

**Report of Administrator of Insolvent Estate and Request for Final Discharge [Prob. C. 11000]**

<b>DOD: 7/26/1999</b>		<p><b>PUBLIC ADMINISTRATOR</b>, Successor Administrator, is petitioner.</p> <p><b>Petitioner states</b> per minute order dated 6/2/2008, the former administrator, Richard Milton was removed as administrator for failure to file a final account or petition for final distribution. The Public Administrator was appointed and Letters issued.</p> <p>Richard Milton's attorney Ruth Ratzlaff provided the following information to County Counsel:</p> <ul style="list-style-type: none"> <li>Richard Milton died 6/10/2008.</li> <li>The real property was sold at a short sale and no proceeds came into the estate.</li> <li>The family emptied the bank accounts. The also took the vehicle, loaded with everything in the house that could be removed.</li> </ul> <p>Richard Milton filed inventories as follows:</p> <table> <tr> <td>Real property</td> <td>\$100,000.00</td> </tr> <tr> <td>Vehicle &amp; Stocks</td> <td>\$18,205.22</td> </tr> <tr> <td>Cash</td> <td>\$33,330.94</td> </tr> </table> <p>Unpaid creditor's claims filed include:</p> <table> <tr> <td>EECU</td> <td>\$5,267.27</td> </tr> <tr> <td>Chevron</td> <td>\$43.24</td> </tr> </table> <p>Richard did not act upon the claims. Neither can be paid due to lack of assets.</p> <p><b>Petitioner prays for an order:</b></p> <ol style="list-style-type: none"> <li>The final report be settled, allowed and approved as filed, and all acts and proceedings of petitioner as successor administrator be confirmed and approved.</li> <li>The Fresno County Public Administrator be discharged as successor Administrator.</li> </ol>	Real property	\$100,000.00	Vehicle & Stocks	\$18,205.22	Cash	\$33,330.94	EECU	\$5,267.27	Chevron	\$43.24	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Real property	\$100,000.00												
Vehicle & Stocks	\$18,205.22												
Cash	\$33,330.94												
EECU	\$5,267.27												
Chevron	\$43.24												
<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>												
<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>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>												
		<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 11/1/2013</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 1 – Milton</b></p>											

**(1) Report of Executor and Petition for Its Settlement on Waiver of Account and for  
(2) Final Distribution**

<b>DOD: 4/19/2004</b>	<b>STEPHEN RONALD CLOUD,</b> brother/Executor, is petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 10/16/13. Minute order states Mr. Perkins advises the Court that he has been informed by Counsel that Stephen Cloud, Jr. is not waiving the accounting.</b></p> <ol style="list-style-type: none"> <li>Petition states all beneficiaries waive the accounting. Need waiver of accounting from beneficiary, Stephen Ronald Cloud, Jr.</li> <li>Notice of Hearing was sent to Stephen Ronald Cloud, Jr. c/o Joanne Sanoian. California Rules of Court, Rule 7.51 requires direct notice.</li> <li>Petition includes request for reimbursement of payments to the probate referee in the amount of \$4,018.77 on 2/16/2011 and \$489.36 on 6/11/2013. The only inventory and appraisal filed in this matter was on 8/23/13 and indicates the probate referee was paid \$209.03. The court may require clarification.</li> </ol>	
	Accounting is waived? (see note #1)		
<b>Cont. from 101613</b>	I & A - <b>\$4,970,876.00</b>		
<b>Aff.Sub.Wit.</b>	Executor - <b>waives.</b>		
✓ <b>Verified</b>	Attorney - <b>\$28,086.36</b> (less than statutory)		
✓ <b>Inventory</b>	Costs - <b>\$8,919.63</b> (filing fees, probate referee, publication)		
✓ <b>PTC</b>	This estate overpaid the initial filing fee and therefore requests a refund of \$3,315.00 from the clerk of the court.		
✓ <b>Not.Cred.</b>	Will devises the residue of the estate to a testamentary trust. The trust is to distribute when the beneficiaries reach the age of 35. Petitioner states both beneficiaries are over 35 therefore request that the estate distribute to them directly.		
✓ <b>Notice of Hrg</b>	<b>Distribution, pursuant to Decedent's Will is to:</b>		
✓ <b>Aff.Mail</b> W/	Stephen Ronald Cloud, Jr. (nephew) – ½ of the property on hand;		
<b>Aff.Pub.</b>	Ryan Cloud (nephew) ½ of the property on hand.		
✓ <b>Sp.Ntc.</b> W/			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
✓ <b>Letters</b> 8/30/06			
<b>Duties/Sup p</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>			
			<b>Reviewed by: KT</b>
			<b>Reviewed on: 11/1/13</b>
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 2 – Cloud</b>	



<b>DOD: 12/12/06</b>		<b>GEORGE BAKER</b> , Executor, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>CONTINUED FROM 10/02/13</u>  <b>Minute Order from 10/02/13 states:</b>                  Mr. Fry and Mr. Baker are appearing via CourtCall. Also appearing via CourtCall is Michael, Mr. Baker's brother. The Court is advised that there are no assets to pay creditors' claim. Matter is continued to 11/06/13. Counsel is directed to file the appropriate document.</p>
		Account period: <b>09/11/11 – 08/31/13</b>	
<b>Cont. from 090413, 100213</b>		Accounting - <b>\$60,528.93</b>	
<b>Aff.Sub.Wit.</b>		Beginning POH - <b>\$60,447.72</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>	POH - <b>\$24,632.56</b> (\$22,432.56 is cash)	
<input checked="" type="checkbox"/>	<b>Inventory</b>	Executor - <b>not requested</b>	
<input checked="" type="checkbox"/>	<b>PTC</b>	Executor reimbursement - <b>\$10,961.96</b> , plus 1995 Nissan Sentra valued at \$2,200 (as partial reimbursement for mortgage payments on the real property of the estate)	
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	Attorney - <b>\$2,378.85</b> (statutory)	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	Attorney x/o - <b>\$1,121.15</b> (for work related to the sale of real property, itemized)	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	Costs - <b>\$2,559.02</b> (for filing fees, publication, courtcall and travel expenses, overnight shipping charges and certified mail)	
	<b>Aff.Pub.</b>	Public Guardian reimbursement - <b>\$5,411.58</b> (for monies advanced for repairs on the real property asset of the estate)	
	<b>Sp.Ntc.</b>	Petitioner states that after making these disbursements, there will be no assets remaining to pay other claims against the Estate or to make distributions to the Decedent's heirs. Upon making the payments and disbursements set forth above, the Executor asks that the Estate be closed and the Executor be discharged.	
	<b>Pers.Serv.</b>	Petitioner filed his First Account and Status Report on 12/12/06 – 09/10/11. At the hearing for the First Account on 10/20/11, the Court deferred judgment on the First Account to the date of the filing of the final account.	
	<b>Conf. Screen</b>		
	<b>Letters</b>	03/19/07	
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>	n/a	
<input checked="" type="checkbox"/>	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>	n/a	

<b>Age: 96</b>	<b>PUBLIC GUARDIAN</b> , Conservator of the Estate, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note: The Court will set status hearing as follows:</b> <ul style="list-style-type: none"> <li><b>Friday 8-15-15 for the filing of the next account</b></li> </ul>
	Account period: 6-18-11 through 6-17-13	
<b>Cont from 090413, 100913</b>	Accounting: \$117,023.54 Beginning POH: \$73,881.95 Ending POH: \$3,927.13 (\$1,427.13 cash)	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>	Conservator: \$1,850.56 (6.61 Deputy hours @ \$96/hr and 16 Staff hours @ \$76/hr)	
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Attorney: \$1,250.00 (less than local rule)	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	Bond fee: \$88.94 (ok)	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>	<b>Petitioner prays for an order:</b>	
<input type="checkbox"/> <b>Conf. Screen</b>	1. Approving, allowing and settling the 2 <sup>nd</sup> Account;	
<input type="checkbox"/> <b>Letters</b>	2. Authorizing the conservator and attorney fees and commissions;	
<input type="checkbox"/> <b>Duties/Supp</b>	3. Authorizing payment of the bond fee; and	
<input type="checkbox"/> <b>Objections</b>	4. Any other orders the Court considers proper.	
<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> 11-1-13
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 5 – Wooten</b>

Atty Shekoyan, James E., of Baker Manock & Jensen (for John R. Panzak, Jr., Deceased Executor;  
 Atty Risner, Randy, sole practitioner (for Objector Gordon Panzak, Beneficiary)

**First and Final Account of Deceased Personal Representative (PC 10953)**

<b>DOD: 3/12/2010</b>		<p><b>JAMES E. SHEKOYAN</b>, legal representative for <b>JOHN R. PANZAK, JR.</b>, Executor appointed on 8/11/2010, is Petitioner.</p> <p><b>Account period: 3/12/2010 – 2/15/2013</b></p> <table> <tr> <td>Accounting</td> <td>-</td> <td><b>\$620,182.86</b></td> </tr> <tr> <td>Beginning POH</td> <td>-</td> <td><b>\$575,843.31</b></td> </tr> <tr> <td>Ending POH</td> <td>-</td> <td><b>\$558,887.37</b></td> </tr> </table> <p><i>(POH consists of brokerage account and vehicle.)</i></p> <table> <tr> <td>Executor</td> <td>-</td> <td><b>not requested</b></td> </tr> <tr> <td>Attorney</td> <td>-</td> <td><b>not requested</b></td> </tr> <tr> <td>Costs</td> <td>-</td> <td><b>\$1,765.86</b></td> </tr> </table> <p><i>(filing fees, publication, certified copies; research by runner; parking fees and travel/mileage to Court)</i></p> <p><b>Petitioner states:</b></p> <ul style="list-style-type: none"> <li>Most of Decedent's assets were in the <b>JOHN R. PANZAK LIVING TRUST</b>, which are not part of the probate estate;</li> <li><b>GORDON PANZAK</b>, son, filed two litigation matters between himself and the deceased personal representative, <b>JOHN PANZAK, JR.</b>, as the Executor of the estate; one of the litigation matters involves the probate estate; the second matter is a civil litigation action filed by Gordon Panzak (Case #11CECG00789) regarding the Decedent's trust and trust assets;</li> <li>John Jr. was prepared to commence trial in the civil litigation action, which was scheduled to begin on 12/12/2012; however, on 12/6/2012, Gordon dismissed this case without prejudice, and on the same day, he filed a new civil litigation action (Case #12CECG03842) citing the same causes of action grievances as alleged in the action he just dismissed, such that the new complaint is a copy of the complaint dismissed the same day [Note: Court records show the Case Management Conference in 12CECG03842 was continued to 10/15/2013, citing the reason "service." Entry for 10/15/2013 states Order to Show Cause hearing set for <b>12/19/2013</b> at 10:00am in Dept. 401 for plaintiff for failure to serve.]</li> </ul> <p align="center"><b>~Please see additional page~</b></p>	Accounting	-	<b>\$620,182.86</b>	Beginning POH	-	<b>\$575,843.31</b>	Ending POH	-	<b>\$558,887.37</b>	Executor	-	<b>not requested</b>	Attorney	-	<b>not requested</b>	Costs	-	<b>\$1,765.86</b>	<p><b>NEEDS/PROBLEMS/ COMMENTS:</b></p> <p><b>Page 9</b> is the related matter of the John R. Panzak Living Trust, Case # 13CEPR00196.</p> <p><b>Continued from 9/18/2013.</b> Minute Order states for the record, Mr. Risner is counsel for Mr. Gordon Panzak. Mr. Panzak has filed objections to the accounting [on 9/3/2013]. Public Administrator also has concerns with the accounting.</p> <p><b>Note:</b> Letters of Administration with Will Annexed issued to the Public Administrator on 6/3/2013. Court may set status hearing for the filing of the final account of the successor personal representative on <b>Friday, April 11, 2014, at 9:00 a.m. in Department 303.</b></p> <p align="center"><b>~Please see additional page~</b></p>
Accounting	-		<b>\$620,182.86</b>																		
Beginning POH	-		<b>\$575,843.31</b>																		
Ending POH	-		<b>\$558,887.37</b>																		
Executor	-		<b>not requested</b>																		
Attorney	-		<b>not requested</b>																		
Costs	-		<b>\$1,765.86</b>																		
Cont. from 090413, 091813																					
Aff.Sub.W																					
✓ Verified																					
✓ Inventory																					
✓ PTC																					
✓ Not.Cred.																					
✓ Notice of Hrg																					
✓ Aff.Mail																					
Aff.Pub.																					
Sp.Ntc.																					
Pers.Serv.																					
Conf. Screen																					
Letters																					
Duties/S																					
✓ Objection																					
Vid Rcpt																					
CI Report																					
✓ 9202																					
✓ Order																					
Aff. Post																					
Status Rpt																					
UCCJEA																					
Citation																					
✓ FTB Notice																					
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 11/4/13</p> <p><b>Updates:</b> 11/5/13 (5<sup>th</sup> Add'l page et seq.)</p> <p><b>Recommendation:</b></p> <p><b>File 6 – Panzak</b></p>																			

**Petitioner states, continued:**

- The issues in the civil litigation matter are entwined with the issues in the probate estate; as soon as the civil litigation is resolved, John Jr. intended to close the probate estate;
- **SHARON PANZAK**, spouse of John Jr., petitioned this Court to become the successor personal representative citing conflicts of interest in the appointment of Gordon, who also petitioned this Court to be appointed as personal representative;
- On 4/29/2013, the Court appointed the **PUBLIC ADMINISTRATOR** as the successor personal representative of this estate;
- All claims filed with the Court or presented against the estate, consisting of claims by Gordon Panzak filed 12/8/2010 for claims such as rent waste, damage to property, conversion of truck, ½ interest in Santa Cruz real property, and various other items of personal property, totaling **~\$1,582,940.00**, were rejected on 2/28/2011;
- The sole beneficiary of the estate is the **JOHN R. PANZAK LIVING TRUST**; Gordon has received the distributions he was entitled to under the terms of the Trust; the remaining assets of the Trust estate are distributed solely to John R. Panzak, Jr.;
- When John Jr. opened the estate brokerage account, he arranged to have the dividends paid into the account distributed to him monthly (*please refer to Schedule D, Distributions to Beneficiary*); Schedule D shows dividends from pre-August/2010 to 2/15/2013 distributed to John Jr. in the sum of **\$61,168.76**;
- John Jr. was entitled to receive the dividends through the Trust estate; additionally, John Jr. was paying the Decedent's bills and probate administration expenses from these assets;
- **Petitioner requests approval of the monthly distributions to John Panzak, Jr.**

**Petitioner prays for an Order:**

1. Settling, allowing and approving the First and Final Account of the attorney for the deceased personal representative;
2. Confirming and approving all acts and proceedings of the deceased personal representative, including the monthly distributions of the dividends paid to himself totaling **\$61,168.76**; and
3. Authorizing and directing the successor personal representative to pay to Baker Manock & Jensen the sum of **\$1,765.86** for costs advanced to the estate.

**NEEDS/PROBLEMS/COMMENTS, continued:**

**Note:** The devisee of the estate pursuant to Decedent's Will admitted to probate on 8/11/2010 is **JOHN R. PANZAK, JR.**, Trustee of the **JOHN R. PANZAK LIVING TRUST**. *Petition* states the remaining assets of the Trust estate are distributed solely to John R. Panzak, Jr. It appears John R. Panzak, Jr. has received payments of **\$61,168.76** from this Decedent's estate prior to court order approving such payments in contravention of Probate Code §§ 11603(a), 11640, and 11641.

**Note:** *Petition* requests reimbursement of **\$9.72** for parking expenses and mileage to Court, and **\$36.00** for research by a runner service, which pursuant to Local Rule 7.17(B)(3), (5) and (7) are not reimbursable costs, such that the total cost reimbursement amount should be **\$1,720.14**. Proposed order has been interlined to reflect costs allowed of **\$1,720.14**.

~Please see additional page~

**Beneficiary's Objections to Inventory and Appraisal and Beneficiary's Objections to First and Final Accounting, and Declaration in Support filed by GORDON PANZAK on 9/3/2013 states:**

- John Panzak, Sr. died on 3/12/2010; John Panzak, Jr., became Executor of the estate [on 8/11/2010], and in turn died on 2/15/2013;
- No inventory and appraisal was filed until November of 2012, when the Court ordered it to be done;
- The account filed with the Court was not furnished to Beneficiary Gordon Panzak; no accounting was filed until the one presently before the Court;
- Gordon is a named beneficiary of the estate, and was entitled to copies of the accounting and notice of actions by the Executor; none were given;
- In reviewing the November 2012 documents filed with the Court, the Executor lied by declaring that the only beneficiary of the estate was the **JOHN PANZAK TRUST**; both John R. Panzak, Jr., and Gordon Panzak were to share the personal property of the estate;
- John Panzak, Jr., sold the pick-up truck which is the subject of a separate creditor's claim and action by Charles Panzak;
- The current *First and Final Accounting* shows that John R. Panzak, Jr., **embezzled** [partial emphasis in original] the proceeds from the sale, thereby committing a felony under Penal Code § 484, et seq.
- It is a fair inference that the remaining personal property was also embezzled by John R. Panzak, Jr., since it was not listed;
  
- **Inventory and appraisal and First and Final Accounting are incomplete** and were presented so with intent to defraud the Court, the Beneficiary, and to cover up the theft of certain property and funds; John Panzak, Sr., died in possession of the following property which is not reflected in either document:
  1. At least one Savings Account;
  2. At least one Checking Account;
  3. At least one Certificate of Deposit;
  4. Antique furniture;
  5. Guns;
  6. A new pick-up truck (the inventory shows the truck is still in the estate, when in fact it was sold and the proceeds were embezzled).
  
- **First and Final Accounting contains many grievous lies** in the narrative part, as follows:
  1. Paragraph 5 omits the numerous items stated in this objection, and hence is false and fraudulent by omission;
  2. Paragraph 11 states all debts of Decedent have been paid; where is the accounting? What debts? How much? When Paid? The Accounting filed in November 2012 stated all debts of Decedent had been paid as of November 2012 if not sooner, yet the excuse given in Paragraph 26 for the Executor's embezzlement is that the money was needed to pay the Decedent's expenses; if they were paid in November, clearly the last 4 payments to John Panzak, Jr., listed in Schedule D are embezzled funds since all expenses of John Panzak Sr. were paid no later than October 2012; the last payment was made on the same date John Panzak, Jr. lay on his deathbed and is highly questionable;

~Please see additional page~

Beneficiary Gordon Pazak's Objections filed 9/3/2012, continued:

• First and Final Accounting contains many grievous lies, continued:

3. Paragraph 15 states all taxes were paid; there is no accounting of those funds;
4. Paragraph 17 states John Panzak, Sr. had accounts in interest-bearing accounts when he died; where are the accounts? Paragraph 17 is ambiguous in that "John" could refer to the Executor John Panzak, Jr. as opposed to Decedent; the trust accounts set up should be included in the account and inventory, especially in light of the embezzlement;
5. Paragraph[s 19 and 20] restate the same lie that has been published by John Panzak Jr. and his lawyers several times in these proceedings [that the beneficiary of the estate is the successor trustee of the **JOHN R. PANZAK LIVING TRUST**]; why do they persist in that lie? Gordon Panzak is a beneficiary of the estate;
6. In Paragraph 20, Attorney Shekoyan tries to cover up a massive embezzlement by John Panzak, Jr. by creating a series of lies and by blurring the distinction between John Panzak Sr, the Decedent, and John Panzak, Jr., the Executor;
  - (a) The Estate and Trust [*emphasis in original*] are the subjects of litigation on Creditor's Claims that exceed the value of the combined entities; NO [*emphasis in original*] distribution to any beneficiary should have been made while the issue is pending; any such transfer is, per se, done with the intent to defraud Creditors;
  - (b) Attorney Shekoyan refers to "John" as opening a Merrill Lynch Account; again, does he mean John Panzak Sr. or John Panzak Jr.? No Merrill Lynch Account is listed in the inventory or the accounting; In Paragraph 5, Attorney Shekoyan states the Merrill Lynch account was in the estate and set up by John Panzak, Sr., not John Panzak Jr., but neither account is listed;
  - (c) John Panzak, Jr. had a right to set up a probate trust account and pay the Decedent's bills; he did not have a right to embezzle the funds to himself; no accounting has been done for those expenses or of any Estate Trust Account; there was never a petition for distribution from the estate to John Panzak, Jr. or any other person;
  - (d) Per the account filed in November 2012, there were no longer any expenses of John Panzak Sr. to pay; at least the last 4 payments of Schedule D were therefore embezzled;

- Litigation: The Estate was engaged in litigation for over a year; no claim for those attorney fees has been made; the estate would be the entity to pay the fees;
- The Will of Decedent does not [*emphasis in original*] allow for the hiring of an attorney for litigation;
- The Trust of the Decedent does not allow for the hiring of an attorney for litigation;
- The proper procedure would have been for the Estate and/or Trust to file a petition for instructions in regards to the litigation before incurring the expenses;
- This would have brought the matter to the direct scrutiny of the Court and would have assisted in a rapid conclusion to the litigation by Settlement; this was not done;
- It is obvious that Shekoyan and Paloutzian conspired to prolong the litigation and to have John Panzak Jr. launder the money to them;
- On 3 separate occasions, Paloutzian referred to John R. Panzak, Jr. in his personal capacity [*emphasis in original*] as his client, as opposed to John Panzak Jr.'s status as Executor or Trustee; this shows the funds embezzled by John Panzak Jr. went to Paloutzian as fees bypassing the Estate and Court scrutiny;

~Please see additional page~

**Beneficiary Gordon Pazak's Objections filed 9/3/2012, continued:**

**Litigation, continued:**

- The payments to John Panzak, Jr., listed in Schedule D start with the commencement of litigation; the sum total is close to the amount of attorney fees due Paloutzian;
- No claim or lien for fees due to the litigation is reflected in the documents filed; Shekoyan states they have been paid, yet they are not reflected in those documents; no petition for instructions was filed; no lien for fees was filed; no petition for distribution from the Estate was filed [emphasis in original];
- The money goes to John Panzak Jr. and is laundered to Shekoyan and Paloutzian to avoid Court scrutiny and to defraud Creditors and needlessly prolong litigation;
- Schedule D and Paragraph 20 reflect a preferential payment to a beneficiary in deference to creditors and to avoid scrutiny of the Court and without Court permission;
- The pick-up truck payment listed on Schedule D should in no way be ratified by the Court as the Court would become accessory after the fact to the commission of the felony of embezzlement by John Panzak, Jr., which was done with the connivance of his attorneys Shekoyan and Paloutzian.

**Beneficiary Gordon Panzak prays that the Court:**

1. Reject the Inventory and appraisal;
2. Order that the missing assets be located, inventoried and appraised;
3. Reject the First and Final Accounting;
4. Order all accounts, assets, transactions and supporting documents be produced;
5. Order that the Public Administrator and/or Beneficiary be authorized to audit the accounts of the Estate of John Panzak, Sr., including the documents showing payments of attorney fees to Baker, Manock & Jensen for litigation;
6. Order that the Public Administrator and/or Beneficiary be authorized to examine all financial records of John Panzak, Jr. from 3/12/2010 to present;
7. Order that no fees or costs be authorized to Shekoyan given the false and fraudulent manner in which the accounting and inventory were presented.

**Note:** Proof of Service filed 9/3/2013 by Gordon Panzak shows a copy of the *Beneficiary's Objections* was served on Attorney James Shekoyan and the Public Administrator on 9/3/2013.

**~Please see additional page~**

**Supplement to Beneficiary's Objections to Inventory and Appraisal; and Beneficiary's Objections to First and Final Accounting; and Declaration in Support filed by GORDON PANZAK on 11/1/2013 states:**

- All prior statements of facts and objections filed in the *Beneficiary's Objections to Inventory and Appraisal; and Beneficiary's Objections to First and Final Accounting; and Declaration in Support* on 9/3/2013 are incorporated herein by reference and made a part of these pleadings [*emphasis in original*];
- In addition to the previous filed objections, the Petitioner supplements his pleadings as follows (John Panzak, Sr. will be referred to as "Senior; and John Panzak Jr., will be referred to as "Junior"); Noting that none had been filed since March 2012, the Court on the fall of 2012 ordered Junior to file an accounting of the Estate assets and an inventory and appraisal; the hearing was set for 9/7/2012;
- Attorney Shekoyan did not appear, Junior did not appear [*emphasis in original*]; Sharon Panzak was a stranger to the estate and has no authority by law to appear; a reasonable inference can be drawn that either Attorney Shekoyan or Junior or both share confidential estate information with Sharon Panzak, thereby waiving Attorney/Client Privilege and breaching the Executor's Fiduciary Duty of loyalty to the Estate;
- The Accounting (page 3) stated that all debts of the Decedent had been paid; no dates were given, but the reasonable inference is that they were paid no later than 9/7/2013;
- The documents further state, that the income taxes have been paid, giving rise to an inference that both Attorney Shekoyan and Junior were aware of an approved the last tax returns of Senior; the previous tax returns clearly showed 10 bank accounts owned by Senior which were not shown in the inventory and appraisal or the accounting;
- The document states in Item 19 that "No advance distributions have been made";
- The documents were signed by Attorney Shekoyan and Junior;
- There was no disclosure that Junior was terminally ill and was unable to perform his duties;
- On 1/11/2013, a status hearing was held for a Report of the Personal Representative;
- Again, there was no disclosure that Junior was terminally ill and was unable to perform his duties;
- Language in the report states that Junior "is and has been duly qualified as personal representative of the estate"; again, no notice to the Court of terminal illness, the fact that he was in hospice, or the fact that Sharon Panzak appeared for Junior on 9/7/2012 because Junior could no longer perform his duties;
- The report states on Page 4 that the Estate has only a single asset – the Merrill-Lynch account;
- No notice of the proceedings was given to Gordon Panzak, personally, or as a creditor, or as an attorney for litigant/Creditor, Charles Panzak;
- The Personal Representative of the Estate of Junior, Sharon Panzak, failed to file an account in 60 days after the Executor's death;
- Attorney Shekoyan had the cooperation of his new client, Sharon Panzak, when he filed petitions to take over the Estate of Senior and presumably could have gotten any financial document from the estate of Senior upon request;
- Steven German, CPA, had done Senior's income taxes and was familiar with all of Senior's financial holdings; a simple request by Attorney Shekoyan to Mr. German would have filled in gaps in information.

**~Please see additional page~**

**Supplement to Beneficiary's Objections to Inventory and Appraisal; and Beneficiary's Objections to First and Final Accounting; and Declaration in Support filed by GORDON PANZAK on 11/1/2013, continued:**

- **Breach of Fiduciary Duty by Junior:** Junior has breached various fiduciary duties imposed on him by law and of which he was made aware when he signed the Statement of Duties and Responsibilities, including *[citations omitted]*: (1) failure to establish a segregated Trust Account for the Estate; (2) failure to file petitions for instructions to engage in litigation which is not authorized in the will or trust instrument; (3) failure to use ordinary care and diligence in matters of the estate by not keeping accounts of expenditures; (4) not seek court approval and providing notice for preliminary distribution from the estate; (5) failure to transfer funds he removed from the estate to the trust; (6) secretly transferring money from the estate to himself, when he had acknowledge under penalty of perjury that he was not a beneficiary of the estate and that the trust was the only beneficiary; (7) published documents with the court on 9/7/2012, stating under oath that no advance distributions have been made, when at the time he had taken over 29 such payments for himself; (8) signing documents stating that all expenses of the estate had been paid no later than 9/7/2012 and yet according to Attorney Shekoyan who stated on the record the advance payments to Junior were for "expenses of the estate."
- **Duty of Attorney Shekoyan:** Probate Code § 10953 places a duty of due diligence upon Attorney Shekoyan *[citation to case law omitted]*
- **Conflict of interest:** Attorney Shekoyan represented Junior as Trustee; Junior as Executor; Junior personally in litigation; Junior as deceased executor; Sharon Panzak as Petitioner to become executor; Sharon Panzak as Petitioner to become successor trustee; the office of Public Administrator; his duty of loyalty is to the office of trustee and the office of executor and not personally to the person holding those offices; he had a duty to disclose all records and information to the successors to those two offices, and he failed to do so; one the Court appointed the Public Administrator, Attorney Shekoyan failed to tell the Court or opposing parties of his conflict of interest and told the staff of the Public Administrator and County Counsel to not worry about the case, it was nothing and would go away once the accounting was accepted; Attorney Shekoyan breached his duty as an attorney and his duty of candor; he breached his duties by: (1) representing parties adverse to the trust and estate; (2) failing to properly turn over estate and trust files to the successor trustee and executor; (3) keeping confidential communications secret from the successor trustee and successor executor; (4) telling County Counsel and the Public Administrator to stand down and not diligently do their duties; (5) failure to disclose to: the Probate Court, the Beneficiaries, the Creditors, the Attorneys for Creditors, the successor trustee, the successor executor; (6) failure to disclose that there had been massive embezzlement from the estate by Junior, and affirmatively attempted to cover up the embezzlement and obtain immunity for Junior by (a) not reporting the embezzlement and (b) not providing proper notice of the accounting, (c) affirmatively making false statements on the record, (d) attempting to have the Court sign an Order ratifying the embezzlement to terminate Civil liability, (e) captioning the action as First and Final Accounting thereby attempting to obtain an Order which would extinguish civil liability of Junior; and (f) failing to list all know assets of the estate including accounts which had been embezzled.

**Objector Gordon Panzak prays that the Court:** (1) Order Attorney Shekoyan to produce Senior's last personal income tax return in its entirety; (2) Order Attorney Shekoyan to produce all bank records of Senior's estate and trust accounts; and (3) Order the Personal Representative Sharon Panzak to produce the records of Junior's bank accounts into which stolen money was deposited and show all disbursements of those funds.

***~Please see additional page~***

***Declaration of Gordon Panzak in Support of Supplement to Objections to Inventory and Appraisal; and Objections to First and Final Accounting of John R. Panzak, Jr. attached to his Objections filed on 11/1/2013 states:***

***Gordon Panzak declares that:***

- He is a named beneficiary of the Estate of John R. Panzak;
- He is a creditor of the Estate of John R. Panzak to the extent of **1.5 million** dollars;
- He has personal knowledge of the facts averred to and if called as a witness, under oath in a court of law, could competently testify to the truth of those matters;
- He is an Attorney for Creditor Charles Panzak;
- No notice was given to Gordon Panzak as a Creditor, Beneficiary, or an Attorney of Record for Creditor Charles Panzak, of any advance payments made to John Robert Panzak, Jr., from the Estate of John Robert Panzak, Sr. while creditors' claims were pending;
- Steven German prepared the taxes of John Robert Panzak, Sr., and had readily available all records of the Decedent's financial records;
- The Estate of John Robert Panzak, Sr. consisted primarily of assets easily traceable, i.e., stocks and bank accounts;
- No notice of the pending First and Final Accounting and Inventory and Appraisal was served upon him as a Beneficiary, Creditor, or Attorney for a Creditor/litigant.

***Note:*** *Proof of Service* filed 11/1/2013 shows the *Supplement to Beneficiary's Objections to Inventory and Appraisal; and Beneficiary's Objections to First and Final Accounting; and Declaration in Support* were served by mail to Attorney James Shekoyan, County Counsel, and the Public Administrator on 11/1/2013.

(1) Petition for Final Distribution on Waiver of Accounting and (2) for Allowance of Compensation for Ordinary Services

<b>DOD: 11/23/2010</b>		<b>MARIAN J. MOSLEY</b> , Administrator, is petitioner.  Accounting is waived  I&A - \$80,000.00 POH -  Administrator - <b>Waives</b>  Attorney - \$3,200.00 (Statutory)  Costs - \$1,555.00 (filing fee, probate referee, publication, certified copies)  <b>Distribution pursuant to intestate succession:</b>  <b>Marian J. Mosley – 100%</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u><b>Off Calendar Amended Petition for Final Distribution filed on 10/28/2013. Hearing is set for 12/12/2013.</b></u>  1. Need Property On Hand Schedule pursuant to California Rules of Court 7.550b(4).  2. Need Order.				
Cont. from 091813, 101613							
<input type="checkbox"/>	Aff.Sub.Wit.						
<input checked="" type="checkbox"/>	Verified						
<input checked="" type="checkbox"/>	Inventory						
<input type="checkbox"/>	PTC						
<input checked="" type="checkbox"/>	Not.Cred.						
<input checked="" type="checkbox"/>	Notice of Hrg						
<input checked="" type="checkbox"/>	Aff.Mail			w/			
<input type="checkbox"/>	Aff.Pub.						
<input type="checkbox"/>	Sp.Ntc.						
<input type="checkbox"/>	Pers.Serv.						
<input type="checkbox"/>	Conf. Screen						
<input checked="" type="checkbox"/>	Letters			06/01/2011			
<input type="checkbox"/>	Duties/Supp						
<input type="checkbox"/>	Objections						
<input type="checkbox"/>	Video Receipt						
<input type="checkbox"/>	CI Report						
<input checked="" type="checkbox"/>	9202						
<input 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						
<table border="1"> <tr> <td>Reviewed by: LV</td> </tr> <tr> <td>Reviewed on: 11/04/2013</td> </tr> <tr> <td>Updates:</td> </tr> <tr> <td>Recommendation:</td> </tr> <tr> <td>File 7 – Hanson</td> </tr> </table>			Reviewed by: LV	Reviewed on: 11/04/2013	Updates:	Recommendation:	File 7 – Hanson
Reviewed by: LV							
Reviewed on: 11/04/2013							
Updates:							
Recommendation:							
File 7 – Hanson							

(1) First Account Current and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney [Prob. C. 2620; 2623; 2630; 2942]

<b>Age: 71 years</b>	<b>PUBLIC GUARDIAN</b> , Conservator, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note:</b> If the petition is granted, a status hearing will be set as follows:  <ul style="list-style-type: none"> <li><b>Friday, August 15, 2015</b> at 9:00 a.m. in Department 303, for the filing of the second account.</li> </ul> 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.
	Account period: 8/24/11 – 6/20/13	
	Accounting - <b>\$140,383.02</b>	
	Beginning POH - <b>\$104,088.56</b>	
	Ending POH - <b>\$ 10,056.20</b>	
<b>Cont. from</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>	Conservator - <b>\$10,327.60</b> (73.68 Deputy hours @ \$96/hours and 42.82 Staff hours @ \$76/hr)	
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>	Attorney - <b>\$2,500.00</b> (per Local Rule)	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Bond fee - <b>\$117.70</b> (o.k.)	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> W/	Court fees - <b>\$525.00</b> (filing fees, certified copies)	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>	Petitioner request that due to the insufficiency of the estate to pay the fees and commissions that a lien be imposed upon the estate for any unpaid balances of the authorized fees and commissions.	
<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>	<b>Petitioner prays for an Order:</b>	
<input type="checkbox"/> <b>Video Receipt</b>	1. Approving, allowing and settling the first account.	
<input checked="" type="checkbox"/> <b>CI Report</b>	2. Authorizing the conservator and attorney fees and commissions	
<input type="checkbox"/> <b>9202</b>	3. Payment of the bond and court fees	
<input checked="" type="checkbox"/> <b>Order</b>	4. Authorize petitioner to impose a lien on the estate for any unpaid balances of authorized fees and commissions	
<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: 11/1/2013</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 8 – Gipe</b>

Atty Kruthers, Heather H., of County Counsel's Office (for Public Administrator, Successor Trustee)

## Status Hearing

<b>DOD: 3/12/2010</b>	<p><b>JOHN R. PANZAK, JR.</b>, son, served as Trustee of the <b>JOHN ROBERT PANZAK LIVING TRUST</b> dated <b>11/27/2000</b> since the Decedent's death in March 2010.</p> <p>Beneficiaries of the Decedent's Will are John R. Panzak, Jr., Gordon Panzak, and the <b>JOHN ROBERT PANZAK LIVING TRUST</b>; beneficiaries of the <b>JOHN ROBERT PANZAK LIVING TRUST</b> are John R. Panzak, Jr., and Gordon Panzak.</p> <p><b>Petition for Appointment of Successor Trustee</b> was filed 3/11/2013 by <b>SHARON PANZAK</b>, spouse, stating the Successor Trustee, <b>JOHN R. PANZAK, JR.</b>, died on 2/15/2013, and requesting she be appointed successor trustee.</p> <p><b>Objections to and Opposition to Sharon Panzak's Petition for Appointment of Successor Trustee</b> was filed 4/24/2013 by <b>GORDON PANZAK</b>, claiming the position of successor trustee vested in him no later than 3/18/2013 as the second named successor trustee of the Trust.</p> <p><b>Minute Order dated 4/29/2013</b> from the hearing on Sharon Panzak's petition for appointment of successor trustee states the petition is denied as to Sharon Panzak and the Court appoints the <b>PUBLIC ADMINISTRATOR</b> as successor trustee. Matter is set on 7/8/2013 for Status Hearing.</p> <p><b>Order Appointing Public Administrator as Successor Trustee</b> was filed 5/22/2013.</p> <p><b>Minute Orders dated 7/8/2013, 8/5/2013, and 10/7/2013</b> state only continuation dates of the Status Hearing, ending with 11/6/2013 hearing.</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<u>Continued from 10/7/2013.</u>	
<b>Cont. from 070813, 080513, 100713</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>			
		<b>Reviewed by: LEG</b>	
		<b>Reviewed on: 11/4/2013</b>	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 9 – Panzak</b>	

**(1) First and Final Report of Administrator and Petition for Its Settlement and (2) for Statutory Administrator's and Attorney Fees and (3) for Final Distribution of Estate on Waiver of Accounting**

<b>DOD: 07/08/12</b>	<b>SUSAN CALANDRI</b> , Administrator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. The Petition does not state the property on hand for distribution as required pursuant to California Rules of Court 7.550(b)(4). 2. The Petition does not state the dollar amount to be distributed to each beneficiary. 3. Order submitted does not specify the specific dollar amount to be distributed to each beneficiary. Need revised Order. See Local Rule 7.6.1A.
	Accounting is waived.	
<b>Cont. from</b>	I & A - <b>\$285,323.24</b>	
<b>Aff.Sub.Wit.</b>	POH - <b>NOT STATED</b>	
<input checked="" type="checkbox"/> <b>Verified</b>	Administrator - <b>\$8,706.46</b> (statutory)	
<input checked="" type="checkbox"/> <b>Inventory</b>	Attorney - <b>\$8,706.46</b> (statutory)	
<input checked="" type="checkbox"/> <b>PTC</b>	Closing - <b>\$5,000.00</b>	
<input checked="" type="checkbox"/> <b>Not.Cred.</b>	<b>Distribution, pursuant to intestate succession, is to:</b>	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Susan Calandri - ½ share	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/	Janice Reynolds - ½ share	
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b> 04/23/13		
<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> 11/01/13
		<b>Updates:</b> 11/05/13
		<b>Recommendation:</b>
		<b>File 10 – Belcher</b>

**Petition for Letters of Special Administration; Authorization to Administer under the Independent administration of Estates Act**

<b>DOD: 11/24/2011</b>	<b>ROBERT B. FLEMING</b> , Court Appointed Special Administrator in Arizona of Decedent, is petitioner and requests appointment as Special Administrator in Ancillary Administration.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>File with the Research Attorney</u></b></p> <p><b>Note: If the petition is granted status hearings will be set as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>Friday, 04/11/2014 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <b>and</b></li> <li>• <b>Friday, 01/09/2015 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.</li> </ul> <p><b>Reviewed by:</b> LV</p> <p><b>Reviewed on:</b> 11/04/2013</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 11A - Fansler</b></p>
<b>Cont. from 101513</b>	Petitioner was appointed Special Administrator of the Estate in the Arizona Probate of the Decedent on 06/27/2012.	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Letters of Special Administration issued on 08/02/2012 by the State of Arizona, County of Pima.	
<input checked="" type="checkbox"/> <b>Verified</b>	Will dated: 06/19/2006	
<input type="checkbox"/> <b>Inventory</b>	Residence: Rico Rico, Arizona	
<input type="checkbox"/> <b>PTC</b>	<b>Estimated Value of the Estate:</b>	
<input type="checkbox"/> <b>Not.Cred.</b>	<b>Total - \$0</b>	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Probate Referee: Rick Smith	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/	<b>Objections to Petition for Letters of Special Administration filed by Robert Fleming was filed by Attorney Hilda Garzon-Ayvazian on 10/01/2013</b> and states Robert Fleming, the Arizona Special Administrator of the Estate of Robert W. Fansler has just now filed a Petition for Special Letter of Administration. Such petition should be denied because Robert Fleming is <b>no longer a neutral third party in the Estate of Robert W. Fansler</b> . He has made himself a party by contesting the Petition for Probate filed by Petitioner here in Fresno. In Arizona, he was appointed as Special Administrator because there was a controversy between the heirs of the 2006 California will and the heir of the 2011 Mexican Will and he stayed clear of the controversy there. He was appointed by stipulation of the parties involved, including Petitioner because she was not informed that Robert Fleming was in fact a very close friend of Denice Shepard, counsel for Barbara Stettner, one of the heirs of the 2006 Will. This fact was proven to be very detrimental to the Estate as a whole but mostly to the heir of the 2011 Will, the surviving spouse.	
<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 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 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>		

**Please see additional page**

**Objection continued:**

Robert Fleming's petition and his objections filed with this Court clearly evidences that he is in fact an advocate for the heirs of the 2006 will and is **no longer a neutral representative of the estate**. In fact, he has taken or refused to take action on issues that have diminished the estate corpus in Arizona. In Arizona, he allowed Barbara Stettner, one of the heirs of the 2006 will, to petition the court for a determination of proceeds that were paid to the estate from an inheritance in a Chicago probate without opposition from his part. The Court erroneously awarded Stettner \$147,000+ and **not only did Robert Fleming not oppose the Petition, he had reached a side agreement with Stettner's counsel**, his good friend Denice Shepherd, according to court documents filed by Shepherd, about the Chicago proceeds without notifying any of the other heirs. This order is currently under appeal in Arizona brought by the Petitioner not the Special Administrator.

Robert Fleming refuses to refer to Ramona Rios Rodriguez as the decedent's wife although there is a validly authenticated marriage certificate that has been presented on numerous occasions. Even the court in Arizona **after nearly sixteen months has finally acquiesced that Ramona Rodriguez is the wife of the decedent**. Petitioner requests that any mention by Robert Fleming of the word "alleged" next to wife when referring to Ramona Rios Rodriguez should be stricken from the record.

Robert Fleming, as Special Administrator in Arizona has filed a Petition to Determine Heirship. He has no standing to do so under Arizona law, and again proves his impartiality towards Barbara Stettner represented by his good friend Denice Shepherd. In *Estate of Wallin*, (1971) 16 Ariz.App.34, 35 the Court of Appeals stated that "**(t)he burden of establishing a claim of heirship is on the alleged heir**. Edgar v. Dickens, 230 Ark. 7, 320 S.W.2d 761 (1959); In re Hobart's Estate, 82 Cal.App.2d 502, 187 P.2d 105(1947)." (Emphasis added). In footnote 2 of the opinion to court clearly states that the Administrator should not take any affirmative action for or against any claimant. It stated "Objections were made both by counsel for the state and counsel for the administrator of Hugo Walling's estate. In fact the transcript reflects active participation by the latter. It is true that an executor is a property party in heirship proceedings and has a duty to defend the testator's will against attack. In Re Estate of Harber, 104 Ariz. 79, 449 P.2d7 (1969). **However, in this case the administrator is in effect merely a nominal party, to be advised of the progress of the proceedings and to be bound by the heirship determination. Consequently, it is inappropriate that he take an affirmative position for or against any claimant.** In Re Lynagh's Estate, 177 So.2d. 256 (Fla.App. 1965); Zimmer v. Gudmundsen, 142 Neb. 260, 5N.W.2d707 (1942). (Emphasis added).

Based on the current controversy between Robert Fleming and the Petitioner, Petitioner requests that a neutral third party be appointed as Special Administrator here in California, until the issue of the Mexican Will is resolved. As stated by the California Supreme Court in *O'Bryan v. Superior Court* (1941) 18Ca.2d 490, 497, quoting New York Case: "Where the executor is not a disinterested party or is a party to the contest, surrogates have been deemed justified in the exercise of discretion in appointing a stranger." (See also *Estate of Eggsware*, 123 Misc. 541 [206 N.Y. sup, 18].") As stated above, Robert Fleming is a party to the contest or a as he calls it objecting to the probate and therefore is not a disinterested party. He has failed to protect the estate in Arizona and continues to act in favor of one heir, Barbara Stettner, to the detriment of the estate. Petitioner requests the Court appoint the Public Administrator as Special Administrator. The Public Administrator would in fact be a neutral third party.

**Please see additional page**

Wherefore, Petitioner requests that this Court enter an order that:

1. Robert Fleming, as the Arizona Special Administrator is not a neutral third party, and therefore his Petition for Special Letters of Administration is denied.
2. The Public Administrator be appointed Special Administrator pending the resolution of the Mexican Will.

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

<b>DOD: 11/24/2011</b>	<b>HILDA GARZON-AYVAZIAN</b> , petitioner requests appointment as Administrator with will annexed without bond.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u><b>File with the Research Attorney</b></u>  <b>Note: If the petition is granted status hearings will be set as follows:</b>  <ul style="list-style-type: none"> <li>• <b>Friday, 04/11/2014 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <u>and</u></li> <li>• <b>Friday, 01/09/2015 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.</li> </ul>
<b>Cont. from 062413, 073013, 091113, 101513</b>	Sole heir waives bond.	
	Named executor declines to act.	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>	Full IAEA – o.k.	
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>	Will dated: 06/16/2011	
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Residence: Arizona / Mexico Publication: Fresno Bee	
<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>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>	Probate Referee: Rick Smith	
<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>	Please see additional page for Objections of Robert B. Fleming.	
<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: LV</b>
		<b>Reviewed on: 11/04/2013</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 11B – Fansler</b>

**Objections to Petition for Probate filed by Robert B. Fleming on 6/20/13.** Objector states he is the duly appointed Special Administrator of the Estate of Robert Warren Fansler, deceased, which is pending in the Superior Court of the State of Arizona, County of Santa Cruz, case no. PB 12-001. Objector states he was appointed by the Arizona court to act as Special Administrator upon the determination by the Court that the appointment of a special administrator was needful and necessary due to the conflict and disputed claims among the parties.

Objector states he was appointed by the Court to act as the interim special administrator to hold and preserve the estate assets and to do whatever was needful and necessary to protect the assets of the estate during the pendency of the proceedings before the court; those matters included, among other things, the validity of the decedent's alleged "Mexican" will that was submitted in this matter. As of this time the proceedings in the Arizona court are in process and as of yet the issues before the court have not been fully adjudicated and/or resolved by the court.

There are a number of issues presently being litigated between Ms. Garzon-Ayvazian's client, Ramona Rios Rodriguez, the alleged wife of the Decedent; the child of the Decedent, Donna Jean Broussard, and the partner/significant other of the Decedent, Geraldine Guthrie. Without going into all the sordid details of the contested proceedings, a brief synopsis of the issues that are currently pending before the Arizona court is offered. Initially Geraldine Guthrie, described as the partner and or/significant other of the decedent was appointed personal representative of the decedent's estate; sometime thereafter her appointment was objected to by the decedent's alleged "Mexican" wife (Rodriguez) and an objection/claim of right was filed by the decedent's daughter (Broussard). The "wife" contends that she is the rightful heir under the decedent's alleged last will and testament, which was written in Spanish and authored in Mexico and any rights that she may have independently under the law as "surviving spouse" of the decedent. The daughter claims an interest in the estate as a lineal heir of the decedent.

The principal issues of the contest are the validity and effect of the decedent's Mexican "will." If the will is found to be valid, there are additional issues that were raised as to what the decedent actually intended when he wrote the alleged will, as well as, issues regarding the interpretation of the instrument. There is also an issue in regard to the authenticity and validity of the decedent's "Mexican" marriage.

During the course of the proceedings in Arizona, Ms. Garzon-Ayvazian, Esq. actively participated in the probate hearings and in the ensuing litigation process; and she is/was aware of Mr. Fleming's appointment as Special Administrator and all the court orders entered in that matter. After Mr. Fleming's appointment the parties have been engaged in pretrial discovery and related proceedings in preparation and anticipation of trial on the issues. Mr. Fleming states he is not an active participant in the litigation of the matter. He was charged by the court to administer the estate until such time as the issues are resolved and/or on such other considerations that the court may determine to be in the best interest of the estate.

Presently the decedent's estate owns no real property in the State of California; at the time of his death he held three promissory notes secured by deeds of trust, which are being administered in his estates. The potential possessory rights as on any of the three properties involved have not accrued into the right of possession; thus the estate holds no "ownership" interest in the three properties other than contingent beneficial interest in the as security for notes.

**Please see additional page**

**Objections to Petition for Probate filed by Robert B. Fleming on 6/20/13 cont.:** It is the opinion of the Objector that the petition filed in this matter by Ms. Garzon-Ayvazian was ill conceived and that she failed to disclose to the court all the pertinent facts and circumstances necessary for the court to take lawful and appropriate jurisdiction over this estate.

**Wherefore**, based on the objections and the facts presented herein, the Objector requests that the Court grant the following relieved and the Court enter and order that:

1. The Petitioner's petition be dismissed with prejudice;
2. The Objector be awarded his attorney's fees and costs; and
3. For all other proper relief the Court deems proper under the circumstances.

**Reply to Objections to Petition for Probate filed by Hilda Garzon-Ayvazian on 07/05/2013.** On or around the year 2000, Robert Fransler, decedent, met Ramona Rios Rodriguez in Mazatlan, Sinaloa, Mexico. At the same time that Ramona met decedent she also met Geraldine May Guthrie who was introduced as decedent's sister. Gerry herself testified at her deposition taken by the Objector, Robert B. Fleming, on 04/03/2013 that she was a business partner and friend of the decedent. She also called decedent her brother. At no time did Gerry testify that she was the significant other of the decedent as stated by Objector.

Decedent and Ramona began dating and when decedent spent his time in Mazatlan, Ramona lived with him at his home on the beach which was named "Sand Castle." When decedent was in Mazatlan, Gerry would also come down with him and she would stay in the Sand Castle and Ramona and decedent would stay in the trailer home that was parked on the property.

In February 2009, decedent and Ramona married in Mazatlan, Sinaloa, Mexico. Gerry was present at the wedding and was one of the witnesses as corroborated by the signature on the marriage certificate. Also at Gerry's deposition, she testified that "Monica" as Gerry calls Ramona was decedent's wife. Contrary to what Objector, who should be neutral since he is the Special Administrator in Arizona, has stated, Ramona **is the wife of decedent, not the alleged wife**. Although Gerry knew that Ramona was the decedent's wife after his death she refused to name her as the surviving spouse on the death certificate, and also failed to give her notice of any of the probate proceedings.

**Objector has no standing to Object** – The question to ask is whether the objector who is Special Administrator in Arizona is an "interested person" within the meaning of Probate Code section 48, and has standing to object to Probate of a Will in Fresno. Probate Code section 48 defines "interested person" as follows:

“(a) Subject to subdivision (b), “interest person” include any of the following:

- (1) An heir, devisee, child, spouse, creditor, beneficiary, and any other person having a property right in or claim against a trust estate or the estate of the decedent which may be affected by the proceeding.
- (2) Any person having priority for appointment as personal representative.
- (3) A fiduciary representing an interested person.

**Please see additional page**

(b) The meaning of "interested person" as it relates to particular purposes of, an matter involved in, any proceedings"

Under the above definitions, Objector as Special Administrator in an Arizona probate does not fall within any of the categories. An interested persona has also been defined as "one who has such a pecuniary interest in the devolution of the testator's estate as may be impaired or defeated by the probate of the will or be benefitted by having it set aside." Estate of O'Brien, 246 Cal.App.2d 788, 792, 55 Cal.Rptr. 343. Although the Special Administrator is deriving fees from the decedent's estate in Arizona that is not the pecuniary interest that case law refers to.

In an early case, the California Supreme Court held that the right of an interested person to contest a will is a fundamentally based upon the loss of property or property rights resulting from the recognition of an invalid instrument depriving him of those rights; that the purpose of a will contest is to establish a violation of the contestant's rights of property; that in its essence the contest is an action for the recovery of property unlawfully taken or about to be taken from the ownership of the contestant. Estate of Baker, 170 Cal. 578, 586-585, 150 P. 989. Although, Objector has not clearly stated that he is contesting the will of decedent of June 2011, his objections to the probate seem to infer that he is in fact objecting to the will on grounds that are not specifically stated.

In California, an Executor who has been named in a will, which has been admitted to probate, has the right to oppose or resist a contest of such will. Estate of Webster, 43 Cal.App.2d 6, 20, 110 P. 2d 81, 11 P.2d 355. In this case the Objector is not an executor named in a will but a Special Administrator. A Public Administrator, however, is not entitled to maintain a contest of a will. In Golden v. Stoddard (1935) 4 Cal.2d 300, 306 quoting Estate of Sanborn, 98 Cal. 106 the California Supreme Court stated: "A public administrator has no interest in an estate, or in the probate of a will; that is a matter which concerns only those to whom the estate would otherwise go." Objector as Special Administrator functions very similar to a Public Administrator. The Objector as Special Administrator has no interest in the estate. It is a concern only of the heirs at law or under a previous will of the decedent. He does not have the right to fight their battles. As such, the Special Administrator's objections should be dismissed because he has no standing to object. Petitioner advised the Special Administrator of this prior to him filing any objections as such his objections were frivolously or negligently filed. He should pay fees and costs to Petition from his own pocket and not from the estate.

**Objector does not have capacity to sue** – "Under common law, a personal representative cannot sue in his or her representative capacity outside the state of appointment. (Vaughan v. Northrup, (1841) 40 U.S. 1, 5-6 [10 L.Ed. 63]) Justice Story of the United States Supreme Court explained the doctrine: 'Every grant of administration is strictly confined in its authority and operation to the limits of the territory of the government which grants it; and does not, de jure, extend to other countries [or estate]. It cannot confer as a matter of right, any authority to collect assets of the deceased in any other state; and whatever operation is allowed to it beyond the original territory of the grant is mere matter of comity, which every nation [or state] is at liberty to yield or to withhold, according to its own policy and pleasure, with reference to its own institutions and the interest of its own citizens' (id. At p.5) Some states have abandoned the common law rule and permit estate representatives appointed by any sister state to commence litigation in their court. (e.g., N.Y. Estates, Powers & Trusts Law §13-3.5 (McKinney 1967). **California is not one of them. California has always followed the common law in holding that 'an executor or administrator, as such, has no power which he can employ extraterritorially.'** (Lewis v. Adams (1886) 70 Cal. 403, 411 [11 P. 833] italics omitted. "Smith v. Climmet, (2011) 199 Cal. Spp.4<sup>th</sup> 1381, 1391. (emphasis added).

**Please see additional page**

Objector by his own admission is objecting to the probate of Decedent's will of June of 2011 in his capacity as Special Administrator appointed by the Court in Nogales, Arizona. Under California law, he has no power outside of the State of Arizona to file any documents in this State in his capacity as Special Administrator.

**California has jurisdiction** – Objector's argument is that the decedent died holding three deeds of trust in California and that does not give California jurisdiction to hear the probate of Decedent's will because the deeds of trust are no rights of possession, and that furthermore a probate proceeding is currently pending in Arizona. In an early case, the California Supreme Court dealt with the issue of probating a will in different states. "Recognition would be given to the indisputable principle that every state has plenary power with respect to administration and disposition of the estates of deceased persons as to all property of such persons found within its jurisdiction. Thus the courts of a state may grant original probate upon wills of deceased non-residents who leave property within the state" Estate of Clark, 148 Cal. 108, 112, 82 P. 760. The decedent died holding three deeds of trust (one in Fresno, two in Calaveras County), two classic mustangs and bank accounts a Bank of America in Los Banos. As such the Decedent had assets within the state and California has jurisdiction to hear the probate.

**Deed of Trust is interest in Real Property** – Objector further asserts that the Deeds of Trust currently held by Decedent have no possessory rights and the estate holds no "ownership" interest in the three properties. Once again, Objector is mistaken as to California Law. Under common law and the majority rule in the United States a mortgage taken as security for a purchase money note is but a chose in action, strictly personally, representing no interest in the land. Adams v. Winne (1838), 7 Paige (N.Y.) 97 101-102. But under California law, "a mortgage is not a mere chose in action." A mortgage creates "an interest in the property to the extent of the attachment lien." Estate of McLaughlin, 97 Cal.App. 485 [275 P. 875]. "Under California law, a mortgage also has a security interest in the nature of an equitable lien." Childs etc. Co. v. Shelburne Realty Co., 23 Cal.2d 263, 268. "A trust deed definitely does represent an interest in the land, for the title is in the trustee for the benefit of the creditor. Bank of Italy v. Bentley, 217 Cal 644, 655 [20 P. 2d940]; Py v. Pleitner, 70 Cal.App.2d 576, 579 [161 P.2d 393]. "Though the trust deed has been analogized to a mortgage, especially between debtor and creditor, whenever necessary to avoid harshness in the application of the rule, it still remains true that **title does not pass to the buyer but rests in the trustee for the primary benefit of the seller. And any rule that rests upon the assumption that the holder of a trust deed note does not have any interest in the land finds no substantial basis in California law.**" Estate of Moore, 135 Cal.App.2d 122, 132. (Emphasis added). Therefore, the three Deeds of Trust that Decedent holds for property here in California do represent an interest in land and as such, California has jurisdiction over the Estate of Decedent for the Deeds of Trust in California.

**Deed of Trust is Debt that has Situs in California** – In California, "(i)t has therefore been widely held that **a debt has its situs at the domicile of the debtor for purposes of administration**, since it may be necessary to sue him there and to have administrator appointed to bring suit. (See 3 Beale, Conflict of Laws [1935], p. 1452; see 23 Minn. L. Rev. 221.) By the same reasoning **a debt will be regarded as an asset wherever the debtor is subject to suit.** (New England Mutual Life Ins. Co. v. Woodworth, 111 U.S. 138 [4 S.Ct. 364, L.Ed. 379]" Estate of Waits, 23 Cal. 2d 676, 680-681 (emphasis added).

Please see additional page

Of the three deeds of trust that are held by the Decedent, two of them have been seriously in arrears for more than a year and a half, and it has become necessary to bring suit against the debtors. The Special Administrator is attempting to handle the probate of these Deeds of Trust from his position as Special Administrator in Arizona which is acting outside of his authority according to California law.

The Deeds of Trust are assets of the Estate in California and as such, the Arizona special Administrator should be enjoined from acting any further on any issue dealing with the Deed Trust, including any payments on any Deed of Trust.

Based on the California Probate Code and Case Law, the Objector who is the Special Administrator and an Attorney in Arizona is not an interested party for purposes of objecting to the Petition for Probate filed by the Petitioner. Further, more Objector as an Arizona Special Administrator has no capacity to be involved in this proceeding in California. California has jurisdiction over assets within its borders. The three Deeds of Trust held by the Decedent are considered an interest in the real properties. And, finally, the Situs for the Deeds of Trust, which are debts owed on the real properties is where the Debtors are subject suit. The res are in California and the debtors are subject to suit on the res her in California.

**Petitioner requests that this Court enter an order that:**

- **The Objector has no standing to object to the Petition for Probate.**
- **The Objector has no capacity to object to the Petition for Probate.**
- **California has jurisdiction to hear the Probate Petition.**
- **The three Deeds of Trust are an interest in real property**
- **For purposes of Administration, the situs of the Deeds of Trust is California where the debtors are subject to suit.**
- **The Objector who is the Arizona Special Administrator is enjoined from handling any issues dealing with the three Deeds of Trust, including negotiating with the debtors, re-negotiating any of the Deeds of Trust and collecting any of the payments.**
- **Attorney fees and costs.**

**Memorandum of Points and Authorities in Opposition to the Objections of the Petitioner to the Objections of the Respondent filed by Robert B. Fleming on 07/23/2013.** During the course of the proceedings in the Arizona Superior Court Ms. Garzon-Ayvazian, Esq. has actively participated in the probate hearings and in the ensuing litigation process; and she is/was aware of the appointment of a Special Administrator and all the court orders entered in that matter. After the Objector's appointment the parties, including Ms. Garzon-Ayvazian have engaged in pretrial discovery and related proceedings in preparations and anticipation of a trial on the issues that are pending resolution by the Superior Court of the State of Arizona, Santa Cruz County. The Objector/Respondent is charged by the court to administer the estate until such time as all issues are resolved and or/on such other considerations that the court may determine to be in the best interest of the estate. Presently the decedent's estate holds three promissory notes secured by deeds of trust, which are being administered in the Decedent's estate in Arizona. The decedent's estate holds no "ownership" interest in the three properties other than a contingent beneficial interest in them as security for the notes. It is the opinion of the Objector that the petition filed in this matter by Ms. Garzon-Ayvazian is ill conceived and that she failed to disclose all the pertinent facts and circumstances necessary for a California court to take lawful and appropriate jurisdiction over this matter.

**Please see additional page**

The call of the question on the probate petition is "Does the Decedent own real property in California?" The question in the petition calls for a response as to whether or not the decedent owns or has tangible possessory right in real property; that theoretically could include leasehold rights, if it were for a term of years. In the present case the Respondent contends that the decedent did not "own" real property in California. The moving party argues that the Decedent owned real property since he held "a mortgage" on several pieces of real property. This assertion by the Petitioner is a gross oversimplification and generalization of the use of the term "mortgage." In her moving papers she characterizes the interest held by the Decedent as a mortgage, citing various case rulings that have held that a "mortgage" is an interest in real property; her analysis is patently flawed and misleading. It is a common place for individuals, lay persons, banks and other institutions to refer an encumbrance on real property as a "mortgage." In California this generally inaccurate. "...the majority of "mortgages" with a different name..." Quoted from an article on Mortgages from [mortgagecalculator.org/mortgage-rates/California.php](http://mortgagecalculator.org/mortgage-rates/California.php).

According to Witkin's 10<sup>th</sup> Summary of California, CEB's Ogden's Revised California Real Property Law and other legal treaties a promissory note secured by deed of trust is not a possessory right or an ownership right in real property; it is merely a secured interest in real property. Promissory notes are intangible personal property; they do not represent an actual titled ownership in realty. A promissory note is acknowledgement of a debt or obligation which encumbers the owner's title to real property; the promissory note is indicia of money due and payable; a promissory note is a negotiable instrument and it is classified as intangible personal property. As "personal property the notes are movable, transportable and transferable; for all purposes under the law they assume the domicile of the holder, which in the present case that would be the State of Arizona – see Estate Moore v. Geisman, Estate of Burnison vs Katz (cited above) and C.C. §946.

True "mortgages" are not commonly used in California, they are not the method of choice in California in secured real property transaction; deeds of trust are by far and away the most commonly utilized. Mortgages involve two parties, the mortgager and the mortgagee. Deeds of trust differ in several ways, chiefly that there are three parties: 1) the trustor, owner and title holder of the property; 2) the trustee, the party charged with enforcing the terms of the note in the event of default on the payments and any other terms of the trust deed which are violated; and 3) the beneficiary, holder of the note and the party to whom the payments are to be made and to which additional obligations may be owed-payment of property taxes, insurance on the property, etc. The beneficiary retains no ownership right per se in the real property; the interest held and retained by the beneficiary is simply the right to receive payments by and pursuant to the terms of the note; his interest in the property is to insure performance of the pledged obligations of the trustor, title holder. The note holder has no rights to occupy the premises, to encumber or transfer any interest in the real property or to the rents and profits therefrom; he merely hold a secured interest in the property to insure that obligation is paid as agreed. The beneficiary's remedy for breach of the agreement is to demand that the trustee sell the property to satisfy and remaining balance on the note.

**Please see additional page**

Omission of the relevant and essential facts in this matter – At the risk of being redundant the Respondent has maintained from the very onset that the Petitioner did not and has not properly informed the Fresno County Superior Court of the concurrent proceedings being conducted in Arizona Superior Court nor did she inform the court of any proceedings allegedly in being held in a Mexican Court in regard to this Decedent's estate. At the very least her petition should have informed the court of one or both of these matters because the property application (petition) if any, would have been to establish an ancillary proceeding on this matter rather than a "straight up" probate – Decedent was not a resident of California, see Probate Code § 12522. The moving party has admitted or has not denied the fact that there are other proceedings in regard to this matter in Arizona; that the Decedent died in Arizona; she contended that the Decedent was a concurrent resident of Arizona and Mexico at the time of his death in her petition; that the Decedent held property in Mexico; that he left a "Mexican" will; that the Decedent died leaving personal and real property in Arizona; and that he had a Arizona will. All of these facts clearly establish that the Arizona court has assumed primary jurisdiction in this matter and any proceeding in California would necessarily be ancillary in nature; and further that the California Court would be duty bound to abide by and enforce the determinations of the Arizona court as to its findings as to the decedent's last will and testament and other matters as the Arizona court has primary jurisdiction in this matter as the Decedent was domiciled in that state at the time of this death.

What would the Petitioner be thinking when she filed this probate proceeding in California and fail to inform the court of pertinent relevant facts in regard to the other proceedings? There is no question that a California attorney as an officer of the Court, has an absolute duty to be ethical and forthright in her dealings and presentations of matters to the court – Rule of Professional Conduct 5-200 cited above.

Counsel is apprised of the fact that there is a motion for summary judgment scheduled and currently pending to be heard next month in the Arizona probate proceedings. A party in that proceeding is contending that the "Mexican" will is invalid as a matter of law; that the alleged power of attorney appointing the Petitioner on behalf of the alleged Mexican wife is invalid as a matter of law and that he POA limits her representation as to matters in Mexico. If these claims are found by the Arizona Court to be true (not necessarily binding on a California Court) that ruling would be most damaging to the Petitioner in this matter. The motion contends that neither will or power of attorney conform to the laws of the State of Sinaloa, Mexico, the place where the documents that were allegedly written and executed. I cannot imagine that if these documents do not conform to Mexican law that a California court would entertain them as being valid in spite of that fact. The failure of the Petitioner to inform the court of the facts in this matter amounts a serious breach of professional ethics, to his Court, as well as, to the Superior Court of Arizona, see *Griffis v. S.S. Kresge Company* cited above.

The Petitioner's objections are ill-founded and not supported by the holdings in the laws of the State of California or the state of Arizona. A Promissory note is personalty; it assumes the domicile of the decedent. The jurisdiction in which the decedent is domiciled has the authority to make findings pertaining to the proper disposition of estate of deceased persons upon which the states' courts have acquired primary jurisdiction; in this case under the laws of the State of Arizona not California. The lack of candor on the part of the Petitioner in this matter is inexcusable; her conduct amounts to a serious breach of her ethical obligation to the courts of both Arizona and the California.

**Please see additional page**

**Further Reply to Objections to Petition for Probate filed by Hilda Garzon-Ayvazian on 08/26/2013** states on 06/16/2011, Robert W. Fansler went to the office of Attorney Jesus Ernesto Cardenas Fonseca, Notario, in Mazatlan, Sinaloa, Mexico to make his last Will and Testament (hereinafter the "Mexican Will"). A Notario is an attorney that is authorized by the state to handle writing wills, real property transactions, powers of attorneys and notarization of documents. No other attorney in Mexico can do so. The last will and testament of 06/16/2011 revoked any prior wills of the Decedent. The Decedent had previously executed a Will (hereinafter the "California Will") in Los Banos, California in 2006. The California Will left his estate to Geraldine Guthrie, his friend, Donna Broussard, his sister, and Barbara Stettner, his daughter that he had given up for adoption when she was a baby almost fifty years ago. The California Will was executed prior to the Decedent's marriage to Ramona Rios Rodriguez in 2009.

The Mexican Will as signed in the presence of the Notario and Sol Jennis Salazar Ortiz, the translator chosen by the Decedent to aid him because he felt that he did not have sufficient knowledge of Spanish legal terms. In the Mexican Will, the Decedent states that he is domiciled in Mazatlan. He also states that his universal heir is his wife Ramona Rios Rodriguez. The Mexican Will was filed in court in Arizona under a formal testacy proceeding but the Court refused to admit it into evidence although it had been duly authenticated according to the Hague Convention Apostille and the Notario/Attorney Cardenas Fonseca testified in court in Arizona on September 2012 regarding the Mexican Will. His testimony, however, was cut short by the court and he was unable to fully give testimony regarding the will.

On 11/13/2012, the Petitioner filed a Notice of Petition for Probate in Mazatlan, Sinaloa, Mexico (hereinafter "Mexican Probate") in the proceedings in the Arizona case. Notice of the case number and the Family Law Court was given to Mr. Droeger, counsel representing Geri, and Ms. Shepherd, counsel representing Stettner. Notice was also given to Donna who was not represented by counsel and the objector. All notices were mailed on 11/09/2012. See attached Exhibit 1, Notice of Probate of Will of Decedent in Mazatlan, Sinaloa, Mexico. No-one made an appearance in the Mexican Probate proceedings.

On 03/11/2013, Petitioner filed a Notice of Hearing of the Mexican probate in the Arizona proceedings. The notice specifically stated that the hearing was to determine the validity of the Mexican Will and confirm the heirs of the estate and would take place on 04/09/2013. Notice was once again given to the counsel representing Gerie and counsel representing Stettner. Notice was also given to Donna Broussard who was not represented by counsel and the Objector. All notices were mailed on 03/06/2013. See attached Exhibit 2, Notice of Hearing of Probate of Will of Decedent in Mazatlan, Sinaloa, Mexico. No one made an appearance at the hearing on 04/09/2013 except for Ramona and Abelardo Rios Rodriguez, the Executor named in the Mexican Will. On 03/26/2013, Ms. Shepherd, counsel for Stettner served discovery requests upon Ramona, including a request for copies of all documents filed in the Mexican Probate. See Exhibit 3, Discovery Requests to Ramona Rios Rodriguez, page 6 of 7 lines 1-3.

On 04/09/2013, the Mexican Family Law Court found the Mexican Will was valid, the decedent was domiciled in Mazatlan, Sinaloa, Mexico and Ramona was declared the universal heir of the decedent's estate. The Certified Copy and duly Apostilled Mexican Will and Order for Probate from the Mexican Family Law Court was filed with this Court on 06/21/2013.

**Please see additional page**

The Mexican Will was declared valid by the Mexican Probate Court, therefore it is in accord with the laws of the place where it was executed. Furthermore, it is also executed in accordance with California law. Probate Code Section 6110 provides that a will has to be in writing, signed by the testator and the signing by the testator has to be witnessed by at least two people. The Mexican Will was in writing. It was witnessed by the Attorney/Notario that drafted the will and the interpreter sol Jennis Salazar Ortiz.

The Probate Court in Nogales, Arizona has ruled via Summary Judgment Motion that Stettner was not given notice of the Mexican Probate, refused to give comity to the **final order for probate from Mexico**, and declared the will invalid. Ms. Shepherd, counsel for Stettner requested attorney fees and costs pursuant to her Motion and the court has not ruled on that issue. According to Arizona law, the granting of the Summary Motion is no a final judgment until the issue of the fees is ruled on by the court. When the issue is ruled on by the court or the court certifies the judgment as final, Ramona will timely file her appeal. Therefore, the Summary Judgment order of the Arizona court is not a final order.

**Conclusion:** based on the California Probate Code and Case Law, the Mexican Will must be admitted to probate since the Order admitting the will and holding it valid in Mexico **is a final order and cannot be collaterally attacked** since all interested parties were given notice of the Mexican proceedings and had an opportunity to contest the probate in Mexico but failed to do so. Furthermore, the Mexican court found the decedent to be domiciled in Mexico and California has held that Mexico's judicial system does provide impartial tribunals or procedures compatible with the requirements of due process.

Wherefore, Petitioner requests that this Court enter an order that:

1. The Mexican Will of 06/16/2011 will be given comity and is admitted to probate.
2. Petitioner is Administrator with Will Annexed.
3. California has jurisdiction to hear the Probate Petition.
4. The three Deeds of Trust are an interest in Real Property.
5. For purposes of Administration, the situs of the Deeds of Trust is California where the debtors are subject to suit.
6. Attorney fees and costs.

**Supplemental Information and Argument in Support of the Objections made to the Petition for Probate of "Mexican" Will filed by Attorney G. L. Motsenbocker on 08/27/2013** states Mr. Robert B. Fleming is duly appointed Special Administrator of the Estate of Robert Warren Fransler, deceased, Superior Court of the State of Arizona, County of Santa Cruz, Case No. PB-12-001 and is currently action in that capacity. He was appointed by the Arizona Superior Court upon the Court's determination that the appointment of a special administrator was in the best interest of the estate and was needful and necessary due to the ongoing conflict and disputed claims among various the parties as to the proper and appropriate personal representative of the Decedent's estate and conflicting testamentary instruments. The Respondent previously submitted copies of the court Order appointing him as Special Administrator by the Santa Cruz County Superior Court, Arizona and a copy of the Letters of Special Administration that were issued by the clerk. Since the date of his appointment he has been acting as and is currently acting on behalf of the Estate. Currently his authority is in full force and effect and it has not been modified or revoked by the Court. He was charged by the court to act as the interim special administrator to hold and preserve the assets of the estate and to do whatever was needful and necessary to protect the estate during the pendency of the other proceedings before the court; those matters included, inter alia, the validity of the decedent's alleged "Mexican" will that was submitted in this matter.

On July 31, 2013 the Superior Court of the State of Arizona, County of Santa Cruz, Case No. PB 12-001 the Honorable Judge Anna M. Montoya-Paez ruled on the Motion for Summary Judgment filed on behalf of Barbara Stettner by Attorney Denise R. Sheppard and on the Cross Motion for Summary Judgment filed on behalf of Ramona Rios Rodriguez by Attorney James McMahon and the replies that followed. A certified copy of the court's order after finding and determinations that were made is attached hereto as Exhibit "A" and incorporated by reference as though fully set forth herein. Inter alia, the pertinent findings of Arizona Court and its order, on pages 5 and 6, were as follows: 1 that the Mexican will is invalid; 2 that the Judgment of Mazatlan, Mexico Court is not given full faith and credit; 3 that Rios Ramos is found to be an omitted spouse; and 4 that the appointment of Hilda Garzon-Ayvazian as personal representative is denied.

**Conclusion:** It would seem that all of the points that the petitioner has presented to this court were addressed in the Arizona Court proceedings and that the petitioner had full and ample opportunity plead and argue her case before that court and that the upshot of that proceeding was that the court determined all the questions of law and fact before that court (and also this court) against her client. Given the findings and order of the Arizona court the Petitioner's redress, if any, lies with the Arizona State Supreme Court along with her arguments in regard to the Hague Convention, etc.

As a matter of information Robert B. Fleming, Esq., the Special Administrator of the Arizona matter, is in the process of filing a petition for appointment as special administrator here in California. While he does not agree with the assertions or representations of the petitioner in this matter in regard to the nature of the property rights of the notes and deeds of trust held by the Decedent he is on the opinion that his application for appointment would essential end to the attempts of the Petitioner to circumvent the lase and the jurisdiction of California and Arizona courts in this matter.

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

<b>DOD: 8/4/2013</b>		<b>KELLI ANN McCORMICK</b> , daughter, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		40 days since DOD.	
		No other proceedings.	
<b>Cont. from</b>			
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>	I & A - <b>\$145,000.00</b>	
	<b>Inventory</b>		
	<b>PTC</b>	Will dated: 6/7/1994 devises entire estate to spouse and daughter or solely to the daughter if the spouse does not survive (spouse is predeceased).	
	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>		
✓	<b>Aff.Mail</b>	W/O	
	<b>Aff.Pub.</b>	<b>Petitioner requests</b> court confirmation that decedent's 100% interest in real property passes to her pursuant to the decedent's Will.	
	<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>		
			<b>Reviewed by: KT</b>
			<b>Reviewed on: 11/4/2013</b>
			<b>Updates:</b>
			<b>Recommendation: SUBMITTED</b>
			<b>File 12 - McCormick</b>

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

<b>DOD: 1/13/13</b>	<b>GLORIA B. LE DOUX</b> , sister, is petitioner and requests appointment as Administrator without bond.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note: If the petition is granted status hearings will be set as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>Friday, 04/11/14 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <u>and</u></li> <li>• <b>Friday, 01/09/15 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.</li> </ul> <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>
	Limited IAEA – o.k.	
<b>Cont. from</b>	Decedent died intestate.	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Residence: Selma Publication: Selma Enterprise	
<input checked="" type="checkbox"/> <b>Verified</b>	Estimated value of the estate: Real property - \$180,000.00	
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	W/	
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>	<b>Probate Referee: Steven Diebert</b>	
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 11/4/2013</b>
		<b>Updates:</b>
		<b>Recommendation: SUBMITTED</b>
		<b>File 13 – Morales</b>

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

<b>DOD: 09/03/13</b>	<b>HEATHER D. SANDSTROM</b> , daughter, is Petitioner and requests appointment as Administrator with bond set at \$188,000.00.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need <i>Notice of Petition to Administer Estate</i>.</li> <li>2. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Petition to Administer Estate</i> for:             <ol style="list-style-type: none"> <li>a. Shannon Witt</li> <li>b. Heidi Miller</li> </ol> </li> <li>3. Publication does not have the updated language regarding Creditor's Claims as stated on the 2013 revision of the Notice of Petition to Administer Estate.</li> <li>4. The Petition is not marked at item 5(a)(7) or (8) regarding issue of a predeceased child/no issue of predeceased child.</li> </ol> <p><b>Note: If the petition is granted status hearings will be set as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>Friday, 04/11/14 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <b>and</b></li> <li>• <b>Friday, 01/09/15 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.</li> </ul> <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>
<b>Cont. from</b>	Full IAEA - (see note 2)	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>	Decedent died intestate.	
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>	Residence: Tollhouse Publication: The Fresno Bee	
<input type="checkbox"/> <b>Not.Cred.</b>		
<input type="checkbox"/> <b>Notice of Hrg</b>	<b>Estimated Value of the Estate:</b>	
<input type="checkbox"/> <b>Aff.Mail</b>	Personal property - \$ 15,000.00	
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>	Real property - 173,000.00	
<input type="checkbox"/> <b>Sp.Ntc.</b>	<b>Total - \$188,000.00</b>	
<input type="checkbox"/> <b>Pers.Serv.</b>	Probate Referee: <b>RICK SMITH</b>	
<input type="checkbox"/> <b>Conf. Screen</b>	<b>Heidi Miller's Objection to the Petition for Probate</b> filed 10/25/13 states: She was married to the Decedent on 08/18/12 and remained married to him at the time of his death. Objector states that Petitioner has several items in her possession that are community property and not the separate property of the decedent. These items include a trailer, musical instruments/equipment, and the decedent's last pension check in the amount of \$4,569.10. Further, Objector states that the decedent's residence at the time of death was on Merriman Lane in Auberry and not on Lodge Road in Tollhouse. Objector also objects to the value placed on the decedent's real property and feels it should be higher. Objector requests that Heather Sandstrom be appointed with limited IAEA authority and requests an itemized list of what comprises the \$15,000.00 separate personal property that is listed in the Petition.	
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<input checked="" 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> JF		
<b>Reviewed on:</b> 11/01/13		
<b>Updates:</b>		
<b>Recommendation:</b>		
<b>File 14 – Miller</b>		

**Petition for Appointment of Temporary Guardian of the Person**

<b>Age: 4 years</b>	<b>GENERAL HEARING 12/11/13</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>GLORIA ANDERSON</b> , maternal grandmother, is petitioner.	1. Need Notice of Hearing.
<b>Cont. from 102213</b>	Father: <b>UNKNOWN</b>	2. Need proof of personal service of the Notice of Hearing on:
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Mother: <b>DIANA VALENCIA</b>	a. Diana Valencia (mother) – Note: Mom was personally served with the petition however she has not been served with the Notice of Hearing (Judicial Council form GC-020) as required by Probate Code §2250(e)(1)
<input checked="" type="checkbox"/> <b>Verified</b>	Paternal grandparents: Unknown Maternal grandfather: Deceased	
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>	<b>Petitioner states</b> the minor has been in her care since birth. His mother has an extreme history with drug abuse. She has used methamphetamine off and on for several years. Mom has ten children; eight of those children reside primarily with their biological father and have no relationship with their mother. The minor tested positive for drugs at birth.	
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<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>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<input checked="" type="checkbox"/> <b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 11/1/13</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 15 – Valencia</b>

<b>Age: 96</b>	<b>JULIE CARTER</b> and <b>FORREST LANE</b> , daughter and son, were appointed Co-Conservators of the Person and Estate on 03/29/04. Letters of Conservatorship were issued on 05/18/04.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need Fourth Account and Report of Conservator.
<b>Cont. from</b>		
<b>Aff.Sub.Wit.</b>	<b>Third Account and Report of Conservator</b> was approved on 11/01/11.	
<b>Verified</b>		
<b>Inventory</b>	<b>Minute Order from hearing 11/01/11</b> set this matter for status regarding the next accounting on 11/06/13.	
<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>Reviewed by:</b> JF
<b>Status Rpt</b>		<b>Reviewed on:</b> 11/01/13
<b>UCCJEA</b>		<b>Updates:</b>
<b>Citation</b>		<b>Recommendation:</b>
<b>FTB Notice</b>		<b>File 16 – Lane</b>

Pro Per Buendia, Marie (Pro Per Petitioner, maternal great-grandmother)

Petition for Termination of Guardianship

Age: 12 years		<p><b>MARIE BUENDIA</b>, maternal great-grandmother and Guardian appointed on 1/4/2006, is Petitioner.</p> <p>Father: <b>MANUEL GARCIA</b>; <i>Declaration of Due Diligence filed 7/3/2013.</i></p> <p>Mother: <b>JENNIFER BUENDIA</b>; <i>consents and waives notice.</i></p> <p><b>Ward consents and waives notice.</b></p> <p>Paternal grandparents: <i>Not listed. Declaration of Due Diligence filed 10/21/2013.</i></p> <p>Maternal grandparents: <i>Not listed. Declaration of Due Diligence filed 10/21/2013.</i></p> <p><b>Petitioner states</b> the child's mother has 3 years of sobriety, she is stable financially, and the child wants to be with his mother. Petitioner states she is 76 years old and she needs time out for herself.</p> <p><b>Declaration filed by Petitioner Marie Buendia on 8/21/2013 states:</b> she and her husband, Eddie Buendia received guardianship of Joseph, their great-grandson on 7/27/2005, since their granddaughter (Jennifer) was not able to care for him because of her history of substance abuse and instability; Jennifer has been clean for almost 4 years, and is doing well; she loves her son and wants him with her; her husband, Co-Guardian Eddie Buendia, passed away 4 years ago on 8/22/2009, and she needs time for herself as it's been 4 years that she hasn't had a vacation and she could use one; Joseph loves his mother and wants to be with her.</p> <p><b>Court Investigator Jennifer Young's Report was filed 8/29/2013.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 9/4/2013.</b></p> <p>Minute Order [Judge Cardoza] states examiner notes are provided to the Petitioner. The Petitioner is directed to cure the defects listed in the notes.</p> <p>The following issue from the last hearing remains:</p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing and proof of 15 days' service by mail of the Notice of Hearing with a copy of the <i>Petition for Termination of Guardianship, or Consent to Termination and Waiver of Notice</i>, for:                     <ul style="list-style-type: none"> <li>• Miguel Angel Redondo Melendez, Jr., half-sibling, if age 12 or over.</li> </ul> </li> </ol>
Cont. from 090413			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	X		
Aff.Mail	X		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 11/4/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 17 – Buendia</b></p>	

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

<b>Age: 14</b>	<b><u>NO TEMPORARY REQUESTED</u></b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>NICHOLAS CARRILLO, JR.</b> , maternal uncle, is Petitioner.	1. 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 the Person</i> <u>or</u> Consent & Waive of Notice <u>or</u> Declaration of Due Diligence for:
	Father: <b>MIGUEL MAYA</b> – Declaration of Due Diligence filed 09/06/13	a. Miguel Maya (father) – Personal service required, unless diligence is found. Declaration of Due Diligence filed 09/06/13 states that Mr. Maya's whereabouts are unknown and that he has never been part of the minor's life.
<b>Cont. from</b>	Mother: <b>ENEDINA CARRILLO</b> – Served by mail on 09/09/13	b. Enedina Carrillo (mother) – Personal service required. Proof of service filed 09/10/13 indicates that Ms. Carrillo was served by mail, however, personal service is required.
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		c. Paternal grandparents – Service by mail is sufficient.
<input checked="" type="checkbox"/> <b>Verified</b>	Paternal grandparents: NOT LISTED	d. Maternal grandfather – Service by mail is sufficient
<input type="checkbox"/> <b>Inventory</b>		e. Gabriel Carrillo (minor) – Personal service required. Proof of service filed 09/10/13 indicates that Gabriel was served by mail, however, personal service is required.
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>	Maternal grandfather: NOT LISTED	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Maternal grandmother: NORA ALFARO – Consent & Waiver of Notice filed 09/06/13	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>		
<input type="checkbox"/> <b>Aff.Pub.</b>	Siblings: VALERIE PEREZ, DANIEL PEREZ, EBONY PEREZ	
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input checked="" type="checkbox"/> <b>Conf. Screen</b>	<b>Petitioner states</b> that the minor has lived with his maternal grandmother most of his life, the mother does not have the means nor desire to care for him.	
<input checked="" type="checkbox"/> <b>Letters</b>	Petitioner states that the maternal grandmother's health has deteriorated and she recently went back to work full time and can no longer provide the care the minor needs. Petitioner states that the mother uses drugs, is being investigated by the District Attorney, and is in an abusive relationship.	
<input checked="" type="checkbox"/> <b>Duties/Supp</b>	Petitioner states that he has a stable home and wants to provide direction and guidance to his nephew.	
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input checked="" type="checkbox"/> <b>CI Report</b>	<b>Court Investigator Dina Calvillo filed a report on 10/30/13.</b>	
<input type="checkbox"/> <b>9202</b>		<b>Reviewed by:</b> JF
<input checked="" type="checkbox"/> <b>Order</b>		<b>Reviewed on:</b> 11/04/13
<input type="checkbox"/> <b>Aff. Posting</b>		<b>Updates:</b>
<input type="checkbox"/> <b>Status Rpt</b>		<b>Recommendation:</b>
<input checked="" type="checkbox"/> <b>UCCJEA</b>		<b>File 18 – Carrillo</b>
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		

Petition for Termination of Guardianship

<b>Age:</b> 2	<b>WHITTIE CARRILLO</b> , mother, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need Notice of Hearing.  2. Need proof of service at least 15 days before the hearing of Notice of Hearing with a copy of the petition for termination of guardianship on the following: <ul style="list-style-type: none"> <li>• Shelly A. Musgrave (Guardian)</li> <li>• Jeremy B. Musgrave (Father)</li> <li>• Paul M. Musgrave (Paternal Grandfather)</li> <li>• Joe P. Carrillo (Maternal Grandfather)</li> <li>• Tammy L. Carmichael (Maternal Grandmother)</li> </ul>
	<b>SHELLY A. MUSGRAVE</b> , paternal grandmother, was appointed guardian on 07/15/2013.	
<b>Cont. from</b>	Father: <b>JEREMY B. MUSGRAVE</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Paternal grandfather: PAUL M. MUSGRAVE	
<input checked="" type="checkbox"/> <b>Verified</b>	Maternal grandfather: JOE P. CARRILLO	
<b>Inventory</b>	Maternal grandmother: TAMMY L. CARMICHAEL	
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>	<b>Petitioner states:</b> she is requesting custody of her son Jaiden at this time because she is in a good place in her life where she is confident she can care for the child and give him the love and stability he deserves. Petitioner states that she is attending domestic violence classes, parenting classes and a life skills class. She states that she has secured housing for herself and the child, and has also arranged for child care. Petitioner states she has a job starting in October. Petitioner states that she is grateful for the care the child has been given but she is ready to once again be responsible for her son.	
<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>		
<input checked="" type="checkbox"/> <b>CI Report</b>	<b>Declaration filed 11/04/2013</b> by Petitioner/Mother includes letter regarding her visits with her son, certificates of achievement for various programs.	
<b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>	<b>Court Investigator Julie Negrete's report filed 10/25/2013.</b>	
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		

<b>Reviewed by:</b> LV
<b>Reviewed on:</b> 11/04/2013
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 19 – Musgrave</b>

Atty Young, Jami A. (Pro Per Petitioner)

Atty Young, Kristopher (Pro Per Petitioner)

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

Age: 3 years	TEMP EXPIRES 11-6-13	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need proof of personal service of Notice of Hearing at least 15 days prior to the hearing on David W. Brown (Father) pursuant to Probate Code §1511.</li> <li>2. It appears this minor has three half-siblings ages 12 and older. Therefore, notice to these siblings is required. The Court may require continuance for proper notice pursuant to Probate Code §1511.</li> </ol>
	<b>KRISTOPHER YOUNG and JAMI YOUNG</b> , non-relatives ("Godparents"), are Petitioners.	
	Father: <b>DAVID W. BROWN</b>	
Aff.Sub.Wit.	Mother: <b>CHERICE L. McMILLIAN</b> ; Declaration of Due Diligence filed 9/16/2013; Notice dispensed per minute order 9/18/2013	
✓ Verified	Paternal grandfather: Gary Brown; sent notice by mail 9/14/2013.	
Inventory	Paternal grandmother: Margaret Peterson (Pearson?); personally served 9/14/2013.	
PTC	Maternal grandfather: Allen J. McMillian, III	
Not.Cred.	Maternal grandmother: Terry Herrold; sent notice by mail 9/14/2013.	
✓ Notice of Hrg	Siblings: Michael Tipton (17), Robert Tipton (16), Ashton Tipton (12), Mason Brown (11), Alex Brown (9)	
✓ Aff.Mail w	<b>Petitioners state</b> the child's mother is unavailable and unable to care for the child due to drug abuse, homelessness, and illegal activity, and the child's father is serving a long-term incarceration at Corcoran State Prison. Petitioners state the child needs to go to a doctor for current physical and immunizations, and also needs to be enrolled in preschool. Petitioners state they have been a steady important role to the child since her birth, they have provided her with all her living necessities since her birth, and she is part of their family.	
Aff.Pub.	<b>DSS Social Worker Irma Ramirez filed a report on 10-21-13.</b>	
Sp.Ntc.	<b>Assigned Court Investigator: Charlotte Bien</b>	
✓ Pers.Serv. w		
✓ Conf. Screen		
✓ Letters		
✓ Duties/Supp		
Objections		
Video Receipt		
✓ DSS Report		
✓ Clearances Order		
Aff. Posting		
Status Rpt		
✓ UCCJEA		
Citation		
FTB Notice		

Reviewed by: skc

Reviewed on: 11-4-13

Updates:

Recommendation:

File 20 – McMillian

