

(1) 5th Account and Report of Conservator (2) Petition for Allowance of Attorney Fees [Probate Code Section 2620(a)]

|  |   |   |
|--|---|---|
| <b>Age: 31</b>   | <b>MARY MCCALL</b> , Mother and Conservator, is Petitioner.   | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br><b>Note:</b> The Court will set a status hearing for the filing of the 6 <sup>th</sup> Account on Friday 10-17-14. |
|  | Current bond is \$473,149.00.   |   |
|  | Account period: 6-19-10 through 6-19-12   |   |
| <b>Cont. from 101812</b>                                 |   |   |
| <input type="checkbox"/> <b>Aff.Sub.Wit.</b>             | Accounting: \$703,107.58  |   |
| <input checked="" type="checkbox"/> <b>Verified</b>      | Beginning POH: \$592,382.79   |   |
| <input type="checkbox"/> <b>Inventory</b>                | Ending POH: \$663,437.54<br>(\$290,137.54 cash plus annuity)  |   |
| <input type="checkbox"/> <b>PTC</b>                      |   |   |
| <input type="checkbox"/> <b>Not.Cred.</b>                | Conservator: Waived   |   |
| <input checked="" type="checkbox"/> <b>Notice of Hrg</b> |   |   |
| <input checked="" type="checkbox"/> <b>Aff.Mail</b> w    | Attorney: \$2,000.00 (per Local Rule)   |   |
| <input type="checkbox"/> <b>Aff.Pub.</b>                 |   |   |
| <input type="checkbox"/> <b>Sp.Ntc.</b>                  | <b>Petitioner prays for an Order</b> approving, allowing and settling the 5 <sup>th</sup> Account and authorizing attorney fees.  |   |
| <input type="checkbox"/> <b>Pers.Serv.</b>               |   |   |
| <input type="checkbox"/> <b>Conf. Screen</b>             |   |   |
| <input type="checkbox"/> <b>Letters</b>                  | <b>Declaration filed 10-29-12 states:</b> Check enclosure fees are necessary because Petitioner does not bank online and therefore a copy of the cancelled checks was required. The total cost for this was \$36/year. However, the fee was terminated as of April 2012. Petitioner states the existing bond is appropriate and provides calculation details. |   |
| <input type="checkbox"/> <b>Duties/Supp</b>              |   |   |
| <input type="checkbox"/> <b>Objections</b>               |   |   |
| <input type="checkbox"/> <b>Video Receipt</b>            |   |   |
| <input checked="" type="checkbox"/> <b>CI Report</b>     |   |   |
| <input checked="" type="checkbox"/> <b>2620(c)</b>       |   |   |
| <input checked="" type="checkbox"/> <b>Order</b>         |   |   |
| <input type="checkbox"/> <b>Aff. Posting</b>             |   |   |
| <input type="checkbox"/> <b>Status Rpt</b>               |   |   |
| <input type="checkbox"/> <b>UCCJEA</b>                   |   |   |
| <input type="checkbox"/> <b>Citation</b>                 |   |   |
| <input type="checkbox"/> <b>FTB Notice</b>               |   |   |
|  |   | <b>Reviewed by:</b> skc   |
|  |   | <b>Reviewed on:</b> 11-8-12   |
|  |   | <b>Updates:</b>   |
|  |   | <b>Recommendation:</b> SUBMITTED  |
|  |   | <b>File 1 - McCall</b>  |

**(1) First and Final Account and Report of Guardian, Petition for Its Settlement, (2) for Attorney Fees, (3) for Order Terminating Guardianship of Estate and for Issuance of Amended Letters of Guardianship [Prob. C. 2620, 2640, 2626; Local Rule 7.16A & Ca Rules of Court 7.750-7.752]**

|   |   |                                 |
|---|---|---------------------------------|
| <b>Age:</b> 17 years  | <b>ADELAIDE ESTRADA</b> , Guardian, is petitioner.  | <b>NEEDS/PROBLEMS/COMMENTS:</b> |
|   | Account period: 10/10/06 – 6/30/12  |                                 |
| <b>Cont. from</b>   | Accounting - <b>\$22,512.23</b>   |                                 |
| <input type="checkbox"/> <b>Aff.Sub.Wit.</b>                                    | Beginning POH - <b>\$21,985.82</b>  |                                 |
| <input checked="" type="checkbox"/> <b>Verified</b>                             | Ending POH - <b>\$ 1,351.32</b>   |                                 |
| <input type="checkbox"/> <b>Inventory</b>                                       | Guardian - not addressed  |                                 |
| <input type="checkbox"/> <b>PTC</b>   |   |                                 |
| <input type="checkbox"/> <b>Not.Cred.</b>                                       | Attorney - <b>\$1,351.32</b>  |                                 |
| <input checked="" type="checkbox"/> <b>Notice of Hrg</b>                        | (Less than per itemization and declaration, 26.4 attorney hours @ \$250/hr and 9.15 paralegal hours @ \$50/hr)                  |                                 |
| <input checked="" type="checkbox"/> <b>Aff.Mail</b> <input type="checkbox"/> W/ |   |                                 |
| <input type="checkbox"/> <b>Aff.Pub.</b>  |   |                                 |
| <input type="checkbox"/> <b>Sp.Ntc.</b>   |   |                                 |
| <input type="checkbox"/> <b>Pers.Serv.</b>                                      | Petition states the estate of the minor has been exhausted. Petitioner requests termination of the guardianship of the estate.  |                                 |
| <input type="checkbox"/> <b>Conf. Screen</b>                                    |   |                                 |
| <input type="checkbox"/> <b>Letters</b>   |   |                                 |
| <input type="checkbox"/> <b>Duties/Supp</b>                                     |   |                                 |
| <input type="checkbox"/> <b>Objections</b>                                      | <b>Petitioner prays for an Order:</b>   |                                 |
| <input type="checkbox"/> <b>Video Receipt</b>                                   | 1. Approving, allowing and settling the first and final account.  |                                 |
| <input type="checkbox"/> <b>CI Report</b>                                       | 2. Authorizing attorney fees in the sum of \$1,351.32.  |                                 |
| <input checked="" type="checkbox"/> <b>2620(c)</b>                              | 3. Terminating the guardianship of the estate and allowing the issuance of amended Letters for Guardianship of the Person only. |                                 |
| <input checked="" type="checkbox"/> <b>Order</b>                                |   |                                 |
| <input type="checkbox"/> <b>Aff. Posting</b>                                    |   |                                 |
| <input type="checkbox"/> <b>Status Rpt</b>                                      |   |                                 |
| <input type="checkbox"/> <b>UCCJEA</b>  |   |                                 |
| <input type="checkbox"/> <b>Citation</b>  |   |                                 |
| <input type="checkbox"/> <b>FTB Notice</b>                                      |   |                                 |
|   |   | <b>Reviewed by: KT</b>          |
|   |   | <b>Reviewed on: 11/8/12</b>     |
|   |   | <b>Updates:</b>                 |
|   |   | <b>Recommendation:</b>          |
|   |   | <b>File 2 - Zavala</b>          |

Atty Kruthers, Heather H., of County Counsel's Office (for Petitioner Public Guardian)

(1) Second and Final Account and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney

|  |  |                                 |
|--|--|---------------------------------|
| <b>DOD: 1/25/2012</b>                                    | <b>PUBLIC GUARDIAN</b> , Conservator of the Person and Estate, is Petitioner.  | <b>NEEDS/PROBLEMS/COMMENTS:</b> |
|  |  |                                 |
|  |  |                                 |
|  |  |                                 |
| <b>Cont. from</b>  | <b>Account period: 4/30/2009 – 1/25/2012</b>   |                                 |
|  | Accounting - <b>\$32,396.59</b>  |                                 |
|  | Beginning POH - <b>\$ 1,158.36</b>   |                                 |
|  | Ending POH - <b>\$ 1,398.81</b>  |                                 |
| <input type="checkbox"/> <b>Aff.Sub.Wit.</b>             |  |                                 |
| <input checked="" type="checkbox"/> <b>Verified</b>      |  |                                 |
| <input type="checkbox"/> <b>Inventory</b>                | <b>Subsequent Account period: 1/26/2012 – 7/26/2012</b>  |                                 |
| <input type="checkbox"/> <b>PTC</b>                      | Accounting - <b>\$ 4,405.48</b>  |                                 |
| <input type="checkbox"/> <b>Not.Cred.</b>                | Beginning POH - <b>\$ 1,398.81</b>   |                                 |
| <input checked="" type="checkbox"/> <b>Notice of Hrg</b> | Ending POH - <b>\$ 2,164.48 (all cash)</b>   |                                 |
| <input checked="" type="checkbox"/> <b>Aff.Mail</b> W/   | Conservator - <b>\$2,018.40</b><br>(13.90 Deputy hours @ \$96/hr and 9.00 Staff hours @ \$76/hr)   |                                 |
| <input type="checkbox"/> <b>Aff.Pub.</b>                 |  |                                 |
| <input type="checkbox"/> <b>Sp.Ntc.</b>                  |  |                                 |
| <input type="checkbox"/> <b>Pers.Serv.</b>               | Attorney - <b>\$1,250.00</b><br>(less than Local Rule of 3 years @ \$1,250/year)   |                                 |
| <input type="checkbox"/> <b>Conf. Screen</b>             |  |                                 |
| <input type="checkbox"/> <b>Letters</b>                  |  |                                 |
| <input type="checkbox"/> <b>Duties/Supp</b>              | Bond fee - <b>\$75.00 (OK)</b><br>(\$25 minimum bond fee for 3 years)  |                                 |
| <input type="checkbox"/> <b>Objections</b>               |  |                                 |
| <input type="checkbox"/> <b>Video Receipt</b>            | <b>Petitioner prays for an Order:</b>  |                                 |
| <input type="checkbox"/> <b>CI Report</b>                | 1. Approving, allowing and settling the Second and Final Account;  |                                 |
| <input type="checkbox"/> <b>9202</b>                     | 2. Authorizing the conservator and attorney fees and commissions;  |                                 |
| <input checked="" type="checkbox"/> <b>Order</b>         | 3. Authorizing payment of the bond fee; and  |                                 |
| <input type="checkbox"/> <b>Aff. Posting</b>             | 4. Authorizing petitioner to impose a lien on the estate for any unpaid balances of authorized fees and commissions; Liens exist for the First Account in the amounts of <b>\$300.00</b> for the Public Guardian and <b>\$900.00</b> for County Counsel. |                                 |
| <input type="checkbox"/> <b>Status Rpt</b>               |  |                                 |
| <input type="checkbox"/> <b>UCCJEA</b>                   |  |                                 |
| <input type="checkbox"/> <b>Citation</b>                 |  |                                 |
| <input type="checkbox"/> <b>FTB Notice</b>               |  |                                 |
|  |  | <b>Reviewed by:</b> LEG         |
|  |  | <b>Reviewed on:</b> 11/8/12     |
|  |  | <b>Updates:</b>                 |
|  |  | <b>Recommendation:</b>          |
|  |  | <b>File 3 - Kochergen</b>       |

**(1) Second Account Current and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator**

|  |  |                                 |
|--|--|---------------------------------|
| <b>Age: 60</b>   | <b>PUBLIC GUARDIAN</b> , Conservator of the Estate, is Petitioner. | <b>NEEDS/PROBLEMS/COMMENTS:</b> |
|  | Account period: 6-17-10 through 6-30-12                            |                                 |
|  | Accounting: \$120,310.67   |                                 |
| <input type="checkbox"/> <b>Aff.Sub.Wit.</b>             | Beginning POH: \$24,364.18   |                                 |
| <input checked="" type="checkbox"/> <b>Verified</b>      | Ending POH: \$19,043.42  |                                 |
| <input type="checkbox"/> <b>Inventory</b>                | (\$17,216.63 cash and personal property)                           |                                 |
| <input type="checkbox"/> <b>PTC</b>                      | Conservator: \$2,524.00  |                                 |
| <input type="checkbox"/> <b>Not.Cred.</b>                | (12.77 Deputy hours @ @96/hr and 17.08 Staff hours @ \$76/hr)      |                                 |
| <input checked="" type="checkbox"/> <b>Notice of Hrg</b> | Attorney: \$2,000.00 (per local rule)                              |                                 |
| <input checked="" type="checkbox"/> <b>Aff.Mail</b>      | Bond fee: \$601.56 (ok)  |                                 |
| <input type="checkbox"/> <b>Aff.Pub.</b>                 | Petitioner prays for an Order:                                     |                                 |
| <input type="checkbox"/> <b>Sp.Ntc.</b>                  | 1. Approving, allowing and settling the account;                   |                                 |
| <input type="checkbox"/> <b>Pers.Serv.</b>               | 2. Authorizing the Conservator's and Attorney's compensation;      |                                 |
| <input type="checkbox"/> <b>Conf. Screen</b>             | 3. Payment of the bond fee; and                                    |                                 |
| <input type="checkbox"/> <b>Letters</b>                  | 4. Any other orders the Court considers proper.                    |                                 |
| <input type="checkbox"/> <b>Dufies/Supp</b>              |  |                                 |
| <input type="checkbox"/> <b>Objections</b>               |  |                                 |
| <input type="checkbox"/> <b>Video Receipt</b>            |  |                                 |
| <input checked="" type="checkbox"/> <b>CI Report</b>     |  |                                 |
| N/A <b>2620(c)</b>                                       |  |                                 |
| <input checked="" type="checkbox"/> <b>Order</b>         |  |                                 |
| <input type="checkbox"/> <b>Aff. Posting</b>             |  |                                 |
| <input type="checkbox"/> <b>Status Rpt</b>               |  |                                 |
| <input type="checkbox"/> <b>UCCJEA</b>                   |  |                                 |
| <input type="checkbox"/> <b>Citation</b>                 |  |                                 |
| <input type="checkbox"/> <b>FTB Notice</b>               |  |                                 |
|  |  | <b>Reviewed by:</b> skc         |
|  |  | <b>Reviewed on:</b> 11-8-12     |
|  |  | <b>Updates:</b>                 |
|  |  | <b>Recommendation:</b>          |
|  |  | <b>File 4 - Bethel</b>          |

|  |  |  |
|--|--|--|
| <b>DOD: 2-24-09</b>                                      | <b>WALTER G. JONES</b> , Executor with Full IAEA without bond, is Petitioner.  | <p><b>NEEDS/PROBLEMS/ COMMENTS:</b></p> <p><b>Minute Order 10-3-12:</b> Counsel advises the Court that the issue is still with Bank of America.</p> <p><b>As of 11-8-12, nothing further has been filed.</b></p> <p><b>Note:</b> As sole heir pursuant to Decedent's will, Petitioner waived accounting; however, under Probate Code §10954(c)(2), a creditor whose interest has not been satisfied may petition for account.</p> <p>The Bank of America Creditor's Claim was allowed, but is not paid.</p> <p>Examiner notes that Notice of Hearing was mailed to the creditor on 8-10-12. Nothing has been filed.</p> <p style="text-align: center;"><b>SEE PAGE 2</b></p> <p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 11-8-12</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 5 - Jones</b></p> |
|  | Accounting is waived.  |  |
|  | I&A: \$ 240,000.00 (residence)   |  |
|  | POH: \$ 1,500.00 (cash in attorney trust account)  |  |
| <b>Cont. from 091212, 100312</b>                         | Executor (Statutory): Waived   |  |
| <input type="checkbox"/> <b>Aff.Sub.Wit.</b>             | Attorney (Statutory): \$6,550.00   |  |
| <input checked="" type="checkbox"/> <b>Verified</b>      | Costs: \$435.00 (filing)   |  |
| <input checked="" type="checkbox"/> <b>Inventory</b>     | <b>Petitioner states that except for the funds held in the attorney trust account, there are no remaining assets of the estate.</b>  |  |
| <input checked="" type="checkbox"/> <b>PTC</b>           | Petitioner states he obtained a line of credit for about \$65,000.00 against the residence and took a draw against the line of credit for about \$65,000.00, less \$6,650.00 in loan processing and appraisal fees, a loan broker fee of \$6,000.00, a document preparation fee of \$750.00, and prepaid interest in the amount of \$13,750.00, resulting in a net distribution to Petitioner of about \$37,850.00. Except for \$3,062.00 used for residence maintenance expenses, Petitioner advises the Court that he used the remaining portion of the draw for his personal living expense, including a new business venture, against the advice of his counsel. |  |
| <input checked="" type="checkbox"/> <b>Not.Cred.</b>     | Petitioner subsequently sold the real property, at which time all amounts owed on the property, including the line of credit, were paid. Petitioner received \$19,887.02 from the sale, and again, contrary to the advice of his counsel, used the proceeds to pay for his own medical expenses. Petitioner states his only income is approx. \$880.00/month from Social Security, and prior to the sale, Petitioner had suffered a serious stroke. Petitioner apologizes to the Court and asks the Court's forgiveness for his lapse in judgment in using estate funds to pay his own expenses.   |  |
| <input checked="" type="checkbox"/> <b>Notice of Hrg</b> | Petitioner states that the \$1,500.00 remaining in the attorney trust account will be used toward attorney fees and costs, and that he will assume personal responsibility for payment of the remainder of the attorney fees and the creditor's claim of Bank of America (\$1,965.21) by assigning liens on a future inheritance (attached).   |  |
| <input checked="" type="checkbox"/> <b>Aff.Mail</b> W    | <b>Petitioner prays for an Order</b> confirming and approving his acts and proceedings, ordering his personal liability to pay the creditor's claim and the balance of the attorney fees in accordance with the "Priority Assignment of Beneficial Interest in Estate of Dorothy Jones Ripperdan" and "Secondary Assignment," and distribution of property now now known or discovered to Petitioner.  |  |
| <b>Aff.Pub.</b>  |  |  |
| <b>Sp.Ntc.</b>   |  |  |
| <b>Pers.Serv.</b>  |  |  |
| <b>Conf. Screen</b>                                      |  |  |
| <input checked="" type="checkbox"/> <b>Letters</b>       |  |  |
| <b>Duties/Supp</b>                                       |  |  |
| <b>Objections</b>  |  |  |
| <b>Video Receipt</b>                                     |  |  |
| <b>CI Report</b>   |  |  |
| <input checked="" type="checkbox"/> <b>9202</b>          |  |  |
| <input checked="" type="checkbox"/> <b>Order</b>         |  |  |
| <b>Aff. Posting</b>                                      |  |  |
| <b>Status Rpt</b>  |  |  |
| <b>UCCJEA</b>  |  |  |
| <b>Citation</b>  |  |  |
| <input checked="" type="checkbox"/> <b>FTB Notice</b>    |  |  |

**Declaration of Attorney Barrus filed 9-11-12 states** the executor did not advise him that he was borrowing the money to fund a business. He advised his client that the funds could only be used for estate purposes and could not be distributed without court approval. The executor had no money to pay the operating expenses of the residence such as property taxes, utilities, repair and maintenance, and to pay creditors.

Mr. Barrus is informed by the law firm handling the estate of Dorothy Jones Ripperdan that the estate is not subject to probate; rather, a Petition to Determine Succession to Real Property. Copies of the Primary and Secondary Assignments of Beneficial Interest in the estate have been delivered to the firm handling the matter. In addition, the executor executed and filed an Assumption of Personal Liability for the balance of attorney fees and creditor's claim. The \$1,500 will be used to pay the filing fee and a portion of the attorney's statutory fee which are expenses of administration and have priority over payment of unsecured creditor's claims.

For an extended period, the executor did not respond to inquiries from his office. They had prepared a Petition for Final Distribution that was signed on 9-24-10; however, no provision had been made for payment of fees or creditor's claim. The attorney offered to take a note secured by a deed. Subsequently, the residence fell into foreclosure and it was anticipated that it would be lost. However, in August 2011, Mr. Barrus received word from Brian Gurule, a friend of the executor's, that there was a potential sale. Mr. Barrus advised Brian that there were estate expenses that would need to be paid from sale proceeds.

The sale closed on 9-9-11 without Attorney Barrus' knowledge. He had not had contact with the executor since 9-24-10, and was not contacted by the executor or the title company. On 12-15-11, he attempted to call the executor, but the phone number was no longer in service. He contacted Brian, who informed him of the sale. Brian then arranged with the executor to send \$1,500.00 immediately and was hopeful to make regular payments on the balance.

In July 2012, Mr. Barrus received a call from a local law firm to inform the executor that he is an heir of his great-aunt's estate that was subject to a Petition to Determine Succession to Real Property. Mr. Barrus attempted to contact the executor via the realtor who sold this real property, and was able to leave several voice messages. Mr. Barrus was aware that the executor had had a stroke, but did not know the nature of his incapacity. The office revised the Petition for Final Distribution and Mr. Barrus personally drove to the executor's new home for signatures. He advised him that he had violated his duties as executor and proposed that he assume personal liability for payment of the creditor's claim and fees, and also assign his interest in the estate. He agreed.

Contrary to the examiner's assertion, Mr. Barrus has done everything he could to ensure this matter timely closed. He did not control the executor or the sale of the residence. The delay was due, in part, to the sale of the residence, and in part because the executor failed to keep in contact with Mr. Barrus. In Mr. Barrus' opinion, the executor knew he had done something wrong and did not want to deal with it. The delay did, however, allow the residence to be sold instead of lost in foreclosure, and was, in that sense, in the best interest of the estate. The estate would not be ready for this hearing but for Mr. Barrus' efforts. As soon as the material facts were known, this petition was filed. Mr. Barrus did all he could in as timely a manner as possible given the circumstances.

**SEE ADDITIONAL PAGE**

**NEEDS/PROBLEMS/COMMENTS:**

1. Petitioner requests that the Court approve his acts and proceedings as Executor including:
  - *borrowing against and encumbering the real property of the estate without Court authorization, which is a violation of Probate Code §9800,*
  - *using the funds received for purposes other than the purposes allowed by Probate Code §9800 (also a violation), including the majority for Petitioner's personal use ("a new business venture").*
  - *This constitutes an unauthorized preliminary distribution in violation of Probate Code §11621, which states that the Court may authorize preliminary distribution if it appears that it may be made without loss to creditors or injury to the estate.*
  - *Petitioner then sold the real property and used the remainder of the funds for personal use, which is further unauthorized preliminary distribution in violation of Probate Code §11621.*Although Petitioner is the sole heir, his duty is first to the estate, including administration and payment of creditors. It appears that Petitioner's actions have resulted in an insolvent estate and an unpaid creditor.  
The Court may require that any language approving these acts be stricken from the final order.

2. Petitioner requests to assume personal liability for payment of the creditor's claim and executed "Priority" and "Secondary Assignments of Beneficial Interest in Estate of Dorothy Jones Ripperdan," wherein he assigns his beneficial interest as an heir of his deceased great-aunt for payment of the balance of the attorney fees and Bank of America Creditor's Claim.

Petitioner explains that he was recently advised that he is an heir of this estate, which "may" be enough to pay the Creditor's Claim and the remainder of the statutory attorney fees, but that the principal asset of the estate is held by the California Controller's office and will "probably not be paid to him any time soon."

Attorney Barrus' declaration indicates that the estate is not being probated, but is subject to a Petition to Determine Succession.

The Court may require clarification and authority for assumption and/or reliance on assignment for payment of the creditor's claim.

(1) First Account and Report of Guardian, (2) Petition for Its Settlement, for (3) Attorney Fees and Reimbursement of Costs Advanced (Prob. C. 2620, 2640, Local Rules 7.16A, CRC 7.750-7.752)

|                                     |               |  |   |         |
|-------------------------------------|---------------|--|---|---------|
| <b>Age: 8</b>                       |               | <p><b>MARK L. CLARK</b>, Father and Guardian of the Estate, is Petitioner.</p> <p>Account period: 4-21-11 through 4-30-12</p> <p>Accounting: \$63,498.34<br/>Beginning POH: \$62,466.08<br/>Ending POH: \$57,227.20<br/>(\$1,025.20 cash, remaining funds equities and taxable bonds; account blocked)</p> <p>Conservator: Not addressed</p> <p>Attorney: \$2,546.50</p> <p>Costs: \$460.50</p> <p><b>Petitioner prays for an Order:</b></p> <ol style="list-style-type: none"> <li>Settling and allowing this account and report and approving and confirming the acts of Petitioner as Guardian;</li> <li>Authorizing payment of the attorney fees and costs;</li> <li>Such other orders as the Court deems proper.</li> </ol> | <p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Guardianship Estate funds are held in a blocked account as ordered; however, Petitioner states the account consists of cash, equities, and taxable bonds. The account incurred a loss in this first account period of \$1,955.14, which was more than the receipts from dividends, etc., during this period.</p> <p>Examiner notes that the Court order does not appear to include authorization of these types of investments.</p> <p>Need clarification with reference to Petitioner's duty to manage the estate in interest-bearing, insured accounts (Probate Code §2453, Duties, etc.).</p> <p>The Court may also require bond, including cost of recovery pursuant to Probate Code §2320(c)(4) and Cal. Rules of Court 7.207, of \$64,085.41 as a blocked account does not protect from losses on investments.</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       |  |   | 4-21-11 |
| <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)       |  |   |         |
| <input type="checkbox"/>            | Order         |  |   | X       |
| <input type="checkbox"/>            | Aff. Posting  |  |   |         |
| <input type="checkbox"/>            | Status Rpt    |  |   |         |
| <input type="checkbox"/>            | UCCJEA        |  |   |         |
| <input type="checkbox"/>            | Citation      |  |   |         |
| <input type="checkbox"/>            | FTB Notice    |  |   |         |
|                                     |               | Reviewed by: skc   |   |         |
|                                     |               | Reviewed on: 11-8-12   |   |         |
|                                     |               | Updates:   |   |         |
|                                     |               | Recommendation:  |   |         |
|                                     |               | File 6 - Clark   |   |         |

(1) First and Final Accounting and Report of Status of Administration and (2) Petition for Settlement Thereof and (3) for Allowance of Statutory Administrator's and Attorney's Compensation and (4) for Allowance of Extraordinary Attorney's Compensation (6) for Reimbursement of Costs Advanced and (7) for Final Distribution

| DOD: 11-17-09 |               | TIANA A. HEFLEY-FAVILA, Daughter and Administrator with Full IAEA without bond, is Petitioner.   | NEEDS/PROBLEMS/<br>COMMENTS:   |
|---------------|---------------|--|--|
|               |               |  |  |
|               | Aff.Sub.Wit.  | Accounting: \$106,084.88<br>Beginning POH: \$95,000.00<br>Ending POH: \$86,110.74 (cash)   |  |
| ✓             | Verified      | Administrator (Statutory): \$4,182.52  | <p>2. The Court may require clarification pursuant to Probate Code §1064(a)(4) (disclosure of family relationships) regarding the request for payments to various other parties.</p> <p><u>See Declaration filed 11-13-12, Page 2.</u></p> |
| ✓             | Inventory     | Administrator (Extraordinary): \$1,992.00<br>(for 166 hours of work at \$12/hr in connection with the rehab and sale of the real property)   |  |
| ✓             | PTC           | Attorney (Statutory): \$4,182.52   |  |
| ✓             | Not.Cred.     | Attorney (Extraordinary): \$2,050.00<br>(for legal services and filing fees in connection with a Petition to Determine Succession to Real Property for Delores Jean Hefley, the Decedent's predeceased mother.   |  |
| ✓             | Notice of Hrg | Costs: \$1,350.00 (filing, publication, probate referee, certified letters and order, recording)   |  |
| ✓             | Aff.Mail      | Petitioner requests authorization for payments for services associated with the rehab and sale of the real property to the following additional people:  |  |
|               | Aff.Pub.      | <ul style="list-style-type: none"> <li>\$672.00 to Consuelo Gann (56 hours @ \$12/hr)</li> <li>\$2,145.00 to Nathaniel Parson (165 hours @ \$13/hr)</li> <li>\$3,648.00 to Paul G. Favila (304 hours @ \$12/hr)</li> <li>\$9,763.24 to Petitioner for reimbursement of costs advanced on behalf of the estate (\$17,579.24 less rents received and proceeds from sale of personal property)</li> </ul> |  |
|               | Sp.Ntc.       |  |  |
|               | Pers.Serv.    |  |  |
|               | Conf. Screen  |  |  |
| ✓             | Letters       | 12-12-11   | <p>Reviewed by: skc</p> <p>Reviewed on: 11-8-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 7 - Hefley</p>  |
|               | Duties/Supp   |  |  |
|               | Objections    |  |  |
|               | Video Receipt |  |  |
|               | CI Report     |  |  |
| ✓             | 9202          |  |  |
| ✓             | Order         |  |  |
|               | Aff. Posting  |  |  |
|               | Status Rpt    |  |  |
|               | UCCJEA        |  |  |
|               | Citation      |  |  |
| ✓             | FTB Notice    | <p>Petitioner states the work performed by Petitioner and others clearly benefitted the estate, and provides a letter from the listing agent that the repairs made to the home were beneficial to the sale</p> <p><b>Distribution pursuant to intestate succession:</b></p> <p>Tiana A. Hefley-Favily (Daughter): \$28,062.73<br/>Christina M. Wells-Hefley (Spouse): \$28,062.73</p>                  |  |

**Declaration of Philip M. Flanigan filed 11-13-12 states** that Petitioner was under the understanding that her father was an unmarried man having either divorced or never been officially married. He had not lived with Christina M. Wells-Hefley in several years. Accordingly, Petitioner believed that she and her brother were the only heirs. Therefore, she sold the personal belongings, cleaned out the real property, fixed it up and rented it out. It was only after this had been done that Christina Wells-Hefley came into the picture claiming to be the decedent's wife and entitled to decedent's assets. No assets were distributed and all have been accounted for in the estate accounting.

The declaration states that the various persons that contributed to the fixing and maintenance were friends and family of the Petitioner. Their services were necessary in order to keep the repair costs to a minimum. Consuelo Gann is Petitioner's mother, Nathaniel Parsons is Petitioner's brother and the renter of the real property, and Paul Favila is Petitioner's husband.

**NEEDS/PROBLEMS/COMMENTS Continued:**

3. The declaration filed 11-13-12 is not verified by the fiduciary pursuant to Probate Code §1021 and there is no proof of service on interested parties.
4. The declaration states rents and other income are accounted for; however, these items are not listed as receipts to the estate; rather, they are listed as credits toward Petitioner's request for reimbursement, indicating that they were received by Petitioner personally.

**Note:** The declaration states that no assets were distributed; however, as stated above, rents and sale proceeds would have been receipts of the estate, and if received personally, may constitute unauthorized preliminary distributions.

The Court may require amended accounting reflecting the proper receipts of the estate.

5. Need clarification: This declaration with reference to Probate Code §1064(a)(4) (disclosure of relationships) is the first mention of Petitioner's brother, Nathaniel Parsons. Attorney Flanigan's declaration indicates that Petitioner believed that she and her brother were the heirs. However, Petitioner originally listed herself as the sole relative, and then amended to include Christina M. Wells-Hefley, the decedent's spouse.

Is Mr. Parsons a son of the decedent and an heir of the estate? If so, need amended proposed distribution or disclaimer of interest.

Examiner notes that Mr. Parsons has resided in the house paying an unknown rent to Petitioner personally and is also requested to receive \$2,145.00 for assistance in repairs. If Mr. Parsons is an heir, the Court may also require equalization or waiver of same from the other heirs.

6. The Court may require further clarification regarding the benefit to the estate of over \$24,000.00 in work done and requested for reimbursement on the house, which sold for an \$11,000.00 gain to the estate.
7. According to Petitioner's request for reimbursement, Nathaniel Parsons paid \$200.00/month for rent, while the prior tenant paid \$1,000.00/month for rent. The Court may also require clarification as to the benefit to the estate for the reduced rent.

Atty Flanigan, Philip M., sole practitioner (for Petitioner Ramiro J. Yzaguirre, Administrator)

**Amended First and Final Report of Status of Administration, Waiver of Accounting, Petition for Settlement Thereof, for Allowance of Statutory Attorney's Compensation, for Reimbursement of Costs Advanced, and for Final Distribution (Prob. C. 10810, 10830, 10951& 11600 et seq)**

|                                     |                      |   |  |
|-------------------------------------|----------------------|---|--|
| <b>DOD: 10/6/2011</b>               |                      | <b>RAMIRO J. YZAGUIRRE</b> , brother and Executor, is Petitioner.   | <b>NEEDS/PROBLEMS/COMMENTS:</b>  |
|                                     |                      |   |  |
| <b>Cont. from</b>                   |                      | Accounting is waived.   | <p>1. <i>Notice of Hearing</i> filed 10/12/2012 shows that notice along with a copy of the <i>First and Final Account</i> was mailed on 10/10/2012. <i>Amended First and Final Report, etc.</i>, was verified by Petitioner on 10/12/2012. Thus, it appears a copy of the initial account rather than the <i>Amended First Account</i> was sent with the notice. Particularly given the fact that the distribution amounts in the <i>Amended First Account</i> are less than the amounts stated in the copy served, the Court may require service of the <i>Amended First and Final Report</i> pursuant to CA Rule of Court 7.53(a), which provides an amended pleading requires the same notice of hearing as the pleading it amends.—<i>Declaration of Nicole Guzman in Supplement of Amended First and Final Report, etc.</i>, [to be filed on 11/14/2012].</p> |
| <input type="checkbox"/>            | <b>Aff.Sub.Wit.</b>  | I & A — <b>\$165,000.00</b>   |  |
| <input checked="" type="checkbox"/> | <b>Verified</b>      | POH — <b>\$ 65,069.01</b><br><i>(all cash)</i>  |  |
| <input checked="" type="checkbox"/> | <b>Inventory</b>     |   |  |
| <input checked="" type="checkbox"/> | <b>PTC</b>           | Executor — <b>waives</b>  |  |
| <input checked="" type="checkbox"/> | <b>Not.Cred.</b>     |   |  |
| <input type="checkbox"/>            | <b>Notice of Hrg</b> | <input checked="" type="checkbox"/>   |  |
| <input type="checkbox"/>            | <b>Aff.Mail</b>      | Attorney — <b>\$5,350.00</b><br><i>(statutory)</i>  |  |
| <input type="checkbox"/>            | <b>Aff.Pub.</b>      |   |  |
| <input type="checkbox"/>            | <b>Sp.Ntc.</b>       |   |  |
| <input type="checkbox"/>            | <b>Pers.Serv.</b>    |   |  |
| <input type="checkbox"/>            | <b>Conf. Screen</b>  | Costs — <b>\$875.00</b><br><i>(filing fee, probate referee, publication, certified copies)</i>  |  |
| <input type="checkbox"/>            | <b>Letters</b>       | <small>031512; amended on 082312</small>  |  |
| <input type="checkbox"/>            | <b>Duties/Supp</b>   |   |  |
| <input type="checkbox"/>            | <b>Video Receipt</b> | <b>Distribution pursuant to Decedent's Will is to:</b>  |  |
| <input type="checkbox"/>            | <b>CI Report</b>     | <ul style="list-style-type: none"> <li>• RAMIRO J. YZAGUIRRE – <b>\$11,768.80 cash;</b></li> <li>• JOSE LUIS YZAGUIRRE – <b>\$11,768.80 cash;</b></li> <li>• EMILIA O. YZAGUIRRE – <b>\$11,768.80 cash;</b></li> <li>• SALVADOR YZAGUIRRE – <b>\$11,768.80 cash;</b></li> <li>• LYDIA TOPOOZIAN – <b>\$11,768.80 cash.</b></li> </ul> |  |
| <input checked="" type="checkbox"/> | <b>9202</b>          |   |  |
| <input checked="" type="checkbox"/> | <b>Order</b>         |   |  |
| <input type="checkbox"/>            | <b>Aff. Posting</b>  |   |  |
| <input type="checkbox"/>            | <b>Status Rpt</b>    |   |  |
| <input type="checkbox"/>            | <b>UCCJEA</b>        |   |  |
| <input type="checkbox"/>            | <b>Citation</b>      |   |  |
| <input checked="" type="checkbox"/> | <b>FTB Notice</b>    |   |  |
|                                     |                      |   | <b>Reviewed by:</b> LEG  |
|                                     |                      |   | <b>Reviewed on:</b> 11/8/12  |
|                                     |                      |   | <b>Updates:</b> 11/13/12   |
|                                     |                      |   | <b>Recommendation:</b> SUBMITTED   |
|                                     |                      |   | <b>File 8 - Yzaguirre</b>  |

***Declaration of Nicole Guzman in Supplement of Amended First and Final Report, etc., [to be filed on 11/14/2012]***

**states:** She is a legal secretary at the offices of Attorney Flanigan and she prepared the *Amended First and Final Report*; on 10/16/2012, she mailed the Amended Petition to all interested parties, and attached a proof of service to the Amended Petition; once she was informed that the Amended petition was to be heard the same day as the initial petition, she contacted all the parties telephonically and informed them the hearing was unchanged and would be on 11/14/12; she erroneously failed to send out a new Notice of Hearing on the Amended Petition because she had sent all parties a copy of the Amended Petition and the hearing date had gone unchanged from the first Notice of Hearing she had sent out; all parties have waived and accounting, and the reason the petition was amended was that the final amount to be distributed to each party had not been calculated correctly; on 11/13/2012, she again contacted all interested parties by telephone to advise them that the hearing on the Amended petition is set for 11/14/2012.

Atty Roundtree, L. Clarke (for paternal grandmother Kimberly Bird and father Seth Bird)

Atty Rusca, Rose Marie (for guardian/maternal grandmother Victoria Van Linge-Schuh)

Atty Gilbert, Cherisse (pro per mother)

Status Hearing Re: Visitation

|  |  |   |
|--|--|---|
| Age: 6 years                                 | <p><b>VICTORIA VAN LINGE-SCHUH</b>, maternal grandmother, was appointed guardian on 9/1/09.</p> <p>Father: <b>SETH BIRD</b></p> <p>Mother: <b>CHERISSE GILBERT</b></p> <p>Paternal grandfather: Kenneth Bird<br/>Paternal grandmother: Kimberly Bird<br/>Maternal grandfather: Keith Gilbert</p> <p>Mother, <b>Cherisse Gilbert</b>, filed a Petition for Visitation. The petition was denied on 9/19/12.</p> <p><b>Minute Order dated 9/19/12</b> stated visitation as to the guardian, paternal grandmother, and the father is modified as stated on the record. Ms. Rusca to prepare the order.</p> <p><b>Note:</b> Ms. Rusca did submit a proposed order on 11/5/12. The proposed order was returned to the attorney because it was not signed as to form and content by Mr. Roundtree.</p> <p>On 11/8/12 Mr. Roundtree submitted a proposed order however that order was not signed as to form and content by Ms. Rusca. Mr. Roundtree's proposed order is in the file.</p> | <p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>  |
| Cont. from                                   |  |   |
| <input type="checkbox"/> Aff.Sub.Wit.        |  |   |
| <input checked="" type="checkbox"/> Verified |  |   |
| <input type="checkbox"/> Inventory           |  |   |
| <input type="checkbox"/> PTC                 |  |   |
| <input type="checkbox"/> Not.Cred.           |  |   |
| <input type="checkbox"/> Notice of Hrg       |  |   |
| <input type="checkbox"/> Aff.Mail            |  |   |
| <input type="checkbox"/> Aff.Pub.            |  |   |
| <input type="checkbox"/> Sp.Ntc.             |  |   |
| <input type="checkbox"/> Pers.Serv.          |  |   |
| <input type="checkbox"/> Conf. Screen        |  |   |
| <input type="checkbox"/> Letters             |  |   |
| <input type="checkbox"/> Duties/Supp         |  |   |
| <input type="checkbox"/> Objections          |  |   |
| <input type="checkbox"/> Video Receipt       |  |   |
| <input type="checkbox"/> CI Report           |  |   |
| <input type="checkbox"/> 9202                |  |   |
| <input checked="" type="checkbox"/> Order    |  |   |
| <input type="checkbox"/> Aff. Posting        |  |   |
| <input type="checkbox"/> Status Rpt          |  |   |
| <input type="checkbox"/> UCCJEA              |  |   |
| <input type="checkbox"/> Citation            |  |   |
| <input type="checkbox"/> FTB Notice          |  |   |
| Please see additional page                   |  |   |
|  |  | <p><b>Reviewed by:</b> KT</p> <p><b>Reviewed on:</b> 11/8/12</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p>File 9 - Gilbert</p> |

**Note:**

The guardian, Victoria Van Linge-Schuh and the paternal grandmother Kimberly Bird have an extensive visitation schedule that includes where the minor resides during the week, on weekends, holidays etc.

**Visitation order per Order dated 10/18/11, in summary:**

During the school year, Kimberly Bird (paternal grandmother), has visitation on the 2<sup>nd</sup>, 4<sup>th</sup> and 5<sup>th</sup> weekend of the month from Friday after school to Monday 9:00 (delivery at school). The visitation is extended to Tuesdays if Monday is a legal holiday.

Kimberly Bird (paternal grandmother) also has visits on alternating Tuesdays after school to Wednesdays (delivery at school).

Summer vacation Kimberly Bird and the guardian, Victoria Van Linge-Schuh have the minor with them on alternating weeks.

Holiday visits are also outlined in the visitation schedule.

**Visitation order per Order dated 5/7/12, in summary:**

Kimberly Bird (paternal grandmother) shall continue to have visitation with the minor on alternating weekends beginning after school on Friday (11:40 a.m.) until delivery to school on Monday morning at 8:10 a.m.

Father, Seth Bird, shall have visitation with the minor, every Tuesday after school (11:40 a.m.) until delivery to school on Wednesday morning at 8:10 a.m.

Father, Seth Bird is to be added to the emergency contact list along with Kimberly Bird with Kimberly Bird and Seth Bird given priority over all others.

All remaining orders not changed remained in full force and effect.

**Minute Order dated 8/20/12 amended the 5/7/12 visitation order as follows:**

The father is to have unsupervised visits with the minor Tuesday nights. Father is to pick-up the child on Tuesday and deliver him to school on Wednesday. The court further ordered that there be no violent video games, drugs or alcohol around the child during visitation.

|   |  |   |   |
|---|--|---|---|
| <b>Age:</b> 68  | <p><b>PUBLIC GUARDIAN</b> was appointed Temporary Conservator on 5-18-11. At hearing on 6-29-11, Ms. Slaughter objected to the conservatorship and trial was set.</p> <p><b>At trial on 11-15-11</b>, the parties reached agreement for temporary conservatorship to remain in place for one year with this review hearing set for status. The order signed 12-6-11 indicates that there will be three caregivers providing meals, overseeing appointments, and physically being present at least twice per day.</p> <p><b>Status report filed 11-7-12 by Public Guardian states</b> that since February 2012, Deputy Public Guardian Anita Harper, along with another deputy, made a few unannounced home visits. On 2-22-12, Jeff, a friend and handyman, was at the property with Ms. Slaughter. He indicated that she was not doing well; specifically that she had “gotten into her pills” and had “passed out.” She fell out of her wheelchair onto the kitchen floor. She was still sleeping during the visit (around 1:00 pm). The IHSS main caretaker Frances also arrived and reported the same information. The house was neat, but the previous night’s dinner was still by her bed. Frances reported that she tries to hide the medication, but Ms. Slaughter gets upset when she can’t find it. Jeff and Frances agreed that she had done well until the beginning of February; however, not all of the people who had offered to help were actually helping.</p> <p>On 2-24-12, at another unannounced visit, no one answered the first time, and when they returned later Ms. Slaughter was alone, and the deputies had her 5150’d due to her altered mental status. She was admitted to Community Hospital, and later moved to Rehab Centre of Fresno. At a care conference in March, she appeared to be doing well.</p> <p>The Public Guardian has received information about her status at care conferences with the Centre. She is reportedly doing well, enjoys reading and smoking, and indicated interest in starting a winter garden with staff. She did not like where she was living, but did not give any suggestions for alternative placement.</p> <p><b>It is the Public Guardian’s assertion that the Conservatee has demonstrated that she cannot provide for her own needs and health and the people she chose to assist her have not done so. Therefore, it appears a general conservatorship of the Person is necessary, and the Public Guardian requests that it be granted.</b></p> | <p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. The Court may require proof of service of Status Report on Mary Slaughter and her court-appointed counsel.</li> <li>2. Public Guardian originally requested appointment as Conservator of the Person with medical consent powers. Two capacity declarations have been filed by counsel for the proposed Conservatee that <u>do not support</u> the request for medical consent powers.</li> </ol> <p>If medical consent powers are requested at this time, need Capacity Declaration in support.</p> <ol style="list-style-type: none"> <li>3. Need order, letters.</li> </ol> |   |
| <input type="checkbox"/> Aff.Sub.Wit.   |  |   |   |
| <input checked="" type="checkbox"/> Verified  |  |   |   |
| <input type="checkbox"/> Inventory  |  |   |   |
| <input type="checkbox"/> PTC  |  |   |   |
| <input type="checkbox"/> Not.Cred.  |  |   |   |
| <input type="checkbox"/> Notice of Hrg  |  |   |   |
| <input type="checkbox"/> Aff.Mail   |  |   | X |
| <input type="checkbox"/> Aff.Pub.   |  |   |   |
| <input type="checkbox"/> Sp.Ntc.  |  |   |   |
| <input type="checkbox"/> Pers.Serv.   |  |   |   |
| <input type="checkbox"/> Conf. Screen   |  |   |   |
| <input type="checkbox"/> Letters  |  |   |   |
| <input type="checkbox"/> Duties/Supp  |  |   |   |
| <input type="checkbox"/> Objections   |  |   |   |
| <input type="checkbox"/> Video Receipt  |  |   |   |
| <input type="checkbox"/> CI Report  |  |   |   |
| <input type="checkbox"/> 9202   |  |   |   |
| <input type="checkbox"/> Order  |  |   |   |
| <input type="checkbox"/> Aff. Posting   |  |   |   |
| <input checked="" type="checkbox"/> Status Rpt  |  |   |   |
| <input type="checkbox"/> UCCJEA   |  |   |   |
| <input type="checkbox"/> Citation   |  |   |   |
| <input type="checkbox"/> FTB Notice   |  |   |   |
| <p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 11-8-12</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p>File 10 - Slaughter</p> |  |   |   |

|   |   |   |
|---|---|---|
| <b>Age: 14</b>  | <b>MAURIELLE BAKER</b> , half-sister, is Petitioner.  | <p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Page 11B is Half Sister, Maurielle Jacqui Baker's Petition for Appointment of Guardian.</b></p> <p>1. Petition is incomplete. It does not provide why it is in the best interest of the minor that the guardianship be terminated.</p> |
|   | <b>MICHELLE STONE</b> , non-relative, was appointed guardian of the minor on 05/15/08 – Consent & Waiver of Notice filed 09/14/12 |   |
| <b>Cont. from</b>   | Father: <b>MAURICE BAKER</b> – Consent & Waiver of Notice filed 09/14/12  |   |
| <input type="checkbox"/> <b>Aff.Sub.Wit.</b>                                      | Mother: <b>MEREDITH KINERMAN</b> - Consent & Waiver of Notice filed 09/14/12  |   |
| <input checked="" type="checkbox"/> <b>Verified</b>                               | Paternal grandfather: Enolton Baker   |   |
| <input type="checkbox"/> <b>Inventory</b>   | Paternal grandmother: Helen McClendon - Deceased  |   |
| <input type="checkbox"/> <b>PTC</b>   | Maternal grandfather: Robert Kinerman,  |   |
| <input type="checkbox"/> <b>Not.Cred.</b>   | Maternal grandmother: Margie Martin   |   |
| <input type="checkbox"/> <b>Notice of Hrg</b> <input checked="" type="checkbox"/> | Minor: Kristie Baker, Consent & Waiver of Notice filed 09/201/2012  |   |
| <input type="checkbox"/> <b>Aff.Mail</b>  | <b>Court Investigator Jennifer Daniel's report filed 11/07/2012.</b>  |   |
| <input type="checkbox"/> <b>Aff.Pub.</b>  |   |   |
| <input type="checkbox"/> <b>Sp.Ntc.</b>   |   |   |
| <input type="checkbox"/> <b>Pers.Serv.</b> <input checked="" type="checkbox"/>    |   |   |
| <input type="checkbox"/> <b>Conf. Screen</b>                                      |   |   |
| <input type="checkbox"/> <b>Letters</b>   |   |   |
| <input type="checkbox"/> <b>Duties/Supp</b>                                       |   |   |
| <input type="checkbox"/> <b>Objections</b>  |   |   |
| <input type="checkbox"/> <b>Video Receipt</b>                                     |   |   |
| <input type="checkbox"/> <b>CI Report</b>   |   |   |
| <input type="checkbox"/> <b>9202</b>  |   |   |
| <input checked="" type="checkbox"/> <b>Order</b>                                  |   |   |
| <input type="checkbox"/> <b>Aff. Posting</b>                                      |   |   |
| <input type="checkbox"/> <b>Status Rpt</b>  |   |   |
| <input type="checkbox"/> <b>UCCJEA</b>  |   |   |
| <input type="checkbox"/> <b>Citation</b>  |   |   |
| <input type="checkbox"/> <b>FTB Notice</b>  |   |   |
|   |   | <b>Reviewed by:</b> KT / LV   |
|   |   | <b>Reviewed on:</b> 11/08/2012  |
|   |   | <b>Updates:</b>   |
|   |   | <b>Recommendation:</b>  |
|   |   | <b>File 11B - Baker</b>   |

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

|   |   |  |                                |
|---|---|--|--------------------------------|
| <b>Age: 14</b>  | <b>TEMPORARY DENIED</b>   |  | <b>NEEDS/PROBLEMS/COMMENT:</b> |
|   | <p><b>MAURIELLE BAKER</b>, half-sister, is Petitioner.</p> <p><b>MICHELLE STONE</b>, non-relative, was appointed guardian of the minor on 05/15/08 – Consent &amp; Waiver of Notice filed 09/14/12</p>  |  |                                |
| <b>Cont. from</b>                                       | <p>Father: <b>MAURICE BAKER</b> – Consent &amp; Waiver of Notice filed 09/14/12</p> <p>Mother: <b>MEREDITH KINERMAN</b> - Consent &amp; Waiver of Notice filed 09/14/12</p> <p>Paternal grandfather: Enolton Baker, Declaration of Due Diligence filed 09/14/2012<br/>         Paternal grandmother: Helen MCClendon - Deceased</p> <p>Maternal grandfather: Robert Kinerman, Declaration of Due Diligence filed 09/21/2012<br/>         Maternal grandmother: Margie Martin, Consent &amp; Waiver filed 09/21/2012</p> <p>Minor: Kristie Baker, Consent &amp; Waiver of Notice filed 09/201/2012</p> <p>Siblings: Gabrielle Baker, Consent &amp; Waiver of Notice filed 09/21/2012</p> <p><b>Petitioner states</b> that she would like guardianship of Kristie now because she needs a stable environment and Kristie would prefer to live with her.</p> <p><b>Court Investigator Jennifer Daniel's report filed 11/07/2012.</b></p> |  |                                |
| <input type="checkbox"/> <b>Aff.Sub.Wit.</b>            |   |  |                                |
| <input checked="" type="checkbox"/> <b>Verified</b>     |   |  |                                |
| <input type="checkbox"/> <b>Inventory</b>               |   |  |                                |
| <input type="checkbox"/> <b>PTC</b>                     |   |  |                                |
| <input type="checkbox"/> <b>Not.Cred.</b>               |   |  |                                |
| <input type="checkbox"/> <b>Notice of Hrg</b>           | x   |  |                                |
| <input type="checkbox"/> <b>Aff.Mail</b>                | x   |  |                                |
| <input type="checkbox"/> <b>Aff.Pub.</b>                |   |  |                                |
| <input type="checkbox"/> <b>Sp.Ntc.</b>                 |   |  |                                |
| <input type="checkbox"/> <b>Pers.Serv.</b>              | x   |  |                                |
| <input checked="" type="checkbox"/> <b>Conf. Screen</b> |   |  |                                |
| <input checked="" type="checkbox"/> <b>Letters</b>      |   |  |                                |
| <input checked="" type="checkbox"/> <b>Duties/Supp</b>  |   |  |                                |
| <input type="checkbox"/> <b>Objections</b>              |   |  |                                |
| <input type="checkbox"/> <b>Video Receipt</b>           |   |  |                                |
| <input checked="" type="checkbox"/> <b>CI Report</b>    |   |  |                                |
| <input type="checkbox"/> <b>9202</b>                    |   |  |                                |
| <input checked="" type="checkbox"/> <b>Order</b>        |   |  |                                |
| <input type="checkbox"/> <b>Aff. Posting</b>            |   |  |                                |
| <input type="checkbox"/> <b>Status Rpt</b>              |   |  |                                |
| <input checked="" type="checkbox"/> <b>UCCJEA</b>       |   |  |                                |
| <input type="checkbox"/> <b>Citation</b>                |   |  |                                |
| <input type="checkbox"/> <b>FTB Notice</b>              |   |  |                                |
|   |   |  | <b>Reviewed by:</b> KT / LV    |
|   |   |  | <b>Reviewed on:</b> 11/08/2012 |
|   |   |  | <b>Updates:</b>                |
|   |   |  | <b>Recommendation:</b>         |
|   |   |  | <b>File 11A - Baker</b>        |

Petition for Termination of Guardianship

|                   |  |  |
|-------------------|--|--|
| Lloyd, 4          | LLOYD MACKLIN, father, is Petitioner.  | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br>1. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Termination of Guardianship</i> or <i>Consent &amp; Waiver of Notice</i> or <i>Declaration of Due Diligence</i> for:<br>- Deborah M. Macklin (mother)<br>- Lloyd Macklin (paternal grandfather)<br>- Joyce Frierson (paternal grandmother)<br>- Ronnie Green (maternal grandfather) |
| Kayveon, 3        | <b>DEBORRAH SMITH</b> , maternal grandmother, was appointed guardian on 02/01/12.<br><br>Mother: <b>DEBORRAH M. MACKLIN</b><br><br>Paternal grandfather: LLOYD MACKLIN<br>Paternal grandmother: JOYCE FRIERSON<br><br>Maternal grandfather: RONNIE GREEN   |  |
| Cont. from 103012 |  |  |
| 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        |  |  |
|                   | <b>Petitioner states:</b> He is the children's father and believes his boys should be with him. He states that he really wants to be able to teach them not to make the same mistakes he made. He states that he has been around the children since birth and he knows they are missing their father.<br><br><b>Declaration of Deborah Smith filed 10/30/12</b> states that she is not in agreement with terminating the guardianship at this time. She states that she is not opposed to Mr. Macklin visiting with the children, however, they have not contacted her to make arrangements for visits and have instead showed up at her church, causing disruption. Ms. Smith states that the children have progressed greatly since being in the stability of her care. Ms. Smith states that she does not feel that the father can provide a stable and wholesome environment for the children at this time.<br><br><b>Court Investigator Dina Calvillo filed a report on 11/07/12.</b> |  |
|                   |  | <b>Reviewed by:</b> JF<br><b>Reviewed on:</b> 11/08/12<br><b>Updates:</b><br><b>Recommendation:</b><br><b>File 12 - Macklin</b>  |

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

|              |               |   |  |   |
|--------------|---------------|---|--|---|
| Age: 7 years |               | <u>Temporary Expires 11/14/2012</u>                               |  | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br>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:<br>a. Oscar San Miguel (paternal grandfather)<br>b. Rosa Urbina (maternal grandmother) |
|              |               | <b>AURELIA SAN MIGUEL</b> , paternal grandmother, is petitioner.  |  |   |
| Cont. from   |               | Father: <b>MAURO LEE SAN MIGUEL</b> – consents and waives notice. |  |   |
|              | Aff.Sub.Wit.  |   |  |   |
| ✓            | Verified      |   |  |   |
|              | Inventory     |   |  |   |
|              | PTC           |   |  |   |
|              | Not.Cred.     |   |  |   |
| ✓            | Notice of Hrg |   |  |   |
|              | Aff.Mail      | X   |  |   |
|              | Aff.Pub.      |   |  |   |
|              | Sp.Ntc.       |   |  |   |
| ✓            | Pers.Serv.    |   |  |   |
| ✓            | Conf. Screen  |   |  |   |
| ✓            | Letters       |   |  |   |
| ✓            | Duties/Supp   |   |  |   |
|              | Objections    |   |  |   |
|              | Video Receipt |   |  |   |
|              | CI Report     |   |  |   |
|              | 9202          |   |  |   |
| ✓            | Order         |   |  |   |
|              | Aff. Posting  |   |  |   |
|              | Status Rpt    |   |  |   |
| ✓            | UCCJEA        |   |  |   |
|              | Citation      |   |  |   |
|              | FTB Notice    |   |  |   |

Mother: **LAURA MAGDELENO** – personally served on 9/24/12.

Paternal grandfather: Oscar San Miguel  
 Maternal grandfather: unknown – Declaration of Due Diligence filed on 9/18/12.  
 Maternal grandmother: Rosa Urbina

**Petitioner states** the minor has resided most of his life with her. He feels safe in Petitioner's care. The minor's mother would pick him up for visitation and bring him back. The minor told Petitioner's brother that while he was visiting his mother the maternal grandmother was verbally and physically abusive toward him and that his mother failed to protect him. Now that the father is incarcerated Petitioner fears the mother will pick up the child and not return him.

**Court Investigator Samantha Henson's Report filed on 11/7/12.**

Reviewed by: KT  
 Reviewed on: 11/9/12  
 Updates:  
 Recommendation:  
 File 13 - Miguel

|                 |   |  |   |
|-----------------|---|--|---|
| Kevin: 6 years  | <p><b>TEMPORARY EXPIRES 11-14-12</b></p> <p><b>MARIA MEJIA</b>, maternal grandmother, is petitioner.</p> <p>Father (Kevin): <b>JOSE TRINIDAD AVILA</b><br/>- personally served on 9/21/12</p> <p>Father (Hanna): <b>UNKNOWN</b></p> <p>Father (Anthony): <b>JOSE CARDENAS</b><br/>- personally served on 9/21/12</p> <p>Mother: <b>YULISSA ELIZABETH PALACIOS</b><br/>- personally served on 9/21/12</p> <p>Paternal grandfather (Kevin): Juan Avila (Deceased)<br/>Paternal grandmother (Kevin): Liduvina Cortez</p> <p>Paternal grandparents (Hanna): Unknown</p> <p>Paternal grandfather (Anthony): Mr. Cardenas (Deceased)</p> <p>Paternal grandmother (Anthony): Berta Escandon</p> <p>Maternal grandfather: Alex Antonio Palacios (Honduras)</p> <p><b>Petitioner states</b> the mother is abusing drugs. Kevin's father agreed to allow his son to stay with her, Hanna's father is unknown, and Anthony's father is abusing drugs and homeless. The mother is in a relationship with Anthony's father, who is abusive towards her. CPS told Petitioner not to have him near the children.</p> <p><b>Court Investigator Jo Ann Morris filed a report on 11-8-12.</b></p> | <p><b>NEEDS/PROBLEMS/COMMENTS:</b></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:</p> <ul style="list-style-type: none"> <li>- Hanna's father and paternal grandparents (unknown)</li> <li>- Liduvina Cortez (Kevin's paternal grandmother)</li> <li>- Berta Escandon (Anthony's paternal grandmother)</li> <li>- Alex Antonio Palacios (maternal grandfather)</li> </ul> <p><i>(Note: "Juan Cano" was personally served; however, this person is not listed as a relative. The Court may require clarification.)</i></p> |   |
| Hanna: 2 yrs    |   |  |   |
| Anthony: 11 mo. |   |  |   |
|                 |   |  |   |
|                 |   |  |   |
| Aff.Sub.Wit.    |   |  |   |
| ✓ Verified      |   |  |   |
| Inventory       |   |  |   |
| PTC             |   |  |   |
| Not.Cred.       |   |  |   |
| ✓ Notice of Hrg |   |  |   |
| Aff.Mail        |   |  | X |
| 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: 11-9-12

Updates:

Recommendation:

**File 14 – Avila-Palacios & Cardenas-Palacios**

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

|                 |  |  |   |
|-----------------|--|--|---|
| Age: 3 years    | <p align="center"><b><u>NO TEMPORARY IN PLACE;</u></b><br/><b><u>TEMPORARY DENIED ON 10/18/12</u></b></p> <p><b>MONIQUE IRENE BLANCO</b>, maternal grandmother, is petitioner.</p> <p>Father: <b>MANUEL SERVIN</b> – personally served on 10/6/12.</p> <p>Mother: <b>JOSEPHINE CANEL</b> – personally served on 10/6/12.</p> <p>Paternal grandparents: Unknown<br/>         Maternal grandfather: Robert Canel, Sr.</p> <p><b>Petitioner alleges:</b> The father, Manuel Servin, has been an absent parent. Petitioner has been the sole provider for Lailene. CPS didn't do a full investigative report. They just keep saying because he is the biological father, he can have custody of Lailene. Where was he when Lailene was an infant and needed formula and clothing, Pampers and health insurance? CPS can't just give Lailene to him (Manuel Servin) and say here take her she is your daughter.</p> <p><b>Court Investigator Jennifer Daniel filed a report on 11/07/12.</b></p> <p align="center"><b>Continued on Page 2</b></p> | <p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> Consent &amp; Waiver of Notice <u>or</u> Declaration of Due Diligence for:</p> <ul style="list-style-type: none"> <li>- Paternal grandparents</li> <li>- Robert Canel, Sr. (maternal grandfather)</li> </ul> |   |
| Cont. from      |  |  |   |
| Aff.Sub.Wit.    |  |  |   |
| ✓ Verified      |  |  |   |
| Inventory       |  |  |   |
| PTC             |  |  |   |
| Not.Cred.       |  |  |   |
| ✓ Notice of Hrg |  |  |   |
| Aff.Mail        |  |  | x |
| Aff.Pub.        |  |  |   |
| Sp.Ntc.         |  |  |   |
| ✓ Pers.Serv.    |  |  |   |
| ✓ Conf. Screen  |  |  |   |
| ✓ Letters       |  |  |   |
| ✓ Duties/Supp   |  |  |   |
| Objections      |  |  |   |
| Video Receipt   |  |  |   |
| ✓ CI Report     |  |  |   |
| 9202            |  |  |   |
| ✓ Order         |  |  |   |
| Aff. Posting    |  |  |   |
| Status Rpt      |  |  |   |
| ✓ UCCJEA        |  |  |   |
| Citation        |  |  |   |
| FTB Notice      |  |  |   |
|                 |  | Reviewed by: JF  |   |
|                 |  | Reviewed on: 11/08/12  |   |
|                 |  | Updates: 11/09/12  |   |
|                 |  | Recommendation:  |   |
|                 |  | File 15 - Servin   |   |

**Objection to Guardianship filed 11/09/12 by father, Manuel Servin** states: he is the biological father of Lailene. CPS placed Lailene in his custody on 09/27/12 due to the arrest of her mother. Mr. Servin states that he currently has sole legal and physical custody of Lailene, having been granted such on 10/23/12 by the Family Law Court. Mr. Servin states that he objects to the guardianship petition of Ms. Blanco based on the fact that he is currently providing a safe and stable home environment for her and is ensuring her safety and well-being. Further, Mr. Servin states that Ms. Blanco is not entitled to appointment as guardian of Lailene in preference to his right to custody as her natural father. He further states that Ms. Blanco has established no facts that parental custody would be detrimental to Lailene. He therefore prays that the guardianship petition is denied.

**Declaration of Manuel Servin filed 11/09/12** states:

1. At the hearing on the temporary guardianship petition on 10/18/12, the court suggested that visitation with Ms. Blanco be arranged.
2. On October 30, 2012, Ms. Blanco was notified that she could have periodic visitations with Lailene starting 11/01/12.
3. The first visit occurred on 11/01/12, Mr. Servin provided the transportation to and from the visit at Ms. Blanco's home.
4. When Mr. Servin picked up Lailene after the visit, she mentioned that she saw her half-sister, Love, and spoke to her mother on the phone, which is a concern since CPS does not want Lailene to have any contact with her mother.
5. On 11/04/12 contact was made to Ms. Blanco regarding a visit. Ms. Blanco informed Mr. Servin that her father (Lailene's great-grandfather) would meet Mr. Servin at a store around the corner from Ms. Blanco's home to get Lailene. During the exchange, Ms. Blanco's father stated that he had some errands to run and that Ms. Blanco had school that night, which led Mr. Servin to believe that Ms. Blanco was not going to see Lailene during the visit. Mr. Servin was also advised to pick up Lailene at the same location.
6. Mr. Servin does not know why he was not allowed to pick up and drop off Lailene at Ms. Blanco's home, nor whether Ms. Blanco was home during the visit.
7. Mr. Servin states that he is agreeable to allow Ms. Blanco to continue to have visits with Lailene as long as the exchange takes place at Ms. Blanco's home and she is home during the visit.
8. Mr. Servin states that he has complied with the probate court investigator and the DSS Social Worker.
9. Mr. Servin has attached a copy of a hair follicle test from June 2012, prior to his current employment, which verifies that he does not use illegal drugs.
10. Mr. Servin has also attached a copy of the contract he signed for parenting classes as recommended by the family law mediator on 10/23/12.
11. Finally, Mr. Servin prays that Ms. Blanco's petition is denied. He states that he has worked hard to show that he is a good father and can provide Lailene with a safe and stable home. He states that Lailene is adjusting well since being placed in his custody and it is in her best interest to remain in his care.

16 Micah Abney, Dennis Russell, II, and Trinity Russell (GUARD/P)

Atty Abney, Lavena (pro per – maternal grandmother/Petitioner)

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

|                |   |  |  |   |
|----------------|---|--|--|---|
| Micah, 15      | <b><u>GENERAL HEARING 11/14/12</u></b>  |  | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br>1. Need <i>Notice of Hearing</i> .<br>2. Need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardian of the Person</i> or <i>Consent &amp; Waiver of Notice</i> or <i>Declaration of Due Diligence</i> for:<br>- Father(s) (Names not provided)<br>- Denise Pultz (mother)<br>3. Confidential Guardian Screening Form is not marked at item #9 regarding: Have you, or has any other person living in your home, habitually used any illegal substances or abused alcohol? |   |
| Dennis, 12     | LAVENA ABNEY, maternal grandmother, is Petitioner.  |  |  |   |
| Trinity, 9     | Father: <b>NOT STATED</b>   |  |  |   |
| Cont. from     | Mother: <b>DENISE PULTZ</b>   |  |  |   |
| Aff.Sub.Wit.   | Paternal grandparents: NOT STATED   |  |  |   |
| ✓ Verified     | Maternal grandfather: NEAL PULTZ  |  |  |   |
| Inventory      | <b>Petitioner alleges</b> that the children's mother has not been around and when she is around she does not help care for them. Mother has nowhere to take the children. Petitioner states that she has been the one that makes sure they go to school and she attends the parent/teacher conferences because the mother is not around. On 10/30/12 the mother picked up Dennis and Petitioner had to contact the police. The mother eventually dropped Dennis at his friend's house because she didn't want him to sleep on the streets with her. |  |  |   |
| PTC            |   |  |  |   |
| Not.Cred.      |   |  |  |   |
| Notice of Hrg  |   |  |  | x |
| Aff.Mail       |   |  |  |   |
| Aff.Pub.       |   |  |  |   |
| Sp.Ntc.        |   |  |  |   |
| Pers.Serv.     |   |  |  | x |
| ✓ Conf. Screen |   |  |  |   |
| ✓ Letters      |   |  |  |   |
| ✓ Duties/Supp  |   |  |  |   |
| Objections     |   |  |  |   |
| Video Receipt  |   |  |  |   |
| CI Report      |   |  |  |   |
| 9202           |   |  |  |   |
| ✓ Order        |   |  |  |   |
| Aff. Posting   |   |  |  |   |
| Status Rpt     |   |  |  |   |
| ✓ UCCJEA       |   |  |  |   |
| Citation       |   |  |  |   |
| FTB Notice     |   |  |  |   |
|                |   |  | Reviewed by: JF  |   |
|                |   |  | Reviewed on: 11/09/12  |   |
|                |   |  | Updates:   |   |
|                |   |  | Recommendation:  |   |
|                |   |  | File 16 – Abney & Russell  |   |