

**Second and Final Account and Report of Administrator; Petition for Final Distribution; Exoneration of Bond; and For Allowance of Compensation for Ordinary and Extraordinary Services (Probate Code 11640, 10810, 10811, 10830)**

<b>DOD: 10/21/2009</b>		<b>SUSAN E. BARR</b> , Executor, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Petitioner states she was unable to get a receipt from Hans Jurgen-Shaefer for his preliminary distribution. However the check has cleared the bank. Court may require a copy of the cancelled check. – Declaration of Attorney Wright filed on 11/15/12 states Bank of America does not return copies of the checks. She spoke to the Executor who assured her the check cleared the bank.  2. Petition requests and order grants exoneration of the bond. The bond cannot be exonerated until receipts are filed and an Ex Parte Petition for Final Discharge and Order has been filed. Examiner has stricken the language in the order that exonerates the bond.
		Account period: 7/1/11 – 9/30/12	
		Accounting - <b>\$164,719.99</b>	
		Beginning POH - <b>\$164,166.83</b>	
		Ending POH - <b>\$ 65,121.01</b>	
<b>Cont. from</b>		Executor - <b>\$2,495.52</b>	
	<b>Aff.Sub.Wit.</b>	(remaining statutory)	
✓	<b>Verified</b>	Executor x/o - <b>\$1,390.05</b> (Per itemization for dealing with UK probate, 24.03 hours @ \$35 per hour and \$549.00 in costs, mailings and long distance)	
✓	<b>Inventory</b>	Attorney - <b>\$2,495.52</b>	
✓	<b>PTC</b>	(remaining statutory)	
✓	<b>Not.Cred.</b>	Attorney x/o - <b>\$2,336.05</b> (per itemization for dealing with UK probate, 7.79 hours @ \$295 per hour and \$38.00 in costs for mailings to the UK)	
✓	<b>Notice of Hrg</b>	W/	
✓	<b>Aff.Mail</b>	Closing - <b>\$2,000.00</b>	
	<b>Aff.Pub.</b>	<b>Distribution, pursuant to Decedent's Will, is to:</b>	
	<b>Sp.Ntc.</b>	John D. Ferreira, Cynthia R. Slaughter, Angelique Ferreira Tung, Linda Sutherland, Sabine Combet, Uwe Schaefer, Hans Jergens-Shaefer, Barbara Gonzalez and Susan Barr - \$6,044.88 each.	
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
✓	<b>Letters</b>	3/16/10	
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
✓	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
✓	<b>FTB Notice</b>		
			<b>Reviewed by: KT</b>
			<b>Reviewed on: 11/14/2012</b>
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 1 - Ferreira</b>

**2 Manuel J. Peinado (Estate)**

**Case No. 11CEPR00101**

**Atty Alipaz, Timothy (of Dowling Aaron Inc. for Petitioner/Executor Nancy Peinado)**

**(1) Waiver of First and Final Account and Report of Executor and (2) Petition for Settlement Thereof, (3) for Allowance of Attorney's Fees for Ordinary Services and Costs, and for (4) Final Distribution (Prob. C. 10810, 10954, 12200)**

<b>DOD: 10/24/2009</b>	<b>NANCY PEINADO</b> , Executor, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Accounting is waived.	
	I & A - <b>\$325,000.00</b>	
	POH - <b>\$325,000.00</b>	
<b>Cont. from</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>	Executor - <b>waives</b>	
<input checked="" type="checkbox"/> <b>Inventory</b>	Attorney - <b>\$9,600.00</b> (statutory, to be paid outside of probate)	
<input checked="" type="checkbox"/> <b>PTC</b>		
<input checked="" type="checkbox"/> <b>Not.Cred.</b>	Costs - <b>\$1,251.00</b> (filing fees, certified copies and publication)	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b> W/	<b>Distribution, pursuant to Decedent's Will, is to:</b>	
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>	Nancy Peinado, as Trustee of the Peinado Family Trust dated 1/28/2003 – ½ interest in real property located in Fresno.	
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b> 4/11/11		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<input checked="" type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<input checked="" type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 11/14/12</b>
		<b>Updates:</b>
		<b>Recommendation: SUBMITTED</b>
		<b>File 2 - Peinado</b>





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**NEEDS/PROBLEMS/COMMENTS:**

1. Petitioners state the estate is in a position to be closed; however, Examiner notes that it may be premature to close the estate given the information provided:

The various assets/funds inventoried on the Supplemental I&A (total \$41,158.54) are categorized as "funds receivable" and are an estimated amount that has not yet been received from a claim with the State Controller's Office (Unclaimed Property), and includes various cash/securities/interest-type items held in the name of Decedent's mother, Maybelle A. Dickinson.

Petitioners state Decedent is the sole beneficiary under her mother's will; however, Petitioners do not state what steps may be necessary for obtaining such funds, other than waiting the estimated wait period for claims, "until action is taken." For example, Petitioners do not state whether probate or other summary proceeding may be necessary to distribute the mother's estate to this Decedent's estate. Petitioners request to simply close this estate at this time, and upon receipt of the funds, simply distribute to residuary devisees.

The Court may require authority for closing the estate at this time in this condition, including authority for payment of statutory compensation on an estimated amount, and may require supplemental accounting for amounts received.

Alternatively, the Court may deem this Petition as a "First Account" and require that any distributions and compensation be treated as preliminary pursuant to Probate Code §11623 (not to exceed 50% of the net value of the estate) and Probate Code §10830 (compensation). If so, an amended proposed distribution schedule will be necessary for review.

2. Need Order. (Petitioners may wish to submit an Order After Hearing based on the outcome of the hearing re: #1 above.)

**The Court will set a status hearing as follows:**

**- Friday 9-13-13 for filing of the final (or supplemental) account and petition for final distribution**

**5 Christopher Robles-Ordonez (GUARD/P)**

**Case No. 11CEPR01100**

**Atty Campbell, Catherine (for Rachel Heredia – maternal great-grandmother/Guardian/Objector)**

**Atty Wyrick, Robert A. (for Paulo Avila DeLaCruz – father/Petitioner)**

**Petition for Termination of Guardianship**

<b>Age:</b> 1	PAULO AVILA DELACRUZ, father, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>CONTINUED FROM 10/01/12</u>  <b>Minute Order from 10/01/12 states:</b>  <b>Olivia Montano is sworn and interprets for the Petitioner. Counsel advises the Court that he was recently retained by the Petitioner and the substitution was filed this morning. Counsel requests a continuance.</b></p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing.</li> <li>2. Need proof of service by mail at least 15 days before the hearing of Notice of Hearing with a copy of the <i>Petition for Termination of Guardianship or Consent &amp; Waiver of Notice or Declaration of Due Diligence</i> for: <ul style="list-style-type: none"> <li>- Rachel Heredia (guardian)</li> <li>- Corina Ordonez (mother)</li> <li>- Jesus Ortega Avila (paternal grandfather)</li> <li>- Petra DeLaCruz (paternal grandmother)</li> <li>- Felix Ordonez, Jr. (maternal grandfather)</li> <li>- Priscilla Ordonez (maternal grandmother)</li> </ul> </li> </ol>
	RACHEL HEREDIA, maternal great-grandmother, was appointed guardian of the person on 04/05/12.	
<b>Cont. from 100112</b>	Mother: <b>CORINA ORDONEZ</b> – currently incarcerated	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Paternal grandfather: JESUS J. ORTEGA AVILA	
<input checked="" type="checkbox"/> <b>Verified</b>	Paternal grandmother: PETRA D.E. DELACRUZ	
<input type="checkbox"/> <b>Inventory</b>	Maternal grandfather: FELIX ORDONEZ, JR.	
<input type="checkbox"/> <b>PTC</b>	Maternal grandmother: PRISCILLA ORDONEZ	
<input type="checkbox"/> <b>Not.Cred.</b>	Petitioner states that the guardian lied in her court documents when she stated that the minor's father was unknown. Petitioner states that he has been in contact with the guardian and had visits with his son prior to the guardian filing her petition for guardianship and continues to have visits now.	
<input type="checkbox"/> <b>Notice of Hrg</b>	<input checked="" type="checkbox"/>	
<input type="checkbox"/> <b>Aff.Mail</b>	<input checked="" type="checkbox"/>	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input checked="" type="checkbox"/> <b>CI Report</b>	<b>Court Investigator Jennifer Young filed a report on 09/26/12.</b>	
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>	<b>Continued on Page 2</b>	
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 11/14/12
		<b>Updates:</b> 11/15/12
		<b>Recommendation:</b>
		<b>File 5 – Robles-Ordonez</b>

**Opposition to Petition for Termination of Guardianship filed 10/30/12 by Rachel Heredia, guardian,** states: The minor, Christopher, has resided with her since he was two days old. Christopher's mother is incarcerated and Christopher was born while she was in prison. The mother consented to objector becoming Christopher's guardian and has expressed gratitude to objector for caring for him. On May 22, 2012, the mother wrote a letter stating that she would prefer that Christopher be placed with his biological father, Petitioner, Paulo Avila DeLaCruz. That letter apparently prompted Mr. DeLaCruz to petition to terminate objectors guardianship of Christopher. Objector states that she never believed Mr. DeLaCruz was Christopher's father, but she has allowed Christopher to visit with he and his wife because the mother requested that she do so. Objector states that she doesn't understand why the mother has changed her mind about the guardianship, but states that she is vulnerable to influences since she is incarcerated.

Mr. DeLaCruz voluntarily took a paternity test and the results definitively indicate that he is not Christopher's biological father. Christopher has lived with objector and her husband since he was 2 days old. They have taken good care of him and he is a happy, well-adjusted child. Objector states that she loves Christopher very much and wants to continue being his guardian.

Points and Authorities filed in connection with the Objection states that the court must make a finding by substantial evidence that it would be in the best interest of the child to terminate the guardianship. Objector states that the Petitioner has presented no evidence that terminating the guardianship would be in Christopher's best interest. To the contrary, the mediator has recommended that the child remain with Objector because of the healthy, happy home she provides. Objector states that the petition should be denied.

**Declaration of Mother, Corina Maria Ordonez, filed 11/14/12** states that Paulo Avila DeLaCruz is the child's father. Further, the mother states that she did not consent to her grandmother, Rachel Heredia, to obtain guardianship. She states that the agreement she had with her grandmother was that she would pick up the child from the hospital and take him to his father (Petitioner, Paulo Avila DeLaCruz). Ms. Ordonez further states that the guardian does not send her photos or updates of the child. Ms. Ordonez asks that the court terminate the guardianship of Rachel Heredia and allow the minor to live with his father.

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

DOD: 07/18/09		<p><b>THOMAS W. SIVERLY, ANITA S. WIDMAYER, JAMES R. SIVERLY, HARRY D. SIVERLY, PATRICIA DIVELBISS, and MARY ANN FOSTER</b>, children of Decedent, are Petitioners.</p> <p>40 days since DOD.</p> <p>No other proceedings.</p> <p>I &amp; A - \$87,077.53</p> <p>Will dated 04/06/01 devises estate to decedent's six living children equally.</p> <p>Petitioners request court determination that decedent's 100% interest in real property located at 3627 E. Pine Avenue, Fresno and 100% interest in a Schwab One bank account pass to them in equal shares pursuant to decedent's Will.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><b><u>CONTINUED TO 12/4/2012</u></b> Per attorney request</p> <p><u>CONTINUED FROM 11/01/12</u> Minute Order from 11/01/12 states: Continued to 11/19/12 at the request of Counsel.</p> <p>As of 11/14/12, no additional documents have been filed and the following remains outstanding:</p> <ol style="list-style-type: none"> <li><b>Witness attestation on Decedent's Will is not dated. Need Proof of Subscribing Witness.</b></li> </ol> <p><b>Although the will is not being admitted to probate, this summary proceeding does necessarily include a determination of validity. See Probate Code §13151 and commentary.</b></p>
Cont. from 110112			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	w/		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: JF / LEG</p> <p>Reviewed on: 11/14/12</p> <p>Updates: 11/16/12</p> <p>Recommendation:</p> <p>File 6 - Siverly</p>	

**Petition for Settlement of Eighth and Final Account and Report of Trustees and for Final Distribution [Prob. C. 16062 & 17200]**

<b>DOD: 04/18/03</b>	<b>TONY MILLER and CHARLES G. HOVDA</b> , co-trustees, are Petitioners.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Account period: <b>01/01/11 – 08/31/12</b>	
<b>Cont. from</b>	Accounting - <b>\$165,030.47</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Beginning POH - <b>\$147,302.16</b>	
<input checked="" type="checkbox"/> <b>Verified</b>	Ending POH - <b>\$69,381.15</b>	
<input type="checkbox"/> <b>Inventory</b>	Trustees - <b>NOT ADDRESSED</b>	
<input type="checkbox"/> <b>PTC</b>	Attorney - <b>NOT ADDRESSED</b>	
<input type="checkbox"/> <b>Not.Cred.</b>	Reserve - <b>\$4,500.00</b> (for payment of attorney and accounting fees for preparing this petition, filing fees, preparation of the final fiduciary tax returns and miscellaneous closing costs)	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	<b>Distribution, pursuant to the terms of the QTIP Trust, is to:</b>	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/	Rodney Derold Henton - \$21,627.05	
<input type="checkbox"/> <b>Aff.Pub.</b>	Ronald James Henton- \$21,627.05	
<input type="checkbox"/> <b>Sp.Ntc.</b>	William Warren Henton - \$21,627.05	
<input type="checkbox"/> <b>Pers.Serv.</b>	<b>Petitioners state:</b>	
<input type="checkbox"/> <b>Conf. Screen</b>	1. On 06/01/2000, Warren H. Henton established the Warren H. Henton Trust. Pursuant to the terms of that Trust, at his death, the successor trustees were to establish and fund a sub-trust, the WARREN H. HENTON QTIP TRUST ("QTIP Trust"), to be held and administered for the lifetime benefit of surviving spouse, Dorothy Winsor-Henton.	<b>Reviewed by:</b> JF
<input type="checkbox"/> <b>Letters</b>	2. Tony Miller & Charles G. Hovda have served continuously as co-trustees, pursuant to the designation of Dorothy Winsor-Henton, since Warren Henton's death on 04/18/03. Fresno County has always been the principal place of administration of the QTIP Trust.	<b>Reviewed on:</b> 11/14/12
<input type="checkbox"/> <b>Duties/Supp</b>	3. On 06/01/2000, Warren H. Henton established the Warren H. Henton Trust. Pursuant to the terms of that Trust, at his death, the successor trustees were to establish and fund a sub-trust, the WARREN H. HENTON QTIP TRUST ("QTIP Trust"), to be held and administered for the lifetime benefit of surviving spouse, Dorothy Winsor-Henton.	<b>Updates:</b>
<input type="checkbox"/> <b>Objections</b>		<b>Recommendation:</b>
<input type="checkbox"/> <b>Video Receipt</b>		<b>File 7 - Henton</b>
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		

Continued on Page 2

4. Tony Miller & Charles G. Hovda have served continuously as co-trustees, pursuant to the designation of Dorothy Winsor-Henton, since Warren Henton's death on 04/18/03. Fresno County has always been the principal place of administration of the QTIP Trust.
5. The QTIP Trust was funded with an undivided ½ interest in real property, which was sold on 03/19/04 resulting in net proceeds of \$450,771.49 to the QTIP Trust.
6. The terms of the QTIP Trust called for Dorothy Winsor-Henton to receive the net income of the QTIP Trust during her lifetime. If at any time the net income was less than \$4,000.00 per month, the trustee was directed to distribute sufficient principal so that she received \$4,000.00 per month. During the administration, all monthly distributions included principal and income since the distributions exceeded net income.
7. Pursuant to the QTIP Trust, at the death of Dorothy Winsor-Henton, the QTIP Trust terminates and the remaining trust principal is to be equally distributed to Warren H. Henton's 3 sons, if then living. Dorothy Winsor-Henton died on 07/29/12. Warren H. Henton's 3 sons, Rodney Derold Henton, Ronald James Henton, and William Warren Henton were all then living.
8. During Dorothy's lifetime, the trustees prepared and served 7 accountings on Dorothy and the remainder beneficiaries. No objections to the accountings were received.

**Petitioners request an Order:**

1. Settling, allowing, and approving all acts of Petitioners as set forth in the petition;
2. Authorizing petitioners to retain a reserve fund for closing in the amount of \$4,500.00; and
3. Authorizing final distribution of the trust estate as stated in the petition.

Petition for Transfer of Venue of Conservatorship from Fresno County to Kern County

Age: 58 years		<p><b>ELVIRA MANRIQUEZ</b> was appointed conservator on 4/11/2003</p> <p>Court Investigator Charlotte Bien filed a Petition for Transfer on 10/5/12 requesting this proceeding be transferred to Kern County because the conservatee has resided there for over 5 years, and it is presumed pursuant to Probate Code §2215 that transfer of the conservatorship case to the county of residence is in the best interests of the conservatee.</p> <p>Court Investigator further recommends that the fees and costs related to this transfer be waived.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W/
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
<p>Reviewed by: KT</p> <p>Reviewed on: 11/14/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8 - Manriquez</p>				

**Petition for Removal of Trustee, Account, and for Appointment of Successor Trustee**

		<b>ANDREW CHAFFER</b> , trust beneficiary, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Petitioner states he is the grandson and 1/6 beneficiary under the <b>HARLEY E. CHAFFER TRUST</b> executed May 9, 1991. Petitioner states he does not possess a copy of the Trust. And amendment to the Trust was executed on October 29, 1998.	<b>Note: Petitioner was formerly represented by Attorney John Streett; however, Substitution of Attorney filed 9-12-12 indicates that he is now self-represented.</b>
Cont. from 121211, 022712, 040912, 051412, 062512, 080612, 091712, 102212		Harley E. Chaffer died on March 4, 2011 thereby making the Trust irrevocable.	<b>Minute order 4/9/12:</b> Doug Chaffer is ordered to send 2/11 and 3/11 bank statements to Mr. Streett. Mr. Chaffer is also ordered to send any life insurance information to Mr. Streett.
	Aff.Sub.Wit.	Petitioner is informed and believes that the successor Trustee is <b>DOUGLAS EDWARD CHAFFER</b> .	<b>Minute Order 5/14/12:</b> Mr. Streett is appearing via conference call. Matter continued to 6/25/12
✓	Verified	<b>Petitioner alleges:</b>	<b>Minute Order 6/25/12:</b> Mr. Streett is appearing via conference call. Doug Chaffer is directed to submit an inventory of the jewelry to the Court and counsel. In addition, he is to obtain a list from his sister setting forth the distribution of the jewelry.
	Inventory	1. The Trustee has violated his duty to inform the beneficiaries and has refused to provide Petitioner with a copy of the Trust, despite written requests.	<i>Declaration filed 7-23-12 attaches an email from Janet Payne to Douglas Chaffer listing jewelry and distribution and copies of appraisals of various pieces.</i>
	PTC	2. The Trustee has violated his duty to Petitioner as Trustee has failed to ever render an accounting despite written request to do so.	<b>Minute Order 8-6-12:</b> John Streett appeared via Courtcall. Mr. Streett informed the court that he received notice that he will no longer be counsel for Andrew Chaffer. This matter is continued and Mr. Streett will inform Andrew Chaffer with the new date. Matter continued to 9-17-12.
	Not.Cred.	<b>Wherefore, Petitioner prays for an Order:</b>	<b>Minute Order 9-17-12:</b> Andrew Chaffer is appearing via conference call. Mr. Chaffer advises the Court that he is in the process of retaining new counsel, but will have a copy of the trust mailed to the Court.
✓	Notice of Hrg	1. Compelling Douglas Edward Chaffer to produce a copy of the Harley E. Chaffer Trust of May 9, 1991 and all amendments to it;	<b>Minute Order 10-22-12:</b> Andrew Chaffer is appearing via conference call. Andrew Chaffer informs the Court that he has been unable to retain new counsel to address the discrepancies in the accounting. The Court directs Andrew Chaffer to submit a copy of the trust. Continued to 11/19/12.
✓	Aff.Mail		<b>As of 11-14-12, nothing further has been filed.</b>
	Aff.Pub.		<b>Note: Examiner notes that this is the 9<sup>th</sup> hearing on this petition; however, a copy of the trust has never been provided to the Court.</b>
	Sp.Ntc.		<b>Reviewed by:</b> skc
	Pers.Serv.		<b>Reviewed on:</b> 11-14-12
	Conf. Screen		<b>Updates:</b>
	Letters		<b>Recommendation:</b>
	Duties/Supp		<b>File 9 - Chaffer</b>
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

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

<p>Jada Cameron Marshall Age: 11</p>		<p><b>TEMPORARY EXTENDED TO 11-19-12</b></p> <p><b>IRENE AGUILERA</b>, Maternal Aunt, is Petitioner.</p> <p>Father: <b>ROBERT MARSHALL</b> - Notice dispensed 8-14-12</p> <p>Mother: <b>ALMA ROSE AGUILERA</b> - Notice dispensed 8-14-12</p> <p>Paternal Grandfather: Unknown - Notice dispensed 8-14-12</p> <p>Paternal Grandmother: Unknown - Notice dispensed 8-14-12</p> <p>Maternal Grandfather: Ruben Aguilera - Notice dispensed 8-14-12</p> <p>Maternal Grandmother: Maria Aguilera - Substantive notice found 8-14-12</p> <p><b>Petitioner states</b> the mother is homeless and is heavily using methamphetamines. The father has not seen, called or supported the children since 2006. The children have largely resided with Petitioner during their lives except for a three-year time 2009-2011 when they resided with the mother in Southern California (Norwalk). The mother was clean during a small part of those years, but when she came back to Fresno in December 2011, she dropped off the children and went straight to the streets. Petitioner is concerned that once the mother finds out she will not be receiving cash aid for the children, she will come and pick them up, take them to the streets, and to abject danger.</p> <p>Petitioner states the school knows her from the years that they lived with her, and both children are in need of counseling due to the life their mother has forced them to lead for the past three years. However, she cannot obtain any insurance or medical care for them at this time. Petitioner describes violence from the mother's husband in front of the children and that there were times that he made the children sleep in the car in the driveway instead of the house because of fighting with the mother. He was ultimately incarcerated for beating the mother badly, but she maintained a relationship with him during his incarceration.</p> <p><b>Court Investigator Samantha Henson filed a report on 11-9-12.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Note:</u> At the temporary hearing on 6-19-12, the Court dispensed with notice to both parents until they can be served, and at the hearing on 8-14-12, the Court dispensed with notice to the father until an address becomes known, dispensed with notice to the mother, paternal grandparents and maternal grandfather, and found substantive notice to the maternal grandmother.</p> <p><u>If this matter goes forward, the following issues remain:</u></p> <ol style="list-style-type: none"> <li><b>1. Need Child Information Attachment for Diego.</b> This form contains information necessary for the Court guardianship file on this child.</li> <li><b>2. The Court may require updated information or diligence at this time regarding service on the relatives pursuant to Probate Code §1511.</b></li> </ol>
<p>Diego I.Xavier Aguilera Age: 7</p>			
<p>Cont. from 081412, 100112</p>			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
N/A	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
<p>Reviewed by: skc</p>			
<p>Reviewed on: 11-14-12</p>			
<p>Updates:</p>			
<p>Recommendation:</p>			
<p>File 10 – Marshall &amp; Aguilera</p>			

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

<b>Age: 2</b>		<b>NO TEMPORARY REQUESTED</b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<p><b>SANDRA KELLY WRIGHT</b>, maternal grandmother, is petitioner.</p>		<p>1. Need proof of personal service fifteen days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or Consent and Waiver of Notice:</p> <ul style="list-style-type: none"> <li>Joseph Gable (Father) – Declaration of Due Diligence file 09/25/2012, states that no one knows where to locate the father and that when the child was born he refused to sign the birth certificate.</li> </ul>	
<b>Cont. from</b>		<p>Father: <b>JOSEPH GABLE</b>, Declaration of Due Diligence filed 09/25/2012</p>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>				
<input checked="" type="checkbox"/>	<b>Verified</b>	<p>Mother: <b>KARISSA WRIGHT</b>, consents and waives notice</p>			
<input type="checkbox"/>	<b>Inventory</b>				
<input type="checkbox"/>	<b>PTC</b>				
<input type="checkbox"/>	<b>Not.Cred.</b>	<p>Paternal Grandfather: Joseph Gable, Declaration of Due Diligence filed 09/25/2012</p>			
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	<p>Paternal Grandmother: Kisha Wilson, Declaration of Due Diligence filed 09/25/2012</p>			
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>				
<input type="checkbox"/>	<b>Aff.Pub.</b>	<p>Maternal Grandfather: Allen Cleveland, Deceased</p>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>				
<input type="checkbox"/>	<b>Pers.Serv.</b>	<input checked="" type="checkbox"/>	<p><b>Petitioner states:</b> the mother requested that Sandra Kelly Wright/Petitioner, be the guardian of the minor child due to financial economic hardships. The mother wants petitioner to have legal and physical custody of the child with the authority to take possession and manage all legal and medical affairs.</p>		
<input checked="" type="checkbox"/>	<b>Conf. Screen</b>				
<input checked="" type="checkbox"/>	<b>Letters</b>				
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>				
<input type="checkbox"/>	<b>Objections</b>				
<input type="checkbox"/>	<b>Video Receipt</b>	<p>Attached to the Petition is a statement by the mother which grants the petitioner temporary legal and physical guardianship of the minor child until the mother is economically sound of an estimated time of six years.</p>			
<input checked="" type="checkbox"/>	<b>CI Report</b>				
<input type="checkbox"/>	<b>9202</b>				
<input checked="" type="checkbox"/>	<b>Order</b>				
<input type="checkbox"/>	<b>Aff. Posting</b>	<p><b>Court Investigator, Samantha D. Henson's report filed 11/05/2012.</b></p>			
<input type="checkbox"/>	<b>Status Rpt</b>				
<input checked="" type="checkbox"/>	<b>UCCJEA</b>				
<input type="checkbox"/>	<b>Citation</b>				
<input type="checkbox"/>	<b>FTB Notice</b>				
				<p><b>Reviewed by:</b> KT / LV</p>	
				<p><b>Reviewed on:</b> 11/13/2012</p>	
				<p><b>Updates:</b></p>	
				<p><b>Recommendation:</b></p>	
				<p><b>File 11 – Gable-Wright</b></p>	

Nathaniel age: 10		<p style="text-align: center;"><b>TEMPORARY EXPIRES 11/19/2012</b></p> <p><b>TALINA WALLACE</b>, maternal grandmother, is petitioner.</p> <p>Father: <b>AARON SWENSON</b> – declaration of due diligence filed on 09/18/2012</p> <p>Mother: <b>TERESA SWENSON</b></p> <p>Paternal grandfather: unknown          Paternal grandmother: Debbie Swenson          Maternal grandfather: Terry Blankenship</p> <p><b>Petitioner states</b> - the mother is not making clear decisions due to her abusing street drugs/controlled substances and alcohol. The children are not attending school regularly. Nathan was tattooed by the mother's boyfriend, Jared Campbell, who is a felon and also abusing drugs and alcohol. The children are fearful of all the people mother has over all night and they are fearful of the mother's boyfriend. Scarlet has impetigo on her mouth. Mom and her boyfriend are part of the "jugalo" gang.</p> <p style="text-align: center;"><u>Please see additional page</u></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing.</li> <li>2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:             <ul style="list-style-type: none"> <li>• Aaron Swenson (father) unless court dispenses with notice.</li> <li>• Teresa Swenson (mother)</li> </ul> </li> <li>3. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:             <ul style="list-style-type: none"> <li>• Paternal Grandfather (Unknown)</li> <li>• Debbie Swenson (Paternal Grandmother)</li> <li>• Terry Blankenship (Maternal Grandfather)</li> </ul> </li> </ol>	
Scarlet age: 7				
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			x
<input type="checkbox"/>	Aff.Mail			x
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			x
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
				Reviewed by: KT / LV
		Reviewed on: 11/13/2012		
		Updates:		
		Recommendation:		
		File 12 - Swenson		

12 (additional page 2) **Nathaniel Swenson & Scarlet Swenson (GUARD/P)**  
**Case No. 12CEPR00833**

**Minute Order of 10/31/2012:** Mother object to the petition and father objects to mediation. The Court extends the temporary to 11/19/2012. The General Hearing remains set for 11/19/2012. Reasonable visitation to be determined by the guardian pending the next hearing.

**Minute Order of 10/01/2012** Minute Order states based on Petitioner's representation that Nathaniel was tattooed by someone in the home; drugs being used in the home; men coming and going; and the children's school attendance down, the Court deems this to be an ex parte filing for temporary guardianship. The Court finds that the circumstances set forth by Petitioner constitute exigent circumstances such that the imminent safety of the children warrants the granting of the temporary. The petition is granted. The temporary expires on 10/31/12. The general hearing remains set for 11/9/12. The Court orders the Court Investigator to contact Sandra Luna from CPS and inform them of the circumstances as well as advise them that Talina Wallace is willing to take the children immediately pending the hearing on the permanent guardianship.

**Objection to Guardianship filed by Teresa Swenson (mother) on 10/30/12 states** she is capable of making her own decisions and does not need anyone to make decisions for her. She is not currently in a relationship with Jared Campbell nor will she ever be. Mom states she is planning to move to a safer area. For the safety and protection of Nathaniel and Scarlet she is currently placing a restraining order on Jared Campbell. Mom states she is currently looking for work and has worked cleaning rental homes and at a ranch in Porterville. Mom states her goals are to raise her children in a safe neighborhood, free from stress and harm, free from physical, sexual and emotional abuse. Basic needs will be met, such as plenty of water, nutritious foods, shelter and a warm bed with clean linens. Mom requests that she be granted custody of the children so that they can grow as a family; spend quality time with each other; communicated and bond as mother and child.

**Court Investigator Charlotte Bien's Report filed on 10/23/12.**

**Court Investigator Charlotte Bien's Supplemental Report filed on 10/26/12.**

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

Age: 7 years	There is no temporary. No temporary was requested.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Need Amended Petition based on but not limited to the following:</b>  1. # 1c of the petition is incomplete re: bond or blocked account. Local Rule 7.8l states absent a showing of good cause, it is the policy of the court to block all funds in Guardianship Estates. 2. #7 of the Petition is not complete re: character and estimated value of the estate. 3. #8 of the Petition is not complete why the guardianship is necessary. 4. # 1c.(1) and 1c.(2) of the child attachment is not answered re: whether or not the child is an Indian child and a member or eligible for membership in one or more Indian tribes. 5. # 1f of the child attachment is not answered re: person with legal custody of the minor. 6. # 1g of the child attachment is not answered re: person the child lives with. 7. #2 of the child attachment does not include the names and addresses of the paternal and maternal grandparents. 8. #3 of the child attachment is not completed.  <b>Please see additional page</b>
	PAO CHANG, father, is petitioner and requests appointment as Guardian of the Estate.	
	Estimated value of the Estate: not stated.	
Cont. from	Mother: MAI YANG	
Aff.Sub.Wit.	Paternal grandparents: Not listed	
✓ Verified	Maternal grandparents: Not listed	
Inventory	Petitioner does not state why a guardianship of the estate is necessary.	
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
✓ Conf. Screen		
Letters		
✓ Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
✓ UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 11/14/12
		Updates:
		Recommendation:
		File 13 - Cha

**NEEDS/PROBLEMS/COMMENTS (cont.):**

9. #4 of the child attachment is not completed re: why appointing a petitioner as guardian would be best for this child.
10. #5 of the child attachment is not completed.
11. #6 of the child attachment is not completed.
12. #7 of the child attachment is not completed.
13. #8 of the child attachment is not completed.
14. Need Notice of Hearing.
15. 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. Mai Yang (mother)
16. 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. Paternal grandparents
  - b. Maternal grandparents
17. Need Order
18. Need Letters

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

<b>Age: 7</b>		<b>GENERAL HEARING 01/15/2013</b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<b>SARAH RODRIGUEZ</b> , maternal aunt, is petitioner.		Petitioner's Fee Waiver was denied on 11/07/2012. Filing fee of \$285 is due (\$60 for temporary and \$225 for the general petition.)	
<b>Cont. from</b>		Father: <b>UNKNOWN</b> , Declaration of Due Diligence filed 11/06/2012		1. Need Notice of Hearing.	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			2. Need proof of personal service five (5) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:	
<input checked="" type="checkbox"/>	<b>Verified</b>	Mother: <b>SANTANA L. AGUIRRE</b>		<ul style="list-style-type: none"> <li>• Samantha L. Aguirre (Mother)</li> <li>• Father (Unknown) – Unless the Court Dispenses with Notice.</li> </ul>	
<input type="checkbox"/>	<b>Inventory</b>	Paternal Grandparents: Unknown		Note - Declaration of Due Diligence filed 11/06/2012 states that the child is a product of rape and the mother does not know the identity of the father.	
<input type="checkbox"/>	<b>PTC</b>	Maternal Grandfather: Unknown			
<input type="checkbox"/>	<b>Not.Cred.</b>	Maternal Grandmother: Rachel Romero			
<input type="checkbox"/>	<b>Notice of Hrg</b>	<input checked="" type="checkbox"/>	<b>Petitioner states:</b> mother of the child is unstable, she does not have permanent housing for herself let alone the child. Mother is believed to be on drugs and running from the law. If mother gets picked up or arrested the child would have nowhere to go.		
<input type="checkbox"/>	<b>Aff.Mail</b>				
<input type="checkbox"/>	<b>Aff.Pub.</b>				
<input type="checkbox"/>	<b>Sp.Ntc.</b>				
<input type="checkbox"/>	<b>Pers.Serv.</b>	<input checked="" type="checkbox"/>	Petitioner requests that service to the father be excused as the father is unknown.		
<input checked="" type="checkbox"/>	<b>Conf. Screen</b>				
<input checked="" type="checkbox"/>	<b>Letters</b>				
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>				
<input type="checkbox"/>	<b>Objections</b>				
<input type="checkbox"/>	<b>Video Receipt</b>				
<input type="checkbox"/>	<b>CI Report</b>				
<input type="checkbox"/>	<b>9202</b>				
<input checked="" type="checkbox"/>	<b>Order</b>				
<input type="checkbox"/>	<b>Aff. Posting</b>				
<input type="checkbox"/>	<b>Status Rpt</b>				
<input checked="" type="checkbox"/>	<b>UCCJEA</b>				
<input type="checkbox"/>	<b>Citation</b>				
<input type="checkbox"/>	<b>FTB Notice</b>				
				<b>Reviewed by:</b> KT / LV	
				<b>Reviewed on:</b> 11/13/2012	
				<b>Updates:</b>	
				<b>Recommendation:</b>	
				<b>File 14 - Aguirre</b>	

Petition for Appointment of Temporary Guardian of the Person

Colin, 2	<p><b><u>TEMPORARY GRANTED EX PARTE AND EXTENDED AT 11/07/12 HEARING; TEMPORARY EXPIRES 11/19/12</u></b></p> <p><b><u>GENERAL HEARING 01/03/13</u></b></p> <p><b>DR. LAWRENCE W. SCHLAK</b>, maternal grandfather, is Petitioner.</p> <p>Father: <b>COLIN LEE SCHMOCK, SR.</b> –<i>personally served 11/06/12</i></p> <p>Mother: <b>GENEVIEVE SCHLAK SCHMOCK</b></p> <p>Paternal grandfather: DECEASED Paternal grandmother: CAROL SCHMOCK</p> <p>Maternal grandmother: VICTORIA BOWLING</p> <p><b>Petitioner alleges</b> that both parents are unfit to care for the minors at this time. The father is physically and psychologically abusive to the mother and children. There is a history of domestic violence between the parents and the father has a history of mental illness and is currently on a 5150 hold at the VA hospital. Mother is currently staying at a shelter with the children.</p> <p><b>Objections to Guardianship filed 11/05/12 by Colin Schmock, Sr., father, and Carol Schmock, paternal grandmother</b>, state: the proposed temporary guardianship of the children by Lawrence Schlak is not in their best interest because Mr. Schlak has a history of violence. Further, Mr. Schlak plans to move the children to Kansas City, MO where he lives and the children would be separated from their local family. The distance would also interfere with the right of the children to reunify with their parents. Objector requests that the temporary guardianship be denied and that the children be placed with Carol Schmock, paternal grandmother, to secure the children's interest in reunifications with their parents as that is in the best interest of the children.</p> <p>Continued on Page 2</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>See Page 15B for Competing Petition of paternal grandmother, Carol Schmock.</p> <p><b><u>CONTINUED FROM 11/07/12</u></b> Minute Order from 11/07/12 states: Dr. Lawrence Schlak and Genevieve Schmock are appearing via conference call. Also present in the courtroom are Helen Schmock and Pastor Jim Dickson. Carol Schmock and Colin Schmock, Sr. object to the Petition. The Court notes for the minute order that it has received subpoenaed documents. Additionally, the Court notes that the declaration in the file indicates that Dr. Schlak was going to leave the state. Matter continued to 11/19/12. The temporary is extended to 11/19/12. The General Hearing remains for 01/03/13. The Court reserves any issues counsel has until the next hearing. Counsel reserves the right to submit objections. Dr. Schlack agrees to consent and/or waive notice for the 01/03/13 hearing. The Court waives notice to all parties in Missouri. The Court orders Dr. Schlak, Genevieve Schmock, and the children to be present on 11/19/12.</p> <p>1. Need proof of personal service at least 5 court days before the hearing of Notice of Hearing with a copy of the Petition for Temporary Guardianship or Consent &amp; Waiver of Notice or Declaration of Due Diligence for: - Genevieve Schlak Schmock (mother) she signed nomination of Guardian filed 10/24/12, but did not sign consent to appointment)</p>	
Kali, 2 mos.			
Cont. from 110712			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
Aff.Mail			
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			
<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 11/05/12</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p>File 15A - Schmock</p>			

**Petitioner also filed:**

1. Civil Subpoenas (Duces Tecum) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial of Hearing and Declaration:
  - Ordering Fresno County Sheriff, Irma Ramirez of Child Protective Services, and Clovis Police Department to provide records or appear.
  - Subpoenas indicate personal service on parties
  
2. Additional Subpoenas (Duces Tecum) for Personal Appearance and Production of Documents... were served on 11/15/12 on: Alex Renteria & Irma Ramirez of CPS and Victoria & Darrel Bowling

**Declaration of Dr. Lawrence Schlak filed 11/15/12 states:** that he was unaware when he was granted temporary guardianship on an emergency basis that he would have to bring the children back to California for the hearing on the temporary petition. Further, he objects to the competing petitioners attorney making a big issue about the children being taken to Missouri. He states that it has been difficult for the children traveling back and forth and he doesn't feel that the paternal grandmother (competing petitioner) has the childrens best interests at heart. He further states that due to all of the traveling he hasn't had as much time to prepare for Monday's hearing. Further, is states that he does not want to bring the minor children to court due to their disruptive behavior.

15B  
Atty  
Atty

**Colin Schmock, Jr. & Kali Schmock (GUARD/P)**  
Schlak, Lawrence W. Dr. (pro per – maternal grandfather/competing Petitioner)  
Fearnside, William (for Carol Schmock – paternal grandmother/Petitioner)

Case No. 12CEPR00962

**Petition for Appointment of Temporary Guardianship of the Person**

Colin, 2	<b>TEMPORARY OF DR. LAWRENCE SCHMOCK/COMPETING PETITIONER EXPIRES 11/19/12</b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>See page 15A for competing petition.</b>
Kali, 2 mos.	<b>GENERAL HEARING 01/03/13</b>		
<b>Cont. from</b>			<p>1. Need proof of <u>personal service</u> at least 5 court days before the hearing of <u>Notice of Hearing</u> with a copy of the <u>Petition for Appointment of Temporary Hearing or Consent &amp; Waiver of Notice or Declaration of Due Diligence</u> for:</p> <ul style="list-style-type: none"> <li>- Colin Schmock, Sr. (father)</li> </ul> <p><u>Note:</u> Mr. Schmock was present at the hearing on 11/07/12</p> <p>2. Temporary Order is not complete, it is missing Petitioners name and address at item 4a. Need revised order.</p>
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	w/o	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>	x	
<input checked="" type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input checked="" type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

**CAROL SCHMOCK**, paternal grandmother, is Petitioner.

Father: **COLIN LEE SCHMOCK, SR.** – served by mail without a copy of the *Petition* on 11/08/12

Mother: **GENEVIEVE SCHLAK SCHMOCK** - - served by mail without a copy of the *Petition* on 11/08/12; the Court waived further notice on 11/07/12

Paternal grandfather: DECEASED

Maternal grandfather: LAWRENCE SCHLAK  
Maternal grandmother: VICTORIA BOWLING

**Petitioner alleges** neither parent is fit to care for the children. The father suffers from mental health issues and the mother is bi-polar and very unstable. Petitioner states that she has cared for Colin Schmock, Jr. when the parents lived with her for over 9 months. Petitioner states that she wishes to provide her grandchildren a safe and stable home. She states that she is willing to get restraining orders to keep the parents away from the children if necessary due to their instability. Petitioner states that she was shocked to learn that the maternal grandfather obtained temporary guardianship and took the children out of the state of California. Petitioner states that she believes this was intentional on the mother's part to keep the paternal family permanently away from the children. Petitioner alleges that Mr. Schlak (maternal grandfather - competing petitioner) also suffers from PTSD, has a history of violence and unstable home life, having had several divorces. Petitioner believes that it is in the children's best interest to be in her care as she is best qualified to care for the children.

**Reviewed by:** JF  
**Reviewed on:** 11/14/12  
**Updates:**  
**Recommendation:**  
**File 15B - Schmock**