ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Dept. 303, 9:00 a.m. Tuesday, November 15, 2016

1 Teresa Joan O'Neill (CONS/P) Case No. 0582455

Attorney: Steven L. Shahbazian (for Conservator Mary O'Neill)

Petition for Order Confirming Transfer of Conservatorship Proceedings and Terminating Conservatorship

Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
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	Video Receipt	
	CI Report	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

MARY O'NEILL, Conservator, is petitioner.

Petitioner states on 7/19/16 the Court granted Petitioner's request to fix the Conservatee's residence outside of the state of California. Further ordering that a new conservatorship or its equivalent be commenced in Oregon within four months of the entry of the order.

Pursuant to said order, a petition was filed by the conservator in the Circuit Court of Oregon, County of Deschutes, for transfer to the conservatorship and establishment of a (statutory) guardianship for Teresa Joan O'Neill in Oregon. Order Provisionally Accepting Conservatorship from California is attached.

Under the terms of the attached order, the Oregon Circuit Court, in the County of Deschutes, shall issue its final order accepting the transfer of the conservatorship to the State of Oregon and for appointment of Petitioner as "Guardian" for Teresa Joan O'Neill upon receipt of this court's order "transferring its proceedings to Oregon and terminating the conservatorship of Teresa Joan O'Neill in California."

Wherefore, Petitioner prays for a final Order confirming transfer of this proceeding to the Oregon Circuit Court of the County of Deschutes and terminating the limited conservatorship of the person of the conservatee.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: KT

Reviewed on: 11/8/16

Updates:

Recommendation:

File 1- O'Neil

Dept. 303, 9:00 a.m. Tuesday, November 15, 2016

2 Gerald Francis Poff (CONS/PE) Case No. 09CEPR00431

Attorney: Heather H. Kruthers (for Petitioner/Conservator Public Guardian)

Fourth Account Current and Report of Conservator and Petition for Allowance of Compensation to Conservator and Attorney and for Dispensation of Further Accounts

			PUBLIC GUARDIAN, Conservator, is petitioner. Please see petition for details.	**NEEDS/PROBLEMS/COMMENTS:** 1. Petition at page 2 paragraph 4 and the order page 2 paragraph 1 both list the property on hand as $3,366.61. Summary of account, and property on hand schedule list the property on hand as $3,376.61. Examiner has interlineated the order to reflect the property on hand as $3,376.61.
Cont. from				
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	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	**Order**			
	Aff. Posting			**Reviewed by:** KT
	Status Rpt			**Reviewed on:** 11/8/16
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 2- Poff**

Dept. 303, 9:00 a.m. Tuesday, November 15, 2016

3 Diana Gutierrez Reyes & Isaak Gutierrez Reyes (GUARD/P)

Case No. 10CEPR00378

Petitioner: Evelyn G. Gutierrez (pro per)
Petitioner: Maria B. Calvillo (pro per)

Petition for Appointment of Guardian of the Person

			TEMPORARY EXPIRED ON 10/19/16 – Not extended.	**NEEDS/PROBLEMS/COMMENTS:**
			MARIA B. CALVILLO, paternal grandmother, and **EVELYN G. GUTIERREZ,** paternal aunt are petitioners.	1. Need Notice of Hearing.
Cont. from			Please see petition for details.	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: a. Roberto Gutierrez (father) b. Victoria Reyes (mother)
	Aff.Sub.Wit.			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: a. Roberto Gutierrez (paternal grandfather) b. Unknown maternal grandfather
✓	**Verified**			4. Need Confidential Guardian Screening form for Petitioner Evelyn Gutierrez.
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	Notice of Hrg	X		
	Aff.Mail	X		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	X		
✓	**Conf. Screen**	X		
✓	**Letters**			
✓	**Duties/Supp**			
	Objections			
	Video Receipt			
	CI Report	X		
	9202			
✓	**Order**			
	Aff. Posting			**Reviewed by: KT**
	Status Rpt			**Reviewed on: 11/8/16**
✓	**UCCJEA**			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 3- Reyes**

Dept. 303, 9:00 a.m. Tuesday, November 15, 2016

4 Deanna Terrell-Federico, Alyssa Terrell-Avila, Bernice Terrell (GUARD/P)
Case No. 11CEPR00487

Guardian: Louise B. Corrales (pro per)
Guardian: Victor Corrales, SR (pro per)
Petitioner: Nicole Jeff (pro per)

Petition for Termination of Guardianship

			NICOLE JEFF, mother, is petitioner.
			Please see petition for details.
Cont. from			
	Aff.Sub.Wit.		
✓	**Verified**		
	Inventory		
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	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

1. Petition does not include the names and current addresses for each father of the minors.

2. Petition does not include the names and current addresses for each paternal and maternal grandparent of the minors.

3. Proof of service of the Notice of Hearing is incomplete. It does not include the name , address and telephone number of the person doing the service (item #6)

4. Need proof of service of the Notice of Hearing or Declaration of Due Diligence on:
   a. Each father of the minors
   b. Each paternal grandparent of the minors
   c. Each maternal grandparent of the minors
   d. Deanna Terrell-Federico (minor)

Reviewed by: KT
Reviewed on: 11/8/16
Updates:
Recommendation:
File 4- Terrell

Dept. 303, 9:00 a.m. Tuesday, November 15, 2016

5 Vanessa Perez and Brianna Perez (GUARD/P) Case No. 11CEPR00716

Petitioner Perez, Sandra (Pro Per – Mother)
Objector Rodriguez, Sylvia (Pro Per – Guardian)

Petition for Termination of Guardianship

Brianna Age: 10			**SANDRA PEREZ,** mother, is petitioner.	**NEEDS/PROBLEMS/COMMENTS:**
Vanessa Age: 15				**Minute Order of 10/18/2016: Examiner notes provided in open court. The Court orders that the minors are to remain under the current safety plan, and Sylvia Rodriguez may not see the minors alone at any time. The Court further orders that Amadeo Garcia and Petra Garcia are to be personally present in court on 11/15/2016.**
			Please see petition for details	1. Proof of Service – Civil filed 09/15/2016 indicates that Sylvia Rodriguez, guardian, was served by mail on 09/14/2016. The proof of service indicates that a Notice of Hearing was also served however the Notice of Hearing along with the proof of service must be filed.
Cont. from 092616, 101816				2. Proof of Service – Civil filed 09/15/2016 indicates that Angelo Perez, Carlos Perez, and Petra Martinez, were served by mail on 09/14/2016. The proof of service indicates that a Notice of Hearing was also served however the Notice of Hearing along with the proof of service must be filed.
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	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			**Reviewed by:** LV
	Status Rpt			**Reviewed on:** 11/09/2016
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 5- Perez**

6 Rosie Reyna (CONS/PE) Case No. 13CEPR00908

Attorney **Ryan M. Janisse (Petitioner, Court-appointed Attorney)**

Petition for Attorney's Fees

			RYAN JANISSE, Court-appointed attorney for Conservatee on 10/20/2015, is Petitioner.
Cont. from			
	Aff.Sub.Wit.		***~Please see Petition for details~***
✓	**Verified**		
	Inventory		
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✓	**Notice of Hrg**		
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	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:
•
Reviewed by: LEG
Reviewed on: 11/7/16
Updates:
Recommendation:
File 6- Reyna

Dept. 303, 9:00 a.m. Tuesday, November 15, 2016

7A **Robert Dean Snavely, Sr. (CONS/PE)** **Case No. 14CEPR00078**

Attorney **Krause, Stephanie J. (for Bruce Bickel, former Conservator)**

Amended First and Final Account and Report of Former Conservator and Petition for Its Approval; Petition for Allowance of Fees to Former Conservator of Estate and Attorneys

	Aff.Sub.Wit.	
✓	Verified	
✓	Inventory	
	PTC	
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✓	Notice of Hrg	
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✓	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	2620(c)	x
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

BRUCE BICKEL, Former Conservator of the Estate with bond of $130,000.00, is Petitioner.

Account period: 9/3/15 – 2/9/16
Accounting: $35,091.72
Beginning POH: $20,981.55
Ending POH: $0

Conservator: $10,006.00 (Exhibit B)

Attorney Bagdasarian: $8,112.50 (Exhibit C)

Attorney Krause: $2,637.50, plus additional fees up to $500.00 for services still to be rendered (Exhibit D)

Costs: $489.56 (See Page 2)

See petition for explanation of specific accounting items/transactions.

Petitioner requests an order:

1. Approving, allowing, and settling the attached account and report as filed;
2. Authorizing compensation to Petitioner as Former Conservator of $10,006.00 for services rendered during this account period;
3. Authorizing compensation to Petitioner's former attorney, Gary G. Bagdasarian, of $8,112.50 for services rendered to the conservatorship during this account period;
4. Authorizing compensation to Petitioner's current attorney, Stephanie J. Krause, of $2,637.50 and $510.46 for reimbursement of expenses, plus additional fees of up to $500.00, subject to proof to the current conservator; and
5. Such other relief as the Court considers proper.

NEEDS/PROBLEMS/COMMENTS:

<u>Note</u>: Page 17 is the related amended trust accounting.

1. Petitioner provided only statements from the conservatorship checking account beginning in November 2015, with figures that don't correspond to this accounting. Probate Code §2620(c)(2) requires statements reflecting balances immediately preceding conservatorship. As previously noted, need account statements from all accounts, including Chase, Scottrade, Westamerica.

2. The Court may disallow e-filing charges as costs of doing business. The $435 filing fee for the original accounting is allowable for reimbursement (there is no fee for amended documents). Therefore, need clarification: Was the remaining $54.56 entirely e-filing charges? No breakdown appears to have been provided.

<u>SEE PAGE 2</u>

Reviewed by: skc
Reviewed on: 11/10/16
Updates:
Recommendation:
File 7A - Snavely

Dept. 303, 9:00 a.m. Tuesday, November 15, 2016

Page 2 – NEEDS/PROBLEMS/COMMENTS (Cont'd):

3. Petitioner lists assets distributed to the PG as successor conservator including the Scottrade account valued at $5,956.70; however, it is unclear how Petitioner arrived at this value figure. $5,678.22 (I&A Value) + $488.24 (gains) –$271.50 (losses) = $5,894.96 (carry value), which is $61.74 less than the above figure. For accounting purposes, carry values should always be used, with market value provided for reference only; otherwise the account does not balance. §1063(a). Therefore, need clarification re the distributed value of the Scottrade account: Was this market value, or was this carry value, arrived using some other calculation? (Note: Scottrade also had a cash value inventoried separately of $78.52, but it is unclear if or how that figure is represented in the distribution to the PG.)

4. Need receipt from the Public Guardian as Successor Conservator, for all assets transferred, subject to clarification of the value

5. The Court has accepted the two partial I&As as final for purposes of this accounting; however, for clarification: Are there still believed to be additional assets held outside the conservatee's trust that Petitioner was unable to marshal that the PG as successor Conservator will be required to marshal into the conservatorship estate?

Note: The Court will set a status hearing for the filing of the First Account of the Successor Conservator as appropriate.

7B **Robert Dean Snavely, Sr. (CONS/PE)** **Case No. 14CEPR00078**

Attorney **Amador, Catherine A. (for Petitioner Bryan Snavely)**
Attorney **Kruthers, Heather H. (for Public Guardian, Successor Conservator)**

Petition of Conservator of the Person Bryan Snavely for Fees for Services to Conservatee and Attorney's fees and Costs

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	CI Report	
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✔	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

BRYAN SNAVELY, Son and Former Co-Conservator, is Petitioner.

Conservator: $54,528 (for 4,544 hours @ $12/hr; see petition for details)

Attorney: $16,315.50 (for services and costs from 1/6/15 – present, per petition and declaration)

Petitioner states he was temporary co-conservator from 2/11/13 – 5/23/13 with his brother Brad Snavely and together they were appointed co-permanent conservators of the person and served in that capacity until 10/28/15, at which time they both resigned to allow the appointment of the Public Guardian in their stead.

Petitioner was originally represented by Attorney J. Stanley Teixeira, who handled the petitions for temporary and permanent conservatorship of the person. The Conservatee was represented by Attorney Gary Bagdasarian, who was appointed by the Court on 2/11/14.

Petitioner provides history including the Conservatee losing his wife in May 2011, and states pursuant to a family agreement, Petitioner agreed to sell his home in Northern California to live with Conservatee at his home in Caruthers. Petitioner obtained a transfer to Hanford and moved into Conservatee's home in January 2014. Petitioner's wife Betsey continued to live in Northern California until escrow closed on the sale of their home, and came to Caruthers as often as she could to assist. She finally moved in with Petitioner and Conservatee in May 2014, and gave up her full-time job to assist Petitioner with caring for the Conservatee.

When Petitioner first moved in, he confronted an extraordinary mess. Conservatee had not cleaned the home in years. **SEE ADDITIONAL PAGES.**

NEEDS/PROBLEMS/ COMMENTS:

<u>Minute Order 11/2/16</u>: Brad Snavely is also present in court. The Public Guardian is to file a declaration that indicates all of the assets available, whether liquid or not. Ms. Kruthers indicates they will try to have said declaration filed by 11/8/16.

Reviewed by: skc
Reviewed on: 11/8/16
Updates:
Recommendation:
File 9- Snavely

Dept. 303, 9:00 a.m. Tuesday, November 15, 2016

Page 2 – Petitioner states he and his wife began the job of cleaning the house and yard. Due to the conservatee's insistence that his funds not be used to hire any help, Petitioner and his wife did the cleanup themselves. After several weeks, the home was safe, clean, and livable again. Thereafter, Petitioner began cleaning the yard and outbuildings. He installed security cameras at Conservatee's request. The Conservatee was concerned about theft, but would not hire a professional company to do the installation.

Petitioner and his wife provided other services to the Conservatee including shopping, cooking cleaning, maintaining the yard and outbuildings. They paid for all groceries and household supplies and treated the Conservatee to frequent outings. Petitioner provided daily care including managing the Consevatee's diabetes medications and diet as directed by his doctor. Under Petitioner's care, the Conservatee was able to reduce and eventually eliminate his need for diabetes medication. The Conservatee was unable to drive, so Petitioner and his wife provided all transportation.

Shortly after moving in, Petitioner began the process of obtaining conservatorship, which the Conservatee resisted, and there were disagreements with Petitioner's brother as well. They agreed to serve as co-conservators; however, the Conservatee retained the right to make medical decisions.

Petitioner also had to sort through the huge amount of mail that had accumulated, and assist with regular payment of bills. Petitioner began to understand that the Conservatee had been transferring assets out of his personal trust, failing to collect rent from his commercial tenant, and hoarding large amounts of cash. He discovered a recent spate of risky investments. Petitioner was able to prevent foreclosure of the Conservatee's home when he discovered that payments had been neglected on a time share he had purchased without telling anyone. When Conservatee realized Petitioner was aware of his recent investments and was concerned that he was being taken advantage of by scams or unscrupulous advisors, the Conservatee became secretive about his financial dealings. He insisted he knew what he was doing and did not need help.

Petitioner retained Attorney Amador in December 2014 to seek appointment as conservator of his father's estate, which the Conservatee resisted. The problem was temporarily resolved when the Conservatee himself appointed Professional Fiduciary Bruce Bickel as successor trustee of his trust and indicated his intention to allow Mr. Bickel to manage his finances. Unfortunately, he failed to cooperate with Mr. Bickel. As the summer of 2015 progressed, it also became clear that the Conservatee was no longer able to manage his own health care. He switched physicians because he was determined to regain his driver's license. He refused to allow Petitioner to talk with his new doctor, making it difficult to ensure that he was following his medication regime. Therefore, Petitioner filed a petition for exclusive authority to make medical decisions for him on 9/17/15.

At this time, strong disagreement developed between Petitioner and his brother, co-conservator Bradley Snavely, re the level of care the Conservatee needed. This inflamed the conservatee's own frustration and he became less and less willing to cooperate with Petitioner and his wife. He became obsessed with the desire to drive again and have control over his vehicles. On one occasion, he drove into town and only stopped when he ran out of gas. A neighbor alerted Petitioner to the situation. Petitioner tried to keep keys locked away, but the Conservatee had a vehicle and his shop re-keyed. Petitioner had to monitor more closely thereafter to ensure he did not drive and that he was working safely in his shop, due to the Conservatee hiding from Petitioner.

SEE ADDITIONAL PAGES

Page 3 – Petitioner states he was also negotiating with his brother to reach common ground to provide care. Unfortunately, they had vastly different opinions. Concurrently, Mr. Bickel was becoming convinced that he could not successfully serve as trustee and conservator of the estate because the Conservatee was not cooperating. The parties agreed it was best that all current conservators resign and the Public Guardian be appointed as conservator of the person and estate and as trustee. On10/28/15, the Court agreed, accepted the resignations, and appointed the Public Guardian as conservator of the person and estate, with medical consent powers.

Mr. Bickel filed a partial inventory on 11/18/15 and a second partial inventory on 1/11/16. He and the PG cooperated with management of the conservatee's assets thereafter as it remained necessary for him to present a formal petition to be removed from the trust. They agreed that the end date for his account on the conservatorship would be 1/12/16, at which time he had completed transfer of all conservatorship accounts and assets to the PG. The Court accepted this plan.

On 6/14/16, Mr. Bickel filed his first and Final Accounts within the conservatorship and trust matters, and at status hearing on 6/15/16, confirmed to the court that he had inventoried all assets he had been able to marshal and was not aware of additional conservatorship estate assets. However, the PG has yet to file its own inventory following Mr. Bickel's surrender of assets he had marshalled for both estate and trust.

Thereafter, Petitioner and his attorney spent additional time assisting the PG by providing information re the conservatee's home, caregivers, personal needs and habits, and medical condition.

Petitioner asserts that $12/hr is a reasonable hourly rate for his time spent caring for the Conservatee including personal care, maintenance of the large home and grounds, and transportation. Petitioner did not anticipate the need to do this, as the agreement with his father and his brother at the time he moved to Caruthers was that he would be given the lease of the Conservatee's almond orchard. Thus, he expected to have income from farming the orchard in exchange for providing full-time care for the Conservatee. However, the Conservatee refused to allow Petitioner to have the lease, due to his frustration that others were exerting control over his life, and he focused his frustration on Petitioner and his wife, eventually becoming physically violent towards Betsy.

Ultimately the situation became untenable and decision was made to appoint the Public Guardian and change to paid caregivers.

As an alternative, Petitioner believes a fair estimate of the time he spent providing services to the Conservatee can be derived from the number of hours of caregiver time the PG determined was necessary at Petitioner's resignation and replacement caregivers were hired, which was a minimum of 8 hours per day to ensure 3 healthy meals, assistance with medication, transportation, etc. The cost for Comfort Keepers was over $4,500/month to provide this level of care, and this did not include groceries and household supplies, housekeeping, yard maintenance.

By comparison, Petitioner worked 15 hours/day immediately after he moved in with the Conservatee, cleaning the property and addressing the financial situation. Thereafter, the conservatee's personal care needs decreased, but gradually increased as time went by. Petitioner continued to care for the large yard and maintain the house, provide transportation, etc. Petitioner asserts that on average, he provided 8 hours of care per day to the Conservatee.

SEE ADDITIONAL PAGES

Page 4 – Petitioner states he and his wife provided care for 20 months from 1/1/14 – 9/30/15. During that time, they took five weeks of vacation. Petitioner's brother also provided an additional 5 days of respite care. Petitioner calculates fees as follows:

1/1/14 – 9/30/15 is 608 days, reduced for vacation, etc., is 568 days.
568 days x 8 hours/day = 4,544 hours
4,544 hours @ $12/hr = $54,528.

This amounts to $2,726.40/month, and includes expense of groceries, household supplies, housekeeping, yard work, maintenance, transportation, and does not include Betsy's time.

Petitioner states he has incurred $14,889 in attorney's fees including time to prepare this petition, and $1,014 in allowable costs. He anticipates incurring an additional 1.5 hours for appearance and $435 for the filing fee. (See Declaration of Catherine A. Amador in Support of Petition for Attorney's Fees and Costs for itemization.)

Petitioner requests the Court approve this petition and direct payment of $54,528 to Petitioner and $16,315.50 to Pascuzzi, Pascuzzi & Stoker, either from the Conservatorship or from the Conservatee's trust, and such further orders as it deems necessary and proper.

Objections filed 10/25/16 by Public Guardian, current conservator, state nowhere in the petition does Petitioner account for the fact that he lived with his father rent-free. In fact, he and his wife sold their home, so they did not have a mortgage of their own to pay. The PG requests that the Court consider the lack of rent paid when determining the fees of Bryan Snavely should he be paid.

Declaration of Catherine A. Amador filed 10/31/16 states she personally researched rental housing prices in Caruthers, CA and found relatively few rental options, which is not surprising given the size of the town. A 2/1 rented for $895 and there were apartments ranging from $505-$770.

Objection filed 10/31/16 by Gary Bagdasarian, Court-appointed attorney for Conservatee, states attached is a declaration from Brad Snavely, brother and former co-conservator with Petitioner, objection to the claims made by Petitioner in his request for fees. The Conservatee and the former co-conservator request that the Court review each of the items described in the attached declaration when determining the amount of fees to be paid to Bryan Snavely. The declaration states there was no family agreement and the Conservatee did not ask and did not want Petitioner to move in. Objector was advised that Petitioner would rent his house in Sacramento until other arrangements could be made, and was shocked that they sold it. Petitioner transferred from the Roseville Wal-Mart to Hanford. Petitioner's wife did not quit her job; she was not working due to being injured and in the process of a disability claim. Upon moving, they immediately began stating the Conservatee needed 24-hour care. Objector disagreed.

SEE ADDITIONAL PAGES

Page 5 – As to the house not being cleaned in years, the Conservatee was a packrat, keeping spare parts, etc., which many times paid off by eliminating the need to drive to town. Bathrooms showed some mold, but were not covered in mold. The Conservatee was witnessed cleaning, mopping, working in the garden, doing laundry, and taking care of his personal hygiene, so these allegations that he was totally dependent are falsely stated. Objector believes that if he had had occasional help around the house, an extermination company, and an in-home care provider to lay out his medication, they Petitioner and his wife would not be needed and could go back to their life.

Petitioner told Objector he did not plan on charging for what he and his wife were doing. After moving in, the biggest difference while cleaning was that Petitioner did not communicate with the Conservatee and threw things out against his wishes. Petitioner offered to put in a security system including cameras inside the house to capture Conservatee on camera looking disoriented. Petitioner and his wife were the only ones with access to the footage. They were watching everyone else, but who watched them?

The Conservatee likes grocery shopping, and made regular trips to Costco for groceries, medication, and with store employees greeting him by name. There were no frequent outings by Petitioner. Objector shopped with the Conservatee many times on his own, and coordinated with Petitioner. Re his diabetes and eating better, his condition was improving.

It was agreed that the conservatee's investments would be separate from the trust. Conservatee understood that all investments are a risk. Both Petitioner and Objector wanted to be sure he would have enough money to live comfortably for another 10-15 years (based on family history). Due to increasing conflicts, Objector began looking for a private fiduciary to prevent conflict of interest or hidden agendas. As to Paragraph 11-14, Conservatee was at this point fed up and miserable under the current conditions and felt like he was a prisoner in his own home. He wanted to remove Petitioner as trustee and executor and replace with Objector, but Objector did not want to be accused of hidden agendas and did not want to drive a wedge between him and his brother. The Conservatee asked his good personal friend and attorney Bill McLaughlin for a recommendation and found Bruce Bickel, who Petitioner and Objector were comfortable with. They retained Bruce Bickel, and Conservatee's attorney Gary Bagdasarian was advised that a new trust needed to be implemented. Together, Petitioner and objector as co-conservators, did not talk him into it. See Objection for details.

Re medication: It was discovered that the Conservatee was being provided with the wrong regimen, with over-dosing of potentially fatal medication and medication to help his memory being omitted. See declaration re details. Objector states Petitioner and his wife emotionally beat him up, stating he was responsible for his wife's death because he would not spend money on her to provide proper care. After the medication incident, Objector helped Conservatee change physicians, but mail was being intercepted by Petitioner. Petitioner had the Conservatee's old doctor send the DMV letter restricting his license without any testing, which increased his dependence, but the Conservatee complained that Petitioner and his wife would never take him anywhere. On one occasion, after repeatedly asking for a ride, he became frustrated and tried to walk and hitchhike, and Petitioner's wife hid in the orchard and filmed him to build an incapacitation case.

SEE ADDITIONAL PAGES

Page 6 – Objector states the Conservatee became deeply depressed and unhappy with his living conditions, stayed in his room, and was constantly belittled and told what he can and cannot do. Objector was no longer able to reason with Petitioner To get Petitioner out of the house, Conservatee agreed to pay for limited care from Objector's daughter Sarah, who had years of in-home care assistance. They researched and registered with a care provider service. Petitioner would not listen to reason and wanted to control all decisions, now saying Sarah would be unacceptable even though she was more qualified than Petitioner and his wife. Sarah moved to Clovis to be closer to her grandfather without needing to live with him.

Objector states Mr. Bickel did the best job he could, and the Conservatee lashed out because he did not truly understand the nature of what was going on. He felt he had been taken advantage of. He was now talking about suicide and getting money out of the bank and disappearing. Objector was forced to resign as an ultimatum in order to have Petitioner resign. Objector appreciates the work that the Public Guardian did for the Conservatee's health and well-being, the new commercial building renter, etc.

The Conservatee was mandated without his approval to remove Petitioner and his wife and improving Conservatee's living conditions, to pay temp lodging costs while Petitioner relocated to Florida, where they now own a home and also a property in Puerto Rico. To state this situation caused a financial hardship on Petitioner would be highly overstated, since the Conservatee did not collect any rent, etc., from their stay. There is still $24,000+ missing in cash from the safe after Petitioner removed the office door. Petitioner refused to take a polygraph test.

Objector states Petitioner originally proposed 24-hour care for Conservatee after their eviction, and the PG imposed 8 hours/day, which has been greatly reduced to 4 hours/day 3-4 days/week.

Petitioner wanted to farm the 40 acres of almonds, and would only settle for a 3-5 year lease, when the current lease was up in December 2015. Petitioner had plans of his own to move the commercial tenant out or downsize him to make room for a restaurant and convenience store. Petitioner expected Conservatee to pay for all this. When the relationship was still good, Objector helped modify the lease, and all points were agreed except the term. See objection re dispute.

Objector states Petitioner did not work 15-hour days after moving in, and had a management job at Wal-Mart with a 20-30 minute commute. When did he sleep? This is being over exaggerated. Objector objects to the daily math and states he (objector) provided 94 days respite care. See Objection re attorney fee discussion. Objector concludes that it is unfair to put the burden of Petitioner's attorney fees on the Conservatee and hopes Petitioner will not be rewarded for staying past their welcome and having a detrimental effect on the person they were there to care for.

8A **Christina DeLaCruz Irlas (Estate)** **Case No. 14CEPR00634**

Attorney **Neilson, Bruce A., or Lawson, Pamela of Las Vegas, NV, for Co-Administrators)**

Status RE: Filing of the First or Final Account

DOD: 2/27/14	**IRENE IRLAS and RUBEN IRLAS** were appointed Co-Administrators with Limited IAEA without bond on 7/14/15. Letters issued 7/14/15. At the hearing on 7/14/15, the Court set this status hearing for the filing of the first or final account. Note: I&A filed 12/15/15 indicates real property in Selma, CA, valued at $115,000 plus misc. furniture and furnishings valued at $2,000 for a total estate value of $117,000.00. **Status Declaration filed 9/6/16 states** because of the number of heirs and because of the Medi-Cal liens that will need to be paid, the real property asset will need to be sold. While progress has been made cleaning and securing the property, and a real estate broker has been contacted, more time is needed to put the property in a condition to sell and to complete a sale of the real property. Accordingly, it is requested that the status hearing be continued to 10/4/16, since there is another hearing set for that date.	**NEEDS/PROBLEMS/COMMENTS:** **Minute Order 10/18/16: Mr. Neilson represents that Irene Irlas has bene living in the home rent-free since June. The Court orders Irene Irlas to vacate the property no later than 10/31/16 and orders that the realtor begin the sale process on 11/1/16. The Court reserves the right to remove the Co-Administrators.** **Note: Page B is Co-Administrator Ruben Irlas' Petition to Compel Co-Administrator Irene Irlas to Sell Estate Real Property and to Vacate the Estate Property.** **1. Need first account or petition for final distribution pursuant to Probate Code §12200 or current written status report pursuant to Local Rule 7.5.**
		Reviewed by: skc
		Reviewed on: 11/7/16
		Updates:
		Recommendation:
		File 8A- Irlas

Cont. from 090716, 100416, 101816		
	Aff.Sub.Wit.	
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	Duties/Supp	
	Objections	
	Video Receipt	
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	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

Dept. 303, 9:00 a.m. Tuesday, November 15, 2016

8B **Christina DeLaCruz Irlas (Estate)** **Case No. 14CEPR00634**

Attorney **Lawson, Pamela R. (of Las Vegas, NV, for Co-Administrator Ruben Irlas – Petitioner)**
Attorney **Neilson, Bruce A. (for Co-Administrator Irene Irlas)**

Petition to Compel Administrator Irene Irlas to Sell Estate Property and to Vacate the Estate Property

DOD: 2/27/14		
Cont. from 100416, 101816		
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	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

RUBEN IRLAS, Co-Administrator with Limited IAEA without bond, is Petitioner.

(Irene Irlas is the other Co-Administrator.)

Petitioner states he is one of the heirs and one of the two co-administrators appointed by the court. The only asset is the decedent's home in Selma, CA. Petitioner provides estate history and states that due to objections to Irene Irlas' original petition for probate in 2014, the result of mediation was that Irene and Ruben would be co-administrators, that Irene and her family would move out of the decedent's home and remove all vehicles from the backyard.

Petitioner states that Ms. Irlas did move out, but did not remove all of her furniture from the home and still has not done so. Petitioner spent a month cleaning up the yard and removing trash and other eyesores. He has tried to gain access to the house to clean it up, paint the walls, and ready the house for sale, but Ms. Irlas has made excuse after excuse as to why she could not meet him there to let him in. Petitioner states Ms. Irlas does not want the house sold; she wants to buy it, even though it has been made clear that at least two of her sons (heirs) object to her purchasing the property.

Petitioner contacted real estate agents to list the house, but Ms. Irlas was uncooperative and in June 2016, Ms. Irlas moved back into the house.

On 6/20/16, counsel wrote to attorney Nielson (counsel for Ms. Irlas) trying to resolve the matter. However, Mr. Neilson had serious medical events during administration. ***SEE PAGE 2***

NEEDS/PROBLEMS/COMMENTS:

Minute Order 10/18/16: Mr. Neilson represents that Irene Irlas has bene living in the home rent-free since June. The Court orders Irene Irlas to vacate the property no later than 10/31/16 and orders that the realtor begin the sale process on 11/1/16. The Court reserves the right to remove the Co-Administrators.

The following issues remain noted:

Note: Need clarification re representation: It appears from the file that attorneys Neilson and Lawson *together* have represented both of the co-administrators; however, this petition was filed by Attorney Lawson only for Co-Administrator Ruben Irlas only. However, the status report filed on 9/6/16 (subsequent to this petition) again indicates both attorneys together for both co-administrators.

1. **Notice of Hearing (with copy of petition) was not served on the Dept. of Health Care Services pursuant to Request for Special Notice filed 11/24/14 pursuant to Probate Code §1252.**

Note: This petition was filed with a fee waiver; however, upon distribution, all fees will be due to the Court.

Reviewed by: skc

Reviewed on: 11/7/16

Updates:

Recommendation:

File 8B- Irlas

Dept. 303, 9:00 a.m. Tuesday, November 15, 2016

Counsel has tried in writing or telephonically to encourage Mr. Neilson to exercise control over his client to abide by agreements and orders of court, but efforts have been in vain, leaving the co-administrator no choice but to file this petition. The bottom line is that there is no cooperation from Irene Irlas in any aspect of administering the estate for the good of the heirs.

Petitioner states the house was appraised per the I&A at $115,000, and reappraised at $121,000 (when it was vacant and had been cleaned up). There is no liquidity in the estate. Ms. Irlas disposed of personal property so there is nothing that can be sold, so the only asset is the real property. The sale of the real property is necessary to obtain sufficient assets to pay debts, including the $20,910.12 Medi-Cal claim.

Despite the above factors, Ms. Irlas has refused to list the property for sale or cooperate in readying the property for sale, and has taken actions to defeat any attempt to list and sell the property.

Since Ms. Irlas and/or her daughter and other unknown persons have moved back into the home, the property again needs to be cleared of trash and junk (see photos at Exhibit 4).

Petitioner prays for an order requiring Co-Administrator Irene Irlas and whomever she has permitted to live in the house to vacate the house, remove all belongings of whomever is living there, and join her co-administrator to list and sell the property on such terms and conditions and under such procedures as are required by law or as directed by this Court, and for such other orders as the Court deems proper.

9 Joseph R. Martinez (CONS/PE) Case No. 15CEPR00106

Attorney **Stephanie J. Krause Cota (for Joseph R. Martinez, Jr.)**
Attorney **Deborah K. Boyett (Court-appointed for Conservatee)**

Probate Status Hearing Re: Filing of the First Account

Cont. from 091316		
	Aff.Sub.Wit.	
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	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	X
	UCCJEA	
	Citation	
	FTB Notice	

JOSEPH R. MARTINEZ, JR., son, was appointed Conservator of the Person and Estate on 6/16/2015 with bond set at **$24,000.00**. ***Proof of Bond filed 3/12/2015. Letters* issued on 6/23/2015.**

***Final Inventory and Appraisal* filed 11/5/2015** shows an estate consisting of life insurance policy with a face value to be determined, cash, and monthly benefits payments.

Pursuant to Probate Code § 2620(a), the first account was due on 6/23/2016.

***Minute Order* dated 6/16/2015** from the hearing on the petition for appointment of conservator set the matter for status hearing on 9/13/2016 for filing of the first account of the conservatorship.

***Status Report Regarding Filing of First Account* filed 9/9/2016 for the previous Status Hearing**.

NEEDS/PROBLEMS/ COMMENTS:

Continued from 9/13/2016. *Minute Order* states the Court grants one 60-day continuance, but the account must be filed by then.

1. Need first account of the conservatorship estate, or current verified *Status Report* and proof of service pursuant to Local Rule 7.5(B).

Reviewed by: LEG
Reviewed on: 11/8/16
Updates:
Recommendation:
File 9- Martinez

Dept. 303, 9:00 a.m. Tuesday, November 15, 2016

10 **Josefina PeManuel Galleto (Estate)** **Case No. 15CEPR00255**

Attorney **Teixeira, J. Stanley (for Administrator Jeanette Galleto Lao)**

Status RE: Filing of the First or Final Account

DOD: 9/21/14	**JEANETTE GALLETO LAO**, Daughter, was appointed Administrator on 9/15/15 and bond was waived per Amended Order entered 11/4/15. Letters issued 11/5/15. At the hearing on 9/15/15, the Court set this status hearing for the filing of the first or final account.	**NEEDS/PROBLEMS/COMMENTS:** 1. **Need first or final account per Probate Code §12200 or written status report per Local Rule 7.5.**
Aff.Sub.Wit.		
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Inventory		
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Notice of Hrg		
Aff.Mail		
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Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
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Order		
Aff. Posting		**Reviewed by:** skc
Status Rpt		**Reviewed on:** 11/8/16
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 10- Galleto**

11 Francisco Javier Gonzalez (GUARD/E) Case No. 15CEPR00257

Attorney Thelen, David J. (of Merced, for Guardian Dillila Aganza)

First Year Accounting, Motions and Declaration of Dilila Eululia Aganza

	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
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	Notice of Hrg	
✓	**Aff.Mail**	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	**Letters** 8/20/15	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**2620(c)**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

DILILA AGANZA, Mother and Guardian of the Estate, is Petitioner.

Account period: 10/19/15 – 9/21/16
Accounting: $9,136.00
Beginning POH: $9,124.00
Ending POH: $9,136.00 ($9,135.67 at 8/31/16)
(Cash held in blocked account)

Petitioner states she has been paying all expenses for her son as his mother but there have been attorney fees and costs for obtaining guardianship as well as expenses for day care ($250/month) and recreational team fee for her son ($100). **Petitioner requests an allowance of $350/month** to cover the cost of daycare and to contribute to her son on a monthly basis to offset some of the cost of food, shelter, clothing and medical care for him.

Petitioner requests reimbursement of the cost of day care from April 2015 to October 2016 in the total amount of **$4,750.00**. See statements filed confidentially.

Petitioner requests the Court authorize her attorney fees (discounted to **$3,550.00**) and costs **($1,688.01**) to be paid from the guardianship estate. See statements filed confidentially.

Petitioner requests the Court waive future accountings pursuant to Probate Code §2628 because the estate is less than $15,000 and income is less than $2,000/month and Petitioner only intends to pay for the necessities of life for the minor

Petitioner states she originally believed the insurance would be over $100,000, but it turned out to be less than $10,000. If the above lump sums are paid ($4,750.00, $3,550, $1,688.01, and $100.00) there would be no remaining estate to administer. **Consequently, Petitioner also requests close this estate pursuant to Probate Code §2626 as there would be no remaining assets.**

NEEDS/PROBLEMS/ COMMENTS:

SEE PAGE 2

Reviewed by: skc
Reviewed on: 11/8/16
Updates:
Recommendation:
File 11- Gonzalez

Page 2 – NEEDS/PROBLEMS/COMMENTS:

1. Need clarification re the request for $5,238.01 in attorney fees and costs with reference to Probate Code §2640(c) (just and reasonable) given the size of the minor's estate ($9,135.67). Compare also to guideline amount at Local Rule 7.16 ($2,500.00 for establishment of guardianship estate and first account).

2. Of the $1,688.01 requested in attorney costs, only $870.00 (filing fees) appears allowable. The Court may disallow $818.01 as charges for CourtCall appearances, runner services, copies, fax, and postage are considered by the Court to be costs of doing business and not reimbursable pursuant to Local Rule 7.17.

3. Many of the attorney's (and paralegal's) line items appear secretarial/clerical in nature, such as tasks associated with coordinating filings by runner service, etc. The Court may require clarification.

4. Attorney includes paralegal work totaling $1,077.75, but does not provide the required information about the paralegal pursuant to Cal. Rules of Court 7.751, 7.703(e).

5. Charges for communications with Probate Examiners are not appropriate pursuant to Local Rule 7.17. The Court may disallow $108.00 from the total.

6. Need clarification re the request for reimbursement of child care expenses dating back to April 2015 in the amount of $4,750.00. Examiner notes that the minor's father passed away in August 2012 and Petitioner has been the minor's sole

7. Need clarification re the request for $350/month, given that Petitioner's additional requests would deplete the minor's funds if granted. The Court may require clarification re Petitioner's financial circumstances in order to consider such request, if funds remain.

8. Petitioner did not use the mandatory Judicial Council Notice of Hearing (Form GC-020) for service on interested parties pursuant to Cal. Rule of Court 7.101 and Probate Code §1460(b)(5). The Court may require further notice.

12A Jaime N. Ruiz (CONS/P) Case No. 15CEPR00451

Attorney Teixeira, J. Stanley (for Ruiz, Rosa P. –Spouse)
Attorney Flanigan, Philip. (for Elizabeth A. Vasquez –Daughter)
Attorney Horton, Lisa (Court Appointed for Proposed Conservatee)

Probate Status Hearing

Cont. from 102715, 110315, 120815, 020216, 072616

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	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

ELIZABETH A. VASQUEZ, daughter, petitioned for appointment as Conservator of the person, with medical consent and dementia powers to administer dementia medications on 04/30/2015.

ROSA P. RUIZ, spouse, filed an Objection to Petition for Appointment of Conservator Probate Code Section 1812 on 06/09/2015. **ROSA P. RUIZ,** also filed a competing petition requesting appointment as Conservator of the person, with medical consent and dementia powers to administer dementia medications. She also requested that the **PUBLIC GUARDIAN,** be appointed as Conservator of the estate.

Each matter was set to be heard together on 09/03/2015. Court set a trial for a two day estimate on 10/20/2015 with Settlement statements due by 09/15/2015 and a Settlement Conference for 09/22/2015.

Minute Order of 09/22/2015 set this Status Hearing. The minute order states that the 10/20/2015 trial date is vacated.

Declaration of Court Appointed Counsel, Lisa Horton, filed 10/26/2015 states on 09/22/2015, the parties and counsel met in a settlement conference. It was agreed upon by the parties that the trial scheduled for 10/20/2015 would go off calendar and Elizabeth Vasquez was to provide an accounting as Trustee of the Ruiz Family Grantor Trust and all monies used as Agent under a Durable Power of Attorney. A status hearing for the accounting was set for 10/27/2015.

Please see additional page

NEEDS/PROBLEMS/COMMENTS:

Continued from 07/26/2016

12B and 12C are the competing Petitions for Appointment of Conservator.

Rosa P. Ruiz was appointed Temporary Conservator of the Person only, EXPIRES 11/15/2016

PUBLIC GUARDIAN APPOINTED CONSERVATOR OF THE ESTATE PURSUANT TO MINUTE ORDER OF 12/08/2015

Minute Order of 02/02/2016 (in part): For the record, it appears all parties present agree that all trust assets should be turned over to the Public Guardian; the Court directs counsel to file a stipulation stating said agreement. Counsel agree to continue this matter to 07/26/2016.

Reviewed by: LV
Reviewed on: 11/09/2016
Updates:
Recommendation:
File 12A – Ruiz

12A Jaime N. Ruiz (CONS/P) Case No. 15CEPR00451

Status of Accounting On 10/20/2015, Ms. Horton called and left a message for Elizabeth Vasquez's attorney to call with a status of filing the accounting. A call back has not been received. As of the signing of the declaration, Ms. Horton has not received any accounting by Elizabeth Vasquez. On 10/22/2015, copies of the following bank statements were received from Attorney Robert Cassio:

- Elizabeth Vasquez personal bank account statements with EECU;
- Elizabeth Vasquez's REP FBO client Jaime Ruiz Bank of the West Statements (account for PDA);
- The Ruiz Family Grantor Trust with Elizabeth Vasquez as Trustee Bank of the West statements for the trust savings and checking accounts.

The bank statements provided to Mr. Cassio by Elizabeth Vasquez pursuant to a document demand in the Elder Abuse Action (see FCSC Case No. 15CEFL03258). Ms. Horton has reviewed the bank statements and found several transactions that are of major concern to her particularly with the trust account. It would take several pages to list out every single troublesome transaction, so a few are highlighted for the Court.

In the Bank of the West Grantor Trust checking account there are several transactions that could be a breach of Elizabeth Vasquez's duty as trustee.

i. In the June 12, 2015 statement attached hereto as Exhibit A, there are two charges totaling $564.95 for a hotel room at Best Western for Elizabeth Vasquez. There is also a $2,000 retainer payment made to attorney firm Rusca and Rusca for Elizabeth, Lisa and Lorraine's attorney in the elder abuse action. These charges are not for the benefit of Ms. Horton's client, and her client's funds cannot be used for Elizabeth, Lisa and Lorraine's personal benefits especially their own attorney.

ii. In the March 13, 2015 statement attached as Exhibit B, there are charges totaling $604 to a Dog and Cat Vet place. Ms. Horton's client does not own animals, so clearly these charges are not for his benefit. There is also a $265.45 charge to Macy's which seems excessive for a 78 year-old man especially since $412.80 was charged at Kohl's in the same month form Ms. Horton's clients Bank of the West REP FBO account.

In the Bank of the West REP FBO account where Ms. Horton's client's social security was previously coming in and his two pension payments totaling $497.49 are still currently being deposited, here is a list of transactions Ms. Horton believes were not for the benefit of her client, but for Elizabeth Vasquez:

i. Almost every month there is a large payment to an American Express credit card. In the March 13, 2015 statement attached hereto as Exhibit C, a $400.00 payment was made to America Express. There are also payments made in 2014 to an EECU Visa credit card as well. Ms. Horton's client has never owned a credit card and to the families knowledge does not currently have one. According to Elizabeth Vasquez's personal bank statements, she does have an America Express credit card. Also shown on Exhibit C are transactions for $412.80 at Kohl's, $20.52 at Sizzler, $32.52 at Hometown Buffett, and two withdrawals of cash totaling $700.00.

ii. In the January 14, 2015 statement attached hereto as Exhibit D, there is a $433.45 charge for concert tickets to Juan Gabriel, a $34.99 amazon.com purchase and a $326.05 charge to Johnny's Custom Auto Body Shop in Gilroy, Ca. where Elizabeth Vasquez lives.

iii. In the December 13, 2013 statement attached hereto as Exhibit E, there are several charges to restaurants and Walmart in Gilroy.

The above charges and attached exhibits are just a sample of the concerning transactions made by Elizabeth Vasquez as the agent for Jaime Ruiz under a DPA that she still uses despite the restraining order, and as the Trustee of the Irrevocable Grantor Trust holding Ms. Horton's client's assets.

Please see additional page

Status of Elder Abuse Action

There are three separate elder abuse actions, one against Elizabeth Vasquez, her stepdaughter, Lisa Vasquez, and Lorraine Nava (daughter of Jaime Ruiz). The Honorable Judge Tyler D. Tharpe ruled that each elder abuse action would be heard separately. On October 14th, 15th, and 16th, the trial for just Lorraine Nava was heard. The matters were not concluded so the trial was continued to January 5th, 6th, and 7th, 2016. The elder abuse temporary restraining orders remain in full force and effect until then.
There is currently a pending petition filed by Rosa Ruiz for the appointment of the Fresno County Public Guardian as the conservator of the estate of Jaime Ruiz. Until the elder abuse action has resolved, based on the information that has been provided, Ms. Horton requests that the Court temporarily suspend the Durable Power of Attorney currently being used by Elizabeth Vasquez and appoint the Public Guardian as the conservator of Jaime N. Ruiz's estate.

Ms. Horton further requests that this Court temporarily place the Public Guardian as Successor Trustee of the Ruiz Family Grantor Trust or alternatively, order that there be no further withdrawals until a petition can be filed to remove Elizabeth Vasquez as trustee. Ms. Horton believes her client's assets are in jeopardy and need immediate protection. This matter has been discussed with Deputy Counsel, Heather Kruthers and she consents to the PG being appointed.

Declaration of Danielle Guerrero filed 10/26/2015 states on December 16, 2014, Elizabeth A. Vasquez ("Trustee") established the Ruiz Family Grantor Trust (the "Trust") for the benefit of Jaime N. Ruiz ("Beneficiary") as pre-planning for Medi-Cal in an effort to get the Beneficiary qualified for benefits as he has been diagnosed with dementia and is unable to care for himself. Petitioner's report covers the period of December 16, 2014, through September 30, 2015. A Summary of Account and schedules are attached as Exhibit A. On January 16, 2015, the Trustee opened a Bank of the West Trust checking account with an opening deposit of $100, representing the initial funding of the Trust. On January 22, 2015, the Trustee deposited an additional $4,500.00 into the Trust checking account, opened a Trust savings account with Bank of the West, and transferred $200.00 into the savings account as an opening deposit. The money used to fund the Trust came from the Social Security Representative Payee account managed by Elizabeth A. Vasquez for Jaime N. Ruiz. These transactions are detailed in Schedule A, Receipts-Other of the Account attached as Exhibit A and made part of this Report.

On January 28, 2015, as part of Medi-Cal preplanning, the Trustee deposited two checks, both in the amount of $15,000.00 for a total of $30,000.00, into the Trust Checking account. These checks were also made out of the Representative Payee Account and went directly into the Trust account. These transactions are detailed in Schedule A, Receipts-Other of the Account attached as Exhibit A and made part of this report.

Loan on Life Insurance Policy with Northwestern Mutual. As part of Medi-Cal preplanning, effective January 20, 2015, the Trustee took out a loan on the life insurance policy for Beneficiary in the amount of $38,945.01. This money was first deposited into the Representative Payee Checking account, after which $38,000.00 was deposited into the Trust checking account on February 13, 2015. This deposit is detailed in Schedule A, Receipt-Other of the Account attached as Exhibit A and made part of this report.

Please see additional page

Sale of Truck belonging to Jaime N. Ruiz. As part of Medi-Cal preplanning, and in an effort to minimize expense on the Trust, the Trustee sold the Beneficiary's truck to John Leos for $1,000.00. This money was then deposited into the Representative Payee bank account, not in the Trust account. This transaction is detailed in Schedule F, Change in form of Assets of the Account attached as Exhibit A and is counted as a loss to the Trust on Schedule D, Losses on Sales of the Account.

At all times during the period of administration, petitioner has kept all surplus cash interest bearing accounts. The assets on hand consist of a one-third (1/3) interest in real property located at 324 N. College Ave, Fresno, California, and cash in the amount of $34,105.69.

Declaration of Philip M. Flanigan filed 11/02/2015 states since approximately 2013, Elizabeth Vasquez has been the primary person responsible for seeing to Mr. Ruiz's well-being. Ms. Vasquez arranged for caregivers to provide care to Mr. Ruiz at his home and was making sure that the caregivers were paid in a timely manner. However, after several months, the caregivers quit due to what they claim was ongoing harassment and verbal abuse by Petitioner, Rosie Ruiz, the proposed conservatee's wife.

In or about 08/2013, Mr. Ruiz executed estate planning documents including a Revocable Living Trust, General Durable Power of Attorney and Advanced Healthcare Directives. The documents were drafted by an attorney named Gregory A. Broiles of San Jose, California.

Mr. Brioles has stated that he spent a considerable amount of time alone with Mr. Ruiz prior to drafting said documents in order to assure that Mr. Ruiz was competent and free of any undue influence. Having satisfied his concerns in this regard, Mr. Broiles prepared the appropriate documents which Mr. Ruiz executed on August 29, 2013. In said documents, Mr. Ruiz named his daughter Elizabeth A. Vasquez as his attorney-in-fact and as agent under his Advanced Directive and Trustee under the Revocable Living Trust (true and correct copies of the documents are attached hereto as Exhibit A).

Insofar as she was named as agent under the Advanced Directive for the proposed conservatee, Ms. Vasquez understood that it was her responsibility to assure that all of Mr. Ruiz's care needs were appropriately addressed. Because Mr. Ruiz was in need of more care than what his wife was capable of providing, MR. Vasquez arranged for two additional caregivers to provide assistance to Mr. Ruiz.

Additionally, because Mr. Ruiz was in need of additional care and because the cost of providing such additional care exceeded his available income, Ms. Vasquez began exploring the possibility of obtaining additional assistance through the Medi-Cal program. Ms. Vasquez retained the services of Jeff Ferguson of Quality Life Solutions to assist in qualifying Mr. Ruiz for Medi-Cal. As part of the qualification process, an Intentionally Defective Irrevocable Trust was created to hold assets belonging to Mr. Ruiz that needed to be transferred in order to establish Medi-Cal eligibility (a true and correct copy of that trust is attached hereto as Exhibit B).

Under the terms of the Irrevocable Trust, Mr. Ruiz relinquished all access to, and control of, the assets that were transferred to said trust. This was necessary in order to establish Medi-Cal eligibility. Under the terms of the trust, the beneficiary is Elizabeth A. Vasquez. This beneficiary designation matched the beneficiary designation as set forth in the Revocable Living Trust previously executed by Mr. Ruiz in August 2013.

Please see additional page

As such, it did not change any of the dispositive provisions of Mr. Ruiz' prior estate plan. Mr. Ruiz apparently did not name his other daughter, Lorraine in his estate planning documents because she was named as the beneficiary under the estate plan prepared for Petition, herein, Rosie Ruiz. Additionally, the estate plan of Mr. Ruiz only dealt with his portion of the estate which consisted of his sole and separate property.

Ms. Vasquez indicates that during the time the Medi-Cal planning was undertaken Petitioner, herein, Mrs. Ruiz was aware of the planning and was in agreement with the same. She abruptly changed her mind, however, when Ms. Vasquez caused the sale of the pickup truck belonging to Mr. Ruiz. Ms. Vasquez indicates that the pickup was sold because it was in need of substantial repairs which Mr. Ruiz could not afford. Additionally, Mr. Ruiz was no longer able to drive the pickup and yet was paying for insurance on the vehicle. Accordingly, Ms. Vasquez states that she discussed the matter with her mother, and the decision was made to sell the truck. The proceeds from the sale were deposited into the bank account established for Mr. Ruiz that received his social security benefits, which incidentally, named Elizabeth Vasquez as the designated payee. In fact, Ms. Vasquez had been the designated payee for social security payments to Mr. Ruiz for several years and had managed the finances for Mr. Ruiz during that entire period of time. While there were no objections to the manner in which she managed said funds, once the proceeds from the pickup truck were deposited into the account, Mrs. Ruiz immediately changed her attitude and began to falsely accuse Ms. Vasquez of stealing the truck and selling it without her permission.

Mrs. Ruiz also began to prevent Ms. Vasquez from taking Mr. Ruiz to his doctor appointments. Because she was the agent designated under Mr. Ruiz' Advanced Health Care Directive, Ms. Vasquez felt a responsibility to act in her father's best interest. When she could not obtain the cooperation from her mother to allow for Mr. Ruiz to be taken into his doctor appointments, Ms. Vasquez decided to file the instant petition for conservatorship of the person. In response, Mrs. Ruiz filed the counter petition for conservatorship of the person and the estate. Additionally, Ms. Vasquez also applied for a temporary restraining order against Ms. Vasquez and her sister and in it falsely alleged physical abuse. The temporary restraining order is the subject of a separate proceeding, which is set for hearing in January 2016.

In the present conservatorship proceedings, Ms. Vasquez has been falsely accused of stealing her father's money. Because of these false accusations, there has been a certain amount of prejudice directed towards her which the undersigned believes is patently unfair. Once, again, it is very important that the court understand and that Ms. Vasquez was managing her father's money for several years prior to initiation of the conservatorship proceedings. There were no incidents during this time period and no objections from her mother, Rosie Ruiz. During that time period, Mr. Ruiz was being well cared for in his home. Ms. Vasquez was simply attempting to ensure that this could continue and that if necessary, Mr. Ruiz could be transferred to a skilled nursing facility, if appropriate. Ms. Vasquez was simply attempting to continue taking care of her father as he had requested her to do and as evidenced by his estate planning documents executed in August of 2013.

Please see additional page

At no time has any one, including the court appointed counsel for Mr. Ruiz, attempted to contact Mr. Broiles to get his input regarding preparation of the estate planning documents he did for Mr. Ruiz. Moreover, at no time has anyone attempted to set aside or challenge the legal documents prepared by Mr. Brioles. This is extremely important because if the legal documents prepared for Mr. Ruiz by Mr. Brioles in August of 2013 are valid, then it is respectfully submitted that his wishes should be carried out and his daughter Elizabeth Vasquez should be appointed as conservator of his person. Additionally, if said documents are valid, no conservator of the estate is necessary or required as once again, Ms. Vasquez would have the ability to manage her father's assets under the terms of the General Durable Power of Attorney. Further, if the documents are valid, then Ms. Vasquez was acting within her power in establishing the Ruiz Family Grantor Trust and in transferring assets from Mr. Ruiz to said trust. Additionally, under the terms of said trust, Ms. Vasquez is the ultimate beneficiary, and the funds is irrelevant insofar as Mr. Ruiz.

Because Mr. Ruiz has executed valid estate planning documents which have not been challenged and/or set aside, it is respectfully submitted that his wishes should be carried out as set forth in said documents. In the event counsel for Mrs. Ruiz and/or court appointed counsel for Mr. Ruiz dispute the validity of the estate planning documents then they certainly can file an appropriate petition to challenge and to seek to have the same set aside. However, to falsely assert that Ms. Vasquez is somehow engaging in inappropriate conduct is simply no warranted by the facts and is continuing to prevent her from carrying out her father's wishes. As such, it is respectfully requested that the court deny the oral Ex Parte request to appoint the public guardian as conservator of the person and the estate of Mr. Ruiz.

It is also brought to the Court's attention that per the agreement of the parties reached at the settlement conference, Ms. Vasquez is cooperating with Ms. Ruiz in addressing the care needs of the proposed conservatee. Ms. Vasquez has been instructed not to interfere Mrs. Ruiz' efforts to care for her husband and in exchange, Mrs. Ruiz, through her counsel, has agreed to provide periodic updates to Ms. Vasquez regarding doctor appointments and doctor visits pertaining to Mr. Ruiz. Insofar, as Mr. Ruiz' income, Mrs. Ruiz has become the designated payee for Mr. Ruiz's social security benefits and has been receiving those for several months. As such, Mrs. Ruiz is the person now responsible for paying all bills and expenses associated with Mr. Ruiz.

Declaration of Philip M. Flanigan in Compliance with Court Order filed 11/10/2015 states Elizabeth A. Vasquez complied with the Court's 11/10/2015 order and turned over all bank records, checkbooks, credit cards pertaining to Jaime Ruiz and the Ruiz Family Grantor Trust, in her possession, custody and control. Ms. Vasquez has advised the undersigned that to the best of her knowledge she does not possess or have access to any other records pertaining to Jaime Ruiz and thus, has fully complied with the Court's order. Ms. Vasquez has also previously filed with the Court, an Accounting for the period of 12/16/2014 through 09/30/2015. Ms. Vasquez has also provided this Accounting to the Public Guardian. Additionally, Ms. Vasquez has provided the Public Guardian with the backup documentation for the Accounting showing the details for each transaction reflected therein. Ms. Vasquez is not attempting to sell any assets belonging to Mr. Ruiz and/or the trust. No such efforts have been undertaken in at least the last sixty days. Moreover, since creation of the Ruiz Family Grantor Trust, Ms. Vasquez has not taken any steps to sell any assets belonging to Mr. Ruiz.

Please see additional page

Continued from previous page: At the direction of her financial advisor, Ms. Vasquez did borrow on a life insurance policy belonging to Mr. Ruiz held at Northwestern Mutual, Policy No. 7203522. The loan amount of $38,945.01 was to be transferred to the Ruiz Family Grantor Trust as was ownership of the policy. The loan was to have then been paid back with ownership of the policy now held in the name of the trust. This was done for purposes of removing the cash value of the policy from Mr. Ruiz' so as to enable him to qualify for Medi-Cal benefits to obtain assistance with his care needs. The monies were deposited into a bank account in the name of Mr. Ruiz and the funds, less $945.01, were thereafter transferred to an account in the name of the Ruiz Family Grantor Trust.

Once again, all bank account information has been turned over by Ms. Vasquez to the Public Guardian and Ms. Vasquez remains willing to answer any and all questions the Public Guardian may have regarding the assets of Mr. Ruiz and/or the transactions engaged in by Ms. Vasquez.

Declaration of J. Stanley Teixeira filed 12/03/2015 states on 11/16/2015 he hand delivered financial documents and information to deputy Public Guardian Stacy Mauro regarding the assets of Jaime N. Ruiz and any and all trusts established utilizing his assets.

Declaration of Deputy Public Guardian Stacy Mauro regarding Attempts to Marshal Assets from Elizabeth Vasquez filed 12/07/2015 states the Public Guardian was appointed as temporary conservator of the estate of the conservatee. The Public Guardian understood the order to mean that she was to marshal all assets owned by the conservatee, regardless of the vesting. Her attempts to work with Elizabeth Vasquez and her attorney Philip M. Flanigan are set forth in emails, which are attached hereto as Exhibit B.

The PG requests instructions from the Court and direction to Ms. Vasquez regarding which assets are to be turned over to the PG.

Elizabeth Vasquez purchased a 2012 Nissan Altima with Jaime and Rosa's funds and registered the vehicle in her own name. According to DMV, Elizabeth submitted a release of liability on 11/09/2015 releasing liability in the vehicle from herself to Rosa (the conservatee's wife). At this time, the vehicle is still registered to Elizabeth Vasquez as the release of liability form does not transfer ownership. Elizabeth must sign the title over to Rosa and Jaime and provide it to Rosa so Rosa can go to the DMV and transfer title. Ms. Mauro intends to demand that Elizabeth sign title to Jaime and Rosa. However, if she does not, it would be requested that the Court order he to do so.

Status Report and Declaration of Philip M. Flanigan filed 01/29/2016 states on 11/03/2015, the Court issued an Order appointing Rosie Ruiz as temporary Conservator of the Person of Jaime Ruiz. She has been acting since that time. Rosie Ruiz also filed an application for Restraining Order. That matter is being heard in a different department and has been continued on several occasions. It is now set for continued trial on 04/12/2016 and 04/13/2016. As many of the issues in the Restraining Order proceedings will have an impact on the present conservatorship proceedings, it is requested that the conservatorship matters likewise be continued to a date subsequent to the conclusion of the trial on the application for Restraining Order. In the meantime, it is also requested that Elizabeth A. Vasquez be granted permission to have supervised visitations with her father as for the past several months she has been completely isolated from him by Rosie Ruiz. It is proposed that such visitations take place in the presence of the Public Administrator/Guardian who has been appointed Conservator of the Estate of Jaime Ruiz.

Please see additional page

12A Jaime N. Ruiz (CONS/P) Case No. 15CEPR00451

Status Report and Request for Continuance filed by Attorney Philip Flanigan on 11/10/2016 states
Elizabeth A. Vasquez is the daughter of the proposed conservatee, Jaime Ruiz. She petitioned the Court to be appointed as conservator of the person of Jaime Ruiz. Her mother, Rosie Ruiz filed a competing Petition to be named as Conservator of the Person.

On 11/03/2015, the Court issued an Order appointing Rosie Ruiz as temporary conservator of the person of Jaime Ruiz. She has been so acting since that time.

Rosie Ruiz also filed an application for Restraining Order. This matter was set for trial on July 12th, 13th. And 15th, 2016, however Elizabeth A. Vasquez has dismissed her former Attorney and has since obtained new counsel. The next hearing for Restraining Order case is November 16, 2016 at 11:30am. At that time, the Judge and her current counsel will set a new trial date. As many of the issues in the Restraining Order proceedings will have an impact on the present conservatorship proceedings, it is requested that the conservatorship matters likewise be continued for 60 days until the conclusion of the trial on the application for Restraining Order.

Dept. 303, 9:00 a.m. Tuesday, November 15, 2016

12B Jaime N. Ruiz (CONS/P) Case No. 15CEPR00451

Attorney Flanigan, Philip (for Elizabeth A. Vasquez – Petitioner – Daughter)
Attorney Horton, Lisa (Court Appointed for Proposed Conservatee)
Attorney Teixeira, J. Stanley (for Ruiz, Rosa P. – Objector/Competing Petitioner - Spouse)

Petition for Appointment of Probate Conservator of the Person

Age: 78		
Cont. from 061115, 071615, 110315, 120815, 020216, 072616		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	w/
	Aff.Pub.	
	Sp.Ntc.	
✓	Pers.Serv.	
	Conf. Screen	
	Letters	x
✓	Duties/Supp	
	Objections	
✓	Video Receipt	
✓	CI Report	
	9202	
	Order	x
	Aff. Posting	
	Status Rpt	
	UCCJEA	
✓	Citation	
	FTB Notice	

Rosa P. Ruiz was appointed Temporary Conservator of the Person only, EXPIRES 11/15/2016

PUBLIC GUARDIAN APPOINTED CONSERVATOR OF THE ESTATE PURSUANT TO MINUTE ORDER OF 12/08/2015

ELIZABETH A. VASQUEZ, daughter, is petitioner.

Please see petition for details

NEEDS/PROBLEMS/COMMENTS:

Continued from 07/26/2016

12C is the competing petition for Appointment of Probate Conservator of the Person and Estate filed by Rosa P. Ruiz, spouse/objector.

Note: This petition is for appointment of probate conservatorship of the person only.

Minute Order of 02/02/2016 (in part): For the record, it appears all parties present agree that all trust assets should be turned over to the Public Guardian; the Court directs counsel to file a stipulation stating said agreement. Counsel agree to continue this matter to 07/26/2016.

Minute Order of 12/08/2015: Mr. Flanigan orally motions for the Public Guardian to become the trustee of the Trust, and stipulates to the Public Guardian as permanent Conservator of the Estate. Ms. Kruthers will file an Ex Parte request to allow the Public Guardian to take control of the Trust. No appearance is necessary at the status hearings if the required documents are filed at least two court days prior.

Court Investigator Advised Rights on 05/28/2015.

Reviewed by: LV

Reviewed on: 11/09/2016

Updates:

Recommendation:

File 12B - Ruiz

12C Jaime N. Ruiz (CONS/PE) Case No. 15CEPR00451

Attorney Flanigan, Philip (for Elizabeth A. Vasquez – Competing Petitioner – Daughter)
Attorney Horton, Lisa (Court Appointed for Proposed Conservatee)
Attorney Teixeira, J. Stanley (for Ruiz, Rosa P. – Petitioner - Spouse)

Petition for Appointment of Probate Conservator of the Person and Estate

Age: 78			Rosa P. Ruiz was appointed Temporary Conservator of the Person only, EXPIRES 11/15/2016	NEEDS/PROBLEMS/COMMENTS:
				Continued from 07/26/2016
			PUBLIC GUARDIAN APPOINTED CONSERVATOR OF THE ESTATE PURSUANT TO MINUTE ORDER OF 12/08/2015	Minute Order of 02/02/2016 (in part): For the record, it appears all parties present agree that all trust assets should be turned over to the Public Guardian; the Court directs counsel to file a stipulation stating said agreement. Counsel agree to continue this matter to 07/26/2016.
Cont. from 110315, 120815, 020216, 072616			ROSA P. RUIZ, spouse, is petitioner.	Minute Order of 12/08/2015: Mr. Flanigan orally motions for the Public Guardian to become the trustee of the Trust, and stipulates to the Public Guardian as permanent Conservator of the Estate. Ms. Kruthers will file an Ex Parte request to allow the Public Guardian to take control of the Trust. No appearance is necessary at the status hearings if the required documents are filed at least two court days prior.
	Aff.Sub.Wit.		Please see petition for detials	
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			Court Investigator Advised Rights on 07/14/2015.
	Objections			1. Need Video viewing receipt for each conservator pursuant to Local Rule 7.15.8(A).
	Video Receipt	x		2. Need new order as to the Person Only.
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			Reviewed by: LV
	Status Rpt			Reviewed on: 11/09/2016
	UCCJEA			Updates:
✓	Citation			Recommendation:
	FTB Notice			File 12C – Ruiz

13 Virgil Joseph Brandon (Estate) Case No. 15CEPR00527

Petitioner **Craig Joseph Brandon (Pro Per)**

Petition for Final Distribution on Waiver of Accounting, for Reimbursement to Executor and Allowance of Administrator's Commissions

DOD: 4/1/2015		
Cont. from 100316		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	W/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	070215
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

CRAIG JOSEPH BRANDON, son and Executor, is Petitioner.

Accounting is waived.

I & A — **$154,761.50**
POH — **$147,996.46**
(all cash)

Executor — **$4,916.00**
(less than $5,642.85 statutory)

Executor Reimburse — **$4,477.53**
*(sum of **$2,532.26** for ½ of unpaid rent due to Craig Joseph Brandon for the months of December 2015 to May 2016; **$1,851.20** for attorney's fees to evict Chris Virgil Brandon from the residence so it could be sold; **$94.07** for cable box lost by Chris Virgil Brandon.)*

Executor Costs — **$4,041.93**
(filing fees probate referee; publication; certified copies; real property expenses including utilities, insurance; wheelchair rental for Decedent; funeral expenses;)

Distribution pursuant to Decedent's Will and *Acknowledgment of Receipt of Petition and Agreement to Its Terms* filed 11/9/2016 is to:

- **CRAIG JOSEPH BRANDON – $67,280.50 cash;**
- **CHRIS VIRGIL BRANDON – $67,280.50 cash.**

NEEDS/PROBLEMS/COMMENTS:

Continued from 11/15/2016 per Petitioner's request.

Note Re Probate Referee: Rick Smith is the designated Probate Referee for this matter pursuant to Probate Code § 8902 and the *Order for Probate* filed 7/1/2015. *Declaration to Clarify and Correct Errors in Petition* filed 11/9/2016 states when Petitioner's father died, he was not sure if the value of the assets would require a full probate or could pass by petition to determine succession; Petitioner enlisted the help of Steven Deibert to appraise his father's residence, and the asset valued at over **$150,000.00** required a full probate; Rick Smith was appointed by Court as referee, but Petitioner had already paid Mr. Deibert to do the appraisal, and later hired Mr. Deibert again to appraise the vehicle and furnishings that needed to be included in the estate. Court may require notice to **RICK SMITH** under Probate Code § 8903(c)(5), as he was entitled to have appraised the estate property and collected the **$150.00** fee that was paid to **STEVEN DIEBERT**.

Reviewed by: LEG
Reviewed on: 11/8/16
Updates: 11/9/16
Recommendation:
File 13- Brandon

Dept. 303, 9:00 a.m. Tuesday, November 15, 2016

14 Angel Harvey, Francisco Ramos (GUARD/P) Case No. 15CEPR01110

Petitioner: Moises Francisco Ramos (Pro per – Maternal uncle)

Petition for Appointment of Guardian of the Person *(as to Francisco Ramos only)*

			TEMPORARY EXPIRES 11/15/2016
			MOISES FRANCISCO RAMOS, maternal uncle, is petitioner.
Cont. from			
	Aff.Sub.Wit.		***Please see petition for details.***
✓	**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	x	
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

This petition is as to Francisco Ramos only.

1. Need *Notice of Hearing*.
2. Need proof of service at least 15 days before the hearing of the *Notice of Hearing* with copy of petition <u>or</u> consents and waivers of notice <u>or</u> declarations of due diligence for:
   a. Extacy Harvey (half-sibling – 14 years)
   b. Angel Harvey (half-sibling – 16 years)
3. Need *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* form (Judicial Council Form GC-120).

Reviewed by: SEF

Reviewed on: 11/8/2016

Updates: 11/9/2016

Recommendation:

File 14- Harvey/ Ramos

16 Catherine M. Bettencourt (Estate) Case No. 15CEPR01232

Attorney **Jeffrey A. Jaech (for Petitioner Gary J. Bettencourt, Executor)**

First and Final Account and Report of Personal Representative and Petition for Its Settlement, for Allowance of Attorney's Fees; and for Final Distribution

DOD: 6/24/2015		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	W/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	020416
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

GARY J. BETTENCOURT, spouse and Executor, is Petitioner.

Account period: 6/24/2015 – 8/31/2016

Accounting - **$336,117.39**
Beginning POH - **$336,013.86**
Ending POH - **$334,466.39**
($121,966.39 is cash)

Executor - **waives**

Attorney - **$9,722.35**
(statutory)

Creditor's Claim - **$327,710.99**
(payable to Petitioner per Order Approving Creditor's Claim filed 9/1/2016; to be partially paid with estate real property valued at $212,500.00, plus cash up to $115,210.00 (cash of $112,966.39 is available for payment less fees and costs); payment is for contribution of Petitioner's separate property funds for the construction and improvement of the residence built on lot in Shaver Lake, CA;)

Costs - **$535.30**
(filing fees, certified copies)

Distribution pursuant to Decedent's Will and to *Settlement Agreement (copy attached as Exhibit 1)* executed by estate beneficiaries is as follows:

- **GARY BETTENCOURT** – ½ interest in real property, and **$112,966.39 cash** in partial satisfaction of creditor's claim.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: LEG
Reviewed on: 11/8/16
Updates: 11/9/16
Recommendation: SUBMITTED
File 16 - Bettencourt

Dept. 303, 9:00 a.m. Tuesday, November 15, 2016

18 Michelle Gerome (GUARD/E) Case No. 16CEPR00933

Attorney: Catherine A. Amador (for Petitioner Teresa J. Goff)

Petition for Appointment of Guardian of the Estate

			TERESA J. GOFF, mother, is petitioner
Cont. from 101816			
	Aff.Sub.Wit.		
✓	**Verified**		
	Inventory		
	PTC		
	Not.Cred.		
✓	**Notice of Hrg**		
✓	**Aff.Mail**	W/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	**Conf. Screen**		
✓	**Letters**		
✓	**Duties/Supp**		
	Objections		
	Video Receipt		
	CI Report	N/A	
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
✓	**UCCJEA**		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

Continued from 10/16/16. As of 11/7/16 the following issues remain:

1. Need proof of <u>personal</u> service of the Notice of Hearing along with a copy of the petition or consent and waiver of notice on:
   a. Alain Gerome (father)
   b. Michelle Gerome (minor)

2. Petitioner requests bond be set at $160,875.00. Bond is only necessary for the personal property, as the real property cannot be sold/encumbered etc. without prior court approval. **Therefore bond could be set at $27,500.00 per CRC §7.207.**

3. Court file indicates the minor is the sole heir to her deceased step-grandfather Felix Castro's Will. There is no record that the Will has been deposited or that an estate has been opened for Felix Castro in Fresno County. Need clarification.

Please see additional page

Reviewed by: KT

Reviewed on: 11/7/16

Updates:

Recommendation:

File 18- Gerome

18 Michelle Gerome (GUARD/E) Case No. 16CEPR00933

Note: If the petition is granted, status hearings will be set as follows:

- **Wednesday, December 14, 2016** at 9:00 a.m. in Department 303, for the filing of the bond
- **Wednesday, March 15, 2017** at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.
- **Wednesday, January 17, 2018** at 9:00 a.m. in Department 303, for the filing of the first account.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.

19 Rikkie Cottrell, Brooklyn Lewelling (GUARD/P) Case No. 16CEPR00970

Petitioner: Melissa C. Beyer-Mora (Pro per – Paternal step-grandmother)

Petition for Appointment of Guardian of the Person

			NO TEMPORARY REQUESTED
			MELISSA BEYER-MORA, paternal step-grandmother, is petitioner.
Cont. from			
	Aff.Sub.Wit.		
✓	**Verified**		***Please see petition for details.***
	Inventory		
	PTC		
	Not.Cred.		
✓	**Notice of Hrg**		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
✓	**Pers.Serv.**	w/	
✓	**Conf. Screen**		
✓	**Letters**		
✓	**Duties/Supp**		
✓	**Objections**		
	Video Receipt		
✓	**CI Report**		
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
✓	**UCCJEA**		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

Petitioner:

1. Need proof of service at least 15 days before the hearing of the *Notice of Hearing* with a copy of the petition <u>or</u> consents and waivers of notice <u>or</u> declarations of due diligence for:
   a. Jeff Fontanilla (paternal grandfather, but listed in petition as "maternal" grandfather)
   b. Maternal grandfather (name not listed)
   c. Autom Verdo (maternal grandmother)
2. Item #3b of UCCJEA filed 9/16/2016 lists Rikkie's residence information as 2011 to present. However, Rikkie was not born until 2013. Need correct residence information for Rikkie.

Objector:

1. Need proof of service of objection on:
   a. Melissa Beyer-Mora (petitioner)
   b. Glen Brady Cottrell (father)

Reviewed by: SEF

Reviewed on: 11/9/2016

Updates:

Recommendation:

File 19- Cottrell/ Lewelling

20 In the Matter of Victor J. Huerta Case No. 16CEPR01028

Attorney: James P. Hurlbutt (for Petitioner Helen V. Huerta)

Petition for Transfer of Community Property and for the Authorization for Proposed Transactions Under Probate Code Section 3101 and for Order of Support Against Institutionalized Spouse Under 42 United States Code Section 1396R-5

Cont. from		
	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	W/
	FTB Notice	

HELEN V. HUERTA is petitioner.

Petitioner states she is 89 years of age. Her spouse, Victor J. Huerta is 98 years of age. They were married on 11/14/1942. They had one child, now deceased, leaving no issue.

Victor J. Huerta has a Will dated March 16, 2011. This Will nominates Petitioner as Executor and gives the estate to Petitioner, if then living and, if not, then equally to Jane Martinez, niece, and Mike Costello Jr., nephew.

Petitioner and Victor J. Huerta have community property assets totaling $222,463.57. The assets are presently tilted in either the name of the Petitioner, in the name of Victor J. Huerta or in the joint names of both of them. The assets constitute the community property of Petitioner in any case.

Petitioner submits that Victor J. Huerta suffers from Alzheimer's Dementia, causing major mental impairment. He presently resides at home with Petitioner, but there is a great possibility that he will soon be admitted to a skilled nursing facility. Declaration of James Sorensen, M.D. is attached in support.

Petitioner seeks authorization to transfer from Victor J. Huerta to Petitioner all of his separate property and his undivided ½ interest in all community property to Petitioner as her sole and separate property.

Please see additional page

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: KT

Reviewed on: 11/9/16

Updates:

Recommendation:

File 20- Huerta

Probate Code §3100 states, in full, as follows:

> Section 3100 Transaction
>
> a. As used in this chapter, "transaction" means a transaction that involves community real or personal property, tangible or intangible, or an interest therein or a lien or encumbrance thereon, including but not limited to those transactions with respect thereto listed in Section 3102.
> b. However, if a proposed transaction involves property which a spouse also has a separate property interest, for good cause the court may include that separate property in the transaction.

Probate Code §3102(f) provides that the "transaction: which the Court may authorize includes, without limitation, "Conveyance or transfer, without consideration, to provide gifts for such purposes, and to such charities, relatives (including one of the spouses), friends, or other objects of bounty, as would be likely beneficiaries of gifts from spouses."

Medi-Cal is a public benefit program which provides medical assistance for low income persons. An individual who is aged (65 or older) will be eligible for Medi-Cal in a skilled nursing facility if they meet the resources and income limitations. An individual must deplete their non-exempt resources to $2,000.00 before they are eligible for Medi-Cal.

The Medicare Catastrophic Coverage Act of 1988 as enacted in this State by Senate Bill 1413 which amends California Welfare and Institutions Section 14002, et seq. allows for protection from health care costs of up to $119,220.00 of a married couple's resources (i.e., non-exempt, liquid assets) for the benefit of the community spouse resources in excess of this amount and a $2,000.00 resource allowance for the incapacitated spouse. Accordingly, Victor J. Huerta can retain a $2,000.00 resource allowance, his exempt residence and his exempt IRA account and still qualify for Medi-Cal benefits.

However, in order to qualify, Victor J. Huerta for public benefits, it will be necessary to transfer all but the $2,000.00 resource allowance amount to Petitioner as her sole and separate property. Absent court authority, Petitioner will be unable to transfer the assets to qualify her husband for public benefits and she will be unable to avoid losses on any unproductive assets if she liquidates the funds to meet the family needs.

Petitioner, therefore requests an Order against Victor J. Huerta, which will transfer all assets to Petitioner Helen V. Huerta, as her sole and separate property.

Petitioner's transfer to herself of Victor J. Huerta's assets will not adversely affect his Medi-Cal eligibility pursuant to Section 42 U.S.C. 1396(p)(2)(B).

Please see additional page

Petitioner also requests that the Court issue an order against Victor J. Huerta to provide for the continued support of Petitioner under the terms and provisions of 42 United States Code Section 1396R-5.

At the present time, the monthly income of Petitioner and Victor J. Huerta is as follows: (a) Petitioner receives $420.90 per month in Social Security benefits; and (b) Victor J. Huerta receives $925.90 per month in Social Security benefits. The total income is therefore $1,346.80.

Under current Medi-Cal regulations, Petitioner is allowed to remain a minimum of $119,220.00 of non-exempt, countable assets and still qualify her husband for long-term care Medi-Cal benefits. This additional amount is call the Community Spouse Resource Allowance ("CSRA"). In this case, the non-exempt countable community property assets (not including any retirement funds or one exempt vehicle), consists of the community property total $222,463.57.

Under normal circumstances, Petitioner would not be allowed to retain assets in excess of $119,220.00 and still qualify for Medi-Cal benefits.

Under Medi-Cal's income rules, however, Petitioner is also entitled to the receipt of a Minimum Monthly Maintenance Needs Allowance ("MMMNA") of $2,981.00. This amount is adjusted each year for inflation. If Petitioner (the community spouse) does not have sufficient income to achieve the $2,981.00 MMMNA, federal Medi-Cal rules provide that the Petitioner's CSRA must be increased to include the additional assets – enough to generate the full MMMNA amount of $2,981.00.

In this case, the Petitioner's only source of income is Social Security in the amount of $1,346.80, which is $1,634.20 short of the MMMNA. Accordingly, Petitioner must be able to retain sufficient assets in her CSRA to generate the shortfall of $1,634.20 per month.

The Court has authority to order that Petitioner be allowed to retain the full amount of $222,463.57 and still qualify her incapacitated husband for Medi-Cal benefits.

If Victor J. Huerta is ordered to support Petitioner, his care will continue to be provided by the Medi-Cal benefits he receives. He will suffer no hardship as a result of a court ordered support.

Petitioner is not in a position to become self-supporting at her age. Given her limited earning capacity, the couples' relatively limited resources and Petitioner's monthly expenses, it is not appropriate that Petitioner rely at all on her husband's Social Security income to meet her federally required MMMNA. Unfortunately, recent changes in the federal Medi-Cal rules provide that the Medi-Cal eligibility worker and any Administrative Law Judge who reviews the decision of an eligibility worker must first attribute all of the Social Security benefits of the Spouse to the Petitioner as part of Petitioner's MMMNA before any increase may be made to Petitioner's CSRA. However, no such restriction is placed on this Court.

Please see additional page

Petitioner is therefore entitled to retain the entire amount of the assets described in Exhibit "B" and Victor J. Huerta's separate property as part of her expanded Community Spouse Resource Allowance.

Accordingly, Petitioner requests that the Court issue a supplementary order in this matter, pursuant to 42 U.S.C. §1396-5(d)(5), in the form of an order against Victor J. Huerta for monthly income for the support of Petitioner, determining that the monthly income shall not be less than $2,981.00 per month and further determining that the monthly income shall be generated from the assets listed on Exhibit "B" before any resort to the Social Security benefits.

Wherefore, Petitioner prays for an order:

1. Authorizing Petitioner to transfer a give of the ½ community property interest of Victor J. Huerta, Spouse, in all the assets set forth in Exhibit "B" to his wife, Helen V. Huerta, as her sole and separate property.
2. Pursuant to 42 U.S.C. §1396-5(d)(5), for an order against Victor J. Huerta, who is an institutionalized spouse, for monthly income for support of Petitioner as the community spouse in such amounts as shall require Petitioner to maintain all the assets set forth in Exhibit "B" as her sole and separate property and as part of her allowed Community Spouse Resource Allowance.
3. Dispensing with the requirement of bond for these particular transactions.
4. Authorizing Petitioner to do and perform all acts and to execute and deliver all papers, documents, and instruments necessary to consummate the proposed transaction.

21 Charles Edward Silvas (Estate) Case No. 16CEPR01029

Attorney: Jeffrey A. Jaech (for Petitioner Tina Silvas)

Petition for Probate of Will and for Letters Testamentary with IAEA

DOD: 7/4/16		
Cont. from		
	Aff.Sub.Wit.	S/P
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
✓	**Aff.Mail**	W/O
✓	**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	

TINA SILVAS, named executor without bond, is petitioner.

Full IAEA – o.k.

Will dated: 2/8/13

Residence: Fresno
Publication: Fresno Business Journal.

Estimated Value of the Estate:

Personal property	-	$2,500,000.00
Annual Income	-	$ 220,000.00
Real property	-	$ 670,000.00
Total	**-**	**$3,390,000.00**

Probate Referee: Rick Smith

NEEDS/PROBLEMS/COMMENTS:

Note: If the petition is granted, status hearings will be set as follows:

- **Wednesday, April 19, 2017** at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.
- **Wednesday, May 16, 2018** at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.

Reviewed by:	KT
Reviewed on:	11/8/16
Updates:	
Recommendation:	**Submitted**
File	**21- Silvas**

22 Sarah Carrizosa, Josiah Carrizosa (GUARD/P) Case No. 16CEPR00668

Petitioner: Adelina Dianne Gomez (Pro per – Paternal Aunt)
Petitioner: Victor Gomez (Pro per – Paternal Uncle)

Petition for Appointment of Temporary Guardian of the Person

			GENERAL HEARING 1/17/2017
			VICTOR H. GOMEZ and ADELINA D. GOMEZ, paternal uncle and aunt, are petitioners
Cont. from			
	Aff.Sub.Wit.		***Please see petition for details.***
✓	**Verified**		
	Inventory		
	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		

NEEDS/PROBLEMS/COMMENTS:

This petition is as to Sarah only.

1. Need *Notice of Hearing*.
2. Need proof of personal service at least 5 court days before the hearing of the *Notice of Hearing* with a copy of the petition or consent and waiver of notice or declaration of due diligence for:
   a. Priscilla Cota (mother)

Reviewed by: SEF
Reviewed on: 11/9/2016
Updates:
Recommendation:
File 22- Carrizosa

Dept. 303, 9:00 a.m. Tuesday, November 15, 2016

23 In Re: Suzanne Sobenes, Juan Sobenes (F/MARR)

Case No. 16CEPR01135

Petitioner: Suzanne Brown Sobenes (pro per)
Petitioner: Juan Roman Sobenes (pro per)

Petition to Establish Fact of Marriage

Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	N/A
	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	

SUZANNE MAY SOBENES and **JUAN ROMAN SOBENES** are petitioners.

Petitioners request the Court establish the fact, date and place of their marriage as occurring on November 14, 1981 in Fresno, California.

Attached to the Petition is a copy of the Marriage Certificate issued by Reverend Bernard T. Flynn showing he solemnized the marriage of Juan Roman Sobenes and Suzanne May Qualls on November 14, 1981.

NEEDS/PROBLEMS/COMMENTS:

1. Petition does not state why there is no official record of the fact, date, and place of the marriage.
2. Need Declaration in Support of Petition to Establish Fact of Marriage. Judicial Council form MC-362A – This declaration contains information in order for the court to establish the fact of marriage.
3. Petition does not state whether or not a marriage license was first obtained. A marriage license is required in order for a marriage to be valid in the State of California. Family Code §350 et seq.
4. Order contains type-overs. The order cannot contain any erasures, whiteouts, photocopies or alterations. Need new order.

Reviewed by: KT
Reviewed on: 11/9/16
Updates:
Recommendation:
File 23- Sobenes

Dept. 303, 9:00 a.m. Tuesday, November 15, 2016

24 Carlos Cordero Gomez (CONS/P) Case No. 16CEPR01102

Petitioner **Ascencion Cordero Villa (Pro Per, sister)**
Attorney **J. Stanley Teixeira (Court-appointed for Conservatee)**

Petition for Appointment of Temporary Conservator of the Person

			GENERAL HEARING SET FOR 12/7/2016	**NEEDS/PROBLEMS/COMMENTS:**
			ASCENCION CORDERO VILLA, sister, is Petitioner and requests appointment as Conservator of the Person.	**Conservatee Advised Rights on 11/3/2016.**
Cont. from 110816				**Continued from 11/8/2016.** *Minute Order* states Mr. Teixeira will look into the issue of possible restrictions being made as to visiting family members, and if there are, report back to the Court as to why. He will also check to see that Mr. Gomez has adequate personal items with him in the facility.
	Aff.Sub.Wit.			
✓	**Verified**		***~Please see Petition for details~***	
	Inventory			
	PTC			
	Not.Cred.		**Court Investigator's *Report* was filed 11/4/2016.**	
	Notice of Hrg	X		**The following defects from the last hearing remain:**
	Aff.Mail	X		1. Need *Notice of Hearing*.
	Aff.Pub.			2. Need proof of five (5) court days' notice by personal service of the *Notice of Hearing* and a copy of the *Petition for Appointment of Temporary Conservator* for:
	Sp.Ntc.			• Carlos Cordero Gomez, proposed Conservatee.
	Pers.Serv.	X		3. Need proof of five (5) court days' service by mail of the *Notice of Hearing* and a copy of the *Petition for Appointment of Temporary Conservator* for all relatives listed in the Item 11 of the Petition Pursuant to Probate Code 2250(e).
✓	**Conf. Screen**			
✓	**Letters**			
✓	**Duties/Supp**			
	Objections			
	Video Receipt			
✓	**CI Report**			
	9202			
✓	**Order**			
	Aff. Posting			**Reviewed by:** LEG
	Status Rpt			**Reviewed on:** 11/9/16
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 24- Gomez**

1A Penny Elizabeth Slaton (GUARD/P) Case No. 13CEPR00870

Attorney **Terri L. McCracken (for Petitioners Amie Eliza Visser and Jay Matthew Visser)**
Attorney **Julia Ann Brungess (for Co-Guardians Roy Oken and Doreen Oken)**

Petition for Appointment of Guardian of the Person

Cont. from 092016, 102516		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	W/O
	Aff.Pub.	
	Sp.Ntc.	
✓	**Pers.Serv.**	W/
✓	**Conf. Screen**	
	Letters	X
✓	**Duties/Supp**	
	Objections	
	Video Receipt	
✓	**CI Report**	
✓	**Clearances**	
	Order	X
	Aff. Posting	
	Status Rpt	
✓	**UCCJEA**	
	Citation	
	FTB Notice	

TEMPORARY DENIED ON 8/23/2016

JAY VISSER and **AMIE VISSER,** non-relatives, are Petitioners.

~Please see Petition for details~

Court Investigator Report filed on 9/14/2016.

NEEDS/PROBLEMS/COMMENTS:

This matter will be heard at 8:30 a.m. in Department 54.

Page 1B is the *Petition for Removal of Guardians* filed by **JAY VISSER** and **AMIE VISSER**.

Page 1C is the *Petition for Termination of Guardianship* filed by **ROY OKEN** and **DOREEN OKEN.**

Continued from 10/25/2016.

The following defects regarding the Petition for Appointment of Guardian filed by Jay Visser and Ammie Visser remain:

1. *Proof of Service by Mail* filed 10/27/2015 shows notice was served to **ELIZABETH SLATON** (mother) in C/O of another person, **LINDA BURKE.** Court may require direct notice pursuant to CA Rule of Court 7.51(a)(1) and (2), and pursuant to Probate Code § 1511(b)(3), which requires personal service to the mother.
2. If the *Petition* is granted, Attorney McCraken will need to submit proposed order and letters for appointing Petitioners **JAY VISSER** and **AMIE VISSER** as Co-Guardians of **PENNY SLATON**.

Reviewed by: LEG

Reviewed on: 11/7/16

Updates: 11/8/16

Recommendation:

File 1A – Slaton

Dept. 303, 9:00 a.m. Tuesday, November 15, 2016

1B Penny Elizabeth Slaton (GUARD/P) Case No. 13CEPR00870

Attorney **Terri L. McCracken (for Petitioners Amie Eliza Visser and Jay Matthew Visser)**
Attorney **Julia Ann Brungess (for Guardians Roy Oken and Doreen Oken, non-relatives)**

Petition for Removal of Guardians Pursuant to Probate Code Section 2650(J)

			JAY VISSER and **AMIE VISSER**, non-relatives, are Petitioners. ***~Please see Petition for details~***
Cont. from 092016, 102516			
	Aff.Sub.Wit.		
✓	**Verified**		
	Inventory		
	PTC		
	Not.Cred.		
✓	**Notice of Hrg**		
✓	**Aff.Mail**	W/	
	Aff.Pub.		
	Sp.Ntc.		
✓	**Pers.Serv.**	W/	
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	Clearances		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

This matter will be heard at 8:30 a.m. in Department 54.

Continued from 10/25/2016.

1. *Proof of Service by Mail* filed 10/12/2015 shows notice was served by mail to **ELIZABETH SLATON** (mother) in C/O of another person, **LINDA BURKE**. Court may require direct notice pursuant to CA Rule of Court 7.51(a)(1) and (2), to be directly served by mail to the mother for notice of the *Petition for Removal* pursuant to Probate Code §§ 1460, 1510(c)(1), and 2652.

Note Re Proposed Order: A proposed order removing the Co-Guardians appears unnecessary from Attorney McCracken for the instant *Petition for Removal*, as an order granting the *Petition for Termination* filed by the current Co-Guardians will effectively terminate their role as guardians of Penny Slaton.

Reviewed by: LEG
Reviewed on: 11/7/16
Updates: 11/8/16
Recommendation:
File 1B – Slaton

1C Penny Elizabeth Slaton (GUARD/P) Case No. 13CEPR00870

Attorney **Terri L. McCracken (for Petitioners Amie Eliza Visser and Jay Matthew Visser)**
Attorney **Julia Ann Brungess (for Co-Guardians Roy Oken and Doreen Oken)**

Petition for Termination of Guardianship

			ROY OKEN and **DOREEN OKEN**, non-relative Co-Guardians appointed on 12/3/2013, are Petitioners. ***~Please see Petition for details~***
Cont. from			
	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	X	
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

This matter will be heard at 8:30 a.m. in Department 54.

2. *Proof of Service by Mail* filed 9/22/2015 shows notice was served by mail to **MERRY E. SLATON BLUESTONE** (mother) in C/O of another person, **LINDA BURKE**. Court may require direct notice pursuant to CA Rule of Court 7.51(a)(1) and (2), to be directly served by mail to the mother for notice of the *Petition for Termination of Guardianship* pursuant to Probate Code §§ 1460, 1510(c)(1), and 2652.

Reviewed by: LEG
Reviewed on: 11/8/16
Updates:
Recommendation:
File 1C- Slaton

Dept. 303, 9:00 a.m. Tuesday, November 15, 2016