



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.

Amended First Account and Report of Conservator, Petition for Allowance of Fees for Attorney

DOD: 05/05/09	PAT MIRANDA , Conservator, is Petitioner.		NEEDS/PROBLEMS/COMMENTS: CONTINUED FROM 09/24/12 As of 10/30/12, nothing further has been filed and the following comments remain: 1. Need Order. 2. The Petition states that the accounting presented covers the period from 08/22/03 – 07/22/07; however, the Schedule 1 "Receipts" ends on 12/06/06 and Schedule 2 "Cash Disbursements" ends on 12/15/06. 3. Schedule 2 "Cash Disbursements" reflects several debits for overdraft and NSF fees totaling \$177.00. The Court may require further information and/or explanation of these debits. 4. The Court may require further information regarding the following disbursements listed on Schedule 2 "Cash Disbursements": a. 04/20/04 – Reimbursement to Pat Miranda for carpet for conservatee's room - \$1,700.00 b. 05/22/04 – Down payment on El Camino - \$1,000.00 c. 12/15/04 – Room and Care to Pat Miranda - \$1,200.00 (monthly room and care charges were usually \$400.00, why the increase in this month?) d. 12/04/06 – Room and Care to Pat Miranda - \$400.00 (Payments of \$1,224.00 began on 05/25/06 (and continued monthly through the end of the accounting presented) to Country View Alzheimer's Care. Why is the conservatee paying Country View and Room and Care to Pat Miranda in December 2006?) Note: The Petition indicates that the conservatee died on 05/05/09, this account only covers the period from 08/22/03 – 07/22/07. Need accounting for period of 07/23/07 – 05/05/09 and an accounting for the period subsequent to the date of death pursuant to Probate Code § 2620(b). If this petition is granted, a status hearing will be set as follows: <ul style="list-style-type: none"> • Friday, December 7, 2012 at 9:00 am in Dept. 303 for filing of the Final Account
	Account period: 08/22/03 – 07/22/07		
Cont. from 092412	Accounting	- \$71,689.37	
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH	- \$15,081.52	
<input checked="" type="checkbox"/> Verified	Ending POH	- \$46.35	
<input type="checkbox"/> Inventory	Conservator	- waives	
<input type="checkbox"/> PTC	Attorney	- \$2,000.00	
<input type="checkbox"/> Not.Cred.	(ok per Local Rule)		
<input checked="" type="checkbox"/> Notice of Hrg	Petitioner states that there are no assets remaining in the estate and requests that the Conservatorship be terminated.		
<input checked="" type="checkbox"/> Aff.Mail	Petitioner requests an Order:		
<input type="checkbox"/> Aff.Pub.	1. Approving, allowing, and settling the amended first account; and		
<input type="checkbox"/> Sp.Ntc.	2. Authorizing payment of attorney's fees.		
<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			
<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: JF			
Reviewed on: 10/30/12			
Updates:			
Recommendation:			
File 1 - McCaslin			

(1) Fourth and Final Account and Report of Conservator and (2) Petition for Fees

Age:		NEEDS/PROBLEMS/COMMENTS:
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Hearing vacated and rescheduled to 11/29/12 per minute order dated 10/25/12.
		Reviewed by: KT
		Reviewed on: 10/29/12
		Updates:
		Recommendation:
		File 2 - Parks

Petition for Order Terminating Probate Proceeding and Discharging Personal Representatives

DOD: 09/14/09	WILLIAM SPURGEON and ROBERT SPURGEON, Co-Executors, are Petitioners.	NEEDS/PROBLEMS/COMMENTS: Note: The personal representatives may only be discharged upon filing of an Ex Parte Petition for Final Discharge and Order. The Examiner has interlined the Order to reflect this.
Cont. from	Petitioners state:	
<input type="checkbox"/> Aff.Sub.Wit.	1. Petitioners were appointed Co-Executors and Letters were issued on 08/27/10.	
<input type="checkbox"/> Verified	2. The sole purpose of the probate proceeding was to probate the funds held in an IRA account at Wells Fargo owned by the Decedent. The Decedent's two sons (Petitioners) are the sole beneficiaries of the estate.	
<input type="checkbox"/> Inventory	3. After Letters were issued, Petitioners discovered that Decedent's IRA was set up so that it could be distributed to the beneficiaries without a probate proceeding, the funds were in fact distributed.	
<input type="checkbox"/> PTC	4. Since the IRA account was the only asset of the estate, and it has already been distributed, there is no need for a probate proceeding.	
<input type="checkbox"/> Not.Cred.	5. Petitioners, as the sole beneficiaries of the estate waive an accounting and agree to terminate the probate proceeding.	
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail w/		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	Petitioners pray for an Order:	Reviewed by: JF
	1. Terminating the probate proceeding in its entirety without the need for an accounting; and	Reviewed on: 10/30/12
	2. For an order discharging Robert Spurgeon and William Spurgeon as personal representatives of the estate.	Updates:
		Recommendation:
		File 4 - Spurgeon

Age: 42	<p>JUSTINE SEREFINE, mother, was appointed Conservator of the Estate on 08/08/11 and Letters were issued on 08/10/11.</p> <p>Account period: NO PROBATE ACCOUNTING PRESENTED</p> <p>Accounting – NO PROBATE ACCOUNTING PRESENTED</p> <p>Conservator – NOT ADDRESSED</p> <p>Attorney - NOT ADDRESSED</p> <p>Declarant states that the Conservator has received billing statements from the Court Investigator's Department dated 09/04/12, 06/15/12, and 05/23/12 seeking payment in the amount of \$400.00 for Investigation No. 1140 and an additional \$400.00 for Investigation No. 1226. Declarant sent a letter to the Court Investigators Department disputing the charges on 03/15/12. Declarant states that, in this case, the conservatee nominated the conservator and attended the hearing. Declarant previously filed a motion to contest the investigator's charges pursuant to Probate Code § 1826(o), which motion was granted on 11/21/11. Probate Code § 1826(p) states, "If the court investigator has performed an investigation within the preceding six months and furnished a report thereon to the court, the court may order, upon good cause shown, that another investigation is not necessary or that a more limited investigation may be performed." Probate Code § 1850(b) further provides that, with respect to ongoing review of conservatorships, "The court may, on its own motion or upon request by any interested party, take appropriate action." Accordingly, the conservator requests that the court order that no further investigations be performed, and that the investigation department cease billing attempts for its investigations, which were unnecessary relative to the needs of the conservatee.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: This document does not appear to be a Petition requesting settlement of a Probate Conservatorship Accounting as no Probate Conservatorship Accounting is presented and the document is not verified by the Conservator. The document appears to be a declaration of attorney Randolph Krbechek.</p> <ol style="list-style-type: none"> 1. Need Inventory & Appraisal pursuant to Probate Code § 2610. 2. Declarant has attached a copy of a Dept. of Veterans Affairs Federal Fiduciary Account for the period of 08/08/11 – 08/07/12; however, this one page form does not meet the requirements of the Probate Code. Need accounting meeting the requirements of the Probate Code. (See Probate Code § 1060 et. Seq.; 2620 et. seq.; CRC 7.575, etc.). 3. It appears that the motion contesting investigators charges granted by Minute Order on 11/21/11 pertained to the initial court investigation only and does not pertain to on-going reviews pursuant to Probate Code § 1850(a). Therefore, investigator fees in the amount of \$800.00 are now due and payable to the Court. The Court may make an order regarding the necessity of further investigations upon the filing of a verified Petition requesting such relief. 4. Need Notice of Hearing and proof of service by mail at least 15 days before the hearing to all interested parties Pursuant to Probate Code § 2652. <p>Note: A Status hearing will be set as follows:</p> <ul style="list-style-type: none"> Friday, November 30, 2012 at 9:00am in Dept. 303 for filing of the Inventory & Appraisal and First Account and Report of Conservator
Cont. from		
Aff.Sub.Wit.		
Verified	x	
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	x	
Aff.Mail	x	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 10/31/12
		Updates:
		Recommendation:
		File 5 - Danielson

Atty Perez, Holley H., of Perez Williams Medina & Rodriguez (for Petitioner Robert F. Perez, Conservator)

(1) Petition for Termination of Conservatorship Proceedings, (2) Final Account Current and Report of Conservator and (3) Petition for Settlement and Distribution (Prob. C. 1860, 1861, 2620, 2623, 2625, 2630, 2640 & 2642)

DOD: 1/20/2012	ROBERT F. PEREZ , son and Conservator of the Person and Estate, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. <i>Petition</i> states the Conservatee received money benefits from and the estate includes assets and real property acquired with money from the Veteran's Administration. Need proof of at least 15 days' mailed service of notice to the Office of the Veterans Administration along with a copy of the petition pursuant to Probate Code §§ 1461.5 and 1822(d), or waiver of such notice.</p> <p>2. <i>Petition</i> does not address whether Conservator compensation and attorney fees are being waived, nor whether Conservator seeks reimbursement of funds advanced by him to the Conservatee during the account period.</p> <p>Reviewed by: LEG</p> <p>Reviewed on: 10/31/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6 - Perez</p>
Cont. from	Account period: 12/1/2010 – 1/20/2012	
	Accounting - \$244,855.60	
	Beginning POH - \$175,574.17	
	Ending POH - \$184,507.82	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory	Subsequent Account period: 1/20/2012 – 7/31/2012	
<input type="checkbox"/> PTC	Accounting - \$190,193.28	
<input type="checkbox"/> Not.Cred.	Beginning POH - \$184,507.82	
<input checked="" type="checkbox"/> Notice of Hrg	Ending POH - \$187,532.03 <i>(\$54,282.03 is cash)</i>	
<input checked="" type="checkbox"/> Aff.Mail	W/	
<input type="checkbox"/> Vetern Notc	X	
<input type="checkbox"/> Sp.Ntc.	Conservator - <i>Not addressed</i>	
<input type="checkbox"/> Pers.Serv.	Attorney - <i>Not addressed</i>	
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters	Petitioner states:	
<input type="checkbox"/> Duties/Supp	<ul style="list-style-type: none"> On 5/9/2011, the Tulare County Superior Court approved and settled the <i>First Account and Report of Conservator</i>, and the Conservatorship was transferred to Fresno pursuant to the <i>Order Approving Transfer of Conservatorship Proceedings to Fresno County</i> dated 10/3/2011; Since the death of the Conservatee on 1/20/2012, Petitioner has pursuant to Probate Code § 2623(a)(5) continued to pay all reasonable expenses incurred for the custody and conservation of the estate; On 5/24/2012, Petitioner was appointed Executor of the deceased Conservatee's estate in Case # 12CEPR00330, and <i>Letters</i> issued on that date; 	
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

~Please see additional page~

Petitioner states, continued:

- The Conservatee's former residence is located on property in Orosi, CA, that is adjacent to property owned by Petitioner, and the two residential structures were at one time located on the same parcel of land, built close together as they were inhabited by the extended family unit; the Conservatee's structure was the home of the Conservatee prior to 1999 and prior to his moving to the Vintage Gardens assisted living facility in 2009; the other structure now owned by Petitioner was the home of Petitioner's grandparents, the Conservatee's in-laws; the Conservatee resided in the in-laws' home after 2000, and the Conservatee's residential property remained undisturbed and vacant until 2007, when it was rented to the current tenant; from 2001 until 2009, the Conservatee continued to live in the in-laws' home (now Petitioner's property) rent free; both properties are serviced by two different PG&E utility accounts, one of which has an electrical water well pump utility service account designated as an agricultural well pump used to irrigate a small orange tree grove existing on the property; while the Conservatee lived in the property owned by Petitioner, the Conservatee paid both PG&E utility bills from that property, and also paid the PG&E agricultural well pump utility bill for the property that he owned because he was maintaining irrigation to the existing orange trees separate and apart from the tenant's rental of the residential structure on that property; after the Conservatee moved to the assisted living facility, he continued to pay only the PG&E agricultural well pump utility bill for the property that he owned in order to maintain irrigation to the existing orange trees; each check written out of Conservatee's account for PG&E utility bills contains a memo identifying the correct account number;
- The Conservatee's real property residence located in Orosi is currently occupied by and has been occupied by the same tenant since 12/2007, with **\$900.00** per month of rent paid by the tenant; originally the lease agreement was also an option to purchase the property, and the tenant hoped to buy the property but has not yet been able to qualify for financing due to his being unable to work based on health issues and later being laid off from his job; the tenant has been unable to pay the full amount of rent, and Petitioner has been working with the tenant for payment of the past owed rent while continuing to pay current monthly rent;
- Petitioner spent well **over 500 hours** providing service to the Conservatee beyond paying monthly bills, including visits and/or calls to the Conservatee ~2 times per week, transportation for medical care and other purposes, family celebrations, and travel to Los Angeles for family reunion every year; Petitioner also gave to Conservatee from his own funds spending money of **\$2,550.00** [outlined in Petition with dates and amounts of money from Conservator's funds];
- Petitioner marshaled all Conservatorship assets, which was a problem because the Veterans Administration did not recognize the existence of the conservatorship created under California law, and was requiring Petitioner to apply separately to its fiduciary program before allowing Conservatee's benefits to be deposited into Conservatorship bank account without Conservatee personally authorizing such a change, and the Conservatee at that time would not personally authorize his VA benefits to be directly deposited into the Conservatorship account;
- After establishment of the Conservatorship, Petitioner opened a Conservatorship Bank of America account because he wanted a bank that did not contain any of his or his wife's (Attorney Holly Perez) funds or the funds of his law firm; the Conservatee was allowed by Union Bank, where an account had been opened for him by Petitioner for the purpose of continuing automatic deposits of VA benefits until they could be transferred to the Conservatorship account, to make unauthorized withdrawals from the account without the knowledge of or authorization from the Petitioner; Conservatee remembered withdrawing and spending some of the money, but did not remember many of the disbursements and could not remember what the money was actually used for (please refer to Schedule G);

~Please see additional page~

Petitioner states, continued:

- Beginning with 8/2011, Conservatee's VA benefit checks were received at Petitioner's address, which Petitioner periodically deposited into the Bank of America conservatorship account; Petitioner has in his possession the VA benefit checks for Conservatee's 11/2011, 12/2011 and 1/2012 benefits, which were not deposited into the Bank of America conservatorship account because the Conservatee did not sign them prior to his death; *Schedule A Receipts* does not include the 11/2011 and 12/2011 checks because Petitioner is not sure that these checks will be re-issued by VA in the name of the deceased Conservatee's estate; the 1/2012 VA benefit check has not been included in *Schedule A Receipts* because according to the VA rules, Conservatee was not entitled to benefits for the month of his death, and Petitioner believes VA has probably already stopped payment for the 1/2012 benefit check.

Petitioner prays for an Order:

1. Terminating the Conservatorship proceedings;
2. Approving and settling the Final Account and Report, and approving the acts of the Conservator shown in the Account and Report; and
3. Authorizing the Conservator to distribute and transfer all funds and assets of the Conservatorship estate to himself as the court-appointed Executor of the deceased Conservatee's Estate (Case #12CEPR00330).

NEEDS/PROBLEMS/COMMENTS:

1. Petitioner requests the Conservators be granted authority to negotiate on behalf of both Petitioner and his spouse, Stacy Salzman. The Court cannot make orders with regard to the spouse. The order has been interlined to exclude reference to powers on behalf of the spouse Stacy Salzman.
2. Petitioner states his income of approx. \$6,000.00/month (\$72,000.00/year) is consumed by his monthly expenses, and his residence, which will ultimately be sold, has no equity, as it is encumbered by a first and a second mortgage; therefore, the parties agree to a bond in the amount of \$70,000.00.

However, based on the estimated income, Examiner calculates that bond should be at least \$79,200.00, including an amount for cost of recovery pursuant to Probate Code §2320(c)(4) and Cal. Rules of Court 7.207. Examiner also notes that this calculation may be inaccurate due to the unknown value of any other personal property.

The Court may require bond of \$79,200.00 at this time, and will review upon the filing of the first account for adjustment as appropriate.

Age: 23		NO TEMPORARY ORDERS		NEEDS/PROBLEMS/COMMENTS: Court Investigator Advised Rights on 08/10/2012. Voting Rights Affected Need Minute Order. Continued from 9/25/12. As of 10/31/12 the following issues remain: 1. Need Citation. 2. Need proof of personal service of the citation and a copy of the Petition on the proposed conservatee. 3. Need Confidential Conservator Screening form for each petitioner. 4. Dr. Gillespie did not initial the Capacity Declaration at #7b as required.
		ANTHONY PINGS & CAROL PINGS, parents, are petitioners and request appointment as conservator of the person, with medical consent powers.		
Cont. from 082112, 092512		Declaration of Maurice Gillespie, M.D., 06/13/2012.		
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W/		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	X		
	Conf. Screen	X		
✓	Letters			
✓	Duties/Supp			
	Objections			
✓	Video Receipt			
✓	CI Report			
	9202			
	Order	X		
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation	X		
	FTB Notice			
				Reviewed by: KT / LV /KT Reviewed on: 10/31/12 Updates: Recommendation: File 8 - Pings

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

Katie, 4		<p style="text-align: center;"><u>TEMPORARY EXPIRES 11/05/12</u></p> <p>GEORGE FICKENWORTH, maternal grandfather, is petitioner.</p> <p>Father: MICHAEL JAY MCGILL</p> <p>Mother: MICHELLE DAWN HARRIS</p> <p>Paternal Grandparents: UNKNOWN</p> <p>Maternal Grandmother: KARRI FRANKS</p> <p>Petitioner alleges: Mother has abandoned the children after CPS placed them in petitioner's care. The father is believed to be in jail pending domestic violence charges.</p> <p>Court Investigator Samantha Henson filed a report on 10/31/12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: At the hearing re Temporary Guardianship, the mother stated that the children were now residing with a paternal uncle in Vancouver, Washington. The temporary was granted and it was ordered that the children be returned to California by 09/20/12. Mother filed a declaration on 09/20/12 stating that the paternal uncle was refusing to return the children to California.</p> <ol style="list-style-type: none"> 1. Need proof of personal 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 the Person</i> or <i>Consent & Waiver of Notice</i> or <i>Declaration of Due Diligence</i> for: <ul style="list-style-type: none"> - Michael Jay McGill (father) - Michelle Dawn Harris (mother) 2. Need proof of service by mail 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 the Person</i> or <i>Consent & Waiver of Notice</i> or <i>Declaration of Due Diligence</i> for: <ul style="list-style-type: none"> - Paternal grandparents (unknown) - Karri Franks (maternal grandmother) 3. Need Order & Letters. 4. Need CI Report and Clearances – CI to provide.
Abigail, 8			
Cont. from			
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	X		
✓ Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
Order	X		
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
		Reviewed by: JF	
		Reviewed on: 10/31/12	
		Updates:	
		Recommendation:	
		File 9 - McGill	

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 12/11/11		<p>CALIFORNIA BAPTIST FOUNDATION, named Executor without bond, is Petitioner.</p> <p>Full IAEA – OK</p> <p>Will dated 07/20/10</p> <p>Residence: Fresno Publication: The Business Journal</p> <p>Estimated Value of the Estate: Personal property- \$326,141.51 Annual income - 10,000.00 Total - \$327,141.51</p> <p>Probate Referee: RICK SMITH</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Friday, April 5, 2013 at 9:00am in Dept. 303 for filing of the Inventory & Appraisal; and • Friday, January 3, 2014 at 9:00am in Dept. 303 for filing of the Account/Petition for Distribution <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
Cont. from			
Aff.Sub.Wit.	s/p		
✓ 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			
		<p>Reviewed by: JF</p> <p>Reviewed on: 10/31/12</p> <p>Updates:</p> <p>Recommendation: SUBMITTED</p> <p>File 10 - McNabb</p>	

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 03/31/12		<p>GREGORY TAYLOR, son, is Petitioner and request appointment as Executor without Bond.</p> <p>Petitioner is a resident of West River, MD.</p> <p>Full IAEA – OK</p> <p>Will dated – NEED</p> <p>Residence: Fresno Publication: The Business Journal</p> <p>Estimated Value of the Estate: Personal property- \$248,446.67 Real property - 486,000.00 Total - \$734,446.67</p> <p>Probate Referee: RICK SMITH</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Original Will has not been lodged with the Court. Need Original Will pursuant to Probate Code § 8200. 2. Petitioner has attached a copy of a Declaration of Trust dated 08/23/04 to the Petition. Need copy of Will. 3. Need relationship to decedent and date of death of the following persons listed in item 8 of the Petition: - Michael Taylor - Gayle Guedel 4. Need Duties & Liabilities of Personal Representative and Confidential Supplement to Duties and Liabilities of Personal Representative. 5. The Petition indicates that Petitioner is a resident of West River, Maryland. The court may require bond if the proposed personal representative resides outside California or for other good cause, even if the will waives bond, pursuant to California Rules of Court 7.201 (b) and Probate Code 8571. 6. Need Order & Letters. <p>Note: If Petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Friday, April 5, 2013 at 9:00am in Dept. 303 for filing of the Inventory & Appraisal; and • Friday, January 3, 2014 at 9:00am in Dept. 303 for filing of the Accounting/Petition for Final Distribution <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.	<input checked="" type="checkbox"/>		
<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 checked="" type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters	<input checked="" type="checkbox"/>		
<input type="checkbox"/> Duties/Supp	<input checked="" type="checkbox"/>		
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input type="checkbox"/> Order	<input checked="" type="checkbox"/>		
<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: JF</p> <p>Reviewed on: 10/31/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11 - Mason</p>	

Petitioners state the mother has passed out with the children in her care on at least one occasion. Their son (the father) returned home and took a photograph, which shows that the children were present (attached).

Petitioners also state the older child has not been sent to school on a regular basis, and that when the younger child was taken to the hospital, Petitioners state the mother requested the doctor write a note for the older child's absences, which the doctor declined.

Petitioners state that in August 2012, the mother called and requested that they pick up Blake, and when they got home at nearly 6:30 pm, the child said all he had to eat all day was a piece of string cheese. Also in August, Petitioners state the father reported that the mother had left a message that she couldn't care for the children, so Allison (Petitioners' daughter) picked them up and provided childcare.

Petitioners state temporary guardianship is necessary to protect the children and that being in the care of the mother is detrimental to the children.

Petitioners' Supplemental Declaration filed 10-26-12 requests that the Court reconsider the request for immediate temporary guardianship pending the hearing and provides information regarding a text message from the mother and a printout from the mother's Facebook page, which Petitioners state may indicate that the mother is planning to take the child out of state (attached).

Status Conference

DOD: 12/23/06	<p>JUANITA HARLAN, daughter, was appointed Administrator with full IAEA without bond on 8/28/07 and Letters issued on 11/21/07.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>		
	<p>Inventory and Appraisal filed 11/2/07 valued the property at \$225,000.00 as of 12/23/06.</p>	<p>CONTINUED FROM 09/10/12</p>		
<p>Cont. from 050112, 071012, 091012</p>	<p>On 4/27/11, the court set a status hearing for failure to file a first account or petition for final distribution.</p>	<p>Minute Order from 09/10/12 states:</p>		
<table border="1"> <tr><td>Aff.Sub.Wit.</td><td></td></tr> </table>	Aff.Sub.Wit.		<p>Status Report filed 7/21/11 states the Administrator executed a new listing agreement for sale of the sole asset of the estate, real property located in Coalinga. The listing price is \$120,000.00 and the agreement is effective from July 15, 2011, through January 31, 2012. The Administrator is not yet in a position to file a petition for final distribution. The Administrator estimates that it will take approximately six months to sell the property and close the estate.</p>	<p>Counsel advises the Court that the sole asset of the estate is a small house in Coalinga. He further advises that his client is having trouble contacting the holder.</p>
Aff.Sub.Wit.				
<table border="1"> <tr><td>Verified</td><td></td></tr> </table>	Verified			
Verified				
<table border="1"> <tr><td>Inventory</td><td></td></tr> </table>	Inventory			
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<table border="1"> <tr><td>PTC</td><td></td></tr> </table>	PTC			
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<table border="1"> <tr><td>Not.Cred.</td><td></td></tr> </table>	Not.Cred.			
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<table border="1"> <tr><td>Notice of Hrg</td><td></td></tr> </table>	Notice of Hrg			
Notice of Hrg				
<table border="1"> <tr><td>Aff.Mail</td><td></td></tr> </table>	Aff.Mail		<p>Status Report filed on 3/28/12 states the original appraisal value of the property was \$225,000.00. The property has been listed for sale at \$120,000.00. An offer to purchase the property at \$50,000.00 was made on 8/29/11. This offer is \$70,000.00 below the listing price. The Administrator's cousin has expressed an interest in purchasing the property for \$70,000.00. Administrator is in discussions with her cousin for this purpose. The family member is no longer interested in purchasing the property for \$70,000.00 Administrator estimates that it will take approximately an additional 6 months for the residential real estate market to improve in order to find a bona fide purchaser and further to close the estate.</p>	
Aff.Mail				
<table border="1"> <tr><td>Aff.Pub.</td><td></td></tr> </table>	Aff.Pub.			
Aff.Pub.				
<table border="1"> <tr><td>Sp.Ntc.</td><td></td></tr> </table>	Sp.Ntc.			
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<table border="1"> <tr><td>Pers.Serv.</td><td></td></tr> </table>	Pers.Serv.			
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<table border="1"> <tr><td>Conf. Screen</td><td></td></tr> </table>	Conf. Screen			
Conf. Screen				
<table border="1"> <tr><td>Letters</td><td></td></tr> </table>	Letters		<p>Minute Order dated 04/03/12 set this matter for hearing on 05/01/12 and states: Court orders Mr. McComas to provide a declaration from broker stating how the sale price of property was established.</p>	
Letters				
<table border="1"> <tr><td>Duties/Supp</td><td></td></tr> </table>	Duties/Supp			
Duties/Supp				
<table border="1"> <tr><td>Objections</td><td></td></tr> </table>	Objections			
Objections				
<table border="1"> <tr><td>Video Receipt</td><td></td></tr> </table>	Video Receipt		<p>Status Report filed 07/02/12 states: the sole asset of the estate is the decedent's house located at 196 E. Cherry Lane in Coalinga. The property has been listed for sale and an offer has been accepted by the Administrator for \$53,600.00. Escrow has been initiated and is expected to close within the next ten (10) days. The Administrator paid back taxes on the property to avoid a tax sale. Further delaying the close of escrow is the title company's pending receipt of information on a deed of trust recorded against the property in favor of the SBA. A notice of proposed action has been sent to all interested parties and no one objected to the sale. The CA Dept. of Health filed a claim against the property in the amount of \$65,922.32. The claim will only be partially satisfied when the proceeds from the sale are distributed. The Administrator won't be in a position to file a petition to close the estate until escrow closes on the sale of the property. It is estimated that it will take no more than one month to close escrow and prepare and file a petition for final distribution. The estate is expected to be insolvent.</p>	<p>Reviewed by: JF</p>
Video Receipt				
<table border="1"> <tr><td>CI Report</td><td></td></tr> </table>	CI Report			<p>Reviewed on: 10/30/12</p>
CI Report				
<table border="1"> <tr><td>9202</td><td></td></tr> </table>	9202			<p>Updates: 10/31/12</p>
9202				
<table border="1"> <tr><td>Order</td><td></td></tr> </table>	Order			<p>Recommendation:</p>
Order				
<table border="1"> <tr><td>Aff. Posting</td><td></td></tr> </table>	Aff. Posting			<p>File 13 - Diaz</p>
Aff. Posting				
<table border="1"> <tr><td>Status Rpt</td><td></td></tr> </table>	Status Rpt			
Status Rpt				
<table border="1"> <tr><td>UCCJEA</td><td></td></tr> </table>	UCCJEA			
UCCJEA				
<table border="1"> <tr><td>Citation</td><td></td></tr> </table>	Citation		<p>Minute Order from 07/10/12 hearing states: Counsel advises the Court that he believes there is a recorded deed of trust. Counsel requests a continuance.</p>	
Citation				
<table border="1"> <tr><td>FTB Notice</td><td></td></tr> </table>	FTB Notice		<p>Notice of Proposed Action filed 08/21/12 re the sale of the Cherry Lane property for \$60,000.00.</p>	
FTB Notice				
	<p style="text-align: center;">Continued on Page 2</p>			

Updated Status Report filed 08/31/12 states: The sole asset of the estate is the decedent's residence located at 196 E. Cherry Lane, Coalinga. The property is listed for sale and several offers have been made. An offer from Gustavo Maciel for \$60,000.00 has been accepted with a 60 day escrow and is expected to close on 10/11/12. Delaying escrow is a deed of trust recorded against the property in favor of the SBA on 11/30/83 for \$50,000.00 which has not been reconveyed. The Administrator is trying to locate a successor of the original mortgage and any and all information concerning final payment on the balance of the loan since no reconveyance has been located or recorded. The Administrator has looked into obtaining a lost note bond, but because the Administrator cannot find proof of paying off the note, the premium is \$4,000.00. Administrator is searching for information to allow escrow to close. A notice of proposed action was sent to all beneficiaries on 08/21/12 and no one has objected to the sale of the property. The CA Dept. of Health has filed a claim against the estate in the amount of \$65,922.32. This lien will be partially satisfied when proceeds from the sale of the house are distributed. Until escrow closes on the real property, the Administrator will not be in a position to file a petition for final distribution in this matter. The attorney's for Administrator estimate that escrow will close in 6-8 weeks and a petition for final distribution will be filed after then. The estate is insolvent.

Update to Status Report filed 10/29/12 states: Escrow is due to close on the real property of the estate the week prior to November 5, 2012. A Notice of Proposed Action was sent to all interested parties and no objections have been made. The property is being sold for \$60,000.00. The I & A on file reflects a value of \$225,000.00; however, the property is in poor condition and the market value has declined with the economic downturn. Petitioner will be in a position to file a petition for final distribution in this matter as soon as escrow closes. It is estimated that it will take approximately 2 – 3 weeks to prepare to close this estate.

Status Hearing Re: Filing of Receipts for Blocked Accounts

Age:		NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> Receipts filed 10/05/12
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 10/31/12
		Updates:
		Recommendation:
		File 14 - Arant

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

Age: 9 years DOB: 11/1/2002	Temporary Expires on 11/5/12	NEEDS/PROBLEMS/COMMENTS: 1. Need UCCJEA
	FERNIE VELEZ , maternal great uncle, is petitioner.	
	Father: UNKNOWN – Due diligence found per minute order dated 8/6/12.	
Cont. from 080612	Mother: VICTORIA TREVINO	
Aff.Sub.Wit.	Paternal grandparents: Unknown	
✓ Verified	Maternal grandfather: Marcos Sotelo	
Inventory	Maternal grandmother: Susan Hernandez – consents and waives notice.	
PTC	Petitioner states the minor presently has guardians who were appointed in Marin County. The minor was sent to the Petitioner on 4/1/12 by the guardians who claimed they could not handle him. The minor has no place else to go. His mother lives in Arizona and his father was deported to Mexico.	
Not.Cred.	Court Investigator Charlotte Bien's Report filed on 7/24/12.	
Notice of Hrg N/A		
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 X		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 10/31/12
		Updates:
		Recommendation:
		File 16 - Hernandez