absolute discretion" was to determine what, if any, action should be taken "against Gary C. Hamilton, the Prior Trustee, for his actions or inactions during his term as Trustee of the Trust."
- *[Please see pages 3 to 14 of Petition for Review and Recommendations by Petitioner of prior Trustee Gary K. Hamilton's Administration];*

Trustee's Request for Instructions Re Further Action by Petitioner Regarding Stipulated Order.

- Petitioner is satisfied that he has identified the most egregious instances of breach in the prior Trust administration which would support the imposition of a surcharge. Pursuant to the surcharges outlined above, if all or a portion of them are subject to objection, substantial additional costs will be incurred in resolving these claims;
- Based on the fact that the identified claims are substantial as are the costs anticipated to pursue those claims, Petitioner has concluded that it will not be cost effective nor otherwise to the benefit of the Trust Beneficiaries to undertake further analysis and investigation of the prior Trust administration to identify additional claims, if any;
- Petitioner has consulted with the Trust Beneficiaries regarding this matter and believes that a majority are in agreement that the issues pursued further should be limited to those identified above and that further investigation (as to NEW issued not yet identified) should be curtailed;
- Petitioner believes that a minority of the Beneficiaries would prefer that the investigation be further pursued, including, but not limited to, the collection, review and analysis of all source documents supporting Gary Hamilton's Accounting;
- In light of the conflict in positions, Petitioner requests an instruction from the Court directing that other than pursuit of the potential claims identified in this Petition on which Petitioner has recommended a surcharge, no further action needs to be taken by Petitioner regarding the prior period of administration and an Order be issued confirming that Petitioner has fully fulfilled his fiduciary obligations under the Order Upon Stipulation and otherwise in regards to the prior Trust administration.

~Please see additional page~

Account and Report of Successor Trustee: Account period 1/8/2015 – 6/30/2016

Accounting	-	\$981,302.65
Beginning POH	-	\$981,235.84
Ending POH	-	\$102,782.95
Trustee Fees	-	Not addressed
Attorney Fees	-	Not addressed

- **Assets Not Acquired by Trustee.** On the Schedule listing "ending assets on hand" on Gary Hamilton's Accounting Gary Hamilton lists a series of assets which are delineated as never being in his possession. These assets were not delivered to Petitioner. Attached as Exhibit M are Schedules showing the assets listed as ending assets on Gary Hamilton's Accounting which were not delivered to Petitioner;
- It is Petitioner's position, as set forth previously in more detail in this Petition, that it would not be cost effective or to the benefit of the Trust Beneficiaries to pursue collection and/or marshaling of these assets, except for the potential collection of and/or surcharge for the California income tax refund attributed to withholding from escrow;
- **Period Not Covered by Accounting.** Petitioner did not receive any assets prior to 5/22/2015, even though he was appointed on 1/8/2015. Although Gary Hamilton's Account accounts through 4/30/2015, there is not actual account data for the period 5/1/2015 through 5/22/2015. Petitioner's review of Gary Hamilton's Account and his receipt of assets would indicate that there were no transactions during this period. It is Petitioner's position that it would not be cost effective nor beneficial to the Trust Beneficiaries to further investigate this time period.

Petitioner requests the Court Order:

1. That Gary Hamilton be surcharged in the total amount of **\$382,645.66**, broken down as follows:
 - a. **\$359,786.66** with regard to the collection Clovis Note as of August 30, 2016, with additional interest through date of payment;
 - b. **\$21,359.00** with regard to the collection of interest on the Tollhouse Note; and
 - c. **\$1,500.00** for bookkeeping services paid to Tamera Notley.
2. That Gary Hamilton be surcharged in additional amounts (i) as determined by the Court for fees for Trustee, CPA and attorney for Trustee in regards to review any analysis pursuant to the Order Upon Stipulation, and (ii) for failure to collect California withholding refund unless proved not to be due;
3. That Successor Trustee Bruce Bickel has fulfilled his fiduciary obligation in regards to the direction to him under the Order Upon Stipulation to review the administration of the Trust prior to the filing of the Order Upon Stipulation or otherwise and that Successor Trustee Bruce Bickel be directed not to take any further action with regard to the administration of the Trust prior to his appointment as Successor Trustee except to pursue the claims set forth in this Petition;
4. That the First Account and Report of Bruce Bickel as Successor Trustee be settled, allowed and approved as filed; and
5. That all acts and proceedings of Bruce Bickel as Successor Trustee as set forth in the Petition be confirmed and approved.

Ex Parte Application for Enforcement of Order and for Sanctions

		<p>McKENNA FRASCH, mother, is petitioner.</p> <p>LAURIE FRIES, paternal grandmother, was appointed guardian on 9/18/14.</p> <p>Petitioner states on 9/6/2016 the Court heard the guardian's ex parte request to suspend and modify the then existing order re: mother's visitation with minor. Both parties appeared at the hearing. The Court ordered the visitation continue to be once a week for two hours, but that visitation would occur at Child Supportive Services (CSS) in Clovis, CA. The Court further ordered that guardian and mother were to share the costs and were both to register with CSS "forthwith."</p> <p>Petitioner states on 9/7/2016 she registered with CSS and paid the required \$25 fee. On 9/12/2016, petitioner spoke with CSS (Nathan Henning) to confirm the visit would occur on 9/13/2016 and was informed that guardian "<i>declined to register at this time.</i>" Mr. Henning stated he would prepare a letter to that effect and later informed petitioner that CSS charged a \$50 fee for such a letter, which petitioner paid. According to Mr. Henning and per the letter he provided (Exhibit C of petition), CSS is unable to commence any services regarding visitation of mother with son as ordered by the Court, because of guardian's refusal to register.</p> <p>Petitioner asks the Court to compel guardian to abide by the order of the Court and further asks that the Court order guardian to reimburse petitioner the \$50 spent to obtain the letter from CSS regarding guardian's failure to abide by the Court's order.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute order 9/6/2016 orders visitation moved to CSS for two hours per week; costs to be shared equally by Lauri Fries (guardian) and McKenna Frasch (mother). Visitation is suspended until they begin at CSS; both parties are to register forthwith.</p> <p>Court order dated 9/21/2016 re: ex parte application for enforcement of order and for sanctions orders a <i>Notice of Hearing</i> and copy of the ex parte petition be served on Guardian Laurie Fries at least 5 court days prior to the hearing.</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of service at least 5 court days prior to the hearing of the <i>Notice of Hearing</i> with a copy of the petition on Guardian Laurie Fries.** <p>**Note: A proof of service of a notice of hearing in a pleading format was filed 9/23/2016, but was not on the mandatory use <i>Notice of Hearing (GC-020)</i> form. Further, the notice lists the correct hearing date, time and department, but does not show a copy of the ex parte petition was served along with the notice.</p>
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
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	FTB Notice		
		Reviewed by: SEF	
		Reviewed on: 10/5/2016	
		Updates:	
		Recommendation:	
		File 8- Fries	

Attorney Daniel J. Tekunoff and Paul Pimentel (for Petitioner Robert Chung)
 Attorney Randolph Krbechek (for Respondent Susan Hanley)

First Account by Susan Hanley, Former Trustee, and Petition for its Approval

Helene Chung DOD 10/6/2012	ESTHER FRANCINE SOTELO , Trustee, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 8/11/2016. Minute Order states Mr. Pimentel states that he has concerns with the accounting. Written objections are to be filed no later than 9/27/2016, with any replies due by 10/6/2016.</p> <p>Note: Court records show no written objections filed as of 10/5/2016.</p> <p>Notes for background:</p> <ul style="list-style-type: none"> • ROBERT CHUNG, Beneficiary and named successor trustee, filed a <i>Petition for Removal of Trustee, Accounting, Surcharge to Trustee for Damage to Estate, Damages for Breach of Fiduciary Duty, and Appointment of Successor Trustee</i> on 7/16/2014. • Respondent, SUSAN HANLEY, filed a <i>Notice of Motion and Motion for Order Setting Aside and Vacating Order Removing Trustee</i> and supporting documents on 10/21/2014. • Minute Order from Court Trial on 03/13/15 set a status hearing re Resolution of the Case and Issue of Surcharge, and states: Parties have reached an agreement as to the removal of the Trustee and have a formal written resignation; a written stipulation is being circulated for signatures. • Court records show no stipulation filed with the Court as indicated in the Minute Order of 3/13/2015.
	Account period: 12/28/2006 – 2/18/2015	
	Accounting - \$221,087.94	
	Beginning POH - \$125,000.00	
	Ending POH - \$172,917.57 <i>(real property; \$47,917.57 is cash)</i>	
Cont. from 092415, 011416, 042116, 081116	Former Trustee Exp. - \$30,348.16 <i>(expenses incurred for real property on Garland Ave.; Petitioner requests reimbursement;)</i>	
<input type="checkbox"/> Aff.Sub.Wit.	Former Trustee Exp. - \$55,029.86 <i>(personal expenses incurred by the Trustor; Petitioner has been reimbursed for \$17,073.17; Petitioner requests reimbursement of \$37,956.69;)</i>	
<input checked="" type="checkbox"/> Verified <small>By Atty</small>	Attorney - Not requested	
<input type="checkbox"/> Inventory	Petitioner prays for an Order approving, allowing and settling the First Account and Report of the former Trustee for the accounting period from 12/28/2006 to 2/18/2015.	
<input type="checkbox"/> PTC		
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<input checked="" type="checkbox"/> Notice of Hrg		
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		Reviewed by: LEG
		Reviewed on: 10/5/16
		Updates:
		Recommendation:
		File 9 – Chung

Attorney David N. Knudson (for Executor Daniel Trzebiatowski)

Order to Show Cause Re: Filing of the First or Final Account

DOD: 12/102014	DANIEL TRZEBIATOWSKI , Trustee of the MITJL CARVALHO CAPET TRUST , was appointed Executor with Full IAEA authority without bond on 6/17/2015. Letters issued on 6/19/2015.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	Final Inventory and Appraisal was filed 1/21/2016 showing an asset value of \$26,000.00 .	
Aff.Sub.Wit.	Partial No. 1 Inventory and Appraisal was filed 1/4/2016 showing an asset value of \$481,991.86 .	
Verified	Pursuant to Probate Code § 12200 , first account and/or petition for final distribution was due 6/19/2016 .	
Inventory	Minute Order dated 9/14/2016 from the Status Hearing for filing of the first account and/or petition for final distribution states:	
PTC	<ul style="list-style-type: none"> The Court issues an Order to Show Cause to DANIEL TRZEBIATOWSKI as to why he should not be removed as Executor for his failure to file the first or final account. Mr. TRZEBIATOWSKI is ordered to be personally present in court of present via CourtCall on 10/12/2016. 	
Not.Cred.	Clerk's Certificate of Mailing shows a copy of the Minute Order dated 9/14/2016 was mailed to Daniel Trzebiatowski on 9/14/2016.	
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
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CI Report		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 10/5/16
		Updates:
		Recommendation:
		File 12- Capet

Attorney David N. Knudson (Petitioner, Court-appointed for Conservatee)

Petition for Fees to Court Appointed Attorney

		<p>DAVID N. KNUDSON, Attorney court-appointed on 5/20/2015 to represent the Conservatee, is Petitioner.</p> <p align="center">~Please see Petition for details~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note for background: Minute Order dated 9/27/2016 from the hearing on the Public Guardian's First Account states the Court orders that the \$435.00 filing fee paid by Mr. Knudson is to be refunded. Counsel suggest, and each agree, that it is acceptable to pay Mr. Knudson \$500.00 now, and then an additional \$500.00 upon availability. The Court indicates that it is willing to approve the agreed upon fees at the 10/12/2016 hearing on the petition for attorney fees.</p> <p>1. Need proposed order pursuant to Local Rule 7.1.1(F) which provides a proposed order shall be submitted with all pleadings that request relief.</p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
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<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			
		<p>Reviewed by: LEG</p> <p>Reviewed on: 10/6/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13- Owen</p>		

Attorney Lance E. Armo (for Administrator Tony Gutierrez)

Probate Status Hearing Re: Filing of the First or Final Account

DOD: 4/16/2009	TONY GUTIERREZ , son, was appointed Administrator with full IAEA authority without bond on 7/13/2015.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Request for Dismissal filed 8/17/2016 indicates the dismissal was not entered as requested because an order has been made appointing Tony Gutierrez as Administrator. Declaration of Lance E. Armo Regarding Dismissal of Matter attached to the Request for Dismissal states he has lost all contact with the Administrator, and the filing of this matter was to complete a short sale of the real property of Decedent's estate, but the property was not sold and it is his understanding that the property has been lost to foreclosure. A request for dismissal is an inappropriate mechanism for closing a no-asset estate.</p> <p>1. Declaration of Counsel Lance E. Armo Regarding Filing of First Accounting and Status Conference filed 10/5/2016 is insufficient to close the instant estate proceeding. Need final report of the Administrator and/or of the Attorney for the Administrator (including payment of a \$435.00 filing fee), and proof of service to all heirs named in the Petition for Probate filed 6/2/2015 pursuant to Probate Code § 12200 et seq., as follows:</p> <ul style="list-style-type: none"> • Tony Gutierrez; • Gabriel A. Gutierrez; • Georgette Flores; • Fernando Gutierrez; • Debbie Gutierrez; • Esther Silvia Flores Gutierrez.
Cont. from	Letters issued on 7/15/2015.	
Aff.Sub.Wit.	Pursuant to Probate Code § 8800(b) , Final Inventory and Appraisal was filed 12/21/2015 showing an estate value of \$70,000.00.	
Verified	Pursuant to Probate Code § 12200 , first account and/or petition for final distribution was due 7/15/2016.	
Inventory	Minute Order dated 7/8/2015 from the hearing on the petition letters of administration set this status hearing on 10/12/2016 for filing of the first account and/or petition for final distribution.	
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	X	
UCCJEA		
Citation		
FTB Notice		
Reviewed by: LEG		
Reviewed on: 10/6/16		
Updates:		
Recommendation:		
File 14- Gutierrez		

Attorney J. Stanley Teixeira (for Petitioner Tatum A. Toste)

Probate Status Hearing Re: Filing Inventory & Appraisal

DOD: 3/21/2016	TATUM A. TOSTE , daughter, was appointed Administrator without bond on 5/11/2016.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need <i>Final Inventory and Appraisal</i> pursuant to Probate Code § 8800(b),</p> <hr/> <p>Reviewed by: LEG</p> <p>Reviewed on: 10/6/16</p> <hr/> <p>Updates:</p> <p>Recommendation:</p> <p>File 17- Tavares</p>
	Letters issued on 5/16/2016.	
Cont. from	Pursuant to Probate Code § 8800(b) , <i>Final Inventory and Appraisal</i> was due 9/16/2016 .	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory	Minute Order dated 5/11/2016 from the hearing on the petition for letters of administration set the matter for a Status Hearing on 10/12/2016 for filing of the final inventory and appraisal.	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	Status Report; Declaration of Tatum A. Toste filed 10/3/2016 states:	
<input checked="" type="checkbox"/> Aff.Mail	W/	
<input type="checkbox"/> Aff.Pub.	<ul style="list-style-type: none"> Decedent and his sister, as beneficiaries of their mother's estate, received real property in undivided interests. The real property consisted of farm land and two residences, all constituting one parcel; Prior to his death, Decedent and his sister began proceedings with the County of Fresno for lot line adjustments and the separation of the residences into distinct parcels; He had hoped the process would be completed by now, but have been informed that it will still take a while longer to complete; It is because of this that he does not yet have legal descriptions or Assessor Parcel Numbers for the real property that is to be included in the estate; Given this situation, he shall submit a partial Inventory and Appraisal of the other assets in the estate; when the property division with the County of Fresno is completed and he has Assessor Parcel Numbers and legal descriptions for the affected real property, he will then submit the final Inventory and Appraisal. 	
<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 Order		
<input type="checkbox"/> Aff. Posting		
<input checked="" type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Petition for Appointment of Guardian of the Person

		<u>NO TEMPORARY; denied 9/6/2016</u>	NEEDS/PROBLEMS/COMMENTS:	
		MARIA BAUTISTA , paternal grandmother and former guardian, is petitioner.	<p>Minute order 9/6/2016 from temporary hearing denied temporary and states Felipe Bautista (father) is admonished to make contact between the grandmother and the minor possible.</p> <p style="text-align: center;">See additional page.</p>	
Cont. from		<i>Please see petition for details.</i>		
<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.			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 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 checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: SEF	
			Reviewed on: 10/5/2016	
			Updates:	
			Recommendation:	
			File 23- Rodriguez	

NEEDS/PROBLEMS/COMMENTS, *continued*:

1. Need proof of personal service with at least 15 days notice of the *Notice of Hearing* with a copy of the petition or consent and waiver of notice for:
 - a. Felipe Bautista (father)
2. Need proof of service with at least 15 days notice of the *Notice of Hearing* with a copy of the petition or consent and waiver of notice or declaration of due diligence for:
 - a. Kathy Ann Noriega (maternal grandmother)
 - b. Siblings: Janessa, Josiah, Jesse and Julian Gonzalez;, Isaac, Isaiah and Makayla Bautista – *if 12 years or older*
3. Need proof of service of declarations filed 8/25/2016 and 9/29/2016 on:
 - a. Felipe Bautista (father)
 - b. Victor Manuel Noriega (maternal grandfather)
 - c. Kathy Ann Noriega (maternal grandmother)