



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.

Petition for Compensation for Representation of Conservatee [Prob. C. 1470 & 1472(a)]

| | | |
|----------------------|--|---|
| | Petitioner GARY G. BAGDASARIAN was court appointed to represent the Conservatee on 8-11-10. | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. On 11-7-13, Petitioner filed a Notice of Representation of Bruce D. Bickel as Successor Conservator of the Estate, which states that Petitioner now represents both the Conservatee and the Conservator of the Estate "based on Waivers of Conflict of Interest executed by both parties." The waivers referenced are not provided. The Court may require clarification regarding Petitioner's representation of both Conservatee and conservator.</p> |
| | Robert N. Lowder and Marcia D. Lowder are the current successor co-conservators of the Person. | |
| Aff.Sub.Wit. | | |
| Verified | | |
| Inventory | Bruce D. Bickel is the current successor conservator of the Estate. | |
| PTC | | |
| Not.Cred. | | |
| Notice of Hrg | Petitioner requests fees in connection with legal services rendered to the Conservatee from 5-11-12 through 10-2-13, including review of documentation in connection with the personal pcare of the Conservatee including responding to demand letters from creditros, discussing personal tax, maintenance, expense verification issues with Conservatee and conservator of the estate, Wells Fargo Bank, and related matters., the appointment of successor probate conservator of the estate Bruce Bickel, attendance at hearings, and discussing transfer of assets, budget, and related matters with the Conservatee and the newly appointed conservator of the estate. | |
| Aff.Mail | | |
| Aff.Pub. | | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
| Conf. Screen | | |
| Letters | | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | | |
| Order | Petitioner requests that he be paid from the conservatorship estate fees of \$7,125.00 and costs of \$972.50. | |
| Aff. Posting | | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | Services are itemized by date. See declaration. | |
| FTB Notice | Bruce D. Bickel, Conservator of the estate, filed Notice of No Objection to Petition for Compensation on 11-4-13. | |
| | | Reviewed by: skc |
| | | Reviewed on: 11-8-13 |
| | | Updates: |
| | | Recommendation: |
| | | File 1 – McDaniels |

2 Rebecca Lee Ann Dell Pitkin and Eva Jane Carolyn Pitkin (GUARD/PE)

Case No. 10CEPR00544

Atty Baker-Grumprecht-Davies, Kathleen (for Melissa Russell – paternal grandmother)

Atty Bradbury, Peggy (pro per – maternal grandmother/Petitioner)

Petition for Visitation

| | | |
|---|---|--|
| Rebecca, 11 | PEGGY BRADBURY, maternal grandmother, is Petitioner. | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 10/01/13 Minute Order from 10/01/13 states: Ms. Baker-Grumprecht-Davies is appearing as counsel for Melissa Russell. Ms. Bradbury admits making statements to the children that were inappropriate. The Court is informed that the children are participating in therapy. The court orders that an evaluation be conducted for the purpose of determining how visitation should start between the children and Ms. Bradbury. Waivers of confidentiality are obtained from the parties for the release of information from the therapists. Ms. Bradbury is ordered to provide Ms. Baker-Grumprecht-Davies and the Court the relevant documents regarding her participation in therapy. The Court investigator is ordered to conduct an investigation of the parties.</p> <p>1. Proof of service on the Notice of Hearing filed 09/04/13 indicates that the Notice of Hearing was mailed to the guardian's attorney and not to the guardian. Further, the proof of service does not indicate that a copy of the Petition for Visitation was served along with the Notice of Hearing. Service to an attorney is insufficient pursuant to California Rule of Court 7.51 and Probate Code § 1214. Need proof of service by mail at least 15 days before the hearing to Guardian, Melissa Russell.</p> |
| Eva, 8 | MELISSA RUSSELL, paternal grandmother, was appointed Guardian of the Person and Estate on 08/09/10. Letters of Guardianship were issued on 08/26/10. | |
| Cont. from 100113 | Parents are both deceased. | |
| <input type="checkbox"/> Aff.Sub.Wit. | | |
| <input checked="" type="checkbox"/> Verified | Petitioner states that her daughter, the children's mother, died in October 2009. After her death, the father allowed the guardian to have frequent visits. Petitioner states that she had a good relationship with the father until his death in May 2010. After the father's death, the paternal grandmother, Melissa Russell, was appointed guardianship. Initially, Petitioners relationship with the guardian was good and Petitioner visited with the children frequently and the children spent all holidays with Petitioner. In August 2011, the guardian abruptly stopped all visitation and cut off all communication with petitioner. The guardian continues to refuse Petitioner visitation. | |
| <input type="checkbox"/> Inventory | | |
| <input type="checkbox"/> PTC | | |
| <input type="checkbox"/> Not.Cred. | | |
| <input checked="" type="checkbox"/> Notice of Hrg | | |
| <input checked="" type="checkbox"/> Aff.Mail | w/o | |
| <input type="checkbox"/> Aff.Pub. | | |
| <input type="checkbox"/> Sp.Ntc. | | |
| <input type="checkbox"/> Pers.Serv. | | |
| <input type="checkbox"/> Conf. Screen | | |
| <input type="checkbox"/> Letters | | |
| <input type="checkbox"/> Duties/Supp | | |
| <input type="checkbox"/> Objections | Petitioner requests visitation with the children as follows: | |
| <input type="checkbox"/> Video Receipt | <ol style="list-style-type: none"> 1. During the summer months. 2. One week of Easter vacation. 3. One week of Thanksgiving vacation. 4. Two weeks of Christmas vacation. 5. Anytime Petitioner is in Fresno as reasonably agreed between Petitioner and Guardian. | |
| <input type="checkbox"/> CI Report | | |
| <input type="checkbox"/> 9202 | | |
| <input type="checkbox"/> Order | X | |
| <input type="checkbox"/> Aff. Posting | For visitation in Sacramento, Petitioner requests that she meet the guardian in Turlock to exchange the children. | |
| <input type="checkbox"/> Status Rpt | For visitation in Fresno, Petitioner requests she be allowed to pick up and drop off the children from the guardian's home. While visiting in Fresno, the children will stay with Petitioner at her cousin's home in Fresno. | |
| <input type="checkbox"/> UCCJEA | | |
| <input type="checkbox"/> Citation | | |
| <input type="checkbox"/> FTB Notice | Continued on Page 2 | |
| | | Reviewed by: JF |
| | | Reviewed on: 11/08/13 |
| | | Updates: |
| | | Recommendation: |
| | | File 2 – Pitkin |

2 Rebecca Lee Ann Dell Pitkin and Eva Jane Carolyn Pitkin (GUARD/PE)

Page 2

Guardian's Responsive Declaration in Opposition of Petition for Visitation filed 09/25/13 states:

Petitioner's petition for visitation is misleading. Petitioner did have some visitation with the girls approximately every 6 weeks or so while their father was still alive. The visitation did continue for a short time after Justin's death. However, she did not have extensive visits with the girls as she alleges in her Petition. Further, the guardian's relationship with Petitioner was strained at best and the guardian ultimately determined that it would be detrimental to the girls to have any unsupervised visits with Petitioner, due to Petitioner's behavior. On 08/24/11, guardian's attorney sent a letter to Petitioner notifying her that any future visits would need to be supervised and at the discretion of a therapist. Guardian came to the decision to not allow Petitioner unsupervised visits after she insisted that she discuss paternity and other issues with them that were not age appropriate and undermining to the guardian. This started happening in 2010, just after the father passed away. Guardian has attached numerous text messages to her Response to show the court the type of messages she received from Petitioner. In the messages, Petitioner goes from being angry to nice and then sad. Many of the messages were threatening to the guardian with Petitioner calling guardian a "liar" and stating that she would "kick my ass". On a phone call, Petitioner blurted out to Rebecca that Justin was not her father. Upon that occurring, Guardian took the phone from Rebecca and has not allowed Petitioner to communicate with the girls since. Rebecca was 8 years old when this occurred and had lost both of her parents within the last year. At no time has Petitioner asked for visitation under the conditions Guardian set forth in her letter of 08/24/11. Instead she has continually harassed Guardian via cell phone.

Guardian states that the only reason Justin was not initially on Rebecca's birth certificate is because she was born before he and Michelle were married and Justin had not signed the Declaration of Paternity when the nurse came in with the birth certificate forms. Michelle listed Justin as Rebecca's father in her baby book and never told Justin or Rebecca that he was not her father. After Michelle's death, Justin petitioned the Court for a Judgment of Paternity so that everything was legal and there was no question of his paternity. The Judgment was granted on 05/21/10 (just 11 days after Justin's death), and Rebecca's birth certificate has since been amended listing Justin as her father.

Petitioner's behavior and the statements she makes when she is angry are the reason Guardian does not believe it is in the girls' best interest to have visitation with Petitioner in an unsupervised setting. Initially, Guardian wanted the girls to have a continuing relationship with their mother's family, however, as time went on, Guardian's interactions with Petitioner showed her instability and Guardian chose to limit visitation to a supervised setting. The important thing is what Petitioner did not tell the Court. She did not attach any writings between us because they were harmful to her request. She also did not mention Guardian's letter dated 08/24/11 stating that only supervised visits would be allowed moving forward.

Guardian requests the Court deny Petitioner's request for visitation with the children in its entirety. Although they miss their parents greatly, they have adjusted to their new lives and attend therapy every other Friday instead of once per week as they had in the beginning. The girls do not need the horrors of their parent's death brought up in an unhealthy manner such as Petitioner has historically displayed. The girls should not be subjected to the behavior that Petitioner displays or the hurtful things she openly says when she is angry. If the Court feels that the girls should have contact with Petitioner at this point, then that visitation should be in a therapeutic setting with the children's therapist with all costs of these therapeutic sessions being the responsibility of Petitioner.

Dept. 303, 9:00 a.m. Monday, November 18, 2013

(1) First and Final Accounting & Report of Personal Representative; (2) Petition for Final Distribution of Ancillary Probate Estate

| | | | |
|-------------------------------------|-------------------------|--|---|
| DOD: 08/16/12 | | <p>J. LAVONNE BENNETT, Executor, is Petitioner.</p> <p>Account period: 08/16/12 – 09/30/13</p> <p>Accounting - No Accounting has been presented</p> <p>I & A - \$175,000.00 POH - \$175,000.00</p> <p>Executor - waived Attorney - waived</p> <p>Distribution, pursuant to Decedent's Will, is to:</p> <p>J. Lavonne Bennett, Trustee of the Donald H. Bennett and J. Lavonne Bennett Trust - Real property valued at \$175,000.00 (100% of the estate)</p> <p>Verified Supplement to First and Final Accounting & Report of Personal Representative filed 11/06/13.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 10/21/13 As of 11/08/13, the following notes remain:</p> <ol style="list-style-type: none"> The Verified Supplement to First and Final Account & Report of Personal Representative filed 11/06/13 is not verified by the fiduciary. The "accounting" provided in the Supplement does not conform to the Probate Code (see Probate Code § 1061 and 1064). Need Accounting <u>or</u> waiver of accounting from J. Lavonne Bennett as Trustee of the Donald H. Bennett and J. Lavonne Bennett Trust. <u>Note:</u> If a waiver of account is filed by the Trustee, the Trustee must also file a written acceptance of the Trust. (See Probate Code § 10954(b)(4) and §15600). The assets of the estate are proposed to be distributed to a pre-existing trust, therefore the current trustee must file a declaration setting forth the name of the trust, its establishment date, taxpayer identification number, verifying that the trust is in full force and effect, and that the trustee has an executed copy of the trust in possession. (See Local Rule 7.12.4) Notice was provided to the FTB on 09/17/13. The Court may require additional time to allow the FTB to make a claim against the estate given the late notice. |
| Cont. from 102113 | | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | |
| <input checked="" type="checkbox"/> | Verified | | |
| <input checked="" type="checkbox"/> | Inventory | | |
| <input checked="" type="checkbox"/> | PTC | | |
| <input checked="" type="checkbox"/> | Not.Cred. | | |
| <input checked="" type="checkbox"/> | Notice of Hrg | | |
| <input checked="" type="checkbox"/> | Aff.Mail w/ | | |
| <input type="checkbox"/> | Aff.Pub. | | |
| <input type="checkbox"/> | Sp.Ntc. | | |
| <input type="checkbox"/> | Pers.Serv. | | |
| <input type="checkbox"/> | Conf. Screen | | |
| <input type="checkbox"/> | Letters 03/21/13 | | |
| <input type="checkbox"/> | Duties/Supp | | |
| <input type="checkbox"/> | Objections | | |
| <input type="checkbox"/> | Video Receipt | | |
| <input type="checkbox"/> | CI Report | | |
| <input checked="" type="checkbox"/> | 9202 | | |
| <input checked="" type="checkbox"/> | Order | | |
| <input type="checkbox"/> | Aff. Posting | | |
| <input type="checkbox"/> | Status Rpt | | |
| <input type="checkbox"/> | UCCJEA | | |
| <input type="checkbox"/> | Citation | | |
| <input checked="" type="checkbox"/> | FTB Notice | | |
| | | <p>Reviewed by: JF</p> <p>Reviewed on: 11/08/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 – Bennett</p> | |

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|-------------------------------------|----------------------|---|---|
| DOD: 12/09/12 | | RICHARD RAMOS , son/named co-Executor without bond, is Petitioner. | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>CONTINUED TO 12/11/13</u> Per request of Counsel</p> <ol style="list-style-type: none"> The Petition is marked at item 5(a)(8) that the decedent was not survived by issue of a pre-deceased child; however, decedent's will indicates that she had a pre-deceased child (Judith Martinez) who had issue (April Martinez-Gann & Adam Martinez). Judith Martinez is not listed in item 8 of the Petition. Need date of death of Judith Martinez pursuant to Local Rule 7.1.1D. Predeceased spouse is not named in item 8 of the Petition. Need name and date of death of predeceased spouse pursuant to Local Rule 7.1.1D. Decedent's Will nominates Petitioner to serve as Co-Executor along with James J. Melgoza and Monet J. Melgoza Cornelison. The Petition indicates that Richard Ramos is seeking to be appointed as the sole Executor, therefore need declinations to serve from James J. Melgoza and Monet J. Melgoza Cornelison or revised Petition seeking appointment of all three persons as Co-Executors. Need the relationships to decedent of each person listed in item 8 of the Petition. Note: Petitioner's name and relationship should also be listed in item 8 of the Petition. Need affidavit of publication. |
| | | Full IAEA – NEED PUBLICATION | |
| Cont. from 100713 | | Will dated 10/11/12 | |
| <input type="checkbox"/> | Aff.Sub.Wit. | s/p | |
| <input checked="" type="checkbox"/> | Verified | | |
| <input type="checkbox"/> | Inventory | | |
| <input type="checkbox"/> | PTC | | |
| <input type="checkbox"/> | Not.Cred. | | |
| <input checked="" type="checkbox"/> | Notice of Hrg | | |
| <input checked="" type="checkbox"/> | Aff.Mail | w/ | |
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| <input type="checkbox"/> | Objections | | |
| <input type="checkbox"/> | Video Receipt | | |
| <input type="checkbox"/> | CI Report | | |
| <input type="checkbox"/> | 9202 | | |
| <input checked="" type="checkbox"/> | Order | | |
| <input type="checkbox"/> | Aff. Posting | | |
| <input type="checkbox"/> | Status Rpt | | |
| <input type="checkbox"/> | UCCJEA | | |
| <input type="checkbox"/> | Citation | | |
| <input type="checkbox"/> | FTB Notice | | |
| | | Residence: Clovis Publication: NEED | |
| | | Estimated Value of the Estate: Personal property - \$ 11,500.00 Real property - 142,328.00 Total - \$153,828.00 | |
| | | Probate referee: STEVEN DIEBERT | |
| | | Note: If the Petition is granted, status hearings will be set as follows: 1. Friday, 03/07/14 at 9:00 am in Dept. 303 for filing of the Inventory & Appraisal; 2. Friday, 12/05/14 at 9:00 am in Dept. 303 for filing of the Accounting/Report of Executor and Petition for Final Distribution | |
| | | Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter, the status hearing will come off calendar and no appearance will be required. | |
| | | Reviewed by: JF | |
| | | Reviewed on: 11/08/13 | |
| | | Updates: | |
| | | Recommendation: | |
| | | File 5 - Melgoza | |