



Wednesday, October 26, 2016

The Probate Examiner's Office recommends approval of the following Probate matters:

None

The following Probate matters have been continued at the request of the Petitioner or the Petitioner's attorney:

None

The following Probate matters are off calendar:

2	13CEPR00625	In Re: Brooke Bertoldi (SNT)
3	14CEPR00078	Robert Dean Snavelly (Cons/PE)
6	15CEPR00485	Gregg D. Rendino (Estate)
10	15CEPR00762	Evangeline M. Orchard Living Trust Dated 11/9/1993
13	16CEPR00377	Beverly Jean Graham (Estate)
15	16CEPR00623	Robert & Julietta Snavelly Trust

Appearance of counsel is recommended for all remaining Probate matters set for hearing.

Thank you.

Dept. 303, 9:00 a.m. Wednesday, October 26, 2016

1 Zachary Filgas (GUARD/P)

Case No. 10CEPR00914

Petitioner: Kirk Filgas (Pro per – Father)

Petition for Visitation

		KIRK FILGAS , father, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need <i>Notice of Hearing</i>.</p> <p>2. Need proof of service at least 15 days before the hearing of <i>Notice of Hearing</i> on:</p> <p>a. Elaine Thomas (guardian/paternal grandmother)</p> <p>b. Rachel Stauffer-Case (mother)</p>
		ELAINE THOMAS , paternal grandmother, was appointed guardian on 8/16/2013.	
Cont. from		Mother: RACHEL STAUFFER-CASE	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
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<input type="checkbox"/>	Notice of Hrg	X	
<input type="checkbox"/>	Aff.Mail	X	
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<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: SEF
			Reviewed on: 10/21/2016
			Updates:
			Recommendation:
			File 1- Filgas

Probate Status Hearing re: Proof of Notice to DMV

		<p>FREMONT BANK, former Trustee, petitioned the court for approval of their first and final account.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
		<p>HERB THOMAS is the current successor trustee.</p>	<p>OFF CALENDAR. Lien filed on 10/13/16.</p>
<p>Cont. from 080315, 083115, 113015, 031416, 032316, 042716, 072716, 082416</p>		<p>The first and final account showed that Fremont Bank as Trustee for the Trust purchased a handicap equipped van for the beneficiary and distributed the van directly to the beneficiary.</p>	
	Aff.Sub.Wit.		
	Verified	<p>Minute Order dated 6/29/15 states the court orders that the DMV is to be noticed that the Trust shall be the lienholder for the vehicle. Counsel is to submit a declaration verified by Herb Thomas.</p>	
	Inventory		
	PTC	<p>Status Report filed on 8/22/16 states Charities Pooled Trust (CPT) has been attempting to secure a lien on the vehicle. Those efforts are detailed in the letter from CPT dated August 22, 2016. The letter outlines what has transpired since 8/10/2015 to try to get the trust as a lien holder on the vehicle.</p>	
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
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	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: KT</p>
			<p>Reviewed on: 10/25/16</p>
			<p>Updates:</p>
			<p>Recommendation:</p>
			<p>File 2 – Bertoldi</p>

3
Attorney

Robert Dean Snavely, Sr. (CONS/PE)

Case No. 14CEPR00078

Krause, Stephanie J. (for Former Conservator Bruce Bickel – Substitution filed 7/12/16)

Petition for Approval of Former Conservator of the Estate's First and Final Account and Report; and for Allowance of Conservator Fees and of Attorney Fees and Costs

			<p>BRUCE D. BICKEL, Former Conservator of the Estate with bond of \$130,000.00, is Petitioner.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR</u></p> <p>Amended petition filed 10/4/16 is set for hearing on 11/15/16.</p> <p><u>Additional upcoming hearing:</u> Petition of Conservator of the Person Bryan Snavely for Fees for Services to Conservatee and Attorney's Fees and Costs (Attorney Catherine A. Amador) filed 9/21/16 is set for hearing on 11/2/16.</p>
Cont. from 072716				
	Aff.Sub.Wit.			
✓	Verified			
✓	Inventory	X		
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters	9/3/15		
	Duties/Supp			
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	2620(c)	X		
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			<p>Reviewed by: skc</p>	
			<p>Reviewed on: 10/19/16</p>	
			<p>Updates:</p>	
			<p>Recommendation:</p>	
			<p>File 3- Snavely</p>	

DOD: 01/05/2015	SARAH OGNIBENE , daughter, was appointed Administrator, with full IAEA authority, without bond on 05/13/2016.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Petition to Determine Distribution Rights filed 10/12/2016. Hearing is set for 11/29/2016.</p> <p>Minute Order of 08/17/2016: Counsel requests 60 days for discussions. The Court admonishes that it expects the petition or a verified status report regarding mediation to be filed by 10/26/2016.</p> <p>1. Need First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
	Letters issued on 05/29/2016	
Cont. from 072016, 081716	Final Inventory and Appraisal filed 06/02/2015 shows an estate valued at \$215,000.00.	
Aff.Sub.Wit.	Minute Order of 05/13/2016 set this Status Hearing for the filing of the first and/or final account.	
Verified		
Inventory		
PTC		
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Notice of Hrg	Declaration of Lance E. Armo Regarding Status of Matter filed 08/11/2016 states the last hearing in this case was held on 07/20/2016. Said hearing was the time ordered for the First and Final Account to be filed. Mr. Armo states he was in the midst of moving his office location and as of the day of the hearing his computers were not operating. He states he failed to appear at the hearing as his reminders on his computer did not notify him accordingly.	
Aff.Mail		
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Letters		
Duties/Supp	Mr. Armo states he has not yet completed the Final Petition for Distribution on Account as there is still an outstanding issue with Gary Kiehl, a person who filed a competing Petition to Administer Estate in this matter. Counsel for Mr. Kiehl and Mr. Armo have spoken several times however no agreement has been reached on the authenticity or validity of the document Mr. Kiehl purports to be the decedent's last will and testament.	
Objections		
Video Receipt		
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Status Rpt		
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Citation		
FTB Notice	Mr. Armo states he believes the document Mr. Kiehl has presented could constitute a life estate or a trust in favor of the decedent's children. No agreement has been reached at this time. Unless counsel and his client are able to come to an agreement Mr. Armo intends to file an 11700 Petition for Instructions to determine the relevance of the purported document.	
		Reviewed by: LV
		Reviewed on: 10/20/2016
		Updates:
		Recommendation:
		File 4- Ropolo

DOD: 12/4/14	<p>ROBERT STILL and RANDALL STILL, sons, were appointed Co-Administrators with Full IAEA without bond on 6/4/15. Letters issued 6/4/15.</p> <p>At the hearing on 6/4/15, the Court set this status hearing for the filing of the first or final account.</p> <p>Declaration of Philip M. Flanigan and Status Report filed 8/17/16 states his office reached out to the co-administrators to see how sale of the real property was going and was only able to reach Robert Still.</p> <p>Robert Still advised that the house has not been listed for sale due to his brother, Randall Still, not cooperating. Randall Still has been living in the home and has not been paying rent or any household expenses. Robert Still would still like to sell the home and pay all creditor's claims.</p> <p>The attorney states his office reached out to Randall Still by mail, certified mail, email, and phone calls. All attempts have failed. All phone numbers have been disconnected, certified mail undeliverable, and emails have had no response.</p> <p>On Friday 8/12/16, Co-Administrator Robert Still made contact with his brother Randall Still at the home. Co-Administrator Randall Still acknowledged that he received a letter from the attorney, but per Robert Still, Randall Still did not say much and it seemed like he had no intention of responding.</p> <p>At this point, it is unclear whether or not Randall Still will fulfill his obligations as co-administrator of the estate. Unless and until he does so, a final petition cannot be completed.</p> <p>It is requested that the matter be continued for no more than 30 days to determine whether Randall J. Still intends to fulfill his obligations as co-administrator.</p> <p>Supplement to Declaration of Philip M. Flanigan filed 8/23/16 states on 8/22/16, his office was contacted by Randall J. Still and he is willing to cooperate and fulfill his duties as co-administrator, so they can proceed in settling the estate. Mr. Flanigan requests continuance of 30-60 days to determine what Robert Still and Randall Still would like to do with the property.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 8/24/16: Counsel represents that he is now conversing with both administrators. The Court directs counsel to admonish the administrators that the Court is close to ordering removal of them.</p> <p>On 10/21/16, Attorney Flanigan filed a Declaration. See Page 2.</p> <p>1. Need first account or petition for final distribution pursuant to Probate Code §12200 or current written status report per Local Rule 7.5.</p>
Cont. from 082416		
Aff.Sub.Wit.		
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Letters		
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Video Receipt		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p>Reviewed by: skc</p> <p>Reviewed on: 10/19/16</p> <p>Updates: 10/24/16</p> <p>Recommendation:</p> <p>File 5- Still</p>

Page 2

Declaration of Philip M. Flanigan filed 10/21/16 states on 9/14/16, the co-administrators came for a meeting with the attorney to discuss plans for the house. Both agreed that they could not afford to keep the home, and it was assumed they were on the same page at that point. They said they would let the attorney know their plan to continue with the probate.

On Thursday 10/13/16, the attorney reached out to both co-administrators. Robert Still stated he wants to sell the property, but stated that his brother Randall wanted to keep the property, but they hadn't spoken since the meeting.

On 10/20/16, Randall Still contacted the attorney to let him know that he is trying to qualify for the "Keep Your Home California" program, and the application process can take anywhere from 30-60 days before he knows if he qualifies.

At this point it is unclear whether the co-administrators can fulfill their duties since they are unable to agree on the issue of whether to sell or keep the house. Until that time, a final petition cannot be completed. The attorney requests a 60-day continuance to determine whether Randall Still will qualify for the program or if they will agree on sale.

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

Age:		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p>Final report settled 5/5/16</p>
DOD:		
Cont. from		
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<input type="checkbox"/>	Status Rpt	
<input type="checkbox"/>	UCCJEA	
<input type="checkbox"/>	Citation	
<input type="checkbox"/>	FTB Notice	
		Reviewed by: skc
		Reviewed on: 10/19/16
		Updates:
		Recommendation:
		File 6- Rendino

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

DOD: 5/19/15	MATTHEW SIMONE , Son, was appointed Executor with Full IAEA without bond and Letters issued on 8/26/15	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need first account or petition for final distribution pursuant to Probate Code §12200.</p> <p>Note: The Court may require clarification re item "a" re the transfer on death account. Typically, a TOD account is payable to the designated beneficiary outside of probate, so it is unclear why this type of account would be inventoried as an asset of the estate.</p>
Cont. from	At the hearing on 8/26/15, the Court set this status hearing for the filing of the first or final account.	
Aff.Sub.Wit.	<p>Status Report filed 10/21/16 by Attorney Rube requests continuance of this status hearing until 12/14/16 for the following reasons:</p> <p>a. In preparing the first report and account, the attorney learned that in addition to the IRA listed on the I&A, the decedent also owned a transfer on death account which will require the filing of an amended I&A.</p> <p>b. Mr. Simone has had some difficulty changing title to the vehicle listed on the I&A but was able to do so but won't receive a "pink slip" until approx. 11/15/16 and needs the pink slip in order to sell the vehicle to Car-Max.</p> <p>c. Cynthia Barnes, a child of the decedent entitled to a 30% distribution, is a beneficiary of an existing special needs trust and a determination needs to be made by her attorney as to whether her distribution can be made to the trust or if a petition for separate special needs trust needs to be filed on her behalf.</p>	
Verified		
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Objections		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p>Reviewed by: skc</p> <p>Reviewed on: 10/19/16</p> <p>Updates: 10/21/16</p> <p>Recommendation:</p> <p>File 7- Simone</p>

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

DOD: 5/29/14	<p>JOSEPH DE LOS REYES, Son, was appointed Administrator with Full IAEA without bond and Letters issued on 8/26/15.</p> <p>At the hearing on 8/26/15, the Court set this status hearing for the filing of the first or final account.</p> <p>Status Report filed 10/14/16 states the real property is presently in foreclosure and the Administrator is working with Joy C&C Investments & Business Consultants LLC and Cindy Cha and Associates, specifically with Cindy Cha and Maiyia Vu, for a short sale of the residence. The trustee's sale has been postponed until 10/14/16.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need first account or petition for final distribution pursuant to Probate Code §12200.</p>
Cont. from		
Aff.Sub.Wit.		
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Notice of Hrg		
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Letters		
Duties/Supp		
Objections		
Video Receipt		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p>Reviewed by: skc</p>	
	<p>Reviewed on: 10/19/16</p>	
	<p>Updates:</p>	
	<p>Recommendation:</p>	
	<p>File 8- De Los Reyes</p>	

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

DOD: 4/14/15	<p>MAXINE RODRIGUEZ, Daughter, was appointed Administrator with Full IAEA without bond on 8/27/15 and Letters issued on 8/28/15.</p> <p>At the hearing on 8/27/15, the Court set this status hearing for the filing of the first or final account.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need first account or petition for final distribution pursuant to Probate Code §12200 or written status report pursuant to Local Rule 7.5.</p>
Cont. from		
Aff.Sub.Wit.		
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Notice of Hrg		
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Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	Reviewed by: skc	
	Reviewed on: 10/19/16	
	Updates:	
	Recommendation:	
	File 9- Rodriguez	

12 Martin Garcia Atayde and Sebastian Garcia Atayde (GUARD/P)
Case No. 16CEPR00303

Petitioner Ortega, Armida Hogan (Pro Per – Maternal Grandmother – Petitioner)
 Objector Hogan-Atayde, Elizabeth (Pro Per – Mother – Objector)

Petition for Appointment of Guardian of the Person

		See petition for details.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Minute Order 7/20/16:</u> Mother is in a program for 3 months and needs to file paperwork of finished class. Also, mother needs to file all drug test results throughout program. Petitioner's conviction was in 2011. Visitation as mutually agreed upon.</p> <p><u>Note:</u> The Court Investigator filed a Report on 5/12/16 and Supplemental Reports on 6/16/16, 6/20/16, and 7/14/16.</p> <p><u>Note:</u> Elizabeth Hogan Atayde, Mother, filed an Objection on 6/22/16 and an additional objection on 10/20/16.</p> <p><u>Note:</u> On 7/19/16, Elizabeth Hogan-Atayde, Mother, filed a declaration that provides her work schedule at Walmart in Las Vegas.</p> <p><u>The following issues remain noted:</u></p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>	
Cont. from 051816, 062216, 072016				
	Aff.Sub.Wit.			
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✓	Letters			
✓	Duties/Supp			
✓	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
		Reviewed by: skc		
		Reviewed on: 10/19/16		
		Updates:		
		Recommendation:		
		File 12- Atayde		

NEEDS/PROBLEMS/COMMENTS: As of 10/19/16, if this petition goes forward, the following issues remain noted:

1. Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 on both parents or consent and waiver of notice or dec of due diligence on:
 - Martin Avelar (Father)

Note: Notice of Hearing filed 6/17/16 indicates personal service on the father on 6/11/16; however, it states at the bottom of the Proof of Service: "I [Server] take this papers to Martin Garcia Avelar to this address: [address] and he doesn't want to take or sign it."

It is therefore unclear whether the father was personally served. Did the server speak to Mr. Avelar? Did he leave the papers for him after he refused them? Need clarification.

2. Petitioner filed declarations of due diligence re the paternal grandparents on 6/17/16. If diligence is not found, proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice or further diligence on:
 - Paternal Grandfather Martin Garcia
 - Paternal Grandmother Teresa Avelar

3. Need result of inquiry re Native American ancestry per Minute Order 4/12/16, and Notice of Child Custody Proceeding for Indian Child (Form ICWA-030) for notice as appropriate.

Note: If Petitioner has reason to believe the minors may have Native American ancestry, this petition cannot go forward until statutory notice requirements have been met.

14A Mileena Padilla, Melody Padilla, Cesar Herrera, JR (GUARD/P)

Case No. 16CEPR00583

Attorney Myers, R. Rich (for Kevin Herrera & Clementina Herrera – Competing Petitioners - Paternal Uncle and Aunt)

Petitioner Rios, Frank Javier (Pro Per – Temporary Guardian – Maternal Grandfather)

Petitioner Rios, Diana (Pro Per – Temporary Guardian – Maternal Grandmother)

Petition for Appointment of Guardian of the Person

Age: 9 years	<p><u>TEMPORARY EXPIRES 10/26/2016</u></p> <p>FRANK JAVIER RIOS and DIANA RIOS, maternal grandparents, are Petitioners.</p> <p><u>Please see petition for details</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Cesar Herrera (Father) • Frankie Rios (Mother) 3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Pedro Herrera (Paternal Grandfather) 4. Item 8 on Page 5 of the <i>Child Information Attachment</i> is incomplete re: Indian child inquiry and ancestry. 	
Cont. from 091216			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			X
Aff.Mail			X
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Sp.Ntc.			
Pers.Serv.			X
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✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
Reviewed by: LV			
Reviewed on: 10/20/2016			
Updates:			
Recommendation:			
File 14A- Padilla/ Herrera			

14A

14B Mileena Padilla, Melody Padilla, Cesar Herrera, JR (GUARD/P)
Case No. 16CEPR00583

Attorney Myers, R. Rich (for Kevin Herrera & Clementina Herrera – Competing Petitioners - Paternal Uncle and Aunt)

Petitioner Rios, Frank Javier (Pro Per – Temporary Guardian – Maternal Grandfather)

Petitioner Rios, Diana (Pro Per – Temporary Guardian – Maternal Grandmother)

Petition for Appointment of Guardian of the Person of Cesar Only

Age: 9 years	<u>TEMPORARY DISMISSED</u>		NEEDS/PROBLEMS/ COMMENTS: Note: This Petition pertains only to CESAR HERRERA, JR.
	KEVIN HERRERA, and CLEMENTINA HERRERA, paternal aunt and uncle, are petitioners.		
	<u>Please see petition for details</u>		
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
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<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
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<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input checked="" type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
			Reviewed by: LV
			Reviewed on: 10/20/2016
			Updates: 10/25/2016
			Recommendation:
			File 14B- Padilla & Herrera

Petition for Approval of Predecessor Trustee's First and Final Account and Report; and for Allowance of Trustee Fees and Costs, and of Attorney Fees and Costs

Julietta Snavelly DOD 5/24/11		BRUCE D. BICKEL , Former Trustee, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS: <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p>Amended petition filed 10/4/16 is set for hearing on 11/15/16.</p>
Cont. from 072716			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
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<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
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<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: skc	
		Reviewed on: 10/19/16	
		Updates:	
		Recommendation:	
		File 15- Snavelly	

Petitioner: Theresa E Alvarado (Pro per - Mother)

Petition for Appointment of Probate Conservator of the Person

		<u>NO TEMPORARY REQUESTED</u>	NEEDS/PROBLEMS/COMMENTS: Court Investigator Advised Rights on 8/30/2016	
		<p>THERESA ALVARADO, mother, is petitioner and requests appointment as conservator of the person with medical treatment consent powers.</p> <p><i>Please see petition for details.</i></p>		
Cont. from 090716				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			w/
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			w/
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
✓	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
✓	Citation			
✓	CVRC	w/		
			Reviewed by: SEF	
			Reviewed on: 10/21/2016	
			Updates:	
			Recommendation:	
			File 16- Alvarado	

Petitioner Tony Prendez (Pro Per, son)

Attorney Nancy J. LeVan (Court-appointed for proposed Conservatee)

Petition for Appointment of Probate Conservator of the Person and Estate

		NO TEMPORARY REQUESTED	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Bond is required for all conservatorships of the estate pursuant to Probate Code § 2320 and CA Rule of Court 7.207. Item1(c) of <i>Petition</i> requests bond for the Conservatorship estate not be required, but does not provide any reasons that the Court should waive bond. The estimated value of the estate is based solely upon public assistance, therefore a conservatorship of the estate may not be appropriate. However, Court may require bond in the sum of \$19,963.90 if conservatorship of the estate is granted.</p> <p style="text-align: center;">~Please see additional page~</p>
		<p>TONY PRENDEZ, son, is Petitioner.</p> <p style="text-align: center;"><i>~Please see Petition for details~</i></p>	
		<p>Court Investigator's Report was filed on 9/27/2016.</p>	
Cont. from 100316			
	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: LEG
			Reviewed on: 10/19/16
			Updates: 10/24/16
			Recommendation:
			File 17- Prendez

NEEDS/PROBLEMS/COMMENTS, continued:

2. *Proof of Service by Mail* filed 10/19/2016 states "unknown, possibly incarcerated" regarding the proposed Conservatee's son, **MICHAEL J. PRENDEZ**. Court may require declaration of due diligence or may require *Notice of Hearing* and proof of service by mail of the notice with a copy of the *Petition for Appointment of Probate Conservator* showing notice was mailed at least 15 days before the hearing pursuant to Probate Code § 1822 for:
 - Michael J. Prendez, son.
3. Based upon the *Report of Court-Appointed Attorney* filed 10/21/2016, Item 11(b) of the *Petition* does not but should list the names, relationships to proposed Conservatee, and residence addresses of all relatives of proposed Conservatee within the second degree. Need revised Item 11 that includes all proposed Conservatee's relatives (**19** persons are listed on the *Proof of Service by Mail* filed 10/19/2016, all of whom must be listed in Item 11 of the *Petition*.)
4. *Petition* requests medical consent and dementia powers. Need *Medical Capacity Declaration* (Judicial Council form GC-335) in support of Petitioner's request pursuant to Probate Code § 1890(c).

Note: If *Petition* for conservatorship of the estate is granted, Court will set status hearings as follows:

- **Monday, November 28, 2016, at 9:00 a.m. in Dept. 303 for filing proof of bond;**
- **Monday, February 27, 2017 at 9:00 a.m. in Dept. 303 for filing of inventory and appraisal; and**
- **Monday, January 8, 2018 at 9:00 a.m. in Dept. 303 for filing of first account of the conservatorship estate.**

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.

***Report of Court-Appointed Attorney* filed by **NANCY J. LEVAN** on 10/21/2016.**

Note: *Report of Court-Appointed Attorney* filed by **NANCY J. LEVAN on 10/21/2016 does not appear to have been served on any interested parties.**

	See petition for details.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: <ul style="list-style-type: none"> - Freddy Michael Herrera (Father) 3. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: <ul style="list-style-type: none"> - Fredrick Herrera (Pat. Grandfather) - Cathy Herrera (Pat. Grandmother) - Richard Garcia (Mat. Grandfather) - Siblings age 12 or older 4. UCCJEA (Form G120) is incomplete as to the questions on Page 2 re other cases involving the minor. Is Petitioner aware of any other court cases in Fresno or elsewhere involving this minor?
		Reviewed by: skc
		Reviewed on: 10/19/16
		Updates:
		Recommendation:
		File 18- Garcia

	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
✓	Clearances	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

Petitioner Garcia, Josie (Pro Per – Aunt – Petitioner)

Petitioner Cardiel, Christopher (Pro Per – Uncle – Petitioner)

Petition for Appointment of Temporary Guardian of the Person

		See petition for details.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: <ul style="list-style-type: none"> - Aldo Gutierrez (Father) - Stacy Salcedo (Mother) 	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			x
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			x
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 10/19/16	
			Updates:	
			Recommendation:	
			File 20- Gutierrez	

Order to Show Cause

DOD: 4/11/15	<p>SANDRA ANN SMITH, Spouse, was appointed Administrator with Full IAEA without bond and Letters issued on 6/2/15.</p> <p>At hearing on 6/2/15, the Court set a status hearing for the filing of the first or final account on 9/13/16.</p> <p>Final I&A filed 6/30/16 consists of a one-third undivided interest in real property valued at \$250,000.</p> <p>On 9/13/16, there were no appearances and the Court set this Order to Show Cause as to James Mele as to why he should not be sanctioned for his failure to appear, and to Sandra Smith as to why she should not be removed for her failure to file the first or final account. Both are ordered to be personally present or present via CourtCall on 10/25/16.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Trailed from 10/25/16; minute order not yet available.</u></p> <p>1. Need First Account or Petition for Final Distribution per Probate Code §12200 or written status report per Local Rule 7.5.</p>
Cont. from 102516		
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: skc
		Reviewed on: 10/25/16
		Updates:
		Recommendation:
		File 21- Smith