



## 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.

(1) First and Final Report of Conservator of the Person and Estate and (2) for Termination of Conservatorship and (3) for Delivery of Assets [Prob. C. 2631]

DOD: 2/12/2013		<p><b>DELIA CHACON</b>, mother and Conservator of the Person and Estate, is Petitioner.</p> <p><b>Petitioner states:</b></p> <ul style="list-style-type: none"> <li>On 1/17/1990, the Court ordered the Petitioner excused from filing an accounting until the conditions of Probate Code § 2628 are no longer met;</li> <li>The conditions of Probate Code § 2628 have been met throughout the conservatorship proceeding; Conservatee was a public assistance recipient until her death on 2/12/2013;</li> <li>The following actions represent the only ones taken during the period of conservatorship:                             <ol style="list-style-type: none"> <li>At the inception of the Conservatorship of the Estate on 9/8/1988, Petitioner received approval to purchase a single family residence in the joint names of herself and the Conservatee (please see Order [dated 9/8/1988] attached as Exhibit A);</li> <li>An Inventory and Appraisal was filed 11/8/1988 reflecting an appraised value of the Conservatee's interest in the real property to be <b>\$18,000.00</b> (copy attached as Exhibit B);</li> <li>On 1/17/1989, the Court entered its order excusing accountings pursuant to Probate Code § 2628 (copy attached as Exhibit C);</li> </ol> </li> </ul> <p align="center">~Please see additional page~</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> Paragraph 9 of the <i>First and Final Report</i> states an <i>Affidavit Re Real of Small Value</i> shall be executed by Petitioner at such time as 6 months have elapsed from the date of Conservatee's death; a copy of the executed <i>Affidavit</i> shall be submitted to the Court with a Declaration of Petitioner prior to the hearing. Court records do not show a copy of the executed <i>Affidavit</i> with a Declaration of Petitioner has been filed with the Court; however, Court records show Petitioner Delia Chacon filed the <i>Affidavit Re Real of Small Value</i> with the Court on 8/26/2013 in Case 13CEPR00002.</p> <p><b>Note:</b> <i>Creditor's Claim</i> was filed on 5/10/2013 by the Department of Health Services (DHS) in the amount of <b>\$27,124.43</b>. Paragraph 11 of the <i>First and Final Report</i> states the DHS has filed a <i>Request for Special Notice</i> in this proceeding, that Petitioner as sole heir of the estate of the Conservatee is preparing a Hardship Waiver application for submission to DHS, and that it is anticipated that Petitioner shall have a decision from DHS prior to the hearing in this matter. Petitioner has not provided information regarding the current status of said Hardship Waiver application, except to state in the proposed <i>Order Settling First and Final Report</i> that determination of the DHS acceptance of the Waiver has not yet been received. <i>Proof of Service by Mail</i> of the <i>Notice of Hearing</i> filed 8/15/2013 shows notice was served to the Department of Health Care Services pursuant to the <i>Request for Special Notice</i> filed 5/10/2013 on 8/14/2013. Court may wish to continue the matter pending receipt of DHS waiver determination, or strike the language in the proposed order regarding the unresolved DHS waiver.</p>	
Cont. from 081313				
	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			
		Reviewed by: LEG		
		Reviewed on: 11/12/13		
		Updates:		
		Recommendation:		
		File 2 - Ramirez		

**Petitioner states, continued:**

**Actions taken during the period of conservatorship, continued:**

- (4) On 4/5/1991, the Court entered an order authorizing the Conservator to compromise a claim of the Conservatee, who was involved in an automobile accident; pursuant to the Order (*copy attached as Exhibit D*), the Conservatee was authorized to purchase an automobile in the name of Petitioner, using **\$3,000.00** of the funds recovered, and to deposit the balance, after payment of expenses into a blocked account in the name of the Conservatorship; Petitioner purchased a 1986 Chevrolet Spectrum in her name alone and deposited **\$3,162.90** into a blocked account (*copy of Receipt and Agreement by Depository dated 5/10/1991 attached as Exhibit E*);
- (5) On 6/23/2003, the Court ordered withdrawal of funds from the blocked account [in the sum of **\$3,949.38** for funeral insurance policy (\$3,549.38) and approved attorney fees (\$400.00) (*copy attached as Exhibit F*);
- The only asset of the conservatorship estate is a ½ interest in a single family residence at 210 N. Fourth Street in Fresno, the appraised value of which at the date of Conservatee's death was **\$47,500.00** (*Reappraisal attached as Exhibit H*);
  - The Conservatee had no Will, no spouse nor children living or deceased; her only heir is her mother, the Petitioner;
  - An *Affidavit Re Real of Small Value* shall be executed by Petitioner at such time as 6 months have elapsed from the date of Conservatee's death; a copy of the executed *Affidavit* shall be submitted to the Court with a Declaration of Petitioner prior to the hearing;
  - Petitioner has provided extensive services to the conservatorship during this account period by paying bills of the Conservatee, collecting all assets due to the Conservatee, and taking care of Conservatee's physical and medical needs; Petitioner waives her right to compensation as Conservator.

**Petitioner prays for an order:**

1. Approving and settling the First and Final Report;
2. Approving and confirming all acts of the Petitioner as Conservator relating to the conservatorship; and
3. Authorizing and directing the Petitioner to deliver the property remaining in her possession to Delia Chacon, and that on delivering the property and filing proper receipts the Conservator of the person and estate be discharged.

**(1) Report and Final Account of Administrator, (2) Petition for Reimbursement to Administrator for Costs Advanced and (3) Attorney's Compensation and (4) for Final Distribution**

<b>DOD: 4/5/2000</b>		<b>DANIEL DIAZ</b> , Administrator, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Petition request distribution of 1/5 interest in the estate to the decedent's grandson, Joseph Diaz, son of James Diaz. At the time the estate was opened in 2006 James Diaz, son, was alive and therefore his share of the estate must be distributed to him or his estate and not to his son, Joseph Diaz.
		Account period: 10/24/06 – 8/31/13	
		Accounting - <b>\$23,000.00</b>	
<b>Cont. from 102213</b>		Beginning POH - <b>\$23,000.00</b>	
<b>Aff.Sub.Wit.</b>		Ending POH - <b>\$23,000.00</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>	Administrator - <b>waives</b>	
<input checked="" type="checkbox"/>	<b>Inventory</b>	Attorney - <b>\$920.00</b>	
<input checked="" type="checkbox"/>	<b>PTC</b>	(statutory)	
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	Costs - <b>\$1,065.00</b>	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	(filing fees, publication, probate referee, certified copies)	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	<b>Distribution, pursuant to intestate succession, is to:</b>	
	<b>Aff.Pub.</b>	Virginia Macias, Daniel Diaz, Rachael Garcia, Patricia Contreras and Joseph Diaz, 1/5/ interest each in real property.	
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b> 10/24/06		
	<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>		
	<b>FTB Notice</b>		
			<b>Reviewed by: KT</b>
			<b>Reviewed on: 11/12/13</b>
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 3 – Diaz</b>

**(1) Second Account and Report of Conservator, (2) Petition for Settlement, (3) Reimbursement for Mileage, (4) Commissions and Fees to Conservator and Attorney**

<b>Age: 58 years</b>	<b>BRYAN JENSEN</b> , Conservator, is petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>OFF CALENDAR. Amended Petition filed and set for hearing on 1/9/2014.</b></p> <p>1. Disbursement schedule shows payments to the Conservator, for court ordered mileage and commissions, in the amount of \$6,762.00 on 5/26/11. Schedule D also shows payment to the conservator of \$6,762.00. Therefore, since Schedule B (disbursements) and Schedule D (disposition of Harry Jensen Estate) are both listed in the same column in the summary of account and are included in the total credits, it appears the conservator has been paid twice for his commissions and mileage. – <b>Declaration filed on 10/10/13</b> states Schedule D does not show additional payments made to the attorney, it simply shows the net proceeds of the undivided 1/3 interest received from the estate of Harry Jensen and transferred to the Special Needs Trust for the benefit of Debra Jensen.</p> <p style="text-align: center;"><b>Please see additional page</b></p>
	Account period: 1/1/11 – 12/31/12	
	Accounting - <b>\$99,385.86</b> Beginning POH - <b>\$57,863.35</b> Ending POH - <b>\$ 2,841.05</b>	
<b>Cont. from 100213, 101513</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>	Conservator - <b>\$3,090.50</b> (72 hours @ \$25.00 per hour and 3910 miles @ \$.55 per mile)	
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>	Attorney - <b>\$1,250.00</b> (per Local Rule)	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	W/	
<input type="checkbox"/> <b>Aff.Pub.</b>	Current bond is \$25,988.66. Petitioner request bond be reduced to \$20,000.00.	
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>	<b>Petitioner prays for an Order:</b>	
<input type="checkbox"/> <b>Conf. Screen</b>	1. Approving, allowing and settling the second account.	
<input type="checkbox"/> <b>Letters</b>	2. Authorizing the conservator commissions in the amount of \$3,090.00	
<input type="checkbox"/> <b>Duties/Supp</b>	3. Authorizing attorney in the amount of \$1,250.00.	
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input checked="" type="checkbox"/> <b>2620(c)</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 11/13/13</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 4 – Jensen</b>

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

1. Disbursement schedule shows payments to the attorney, for court ordered fees, in the amount of \$2,945.00 on 6/7/11. Schedule D also shows payment of \$2,945.00 to the attorney. Therefore, since Schedule B (disbursements) and Schedule D (disposition of Harry Jensen Estate) are both listed in the same column in the summary of account and are included in the total credits, it appears the attorney has been paid twice for his fees. – **Declaration filed on 10/10/13** states Schedule D does not show additional payments made to the attorney, it simply shows the net proceeds of the undivided 1/3 interest received from the estate of Harry Jensen and transferred to the Special Needs Trust for the benefit of Debra Jensen. – **Examiner note:** With the explanation provided in the Declaration filed on 10/10/13 the accounting does not balance.

**Note:** If the petition is granted, a status hearing will be set as follows:

- **Friday, February 6, 2015** at 9:00 a.m. in Department 303, for the filing of the third 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.

(1) Report of Executor on Waiver of Account and Petition for Final Distribution and (2) Waiver of Compensation to Executor and (3) for Allowance of Compensation to Attorney for Ordinary Services

<b>Age:</b>		<p><b>KEVIN CONLEY</b>, son and Executor, is Petitioner.</p> <p>Accounting is waived.</p> <p>I &amp; A — <b>\$676,133.06</b></p> <p>POH — <b>\$ ? [unspecified]</b> (\$20,678.99 is cash)</p> <p>Executor <b>waives</b> (Waiver by Executor of Compensation filed 10/15/2013.)</p> <p>Attorney — <b>\$16,522.66</b> (statutory)</p> <p>Costs — <b>\$ ? [unspecified]</b> (accountant fees to Monica Mata, estate accountant)</p> <p><b>Petitioner states:</b></p> <ul style="list-style-type: none"> <li>• Petitioner made a preliminary distribution of Decedents household furnishings, furniture, and personal effects, pursuant to an outside agreement between Petitioner and <b>KEMP CONLEY</b>, son and beneficiary, in which they divided the tangible personal property between them [consisting of furniture; vehicles];</li> <li>• Petitioner spent considerable time and personal expenses in refurbishing Decedent's home residence and acreage planted with pomegranates and persimmon trees, with total acreage of 11.65 acres in Sanger (Home Ranch);</li> <li>• Petitioner and Kemp Conley, sole estate beneficiaries, agree that the Home Ranch is worth in excess of <b>\$450,000.00</b> notwithstanding the Probate Referee's appraisal of <b>\$350,000.00</b>; they have been in the process of selling the Home Ranch property but have not consummated a sale prior to filing this Petition;</li> <li>• In order to not further delay the closing of this estate, Petitioner and Kemp Conley have agreed to sell the Home Ranch property after final distribution of the estate;</li> </ul> <p style="text-align: center;">~Please see additional page~</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Paragraph 36 of the <i>Petition</i> communicates uncertainty as to whether advance distributions have been made. Paragraphs 14 and 16 of the <i>Petition</i> describe certain preliminary distributions made by Petitioner without prior Court authorization, apparently the <b>\$86,936.00</b> cash distributions described in Paragraph 16. If Petitioner has additional advance distributions to disclose to the Court, Petitioner must file with the Court a supplement to the <i>Report of Executor</i> filed 10/15/2013.</p> <p style="text-align: center;"><b>~Please see additional page~</b></p>
<b>DOD: 6/26/2012</b>			
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input checked="" type="checkbox"/>	<b>Inventory</b>		
<input checked="" type="checkbox"/>	<b>PTC</b>		
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" 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 type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>	090712	
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>	X	
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 11/13/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 6 – Conley</b></p>	

Petitioner states, continued:

- Petitioner has made certain preliminary distributions without prior authorization of the Court, and requests confirmation of these distributions in accordance with the agreement of the sole beneficiaries of the estate as follows:
  - Petitioner and Kemp Conley are sole beneficiaries of the estate and have agreed that certain cash distributions could be made to Petitioner provided that Kemp Conley be credited with ½ of all such distributions on final distribution of the estate;
  - Petitioner and Kemp Conley have agreed that the total amount of such cash distributions was **\$86,936.00**, and each has agreed that ½ or **\$43,492.00** is the sum to which Kemp Conley shall be entitled on distribution of the estate;
  - **Petitioner requests and each of the beneficiaries agree** that on final distribution of the estate an order be issued wherein Petitioner (Kevin Conley), as an individual, execute a Promissory Note payable in the form attached as *Exhibit B* in the amount of **\$43,492.00** [*@ 6% interest*], and the Note shall be secured by a Deed of Trust on the Home Ranch which shall be in the form attached as *Exhibit C*;
- On 5/12/2012, Decedent executed a promissory note to Wells Fargo Bank in the original amount of **\$134,000.00** secured by a Deed of Trust with respect to a real estate loan for the financing of a home residence located on South Avenue in Parlier (Parlier Loan) [*Note: this residence is not an estate asset*]; the loan was obtained for **DAWN KAPRIELIAN**, a friend of the Decedent, for her benefit; the Parlier Loan was obtained in Decedent's name alone as required by the lending company;
- Decedent then executed a Grant Deed on 5/21/2012 naming himself and Dawn Kaprelian as joint tenants with right of survivorship; upon recording of an *Affidavit of Death of Joint Tenant* following Decedent's death, title to this property is now solely in Dawn Kaprelian's name; however, the Parlier Loan remains in Decedent's name;
- Petitioner and Kemp Conley have agreed that Petitioner, who also resides at the said Parlier home residence, and Dawn Kaprelian, will assume and indemnify Kemp Conley and the estate for any liability and obligation arising out of the Parlier Loan; by an agreement approved by Kemp Conley, the Petitioner and Dawn Kaprelian have executed an assumption and indemnification agreement with respect to all Parlier Loan obligations.

Petitioner requests:

1. Administration of the estate be closed without an accounting;
2. All acts, proceedings and transactions of Petitioner as Executor be ratified, approved and confirmed;
3. The final distribution requested in the *Petition* be granted and the estate distributed as set forth: **Distribution pursuant to Decedent's Will is to:**
  - **KEVIN CONLEY** – [*unspecified amount*] ? **cash**, an undivided ½ interest in 6.58 acre parcel of real property, and an undivided ½ interest in 11.55 acre parcel of real property.
  - **KEMP CONLEY** – [*unspecified amount*] ? **cash**, an undivided ½ interest in 6.58 acre parcel of real property, and an undivided ½ interest in 11.55 acre parcel of real property.

*~Please see additional page~*

Petitioner requests, continued:

4. Petitioner be allowed **\$16,522.66** in fees to be paid as ordinary compensation for services as Executor;
5. Petitioner be authorized and directed to pay **\$16,522.66** in fees to K. Phillip Maroot as statutory compensation for services to Petitioner and to the estate;
6. Confirmation of the preliminary distributions to Kevin Conley and the corresponding execution of a promissory note payable to Kemp Conley to equalize such distributions, said promissory note to be secured by a deed of trust against the Home Ranch;
7. Confirmation of the agreement by Kevin Conley and Dawn Kaprelian to assume and indemnify the estate and Kemp Conley of any liability or obligation arising out of the "Parlier Loan;"
8. All other property of Decedent and of the estate not now known or discovered be distributed to Kevin Conley and Kemp Conley without further order of the Court.

NEEDS/PROBLEMS/COMMENTS, continued:

2. *Petition* does not include specific information regarding the increment(s) or date(s) the preliminary distributions of **\$86,936.00** were made by the Petitioner to himself, nor from what estate assets the preliminary distributions were made, given that liquid assets inventoried in the estate amount to less than the preliminarily distributed amounts. Probate Code §§ 9100 and 10520 require a waiting period of four months after the date letters are first issued for preliminary distributions (*Letters* issued 9/7/2012). Further, Petitioner's preliminary distributions appear **not** to have met the "Probate Code § 10520(a) type of property," which is income received during administration, nor the "10520(c) type of property," which is cash to general pecuniary devisees entitled to it under the Will not to exceed **\$10,000.00** to any one person. In addition, Probate Code § 11623 provides a personal representative with full IAEA authority may petition the court for an order for preliminary distribution on notice. Despite the irregular preliminary distributions by Petitioner, it appears no loss or injury has been suffered by the estate, creditors, or any interested persons per Probate Code § 10520, based upon the assertions in the *Petition* as to creditors and upon the agreement between beneficiary Kemp Conley and the Petitioner.
3. *Petition* does not clearly state the entire balance of property on hand currently in the estate; given the preliminary distributions made by Petitioner, the current property on hand in the estate would be less than the *Inventory and Appraisal* value of **\$676,133.06** that represents the beginning property on hand. Additionally, Paragraph 40(a) of the *Petition* states **\$20,678.99** cash held in the estate bank account should be distributed to the two estate beneficiaries after payment of all expenses, fees, costs and creditor's claims described in the *Petition*. Considering the stated amount of cash, *Petition* does not clearly state whether payment will be made outside of probate or identify the source of cash in the estate for the payment of the statutory attorney fees and costs for account fees to the estate accountant (Monica Mata, as stated in the *Petition*), nor does it clearly state the amount of any cash remaining in the estate after payment of fees and costs that would be distributable to the two estate beneficiaries. Need clarification.

~Please see additional page~

**NEEDS/PROBLEMS/COMMENTS, continued:**

4. In Paragraph 4 of the prayer, Petitioner requests **\$16,522.66** in fees to be paid as ordinary compensation for services as Executor; however, Petitioner filed on 10/15/2013 a *Waiver by Executor of Compensation*.
5. Petitioner requests an order to be issued by the Court requiring Petitioner Kevin Conley, as an individual, to execute the proposed promissory note in favor of Kemp Conley, secured by the proposed Deed of Trust in the Home Ranch. In Paragraph 6 of the prayer, Petitioner requests the Court confirm the execution of the proposed promissory note by Kevin Conley to Kemp Conley; the Court cannot confirm such execution that is to take place after the estate has been distributed and closed, which appears to be Petitioner's request. Execution of the promissory note has not taken place for the Court to confirm.
6. In Paragraph 7 of the prayer, Petitioner requests the Court confirm the agreement by Kevin Conley and Dawn Kaprelian to assume and indemnify the estate and Kemp Conley of any liability or obligation arising out of the "Parlier Loan." The Court has **no agreement before it** to confirm from Kevin Conley and Dawn Kaprelian for such assumption and indemnification.
7. Petitioner has not submitted a proposed order for the Court's consideration in conjunction with Petitioner's requests: (1) for an order to be issued by the Court requiring Petitioner Kevin Conley, as an individual, to execute the proposed promissory note in favor of Kemp Conley, secured by the proposed Deed of Trust in the Home Ranch; (2) for confirmation of an assumption agreement from Kevin Conley and Dawn Kaprelian. Pursuant to Local Rule 7.6.1 (A), (C) and (D), need proposed order that contains potential findings pursuant to Petitioner's requests, and that contains clear statements of the amounts to be paid for fees, costs, and distribution to the estate beneficiaries.



**(1) First and Final Account and Petition for Settlement Thereof and (2) for Allowance of Statutory Attorney's Fees and (3) for Allowance of Statutory Executor's Fees and (4) for Reimbursement of Costs Advanced and (5) Final Distribution**

<b>DOD: 1-2-13</b>		<b>MIYUKI LAPPEN</b> , Executor without bond, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>The accounting is not in the form required by Probate Code §1060. Specifically, the summary does not contain totals, and no additional schedules are provided.  <u>Note:</u> If accounting is to be waived, need waiver from Ms. Lappen as trustee of the trust and schedules with required information pursuant to Cal. Rules of Court 7.550.</li> <li>Petitioner is also the trustee of the trust to whom the estate will be distributed. Therefore, notice to the beneficiaries is required pursuant to Probate Code §1208(b).</li> <li>Petitioner did not submit Allowance or Rejection of Creditor's Claim regarding the two claims pursuant to Probate Code §§ 9251, 9252. The Court may require the Mandatory Judicial Council Form DE-174 to be submitted for formal allowance. (Form include proof of mailing to creditor.)</li> <li>Need clarification: I&amp;A lists various securities. Petitioner states the property on hand is \$349,399.62 cash; however, Petitioner does not include a statement as to changes in form of assets.</li> <li>Need trustee's declaration pursuant to Local Rule 7.12.5.</li> </ol>
		Account period: 1-2-13 through 9-25-13	
		Accounting: <i>Not provided</i> Beginning POH: \$332,464.14 Ending POH: \$349,399.62 (cash)	
	Aff.Sub.Wit.		
✓	Verified		
✓	Inventory		
✓	PTC		
✓	Not.Cred.	Executor (Statutory): \$9,987.98	
✓	Notice of Hrg		
✓	Aff.Mail	Attorney(Statutory): \$9,987.98	
	Aff.Pub.		
	Sp.Ntc.	Costs: \$1,192.37 (filing, publication, certified letters, appraisal)	
	Pers.Serv.		
	Conf. Screen		
✓	Letters	3-29-13 Creditor's Claims: Petitioner requests authorization to pay the following two creditor's claims in settlement of the two creditor claims filed:	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	9202	• \$4,656.78 to Central Valley Care, Inc., (Claim filed 6-20-13)	
✓	Order	• \$5,414.26 to Miyuki Lappen (Executor, claim for funeral costs filed 5-13-13).	
		<b>Distribution pursuant to Decedent's will:</b>  Miyuki Lappen, Trustee of the Merika Motoyoshi Revocable Trust: \$318,160.25	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	FTB Notice		
			Reviewed by: skc
			Reviewed on: 11-12-13
			Updates:
			Recommendation:
			File 8 – Motoyoshi

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

<b>DOD: 1-18-12</b>		<p><b>ROBERT H. CHADWICK, BUDDY L. CHADWICK, RANDEE C. CHADWICK, and BRUCE L. CHADWICK</b>, children of decedent, are Petitioners.</p> <p>40 days since DOD</p> <p>No other proceedings</p> <p>I&amp;A: \$101,000 (real property and vehicle)</p> <p>Decedent died intestate</p> <p>Petitioners request Court determination that certain real and personal property passes to them in 1/4 interests each pursuant to intestate succession.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
✓	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
N/A	<b>Notice of Hrg</b>		
	<b>Aff.Mail</b>		
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<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 on:</b> 11-12-13
			<b>Updates:</b>
			<b>Recommendation:</b> SUBMITTED
			<b>File 10 - Chadwick</b>

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

<b>DOD: 6-23-12</b>	<b>PATRICIA D. PEREZ</b> , Daughter, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
	40 days since DOD		
	No other proceedings		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	I&A: \$80,000.00 (a 50% interest in certain real property)		
<input checked="" type="checkbox"/> <b>Verified</b>			
<input checked="" type="checkbox"/> <b>Inventory</b>	Decedent died intestate		
<input type="checkbox"/> <b>PTC</b>			
<input type="checkbox"/> <b>Not.Cred.</b>	Petitioner requests Court determination that decedent's 50% interest in certain real property passes to her pursuant to intestate succession.		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>			
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	w		
<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 type="checkbox"/> <b>CI Report</b>			
<input type="checkbox"/> <b>9202</b>			
<input checked="" type="checkbox"/> <b>Order</b>			
<input type="checkbox"/> <b>Aff. Posting</b>			
<input type="checkbox"/> <b>Status Rpt</b>			
<input type="checkbox"/> <b>UCCJEA</b>			
<input type="checkbox"/> <b>Citation</b>			
<input type="checkbox"/> <b>FTB Notice</b>			
			<b>Reviewed by:</b> skc
			<b>Reviewed on:</b> 11-12-13
		<b>Updates:</b>	
		<b>Recommendation:</b> SUBMITTED	
		<b>File 11 – Perez</b>	

**Status Hearing Re: Establishment of Guardianship in Nevada**

		<p><b>ADRIANNE MOUTON</b>, Maternal Aunt is Guardian.</p> <p>Guardian's Petition to Fix Residence Outside the State of California was granted on 7-18-13.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Petitioner provided documentation that a guardianship petition was filed in Clark County, NV; however, it is not known whether guardianship has been granted and established there yet.</p> <p>Has the guardianship been established in Clark County, NV? What was the outcome of the hearing on 9-12-13?</p> <p><u>Note:</u> Upon proof that guardianship has been established in Clark County, NV, the Court will terminate this guardianship in Fresno.</p>
		<p>The Court set this Status Hearing Re: Establishment of Guardianship in Nevada.</p>	
Aff.Sub.Wit.		<p><b>On 9-17-13, Petitioner filed a declaration with an attached copy of a petition for guardianship filed 8-12-13 in Clark County, Nevada. The document indicates a court date of 9-12-13.</b></p>	
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 11-13-13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 12A – Collins</b></p>

	ADRIANNE MOUTON, Maternal Aunt is Guardian.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>OFF CALENDAR</u></b></p> <p>(Notice filed 9-17-13)</p>
	Guardian's Petition to Fix Residence Outside the State of California was granted on 7-18-13.	
	The Court set this Status Hearing Re: Post-Move Notice of Change of Residence.	
	<b>On 9-17-13, Petitioner filed the Post-Move Notice of Change of Residence of Ward showing his new residence address and indicating mailing of the notice to the relatives.</b>	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 11-13-13
		Updates:
		Recommendation:
		File 12B – Collins

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

		<b>NO TEMP REQUESTED</b>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> This petition pertains to Elisa only. Maternal Grandmother Josephina Gonzalez was appointed guardian of Elisa's sister Lina on 3-14-12. Ms. Gonzalez filed a petition for guardianship of Elisa; however, per minute order 9-16-13 that petition was withdrawn in favor of Ms. Tello filing this petition since she lives there.</p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing.</li> <li>2. Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: <ul style="list-style-type: none"> <li>- Elisa Monique Garcia (Minor, age 16)</li> <li>- Roque M. Garcia (Father)</li> <li>- Grace Camarillo (Mother)</li> </ul> </li> <li>3. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: <ul style="list-style-type: none"> <li>- Paternal Grandfather</li> <li>- Lupe Mondragon (Paternal Grandmother)</li> <li>- Jess Camarillo (Maternal Grandfather)</li> <li>- Josephina Gonzalez (Maternal Grandmother)</li> </ul> </li> </ol>
		<b>NELLIE RODRIGUEZ TELLO</b> , Non-Relative, is Petitioner.	
		Father: <b>ROQUE M. GARCIA</b>	
		Mother: <b>GRACE CAMARILLO (DUFFY)</b>	
		Paternal Grandfather: Not listed	
		Paternal Grandmother: Lupe Mandragon	
		Maternal Grandfather: Jess Camarillo	
		Maternal Grandmother: Josephina Gonzalez	
		<b>Petitioner states</b> the mother is in a program. The minor lives with Petitioner and she needs to be able to take her to school and doctor appointments. The father has given Petitioner permission to get guardianship of the minor.	
		<b>DSS Investigator Irma Ramirez filed a report on 11-7-13.</b>	
		<b>Assigned Court Investigator: Charlotte Bien</b>	
<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"/>	DSS Report		
<input checked="" type="checkbox"/>	Clearances		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<b>Reviewed by:</b> skc	
		<b>Reviewed on:</b> 11-13-13	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 13 – Longboy &amp; Garcia</b>	

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

<b>Age:</b> 3	<b>TEMPORARY EXPIRES 11/19/13</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>JEANETTE ORTEGA</b> , maternal grandmother, is Petitioner.	<b>Minute Order of 10/01/2013: Ms. Ortega is advised that the father will need to be personally served.</b>
<b>Cont. from</b>	Father: <b>DONNY BARNs</b>	1. Need Notice of Hearing.
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Mother: <b>VANITY SUAREZ</b>	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:
<input checked="" type="checkbox"/> <b>Verified</b>	Paternal grandparents: NOT LISTED	<ul style="list-style-type: none"> <li>• Donny Barns (Father)</li> <li>• Vanity Suarez (Mother)</li> </ul>
<input type="checkbox"/> <b>Inventory</b>	Maternal grandfather: NOT LISTED	3. Need proof 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:
<input type="checkbox"/> <b>PTC</b>	<b>Petitioner states</b> that she was previously appointed temporary guardian, but missed the hearing for the permanent guardianship. She states that the mother is on drugs. She states the child has been residing with her off and on since birth and she is provided a stable drug-free home, she has her own room and is in a Head Start Program.	<ul style="list-style-type: none"> <li>• Paternal Grandparents (Not Listed)</li> <li>• Maternal Grandfather (Not Listed)</li> </ul>
<input type="checkbox"/> <b>Not.Cred.</b>	<b>Court Investigator Jo Ann Morris' report filed 11/07/2013.</b>	4. A Declaration of Due Diligence was filed on 09/17/2013 however it is unclear who it pertains to as the handwriting is illegible.
<input type="checkbox"/> <b>Notice of Hrg</b> x		
<input type="checkbox"/> <b>Aff.Mail</b> x		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b> x		
<input checked="" type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input checked="" type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input checked="" type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> LV
		<b>Reviewed on:</b> 11/13/2013
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 14 – Barns</b>



