

Second Report and Account of Trustee; Petition for Its Settlement and Allowance of Attorney's Fees [Prob. C. 1060, 1062, 17200(5)]

Age: 10	MARIA ALVAREZ-GARCIA , Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. There is no provision for waiver of accountings for Special Needs Trusts. The Court may require further accountings pursuant to Probate Code §3604, Cal. Rules of Court 7.903(b) and (c)(6). 2. Need order.
	Account period: 10-18-11 through 8-16-13	
	Accounting: \$167,809.04	
	Beginning POH: \$142,460.82	
	Ending POH: \$184,205.54	
	(\$152,381.96 cash plus vehicle)	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Conservator: Not requested	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC	Attorney: \$3,735.00 plus costs of \$435.00 (Total \$4,170.00)	
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Petitioner requests that further reports and accounts be waived since the trust funds are invested in a blocked account, the monthly annuity payments of \$1,151.00 are made directly to this account, and funds may not be withdrawn without prior court order. The trustee is not receiving any trustee fees.	
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections	Petitioner prays for an order:	
<input type="checkbox"/> Video Receipt	1. Settling, allowing, and approving this Second Report and Account;	
<input type="checkbox"/> CI Report	2. Ratifying and approving all acts and transactions of the Trustee as set forth in this Second Report and Account;	
<input type="checkbox"/> 9202	3. Authorizing payment of the attorney fees and costs from the blocked account;	
<input type="checkbox"/> Order	4. Waiving all future accountings required under Probate Code §§ 1060 and 2620 provided the funds are held in a blocked account and annuity payments are directly deposited to blocked account;	
<input type="checkbox"/> Aff. Posting	5. Such further order be made as the Court considers proper.	
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: skc
		Reviewed on: 11-7-13
		Updates:
		Recommendation:
		File 1 – Carbajal

3 Glenice N. Millan aka Glenice Millan aka Naoma Glenice Millan (Def Succ)

Case No. 13CEPR00888

Atty Markeson, Thomas A. (for Gail L. Lindstrom – daughter/Petitioner)

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

DOD: 05/17/13	GAIL L. LINDSTROM , daughter, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	40 days since DOD.	
Cont. from	No other proceedings.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	I & A - \$97,750	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Will dated 03/01/08 devises entire estate to Gail L. Lindstrom	
<input checked="" type="checkbox"/> Notice of Hrg	Petitioner requests Court confirmation	
<input checked="" type="checkbox"/> Aff.Mail w/	that Decedent's 100% interest in real property located at 4323 N. Archie, Fresno, miscellaneous personal property, and a vehicle pass to her pursuant to decedent's will.	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 11/07/13
		Updates:
		Recommendation: SUBMITTED
		File 3 – Millan

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

DOD: 07/21/13	ALEX LIA LEE and JOHN CHANG LEE, sons, are Petitioners.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. The Petition is not marked at item 9(a)(7) or (8) regarding issue of a predeceased child.</p>
	40 days since DOD	
	No other proceedings	
Cont. from	I & A - \$123,713.35	
<input type="checkbox"/> Aff.Sub.Wit.	Decedent died intestate	
<input checked="" type="checkbox"/> Verified	Petitioners request Court determination that decedent's 100% interest in real property located at 1995 W. Donner, Fresno and a bank account pass to them pursuant to intestate succession.	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail w/		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed on: 11/07/13
		Updates:
		Recommendation:
		File 5 – Lee

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

DOD: 08/22/13	MARK SMITH , surviving spouse, is Petitioner and requests appointment as Administrator without bond.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. The Petition is not marked at item 5(a)(7) or (8) regarding issue of a predeceased child.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Friday, 04/11/14 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Friday, 01/09/15 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter, the status hearing will come off calendar and no appearance will be required</p>
	Full IAEA – OK	
Cont. from	Decedent died intestate	
<input type="checkbox"/> Aff.Sub.Wit.	Residence: Fresno	
<input checked="" type="checkbox"/> Verified	Publication: The Business Journal	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Estimated Value of the Estate: Real property - \$100,000.00	
<input checked="" type="checkbox"/> Aff.Mail w/	Probate Referee: RICK SMITH	
<input checked="" 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 checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 11/07/13
		Updates:
		Recommendation:
		File 6 – Smith

Status Hearing Re: Filing of the Third Account

Age:		NEEDS/PROBLEMS/COMMENTS: <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p>Third and Final Account was settled on 7-16-12.</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: 11-7-13
		Updates:
		Recommendation:
		File 7 – Schmidt

	JENNIFER SANCHEZ , Maternal Aunt, was appointed Guardian of the Estate on 3-6-13 without bond, funds blocked.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Final I&A.</p>
	The petition originally anticipated receipt	
Cont. from 101013		
Aff.Sub.Wit.	I&A Partial No. 1 was filed 4-18-13 consisting of personal property valued at \$17,255.00.	
Verified		
Inventory	I&A Partial No. 2 was filed 8-26-13 consisting of CalSTRS proceeds of \$5,955.33.	
PTC		
Not.Cred.	A Final I&A has not yet been filed.	
Notice of Hrg	Notice of Taking Possession or Control of an Asset of Minor was filed 6-24-13 at the request of the insurance company.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	A Status Hearing Report filed 9-3-13 states Ms. Sanchez has received two checks from CalSTRS, which include retroactive benefits, which checks have been deposited to the blocked guardianship estate account. Receipt attached as Exhibit B.	
Conf. Screen		
Letters	Ms. Sanchez has been awaiting funds from the mother's life insurance policy with Great American Life Ins. Company, which will be deposited to blocked account upon receipt. The report requested 45 days.	
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting	On 9-5-13, the Court reset the status hearings scheduled for 9-6-13 to 10-10-13 pursuant to request.	
Status Rpt		
UCCJEA		
Citation	On 10-10-13, this status hearing was continued to 11-14-13	
FTB Notice	As of 11-7-13, nothing further has been filed.	
		Reviewed on: 11-7-13
		Updates:
		Recommendation:
		File 8 - Navarro

Age: 16	NO TEMP REQUESTED	NEEDS/PROBLEMS/COMMENTS:
	RONALD MANLEY and KAREN MANLEY , Paternal Uncle and Aunt, are Petitioners.	
	Father: DONALD MANLEY (Deceased) Mother: LESLIE SMITH - <i>Personally served 9-17-13</i>	
<input type="checkbox"/> Aff.Sub.Wit.	Paternal Grandfather: Deceased Paternal Grandmother: Deceased	
<input checked="" type="checkbox"/> Verified	Maternal Grandfather: Larry Smith - <i>Mailed service 9-19-13</i>	
<input type="checkbox"/> Inventory	Maternal Grandmother: Judy Smith - <i>Mailed service 9-19-13</i>	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.		
<input checked="" type="checkbox"/> Conf. Screen	Petitioners state they originally petitioned for guardianship of Noah in 2009 because the father, who was the custodial parent, had passed away, and the mother had a drinking problem. After the petition was filed, the mother began working on the problem, a visitation plan was adopted, and Petitioners suspended their guardianship request. However, the problems have continued, and the mother is not capable of parenting Noah. She does not discipline him, set rules, or hold him accountable for defiant behavior. She buys him cigarettes and allows him to smoke marijuana. She knows he is out of control, but will not do anything because she doesn't want him to have a police record. She prefers to be his friend rather than his parent. Petitioners provide 81 pages of Noah's "tweets" containing references to selling drugs.	
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input checked="" type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> Clearances		
<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	Petitioners describe an incident from January 2013 when Noah called Petitioners at 1am and stated his mother had kicked him out of the house and could they come get him. Petitioners went there and attempted to speak with her, and observed Noah's room to be filthy with scraps of food, a bong, an empty bottle of Jack Daniels, and smelled of pot. Noah spent a couple of days with Petitioners. Petitioners also state Noah's school attendance is problematic.	
	Petitioners have maintained an extensive log reflecting various inappropriate incidents. Petitioners request that Noah be placed under their custody and control.	
	<u>SEE ADDITIONAL PAGES</u>	
		Reviewed by: skc
		Reviewed on: 11-8-13
		Updates:
		Recommendation:
		File 9 – Manley

Page 2

Leslie Smith, Mother, filed objections on 10-24-13. Mother states the petition lacks any specific allegation regarding actions she has taken or neglected to take for the benefit of her son. Further, Petitioners neglect to point out that they have seen her twice in the last four years. The allegations are empty. Ms. Smith states she is a long time school teacher who lives in Fresno and commutes to Lemoore every day without incident. The DUI they refer to occurred over 22 years ago. Petitioners also neglect to point out that over the past 2 years they have failed to exercise any significant visitation with Noah despite the agreement that they could do so. With limited knowledge, they nevertheless allege that Noah is out of control. Noah is an incredibly articulate, intelligent young man performing adequately if not well in school. His grades are As and Bs. While he has experimented with alcohol and marijuana, the problem is not excessive, and he is disciplined for this use. Ms. Smith states she does not allow him to consume alcohol or marijuana. Noah continues to see his counselor on a regular basis. Most importantly, Noah has no desire to reside with Petitioners. He is well taken care of and guardianship is neither advisable nor appropriate.

Ms. Smith requests the guardianship action be dismissed in its entirety and that Petitioners be compelled to pay costs, including attorney's fees, in responding to this frivolous motion. Points and Authorities provided.

DSS Social Worker Irma Ramirez filed a report on 11-7-13.

Court Investigator Samantha Henson filed a report on 11-7-13.

Atty Enriquez, Eloise (pro per Guardian/maternal grandmother)
 Atty Re, Terry (pro per Petitioner/father)

Petition to Termination of Guardianship

Age: 14 years		<p>TERRY RE, father of Joaquin Re, is petitioner.</p> <p>ELOISE ENRIQUEZ, maternal grandmother, was appointed as guardian on 8/25/2010. Eloise Enriquez <i>consents and waives notice</i>.</p> <p>Mother: DONNA JEAN KENNEDY</p> <p>Paternal grandparents: Deceased. Maternal grandfather: Ernest Salazar</p> <p>Petitioner states he is the father. He is no longer incarcerated and have maintained his changed lifestyle for over 2 years. He wants nothing more than to have permanent custody of his son.</p> <p>Court Investigator Jennifer Young's Report filed on 11/7/2013.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>This petition is as to JOAQUIN RE only.</u> (Note: Felix is now 20 and Miranda is age 18 therefore are no longer under a guardianship)</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing on: <ol style="list-style-type: none"> a. Joaquin Re (minor) b. Donna Jean Kennedy (mother) c. Ernest Salazar (maternal grandfather) <p>Note: If the petition is granted and the guardianship of Joaquin Re is terminated will need amended Letters (signed by the guardian) for the remaining child (Marcus, age 16). If the current guardian is in court she should be instructed to report to the probate department to sign the amended Letters.</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 X		
<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 checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: KT	
		Reviewed on: 11/8/2013	
		Updates:	
		Recommendation:	
		File 10 – Mansanalez	

11 Anna Valdez, Roselinda Valdez, Kailena Valdez, Juan Valdez, Samantha Valdez,
Nikkia Alvarado (GUARD/P) Case No. 13CEPR00557

Pro Per Valdez, Alexandra (Pro Per Petitioner, Paternal Aunt)

Pro Per Camacho, Janie (Pro Per Petitioner, Paternal Grandmother)

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

Nikkia: 9 yrs	<p>TEMPORARY EXPIRES 08/26/2013; Extended to 11/14/2013</p> <p>(Temporary extended for all children, to Petitioner Alexandra Valdez only)</p> <p>ALEXANDRA VALDEZ, paternal aunt, and JANIE CAMACHO, paternal grandmother, are Petitioners.</p> <p>Father: JUAN A. VALDEZ Father (of Nikkia): Unknown</p> <p>Mother: NIA ALVARADO</p> <p>Paternal Grandfather: Alberto Camacho Paternal Grandparents (of Nikkia): Unknown Maternal Grandparents: Unknown; <i>Declaration of Due Diligence filed 6/24/2013.</i></p> <p>Petitioners state the children were at risk of being removed by CPS, and Petitioners want the children to be in a familiar environment with their family and would like that the siblings not be separated from each other. Petitioners state the mother was an inappropriate person who allowed many people to witness her mistreating the children.</p> <p>Court Investigator Jennifer Daniel's Report was filed 8/19/2013.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 8/26/2013. <i>Minute Order</i> states the Court is informed that there is Indian ancestry. An ICWA packet is provided to the Petitioner [Alexandra Valdez.] The Petitioner informs that the Court that she no longer wishes to pursue the guardianship as to Nikkia. The Court indicates to the Petitioner that based on the information provided it is not taking any action as to any of the children. The matter is continued to 11/14/2013. The temporary is extended to 11/14/2013. The Court orders that CPS be advised about Nikkia as well as the other children.</p> <p>Note: <i>Child Information Attachments</i> indicate the children have Chumash Indian ancestry. Court served the <i>Notice of Child Custody Proceeding for Indian Child</i> on 11/7/2013. (<i>Child Information Attachment</i> was not submitted by Petitioners for NIKKIA ALVARADO based upon their not pursuing guardianship of her.) Continuance of this matter is necessary to allow time for the ICWA notices to be received and the Court notified by return receipts. ~Please see additional page~</p>	
Anna: 7 yrs			
Roselinda: 13 yrs			
Kailena: 4 yrs			
Juan: 3 yrs			
Samantha: 1yr			
Conf. from 082613			
<input checked="" type="checkbox"/> Verified			
Inventory			
<input checked="" type="checkbox"/> ICWA			
Not.Cred.			
Notice of Hrg			X
Aff.Mail			X
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.	X		
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
Objections			
Video Receipt			
<input checked="" type="checkbox"/> CI Report			
<input checked="" type="checkbox"/> Clearances			
<input checked="" type="checkbox"/> Order			
Aff. Posting			
Status Rpt			
<input checked="" type="checkbox"/> UCCJEA			
Citation			
FTB Notice			
		Reviewed by: LEG	
		Reviewed on: 11/7/2013	
		Updates:	
		Recommendation:	
		File 11 – Valdez & Alvarado	

Additional Page 11

Anna Valdez, Roselinda Valdez, Kailena Valdez, Juan Valdez, Samantha Valdez, Nikkia Alvarado (GUARD/P)

Case No. 13CEPR00557

NEEDS/PROBLEMS/COMMENTS, continued:

The following issues from the last hearing remain:

1. Need *Notice of Hearing* and proof of personal service five (5) days prior to the hearing of the *Notice of Hearing* along with a copy of the *Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence* for:
 - Nia Alvarado, mother;
 - Juan Valdez, father of Anna, Roselinda, Kailena, Juan Jr. and Samantha Valdez.
2. Need proof of service by mail of the *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence*, for:
 - Alberto Camacho, paternal grandfather.

Dept. 303, 9:00 a.m. Thursday, November 14, 2013

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

Age: 4 months		<u>TEMPORARY EXPIRES 11/14/2013</u>		NEEDS/PROBLEMS/COMMENTS:	
		CLARA CARDENAS, maternal grandmother, is petitioner.		<p>Minute Order of 10/03/2013: The Court is informed that the father is in custody. The Petitioner is advised that the father will need to be personally served. The Court on its own motion grants a temporary guardianship in favor of Clara Cardenas.</p> <p>The following issues still remain:</p> <ol style="list-style-type: none"> 1. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Daniel Thomas Lake (Father) 2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Paternal Grandparents 	
Cont. from 100313		Father: DANIEL THOMAS LAKE			
<input type="checkbox"/>	Aff.Sub.Wit.	Mother: JESSICA CARDENAS, served in person on 08/27/2013			
<input checked="" type="checkbox"/>	Verified	Paternal Grandparents: Unknown			
<input type="checkbox"/>	Inventory	Maternal Grandfather: Martin Cardenas, served by mail on 08/10/2013			
<input type="checkbox"/>	PTC	Petitioner states: minor child was born drug exposed to methamphetamine. The mother has been diagnosed with Schizophrenia/Bi Polar disorder. The mother is now unable to care for the baby. The father is incarcerated and unable to care for the child. The guardianship is necessary for the petitioner to give consent for medical care.			
<input type="checkbox"/>	Not.Cred.	Attached to the petition is a copy of the Case Staffing from Department of Children and Family Services.			
<input checked="" type="checkbox"/>	Notice of Hrg	Court Investigator Jennifer Young's report filed 09/26/2013.			
<input checked="" type="checkbox"/>	Aff.Mail				
<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: LV	
				Reviewed on: 11/07/2013	
				Updates:	
				Recommendation:	
				File 12 – Lake	

Atty Piombino, Cynthia (pro per Petitioner/paternal grandmother)

Atty Jaurique, George Danny (pro per Petitioner/paternal grandfather)

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

Destiana age: 11	<p style="text-align: center;">THERE IS NO TEMPORARY. No temporary was requested.</p> <p>GEORGE DANNY JAURIQUE and CYNTHIA PIOMBINO, paternal grandparents, are petitioners.</p> <p>Father: TEMUJINE JAURIQUE</p> <p>Mother: LISA MARCELLI</p> <p>Maternal grandfather: Don Marcelli Maternal grandmother: Susan Marcelli</p> <p>Petitioners state father and mother are abusing drugs and are not providing a safe environment. DSS recommended a safety plan for the children. Petitioners are the grandparents and want what is best for the children.</p> <p>Court Investigator Julie Negrete's Report filed on 11/7/13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of the Notice of Hearing along with a copy of the petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> a. Temujine Jaurique (father) b. Lisa Marcelli (mother) 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. Don Marcelli (maternal grandfather) b. Susan Marcelli (maternal grandmother) 4. Court Investigator reports that according to Petitioner, George Jaurique the children do have American Indian Ancestry. The Petition indicates that the children do not have American Indian Ancestry. If the children have American Indian Ancestry then Petitioners will need to return the completed copy of the <i>Notice of Child Custody Proceeding for Indian Child</i> (blank copy provided to petitioner by the CI) to the probate clerk and the matter will need to be continued for an additional 75 days for notice to the tribes. 	
Denicio age: 10			
Alyssa age: 9			
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input type="checkbox"/> Notice of Hrg			X
<input type="checkbox"/> Aff.Mail			X
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			X
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input 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			
		<p>Reviewed by: KT</p> <p>Reviewed on: 11/8/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13 – Juarique</p>	

14 Laura B Sutton (CONS/PE)
 Atty Kruthers, Heather H. (for Public Guardian – Temporary Conservator)
 Atty Kifer, Robyn (pro per – sister/Petitioner)
 Atty Istanbulian, Flora (Court Appointed for Conservatee)

Case No. 13CEPR00903

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

Age: 52	<p style="text-align: center;"><u>TEMPORARY EXPIRES 11/14/13</u> <u>PUBLIC GUARDIAN APPOINTED TEMPORARY</u> <u>CONSERVATOR ON 10/23/13</u></p> <p>ROBIN KIFER, sister, is Petitioner and requests appointment as Conservator of the Person with medical consent powers and as Conservator of the Estate (bond not addressed).</p> <p>Estimated value of the Estate: <i>not stated</i></p> <p>Petitioner states she feels the proposed Conservatee should not be living alone in her condition as she has mental illness that has taken a toll on her life since she was a child. Petitioner states the proposed Conservatee has been under 5150 holds, has Obsessive Compulsive Disorder, is a hoarder, and is an alcoholic. Petitioner states the proposed Conservatee is behind on her house payments and her job with the Postal Service is in jeopardy due to her strong craving for alcohol and prescription drugs, and she has had an eating disorder for over 35 years. Petitioner states the proposed Conservatee is deaf and is living in very poor conditions in her home [<i>photos filed confidentially</i>].</p> <p>Court Investigator Dina Calvillo filed a report on 11/12/13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Court Investigator advised rights on 11/05/13</u></p> <p>1. Need proof of service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Conservator of the Person and Estate</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for:</p> <ul style="list-style-type: none"> a. Earl V. Waits (father) b. Diane Waits (mother) c. Don K. Waits (brother) d. Any other relatives within the second degree <p>*It is noted that a proof of service by mail was filed 10/23/13 indicating that Earl & Don Waits were served with a Notice of Hearing on the Temporary Conservatorship. No proof of service has been filed regarding the general hearing on 11/14/13.</p>	
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			x
Aff.Mail			x
Aff.Pub.			
Sp.Ntc.			
✓ Pers.Serv.			
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
✓ Video Receipt			
✓ CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
✓ Citation			
FTB Notice			
<p>Reviewed by: JF</p> <p>Reviewed on: 11/13/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 14 – Sutton</p>			

Statement of Public Administrators Disposition of Property and Request for Discharge

DOD: 7-23-08	PUBLIC ADMINISTRATOR is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> This matter was required to be set for noticed hearing due to Request for Special Notice filed 9-8-11 by CA Dept. of Health Care Services.	
	Petitioner was appointed as personal representative of the decedent's estate pursuant to summary proceedings under Probate Code §7660 on 7-11-11.		
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified	Accounting: \$50,000.00		
<input type="checkbox"/> Inventory	Beginning POH: \$50,000.00		
<input type="checkbox"/> PTC	Ending POH: \$0.00		
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg	Public Administrator (Statutory): \$1,440.00		
<input checked="" type="checkbox"/> Aff.Mail	Bond fee: \$112.50		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.	All fees and commissions were paid, and receipts filed therefor. The residue was paid to the State of California as partial payment of its claim. That receipt was filed 9-26-13.		
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp	Petitioner states all property of the estate has now been liquidated and the Public Administrator requests the estate be settled and closed and the Public Administrator be discharged.		
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
			Reviewed by: skc
			Reviewed on: 11-7-13
		Updates:	
		Recommendation:	
		File 16 – Aydelott	

Motion of Proposed Conservatee, Ellard V. Youngberg, for Reconsideration of Court's 10-25-13, Order Appointing Conservator; Memorandum of Points and Authorities; Declaration of Edward L. Fanucchi filed on 10/30/2013 states:

- Movant Ellard Youngberg moves the Court for an order reconsidering its 10/25/2013 Order Appointing Conservator and issuing a new and different ruling based upon the Court's consideration of the report of **HOWARD B. TERRELL, M.D.**, and on Dr. Terrell's opinions regarding the mental state and need of Ellard Youngberg for appointment of a conservator;
- The *Motion* is made pursuant to Code of Civil Procedure § 1008(a) and on the ground that new or different facts or circumstances exist in that Dr. Terrell's opinion, after examination of Ellard Youngberg, is that it is not necessary or appropriate to appoint a conservator of the person and estate of Ellard Youngberg, and said new or difference facts or circumstances could not have been presented earlier because Dr. Terrell's opinions had not yet been reduced to formal report as of 10/25/2013, and the attorney for Ellard Youngberg, **MICHAEL MAHONEY**, who attended the 10/25/2013 hearing whereat the subject order was made was unaware of Dr. Terrell's opinions at the time of the hearing;
- The *Motion* is based on the *Memorandum of Points and Authorities; Declaration of Edward L. Fanucchi*; the complete files and records of this proceedings, and upon such other and further evidence and argument as may be submitted to the Court prior to or at the hearing on this motion.

Declaration of Edward L. Fanucchi in Support of Motion of Proposed Conservatee, Ellard Youngberg, for Reconsideration of Court's 10/25/2013 Order Appointing Conservator states:

- The relief requested by Mr. Youngberg by way of the instant Motion is that the Court give due consideration to the report of Howard B. Terrell, M.D., the psychiatrist who evaluated Mr. Youngberg, and in particular, Dr. Terrell's professional opinion after examination of Mr. Youngberg that Mr. Youngberg does not require the appointment of a conservator for his person or his estate;
- Dr. Terrell's report and opinion has not yet been reduced to a formal writing by Dr. Terrell and therefore, was not available at the time of the Court's 10/25/2013 Order Appointing Conservator;
- He learned of Dr. Terrell's opinion during a conversation with him after the examination of Mr. Youngberg on 10/23/2013;
- He had a conflict and was unable to attend the 10/25/2013 hearing himself; as he was operating under the belief that the 10/25/2013 proceeding was merely a status hearing, and not a hearing where the relief sought by the Petitioner's petition might be granted, he sent his associate, Michael Mahoney, to the 10/25/2013 hearing, but he did not inform him of Dr. Terrell's opinion concerning Mr. Youngberg's mental state or lack of need for a conservator; therefore, Mr. Mahoney was not able to convey that information to the Court during the 10/25/2013 hearing;
- Mr. Youngberg will suffer prejudicial and irreparable harm if the Court's order of 10/25/2013 appointing Conservator is not reconsidered in light of Dr. Terrell's report and opinions, and is allowed to stand merely upon the evidence presented by the Petitioner, because appointment of a conservator for Mr. Youngberg without consideration of this evidence supporting the existence of Mr. Youngberg's autonomy and ability to make his own decisions will constitute a denial of Mr. Youngberg's right to due process.

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Memorandum of Points and Authorities in Support of Motion of Proposed Conservatee, Ellard Youngberg, for Reconsideration of Court's 10/25/2013 Order Appointing Conservator states:

- **Standard of decision:** A party moving for reconsideration must demonstrate the existence of new or different facts, circumstances or law and an explanation of why those new or different matters were not submitted for the Court's consideration earlier; Code of Civil Procedure § 1008(a);
- **Standard for reconsideration is satisfied in this proceeding:** The proposed Conservatee, Ellard Youngberg, has been evaluated by psychiatrist Howard Terrell, M.D., pursuant to the Court's order; Dr. Terrell is of the opinion that Mr. Youngberg does not require the appointment of a conservator for his person or his estate; Dr. Terrell's opinion could not be presented to the Court at the time of its 10/25/2013 Order Appointing Conservator because Dr. Terrell's report had not been reduced to a formal writing and the attorney who appeared at the 10/25/2013 hearing was unaware of Dr. Terrell's opinion; thus the Court's order appointing the Petitioner, Carol Wertheim, as the Conservator for Mr. Youngberg was based upon incomplete evidence and that order should be reconsidered by the Court in light of the opinion of the expert, who per the Court's order, evaluated Mr. Youngberg and arrived at the opinion that Mr. Youngberg does not need a conservator.
- **Conclusion:** The opinion of the expert psychiatrist who examined Mr. Youngberg at the Court's direction is absolutely necessary and vital for the Court to assimilate and take into account when it renders a decision as important and life-changing as whether or not Mr. Youngberg requires a conservator of his person or estate; since that opinion was not in a proper form to be delivered to the Court on 10/25/2013, and was unknown to the attorney who appeared at what he understood to be merely a status hearing, obviously that opinion was not part of the Court's analysis or decision-making process and reconsideration of the Court's 10/25/2013 Order Appointing Conservator, in light of Dr. Terrell's opinion, is appropriate and necessary to ensure that the best interests and due process rights of Mr. Youngberg are protected;

Mr. Youngberg respectfully requests the Court grant the instant Motion and reconsider its 10/25/2013 Order Appointing Conservator in light of Dr. Terrell's report and opinions.

Note: Declaration of Edward Fanucchi in Support of the Application for Order Shortening Time for Service of Notice of Motion, etc.; (which was granted on 11/5/2013 and set the hearing on 11/14/2013), contains the following documents attached that are not incorporated by reference into the instant Motion for Reconsideration, but are nonetheless briefly summarized in these notes to provide the Court with the information to consider with the instant Motion:

- **Copy of Capacity Declaration completed by HOWARD B. TERRELL, M.D. dated 10/30/2013;** indicates proposed Conservatee has the capacity to give informed consent to any form of medical treatment, and does not have dementia.

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Documents attached to Application for Order Shortening Time, continued:

- **Declaration of Donna Friedenberg, R.N, Residential Care Director [at Sierra View Homes, Mr. Youngberg's facility], in Support of Motion of Proposed Conservatee for Reconsideration of Court's 10/25/2013 Order Appointing Conservator;** states Mr. Youngberg came to her office noticeably upset and evidencing signs of panic, and told her he needed help and that somebody had to be with him in the room where his daughter had arrived; when Ms. Friedenberg arrived in Mr. Youngberg's room, she found Carol Wertheim who promptly told her that she had plugged in a telephone which Dan Fry was supposed to have put in months ago; she told Ms. Wertheim that Dan did buy Mr. Youngberg a telephone for his room, but Mr. Youngberg refused to have it in his room; Mr. Wertheim stated she has a court order that he is to have a telephone, and Ms. Friedenberg replied that Mr. Wertheim needed to show her a court order before she can act on it; Mr. Youngberg was up and down nervous and upset during this conversation, and Carol kept telling him to sit down; Ms. Friedenberg states she is familiar with the personality and emotional make-up of Mr. Youngberg, and based upon her acquaintance and professional relationship with Mr. Youngberg, she states that the reason Mr. Youngberg is in residential care is because of his physical weakness, not because of mental problems; Wertheim began talking about a hearing aid, and Ms. Friedenberg told her that he was recently examined and hearing aids have been ordered per what Laverne Youngberg told her; Ms. Friedenberg decided to notify the state ombudsman because the demands by Ms. Wertheim are in conflict of the desires of Mr. Youngberg, and this is heading toward elder abuse and could lead to a reportable incident by the Home to the Department of Health Care Services; the time spent in the room together was less than two hours, and during the two hours of meeting, Ms. Wertheim kept talking on and on about many things, including that Mr. Fanucchi was not competent to represent her father, and stated she needed a lawyer from the Los Angeles area to get around this "old boys school;" Ms. Friedenberg states that Mr. Youngberg has told her on several occasions that his daughter and grandson interrogate him, and he does not like it; Ms. Friedenberg states from her professional experiences and her contacts with Mr. Youngberg, he is a competent person and is not in need of a conservator.
- **Declaration of Ms. Ro Linscheid [Admission and Marketing Director at Sierra View Homes, Mr. Youngberg's facility] in Support of Motion of Proposed Conservatee for Reconsideration of Court's 10/25/2013 Order Appointing Conservator;** states she has come to know Mr. Youngberg quite well as to his choices, his wishes, his personality, and his interests; on 10/25/2013 at ~4:30 p.m., Carol Wertheim came to Ms. Linscheid's office and spent ~1 and ½ hour going from one subject to another about her position with regard to the care of her father; Ms. Wertheim stated she needed to be an advocate for her father, and that his wife, Laverne, and stepson, Dan Fry, were "pulling the wool over his eyes;" Ms. Wertheim stated her father needed someone to conserve his money; Ms. Wertheim stated she wanted the conservatorship to do things for her father, and to prevent Laverne and Dan Fry from controlling her father's finances; Ms. Wertheim stated she had purchased him a telephone, and Ms. Wertheim asked Ms. Linscheid to keep it, and she agreed to do so and stated there would be no change in his wishes to not have a telephone in his room unless Sierra View Homes had a written court order that he must have a telephone in his room, even if he chooses not to have one there; Ms. Wertheim kept telling her over and over that everything she is telling her is confidential; Ms. Linscheid did most of the listening, and Ms. Wertheim did most of the talking; Mr. Youngberg has told Ms. Linscheid on several occasions that his daughter and grandson interrogate him, and he does not like it.