

Petition for Substituted Judgment to Transfer Assets to Revocable Living Trust [Prob. C. 2580(b)(6)]

Age: 64		<p>CHRIS WADE, successor conservator, is Petitioner.</p> <p>Petitioner states:</p> <ol style="list-style-type: none"> The Conservatee has never been married and has no children. He has two living brothers, Gary Wade and Petitioner. The Conservatee also has a deceased brother. The Conservatee lives with Petitioner and Petitioner's girlfriend, Sheila Kajitani, who is also friends with the Conservatee and has lived with the Petitioner and Conservatee for the past 26 years and has assisted in his care. However, Sheila Kajitani is not a caregiver as described under the Probate Code. The purpose of this Petition is to transfer assets remaining in the name of the Conservatee to a revocable living trust in order to avoid probate costs and delay on the Conservatee's death by transferring the conservatorship estate to the trustee of The Ron C. Wade Revocable Trust (to be established) (the "Trust") The primary purpose of the Trust is to provide for the Conservatee's health, support, comfort and welfare and to save the costs involved in the administration of a probate estate. The Trust names Petitioner, Christopher Wade, as trustee of the Trust. The successor trustees are Sheila Kajitani and Gary Wade, in that order. Conservatee's Will, dated 09/20/06, leaves his entire estate to Petitioner, Chris Wade. The Will does not mention any further distribution in the event of Chris Wade's death. Conservatee has indicated that in the event of the death of Chris Wade, or his incapacity, he would want Sheila Kajitani as the successor trustee, successor executor under the will and successor beneficiary under the Trust. <p style="text-align: center;">Continued on Page 2</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> The Petition does not address the provisions required to be in the trust instrument as specified in California Rules of Court 7.903(c). It is noted that CRC 7.903(c)(1) specifically states that a trust funded by court order must not contain a "No-Contest" clause, but the proposed Trust instrument attached as Exhibit B to the Petition does contain a "No-Contest" clause. The Petition should address each requirement of CRC 7.903(c) and indicate where that provision is met in the proposed trust instrument. The proposed beneficiaries under the Trust are not all of the intestate heirs of the conservatee. It is unclear whether all of the intestate heirs of the conservatee have been provided with notice. The Petition indicates that the Conservatee has two living brothers and a predeceased brother. There is no mention whether any of his brothers have issue. Need clarification. Need Notice to Gary Wade, Conservatee's brother and also Notice to any issue of deceased brother, Raymond Wade. <p style="text-align: right;">Continued on Page 2</p>	
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				Reviewed by: JF
				Reviewed on: 11/04/13
				Updates:
		Recommendation:		
		File 1 – Wade		

- 8. The proposed Declaration of Trust of the Ron C. Wade Revocable Trust (to be dated) provides that the sole beneficiary of the Trust would be Petitioner, Christopher Glen Wade, and the remainder beneficiaries would be Sheila Kajitani and Gary Eugene Wade, in that order.
- 9. This estate planning, to be completed on behalf of the Conservatee, is essential in order to carry out his testamentary desire and to minimize expenses in connection with the administration of his estate upon his death, and to minimize taxes based on the previous tax planning done in connection with the creation of the Trust.
- 10. Petitioner has no reason to believe that the Conservatee is opposed to the proposed action and believes that, if the Conservatee had the capacity to do so, he would take the proposed action.

Petitioner requests this Court make an Order as follows:

- 1. Authorizing Chris Wade, as Conservator of the Estate of Ron C. Wade, to:
 - a. Execute and date the Ron C. Wade Revocable Trust;
 - b. To transfer the assets listed on Exhibit D to this Petition, together with any other assets of the Conservatee, Ron C. Wade, that may come into the Conservator's knowledge and possession, to Christopher Glen Wade, Trustee of The Ron C. Wade Revocable Trust (to be dated); and
 - c. To execute the Last Will and Testament of Ron C. Wade on his behalf

NEEDS/PROBLEMS/COMMENTS (Continued):

- 4. The Petition indicates that the primary beneficiary (Petitioner/Conservator, Chris Wade) of the proposed trust instrument is the same as in the conservatee's will executed on 09/20/06. It is noted that the conservatee has been subject to conservatorship of his Person and Estate since 1991 and therefore was conserved at the time the 09/20/06 will was executed. It is unclear whether the conservatee had capacity to execute a will in 2006 and the Examiner was unable to locate a Petition for the creation of will for the Conservatee around the 09/20/06 date.
- 5. The 2006 will does not name a beneficiary after Chris Wade. It is unclear why the proposed trust instrument names the Petitioner's girlfriend as the contingent beneficiary and not the conservatee's other brother. The Court may require more information.
- 6. The Petition states that Sheila Kajitani has assisted in caring for the conservatee for the last 26 years, but states that she is not a caregiver as described in the Probate Code. Need more information as to why Ms. Kajitani should not be considered a caregiver under the Probate Code.
- 7. The Order does not comply with CRC 7.903(b) which states: The Order creating or approving the funding of a trust funded by court order must provide that the trust is subject to the continuing jurisdiction of the court and may provide that the trust is to be subject to court supervision under the Probate Code.

Note: For reference the following is the text of California Rules of Court Rule 7.903. Trusts funded by court order

(a) Definitions

- (1) "Trust funded by court order" under this rule means and refers to a trust that will receive funds under Probate Code section 2580 et seq. (substituted judgment); section 3100 et seq. (proceedings for particular transactions involving disabled spouses or registered domestic partners); or section 3600 et seq. (settlement of claims or actions or disposition of judgments involving minors or persons with disabilities).
- (2) "Continuing jurisdiction of the court" under (b) means and refers to the court's continuing subject matter jurisdiction over trust proceedings under division 9 of the Probate Code (Prob. Code, § 15000 et seq.).
- (3) "Court supervision under the Probate Code" under (b) means and refers to the court's authority to require prior court approval or subsequent confirmation of the actions of the trustee as for the actions of a guardian or conservator of the estate under division 4 of the Probate Code (Prob. Code, § 1400 et seq.).

(b) Continuing jurisdiction and court supervision

The order creating or approving the funding of a trust funded by court order must provide that the trust is subject to the continuing jurisdiction of the court and may provide that the trust is to be subject to court supervision under the Probate Code.

Continued on Page 3

(c) Required provisions in trust instruments

Except as provided in (d), unless the court otherwise orders for good cause shown, trust instruments for trusts funded by court order must:

- (1) Not contain "no-contest" provisions;
- (2) Prohibit modification or revocation without court approval;
- (3) Clearly identify the trustee and any other person with authority to direct the trustee to make disbursements;
- (4) Prohibit investments by the trustee other than those permitted under Probate Code section 2574;
- (5) Require persons identified in (3) to post bond in the amount required under Probate Code section 2320 et seq.;
- (6) Require the trustee to file accounts and reports for court approval in the manner and frequency required by Probate Code sections 1060 et seq. and 2620 et seq.;
- (7) Require court approval of changes in trustees and a court order appointing any successor trustee; and
- (8) Require compensation of the trustee, the members of any advisory committee, or the attorney for the trustee, to be in just and reasonable amounts that must be fixed and allowed by the court. The instrument may provide for periodic payments of compensation on account, subject to the requirements of Probate Code section 2643 and rule 7.755.

(Subd (c) amended effective January 1, 2007; previously amended effective July 1, 2005.)

(d) Trust instruments for smaller trusts

Unless the court otherwise orders for good cause shown, the requirements of (c)(5)-(8) of this rule do not apply to trust instruments for trusts that will have total assets of \$20,000 or less after receipt of the property ordered by the court.

Rule 7.903 amended effective January 1, 2007; adopted effective January 1, 2005; previously amended effective July 1, 2005

Petition for Order for Payment of Decedent's Property to Estate [Prob. C. 850 et seq.]

DOD:			NEEDS/PROBLEMS/COMMENTS:	
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Aff.Sub.Wit.				
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FTB Notice				
				Continued to 1/6/2014 at the request of the attorney.
				Reviewed by: KT
		Reviewed on: 11/4/2013		
		Updates:		
		Recommendation:		
		File 2 – Taylor		

3A Violet Goorigian Revocable Trust

Case No. 13CEPR00365

Atty Rube, Melvin K. (for Petitioner Gary C. Goorigian)
 Atty Glasrud, Donald H (for Co- Trustees, Ben Krikorian and Aaron Krikorian)
 Atty Magnus, Marcus (for Respondent, Holy Trinity Armenian Apostolic Church)
 Atty Brilliant, David (for Respondent, American Cancer Society)
 Atty Sanoian, Joanne (for Respondent, Charlie Keyan Armenian Community School)

Petition to Ascertain Beneficiaries and Determine Distribution of Property on Final Termination of Trust

		GARY C. GOORIGIAN is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order from 8/16/13 states Mr. Magnus informs the court that they are ready to set the matter for trial. Matter is set for Court trial on 6/10/14 with a 3-5 day estimate. The court also set a status hearing re: setting a settlement conference date (please see page 3B).</p> <p>1. Need Order. Local Rule 7.1 states a proposed Order shall be submitted with all pleadings that request relief. If the proposed order is not received in the Probate Filing Clerk's Office ten (10) days before the scheduled hearing, a continuance may be required.</p>
		Petitioner states he is the only child of VIOLET GOORIGIAN and therefore an interested party.	
Cont. from 061913, 081613		Petitioner states:	
	Aff.Sub.Wit.	<ul style="list-style-type: none"> On 10/6/2008 Violet Goorigian established the VIOLET GOORIGIAN REVOCABLE TRUST AGREEMENT. On 2/26/2009 Violet Goorigian executed the FIRST AMENDMENT TO THE VIOLET GOORIGIAN REVOCABLE TRUST AGREEMENT. On 3/9/12 Violet Goorigian executed revoked the 1st Trust Amendment and executed the SECOND AMENDMENT TO THE VIOLET GOORIGIAN REVOCABLE TRUST AGREEMENT. On 3/9/12 Violet Goorigian further amended the Trust by executing the THIRD AMENDMENT TO THE VIOLET GOORIGIAN REVOCABLE TRUST AGREEMENT. VIOLET GOORIGIAN died on 12/3/13 The Trust is now irrevocable. BEN KRIKORIAN and AARON KRIKORIAN are the currently acting co-trustees of the Trust. 	
✓	Verified		
	Inventory		
	PTC		
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	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
Please see additional page			<p>Reviewed by: KT</p> <p>Reviewed on: 11/4/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3A – Goorigian</p>

Petitioner's request is based on the following:

In or about 1984 Petitioner's parents AARON GOORIGIAN and VIOLET GOORIGIAN, were the owners of two parcels of real property in Fresno County, one on South Avenue and the other on Peach Avenue. Petitioner has never had an ownership interest in either parcel of real property. Both parcels of real property are assets of the Trust.

In or about 1984 Petitioner began to farming the South Avenue property and continued to farm the property thereafter for approximately 10 to 12 years. During that period of time AARON GOORIGIAN and VIOLET GOORIGIAN made oral promises to petitioner that he would inherit all of the real property, which included at the time the Peach Avenue property and the South Avenue property, all tangible personal property and all intangible personal property owned by AARON GOORIGIAN and VIOLET GOORIGIAN. Petitioner alleges these promises were made to induce petitioner to make improvements in the residence located on the South Avenue property. In reliance upon the oral promises made Petitioner was induced to and did make improvements to the residence located on the South Avenue property in the amount of approximately \$100,000.00, which resulted in a monetary benefit to AARON GOORIGIAN and VIOLET GOORIGIAN.

Petitioner alleges on 3/11/91 he and his father, AARON GOORIGIAN, were the owners of IDS Mutual Fund account, a financial account held by IDS Financial Services.

On or about 3/11/91, VIOLET GOORIGIAN and AARON GOORIGIAN presented documents, which Petitioner believes was an *Assignment Separate From Certificate Form*, to Bank of America for the purpose of obtaining a signature guarantee. Petitioner states without his knowledge, consent or authorization and with the intent to defraud petitioner, VIOLET GOORIGIAN forged the name of Petitioner to said document. Bank of America guaranteed the signature as that of Petitioner.

On March 22, 1991 VIOLET GOORIGIAN and AARON GOORIGIAN, with the intent to deceive and defraud Petitioner, presented the forged document to IDS Financial Services, Inc. which resulted in the removal of Petitioner's name from IDS Mutual Fund and transfer the assets of IDS Mutual Fund to AARON GOORIGIAN and VIOLET GOORIGIAN. Petitioner believes the assets fraudulently transferred amounted to approximately \$60,000.00.

Upon learning of the fraudulent transfer, Petitioner approached AARON GOORIGIAN and informed him that he wanted to be compensated for his loss. AARON GOORIGIAN with the intent to deceive and defraud Petitioner and to preclude Petitioner from proceeding legally against AARON GOORIGIAN and VIOLET GOORIGIAN informed Petitioner that he would take care of the matter.

On 2/15/1993, Petitioner wrote a letter to Mrs. S. Briones, whom Petitioner believes, was an employee of Bank of America requesting Bank of America notify IDS Financial Services, and rescind the signature guarantee contained in the forged document so that the transaction transferring the assets would be reversed (copy of letter attached as Exhibit E).

Please see additional page

The letter was sent to Bank of America because as of 2/15/1993, neither AARON GOORIGIAN nor VIOLET GOORIGIAN had compensated Petitioner for his loss.

As a result of the letter, AARON GOORIGIAN made a promise to Petitioner that if he would refrain from proceeding legally against himself and VIOLET GOORIGIAN that all of the real property, intangible personal property and tangible personal property owned by AARON GOORIGIAN and VIOLET GOORIGIAN would be left to Petitioner.

In reliance upon said promise made to Petitioner, Petitioner did not attempt to recover the assets fraudulently transferred.

AARON GOORIGIAN died on 7/22/1999. Petitioner believes that at his death neither AARON GOORIGIAN nor VIOLET GOORIGIAN had established an estate plan that would, upon their deaths, leave all of their property to petitioner in conformance with the above said promises.

On 10/6/2008 VIOLET GOORIGIAN established the Trust. Petitioner alleges that Article FOURTH of the Trust document, essentially complies with the oral promises made to Petitioner by AARON GOORIGIAN and VIOLET GOORIGIAN.

On 3/9/12, VIOLET GOORIGIAN executed the 3rd Trust Amendment. However, under the 3rd Trust Amendment, Petitioner was completely disinherited so that assets would be distributed to HOLY TRINITY ARMENIAN APOSTOLIC CHURCH; the CHARLIE KEYAN ARMENIAN COMMUNITY SCHOOL; and the AMERICAN CANCER SOCIETY.

Petitioner believes that at the time of her death, VIOLET GOORIGIAN was the owner of a certificate of deposit or an investment account in the approximate amount of \$200,000.00, that is not an asset of the Trust, and is being probated in Fresno County Superior Court case no. 13CEPR00098.

Petitioner further alleges that the Will of VIOLET GOORIGIAN dated 3/9/12 directs that all her assets in the probate estate be given to the Trustee of the VIOLET GOORIGIAN REVOCABLE LIVING TRUST and that this distribution of non-trust assets does not comply with the promises made to petitioner by AARON GOORIGIAN and VIOLET GOORIGIAN, as described above.

Petitioner states VIOLET GOORIGIAN has acknowledged the debts owed to petitioner for remodeling of the residence located on South Avenue and for the fraudulent transfer of the IDS asset because said acknowledgment is contained in a document dated 5/6/1995 which is all in the handwriting of VIOLET GOORIGIAN (copy of letter attached as Exhibit F).

Please see additional page

Wherefore Petitioner prays for an Order:

1. Ascertaining the beneficiaries of the VIOLET GOORIGIAN REVOCABLE LIVING TRUST and determining distribution of all real property, intangible personal property or tangible personal property from the VIOLET GOORIGIAN REVOCABLE LIVING TRUST, including real property, intangible personal property or tangible personal property distributed to the VIOLET GOORIGIAN REVOCABLE LIVING TRUST from the probate of the distributed to Petitioner GARY C. GOORIGIAN.
2. For costs herein.
3. For such other orders as the court may deem proper.

General Appearance and Notice of Neutrality by Respondents BEN KRIKORIAN and AARON KRIKORIAN, co-Trustees of the VIOLET GOOGORIAN REVOCABLE LIVING TRUST. Co-Trustees state they shall remain neutral in connection with the petition and take no position with respect to the merits or outcome of such petition. Co-Trustees state they will appear at the hearing for the purpose of providing any assistance to the court which the court may request.

Holy Trinity Armenian Apostolic Church's Response to Petition filed on 6/14/2013. Holy Trinity responds, opposes, and objects to the petition. Holy Trinity pleads the following affirmative defenses:

1. The Petition fails to state a claim for which relief can be granted.
2. The Petitioner fails to name the correct parties. Other parties should be named.
3. Petitioner's relief is barred by one or more of the statutes of limitations set for the in the C.C.P. and the Probate Code.
4. Petitioner does not have standing to bring this Petition under Probate Code §17200(b).
5. Petitioner claims oral agreements were created in the 1980's and in 1990's yet has made no effort to enforce the agreement until now. The lengthy delay in seeking relief is without justification and is to the prejudice of Holy Trinity.
6. Petitioner has unclean hands and should be denied relief sought under the Petition.

Wherefore, Holy Trinity prays:

1. That the Petitioner take nothing;
2. For costs of suit including attorney fees under common fund doctrine;
3. For such other and further relief as the court deems just.

Objection from American Cancer Society to Gary Goorigian's Petition to Ascertain Beneficiaries and Determine Distribution of Property on Final Termination of Trust filed on 6/18/2013. American Cancer Society pleads the following affirmative defenses:

1. The Petition and each and every cause of action and part thereof, fails to state facts sufficient to constitute a cause of action.
2. The Petition and each and every cause of action and part thereof, is barred by all applicable statutes of limitations, including but not limited to, C.C.P. §§338 and 338 and California Probate Code §16061.7.
3. Petitioner has unreasonably delayed commencement of this action to the prejudice of this Respondent, and as a result, each purported cause of action is barred by the doctrine of laches.
4. Petitioner waived his right to recovery and/or remedies requested.
5. Petitioner is estopped from claiming rights to recovery and/or remedies requested.
6. Decedent duly performed, satisfied and discharged all duties and obligations she may have owed to Petitioner arising out of any and all agreements, representations, contracts or relationships.
7. Petitioner's claims are uncertain.

Wherefore, Respondent prays:

1. That the Petitioner take nothing by reason of this Petition;
2. That Respondent be awarded attorney's fees and costs incurred in this action, and;
3. For such other and further relief as the court deems just and proper.

Objection from Respondent Charlie Keyan Armenian Community School filed 8-5-13 provides affirmative defenses and requests that the Court deny the petition in its entirety, award Respondent its attorney fees and costs incurred herein, and grant any further relief the Court deems just and proper.

Petition to Modify Trust Under Changed Circumstances and to Combine Modified Trust With Existing Trust

	<p>GARY P. BEDROSIAN, Trustee of the Joseph G. Bedrosian Trust (the 1995 Trust), is Petitioner.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
<p>Cont. from 091213</p>	<p>Petitioner requests the Court modify provisions of the 1995 Trust under changed circumstances pursuant to Probate Code §15409, and combine the so-modified 1995 Trust with the Joseph G. Bedrosian Family 2012 Trust created under the Trust Agreement dated 12-28-12 (the 2012 Trust) as follows:</p>	<p>OFF CALENDAR</p>
<p>Aff.Sub.Wit.</p>	<p>Petitioner states the 1995 Trust was created by written agreement between Gary P. and Joyce A. Bedrosian, Trustors, and Gary P. Bedrosian, Trustee. The Trustors are the parents of Joseph G. Bedrosian (19), and four other children. Joseph is the sole beneficiary of the 1995 Trust for his lifetime, as he was born with cerebral dysgenesis, which contributes to his cognitive disorder. Joseph was approx. 20 months old when the 1995 Trust was established. At that time, his disability was not believed to be as severe as it has turned out to be. Indeed, his progress was so significant early in life that he was released as a client of CVRC. However, over the years, Joseph's parents, teachers and medical professionals have seen a halt to his intellectual progress and maturity. In a recent neuropsychological and educational assessment, the doctor noted severe decline in various areas and determined that Joseph will need ongoing support. Joseph was recently accepted as a client of the Regional Center of Orange County. At this point, Joseph has several serious medical issues that require the monitoring of his parents and doctors. No conservatorship of the person or estate has been established for Joseph.</p>	<p>Amended petition filed 11-6-13 is set for hearing 1-7-14.</p>
<p>✓ Verified</p>	<p>The 1995 Trust provides that income be paid to Joseph, and that the trust terminate when Joseph is 30 years old. Petitioner proposes to modify the 1995 Trust to make the terms identical to the terms of the 2012 Trust, which was established by the same Trustors for the benefit of Joseph. The 2012 Trust contains provisions intended to accommodate his special needs, allowing supplement to available public benefits.</p>	
<p>Inventory</p>	<p>Modification is necessary because the 1995 Trust requires that income be paid to Joseph and that the trust terminate when he reaches 30. However, it is now known that he requires ongoing support, including in managing money. This was not anticipated, as he was only 20 months old when the 1995 Trust was established and his disability was not believed to be as severe as it has turned out to be. Continued administration of the 1995 Trust under its present terms would substantially impair the accomplishment of the trust purposes in that it would inadequately protect and provide for Joseph by failing to provide a mechanism for assets to be managed for Joseph's benefit and potentially impair his ability to receive public benefits.</p>	
<p>PTC</p>	<p>Petitioner prays for an order that the 1995 Trust be modified as set forth above and that the 1995 Trust be combined with the 2012 Trust and the estate of the 1995 Trust henceforth be administered as part of the 2012 Trust.</p>	
<p>Not.Cred.</p>		
<p>✓ Notice of Hrg</p>		
<p>✓ Aff.Mail</p>	<p>W</p>	
<p>Aff.Pub.</p>		
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<p>UCCJEA</p>		
<p>Citation</p>		
<p>FTB Notice</p>		<p>Reviewed by: skc</p> <p>Reviewed on: 11-4-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 – Bedrosian</p>

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

Age: 23		<u>No Temporary Requested</u>		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator Advised Rights on 10/09/2013.</p> <p>Voting Rights Affected Need Minute Order.</p> <p>The deficiencies with the petition include, but are not limited to, the following:</p> <ol style="list-style-type: none"> #1g of the petition is not marked regarding medical consent power. It is unclear if the petitioner intended to request medical consent powers. Petition does not allege any facts in support of the need for conservatorship. Need Citation. Need proof of personal service of the citation and a copy of the Petition on the proposed conservatee. Need Notice of Hearing. #11 of the petition does not list the relatives of the proposed conservatee therefore it is unclear who is entitled to notice. Need video receipt for conservator pursuant to Local Rule 7.15.8(A). Need Confidential Conservator Screening form – GC- 312. Capacity Declaration filed 09/27/2013 is signed by petitioner at page 1 and signed by an unknown person at page 3. Need new capacity declaration completed by physician. Need Order. Need Letters. <p>Reviewed by: LV</p> <p>Reviewed on: 11/05/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5 – Holmes</p>
		<p>LADONNA TILFORD, mother is petitioner and requests appointment as Conservator of the person.</p>		
Cont. from		Capacity Declaration filed 09/27/2013 – See Note #9		
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
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	Notice of Hrg	x	Petitioner states: ?	
	Aff.Mail	x	Court Investigator Charlotte Bien's report filed 10/21/2013.	
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	Pers.Serv.	x		
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	Letters	x		
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	Video Receipt	x		
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	Order	x		
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	UCCJEA			
	Citation	x		
	FTB Notice			

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

DOD: 9/9/13		<p>PUBLIC ADMINISTRATOR is petitioner and requests appointment as Administrator of the estate.</p> <p>Full IAEA – o.k.</p> <p>Decedent died intestate.</p> <p>Residence: Fresno Publication: Fresno Business Journal</p> <p>Estimated value of the estate: Personal property - \$ 21,737.00 Real property - <u>\$137,000.00</u> Total - \$158,737.00</p> <p>Probate Referee: RICK SMITH</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need the names and dates of death of predeceased relatives, i.e. parents, brothers, sisters and how each niece and nephew relates to the deceased brother or sister. Local Rule 7.1.1D 2. Notice of Petition to Administer the Estate was sent to Linda Fater, M.D. There is no indication in the pleadings why she was sent notice. If she is a beneficiary of this estate she should have been listed at #8 of the petition. Court may require clarification. <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Friday, 04/11/2014 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Friday, 01/09/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution.
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<input type="checkbox"/>	CI Report		
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<input type="checkbox"/>	Status Rpt		
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Reviewed by: KT			
Reviewed on: 11/4/2013			
Updates:			
Recommendation:			
File 7 – Danell			

DOD: 03/11/10	OWEN R. OVERTON , son, was appointed Administrator on 05/25/10. Letters of Administration were issued on 05/25/10.	NEEDS/PROBLEMS/COMMENTS: 1. Need Settlement Agreement.
Cont. from	Administrator, Owen Overton, filed his Petition for Settlement of First Account on 05/16/13.	
<input type="checkbox"/> Aff.Sub.Wit.	<p>Ana Overton, surviving spouse, objected to the Petition for Settlement of First Account and filed a Petition for Determination of Entitlement to Estate Distribution on 06/14/13.</p> <p>A Settlement Conference was held on 10/25/13. Minute Order from 10/25/13 Settlement Conference set this matter for status regarding Settlement Agreement and states: Parties reach a resolution as set forth by counsel.</p>	
<input type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202 Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 11/06/13
		Updates:
		Recommendation:
		File 8 – Overton

DOD: 7/13/10	ROBERT ACUNA, JR. and DESIREE ACUNA , were appointed as Co-Administrators without bond on 02/18/11 and Letters were issued on 05/26/11.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 082712, 112612, 010713, 030713, 052313, 100313	Inventory and Appraisal was due on 9/26/11.	Report of Administrator of Insolvent Estate and Request for Discharge has been filed and is set for hearing on 12/18/2013.
Aff.Sub.Wit.	On 3/22/12 the Court signed an order granting attorney Mara Erlach's Motion to be Relieved as Counsel.	As of 11/4/13 the following issues remain:
Verified	At the hearing on 3/22/12 the Court set an Order to Show Cause hearing and Ordered both Robert Acuna, Jr. and Desiree Acuna to be present.	1. Need Inventory & Appraisal <u>or</u> current written status report pursuant to Local Rule 7.5, which states: In all matters set for status hearing, verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Inventory	Order to Show Cause and Minute Order were mailed to both Robert Acuna, Jr. and Desiree Acuna on 3/23/12.	
PTC		
Not.Cred.	Minute order from 4/26/12 indicates there were no appearances. The court removed Robert Acuna Jr., and Desiree Acuna. The court appointed the Public Administrator as administrator without bond.	
Notice of Hrg	The Public Administrator's Letters were issued on 6/27/12.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt	Status Report filed on 2/28/13 states based on their investigations, the Public Administrator and his Attorney question whether administration of this estate should continue. According to the original petition for probate, there was \$10,000 in personal property and \$100,000 in real property. The only beneficiaries are the former administrators. The only creditors are the State of California Franchise Tax Board (\$2,020.41) and the Fresno County Tax Collector (\$263.99). If the former administrator paid those two creditors, the Public Administrator believes the estate could be closed without approving the acts of the former administrator.	
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: KT
Status Rpt		Reviewed on: 11/4/13
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 9 - Acuna

Status Hearing Re: Filing of the Inventory and Appraisal

<p>DOD: 7/13/10</p> <hr/> <hr/> <hr/> <p>Cont. from 082712, 112612, 010713, 030713, 052313, 081513, 100313</p> <p>Aff.Sub.Wit.</p> <p>Verified</p> <p>Inventory</p> <p>PTC</p> <p>Not.Cred.</p> <p>Notice of Hrg</p> <p>Aff.Mail</p> <p>Aff.Pub.</p> <p>Sp.Ntc.</p> <p>Pers.Serv.</p> <p>Conf. Screen</p> <p>Letters</p> <p>Duties/Supp</p> <p>Objections</p> <p>Video Receipt</p> <p>CI Report</p> <p>9202</p> <p>Order</p> <p>Aff. Posting</p> <p>Status Rpt</p> <p>UCCJEA</p> <p>Citation</p> <p>FTB Notice</p>	<p>ROBERT ACUNA, JR. and DESIREE ACUNA, were appointed as Co-Administrators without bond on 02/18/11 and Letters were issued on 05/26/11.</p> <p>Inventory and Appraisal was due on 9/26/11.</p> <p>On 3/22/12 the Court signed an order granting attorney Mara Erlach's Motion to be Relieved as Counsel.</p> <p>At the hearing on 3/22/12 the Court set an Order to Show Cause hearing and Ordered both Robert Acuna, Jr. and Desiree Acuna to be present.</p> <p>Order to Show Cause and Minute Order were mailed to both Robert Acuna, Jr. and Desiree Acuna on 3/23/12.</p> <p>Minute order from 4/26/12 indicates there were no appearances. The court removed Robert Acuna Jr., and Desiree Acuna. The court appointed the Public Administrator as administrator without bond.</p> <p>The Public Administrator's Letters were issued on 6/27/12.</p> <p>Status Report filed on 2/28/13 states based on their investigations, the Public Administrator and his Attorney question whether administration of this estate should continue. According to the original petition for probate, there was 10,000 in personal property and \$100,000 in real property. The only beneficiaries are the former administrators. The only creditors are the State of California Franchise Tax Board (\$2,020.41) and the Fresno County Tax Collector (\$263.99). If the former administrator paid those two creditors, the Public Administrator believes the estate could be closed without approving the acts of the former administrator.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Report of Administrator of Insolvent Estate and Request for Discharge has been filed and is set for hearing on 12/18/2013.</p> <p>As of 11/4/13 the following issues remain:</p> <ol style="list-style-type: none"> 2. Need Inventory & Appraisal <u>or</u> current written status report pursuant to Local Rule 7.5, which states: In all matters set for status hearing, verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties. <hr/> <p>Reviewed by: KT</p> <p>Reviewed on: 11/4/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10 - Acuna</p>
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Pro Per Espinoza, Gema (Pro Per Petitioner, mother)
 Pro Per Reyes, Elia Esther (Pro Per Guardian, maternal grandmother)

Petition for Termination of Guardianship

Age: 5 years	GEMA ESPINOZA, mother, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 9/19/2013. Minute Order states Ms. Reyes is ordered to have mother added onto the emergency card at school. In addition, Ms. Reyes is to make the necessary arrangements so mother can communicate with the school and obtain full information regarding Nevaeh. Parties agree and are directed to obtain a second opinion regarding Nevaeh's medication for ADD.</p> <p>The following issues from the last hearing remain:</p> <ol style="list-style-type: none"> 1. Need proof of service by mail of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Termination of Guardianship</i>, or <i>Consent to Termination and Waiver of Notice</i>, or a <i>Declaration of Due Diligence</i>, for: <ul style="list-style-type: none"> • Jesus Prada, Jr., father; • Jesus Prada, Sr., paternal grandfather; • Rosa Hurtado, paternal grandmother; • Ramon O. Espinoza, maternal grandfather.
	ELIA ESTHER REYES (MONTES), maternal grandmother, was appointed Guardian on 4/13/2009.	
	Guardian served notice by mail on 7/24/2013.	
Cont. from 091913	Father: JESUS PRADA, JR.	
Aff.Sub.Wit.	Paternal grandfather: Jesus Prada	
✓ Verified	Paternal grandmother: Rosa Hurtado	
Inventory	Maternal grandfather: Ramon O. Espinoza	
PTC	Petitioner states when she was 14 years old, her mother (Guardian) Elia Esther had her sign her child over to her.	
Not.Cred.	Petitioner states the Guardian is receiving money and other benefits from her child at this time, and Petitioner is now 19 years old and has her own income and place of residence.	
✓ Notice of Hrg	Petitioner states when she visits with her child, she can see that the child cries and wants Petitioner as her mother.	
✓ Aff.Mail	~Please see additional page~	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
✓ CI Report		
✓ Clearances		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 11/4/13
		Updates:
		Recommendation:
		File 11 – Parada

Petitioner attached to her *Petition*, and filed a *Declaration* on 9/26/2013, containing a letter to the Judge stating she requests the guardianship be terminated at this time because she would like her daughter returned to her for the following reasons:

- She needs a mother and daughter relationship with her child; she doesn't want to continue as a part-time mother;
- She thinks it's time for her to focus on any existing problems that her child might have, and as a full-time mother she will be able to hear what's troubling her little soul; she wants to be there for her daughter;
- She yearns to be close to her child, but because of her mother having Guardianship she is not able to be a real mother to her and she feels there exists a rift between she and her child, and there are barriers to good communication between them;
- When her daughter has to leave and go with the Guardian, she can tell by her daughter's tone of voice and her body language that she doesn't want to leave her house;
- The child is suffering both emotionally and negatively, and she can feel these negative emotions because the child will always be "the fruit of [her] belly" no matter where she lives;
- She regrets the mistake of signing her daughter over to her mother as she was young and scared because her mother told her if she didn't turn over her daughter, that CPS would take her daughter away;
- Her young mind led her to believe she was doing what was best for her child, and the coaching from her mother (Guardian) who wanted her for financial reasons didn't help;
- She loves her daughter and wants her to be happy and to enjoy life;
- She wants what is best for her child, and she has her own residence, and a 3-month-old who Nevaeh loves dearly;
- She asks the Court to please give her the opportunity to raise her own child, and to let them be harmoniously joined together in love before she loses her daughter.

Court Investigator Charlotte Bien's Report was filed 8/28/2013.

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

Age: 12 years	<p>THERE IS NO TEMPORARY. No temporary was requested.</p> <p>ANGIE ALDAVA, maternal grandmother, is petitioner.</p> <p>Father: ROLANDO GALLARDO (CI report list the father as Ermelindo Gallardo)</p> <p>Mother: NICKY ALDAVA – deceased.</p> <p>Paternal grandparents: Not listed Maternal grandfather: Not listed</p> <p>Petitioner states the minor has no one to take care of him but her.</p> <p>Court Investigator JoAnn Morris' Report filed on 10/21/13.</p>		<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of the Notice of Hearing along with a copy of the petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> a. Ermelindo Gallardo (father) b. Angel Thomas Gallardo (minor, age 12) 3. Need proof of service of the Notice of Hearing along with a copy of the petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> a. Paternal grandparents b. Maternal grandfather 4. Petition does not include the names and current addressed of the paternal grandparents and maternal grandfather. 5. UCCJEA is incomplete. Need minor's residence information from 2008 – 8/24/2013. 	
Cont. from				
Aff.Sub.Wit.				
✓ Verified				
Inventory				
PTC				
Not.Cred.				
Notice of Hrg				X
Aff.Mail				X
Aff.Pub.				
Sp.Ntc.				
Pers.Serv.	X			
✓ Conf. Screen				
✓ Letters				
✓ Duties/Supp				
Objections				
Video Receipt				
✓ CI Report				
9202				
✓ Order				
Aff. Posting				
Status Rpt				
✓ UCCJEA				
Citation				
FTB Notice				
		Reviewed by: KT		
		Reviewed on: 11/4/13		
		Updates:		
		Recommendation:		
		File 12 – Gallardo		

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

Age: 15 years	<u>TEMPORARY EXPIRES 11/7/13</u>		NEEDS/PROBLEMS/COMMENTS:
	<p>VIOLETA BACHICHA, mother, is petitioner and requests appointment as guardian of the estate without bond.</p>		
	<p>Estimated value of the estate: Real property - \$6,200.00</p>		<p>1. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice for: a. Samuel George R. Day (minor)</p>
Cont. from	<p>Father: RONNIE DAY – Deceased.</p>		
<input type="checkbox"/> Aff.Sub.Wit.	<p>Paternal grandparents – Deceased. Maternal grandparents – Deceased.</p>		<p>Note: If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Friday, March 7, 2014 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. • Friday, January 9, 2015 at 9:00 a.m. in Department 303, for the filing of the first account. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg	<p>Petitioner states the father died and left a home in Texas to his minor children. There is no value in the home. The home needs repairs and is in foreclosure. The proposed guardian has found a potential buyer for the home however she needs a guardianship in order to have authority to sell the real property.</p>		
<input checked="" type="checkbox"/> Aff.Mail			
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.	X		
<input checked="" type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input checked="" type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
			Reviewed by: KT
			Reviewed on: 11/5/2013
			Updates:
			Recommendation:
			File 13 – Day

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

Age: 13 years		<u>TEMPORARY EXPIRES 11/7/13</u>		NEEDS/PROBLEMS/COMMENTS:	
		<p>VIOLETA BACHICHA, mother, is petitioner and requests appointment as guardian of the estate without bond.</p>		<p>2. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice for: b. Joshua Loy R. Day (minor)</p>	
Cont. from		<p>Estimated value of the estate: Real property - \$6,200.00</p>		<p>Note: If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> Friday, March 7, 2014 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. Friday, January 9, 2015 at 9:00 a.m. in Department 303, for the filing of the first account. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>	
<input type="checkbox"/>	Aff.Sub.Wit.				
<input checked="" type="checkbox"/>	Verified	<p>Father: RONNIE DAY – Deceased.</p>			
<input type="checkbox"/>	Inventory				
<input type="checkbox"/>	PTC	<p>Paternal grandparents – Deceased. Maternal grandparents – Deceased.</p>			
<input type="checkbox"/>	Not.Cred.				
<input checked="" type="checkbox"/>	Notice of Hrg	<p>Petitioner states the father died and left a home in Texas to his minor children. There is no value in the home. The home needs repairs and is in foreclosure. The proposed guardian has found a potential buyer for the home however she needs a guardianship in order to have authority to sell the real property.</p>			
<input checked="" type="checkbox"/>	Aff.Mail				
<input type="checkbox"/>	Aff.Pub.				
<input type="checkbox"/>	Sp.Ntc.				
<input type="checkbox"/>	Pers.Serv.				
<input checked="" type="checkbox"/>	Conf. Screen				
<input type="checkbox"/>	Letters				
<input checked="" type="checkbox"/>	Duties/Supp				
<input type="checkbox"/>	Objections				
<input type="checkbox"/>	Video Receipt				
<input type="checkbox"/>	CI Report				
<input type="checkbox"/>	9202				
<input checked="" type="checkbox"/>	Order				
<input type="checkbox"/>	Aff. Posting				
<input type="checkbox"/>	Status Rpt				
<input checked="" type="checkbox"/>	UCCJEA				
<input type="checkbox"/>	Citation				
<input type="checkbox"/>	FTB Notice				
				Reviewed by: KT	
				Reviewed on: 11/5/2013	
				Updates:	
				Recommendation:	
				File 14– Day	

NEEDS/PROBLEMS/COMMENTS, continued:

Notes Regarding Bond or Blocked Account: Court must make a determination regarding whether to require Petitioners to post a bond as Co-Conservators of the Estate, or whether to require the proposed Conservatee's assets, other than public benefits he receives, be placed in a blocked account with withdrawals allowed only upon Court order. The following issues are pertinent to this determination:

- 1. Petitioners request appointment as Co-Conservators of the estate without bond. Bond is required pursuant to Probate Code § 2320 and CA Rule of Court 7.207, and based upon the information provided by Petitioners in the *Petition* and to the Court Investigator, bond should be fixed at \$15,335.14. However, Probate Code § 2323 provides the Court may dispense with the requirement of a bond if it appears likely that the estate will satisfy the conditions of § 2628(a) for waiver of accountings based on receipt of public benefits payments. Based upon the information the Petitioners provided, the conditions for waiving accountings appear to be satisfied (i.e., *net value of the estate less than \$15,000.00, monthly income less than \$2,000.00, all income spent for benefit of conservatee.*)**
- 2. *CI Report* filed 10/30/2013 and *Supplemental Information* filed 10/2/2013 indicate that a reason the Petitioners seek conservatorship of the estate is that the proposed Conservatee had an accident in 2002, from which he received a settlement and the funds are in a CD account (having a balance of \$4,497.04, which matures on 6/1/2014), and a conservatorship is needed to access the account and release the funds, as the bank indicated a court order is required. Petitioners indicate they would like to purchase a van to transport the proposed Conservatee, as Petitioners state that they understand the current transportation provided by California Children's Services (CCS) will end when the proposed Conservatee turns age 21. If the Petitioners are appointed Co-Conservators of the Estate, the Petitioners must seek Court authority (by filing a petition making the request) that would allow them to purchase the van for the proposed Conservatee, prior to actually purchasing the van. It appears it may be in the best interest of the proposed Conservatee that the Court may require the CD funds be maintained in a blocked account held by the conservatorship estate for the proposed Conservatee.**

Note: If Petition for Conservatorship of the Estate is granted and bond or blocked account and accountings are required, Court will set the following status hearings:

- **Friday December 13, 2013 at 9:00 a.m. in Dept. 303 for filing proof of bond or receipt for blocked account;**
- **Friday March 14, 2014 at 9:00 a.m. in Dept. 303 for filing of inventory and appraisal; and**
- **Friday January 9, 2015 at 9:00 a.m. in Dept. 303 for filing of first account of the conservatorship.**

Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.

Dept. 303, 9:00 a.m. Thursday, November 7, 2013

16 Tena Tilda Hansen (Det Succ)
 Atty Huffman, Anna Marie (pro per Petitioner)
 Atty Hansen, Ray S. (pro per Petitioner)
 Atty Hansen, Charles T. (pro per Petitioner)
 Atty Hansen, James L. (pro per Petitioner)
 Atty Hansen, Donald L. (pro per Petitioner)
 Atty Hansen, Lee Roy (pro per Petitioner)
 Atty Gardener, Sara J. (pro per Petitioner)

Case No. 13CEPR00873

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

DOD: 3/23/13		<p>ANNA MARIE HUFFMAN, RAY S. HANSEN, CHARLES T. HANSEN, JAMES L. HANSEN, DONALD L. HANSEN, LEE ROY HANSEN and SARA GARDENER, children of the decedent, are petitioners.</p> <p>40 days since DOD.</p> <p>No other proceedings.</p> <p>Will dated 11/1/1994 – devises entire estate to spouse if he survives (spouse is deceased) and if he doesn't survive to the children in equal shares.</p> <p>I & A - \$93,531.90</p> <p>Petitioners request court determination that Decedent's 100% interest in real property and cash passes to them in equal shares.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. #9a (3) or 9a (4) of the petition was not answered re: registered domestic partner. – Unverified Declaration filed on 11/6/13 states there was no domestic partner.</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: KT	
		Reviewed on: 11/5/2013	
		Updates: 11/6/13	
		Recommendation:	
		File 16 – Hansen	

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

Age: 12 years	<p>TEMPORARY EXPIRES 11/7/2013</p> <p>GENERAL HEARING 1/2/2014</p> <p>DELIA B. AGUERO, maternal grandmother, is petitioner.</p> <p>Father: SILVINO MONSILVIAS</p> <p>Mother: TANYIA MURILLO – consents and waives notice.</p> <p>Paternal grandparents: Not listed. Maternal grandfather: Not listed.</p> <p>Petitioner states mom is mentally unstable and using meth. Mom asked petitioner to care for the minor while she went to a mental program for a few days. The minor disclosed to the petitioner that she had been inappropriately touched by her karate teacher. Minor indicated she told her mom who did nothing.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of the Notice of Hearing along with a copy of the temporary petition or consent and waiver of notice or declaration of due diligence on: <ol style="list-style-type: none"> a. Silvino Monsilvias (father) b. Delia Monsivias (minor) 3. UCCJEA is incomplete as follows: <ol style="list-style-type: none"> a. Need minor's residence information for 2008 to the present. b. #4 was no answered re other proceedings involving this minor. c. #6 whether or not someone else claims custody or visitation rights with the minor. 	
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input type="checkbox"/> Notice of Hrg			X
<input type="checkbox"/> Aff.Mail			
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			X
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input checked="" type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
		<p>Reviewed by: KT</p> <p>Reviewed on: 11/5/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 17 – Monsivias</p>	

Age: 17	TEMP GRANTED EX PARTE EXPIRES 11-7-13	NEEDS/PROBLEMS/COMMENTS:
	GENERAL HEARING 1-6-14	
	KELSEY ERIN RIJ , Minor, is Petitioner.	
<input type="checkbox"/> Aff.Sub.Wit.	Petitioner requests appointment of DR. MICHAEL KRUEGER and SUSAN KRUEGER , non-relatives, as Guardians. The proposed Guardians are the parents of the minor's best friend.	
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Father: JOHN RIJ - <i>Consents and waives notice</i>	
<input checked="" type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail	Mother: NINON TRIMM - <i>Personally served 10-31-13</i>	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv. w	Paternal Grandfather: Roger Rij Paternal Grandmother: Irma Rij	
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters	Maternal Grandfather: Landon Castillo Maternal Grandmother: Joanna Castillo	
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections	Siblings: Ryan Rij, Ethan Rij	
<input type="checkbox"/> Video Receipt	Minor Petitioner states her mother and stepfather Terry Trimm have created a toxic environment for her for the past several years due to Terry routinely losing his temper. On one occasion, Petitioner's brother informed Petitioner that he had seen Terry hit their mother. Petitioner states she is an A student with a love for cross-country running. She will probably be able to obtain a scholarship for college and has been in contact with two universities. However, Petitioner states her mother and stepfather she has not been allowed to focus on aspects of life that are important to her, such as school, future career, and sports, and has raised her siblings, assuming the role of parent, with little help from her mother. Petitioner met her friend Kennedy Krueger in school and feels fortunate to have the Krueger family in her life. She has felt more welcome in their home than in her own.	
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
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<input type="checkbox"/> FTB Notice	Petitioner states that over the summer, her stepfather moved out, but continued coming around, yelling, and being emotionally abusive, and this only made the way her mother treated her worse. Petitioner went on a two-week camp and when the trip was over, informed her mother that she did not want to live there. Her mother seemed to appreciate this and contacted Mrs. Krueger and asked if she could stay with the Kruegers. Mrs. Krueger agreed. Petitioner moved in with the Kruegers on 8-8-13.	
SEE ADDITIONAL PAGES		
		Reviewed by: skc
		Reviewed on: 11-5-13
		Updates:
		Recommendation:
		File 18 – Rij

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Petitioner states that after she moved in with the Kruegers, she continued to look after her siblings and take them to school. However, Petitioner states her mother started making threats to make her come back and live with her, such as to have her placed in a mental institution. On 10-17-13, Petitioner states her mother demanded that she be back at home the next day (Friday). Due to a cross-country meet set for Saturday, she then demanded that she return on Sunday. On Sunday, she called the police, who contacted her and told her to go home or they would come get her.

Petitioner states Dr. and Mrs. Krueger drove her home where the police were waiting. Petitioner states her mother berated her and called her a runaway, even though they had arranged the situation and knew where she was.

Since being forced to move back in with her mother, Petitioner is terrified that her mother will try to prevent her from going to college or having any success. Petitioner states her mother has also made accusations that she is still taking money from the Kruegers and hiding it. Her stepfather continues to come around and on 10-22-13, made a number of specific threats: That he would "royally fuck up her life and future" if she "pulled another stunt like that again;" that he would take out a restraining order against the Kruegers and sue them when they break it; that he would file charges against Petitioner for car theft; that he would make sure Peitioner would not get into college; that he would take out a restraining order against Kennedy to prevent them from seeing each other at school; that he would make sure any scholarship offer she received was revoked; that he would make it so Petitioner would never be able to get a job, and kick her out of the house and watch her "fall on her face and come running back home;" that he knows the justice system and would use it to ruin Petitioner's and the Kruegers' lives; that he would charge her with slander of her mother; that he would charge the Kruegers with "aiding a runaway;" and that he would "beat the shit out of her if he tried to "run away" from them again."

Petitioner states she is scared to be living at her mother's house and fears for her safety and her future. The Kruegers treat her like family. Petitioner states she will be 18 in March and will graduate from high school in May, and begs the Court to appoint the Kruegers as her guardians. Petitioner also requests an order preventing her stepfather Terry from being near or communicating with her.

Petitioner filed documentation in support including a declaration from her father, JOHN RIJ, who resides in Nevada. Mr. Rij states he is aware of the issues that his daughter faces and fully supports her staying with the Kruegers. He signed consent and wavier of notice form. Additional declarations are filed in support, as well as school reports, text messages.

Petitioner requests to excuse notice to her mother of this petition because she fears that it could lead to further abuse.