

**Report of Sale and Petition for Order Confirming Sale of Real Property**

<b>DOD: 7-22-02</b>		<p><b>THOMAS MORENO</b>, Administrator with Limited IAEA, is Petitioner.</p> <p>Sale price: \$67,000.00 Overbid: \$70,850.00</p> <p>Reappraisal: \$70,000.00</p> <p>Property: 1438 South Sierra Vista Avenue, Fresno, CA. APN 471-081-04</p> <p>Publication: Fresno Business Journal</p> <p>Buyer: Chong Yang, a married man as sole &amp; separate property</p> <p>Broker: \$4,020.00 (6%) –\$2,45.00 (3.5%) to Chee Cindy Moua and \$1,675.00 (2.5%) to Jim Vang</p> <p>Property to be sold as is, purchase price to be paid entirely in cash. Buyer and seller shall each pay one half escrow fee and one half county transfer taxes.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Note:</u> Order for Probate 12-11-07 requires that any sale of property must be court confirmed and that sale proceeds are ordered to be deposited to a blocked account.</p> <p><u>Note:</u> The Court will set a status hearing for Friday 11-22-13 for filing of receipt for deposit of proceeds to blocked account.</p> <p>(The status hearing for failure to file the accounting / petition for final distribution was previously continued to that date.)</p> <p><u>Note:</u> There is a creditor's claim filed 11-6-07 by CA Dept. of Health Care Services for \$8,112.08, and there is also a lien on the share of beneficiary Frank Moreno for \$400.00 by CA Victim Compensation and Government Claims Board per Notice of Lien filed 8-13-07. On 10-3-13, an Assignment of Interest was filed indicating that Frank Moreno assigns his interest in the estate to Thomas Moreno.</p> <p><u>Please note that this does not affect the instant petition; however,</u> the assignment may not be appropriate pursuant to Probate Code §279, since it does not appear to have been filed within a reasonable time after knowledge of the interest, and further was filed approx. five years after notice of the lien. The Court will address this issue at a future hearing on the petition for final distribution.</p>
<input type="checkbox"/>	Aff.Sub.Wit.		
<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 checked="" type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	1-29-08	
<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 checked="" type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: skc	
		Reviewed on: 10-16-13	
		Updates:	
		Recommendation:	
		File 1 – Moreno	

**2 Demetra Araujo (Estate)**

**Case No. 11CEPR00455**

**Atty Wright, Judith A. (for R. Anthony Araujo – Executor/Petitioner)**

**(1) First and Final Report of Executor and (2) Final Distribution without an Accounting and (3) for Allowance of Compensation for Ordinary and Extraordinary**

<b>DOD: 11/11/10</b>	<b>R. ANTHONY ARAUJO</b> , Executor, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Accounting is waived.	
<b>Cont. from</b>	I & A - <b>\$588,293.00</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	POH - <b>\$587,933.50</b>	
<input checked="" type="checkbox"/> <b>Verified</b>	(\$22,933.50 is cash)	
<input checked="" type="checkbox"/> <b>Inventory</b>	Executor - <b>waives</b>	
<input checked="" type="checkbox"/> <b>PTC</b>	Attorney - <b>\$14,610.72</b> (90% of statutory fee)	
<input checked="" type="checkbox"/> <b>Not.Cred.</b>	Attorney x/o - <b>\$3,600.00</b> (to Joanne Sanoian for representation of the estate in recovery of fund owed the estate from the Nick & Nicoletta Agrapidis Living Trust)	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b> 08/17/11	<b>Distribution, pursuant to decedent's will, is to:</b>	
<b>Duties/Supp</b>	R. Anthony Araujo - \$4,722.78 cash, plus real property valued at \$565,000.00	
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<input checked="" type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<input checked="" type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 10/16/13
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 2 – Araujo</b>



**4 Alexander Joseph Camp (GUARD/PE)**

**Case No. 12CEPR00676**

**Atty Roberts, Gregory J. (for Petitioners/Guardians Toby Taylor and Amy Taylor)**

**(1) First Account and Report of Guardians and (2) Petition for Its Approval: for Reimbursement of Expenses, (3) for Allowance of Fees and Costs, and for Waiver of (4) Future Accountings**

<b>Age: 8 years</b>	<b>TOBY JOSEPH TAYLOR and AMY MARIE TAYLOR</b> , guardians, are petitioners.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing.</li> <li>2. Need proof of service of the Notice of Hearing on:             <ol style="list-style-type: none"> <li>a. Alexander Camp (minor)</li> </ol> </li> <li>3. Attorney's fee declaration includes several charged for review of examiner notes, e-mails to examiner regarding notes, obtaining/checking calendar notes. Local Rule 7.17B states communications with the Probate Examiners is not a reimbursable cost.</li> </ol>
	Account period: 10/3/12 – 7/31/13	
	Accounting - <b>\$21,290.40</b>	
	Beginning POH - <b>\$21,287.87</b>	
	Ending POH - <b>\$21,290.40</b>	
<b>Cont. from</b>	(all funds are in a blocked account)	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Guardians costs - <b>\$511.00</b> (a portion of the filing fees and certified copies)	
<input checked="" type="checkbox"/> <b>Verified</b>	Attorney - <b>\$4,613.00</b> (\$2,870.00 has already been paid by the guardians for which the seek reimbursement leaving a remaining balance of 1,743.00, time is charge at 13.25 attorney hours @ \$280/hr. and 6.45 paralegal hours @ \$140/hr.)	
<input type="checkbox"/> <b>Inventory</b>	Attorney costs - <b>\$543.00</b> (filing fee, certified copies and court call)	
<input type="checkbox"/> <b>PTC</b>	Petition states all funds are in a blocked account and request the authority to waive future accountings until the termination of the guardianship.	
<input type="checkbox"/> <b>Not.Cred.</b>	<b>Petitioners pray for an order:</b>	
<input type="checkbox"/> <b>Notice of Hrg</b> <input checked="" type="checkbox"/>	1. Settling and allowing the first account and approving and confirming the acts of petitioners as guardians.	
<input type="checkbox"/> <b>Aff.Mail</b> <input checked="" type="checkbox"/>	2. Approving reimbursement of attorney fees and costs paid by the petitioners;	
<input type="checkbox"/> <b>Aff.Pub.</b>	3. Approving attorney fees and costs;	
<input type="checkbox"/> <b>Sp.Ntc.</b>	4. Waiving future accountings until the termination of the guardianship.	
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input checked="" type="checkbox"/> <b>2620(c)</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		

**Reviewed by: KT**

**Reviewed on: 10/18/2013**

**Updates:**

**Recommendation:**

**File 4 – Camp**

(1) First and Final Report of Executrix and Petition for Its settlement on Waiver of Account and (2) for Allowance of Statutory Fees to Executrix and Attorney for Ordinary Services and (3) for Final Distribution

<b>DOD: 07/23/12</b>	<b>DEBBIE M. KORTE</b> , Executor, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>CONTINUED FROM 10/07/13</b>  <b>Minute Order from 10/07/13 states: No appearances. Clerk to send Minute Order &amp; OSC. Daniel McCloskey and Executor are ordered to be present on 10/21/13.</b></p> <p><b>As of 10/16/13, the following remains outstanding:</b></p> <ol style="list-style-type: none"> <li>Decedents will leaves her estate to her children who survive her or to the decedents of any deceased child. Decedent's son, Darrell Ray Pat Frantz, died after the decedent on 08/15/12. Petitioner proposed to distribute Darrell's share to Spencer Frantz, however, since he died after the decedent, his share is distributable to Darrell Frantz' estate and cannot be distributed directly to Darrell's heirs without additional documentation/information. <b>Need Affidavit pursuant to Probate Code § 13100 executed by Spencer Frantz.</b>  <b>Note:</b> Declaration of Daniel T. McCloskey re Examiner's Notes filed 10/15/13 indicates that an Affidavit pursuant to Probate Code § 13100 has been forwarded to Mr. Frantz for execution and will be filed with court once received from Mr. Frantz.</li> </ol>
	Accounting is waived.	
	I & A - <b>\$165,000.00</b>	
	POH - <b>\$17,815.50</b> (all cash)	
<b>Cont. from 090913, 100713</b>	Executor - <b>\$5,740.00</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Executor costs - <b>\$3,129.43</b> (for expenses paid for house repairs, PG&E, mortgage payment, insurance, utilities)	
<input checked="" type="checkbox"/> <b>Verified</b>	Attorney - <b>\$5,740.00</b> (statutory)	
<input checked="" type="checkbox"/> <b>Inventory</b>	Costs - <b>\$1,255.00</b> (filing fees, publication, certified copies)	
<input checked="" type="checkbox"/> <b>PTC</b>	<b>Distribution pursuant to decedent's will, is to:</b>	
<input checked="" type="checkbox"/> <b>Not.Cred.</b>	Debbie M. Korte - \$478.76	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	William T. Frantz, III - \$478.77	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/	Heidi M. Frantz - \$478.77	
<b>Aff.Pub.</b>	Spencer Frantz - \$478.77	
<b>Sp.Ntc.</b>	<b>Status Report filed 10/15/13 states:</b>	
<b>Pers.Serv.</b>	Counsel for the Administrator failed to appear at the hearing on 10/07/13 due to a clerical error. Petitioner lives in West Des Moines, Iowa and is not able to attend the hearing on 10/21/13. Petitioner requests that she be excused from appearing on 10/21/13.	
<b>Conf. Screen</b>		
<b>Letters</b> 12/04/12		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<input checked="" type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<input checked="" type="checkbox"/> <b>FTB Notice</b>		
	<b>Reviewed by:</b> JF	
	<b>Reviewed on:</b> 10/16/13	
	<b>Updates:</b>	
	<b>Recommendation:</b>	
	<b>File 5A – Palmer</b>	

**Order to Show Cause**

<b>DOD: 07/23/12</b>		<p><b>DEBBIE M. KORTE</b>, daughter, was appointed Executor without bond on 12/04/13. Letters Testamentary were issued on 12/04/13.</p> <p><b>First &amp; Final Report of Executrix and Petition for its Settlement on Waiver of Account</b> was filed 07/31/13.</p> <p>There were no appearances at the hearing on 09/09/13 for the First &amp; Final Report of Executrix and the matter was continued to 10/07/13.</p> <p>There were no appearances again at the continued hearing on 10/07/13. <b>Minute Order from 10/07/13 set this matter for an Order to Show Cause and Ordered that Daniel McCloskey and Executor be personally present on 10/21/13.</b></p> <p><b>Clerk's Certificate of Mailing filed 10/07/13</b> states that a copy of the Minute Order dated 10/07/13 and Order to Show Cause were mailed to Petitioner and attorney Daniel McCloskey on 10/07/13.</p> <p><b>Status Report filed 10/15/13</b> states: Counsel for the Administrator failed to appear at the hearing on 10/07/13 due to a clerical error. Petitioner lives in West Des Moines, Iowa and is not able to attend the hearing on 10/21/13. Petitioner requests that she be excused from appearing on 10/21/13.</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from 090913, 100713</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>		
<input type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b> 12/04/12		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 10/16/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 5B – Palmer</b></p>	

**(1) First and Final Accounting & Report of Personal Representative; (2) Petition for Final Distribution of Ancillary Probate Estate**

<b>DOD: 08/16/12</b>		<p><b>J. LAVONNE BENNETT</b>, Executor, is Petitioner.</p> <p>Account period: 08/16/12 – 09/30/13</p> <p>Accounting -       <b>No Accounting has been presented</b></p> <p>I &amp; A               -       <b>\$175,000.00</b>          POH                -       <b>\$175,000.00</b></p> <p>Executor           -       <b>waived</b></p> <p>Attorney           -       <b>waived</b></p> <p><b>Distribution, pursuant to Decedent's Will, is to:</b></p> <p>J. Lavonne Bennett, Trustee of the Donald H. Bennett and J. Lavonne Bennett Trust -       Real property valued at \$175,000.00 (100% of the estate)</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. The Petition does not include an accounting nor has a waiver of accounting been filed by the beneficiary of the estate. Need accounting to include a summary of account and all relevant schedules (see Probate Code § 1061 and 1064) <u>or</u> waiver of accounting from J. Lavonne Bennett as Trustee of the Donald H. Bennett and J. Lavonne Bennett Trust. <u>Note:</u> If a waiver of account is filed by the Trustee, the Trustee must also file a written acceptance of the Trust. (See Probate Code § 10954(b)(4).)</p> <p>2. Petitioner states that Notice of this Petition was provided to the Franchise Tax Board (FTB) pursuant to Probate Code § 9202(c)(1); however, Probate Code § 9202(c)(1) provides that Notice to the FTB is to be made not later than 90 days after the issuance of Letters. In this case, Notice was provided to the FTB on 09/17/13. The Court may require additional time to allow the FTB to make a claim against the estate given the late notice.</p> <p>3. The Petition does not address notice to the Victims Compensation Board as required pursuant to Probate Code § 9202(b).</p>
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input checked="" type="checkbox"/>	<b>Inventory</b>		
<input checked="" type="checkbox"/>	<b>PTC</b>		
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> w/		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b> 03/21/13		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b> x		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		
<b>Reviewed by:</b> JF		<p><b>Reviewed on:</b> 10/16/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 6 – Bennett</b></p>	
<b>Reviewed on:</b> 10/16/13			
<b>Updates:</b>			
<b>Recommendation:</b>			
<b>File 6 – Bennett</b>			

**Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)**

<b>DOD: 7/18/2010</b>	<b>SHAWN SMITH</b> , Nephew, is petitioner and requests appointment as Administrator with bond set at \$60,000.00.		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 9/9/13. Minute order states Ms. Tracy, Ms. Whiting and Mr. Wardlaw object to the petition. Matter is continued to 10/21/13 to allow for the filing of a competing petition. As of 10/16/13 a competing petition has not been filed.</b></p> <p>1. #8 of the petition lists several persons as deceased. Local Rule 7.1.1D requires the date of death to be included in the petition.</p> <p><b>Note:</b> If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> <li><b>Friday, November 22, 2013</b> at 9:00 a.m. in Department 303, for the filing of the bond.</li> <li><b>Friday, March 21, 2014</b> at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.</li> <li><b>Friday, December 19, 2014</b> at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.</li> </ul> <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p> <p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 10/16/13</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 7 – Wardlaw</b></p>
<b>Cont. from 090913</b>	Full IAEA – o.k.		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/> <b>Verified</b>	Decedent died intestate.		
<input type="checkbox"/> <b>Inventory</b>	Residence: Firebaugh		
<input type="checkbox"/> <b>PTC</b>	Publication: Fresno Business Journal		
<input type="checkbox"/> <b>Not.Cred.</b>			
<input type="checkbox"/> <b>Notice of Hrg</b>			
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	W/		
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>			
<input type="checkbox"/> <b>Sp.Ntc.</b>			
<input type="checkbox"/> <b>Pers.Serv.</b>	<b>Probate Referee: Rick Smith</b>		
<input type="checkbox"/> <b>Conf. Screen</b>			
<input checked="" type="checkbox"/> <b>Letters</b>			
<input checked="" type="checkbox"/> <b>Duties/Supp</b>			
<input type="checkbox"/> <b>Objections</b>			
<input type="checkbox"/> <b>Video Receipt</b>			
<input type="checkbox"/> <b>CI Report</b>			
<input type="checkbox"/> <b>9202</b>			
<input checked="" type="checkbox"/> <b>Order</b>			
<input type="checkbox"/> <b>Aff. Posting</b>			
<input type="checkbox"/> <b>Status Rpt</b>			
<input type="checkbox"/> <b>UCCJEA</b>			
<input type="checkbox"/> <b>Citation</b>			
<input type="checkbox"/> <b>FTB Notice</b>			

<b>DOD:</b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b><u>Continued to 11/4/2013</u></b> at the request of the attorney.
<b>Cont. from</b>		
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	
<input type="checkbox"/>	<b>Verified</b>	
<input type="checkbox"/>	<b>Inventory</b>	
<input type="checkbox"/>	<b>PTC</b>	
<input type="checkbox"/>	<b>Not.Cred.</b>	
<input type="checkbox"/>	<b>Notice of Hrg</b>	
<input type="checkbox"/>	<b>Aff.Mail</b>	
<input type="checkbox"/>	<b>Aff.Pub.</b>	
<input type="checkbox"/>	<b>Sp.Ntc.</b>	
<input type="checkbox"/>	<b>Pers.Serv.</b>	
<input type="checkbox"/>	<b>Conf. Screen</b>	
<input type="checkbox"/>	<b>Letters</b>	
<input type="checkbox"/>	<b>Duties/Supp</b>	
<input type="checkbox"/>	<b>Objections</b>	
<input type="checkbox"/>	<b>Video Receipt</b>	
<input type="checkbox"/>	<b>CI Report</b>	
<input type="checkbox"/>	<b>9202</b>	
<input type="checkbox"/>	<b>Order</b>	
<input type="checkbox"/>	<b>Aff. Posting</b>	
<input type="checkbox"/>	<b>Status Rpt</b>	
<input type="checkbox"/>	<b>UCCJEA</b>	
<input type="checkbox"/>	<b>Citation</b>	
<input type="checkbox"/>	<b>FTB Notice</b>	
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 10/16/13</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 8 – Gardner</b>



**Petition for Termination of Guardianship**

<b>Age: 1 year</b>		<p><b>DOROTHY GRACE MARIE MARAGLINO</b>, mother, is petitioner.</p> <p><b>BECKY ANN ZAGHA</b> was appointed as guardian on 4/30/13.</p> <p>Father: <b>LOUIS RAY PEREZ</b></p> <p>Paternal grandparents: Deceased          Maternal grandfather: Fred Wall          Maternal grandmother: Joyce M. Wall</p> <p><b>Petitioner states</b> Becky Ann Zagha obtained custody of her daughter by fraud. Becky has not followed the Judge's instructions to visit and communicate. Becky has cut off mom's family. The child is at risk of being abducted by Becky. Mom states she plans to press criminal charges against Becky. The child is missing out on her heritage and culture.</p> <p><b>Court Investigator Charlotte Bien's report filed on 10/15/13</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Proof of service of the Notice of Hearing is incomplete. It does not include the name and address of the person serving the notice at #2. It does not state how it was mailed at #3. It does not indicate the date it was mailed and where it was mailed from at #4.</p>	
<b>Cont. from</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>			
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>			W/O
<input type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input type="checkbox"/>	<b>Letters</b>			
<input type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input checked="" type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			
<input type="checkbox"/>	<b>Order</b>	X		
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			
		<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 10/16/13</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 10A – Perez</b></p>		

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

<b>Age:</b> 1 year	<b>DOROTHY GRACE MARIE MARAGLINO</b> , mother, and <b>REBECCA WALL</b> , maternal aunt, are petitioners and request that <b>REBECCA WALL</b> be appointed as guardian.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Petition was not signed by co-petitioner Rebecca Wall. 2. Need Duties of Guardian signed by Rebecca Wall. 3. Need Notice of Hearing. 4. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice on: a. Louis Ray Perez (father) b. Becky Zagha (guardian) 5. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice on: a. Fred Wall (maternal grandfather) b. Joyce M. Wall (maternal grandmother) 6. Need current Confidential Guardian Screening form for Rebecca Wall. 7. Need Order and Letters
<b>Cont. from</b>	<b>BECKY ANN ZAGHA</b> was appointed as guardian on 4/30/13.	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Father: <b>LOUIS RAY PEREZ</b>	
<input checked="" type="checkbox"/> <b>Verified</b>	Paternal grandparents: Deceased Maternal grandfather: Fred Wall Maternal grandmother: Joyce M. Wall	
<input type="checkbox"/> <b>Inventory</b>	<b>Petitioner states</b> the guardian is unsuitable and the minor needs to be with family. Petitioner states her sister is able and ready to take the minor to family where she belongs.	
<input type="checkbox"/> <b>PTC</b>	<b>Court Investigator Charlotte Bien's report filed on 10/15/13.</b>	
<input type="checkbox"/> <b>Not.Cred.</b>		
<input type="checkbox"/> <b>Notice of Hrg</b>		
<input type="checkbox"/> <b>Aff.Mail</b>		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input checked="" type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> KT
		<b>Reviewed on:</b> 10/16/13
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 10B – Perez</b>

**11 Russell Perry (Def Succ)**

**Case No. 13CEPR00662**

**Atty Perry, Margarita (Pro Per – Petitioner – Spouse)**

**Atty Perry, James (Pro Per – Petitioner – Father)**

**Petition to Determine Succession to Real Property (Prob. C. 13151)**

<b>DOD: 04/15/2013</b>	<b>MARGARITA PERRY, spouse, and JAMES PERRY, father, are petitioners.</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. The Court may require authority for a disclaimer of interest in this type of summary proceeding.
	40 days since DOD	
	No other proceedings	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>	I&A \$80,000.00	
<input checked="" type="checkbox"/> <b>Inventory</b>	Decedent died intestate	
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>	Decedent's father James Perry waives his intestate interest in the property.	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	w/	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>	Petitioners request Court determination that decedent's 100% interest in real property located at 1854 21 <sup>st</sup> , Kingsburg, Ca. passes to Margarita Perry pursuant to intestate succession and James Perry's waiver of interest.	
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 10-17-13
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 11 – Perry</b>



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

<b>Age:</b> 13	<b><u>TEMPORARY EXPIRES 10/21/2013</u></b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>HARMINDER SINGH DHALIWAL and KOLWINDER K. KANG</b> , non-relatives, are petitioners.	<p><b>Note:</b> Minute Order dated 08/29/13 from hearing on the temporary petition directed the Petitioner's to provide notice of this hearing to the mother and father.</p> <ol style="list-style-type: none"> <li>1. Need <i>Notice of Hearing</i>.</li> <li>2. Need proof of service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of Minor or Consent &amp; Waiver of Notice or Declaration of Due Diligence</i> for:             <ol style="list-style-type: none"> <li>a. Ravinder Pal Singh (father) – personal service needed</li> <li>b. Jasbir Kaur (mother) – personal service needed</li> <li>c. Jaskaran Singh Sandhawalia (minor) – personal service needed</li> <li>d. Paternal grandparents – service by mail sufficient</li> <li>e. Maternal grandparents – service by mail sufficient</li> </ol> </li> </ol>
<b>Cont. from</b>	Father: <b>RAVINDER PAL SINGH</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Mother: <b>JASBIR KAUR</b>	
<input checked="" type="checkbox"/> <b>Verified</b>	Paternal grandparents: UNKNOWN	
<input type="checkbox"/> <b>Inventory</b>	Maternal grandparents: UNKNOWN	
<input type="checkbox"/> <b>PTC</b>	<b>Petitioners state</b> the minor's parents are in India and have asked Petitioners to take care of their son in the United States. Petitioners state they need to be his guardian in order to put him in school and take him to the doctor if necessary.	
<input type="checkbox"/> <b>Not.Cred.</b>	<b>Petitioners state</b> the minor's parents (both natural and adopted) are in India and it would be impossible to notice them for this hearing. Therefore it is requested that the Court dispense with notice to the parents.	
<input type="checkbox"/> <b>Notice of Hrg</b>	<b>DSS Social Worker Irma Ramirez filed a report on 10/15/13.</b>	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input checked="" type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input checked="" type="checkbox"/> <b>DSS Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input checked="" type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 10/16/13
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 13 – Sandhawalia</b>

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

		<b>TEMP REQUEST DISMISSED PER REQUEST</b>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. The petition does not check the box to request medical consent powers; however, a capacity declaration was filed. The Court may require further information or notice.</li> <li>2. Notice of Hearing filed 10-2-13 appears to be defective: Service was performed by the petitioners, and it does not indicate that a copy of the petition was included in the service on the relatives per Probate Code §1822. The Court may require amended service.</li> <li>3. The petition is blank at #5f; however, Petitioners state the proposed Conservatee has been mentally disabled since infancy. Notice may be required to Central Valley Regional Center (CVRC) if the proposed Conservatee is developmentally disabled as defined in Probate Code §1420. See §1822(e).</li> <li>4. Need video receipt per Local Rules.</li> </ol>
		<p><b>JOYCE WRIGHT, Sister, and CHARLOTTE TAVARES, Niece, are Petitioners and request appointment as Conservators of the Person.</b></p> <p><b>Voting rights affected</b></p> <p><b>A Capacity Declaration was filed 10-2-13.</b></p> <p><b>Petitioners state</b> the proposed Conservatee fell and broke her hip and needed hip replacement. The doctor needed the person in charge to sign consent forms. Three nurses that came to the home said someone needed power of attorney, but she is mentally disabled and can't consent to that. Therefore, conservatorship is needed to pay her bills and take care of her needs. She is 73 and never had an emergency until now. Petitioners request conservatorship so that they won't have any problems seeing to her needs.</p> <p><b>Court Investigator Dina Calvillo filed a report on 10-9-13.</b></p>	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg	X	
✓	Aff.Mail	w/o	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	w	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt	X	
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
✓	Citation		
	FTB Notice		
			<p>Reviewed by: skc</p> <p>Reviewed on: 10-17-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 14 – Horn</p>

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

Age: 14	<b>GENERAL HEARING 12/03/13</b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>
	CHRISTY CLARK, paternal aunt, is Petitioner.		<b>CONTINUED FROM 10/07/13</b> Per 10/07/13 Minute Order, there were no appearances. A copy of the Examiner Notes and Minute Order were mailed to Petitioner on 10/08/13.
	Father: ERIC CLINE SR. – Consent & Waiver of Notice filed 09/24/13		<p><b>As of 10/16/13, nothing further has been filed by Petitioner and the following notes remain:</b></p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing.</li> <li>2. Need proof of personal service at least 5 court days before the hearing of Notice of Hearing with a copy of the Petition for Temporary Guardianship <u>or</u> Consent &amp; Waiver of Notice <u>or</u> Declaration of Due Diligence for:           <ul style="list-style-type: none"> <li>- Alicia Sumaya (mother)</li> </ul> </li> <li>3. The UCCJEA is incomplete. Need minor's residence information for the past 5 years.</li> <li>4. Petitioner indicates the child has Indian ancestry. Therefore, need <b><u>Notice of Child Custody Proceeding for Indian Child</u></b> (Form ICWA-030) to be completed and returned to the Probate Clerk's Office <b>as soon as possible</b>. See Probate Code §1460.2, and CA Rules of Court 7.1015.</li> </ol> <p>The general guardianship hearing on 12/03/13 <b>cannot go forward</b> unless this form has been served on the child's parents; any Indian custodian; any Indian tribe that may have a connection to the child; the Bureau of Indian Affairs (BIA), and possibly the U.S. Secretary of the Interior, by certified or registered U.S. Mail, return receipt requested.</p> <p>A blank copy of the form is in the file for Petitioner, and it should be completed and returned <b>as soon as possible</b> to the Probate Clerk's Office. The Probate Clerk's Office will complete service.</p> <p>At the general hearing on 12/03/13, a continuance may be required to ensure that the appropriate parties and agencies received 60 days' notice. See Probate Code 1460.2, and CA Rules of Court 7.1015.</p>
Cont. from 100713	Mother: ALICIA SUMAYA		
Aff.Sub.Wit.	Paternal grandfather: DANNY CLINE		
✓ Verified	Paternal grandmother: JULIE TURNER – Consent & Waiver of Notice filed 09/24/13		
Inventory	Maternal grandfather: UNKNOWN		
PTC	Maternal grandmother: ROSIE MORALO		
Not.Cred.	Siblings: ERIC CLINE, JR., LUKE CLINE, CALVIN CLINE		
Notice of Hrg	<p><b>Petitioner alleges</b> that the minor is without a home. Her mother asked petitioner to take her in and she agreed. The father is currently living in a men's group home. There is no other person in the family willing to take her in. Petitioner states that the minor is very behind in school and temporary guardianship is needed so that Petitioner can enroll the minor in school.</p>		
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: JF
			Reviewed on: 10/16/13
			Updates:
			Recommendation:
			File 15 - Cline

Bradley, 7		<p align="center"><b><u>GENERAL HEARING 12/10/13</u></b></p> <p><b>LORI WINELAND</b>, maternal grandmother, is Petitioner.</p> <p>Father: <b>BOBBIE PEREZ</b> Mother: <b>BRANDI PEREZ</b></p> <p>Paternal grandfather: DAN PEREZ Paternal grandmother: LINDA PEREZ</p> <p>Maternal grandfather: DANIEL WINELAND</p> <p><b>Petitioner states</b> that the children have lived with her since birth. Their mother has a significant drug addiction and left the home 2 weeks ago. They have not heard from her or been able to reach her since she left. Their father has not been involved in the children's lives and Petitioner believes he is living somewhere up north growing marijuana.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need <i>Notice of Hearing</i>.</li> <li>2. Need proof of personal service of <i>Notice of Hearing</i> with a copy of the <i>Temporary Guardianship Petition</i> at least 5 court days before the hearing <u>or</u> Consent &amp; Waiver of Notice <u>or</u> Declaration of Due Diligence for:                     <ol style="list-style-type: none"> <li>a. Bobbie Perez (father)</li> <li>b. Brandi Perez (mother)</li> </ol> </li> <li>3. The Petition indicates that the Petitioners are not sure if the children have Indian (native American) ancestry. Need clarification. If the children do have Indian ancestry Petitioner will need to complete a Notice of Child Custody Proceeding for Indian Child (form ICWA-30).</li> </ol>	
Bryton, 10 months				
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			x
<input type="checkbox"/>	Aff.Mail			
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			x
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 10/17/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 16 – Perez</b></p>		

**17 Isaiah Vara Gonzales & Heavens Vara (GUARD/P) Case No. 00CEPR10433**

**Atty Vara, Jose C. (pro per – maternal grandfather/Petitioner)**

**Atty Vara, Ramona (pro per – maternal grandmother/Petitioner)**

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

Isaiah, 14		<p align="center"><b><u>GENERAL HEARING 12/10/13</u></b></p> <p><b>JOSE VARA</b> and <b>RAMONA VARA</b>, maternal grandparents, are Petitioners.</p> <p>Father: <b>UNKNOWN</b> – <i>Declaration of Due Diligence filed 10/07/13</i> Mother: <b>JOSEPHINA VARA SANCHEZ</b></p> <p>Paternal grandfather: UNKNOWN Paternal grandmother: UNKNOWN</p> <p><b>Petitioners state</b> that Heavens has lived with them since birth. CPS recently was involved with the mother and have placed some of the mother's other children siblings with them. Mother is currently in drug rehab. The father is unknown and has never been in the minor's life.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>This Petition pertains to Heavens Vara only. Petitioners were appointed as guardians of Isaiah on 11/30/2000.</b></p> <p>4. Need Notice of Hearing.</p> <p>5. Need proof of personal service of <i>Notice of Hearing</i> with a copy of the <i>Temporary Guardianship Petition</i> at least 5 court days before the hearing <u>or</u> Consent &amp; Waiver of Notice <u>or</u> Declaration of Due Diligence for:</p> <p>c. Josephina Sanchez (mother)</p> <p>d. Father (unknown) – <i>Unless Diligence is found, Declaration of Due Diligence filed 10/07/13</i></p>	
Heavens, 7				
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			x
<input type="checkbox"/>	Aff.Mail			
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			x
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		Reviewed by: JF		
		Reviewed on: 10/17/13		
		Updates:		
		Recommendation:		
		File 17 – Gonzales & Vara		

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

Age: 5	<b>GENERAL HEARING 12-9-13</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>ISAC J. RAMIREZ</b> , Brother, is Petitioner.	1. The UCCJEA form is incomplete. Need residence history of minor. Is the minor currently residing with Petitioner?
	Father: <b>UNKNOWN</b>	2. Confidential Guardian Screening Form does not attach explanations for certain answers, including #3, #8, and does not provide the minor's contact info (school, etc).
	Mother: <b>MARGARITA GRIMALDO</b>	3. If notice to the mother is not excused pursuant to the Declaration of Due Diligence, notice per Probate Code §2250(e) may be required.
	- Declaration of Due Diligence filed	4. Petitioner states the father is unknown, but did not file a declaration of due diligence indicating efforts to identify and locate him for notice. The Court may require notice per Probate Code §2250(e) or diligence.
	Paternal Grandparents: Unknown	
	Maternal Grandfather: Pedro Grimaldo	
	Maternal Grandmother: Not listed	
	Siblings: Not listed	
	<b>Petitioner states</b> the mother is not stable to care for the child. Petitioner feels it is in his best interest to care for him until the mother is stable. Petitioner filed a declaration of due diligence stating that the mother could not be found. The last contact was two months ago and the information Petitioner received was that she was moving from house to house living in unstable conditions.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	X	
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	X	
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA	X	
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: skc
		Reviewed on: 10-17-13
		Updates:
		Recommendation:
		File 18 – Grimaldo

**Review of Custody/Visitation**

<b>Amarissa (10)</b>	<p><b>TRACI SMITH and TODD SMITH</b>, maternal aunt and uncle, were appointed Guardians on 4-29-08.</p> <p>Father: William D. Jackson          Mother: Karen Renee Ross          Paternal Grandfather: Drue Lauritzen          Paternal Grandmother: Irene Lauritzen          Maternal Grandfather: Deceased          Maternal Grandmother: Nancy Carol Johnson</p> <p>In August 2013, Guardian Traci Smith filed for dissolution of marriage from Guardian Todd Smith in Family Law Case No. 13CEFL04330, and on 9-5-13, a Temporary Restraining Order was issued in that case that protects Traci Smith and the minors Amarissa Jackson and Jaylene Jackson from Todd Smith. The TRO expired on 9-27-13. On 9-27-13, the TRO was extended to 10-8-13 to allow response and the hearing continued.</p> <p>On 10-8-13, a Restraining Order After Hearing was issued protecting Traci Smith from Todd Smith. On its own motion, the Court set this hearing in the Probate Guardianship case for review of custody/visitation of the minors.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> In the Family Law case, Traci Smith is represented by Attorney Steven Cummings and Todd Smith is represented by Attorney Charles Magill. They were previously represented together in this guardianship case by Attorney Thomas Boyajian; however, it appears that the most recent filings were done in pro per.</p> <p>1. The Court may require notice of these visitation proceedings to the parents and other relatives.</p>
<b>Jaylene (10)</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
	<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 10-17-13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 19 – Jackson &amp; Smith</b></p>	

**1A Stephen & Debrah Winter Revocable Trust 2/16/94 Case No. 13CEPR00564**  
**Atty Pape, Jeffrey B. (for Dennis Freeman – Successor Trustee/Petitioner)**

**Petition to Determine Title to and Require Transfer of Property to Trust [Prob. C. 850(a)(2)(3), 855, 17200(b)(6)]**

<b>Stephan DOD:</b> <b>08/09/05</b>	<b>DENNIS FREEMAN</b> , successor trustee, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Debra DOD:</b> <b>05/13/13</b>	<b>Petitioner states:</b>	<b><u>CONTINUED FROM 08/12/13</u></b>
	1. Stephan F. Winter and Debra L. Winter ("Settlor") executed the Stephan F. Winter and Debra L. Winter Revocable Trust (the "Trust") on 02/16/94 in their capacity as Settlor and initial Trustees. The Trust was amended on 09/14/02.	<b>As of 10/17/13, nothing further has been filed in regards to this Petition.</b>
<b>Cont. from 081213</b>	2. Petitioner is the currently acting successor trustee of the Trust.	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	3. This petition concerns the ownership of the original Trust documents which Christopher Lull ("Respondent") or his agents have taken possession of and refused to deliver to the trustee.	
<input checked="" type="checkbox"/> <b>Verified</b>	4. The Settlor's maintained the original trust documents in a binder. Shortly before her death, Debra delivered the binder to real estate agent Michele Lane in connection with a real estate transaction. The real estate agent had possession of the binder when Debra died and maintained possession of it, refusing to deliver it to anyone without a court order. Thereafter, Respondent's attorney, Sue Campbell, represented to Michele Lane that the family agreed that it was ok that Ms. Lane release the binder to Respondent in care of attorney Sue Campbell.	
<input type="checkbox"/> <b>Inventory</b>	5. This was not acceptable to Petitioner because (1) Petitioner was the trustee and not respondent, and (2) Respondent, Debra's son, had been intentionally omitted from the Trust due to a long standing estranged relationship.	
<input type="checkbox"/> <b>PTC</b>	6. Petitioner has demanded the release of the trust binder from Respondent's former attorney, Sue Campbell; however, initially Sue Campbell's assistant professed no knowledge of a binder being picked up by her office and later Sue Campbell professed no knowledge of a binder being picked up from Michele Lane. Petitioner's demands that Respondent deliver the binder to Petitioner's attorney have been ignored.	
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b>		
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<input type="checkbox"/> <b>9202</b>		
<input type="checkbox"/> <b>Order</b>		
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<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
	<b>Petitioner prays for an Order:</b> <ol style="list-style-type: none"> <li>1. Declaring that Petitioner is the sole owner of the original trust documents and that Respondent has no interest in the original trust documents.</li> <li>2. Directing Respondent to immediately deliver possession to Petitioner of any and all trust documents including but not limited to the original Trust, original Trust amendment, and the estate planning binder.</li> </ol> <p style="text-align: center;">Continued on Page 2</p>	

**Objection filed 08/07/13** by Christopher Lull, Respondent, states:

1. Petitioner does not have standing to bring this Petition. Petitioner is not the trustee because the amendment naming him as trustee was revoked. Morgan Quail witnessed the destruction of the amendment (see *Declaration of Morgan Quail*). Without the amendment, Petitioner is not the trustee or a beneficiary of the Trust and has no vested interest in the Trust.
2. Petitioner is not a relative or heir of Debra L. Winter.
3. Michele Lane, the real estate agent described in the Petition, was in possession of the original estate planning binder at the time of Debra Winter's death. Ms. Lane turned over the binder to Respondent because she found his name in the estate documents, and could not locate Petitioner's name in the binder. Because Ms. Lane could not find Petitioner's name in the documents and didn't know who he was, she refused to turn the binder over to him. Respondent's attorney has spoken to Ms. Lane and anticipates that she will be a witness in this matter. Ms. Lane stated to Respondent's attorney that Petitioner admitted to her that he never even met Debra Winter. This information supports the fact that the amendment was destroyed and not in the original estate planning binder.
4. In the absence of the original, there is a legal presumption that the document was revoked. Additionally, pursuant to Probate Code § 6120(b), we have an act of destruction consistent with the intent to revoke. This presumption cannot be overcome based on the Declaration of Morgan Quail and the expected testimony of Michele Lane.
5. Respondent, Christopher Lull, is the successor trustee of the Trust dated 07/16/94 and the primary beneficiary. He had every right to withdraw the money from Bank of America, as Trustee.

**Objector prays for an Order:**

1. Denying the Petition to Determine Title to and Require Transfer of Property to Trust Regarding Bank Account; and
2. Denying the Petition to Determine Title to and Require Transfer of Property to Trust.

**Declaration of Morgan Quail in Support of Objection** filed 08/07/13 states:

1. He is Debra Winter's nephew and probably one of her closest family members. Debra felt like a bit of an outsider in their family and felt left out. Declarant always tried to include her in his life events and she always seemed grateful to be included.
2. Their family has a lot of drama. Declarant states that he has tried to stay out of it and remain neutral. He believes that this is why Debra confided in him and spoke to him about things she might not talk about with others.
3. Approximately 2 years ago on Father's Day, Debra pulled Declarant aside and asked to talk to him. During their conversation, she removed a document titled amendment to trust from her purse and proceeded to tear it up in front of him. She stated that she wanted to keep her money in the family. Declarant also believes she was having conversations with her sister Catherine and father Stanton about this issue as well.
4. At Christmastime later that year, Declarant received a card from Debra thanking him for the talk on Father's Day.



**Objection filed 08/07/13** by Christopher Lull, Respondent, states:

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7. Petitioner is not a relative or heir of Debra L. Winter.
8. Michele Lane, the real estate agent described in the Petition, was in possession of the original estate planning binder at the time of Debra Winter's death. Ms. Lane turned over the binder to Respondent because she found his name in the estate documents, and could not locate Petitioner's name in the binder. Because Ms. Lane could not find Petitioner's name in the documents and didn't know who he was, she refused to turn the binder over to him. Respondent's attorney has spoken to Ms. Lane and anticipates that she will be a witness in this matter. Ms. Lane stated to Respondent's attorney that Petitioner admitted to her that he never even met Debra Winter. This information supports the fact that the amendment was destroyed and not in the original estate planning binder.
9. In the absence of the original, there is a legal presumption that the document was revoked. Additionally, pursuant to Probate Code § 6120(b), we have an act of destruction consistent with the intent to revoke. This presumption cannot be overcome based on the Declaration of Morgan Quail and the expected testimony of Michele Lane.
10. Respondent, Christopher Lull, is the successor trustee of the Trust dated 07/16/94 and the primary beneficiary. He had every right to withdraw the money from Bank of America, as Trustee.

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8. At Christmastime later that year, Declarant received a card from Debra thanking him for the talk on Father's Day.

**Order to Show Cause Re: Failure to Appear; Imposition of Sanctions in the Amount of \$500.00 as to Christopher Lull**

	<p><b>DENNIS FREEMAN</b> filed a Petition for Order Appointing Temporary Trustee and Directing Delivery of Assets to Temporary Trustee on 8-23-13, along with a request for Order Shortening Time for notice on the petition.</p> <p>The Court set the matter for hearing on 8-30-13 at 9:00, and ordered personal service by 8-26-13.</p> <p><b>Minute Order 8-30-13:</b> The Court notes that the hour is 10:00 a.m. and Christine James is not present and nothing has been received from her. The Court further notes that notice has been provided to Christine James on an Order Shortening Time and there has been on-going communication between her and Mr. Pape. The Court grants the petition. If there is any difficulty, the Court will entertain an Order Shortening Time to assist the trustee in moving things along. The Court sets the matter for an Order to Show Cause regarding failure to appear and imposition of sanctions in the amount of \$800.00 as to Christine James and \$500.00 as to Christopher Lull. Christine James and Christopher Lull are ordered to be personally present on 9/19/13. Set on 9/19/13 at 9:00am in Dept. 303 for Order to Show Cause Re: Failure to Appear; Imposition of Sanctions in the Amount of \$800.00 as to Christine James and \$500.00 as to Christopher Lull. Petition is granted before Court Trial. Order signed.</p> <p>Orders to Show Cause were mailed to Attorney Christine James and Christopher Lull on 9-9-13 and on 09/30/13.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>CONTINUED FROM 09/19/13</b>  <b>Minute Order from 09/19/13 states:</b>  <b>The Court notes that an Order to Show Cause was mailed to Christine James and Christopher Lull on 09/09/13 ordering them to be personally present today. The Court further notes that the hour is 9:30am and neither Mr. Pape nor the Court has been contacted by either of the two. As to both Christine James and Christopher Lull, the Court sets a further Order to Show Cause on 10/21/13 regarding their failure to appear and imposition of sanctions in the amount of \$1,000.00 each. Christine James and Christopher Lull are ordered to be personally present on 10/21/13.</b></p>
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		<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 10/17/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 1C – Winter</b></p>

**Order to Show Cause Re: Failure to Appear; Imposition of Sanctions in the Amount of \$800.00 as to Christine James**

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<b>Order</b>	<p><b>Minute Order 8-30-13:</b> The Court notes that the hour is 10:00 a.m. and Christine James is not present and nothing has been received from her. The Court further notes that notice has been provided to Christine James on an Order Shortening Time and there has been on-going communication between her and Mr. Pape. The Court grants the petition. If there is any difficulty, the Court will entertain an Order Shortening Time to assist the trustee in moving things along. The Court sets the matter for an Order to Show Cause regarding failure to appear and imposition of sanctions in the amount of \$800.00 as to Christine James and \$500.00 as to Christopher Lull. Christine James and Christopher Lull are ordered to be personally present on 9/19/13. Set on 9/19/13 at 9:00am in Dept. 303 for Order to Show Cause Re: Failure to Appear; Imposition of Sanctions in the Amount of \$800.00 as to Christine James and \$500.00 as to Christopher Lull. Petition is granted before Court Trial. Order signed.</p> <p>Orders to Show Cause were mailed to Attorney Christine James and Christopher Lull on 9-9-13 and on 09/30/13.</p> <p><b>Declaration of Christine James in Response to Order to Show Cause re Sanctions</b> filed 10/15/13 states: She is no longer the attorney for Christopher Lull. She did not appear at the hearing on 08/30/13 because she did believe an appearance was necessary if she had no opposition. She was out of town from 09/05/13 – 09/18/13 and did not receive the mailed copy of the 08/30/13 Minute Order and was not aware that an OSC had been set. Again, she did not expect an OSC to be set for failure to appear on an unopposed motion. She was surprised to see a further OSC set for 10/21/13, it was not until she prepared this declaration that she put the pieces together of the series of events that have led to the OSC's. Declarant states that she lives approximately 220 miles from Fresno and it would be a great hardship for her to attend the hearing as she is no longer representing Mr. Lull and will not be attending the settlement conference. She apologizes for her failures to appear and asks the Court's mercy to vacate the Order to Show Cause and to not impose sanctions on either herself or Christopher Lull for her inadvertent mistake. Should the Court be unable or unwilling to vacate the sanctions, she will simply have to pay them because a trip to Fresno for this purpose is too great of a hardship and cost a tremendous amount in time and lost wages.</p>	
<b>Aff. Posting</b>		
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