

Petitioner states:

- As Executor, she was required to defend two litigation matters involving the estate: *Alanis v. Gutierrez* Case 07CECG03628, which resolved by summary judgment in favor of the Executor; and *Renteria v. Gutierrez* Case 07CECG03513, in which the Court entered a **\$86,229.95** money judgment in favor of the Decedent's Trust and the *Estate of Erlinda Gutierrez* against **RAYMOND RENTERIA**, Decedent's brother, and **RITA RENTERIA** (represented by Attorney Henry D. Nunez);
- An *Order Determining Construction of Trust Instrument and Instructing Trustee* filed 9/19/2011 in Case 11CEPR00097, *Erlinda Gutierrez Trust*, authorized the Trustee to sell a real property Lot in Reedley, which was later discovered by a title company to be an asset of the Decedent's estate rather than the Trust, such that the Lot is part of the Decedent's estate and would pass under the Decedent's Will at ½ to Petitioner, and ¼ each to Decedent's grandsons, **AREMI ALANIS, JR. (A.J.)** and **BRANDON ALANIS**;
- Petitioner, A.J., and Brandon entered into a *Settlement Agreement and Mutual Release*, approved by the Court on 7/29/2013, which provides for distribution of the Lot from the Estate to A.J. as to an undivided ½ interest and to Brandon as to an undivided ½ interest (*copy of Settlement Agreement attached as Exhibit A*);
- Pursuant to *Order Settling Status Report of Personal Representative, Approving Settlement Agreement, and Allowing Attorneys' Fees for Extraordinary Services* filed 7/29/2013, the Court allowed Petitioner reimbursement of **\$40,397.69** for all expenses she has incurred relating to the Lot (\$13,316.09), and ½ of attorney fees related to Creditor's Claim Litigation (\$27,081.60), which has not been paid.
- **Distribution pursuant to Decedent's Will and Settlement Agreement approved 7/29/2013 is to:**
 - **ANTONETTE GUTIERREZ** – undivided ½ interest in **\$86,229.95** money judgment calculating as **\$43,114.97**; and cash of **[cash sum needs clarification]**;
 - **AREMI ALANIS, JR. (A.J.)** – undivided ¼ interest in **\$86,229.95** money judgment calculating as **\$21,557.49**; and ½ interest in real property on Kingswood Parkway in Reedley; and cash of **[cash sum needs clarification]**;
 - **BRANDON ALANIS**– undivided ¼ interest in **\$86,229.95** money judgment calculating as **\$21,557.49**; and ½ interest in real property on Kingswood Parkway in Reedley; and cash of **[cash sum needs clarification]**.

Notes Re Attorney Fees Paid:

- *Order Settling the First Account* dated 9/14/2011 awarded extraordinary attorney fees and costs totaling **\$53,800.32**, consisting of **\$4,868.87** for costs, **\$5,051.51** for extraordinary services in connection with the objections to the appointment of Antonette Gutierrez as Executor, and **\$43,880.15** in connection with *Alanis v. Gutierrez*.
- *Order Settling Status Report of Personal Representative, Approving Settlement Agreement, and Allowing Attorneys' Fees for Extraordinary Services* filed 7/29/2013 authorized **\$80,000.00** as extraordinary attorney fees and **\$4,901.99** for costs advanced.

Status Hearing Re: Filing of the Second Account

	PUBLIC GUARDIAN is Trustee.	NEEDS/PROBLEMS/COMMENTS: 1. Need Second Account.
	Trustee's First Account was settled on 9/9/13. On that date, the Court set this status hearing for the filing of the Second Account.	
Aff.Sub.Wit.	Status Report filed 10/28/15 states the Public Guardian is currently short-staffed because one of the support staff suddenly retired for medical reasons. A 90-day continuance is respectfully requested.	
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Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 11/3/15
		Updates:
		Recommendation:
		File 2 – McCrain

Attorney Poochigian, Mark S. (for Petitioner Antonette Gutierrez, Successor Trustee)

Petition for Determination of Right to Surcharge Beneficiary's Interest, or in the Alternative, Enforce Money Judgment against Trust Beneficiary

DOD: 10/7/2005		<p>ANTONETTE GUTIERREZ, daughter and Successor Trustee, is Petitioner.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> Settlor Erlinda Gutierrez created the ERLINDA GUTIERREZ TRUST by Declaration of Trust dated 6/21/2005 (<i>copy attached as Exhibit A</i>); Trust terms provide that Petitioner shall become sole trustee to fill the vacancy created by Settlor's death; Petitioner is the sole Successor Trustee of the Trust; Trust is the owner of an interest in real property on Pecan Avenue in Reedley; On 10/22/2007, RAYMOND RENTERIA [Settlor's brother], individually and as Guardian Ad Litem for RITA RENTERIA, filed an Ownership Action in Case 07CECG03513 alleging that they were the rightful owners of the property; Court concluded that the Renterias failed to establish their ownership; On 9/6/2012, the Court also entered in the Ownership Action a \$86,229.95 money judgment in favor of the Trust and against Renteria in favor of Petitioner, individually, and as Trustee of the Trust, and as Executor of the <i>Estate of Erlinda Gutierrez</i> in Case 06CEPR00207 (<i>copy of judgment attached as Exhibit C; Court of Appeal upheld Trial Court decision</i>); Accordingly, the Trust is the rightful owner of the property, and Petitioner, individually, as Trustee of the Trust, and as Executor of the Estate, is a judgment creditor of Renteria; <p style="text-align: center;">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Page 1</u> is the related matter of the <i>Erlinda Gutierrez Estate, Case #06CEPR00207</i>.</p> <p>Continued from 9/21/2015 per request of counsel.</p> <p>Note: Notice of Stay of Proceedings filed by Attorney Nunez on 8/6/2015 shows this matter is automatically stayed with regard to RAYMOND RENTERIA caused by filing in U.S. Bankruptcy Court on 7/24/2015.</p> <p>The following issue from the last hearing remains:</p> <ol style="list-style-type: none"> Need proposed order pursuant to Local Rule 7.1.1 (F) which provides a proposed order shall be submitted with all pleadings that request relief.
Cont. from 081015, 092115			
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Reviewed by: LEG			
Reviewed on: 11/4/15			
Updates:			
Recommendation:			
File 3 - Gutierrez			

Petitioner states, continued:

- *Order Determining Construction of Trust Instrument and Instructing Trustee* filed 9/19/2011 describes the nature of the interests of the parties with respect to the Reedley property under the terms of the Trust; the Court's order finds Renteria is the holder of a legal life estate in the property and is required to *[in brief sum, act as to the residence in a manner that a fee simple owner would normally act; not injure or harm the future interest holders; deliver to Antonette Gutierrez or her successors in interest possession of the residence upon termination of the life tenancy; keep the property in repair, pay taxes and other annual charges]*;
- Renteria presently occupies a portion of the residence located on the property and receives rent from leasing the remainder; Renteria has been derelict in his duties as holder of a life estate and has allowed the property to fall into a state of disrepair by failing to perform necessary repairs, neglecting to pay property taxes and insurance, and is therefore causing harm to the future interest held by the person designated to receive the remainder after Renteria's death;
- The Trust provides that the named beneficiaries' interests are not subject to voluntary or involuntary transfer;
- Apart from Renteria's life estate in the property, Petitioner believes he has no assets against which the judgment in favor of the Trust may be enforced, and that the value of Renteria's interest in the property is insufficient to satisfy the **[\$86,229.95]** money judgment entered against him.

Petitioner requests an Order that:

1. Petitioner, as Trustee of the Trust, is entitled to surcharge Renteria's remaining interest to (a) partially satisfy the money judgment entered in Case 07CECG03513, (b) pay for necessary repairs and maintenance on the property, and (c) pay all necessary expenses, including property taxes and insurance;
2. Petitioner is authorized and directed to take possession of the property, to lease the property for its reasonable rental value, collect all rents and profits received from the property, and apply the net income from all of the Trust property to the satisfaction of the **[\$86,229.95]** money judgment] until the judgment is satisfied in full, at which time all of the net income of the Trust shall be paid in convenient installments to Renteria; OR,
3. As an alternative to surcharge of the beneficiary's interest, the Trustee under Code of Civil Procedure § 709.010, shall lease the property for its reasonable rental value, and collect all rents and profits received therefrom and apply such funds to the satisfaction of the **[\$86,229.95]** money judgment]; or shall satisfy the judgment by such means as the Court in its discretion determines are proper, including imposition of a lien on or sale of the judgment debtor's interest, collection of trust income, and liquidation and transfer of trust property; and
4. Petitioner is awarded her attorneys' fees and costs.

4 Selvie Hemison Mitchell (CONS/PE) Case No. 12CEPR00172

**Attorney Johnson, Summer A. (for Petitioners Kate Singh and Hubert Mitchell, Co-Conservators of the Person)
Attorney Wilkinson, Robert D. (for Petitioner Bruce D. Bickel, Conservator of the Estate)**

Probate Status Hearing re: Filing of the Third Account.

Age: 78 years	<p>KATE A. SINGH, niece, and HUBERT MITCHELL, brother, Co-Conservators of the Person, and BRUCE BICKEL, Conservator of the Estate, were appointed on 03/29/2012.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order of 10/26/2015: Ms. Johnson is also specially appearing for Bruce Bickel; requests two weeks. If the petition is filed at least two court days prior, then no appearance is necessary on 11/09/2015.</p> <p>1. Need Third Account or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
	<p>Order on Petition for Approval of Second Account and Report of Conservator of the Estate filed 12/02/2014.</p>	
	<p>Minute Order of 12/02/2014 set this Status Hearing for the filing of the Third Account.</p>	
Cont. from 083115, 102615	<p>(For hearing on 10/26/2015) Declaration of Summer A. Johnson re Status of Filing Third Account and Report filed 10/22/2015 states the Third Accounting covering the period from July 1, 2014 through June 30, 2015 has been prepared by the Estate's accountant and the petition for its approval has also been prepared. The final matter to be determined is whether the Co-Conservators of the Person will seek any fees associated with their on-going care of the Conservatee. It is believed that a brief continuance of the hearing will be sufficient to finalize the Petition for Approval of the Third Account and Report and to file it with the Court. It is respectfully requested that a continuance be granted until Thursday, 11/5/2015, subject to the hearing being taken off calendar if the accounting is filed 2 Court days before the hearing date.</p>	
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		<p>Reviewed by: LV</p> <p>Reviewed on: 11/04/2015</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 – Mitchell</p>

5 Gene Ray Chance (Estate) Case No. 13CEPR00612
Attorney Standard, Donna M (for Walter Sherwood Chance – Petitioner - Executor)
Amended First Account and Report of Status of Administrator of Estate Gene Ray Chance

DOD: 10/16/2015	WALTER SHERWOOD CHANCE , Executor, with limited IAEA authority, is petitioner.		NEEDS/PROBLEMS/COMMENTS: 1. Court order dated 09/20/2013 requires all estate funds are ordered to be placed in a blocked account. The petition asserts that the cash amounts presently in the Estate are now held by Sabine State Bank and Trust in a blocked interest bearing account. The cash had previously been held in a regular account despite the Court's order which required all estate funds to be placed in a blocked account. It appears that the Court has never been provided a Blocking order. Need Order to Deposit Money into Blocked Account, mandatory Judicial Council Form MC-355 and Receipt for Blocked Account, mandatory Judicial Council form MC-356. 2. Petitioner's signature on the corrected Inventory and Appraisal filed 08/03/2015 appears to be a color copy and not an original signature as required. 3. Petition states the balance on hand is \$145,375.95, however the Schedule 4 lists total property on hand is \$143,387.62. Need clarification.
	Account period: 07/12/2013 - 07/30/2015		
Cont. from	Accounting - \$145,375.95		
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH - \$136,373.49		
<input checked="" type="checkbox"/> Verified	Ending POH - \$143,387.62 (\$8,387.62 is cash)		
<input checked="" type="checkbox"/> Inventory	Executor – Not requested at this time		
<input type="checkbox"/> PTC	Attorney – Not requested at this time		
<input checked="" type="checkbox"/> Not.Cred.	Petitioner states: the estate is not in a condition to be closed at the present time until a sale of real property has occurred. At time of sale petitioner would request that upon confirmation of the sale and receipt of all proceeds from the sale of the real property that those funds be distributed pursuant to the Private Covenant/Contract which has been deemed the Last Will of Decedent, Gene Ray Chance.		
<input type="checkbox"/> Notice of Hrg	Petitioner requests: reimbursement for costs advanced in the amount of \$21,830.91 for payments of costs for the benefit of the estate after the sale of real property.		
<input type="checkbox"/> Aff.Mail	Wherefore:		
<input type="checkbox"/> Aff.Pub.	1. Petitioner requests the Amended First Account and Report of Administrator be allowed and approved as filed;		
<input type="checkbox"/> Sp.Ntc.	2. The costs of this proceeding be ordered paid by the estate in portions determined by the Court at the time of closing the estate.		
<input type="checkbox"/> Pers.Serv.	3. For such other and further order the Court may deem just and proper.		
<input type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters	11/26/13		
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
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<input type="checkbox"/> Status Rpt			
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<input type="checkbox"/> Citation			
<input checked="" type="checkbox"/> FTB Notice			
Reviewed by: LV			
Reviewed on: 11/04/2015			
Updates:			
Recommendation:			
File 5 – Chance			

3. Order appointing personal representative orders all funds of the estate to be placed in a blocked account. Accounting shows income from rents in the amount of \$9,002.46 and disbursements of \$1,988.33. The purpose of the blocked account is so that the funds of the estate are protected and all withdrawals from blocked account are to be approved by the Court. It appears that disbursements have been made without a Court order.
4. Need Notice of Hearing on Mandatory Judicial Council Form with proof of service on all interested parties.
5. It appears that petitioner is requesting that he be reimbursed for costs advanced in the amount of \$21,830.91 for payments of cost for the benefit of the estate, however it is not included in the prayer of the petition.
6. If petitioner is requesting reimbursement in the amount of \$21,830.91 it should be included in the "*it is so ordered*" portion of the order. Need new order.
7. #5 of the Order includes the following statement, "any other property not now know or discovered that may belong to the estate or decedent or in which the decedent or estate has an interest should be distributed pursuant to the Private Contract/Covenant, which the Court has accepted as the Last Will Ray Chance," this statement should be included in the final distribution order not the order for the first account. Need new order.

6 Fred Otto Loeffler (CONS/PE)

Case No. 13CEPR00655

Attorney Johnson, Summer A. (for Bruce D. Bickel – Temporary Conservator of the Estate/Petitioner)
 Attorney Bagdasarian, Gary G. (for Linda Plitt – daughter)
 Attorney Farley, Michael L. (for Conservatee)
 Attorney Downing, Marcella and McLaughlin, William T. (for Diane Huerta – daughter)
 Son Mick Loeffler (pro per)

Petition for Approval of Second and Final Account and Report of Temporary Conservator of the Estate; Request for Approval of Payment of Temporary Conservator's Fees; Request for Approval of Payment of Conservator's Attorney's Fees; Request for Authorization to Distribute Assets to Trustee; and Discharge of the Temporary Conservator of the Estate

Age: 92	<p>BRUCE D. BICKEL, Temporary Conservator of the Estate, is Petitioner.</p> <p>Temporary Conservatorship expires 12/08/15.</p> <p>Account period: 09/01/14 – 04/30/15*</p> <p>Accounting - \$582,450.80 Beginning POH - \$561,606.75 Ending POH - \$568,498.67</p> <p>*Petitioner intends to file a Supplemental Account and Report for the Period of 05/01/15 through the date of delivery of the assets to the Successor Trustee of the Loeffler Family Trust.</p> <p>Conservator - \$6,080.40 (itemized by date for 47.21 hours at a combined effective rate of \$128.79/hr.)</p> <p>Attorney - \$7,397.50 (to Dowling Aaron for work performed between 10/08/14 – 08/31/15; itemized by date)</p> <p>Attorney - \$5,384.00 (to Law Offices of Janet L. Wright for work performed between 10/02/14 – 12/05/14; itemized by date)</p> <p>Costs - \$567.00 (to Dowling Aaron for filing fees and certified copies)</p> <p>Costs - \$347.77 (to Law Offices of Janet L. Wright for filing fees/postage and copy charges (more than 10 people entitled to notice))</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>See pages 7 & 8 for related Petitions.</p> <p>1. Need Order.</p> <p>Note: Similar Petitions have been filed in the matters of the Conservatorship of Kathleen Doris Loeffler and The Loeffler Family Trust. Petitions in those matters include an identical request for reimbursement of attorney's fees to the parties pursuant to the terms of the settlement agreement. Those fees are listed on page 2 of these notes. Though duplicate requests are made for the approval of payment of those Attorney's Fees and Costs in the other petitions, only one payment is contemplated by the Parties.</p> <p>The Conservator and Attorney's fees and costs listed on the first page of these notes are unique to this conservatorship matter and are not being requested in the other petitions. Attorney for Temporary Conservator, Summer Johnson, was a member of Wright & Johnson (now Law Offices of Janet L. Wright) before joining Dowling Aaron, therefore, there are attorney's fees requests for Ms. Johnson's services from both firms)</p>
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Continued on Page 2

On 05/17/14, this Court approved a Settlement Agreement which provides for the transition of the assets from the conservatorship estate to the successor trustee of the Loeffler Family Trust (the "Trust"). As set forth in the Settlement Agreement, the successor trustee of the Trust is to be Comerica Bank.

Additionally, pursuant to the terms of the Settlement Agreement, the Parties' attorney's fees and costs are to be paid by the Trust. The parties have submitted invoices in support of their request for payment/reimbursement of the following attorney's fees and costs from the Loeffler Family Trust. The invoices and accompanying requests for reimbursement were included in Petitioner's previously filed Petition for Approval of Settlement Agreement and these amounts were disclosed to and acknowledged by the parties at the 05/17/14 mediation. Simultaneous with the filing of this Petition, an identical Petition is being filed in the Conservatorship of Kathleen Doris Loeffler and a similar identical request for reimbursement of attorney's fees is being made in the Trust Action in the concurrently filed Petition for Approval of Second and Final Account and Report of Temporary Trustee. Though duplicate requests are made for the approval of payment of Attorney's Fees and Costs in these other petitions, only one payment is contemplated by the Parties.

The following are fees incurred through approximately 05/30/14:

- A. Party – Mick Loeffler
 - 1. Outstanding balance to Gilmore, Magness, Leifer (formerly Gilmore, Wood, Vinnard & Magness) through 05/20/14: \$16,874.13;
 - 2. Reimbursement to Mick Loeffler for Attorney's Fees and costs: \$57,801.55
- B. Party – Dr. and Mrs. Loeffler
 - 1. Outstanding balance to Melvin K. Rube, Esq. through 05/31/14: \$17,697.46
- C. Party – Diane Huerta and Linda Plitt
 - 1. Outstanding balance to Howk & Downing through 05/30/14: \$108,188.67
 - 2. Reimbursement to Diane Huerta for mediation expenses: \$1,937.50
- D. Party – Linda Plitt
 - 1. Outstanding balance to Gary Bagdasarian through 05/29/14: \$6,431.30
 - 2. Reimbursement to Linda Plitt for Attorney's Fees and Costs: \$6,335.00

Subsequent to Petitioner's filing of the Petitions for Approval of Settlement Agreement in the two conservatorship matters, objections to the Petitions were filed on behalf of Dr. and Mrs. Loeffler and on behalf of Mick Loeffler. As a result, additional attorney's fees were expended by the parties on, among other items, attending various related court hearings, attending an additional mediation with Judge Howard Broadman (Ret.) and participation in a full evidentiary hearing on the validity of the Settlement Agreement. The parties have submitted documentation supporting their supplemental fees.

The following are fees incurred from 06/01/14 – present:

- A. Party – Diane Huerta
 - 1. Supplemental fees and costs of Howk & Downing through 08/11/15: \$47,552.52
 - 2. Fees and costs of co-counsel Lang, Richert & Patch through 08/18/15: \$25,377.50
- B. Party – Linda Plitt
 - 1. Supplemental fees and costs of Gary Bagdasarian, Esq. through 07/24/15: \$10,752.50
- C. Party – Mick Loeffler
 - a. Outstanding balance to the Law Offices of Michael J. Lampe, through 08/04/15: \$28,505.16
 - b. Reimbursement to Mick Loeffler for attorney's fees and costs paid to the Law Offices of Michael J. Lampe: \$19,743.19

Continued on Page 3

Consistent with the terms of the Settlement Agreement dated 05/17/14, Petitioner anticipates transferring the assets of the Temporary Conservatorship to the Successor Trustee of the Loeffler Family Trust upon approval of this Petition. Petitioner requests the Court's approval to file an Ex Parte Petition for approval of a Supplemental Account and Report for the period 05/01/15 through the date of the delivery of the assets to the Successor Trustee of the Trust, which Ex Parte Petition would include a request for approval of the payment from the RBC Brokerage Account No. xxx-x3194, titled in the name of the Fred and Kathleen Loeffler Trust, for the additional attorney, fiduciary and account fees incurred during that period.

Petitioner prays for an Order:

1. Approving, allowing and settling the Second and Final Account covering the period from 09/01/14 through 04/30/15;
2. Confirming that the property on hand at the end of the account period is \$568,498.67 of which \$55,210.45 is cash;
3. Authorizing and directing Bruce D. Bickel to pay directly from the RBC Brokerage Acct. No. xxx-x3194, titled in the name of the Fred and Kathleen Loeffler Trust, the requested amounts for fiduciary services;
4. Authorizing and directing Bruce D. Bickel to pay directly from the RBC Brokerage Acct. No. xxx-x3194, titled in the name of the Fred and Kathleen Loeffler Trust, the requested amounts to Dowling Aaron, Inc.;
5. Authorizing and directing Bruce D. Bickel to pay directly from the RBC Brokerage Acct. No. xxx-x3194, titled in the name of the Fred and Kathleen Loeffler Trust, the requested amount to the Law Offices of Janet L. Wright;
6. Authorizing and directing Bruce D. Bickel to pay directly from the RBC Brokerage Acct. No. xxx-x3194, titled in the name of the Fred and Kathleen Loeffler Trust, the requested amounts for fees incurred by the various parties through approximately 05/30/14;
7. Authorizing and directing Bruce D. Bickel to pay directly from the RBC Brokerage Acct. No. xxx-x3194, titled in the name of the Fred and Kathleen Loeffler Trust, the requested amounts for fees incurred by the various parties after approximately 06/01/14 to present;
8. Authorizing and directing Bruce D. Bickel to transfer the assets of the Conservatorship Estate of Fred Otto Loeffler (excepting the Individual Retirement Account) to the Successor Trustee of THE LOEFFLER FAMILY TRUST, including authorization to sign any and all documents, including, but not limited to, bank forms, transfer documents, check requests, etc. to effectuate the transfer of the assets of the Temporary Conservatorship Estate of Fred Otto Loeffler to the Successor Trustee of THE LOEFFLER FAMILY TRUST, Comerica Bank & Trust, N.A.;
9. Authorizing and Directing Bruce D. Bickel, upon such transfer Comerica Bank & Trust, N.A., to file an Ex Parte Petition for approval of a Supplemental Account and Report for the period of 05/01/15 through the date of delivery of the assets to the Successor Trustee of THE LOEFFLER FAMILY TRUST, which Ex Parte Petition shall include a request for approval of the direct payment from the RBC Brokerage Account No. xxx-x3194, titled in the name of the Fred and Kathleen Loeffler Trust, for the additional attorney, fiduciary and accountant fees incurred during that account period; and
10. Any and all such other further order as the Court considers proper.

Attorney Johnson, Summer A. (for Bruce D. Bickel – Temporary Conservator of the Estate/Petitioner)
 Attorney Bagdasarian, Gary G. (for Linda Plitt – daughter)
 Attorney Farley, Michael L. (for Conservatee)
 Attorney Downing, Marcella and McLaughlin, William T. (for Diane Huerta – daughter)
 Son Mick Loeffler (pro per)

Petition for Approval of Second and Final Account and Report of Temporary Conservator of the Estate; Request for Approval of Payment of Temporary Conservator's Fees; Request for Approval of Payment of Conservator's Attorney's Fees; Request for Authorization to Distribute Assets to Trustee; and Discharge of the Temporary Conservator of the Estate

Age: 85	BRUCE D. BICKEL , Temporary Conservator of the Estate, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: See pages 6 & 8 for related Petitions. 2. Need Order. <u>Note:</u> Similar Petitions have been filed in the matters of the Conservatorship of Fred Otto Loeffler and The Loeffler Family Trust. Petitions in those matters include an identical request for reimbursement of attorney's fees to the parties pursuant to the terms of the settlement agreement. Those fees are listed on page 2 of these notes. Though duplicate requests are made for the approval of payment of those Attorney's Fees and Costs in the other petitions, only one payment is contemplated by the Parties. The Conservator and Attorney's fees and costs listed on the first page of these notes are unique to this conservatorship matter and are not being requested in the other petitions. Reviewed by: JF Reviewed on: 11/05/15 Updates: Recommendation: File 7 – Loeffler
	Temporary Conservatorship expires 12/08/15.	
Cont. from	Account period: 09/01/14 – 04/30/15*	
<input type="checkbox"/> Aff.Sub.Wit.	Accounting - \$29,983.26	
<input checked="" type="checkbox"/> Verified	Beginning POH - \$14,695.49	
<input type="checkbox"/> Inventory	Ending POH - \$26,162.75	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	*Petitioner intends to file a Supplemental Account and Report for the Period of 05/01/15 through the date of delivery of the assets to the Successor Trustee of the Loeffler Family Trust.	
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	w/	
<input type="checkbox"/> Aff.Pub.	Conservator - \$6,823.25 (itemized by date for 51.60 hours at a combined effective rate of \$132.23/hr.)	
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	Attorney - \$7,617.50 (to Dowling Aaron for work performed between 10/23/14 – 08/22/15; itemized by date)	
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters	Attorney - \$5,564.00 (to Law Offices of Janet L. Wright for work performed between 10/02/14 – 12/05/14; itemized by date)	
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 2620(c)	Costs - \$565.00 (to Dowling Aaron for filing fees and certified copies)	
<input type="checkbox"/> Order	x	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt	Costs - \$337.76 (to Law Offices of Janet L. Wright for filing fees/postage and copy charges (more than 10 people entitled to notice))	
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Continued on Page 2

On 05/17/14, this Court approved a Settlement Agreement which provides for the transition of the assets from the conservatorship estate to the successor trustee of the Loeffler Family Trust (the "Trust"). As set forth in the Settlement Agreement, the successor trustee of the Trust is to be Comerica Bank.

Additionally, pursuant to the terms of the Settlement Agreement, the Parties' attorney's fees and costs are to be paid by the Trust. The parties have submitted invoices in support of their request for payment/reimbursement of the following attorney's fees and costs from the Loeffler Family Trust. The invoices and accompanying requests for reimbursement were included in Petitioner's previously filed Petition for Approval of Settlement Agreement and these amounts were disclosed to and acknowledged by the parties at the 05/17/14 mediation. Simultaneous with the filing of this Petition, an identical Petition was filed in the Conservatorship of Fred Otto Loeffler and a similar identical request for reimbursement of attorney's fees is being made in the Trust Action in the concurrently filed Petition for Approval of Second and Final Account and Report of Temporary Trustee. Though duplicate requests are made for the approval of payment of Attorney's Fees and Costs in these other petitions, only one payment is contemplated by the Parties.

The following are fees incurred through approximately 05/30/14:

- E. Party – Mick Loeffler
 - 3. Outstanding balance to Gilmore, Magness, Leifer (formerly Gilmore, Wood, Vinnard & Magness) through 05/20/14: \$16,874.13;
 - 4. Reimbursement to Mick Loeffler for Attorney's Fees and costs: \$57,801.55
- F. Party – Dr. and Mrs. Loeffler
 - 2. Outstanding balance to Melvin K. Rube, Esq. through 05/31/14: \$17,697.46
- G. Party – Diane Huerta and Linda Plitt
 - 3. Outstanding balance to Howk & Downing through 05/30/14: \$108,188.67
 - 4. Reimbursement to Diane Huerta for mediation expenses: \$1,937.50
- H. Party – Linda Plitt
 - 3. Outstanding balance to Gary Bagdasarian through 05/29/14: \$6,431.30
 - 4. Reimbursement to Linda Plitt for Attorney's Fees and Costs: \$6,335.00

Subsequent to Petitioner's filing of the Petitions for Approval of Settlement Agreement in the two conservatorship matters, objections to the Petitions were filed on behalf of Dr. and Mrs. Loeffler and on behalf of Mick Loeffler. As a result, additional attorney's fees were expended by the parties on, among other items, attending various related court hearings, attending an additional mediation with Judge Howard Broadman (Ret.) and participation in a full evidentiary hearing on the validity of the Settlement Agreement. The parties have submitted documentation supporting their supplemental fees.

The following are fees incurred from 06/01/14 – present:

- D. Party – Diane Huerta
 - 3. Supplemental fees and costs of Howk & Downing through 08/11/15: \$47,552.52
 - 4. Fees and costs of co-counsel Lang, Richert & Patch through 08/18/15: \$25,377.50
- E. Party – Linda Plitt
 - 2. Supplemental fees and costs of Gary Bagdasarian, Esq. through 07/24/15: \$10,752.50
- F. Party – Mick Loeffler
 - c. Outstanding balance to the Law Offices of Michael J. Lampe, through 08/04/15: \$28,505.16
 - d. Reimbursement to Mick Loeffler for attorney's fees and costs paid to the Law Offices of Michael J. Lampe: \$19,743.19

Continued on Page 3

Consistent with the terms of the Settlement Agreement dated 05/17/14, Petitioner anticipates transferring the assets of the Temporary Conservatorship to the Successor Trustee of the Loeffler Family Trust upon approval of this Petition. Petitioner requests the Court's approval to file an Ex Parte Petition for approval of a Supplemental Account and Report for the period 05/01/15 through the date of the delivery of the assets to the Successor Trustee of the Trust, which Ex Parte Petition would include a request for approval of the payment from the RBC Brokerage Account No. xxx-x3194, titled in the name of the Fred and Kathleen Loeffler Trust, for the additional attorney, fiduciary and account fees incurred during that period.

Petitioner prays for an Order:

11. Approving, allowing and settling the Second and Final Account covering the period from 09/01/14 through 04/30/15;
12. Confirming that the property on hand at the end of the account period is \$26,162.75 of which \$12,831.84 is cash;
13. Authorizing and directing Bruce D. Bickel to pay directly from the RBC Brokerage Acct. No. xxx-x3194, titled in the name of the Fred and Kathleen Loeffler Trust, the requested amounts for fiduciary services;
14. Authorizing and directing Bruce D. Bickel to pay directly from the RBC Brokerage Acct. No. xxx-x3194, titled in the name of the Fred and Kathleen Loeffler Trust, the requested amounts to Dowling Aaron, Inc.;
15. Authorizing and directing Bruce D. Bickel to pay directly from the RBC Brokerage Acct. No. xxx-x3194, titled in the name of the Fred and Kathleen Loeffler Trust, the requested amount to the Law Offices of Janet L. Wright;
16. Authorizing and directing Bruce D. Bickel to pay directly from the RBC Brokerage Acct. No. xxx-x3194, titled in the name of the Fred and Kathleen Loeffler Trust, the requested amounts for fees incurred by the various parties through approximately 05/30/14;
17. Authorizing and directing Bruce D. Bickel to pay directly from the RBC Brokerage Acct. No. xxx-x3194, titled in the name of the Fred and Kathleen Loeffler Trust, the requested amounts for fees incurred by the various parties after approximately 06/01/14 to present;
18. Authorizing and directing Bruce D. Bickel to transfer the assets of the Conservatorship Estate of Kathleen Doris Loeffler to the Successor Trustee of THE LOEFFLER FAMILY TRUST, including authorization to sign any and all documents, including, but not limited to, bank forms, transfer documents, check requests, etc. to effectuate the transfer of the assets of the Temporary Conservatorship Estate of Kathleen Doris Loeffler to the Successor Trustee of THE LOEFFLER FAMILY TRUST, Comerica Bank & Trust, N.A.;
19. Authorizing and Directing Bruce D. Bickel, upon such transfer Comerica Bank & Trust, N.A., to file an Ex Parte Petition for approval of a Supplemental Account and Report for the period of 05/01/15 through the date of delivery of the assets to the Successor Trustee of THE LOEFFLER FAMILY TRUST, which Ex Parte Petition shall include a request for approval of the direct payment from the RBC Brokerage Account No. xxx-x3194, titled in the name of the Fred and Kathleen Loeffler Trust, for the additional attorney, fiduciary and accountant fees incurred during that account period; and
20. Any and all such other further order as the Court considers proper.

Attorney Johnson, Summer A. (for Bruce D. Bickel – Temporary Conservator of the Estate/Petitioner)
 Attorney Bagdasarian, Gary G. (for Linda Plitt – daughter)
 Attorney Farley, Michael L. (for Conservatee)
 Attorney Downing, Marcella and McLaughlin, William T. (for Diane Huerta – daughter)
 Son Mick Loeffler (pro per)

Petition for Approval of Second and Final Account and Report of Temporary Trustee; Request for Approval of Payment of Trustee's Attorney's Fees; Request for Authorization to Distribute Assets to Successor Trustee; and Discharge of the Temporary Trustee

		BRUCE D. BICKEL , Temporary Trustee, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need order.</p> <p>Note: Similar Petitions have been filed in the matters of the Conservatorship of Fred Otto Loeffler and the Conservatorship of Kathleen Doris Loeffler. Petitions in those matters include an identical request for reimbursement of attorney's fees to the parties pursuant to the terms of the settlement agreement. Those fees are listed on page 2 of these notes. Though duplicate requests are made for the approval of payment of those Attorney's Fees and Costs in the other petitions, only one payment is contemplated by the Parties.</p> <p>Attorney for Temporary Trustee, Summer Johnson, was a member of Wright & Johnson (now Law Offices of Janet L. Wright) before joining Dowling Aaron, therefore, there are attorney's fees requests for Ms. Johnson's services from both firms)</p> <p>Reviewed by: JF Reviewed on: 11/05/15 Updates: Recommendation: File 8 – Loeffler</p>
		Petitioner was appointed Temporary Trustee with the limited power to pay Trustors' residential care facility costs from the assets of the Trust on 10/31/13. The Order Appointing Petitioner as Temporary Trustee specified that any other payments from the assets of the Trust was contingent upon Court order.	
Cont. from		Account period: 09/01/14 – 04/30/15	
<input type="checkbox"/>	Aff.Sub.Wit.	Accounting - \$1,080,580.60	
<input checked="" type="checkbox"/>	Verified	Beginning POH - \$1,052,226.32	
<input type="checkbox"/>	Inventory	Ending POH - \$855,691.54	
<input type="checkbox"/>	PTC	Trustee - waived (all time charged between the two conservatorship matters)	
<input type="checkbox"/>	Not.Cred.	Attorney - \$9,955.00 (to Dowling Aaron for legal services performed from 10/08/14 – 08/22/15; per itemization)	
<input checked="" type="checkbox"/>	Notice of Hrg	Attorney - \$3,300.00 (to the Law Offices of Janet L. Wright for legal services performed from 10/02/14 – 12/05/14; per itemization)	
<input checked="" type="checkbox"/>	Aff.Mail w/	Costs - \$641.00 (to Dowling Aaron for filing fees)	
<input type="checkbox"/>	Aff.Pub.	Costs - \$198.73 (to Law Offices of Janet L. Wright for filing fees/postage and copy charges (more than 10 people entitled to notice))	
<input type="checkbox"/>	Sp.Ntc.	Continued on Page 2	
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order x		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

On 05/17/14, this Court approved a Settlement Agreement which provides for the transition of the assets from the conservatorship estates to the successor trustee of the Loeffler Family Trust (the "Trust"). As set forth in the Settlement Agreement, the successor trustee of the Trust is to be Comerica Bank.

Additionally, pursuant to the terms of the Settlement Agreement, the Parties' attorney's fees and costs are to be paid by the Trust. The parties have submitted invoices in support of their request for payment/reimbursement of the following attorney's fees and costs from the Loeffler Family Trust. The invoices and accompanying requests for reimbursement were included in Petitioner's previously filed Petition for Approval of Settlement Agreement and these amounts were disclosed to and acknowledged by the parties at the 05/17/14 mediation. Simultaneous with the filing of this Petition, an identical Petition was filed in the Conservatorship of Fred Otto Loeffler and Conservatorship of Kathleen Doris Loeffler, making identical requests for reimbursement of attorney's fees. Though duplicate requests are made for the approval of payment of Attorney's Fees and Costs in these other petitions, only one payment is contemplated by the Parties.

The following are fees incurred through approximately 05/30/14:

- I. Party – Mick Loeffler
 - 5. Outstanding balance to Gilmore, Magness, Leifer (formerly Gilmore, Wood, Vinnard & Magness) through 05/20/14: \$16,874.13;
 - 6. Reimbursement to Mick Loeffler for Attorney's Fees and costs: \$57,801.55
- J. Party – Dr. and Mrs. Loeffler
 - 3. Outstanding balance to Melvin K. Rube, Esq. through 05/31/14: \$17,697.46
- K. Party – Diane Huerta and Linda Plitt
 - 5. Outstanding balance to Howk & Downing through 05/30/14: \$108,188.67
 - 6. Reimbursement to Diane Huerta for mediation expenses: \$1,937.50
- L. Party – Linda Plitt
 - 5. Outstanding balance to Gary Bagdasarian through 05/29/14: \$6,431.30
 - 6. Reimbursement to Linda Plitt for Attorney's Fees and Costs: \$6,335.00

Subsequent to Petitioner's filing of the Petitions for Approval of Settlement Agreement in the two conservatorship matters, objections to the Petitions were filed on behalf of Dr. and Mrs. Loeffler and on behalf of Mick Loeffler. As a result, additional attorney's fees were expended by the parties on, among other items, attending various related court hearings, attending an additional mediation with Judge Howard Broadman (Ret.) and participation in a full evidentiary hearing on the validity of the Settlement Agreement. The parties have submitted documentation supporting their supplemental fees.

The following are fees incurred from 06/01/14 – present:

- G. Party – Diane Huerta
 - 5. Supplemental fees and costs of Howk & Downing through 08/11/15: \$47,552.52
 - 6. Fees and costs of co-counsel Lang, Richert & Patch through 08/18/15: \$25,377.50
- H. Party – Linda Plitt
 - 3. Supplemental fees and costs of Gary Bagdasarian, Esq. through 07/24/15: \$10,752.50
- I. Party – Mick Loeffler
 - e. Outstanding balance to the Law Offices of Michael J. Lampe, through 08/04/15: \$28,505.16
 - f. Reimbursement to Mick Loeffler for attorney's fees and costs paid to the Law Offices of Michael J. Lampe: \$19,743.19

Continued on Page 3

Consistent with the terms of the Settlement Agreement dated 05/17/14, Petitioner anticipates transferring the assets of the Temporary Conservatorships to the Successor Trustee of the Loeffler Family Trust upon approval of this Petition. Petitioner requests the Court's approval to file an Ex Parte Petition for approval of a Supplemental Account and Report for the period 05/01/15 through the date of the delivery of the assets to the Successor Trustee of the Trust, which Ex Parte Petition would include a request for approval of the payment from the RBC Brokerage Account No. xxx-x3194, filed in the name of the Fred and Kathleen Loeffler Trust, for the additional attorney, fiduciary and account fees incurred during that period.

Petitioner prays for an Order:

21. Approving, allowing and settling the Second and Final Account covering the period from 09/01/14 through 04/30/15;
22. Confirming that the property on hand at the end of the account period is \$855,691.54 of which \$47,539.66 is cash;
23. Authorizing and directing Bruce D. Bickel to pay directly from the RBC Brokerage Acct. No. xxx-x3194, titled in the name of the Fred and Kathleen Loeffler Trust, the requested amounts to Dowling Aaron, Inc.;
24. Authorizing and directing Bruce D. Bickel to pay directly from the RBC Brokerage Acct. No. xxx-x3194, titled in the name of the Fred and Kathleen Loeffler Trust, the requested amount to the Law Offices of Janet L. Wright;
25. Authorizing and directing Bruce D. Bickel to pay directly from the RBC Brokerage Acct. No. xxx-x3194, titled in the name of the Fred and Kathleen Loeffler Trust, the requested amounts for fees incurred by the various parties through approximately 05/30/14;
26. Authorizing and directing Bruce D. Bickel to pay directly from the RBC Brokerage Acct. No. xxx-x3194, titled in the name of the Fred and Kathleen Loeffler Trust, the requested amounts for fees incurred by the various parties after approximately 06/01/14 to present;
27. Authorizing and directing Bruce D. Bickel to transfer the assets of THE LOEFFLER FAMILY TRUST to the Successor Trustee of THE LOEFFLER FAMILY TRUST, Comerica Bank & Trust, N.A., including authorization to sign any and all documents, including, but not limited to, bank forms, transfer documents, check requests, etc. to effectuate the transfer of the assets THE LOEFFLER FAMILY TRUST to the Successor Trustee of THE LOEFFLER FAMILY TRUST, Comerica Bank & Trust, N.A.;
28. Authorizing and Directing Bruce D. Bickel, upon such transfer to Comerica Bank & Trust, N.A., to file an Ex Parte Petition for approval of a Supplemental Account and Report for the period of 05/01/15 through the date of delivery of the assets to the Successor Trustee of THE LOEFFLER FAMILY TRUST, which Ex Parte Petition shall include a request for approval of the direct payment from the RBC Brokerage Account No. xxx-x3194, titled in the name of the Fred and Kathleen Loeffler Trust, for the additional attorney, fiduciary and accountant fees incurred during that account period; and
29. Any and all such other further order as the Court considers proper.

First Account and Report of Conservator, Petition for Settlement, and for Allowance of Fees to Attorneys for Conservator

		<p>DAVID N. WASHINGTON, Son and Conservator of the Person and Estate with bond of \$65,000.00, is Petitioner.</p> <p>Account period: 12/31/13 – 1/1/15 Accounting: \$396,747.52 Beginning POH: \$229,634.54 Ending POH: \$276,821.29 (\$4,821.29 cash plus real property valued at \$130,000.00 plus 20% of the residue of the Estate of David L. Baker per In-Kind Distribution Agreement valued at \$142,000.00) (See issues.)</p> <p>Conservator waives compensation.</p> <p>Attorney: \$2,386.35 (for 9.9 hours in preparation of this account from 10/16/14 – 9/16/15 @ \$175-250/hr, itemized on Exhibit B)(Note: The Court previously authorized a total of \$10,509.41 in fees and costs for services prior to 10/16/14, which included \$3,500.00 paid from the decedent's estate and the remaining \$7,009.41 paid from the conservatorship estate as set forth in the Petition filed 8/25/14 and Order thereon filed 10/16/14.)</p> <p>Petitioner states he authorized the caregivers for the Conservatee, who are also the children of the Conservatee, to accept the rental income from the real properties in cash to pay for expenses, for which receipts were presented to Petitioner as Conservator. Additional expenses totaling \$581.27 were paid out of pocket by Petitioner for which Petitioner does not seek reimbursement.</p> <p>Petitioner requests an order:</p> <ol style="list-style-type: none"> 1. Settling and allowing the account and report of the Conservator as filed and approving and confirming the acts of Petitioner as Conservator; 2. That notice of hearing of the Petition be given as required by law; 3. Directing that the surety bond remain in effect until further order of the Court; 4. Directing payment by the Conservator to Griswold, LaSalle, Cobb, Dowd & Gin, LLP, the sum or \$2,386.35 from the Conservatee's estate for legal services rendered; and 5. For such other relief as the Court considers proper. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Need amended account.</u></p> <p><u>SEE ADDITIONAL PAGES</u></p>
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail		W
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	2620(c)		X
<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		
			<p>Reviewed by: skc</p> <p>Reviewed on: 11/4/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 9 - Baker</p>

Page 2 – NEEDS/PROBLEMS/COMMENTS:

1. Need amended account. This accounting is not in the format required by Probate Code §§ 1060, 2620, Cal. Rule of Court 7.575. Receipts Schedule should not be divided into principal and income categories. Also see Judicial Council Schedule Forms for reference.
2. Petitioner did not use the mandatory Judicial Council Summary Form GC-400 pursuant to Cal. Rule of Court 7.575(e)(1).
3. Petitioner did not state receipts and disbursements in subject-matter categories specified in the Judicial Council forms pursuant to Cal. Rule of Court 7.575(b)(4) and (e)(2).
4. The I&A originally estimated the value of the Conservatee's share in the decedent's estate at \$201,854.55 (value only, assets not specified).

The Conservatee actually received the following from the decedent's estate:

- Real property located at 195 Hoover in Coalinga valued at \$130,000.00
- Real property located at 305 Baker in Coalinga valued at \$58,000.00
- Real property located at 184 & 186 Fillmore in Coalinga valued at \$75,000.00
- Cash of \$9,000.00
- Cash of \$8,625.71

(Total value received: \$280,625.71, of which \$17,625.71 was cash)

Petitioner treats the real property at 195 Hoover as "additional property received" that is not part of the 20% share because it was a specific devise in the will; however, for purposes of this conservatorship inventory and accounting, the estimated share amount of \$201,854.55 did not specify assets. Rather, it is simply an estimated value of what the Conservatee was expected to receive from the estate. Given what the Conservatee actually received, it appears the accounting should reflect additional property received with a value \$78,771.16, rather than specifying that property at 195 Hoover was additional property received and noting a loss on the inventory value.

(In other words, while there was a need for the executor in the decedent's estate to separate the specifically devised asset from the 20% residue share, that need does not exist in the context of this conservatorship estate accounting.)

5. The decedent's estate was distributed during this account period and the conservatorship estate received the Conservatee's distribution. Therefore, Schedule J, Property On Hand at Close of Account, should not reflect the Conservatee's 20% share valued at \$142,000.00 (which for some reason includes \$9,000.00 in cash received from the estate "already received and accounted for," but does not include the \$8,625.71 also received from the estate).

Rather, the POH Schedule should reflect the actual assets owned by the conservatorship estate at the close of the account period as follows:

- \$4,821.29 cash in United Security Bank Acct xx089
- Real property located at 195 Hoover in Coalinga valued at \$130,000.00
- Real property located at 305 Baker in Coalinga valued at \$58,000.00
- Real property located at 184 & 186 Fillmore in Coalinga valued at \$75,000.00
- Household furniture, furnishings, personal items valued at \$2,000.00 (Omitted in current schedule)

(Total: \$269,821.29).

SEE ADDITIONAL PAGES

Page 3 – NEEDS/PROBLEMS/COMMENTS (Cont'd):

6. Based on the #4 and #5 above, need Supplemental Inventory and Appraisal with the assets appraised by the Probate Referee for the conservatorship estate, as the values used are the date of death values from the decedent's estate and are not applicable to this conservatorship estate.
7. The Conservatorship estate received \$18,000.00 in family allowance from the decedent's estate; however, these funds are treated as "principal" rather than receipts. Why? This amount is not part of the I&A. (Note: Per #1 above, the Receipts schedule should not be split into principal and income, so amendment may make this more clear; however, at this time, it does not compute.) (Also note that although the amount is similar, this payment amount appears to be separate from the Conservatorship estate's creditor's claim, which was inventoried on the I&A and paid back to the estate separately.)
8. Disbursements Schedule includes expenses of at least \$1,333.36 related to a vehicle (DMV, Auto Zone, Matt's Quick Lube, Avenal Lube & Tire, Kings Complete Auto, Fasttrip); however, the Conservatorship estate does not own a vehicle, as no vehicle is included in the I&A. Need clarification: Does the Conservatee own a vehicle? If so, need Supplemental I&A and it should be included as an asset in the accounting and POH Schedule. If not, whose vehicle were these expenses made for?
9. In Petitioner's description of the rental receipts in Paragraph 5 on Page 3, it appears that the Conservator authorized the Conservatee's caregivers (her children) to receive the rental income due the conservatorship estate in cash and then use that cash for the Conservatee's expenses. They then presented receipts to Petitioner, who has included these transactions in the accounting.

In other words, the Conservator appears to be continuously delegating his fiduciary responsibility as Conservator of the Estate to others to receive the rental income in cash, and then spend the cash on expenses of the Conservatee. This is not appropriate. See Duties of Conservator (GC-348), which Petitioner signed and filed on 12/6/13.

The Court may strike any language approving the acts of the conservator during this account period with regard to this action.

Going forward, Conservator should not delegate his duties and should not allow the Conservatee's income to be paid to third parties, and should keep conservatorship estate funds separate. Income should be received by the Conservator only and deposited into interest-bearing accounts, and expenses should be paid in separate transactions by the Conservator.
10. The Receipts Schedule reflects inconsistent amounts for the monthly rents for each property. It would be helpful to the Court to know what the actual rent should be on each property to compare against what is actually received.
11. Similarly, the Disbursements Schedule indicates amounts expended for "rental repairs" but does not specify which rental property the expenditures are associated with.
12. Need beginning account statement(s) pursuant to Probate Code §2620(c)(2). Only the closing account statement is provided.

SEE ADDITIONAL PAGES

Page 4 – NEEDS/PROBLEMS/COMMENTS (Cont'd):

13. Petitioner indicates that disbursements prior to 1/7/14 were paid from the Conservatee's personal account prior to establishment of conservatorship on 1/7/14; however, Letters of Temporary Conservatorship were issued on 12/20/13. It is unclear if these expenses were paid by and then reimbursed to the Conservator, or if the Conservatee's funds were used. Need clarification.
14. It appears from the addresses provided that the Conservatee's three daughters, Cindy Goff, Jacqueline Washington, and Terisa Washington, who provide care to the Conservatee, all reside in the home with the Conservatee. However, the conservatorship estate appears to pay all of the expenses related to this residence (utilities, cable, groceries, etc.). Need clarification: How many people reside in the home, and do the other residents contribute to the household expenses?
15. \$1,000.00 was paid to the attorney on 1/22/14, which appears to be separate from the fees and costs previously authorized. Need clarification: What was this payment for, and was it authorized by the Court?

Note re bond: It appears the Conservator's current bond of \$65,000 is sufficient given the cash on hand and the monthly income from VA and Social Security benefits and rental income; however, because of the issues noted above, upon review of the amended account and revised schedules showing actual income, bond will be reviewed further in the future.

Attorney Marcus Magness; Ryan Janisse (for Petitioners Tim Quirk and Laurel Scholar, Successor Co-Trustees)
 Attorney Susan L. Pascuzzi (for Respondent Lee Kleim)
 Attorney Roger S. Bonakdar (for Respondent La Jolla Group II Management, Inc.)

First Amended Petition for Order: Determining Interest in Trust Property; Compelling Former Trustee to Deliver Property to Trustees; Requiring Former Trustee to Account; Compelling Redress for Breach of Book Account; Compelling Redress for Breach of Certain Written Agreements

DOD: 6/16/2010	<p>TIM QUIRK and LAUREL SCHOLAR, accountants of the Decedent and Successor Co-Trustees, are Petitioners.</p> <p>Petitioners state:</p> <ul style="list-style-type: none"> On 7/13/2000, Alan Boyajian, as Trustor and Trustee, created the ALAN BOYAJIAN LIVING TRUST OF 2000 (copy attached as Exhibit 1); Alan Boyajian amended the Trust as follows: First Amendment on 7/1/2008 (copy attached as Exhibit 2); Second Amendment on 5/4/2010 (copy attached as Exhibit 3; and Third Amendment on 5/11/2010 (copy attached as Exhibit 4); The Trust terms provide that LEE KLEIM, Decedent's business partner, shall serve as the sole Successor Trustee, and in the event he is unable or unwilling to serve, then SUSAN L. MOORE and LAUREL SCHOLAR shall serve as successor co-trustees; in the event either of them is unable or unwilling to serve, then TIM QUIRK shall serve with the remaining individual; LEE KLEIM accepted the office of Trustee and served in such capacity from date of Decedent's death until his resignation on 2/13/2013 (copy of resignation attached as Exhibit 5); Subsequently, LEE KLEIM denied signing the resignation; LEE KLEIM later voluntarily signed a second resignation which was prepared and notarized by SUSAN L. MOORE (copy attached as Exhibit 6); <p style="text-align: center;">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Page 10B is the Demurrer to First Amended Petition for Order Determining Interest, etc., filed 9/30/2015.</p> <p>Continued from 9/30/2015. Minute Order states a demurrer has been filed and is set for 11/9/2015.</p>	
Cont. from 082615, 093015			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail			W/
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
<p>Reviewed by: LEG</p> <p>Reviewed on: 11/3/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10A – Boyajian</p>			

Petitioners state, continued:

- **SUSAN L. MOORE** declined to act as successor co-trustee (*copy attached as Exhibit 7*);
- **TIM QUIRK** and **LAUREL SCHOLAR** ("Co-Trustees") accepted the office of co-trustees on 2/26/2013 and have been acting as successor co-trustees since such time;
- Co-Trustees acted as the accountants for Decedent during his life and for the Trust after his death, and are aware of and have access to various issues with the Trust administration that would not readily be available without such familiarity;
- Decedent and **LEE KLEIM** were business partners, and they formed a number of entities as follows:
 - **LA JOLLA GROUP II GENERAL PARTNERSHIP** – Decedent and Kleim were general partners (the General Partnership);
 - **LA JOLLA GROUP II MANAGEMENT, INC.** – Decedent and Kleim formed this corporation (the Corporation);
 - **LA JOLLA GROUP II LIMITED PARTNERSHIP** – Decedent and Kleim formed this partnership with the La Jolla Group II Management Corporation as the general partner, and Decedent and Kleim as Limited Partners (the Limited Partnership); subsequent to its formation, the Limited Partnership was never capitalized and the initial and final tax return showing zero activity was filed in 2010; the Limited Partnership was then dissolved and the assets of the General Partnership were transferred to the Corporation of which Decedent and Kleim held equal shares;
 - **ASSIGNMENT OF BUSINESS INTERESTS TO TRUST** – Decedent assigned all of the above business interests to the Trust (*copy of assignment attached as Exhibit 8*).
- **Dual Role as Trustee and Corporate Owner:** Upon Decedent's death, **LEE KLEIM** became the sole officer/director of the Corporation; he also became the Trustee of the Trust; this arrangement created numerous conflicts of interest; Kleim treated the entity as his alter ego;
- Kleim was removed from involvement in the Corporation due to mental health issues and his family is now operating it on his behalf;
- **Purchase of Corporation and Limited Partnership:** Pursuant to a Buy Sell Agreement executed by Kleim and Decedent before Decedent's death, the Decedent's Limited Partnership interest was to be purchased for **\$375,000.00** at his death;
- Kleim in his individual capacity, as Trustee of the Trust, as President and Secretary of the Corporation and the Limited Partnership, entered into an agreement memorializing the fact that the Limited Partnership was never capitalized (*copy of unexecuted agreement attached as Exhibit 9*);
- The Trust's interest in the Corporation was purchased outright for **\$12,500.00** and the Trust's interest in the Limited Partnership (which had been transferred to the Corporation) was purchased by Kleim for **\$375,000.00** from the Trust (*copy of the Promissory Note evidencing the sale of the Limited Partnership attached as Exhibit 10*);
- While the Trust's interest in the Corporation was purchased outright for **\$12,500.00**, Kleim has been making interest-only payments at **4.5%** on the purchase of the Trust's interest in the Limited Partnership (which had been assigned to the Corporation);
- The principal balance of **\$375,000.00** remains a personal obligation Kleim owes the Trust;

~Please see additional page~

Petitioners state, continued:

- **Debts Owed by Corporation to Trust:** The Co-Trustees are aware of at least four (4) transactions under which the Trust lent its assets to the Corporation:
 - **Loan of \$263,388.39 in connection with real property on 1521 E. Fedora, Fresno** (*copy of unsigned promissory note attached as Exhibit 11*); the Fedora loan is due 7/1/2015; interest payments were made on the Fedora loan from 8/1/2008 through 5/3/2010, but ceased at Decedent's death with no explanation provided; interest and principal have not been paid despite demand and the Corporation is now in default;
 - **Loan of \$100,000.00 in connection with real property on 3767 E. Huntington, Fresno** (*copy of unsigned promissory note attached as Exhibit 12*); the Huntington loan was due 3/2/2010; no payments were ever made on the Huntington loan and the property was sold in May 2009; this debt was entered in Corporation books as book account and was maintained in normal course of business; payment has not been made despite demand and the Corporation is now in default;
 - **Loan of \$50,000.00 in connection with real property on 437 Keats, Clovis;** the Corporation's employees indicate there was no written note for this transaction but it was carried on Corporation's books as a book account; no payments were ever made on the Keats loan; payment has not been made despite demand and the Corporation is now in default;
 - **Unsecured Loan of \$100,000.00 to Corporation** from Trust to Corporation in 2008, per decedent telling accountants (Co-Trustees) that he and Kleim each loaned **\$100,000.00** to the General Partnership; at the time of this explanation by Decedent, Kleim knew of and did not dispute the representation; Kleim has not provided anything in connection with this loan despite requests and now even disputes the loan ever existed;
- **Verification of debts:** Kleim asked Co-Trustees for information regarding money owed to Trust while he acted as Trustee, which was provided by Co-Trustees to Kleim; Co-Trustees were aware that the Corporation's books matched the Decedent's and Kleim's books; Kleim executed a verified under penalty of perjury IRS form 8939 verifying the existence of the above debts (*copy attached as Exhibit 13*); Kleim now disavows the validity of these debts; the Decedent and Kleim never disavowed any book account debt or promissory note during Decedent's life; Kleim never disavowed any book account debt or promissory note after Decedent's death while Kleim was acting as Trustee of the Trust; all debts on the books of the business were always paid to Kleim and Decedent; however, now that he is no longer Trustee, he now questions the debts even though he has access to all Corporations books and cannot point to evidence suggesting the debts were not valid; Kleim and Corporation are essentially saying they aren't paying these debts because Alan is no longer here to prove they are valid; this position is in bad faith and violates Kleim's fiduciary duties.
- **Violation of Buy-Sell Agreement:** Pursuant to the Buy-Sell agreement entered into by Klieim and the Trust, any distributions to Kleim or his family members in excess of **\$5,000.00** per month require a corresponding distribution to the Trust of an equivalent amount to be applied against the principal of the promissory note given on Kleim's purchase of the Trust's interest in the Corporation deriving from the Limited Partnership; Co-Trustees requested an accounting of all distributions and compensation to Kleim and his family members from the Corporation and from Kleim himself; Klieim and the Corporation refuse to provide any information regarding payments to Kleim's family; Co-Trustees significant distributions in excess of **\$5,000.00** per month have been made to Kleim's son and wife and other family members; refusing to provide any information is a breach of the fiduciary duties and Kleim's duty to pay distributions under the note;

~Please see additional page~

Petitioners state, continued:

- **Request for Information by Co-Trustees:** Through their attorney, Co-Trustees sent Kleim and the Corporation a formal request to provide information; the request was prompted by several holes in the information and documentation turned over to the Co-Trustees by Kleim, which has rendered it impossible to prepare a fiduciary accounting, as Co-Trustees do not know what assets were on hand when they accepted the office of Trustee; Co-Trustees assert there are valuable Trust assets which have not been delivered to them and suspect Kleim committed multiple breaches of trust; Kleim breached his fiduciary duties as Trustee and now intends to obfuscate these breaches by refusing to account and deliver the requisite documentation.
- The Trust is owed significant sums of money by Kleim and the Corporation; despite Kleim acknowledging the debts and failing to pay them while he was Trustee, he now questions whether they are even valid; neither he or the Corporation are willing to pay; the Corporation is in breach of several agreements; Kleim has never accounted;
- **Request for Relief** [Citations to Probate Code and case authority omitted]:
Co-Trustees' have Duty to Pursue Claims against third parties to protect and enhance the Trust; Co-Trustees unable to perform this obligation because Kleim has refused to provide the information and documentation necessary to do so;
Kleim is Required to Account upon his resignation, but such an accounting was never prepared or provided; Kleim should be compelled to account for his actions as trustee, which is necessary to provide the starting point from which Co-Trustees can prepare the fiduciary accounting they are required to prepare by law;
- [The following Causes of Action, as numbered in Petition, are asserted:]
 1. Kleim has a duty to provide and Accounting upon his resignation;
 2. Liability for Fedora Loan – Open Book Account;
 3. Liability for Huntington Loan – Open Book Account;
 4. Liability for Keats Loan – Open Book Account;
 5. Liability for **\$100,000.00** Loan – Open Book Account;
 6. Breach of Fiduciary Duty;
 7. Breach of Contract –Buy Sell Agreement.

Petitioners pray for an Order that:

1. **LEE KLEIM** be ordered to file an accounting with the Court within 60 days of hearing on this *Petition*;
2. **The Corporation** is liable for the payment of the principal and interest of the Fedora Loan, the Huntington Loan, the Keats Loan, in amounts to be proven and trial, and the **\$100,000.00** book account;
3. **LEE KLEIM** be held liable for his breaches of fiduciary duty while acting as trustee and a judgment be entered for all of the damages according to proof;
4. **LEE KLEIM** be held liable to double damages;
5. **LEE KLEIM** be held liable for the Trust's costs and expenses, including attorney fees for bringing this action;
6. **The Corporation** be ordered to provide and an accounting showing payment to Kleim and his family;
7. **The Corporation** be found liable for breaching the Buy-Sell agreement and the Trust awarded damages in the amount to be proven at trial, for failing to make distributions to the Trust;
8. **The Corporation** be required to deliver all information, documentation, and records for the Trust it has in possession within 15 days of hearing on this *Petition*; and
9. **LEE KLEIM** be required to pay Petitioners reasonable attorney fees and costs associated with bringing this *Petition*.

~Please see additional page~

Response to First Amended Petition for Order: Determining Interest in Trust Property; Compelling Former Trustee to Deliver Property to Trustees; Requiring Former Trustee to Account filed by **LEE KLEIM** on 9/15/2015 states denials and admissions to specified Paragraphs of the *Petition*.

Proof of Service shows Response was served by mail to Petitioners' attorneys on 9/14/2015.

Response includes reply statements, in brief sum, as follows:

- During Respondent's tenure as Successor Trustee, Respondent provided Tim Quirk and Laurel Scholar with all of the financial information available to him pertaining to the Trust and to the various Notes between La Jolla and the Trust; Successor Trustees have all of the books and records pertaining to the Trust through the date of Respondent Lee Kleim's resignation as Successor Trustee;
- Upon the death of Alan Boyajian, Respondent became the sole shareholder of La Jolla by reason of a Buy-Sell agreement between the partners; by reason of potential conflict of interest in acting as Successor Trustee and the sole shareholder of La Jolla, Respondent had numerous conversations with **CATHY SCHWABENLAND** and **CINDY BULLARD, CPA**, on behalf of **SCOTT BOYAJIAN**, the beneficiaries of the Trust regarding decisions related to trust activity and to obtain their consent regarding actions taken by Lee Kleim as Successor Trustee; numerous conferences were held to include Tim Quirk, the accountant for the Trust and legal counsel to ensure the issues and actions involved the Trust and La Jolla were fully disclosed and agreed upon;
- Respondent admits principal payments are due pursuant to terms of the Buy-Sell agreement and that during his tenure as Successor Trustee, there were no principal payments due and owing on the Note; Tim Quirk was provided a copy of the Buy-Sell agreement either at the time of execution or shortly after Alan Boyajian's death;
- Respondent has never refused to provide a copy of the Buy-Sell agreement to the current Co-Trustees, who were provided with all documentation regarding the interest-only payments on the Note and were in possession of the books and records of La Jolla during Respondent's tenure as Successor Trustee;
- *[Refer to Paragraph 13, pages 3 to 5 for responses related to the debts alleged in the Petition];*
- Respondent denies that he disavows the validity of all debts referenced herein, only that he does not have sufficient information or belief to confirm amounts remaining to be paid; Respondent denies he has access to the Corporation's books and records, and he does not have sufficient information or belief to admit or deny the Corporation's position on repayment of alleged debts;
- Respondent admits principal payments on the Note in connection with the Buy-Sell agreement are predicated on distributions from La Jolla to Lee Kleim in excess of **\$5,000.00** per month; Respondent denies he has received distributions in excess of **\$5,000.00** per month;
- Respondent alleges that since 2/13/2013, he has not had access to the books and records of La Jolla or the Trust; on 2/26/2013, the Co-Successor Trustees resigned as accountants for La Jolla, but up until that date had been provided with all the general ledgers of the company and the administration of the Trust; Respondent has no Trust assets in his possession and no documents pertaining to the administration of the Trust;
- *[Refer to pages 6 to 7 for further admissions and denials];*

Respondent Lee Kleim requests the Court find *[in brief sum]*: Respondent provided all information within his control to Co-Successor Trustees; he relied on Petitioners as his accountants to prepare all accountings; there are no trust assets in possession of Respondent to be turned over to Co-Successor Trustees; all alleged obligations which may be Trust assets are alleged claims for breach of contract against La Jolla; Respondent acted in good faith and is not liable for any damages; and Respondent be dismissed from this action.

11 Joyce Gailene Richardson (Estate) Case No. 15CEPR00182

Attorney Bruce, Daniel A. (for Robert Sean Baker – Administrator)

Probate Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 01/13/2015	<p>ROBERT SEAN BAKER, son, was appointed Administrator (IAEA not requested) without bond, on 06/08/2015.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Inventory and Appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
	<p>Letters issued on 06/22/2015</p>	
Cont. from		
Aff.Sub.Wit.	<p>Minute Order of 06/08/2015 set this Status Hearing for the filing of the Inventory and Appraisal.</p>	
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 11/04/2015
		Updates:
		Recommendation:
		File 11 - Richardson

13 The Cauwels Revocable Living Trust, Dated September 30, 2002

Case No. 15CEPR00592

Attorney
Attorney

Teixeira, J. Stanley
Pacella, Louis

Probate Status Hearing RE: Filing of Correcting Document

Age:		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p>Minute Order 10/26/15: Mr. Pacella is to file a correcting document that embodies the statement that he is referring to on page 8, lines 17-28, of the petition. If said document is filed at least two court days prior, then no appearance is necessary on 11/9/15. Matter is set for trial with a 2 day estimate on 9/13/16.</p> <p>Note: Second Supplement to Verified Petition was filed 11/4/15.</p>
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 11/5/15
		Updates:
		Recommendation:
		File 13 - Cauwels

14 Zachery Ruffner (GUARD/P) Case No. 15CEPR00646
 Attorney: Walters, Jennifer L. (for Jana Todd – Maternal Aunt – Petitioner)
 Objector: Ruffner, Brian (pro per)

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

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 9/28/15:</u> Ms. Walters states that her client received a copy of the objection and waives any defect in service, but Mr. Ruffner is to have Karen Todd-Lopez and the minor properly served. As of 11/3/15, nothing further has been filed. 1. Need proof of service of the Objections of Brian Ruffner on: a. Karen Todd-Lopez (mother) b. Zachary Ruffner (minor)
Cont. from 083115, 092815			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.		
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
✓	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
		Reviewed by: skc	
		Reviewed on: 11/3/15	
		Updates:	
		Recommendation:	
		File 14 – Ruffner	

Petition for Appointment of Guardian of the Person

		TEMPORARY EXPIRES 11/9/15	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Notice of Hearing is incomplete at #1- the person filing the documents and the title of the documents filed. 2. Proof of service of the Notice of Hearing shows it was served on Tamera Shatterlee on 10/30/15 for the hearing date of 9/14/15 and that it was not served with a copy of the petition as required. The Notice of Hearing must be served 15 days prior to the hearing date listed on the notice. 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. T.W. Carlson (paternal grandfather) – unless the court dispenses with notice. b. Daniel Messick (maternal grandfather) – unless the court dispenses with notice. c. Tamera Satterlee (maternal grandmother) 4. UCCJEA is incomplete. Need residence information for 2010 – 12/1/2012. In addition need the name and relationship of the person the minor has been living with from 12/1/12 – 5/28/15.
		GUADALUPE GUTIERREZ, JR. is petitioner.	
		Please see petition for details.	
Cont. from 091415		Court Investigator Report filed 9/4/15	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail	X	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.		
<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 checked="" 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: 11/4/15
			Updates:
			Recommendation:
			File 15 – Messick

16 The Claude M. Reed & Anne E. Reed Family Trust

Case No. 15CEPR00794

Attorney: Ryan Michael Janisse (for Petitioner Gene Reed)

Petition to Determine Interest in Property

		<p>GENE REED, Trustee of the CLAUDE M. REED AND ANNE E. REED FAMILY TRUST, is petitioner,</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
		<p>Petitioner alleges on 8/14/1987, Claude M. Reed and Anne E. Reed created the Trust as settlors and trustees.</p>	
Cont. from 092815		<p>Claude M. Reed died on 8/7/2001.</p>	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	<p>Anna E. Reed died on 1/9/2015.</p>	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	<p>As a result of Anna E. Reed's death, Petitioner became the sole trustee of the Trust.</p>	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	<p>Settlors appear to have only partially funded the Trust. The Settlor's residence was properly in the Trust. However, the Settlor failed to transfer two accounts at Bank of the West to the Trust. Such accounts were vesting in Anne's and her son, Dennis Reed, names as joint tenants. On information and belief, the account was tiled in joint tenancy with her son for convenience only before Dennis passed away on 2/12/14. Anna never removed Dennis's name from the account, but its assets (which were all hers to begin with) passed by operation of law at Dennis's death to Anne.</p>	
<input checked="" type="checkbox"/>	Aff.Mail W/		
<input type="checkbox"/>	Aff.Pub.	<p>Anne's Will dated 8/14/1987 devises her entire estate to the Reed Family Trust.</p>	
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	<p>Petitioner prays for an Order:</p>	
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters	<ol style="list-style-type: none"> 1. Confirming GENE REED as the successor trustee of the Claude M. Reed and Anna E. Reed Family Trust dated 8/14/87, is the owner of the Bank of the West Accounts. 2. Authorizing Bank of the West to transfer these assets to Petitioner in his capacity as trustee of the Trust. 	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections	<p>Reviewed by: KT</p>	
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report	<p>Reviewed on: 11/4/15</p>	
<input type="checkbox"/>	9202	<p>Updates:</p>	
<input checked="" type="checkbox"/>	Order	<p>Recommendation:</p>	<p>File 16 – Reed</p>
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Attorney Palmer, Charles (for Petitioner Houa Yang, spouse)

Probate Status Hearing Re: Proof of Increased Bond and Receipt for Blocked Account

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;">OFF CALENDAR</p> <p>Proof of Bond filed 10/16/2015.</p> <p>Receipt and Acknowledgment of Order for Deposit of Money into Blocked Account filed 11/3/2015.</p>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 11/4/15
		Updates:
		Recommendation:
		File 17 - Lor

Petition for Appointment of Guardian of the Person

		TEMPORARY EXPIRES 11/9/15	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. 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:</p> <ul style="list-style-type: none"> a. Nicole Fletcher (paternal grandmother) b. Eric De Los Reyes (maternal grandfather) <p>Note: Minute order dated 9/17/15 states the court orders no visits to either parent until they appear before the court.</p>
		MICHELLE L. SULLIVAN , maternal grandmother, is petitioner.	
		Please see petition for details.	
Cont. from		Court Investigator Report filed on 11/2/15	
<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 type="checkbox"/>	Aff.Mail	X	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.	W/	
<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 checked="" 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 on: 11/5/15
			Updates:
			Recommendation:
			File 18 - Fletcher

		See petition for details.	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p><u>Minute Order 9/21/15:</u> The defects in notice are waived by Allen Brooks and Jocelyn Parker; the Court waives notice as to the minor. The Court orders written objections be filed and properly served no later than 10/26/15, and any response filed and properly served by 11/2/15.</p> <p><u>Note:</u> Objections were filed by Jocelyn Cretien (Mother) on 11/2/15. James Cretien, Sr. (Petitioner) filed a declaration re service of the Objections on 11/2/15.</p> <p>1. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Paternal Grandfather - Paternal Grandmother</p>	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			X
	Aff.Mail			
	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: skc	
			Reviewed on: 11/4/15	
			Updates:	
			Recommendation:	
			File 19 - Brooks	

Petitioner: Douglas Lund (pro per)

Petition for Appointment of Guardian of the Person

		There is no temporary. Temporary was denied.	NEEDS/PROBLEMS/COMMENTS: 1. 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: a. Michael Short (father) – unless the court dispenses with notice. b. Nina McNeil (mother) – she was served for the 11/9/15 hearing however the Notice of Hearing shows the hearing as a Petition for appointment of <u>Temporary</u> Guardian. c. Kimberly McNeil (minor) 2. Need proof of 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: a. Paternal grandparents – unless the court dispenses with notice. b. Maternal grandfather – unless the court dispenses with notice.
		DOUGLAS LUND, stepfather, is petitioner.	
Cont. from		Please see petition for details.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT
			Reviewed on: 11/4/15
			Updates:
			Recommendation:
			File 20B – McNeil

Spousal or Domestic Partner Property Petition

DOD: 05/16/08		<p>LARRY CHAMBERS, surviving spouse, is Petitioner.</p> <p>No other proceedings.</p> <p>Decedent died intestate.</p> <p>Petitioner states that he and the decedent were married on 06/16/56 and remained married until decedent's death on 05/16/08. Petitioner states that he and the Decedent had two sons during their marriage and have no predeceased children. Decedent inherited the ½ interest in the real property seeking to be passed with this petition from her mother's estate on 11/29/65, while the decedent and petitioner were married.</p> <p>Petitioner requests Court confirmation that ½ interest in real property located at 13506 W. Kearney Blvd., Kerman, passes to him.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Inherited property is separate property pursuant to Family Code § 770. The Petition indicates that the decedent died intestate. Therefore, pursuant to Probate Code § 6401(c)(3) – As to separate property, the intestate share of the surviving spouse is one-third of the intestate estate where the decedent leaves more than one child. Therefore, it appears this Petition cannot go forward as prayed.</p>
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		<p>Reviewed by: JF</p> <p>Reviewed on: 11/03/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 21 – Chambers</p>	

Attorney Thomas A. Markeson (for Petitioner Alfredo Cantu)

Petition for Instructions

		ALFREDO CANTU, son, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner states:	Notes:
		<ul style="list-style-type: none"> Petitioner believes he is the presently acting Trustee of the MARIA NAVARETTE 2005 REVOCABLE TRUST dated 1/7/2005 (copy attached as Exhibit A); First Request: An order confirming that Petitioner is the Trustee. Petitioner believes he is the Trustee of the Trust and requests an order of the Court to that effect, based upon the following; Petitioner believes that Ms. Navarette was the initial Trustee, as the Trust recites that she was the initial Trustee and she signed the trust as "Trustee;" The Trust terms detail a means by which a Settlor may be deemed incompetent; trust terms provide the trustee may make such a determination either in his sole discretion or as certified in writing by two licensed physicians as to the Settlor's incapacity; However, there does not appear to be explicit language in the trust regarding determination of the incapacity of a Trustee; Petitioner alleges that this omission was an oversight and meant to include removal of a Trustee under the same methodology; Ms. Navarette is not competent, as she was diagnosed with dementia more than 2 years ago, and resides a San Joaquin Gardens; Ms. Navarette is not capable of handling her own affairs and lacks capacity to be her own Trustee, as supported by letters from two treating physicians regarding her capacity, attached as Exhibits B and C; 	
Cont. from			<ul style="list-style-type: none"> Verification of the <i>Petition</i> signed and dated 9/28/2015 by Petitioner Alfredo Cantu is not an original signature. Court may require Petitioner's original verification of the <i>Petition</i> be filed with the Court. <i>Petition</i> appears to seek relief other than merely instructions and appears to request that the Court make more substantive findings rather than simply to instruct a Trustee. <i>Petition</i> seeks removal of the initial Trustee, as well as seeks a finding that another person, ANTHONY DOMINIC CANTU, was not the Trustee, and that a recorded document was and is of no legal effect. CA Rule of Court 7.102 requires that the title of each pleading and of each proposed order clearly and completely identify the nature of all the relief sought or granted. ESPERANZA CANTU ALLEN, Administrator of the <i>Estate of Anthony Dominic Cantu</i>, Case 15CEPR00506, is also represented by Attorney Thomas Markeson; the next upcoming hearing in that matter is 9/20/2016 for the filing of the first and final account and/or petition for distribution.
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		~Please see additional page~	Reviewed by: LEG Reviewed on: 11/4/15 Updates: Recommendation: File 22 – Navarette

Petitioner states, continued:

- **Second Request: An order removing Ms. Navarette as Trustee and naming Petitioner as Trustee.**
- The Trust designates **ANTHONY DOMINIC CANTU** to serve as Successor Trustee, unless he fails to qualify or ceases to act Trustee;
- In such event, the Trust designates Petitioner to serve as Trustee;
- **ANTHONY DOMINIC CANTU** died intestate 4/5/2015, and his estate is in progress in Case 15CEPR00506; **ESPERANZA CANTU ALLEN** is the Administrator of the estate;
- Accordingly, Petitioner believes he is the presently acting Trustee of the Trust, and requests an order of the Court confirming that circumstance;
- Alternatively, Petitioner alleges that Ms. Navarette should be removed as Trustee because she is incompetent;
- Probate Code § 15642(b) states the Court may remove a Trustee where the Trustee is "unfit to administer the trust" or when "the trustee fails or declines to act."
- Probate Code § 15660(b) states that on removal the Court should fill the vacancy in the trusteeship as provided in the trust;
- For the reasons stated, Petitioner alleges the Court should remove Ms. Navarette as Trustee; she is not capable of handling her own affairs; she is unfit to act as trustee and cannot act on her behalf;
- Due to her afflictions, Ms. Navarette is unfit to administer her Trust; accordingly, Petitioner requests an order removing Ms. Navarette as Trustee and appointing Petitioner in her stead;
- **Third Request: An order that the Certification of Trustees Under Trust recorded in 2005 is of no legal effect.**
- On 2/21/2005, **ANTHONY DOMINIC CANTU** executed a Certification of Trustees Under Trust that stated he was the Trustee of the Trust; the certification was recorded on 2/28/2005, as document number [omitted] (copy attached as Exhibit D);
- Petitioner believes that Ms. Navarette never resigned as Trustee, nor was she removed as Trustee by any known legal process;
- Accordingly, Petitioner does not believe the certification is of any legal effect, and Petitioner seeks an order of the Court verifying that **ANTHONY DOMINIC CANTU** was not the Trustee of the Trust in February of 2005, or any date thereafter, and that the document recorded on 2/28/2005 is and was of no legal effect.

Petitioner prays for an Order that: (1) **ALFREDO CANTU** is currently the acting Trustee of the Trust; (2) that **MARIA NAVARETTE** is removed as Trustee of the Trust, effective immediately; and (3) that **ANTHONY DOMINIC CANTU** was not the Trustee of the Trust, and the Certification of Trustees Under Trust recorded on 2/28/2005 is of no legal effect.

Attorney: Robert De Ruyter (for Petitioner Peter Lavallo, M.D.)

Attorney: Natalie Nuttal (Court appointed for Respondent)

Petition for Authorization to Consent to Necessary Medical Treatment

		<p>PETER LAVALLO, M.D., Medical Director of State Hospitals-Coalinga, is petitioner.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Petition does not include the names and addresses of Mr. Norton's spouse (if any) or his relatives within the 2nd degree as required by Probate Code §3204(i) and 1821. Need proof of personal service of the Notice of Hearing along with a copy of the petition on: <ol style="list-style-type: none"> Donald Norton (patient) – Mr. Norton was served by mail however, Probate Code §3206 requires he be personally served. Natalie Nuttal (attorney for Mr. Norton) Need proof of service of the Notice of Hearing along with a copy of the petition on: <ol style="list-style-type: none"> Mr. Norton's spouse (if any) Mr. Norton's relatives within the 2nd degree, if any.
Cont. from		<p>Please see petition for details.</p>	
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			<p>Reviewed by: KT</p> <p>Reviewed on: 11/5/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 23 - Norton</p>

Petitioner Lucy Salas (Pro Per Petitioner)

Petition for Appointment of Temporary Guardian of the Person

		<u>General Hearing set for 1/7/2016</u>	NEEDS/PROBLEMS/COMMENTS:
		LUCY SALAS, maternal aunt, is Petitioner.	
		<i>~Please see Petition for details~</i>	<p>1. Two <i>Proof of Service</i> documents filed 11/5/2015 are defective in the following ways, and clarification is needed:</p> <p>(a) <i>Proof of Personal Service</i> is not marked at Item 3 to indicate that a copy of the Petition was served with the notice as required;</p> <p>(b) <i>Proof of Personal Service</i> lists in the address portion two separate addresses where the mother and father were served, stating a P.O. Box number in Fresno "or" 412 F Street in Fresno;</p> <p>(c) The date and time that service was made is shown as the exact same date and time for both the mother and father at the two separate alternative addresses noted in (b) above.</p> <p style="text-align: center;"><i>~Please see additional page~</i></p>
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			Reviewed by: LEG
			Reviewed on: 11/5/15
			Updates:
			Recommendation:
			File 24 – Menchaca

NEEDS/PROBLEMS/COMMENTS, continued:

2. If Court does not find the two *Proof of Service* documents filed 11/5/2015 sufficient, need proof of five (5) court days' notice by personal service of the *Notice of Hearing* with a copy of the *Petition for Appointment of Temporary Guardian*, or *Consent to Appointment of Guardian and Waiver of Notice*, or a *Declaration of Due Diligence* for:
 - Esther Salas, mother, if Court does not excuse notice as Petitioner requests;
 - Ector Menchaca, father, if Court does not excuse notice as Petitioner requests.

25 Jaylyn Reddix & Waltery Reddix, II (GUARD/P) Case No. 15CEPR01076

Petitioner Figueroa, Maria Carmen (Pro Per – Maternal Grandmother – Petitioner)

Petitioner Figueroa, Melissa (Pro Per – Maternal Aunt – Petitioner)

Objector Reddix, Waltery (Pro Per – Father – Objector)

Petition for Appointment of Temporary Guardian of the Person

		See petition for details.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing and proof of personal service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing on: <ul style="list-style-type: none"> - Waltery Reddix (Father) - Jaylyn Reddix (Minor) - Waltery Reddix, II (Minor) 2. Child Information Attachment is blank as to all other relatives (paternal grandparents, maternal grandfather). Need <u>completed</u> Child Information Attachment for review of the general petition for the hearing on 1/11/16. 	
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			File 25 – Reddix	