



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.

Attorney Gregory J. Roberts (for Leland R. Mitchell, Conservator)

Sixth Account and Report of Conservator; Petition for Its Approval; for Increase in Bond and for Allowance of Fees

		LELAND MITCHELL , brother and Conservator of the Estate, is Petitioner.	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>Note: Court will set status hearings as follows:</p> <ul style="list-style-type: none"> • Thursday, January 21, 2016 at 9:00 a.m. in Dept. 303 for filing proof of increased reduced bond; • Thursday, August 24, 2017 at 9:00 a.m. in Dept. 303 for the seventh account. <p>Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.</p>
		Account period: 7/1/2013 - 6/30/2015	
		Accounting - \$586,552.68	
		Beginning POH - \$499,526.08	
Cont. from		Ending POH - \$516,406.58 (\$99,546.13 is cash)	
<input type="checkbox"/>	Aff.Sub.Wit.	Conservator - waives	
<input checked="" type="checkbox"/>	Verified	Attorney - \$2,423.00 (per Declaration attached as Exhibit 6; for 11.70 hours at \$120.00 paralegal rate and \$ 280.00 attorney rate; includes \$435.00 filing fee for sixth account;)	
<input type="checkbox"/>	Inventory	Accountant - \$1,850.00 (per Declaration of Lawrence R. Mitchell (Conservatee's nephew/Petitioner's son) attached as Exhibit 3; for services from May through September 2015;)	
<input type="checkbox"/>	PTC	Bond - \$605,000.00 (insufficient)	
<input type="checkbox"/>	Not.Cred.	Petitioner requests bond be increased to \$618,000.00 to cover additional assets and cost of recovery.	
<input checked="" type="checkbox"/>	Notice of Hrg	Petitioner prays for an order:	
<input checked="" type="checkbox"/>	Aff.Mail W/	1. Settling and allowing the Sixth Account;	
<input type="checkbox"/>	Aff.Pub.	2. Increasing the Conservator's bond to \$618,000.00 ;	
<input type="checkbox"/>	Sp.Ntc.	3. Approving and confirming all acts of the Conservator relating to the conservatorship; and	
<input type="checkbox"/>	Pers.Serv.	4. Authorizing the Attorney fees and Account fees.	
<input type="checkbox"/>	Conf. Screen	Court Investigator's Report filed 10/6/2015.	
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	2620		
<input checked="" type="checkbox"/>	Order		
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<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: LEG	
		Reviewed on: 11/17/15	
		Updates:	
		Recommendation:	
		File 1 - Mitchell	

2 Skillit Ruby Barajas & Richard Barajas (GUARD/P)

Case No. 07CEPR00504

Petitioner **Abdulla, Juanita (pro per – paternal grandmother)**

Petition for Appointment of Temporary Guardian of the Person

Richard, 11	<u>GENERAL HEARING: 01/19/16</u>		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>This Petition is for Richard only. Petitioner was appointed Guardian of Skillit on 08/13/07.</p> <p>1. Proof of service filed 11/16/15 indicates that Christopher Barajas (father) was served by mail on 11/11/15. Pursuant to the Probate Code, parents need to be personally served, therefore, need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardian or Consent & Waiver of Notice or Declaration of Due Diligence</i> for Christopher Barajas (father).</p>	
Skillit, 14	<p>JUANITA ABDULLA, paternal grandmother, is Petitioners.</p> <p>Father: CHRISTOPHER BARAJAS – <i>currently incarcerated; served by mail on 11/11/15</i></p> <p>Mother: MIRNA AGUILERA – <i>personally served on 11/14/15</i></p> <p>Paternal grandfather: RICHARD BARAJAS</p> <p>Maternal grandfather: HEILBERTO AGUILERA</p> <p>Maternal grandmother: REBECCA AGUILERA</p> <p>Siblings: STEVEN GASTELUM (18), GABBRELLA MEZA (15), ALBERT BARAJAS (5), CHRISTOPHER BARAJAS (6)</p> <p>Petitioner states [see file for details].</p>			
Cont. from				
<input type="checkbox"/> Aff.Sub.Wit.				
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<input type="checkbox"/> Not.Cred.				
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<input type="checkbox"/> Status Rpt				
<input checked="" type="checkbox"/> UCCJEA				
<input type="checkbox"/> Citation				
<input type="checkbox"/> FTB Notice				
				Reviewed by: JF
				Reviewed on: 11/17/15
			Updates:	
			Recommendation:	
			File 2 – Barajas	

<p>DOD: 4-3-99</p>	<p>ANTHONY M. MARTINEZ, Son, was appointed Administrator with Full IAEA without bond on 11/2/10. Letters issued on 2/15/11.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
<p>Cont. from 010314, 40414, 101014, 070915</p>	<p>I&A filed 2/15/11 indicated a final estate value of \$19,000.00 consisting of a one-third interest in real property.</p>	<p>1. Need final account/petition for final distribution.</p>
<p>Aff.Sub.Wit.</p>	<p>Corrected I&A filed 9/22/11 indicated a corrected value of \$57,000.00 for the one-third interest in real property.</p>	
<p>Verified</p>		
<p>Inventory</p>		
<p>PTC</p>	<p>A Request for Special Notice was filed on 8/18/11 by Attorney James Mele, attorney for beneficiary Nick M. Martinez.</p>	
<p>Not.Cred.</p>		
<p>Notice of Hrg</p>	<p>Another Request for Special Notice was filed 10/31/13 by beneficiary Nick M. Martinez, in pro per, as well as an Objection to any proposed action taken by Administrator Anthony M. Martinez.</p>	
<p>Aff.Mail</p>		
<p>Aff.Pub.</p>		
<p>Sp.Ntc.</p>		
<p>Pers.Serv.</p>	<p>On 10/31/13, upon review of the file, the Court set this status hearing for failure to file a first account or petition for final distribution. Notice was mailed to Attorney Robert Howk on 10/31/13.</p>	
<p>Conf. Screen</p>		
<p>Letters</p>		
<p>Duties/Supp</p>	<p>Minute Order from status hearing on 01/03/14 relieved Mr. Howl as counsel and appointed the Public Administrator as Successor Administrator. Letters of Administration were issued to the Public Administrator on 06/23/14.</p>	
<p>Objections</p>		
<p>Video Receipt</p>		
<p>CI Report</p>		
<p>9202</p>		
<p>Order</p>	<p>Status Report of Public Administrator regarding Failure to File Final Account and Sale of Real Property filed 7/7/15 states the real property located at 824 Pucheu Street in Mendota has been sold. The PA located another piece of property owned by Tony Martinez and two other individuals that are deceased. The supplemental appraisal for the 1/3 interest valued at \$6,667.00 was filed 4/6/15. It is still on the market at this time. The PA respectfully requests that the next status hearing be set no sooner than four (4) months from the date of this hearing to allow time to sell the real property and file the final account.</p>	<p>Reviewed by: skc</p>
<p>Aff. Posting</p>		<p>Reviewed on:</p>
<p>Status Rpt</p>		<p>11/16/15</p>
<p>UCCJEA</p>		<p>Updates:</p>
<p>Citation</p>		<p>Recommendation:</p>
<p>FTB Notice</p>	<p>Status Report filed 11/16/15 states the Public Administrator has located an interested buyer for the additional property found that is owned by Tony Martinez and two other deceased individuals. The PA needs time to deal with the 2/3 interest that is now owned by this estate and respectfully requests continuance of at least four months from this date.</p>	<p>File 3 – Martinez</p>

4 Julissa Contreras, Arianna Contreras, Danny Cabrera and Ramon Contreras

(GUARD/P)

Case No. 13CEPR00234

Petitioner Contreras, Ramon Victor (Pro Per – Father)

Objector Martinez, Patricia (Pro Per – Co-Guardian)

Objector Gomez, Candice (Pro Per – Co-Guardian)

Petition for Visitation

Julissa age: 12	<p>RAMON VICTOR CONTRERAS, father, is petitioner.</p> <p>PATRICIA MARTINEZ, maternal grandmother, and CANDICE GOMEZ, maternal aunt, were appointed guardians on 05/28/2013. Personally served on 09/25/2015.</p> <p style="text-align: center;"><u>Please see petition for details</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Notice of Hearing filed 11/03/2015 does not include the petitioner's name at #1 nor does it state the type of petition filed; therefore notice is defective. 2. Need proof of service of Notice of Hearing at least 15 days prior to the hearing on all relatives pursuant to Probate Code §1460, including: <ul style="list-style-type: none"> • Julissa Contreras (minor) • Stephanie Cabrera (Mother) • Maria Contreras (Paternal Grandmother) • John Cabrera (Maternal Grandfather) 	
Ariana age: 7			
Danny age: 7			
Ramon age: 5			
Cont. from 100815			
Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
Inventory			
PTC			
Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
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Sp.Ntc.			
<input checked="" type="checkbox"/> Pers.Serv.			w/
Conf. Screen			
Letters			
Duties/Supp			
<input checked="" type="checkbox"/> Objections			
Video Receipt			
CI Report			
9202			
Order	x		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: LV	
		Reviewed on: 11/17/2015	
		Updates:	
		Recommendation:	
		File 4 – Contreras & Cabrera	

Notice of Motion and Motion to Be Relieved as Counsel

		<p>DAVID N. KNUDSON, Attorney For Administrator GWEN G. HEMMINGER, is Petitioner.</p> <p>Petitioner states since the beginning of the year he has counseled his client on tasks that need to be undertaken to move the administration of the estate along. He has sent several letters and email communications. Since the first of this year, he has had minimal response from his client. The two times he has spoken to her by phone, she has told him that she would be providing information and taking actions to fulfill her duties as administrator. However, he has not received the promised information nor have necessary actions been taken.</p> <p>Attorney Knudson states he has been contacted by counsel for one of the other beneficiaries that his client is considering filing a petition to remove Mr. Knudson's client as Administrator. Mr. Knudson has advised his client of that fact by email and US Mail, but has received no response.</p> <p>Petitioner believes communications have broken down such that he can no longer represent his client in this matter.</p> <p>Petitioner states civil litigation to recover assets is being handled by Attorney Kim Mayhew of Lang, Richert et al, in 15CECG00450.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 11/4/15: Mr. Knudson requests time to notice the bonding company; continued to the date of the Successor Representative petition. (See Page 5C.)</p> <p>Note: Surety was served by mail on 11/4/15.</p>
Cont. from 110415			
	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		
			<p>Reviewed by: skc</p> <p>Reviewed on: 11/17/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5A – Green</p>

Order to Show Cause

DOD: 1/22/13	GWEN G. HEMMINGER, Daughter, was appointed Administrator with Full IAEA with bond of \$550,000.00 on 5/1/13. Bond was filed and Letters issued 6/26/13.	NEEDS/PROBLEMS/COMMENTS:
		Note: Administrator resides in Florida.
		Note: A Petition for Removal and Appointment of Successor Representative was filed 10/7/15 by LISA R. GREEN, Daughter, of Fresno, and is set for hearing on 11/19/15.
Cont. from 110415		
Aff.Sub.Wit.	At the hearing on 5/1/13, the Court set status hearing for the filing of the first account or petition for final distribution for 8/1/14.	
Verified		
Inventory		
PTC		
Not.Cred.	The status hearing was continued to 2/2/15, then 3/30/15, then 9/28/15.	Minute Order 11/4/15: Mr. Knudson requests time to notice the bonding company; continued to the date of the Successor Representative petition. (See Page 5C.)
Notice of Hrg		
Aff.Mail		
Aff.Pub.	Minute Order 9/28/15: Mr. Knudson has filed a petition to withdraw as counsel, which is set for 11/4/15.	Note: <u>It appears that the Surety was served with notice of this hearing date in connection with the Motion to be Relieved as Counsel only, and not with regard to this OSC.</u>
Sp.Ntc.	The Court issues an Order to Show Cause to GWEN G. HEMMINGER as to why she should not be removed as Administrator for failure to file a first or final account. Ms. Hemminger is ordered to be personally present in court or appear via Court Call on 11/4/15.	<ol style="list-style-type: none"> 1. Need First Account/Petition for Final Distribution or current written status report pursuant to Local Rule 7.5. 2. Need status of civil matter 15CECG00450. 3. Notice to the surety may be required for further proceedings against the Administrator with reference to the bond filed 6/26/13.
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: skc
Status Rpt		Reviewed on: 11/17/15
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 5B – Green

Petition for Suspension of Powers; Removal of Personal Representative and Appointment of Successor Persona Representative (Probate Code §§ 8500, 8500(b), 8502)

DOD: 1/22/13		<p>LISA R. GREEN, Daughter and Beneficiary, is Petitioner.</p> <p>GWEN HEMMINGER, Daughter, was appointed Administrator with Full IAEA with bond of \$550,000.00 on 5/1/13. Bond was filed and Letters issued on 6/26/13.</p> <p>Petitioner states GWEN HEMMINGER should be removed as Administrator and her powers suspended on the following grounds:</p> <p>a. Probate Code §10950: No accounting has been provided.</p> <p>b. Although there was an indication from the status report filed 1/29/15 that a petition for preliminary distribution would be filed, none has been filed and no funds have been distributed.</p> <p>c. Probate Code §8502(b): The personal representative is incapable of properly executing the duties of the office in that she has not provided any current status of the administration or an accounting.</p> <p>d. Probate Code §8502(c): The personal representative has wrongfully neglected the estate and to perform the appropriate acts in not supplying accounting or any disclosures regarding the assets.</p> <p>e. Removal of the personal representative is necessary for the protection of the estate and the interested parties.</p> <p>f. The personal representative's counsel, David Knudson, has filed a Motion to be Relieved as Counsel, which declaration states the personal representative has neglected to perform her duties.</p> <p>Petitioner LISA R. GREEN should be appointed Successor Personal Representative with Full IAEA and bond of \$550,000.00.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Administrator Gwen G. Hemminger, resides in Florida. Petitioner Lisa R. Green resides in Fresno, CA.</p> <p>1. Need "Notice of Petition to Administer Estate" (Mandatory Judicial Council Form DE-121). Probate Code §8522(b).</p> <p>Note: Petitioner served the general "Notice of Hearing" form, but more specific notice is required for appointment as successor personal representative.</p> <p>2. The surety (re current Administrator's bond) should also be served per Probate Code §1213. (Petitioner's general "Notice of Hearing" filed 10/28/15 did not include service on the surety.)</p> <p>3. Need Duties and Liabilities of Personal Representative and Confidential Supplement (DE-147 and DE-147S).</p> <p>4. In addition to the Order submitted on this petition, if Petitioner is appointed as Successor Administrator, need Order for Probate (DE-140) and Letters (DE-150).</p> <p style="text-align: center;">SEE PAGE 2</p> <p>Reviewed by: skc</p> <p>Reviewed on: 11/17/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5C – Green</p>
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
	Inventory		
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	Notice of Hrg <input checked="" type="checkbox"/>		
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	9202		
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	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

SEE PAGE 2

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Petitioner requests that:

1. GWEN G. HEMMINGER, Administrator, appear and show cause why she should not be removed and her Letters of Administration revoked;
 2. The Court remove and revoke the Letters of Administration of GWEN G. HEMMINGER;
 3. LISA R. GREEN be appointed Administrator with Full IAEA and bond of \$550,000.00, Letters to issue upon filing of bond; and
 4. For such other order as the Court considers proper.
-

NEEDS/PROBLEMS/COMMENTS (Cont'd):

Note: If granted, the Court will set status hearings as appropriate for:

- filing of the bond, and
- filing of a first account or petition for final distribution.

Status Hearing Re: Filing of the First Account or Petition for Final Distribution

DOD: 9/13/13	<p>JENEBIE LAZO and JEREMIAH RIBEIRO, Daughter and Son, were appointed Co-Administrators with Full IAEA without bond and Letters issued on 3/20/14.</p> <p>At the hearing on 3/20/14, the Court set this status hearing Re: Filing of the First Account or Petition for Final Distribution.</p> <p>Inventory and Appraisal filed 7/30/14 reflects various real and personal property, total value \$295,000.00.</p> <p>Verified Status Report filed 11/12/15 states at the status hearing on 5/22/15, the Court determined that while it appeared little could be done until November based upon the issues reported, the Court nevertheless wanted to keep apprised of the status. At the 7/30/15, the matter was continued to 11/19/15. This is the status report:</p> <ul style="list-style-type: none"> Although we understand that we are the Co-Administrators and the ones responsible for handling the estate, it has been important to our family that we try to include our brother, Jason Ribeiro, in such efforts. However, he has been incarcerated throughout this time, and they have had limited access to him and no ability to have him help us release funds that have been frozen by Chase Bank which included him as a named beneficiary. Jason was finally released from federal prison last week and is now residing in a halfway house in San Francisco, CA. He will remain there for 8-9 months with only eight hours per day of freedom. Nevertheless, he is now available to discuss estate matters and help us release the monies that Chase froze. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 7/30/15: Counsel represents that the vehicles are nearly non-functional and the pink-slips are missing; that the Antioch property is under condemnation proceedings and the second property is being prepared for a brother who is due to be released from prison in mid-November. The Court admonishes Ms. Nelson that the matter needs to be moved along. A verified status report with paper proof of the status of the condemnation hearings/litigation and information regarding the vehicles is to be filed by 11/12/15.</p> <p>1. Need First Account or Petition for Final Distribution pursuant to Probate Code §12200.</p>
Cont. from 052215, 073015		
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Letters		
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Citation		
FTB Notice		
SEE ADDITIONAL PAGES		
		Reviewed by: skc
		Reviewed on: 11/17/15
		Updates:
		Recommendation:
		File 6 - Ribeiro

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- As shown on the Inventory, there were no funds in the estate at their father's death, as he named individual beneficiaries. Previously, Chase Bank froze the account which named Jason as a beneficiary, which monies which would have enabled us to do the necessary repairs and cleanup of the properties. Jason signed a power of attorney, but Chase Bank refused to honor it. However, earlier this week, they were able to go to Chase Bank with Jason, the account has been unfrozen, and, when the bank confirms the cashier's check has cleared, which should occur by 11/13/15, they will finally have access to funds to deal with the properties.
- We previously had no monies to pay for necessary repairs and cleanup of the Antioch condo and Fresno house to enable us to list them for sale. We attempted to sell the Antioch condo as-is, but the deal fell through and the broker has never returned with any potential buyers. Besides the need for repairs, the Antioch condo has been involved in a condemnation case involving Contra Costa County vs. the Antioch Parkridge Homeowners Association (Case C10-101630) which has also made it problematic to find a buyer. The lawsuit finally settled in October 2014 as to the amount the County was required to pay; however, the case then went to a court-appointed referee to determine how to allocate the financial award among the individual homeowners and association. Ultimately the matter was decided in May 2015. Unfortunately, many of the individual homeowners, including the estate, received no portion of the settlement funds.
- The only debts of which we are aware are: (i) property taxes on the two properties; (ii) homeowners' dues for the Antioch condo; and (iii) car payments on one of the working cars. No creditors have filed any creditor's claims as of today. The Co-Administrators understand that the decedent may have been behind in paying his personal income taxes and they are going through records to have an accountant prepare the returns. They do not believe much will be owing.
- With the release of funds in the Chase account, they intend to pay all of the debts listed above and do cleanup work to market one or both of the properties for sale. The timetable is as follows:
 - 11/20/15 pay all known debts
 - Late December 2015 clean up and repair Antioch unit and list for sale
 - Mid January 2016 provide as much information as we can to locate to an accountant to prepare final income tax returns
 - Mid February 2016 clean up and repair Fresno house, determine which vehicles are operational and which can only be sold for salvage, and sell all (possibly retaining one working car). Determine whether to sell Fresno house or retain by the three heirs.
- Now that Jason is back in San Francisco with limited access hours, the Co-Administrators believe they can work with him and get the estate wound up in short order. They understand they have duties and responsibilities to pay the estate's final debts, income taxes, and get the estate wound up; however, since the three of them are the only heirs, no other heirs have been harmed by the delays in getting this estate wound up.

Petitioner: Rosie H. Acosta (pro per)

Petition for Final Distribution on Waiver of Accounting (And for Allowance of Statutory Commissions)

DOD: 3/31/14		<p>ROSIE ACOSTA, Administrator, is petitioner.</p> <p>Accounting is waived.</p> <p>I & A - \$864,681.16 POH - ???</p> <p>Administrator (statutory) - \$20,293.62</p> <p>Closing - \$1,000.00</p> <p>Distribution, pursuant to intestate succession, is to:</p> <p>Rosie Acosta - ½ Thomas Acosta, Sr. - ½</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Petition and supplements do not clearly state the property on hand for distribution. Supplement to the Petition states that beneficiary Thomas Acosta wishes to make Rosie Acosta the sole beneficiary of the estate. It appears that Mr. Acosta is disclaiming his interest in the estate, therefore need Disclaimer of Interest pursuant to Probate Code §278 et seq. Need Order. <u>Note:</u> order must comply with Local Rule 7.6.
Cont. from 100815			
<input type="checkbox"/>	Aff.Sub.Wit.		
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<input checked="" type="checkbox"/>	Inventory		
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<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
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<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters 7/25/14		
<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 type="checkbox"/>	Order X		
<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: KT</p> <p>Reviewed on: 11/17/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 7 – Acosta</p>	

First and Final Report of Executor; Petition for Final Distribution Without an Accounting and for Allowance of Compensation for Ordinary Services and Extraordinary Services

DOD: 10/2/13		<p>KRISTEN PETERSON, Daughter and Executor with Limited IAEA without bond, is Petitioner.</p> <p>Accounting is waived</p> <p>I&A: \$199,109.12 POH: \$78,364.14 (\$75,864.14 is held in a blocked account; \$2,500.00 remainder held separately)</p> <p>Executor (Statutory): \$7,470.00</p> <p>Executor (Extraordinary): \$1,000.00 (for the sale of the real property pursuant to Local Rule 7.18.B.1.)</p> <p>Executor (Reimbursement): \$13,645.69 Petitioner states she paid expenses including mortgage payments, utilities, property taxes, and court costs totaling \$13,645.69 and requests reimbursement. See itemization at Exhibit F.</p> <p>Attorney (Statutory): \$7,470.00</p> <p>Attorney (Extraordinary): \$1,000.00 (for the sale of the real property pursuant to Local Rule 7.18.A.1.)</p> <p>Closing: \$2,500.00</p> <p>Distribution pursuant to the decedent's will:</p> <p>Kristen Peterson: \$22,639.22 Roger Peterson: \$22,639.23</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Executor Kristen Peterson resides in Rhode Island.</p> <p>Note: Concurrently with this petition, Petitioner also filed an Ex Parte Petition for Withdrawal of Funds from Blocked Account, which was set for hearing with this petition (Page B).</p> <p>1. Petitioner does not provide the disposition of the Ameriprise Brokerage Account, which was appraised at \$7,609.12 on the Corrected I&A filed 12/2/14 pursuant to Cal. Rule of Court 7.550(b)(3).</p> <p>Note: Statutory compensation could be affected if there was a loss on this asset pursuant to Cal. Rule of Court 7.550(b)(6).</p> <p>Note: The Corrected I&A corrected the brokerage account amount from \$78,663.50 to \$7,609.12 (a difference of 71,054.38). The Court may require explanation for the correction.</p> <p>2. Petitioner requests reimbursement of \$2,301.00 in "court costs" without further explanation. Need itemization with reference to Local Rule 7.17.</p>	
	Aff.Sub.Wit.			
✓	Verified			
✓	Inventory			
✓	PTC			
✓	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			w
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters			6/25/14
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
✓	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
✓	FTB Notice			
		<p>Reviewed by: skc</p> <p>Reviewed on: 11/17/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8A – Peterson</p>		

Attorney Gregory J. Roberts (for Petitioners Jean E. Graham and Thomas E. Riley)

First and Final Account of Co-Executors and Petition for Its Settlement; for Allowance of Fees and for Final Distribution

DOD: 11/6/2014	JEAN E. GRAHAM and THOMAS E. RILEY, niece and nephew and Co-Executors, are Petitioners.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	Account period: 11/6/2014 – 8/15/2015	
<input type="checkbox"/> Aff.Sub.Wit.	Accounting - \$313,019.65	
<input checked="" type="checkbox"/> Verified	Beginning POH - \$312,247.22	
<input checked="" type="checkbox"/> Inventory	Ending POH - \$313,019.65 <i>(\$308,019.65 is cash)</i>	
<input checked="" type="checkbox"/> PTC	Co-Executors - waive	
<input checked="" type="checkbox"/> Not.Cred.	Attorney - \$9,260.39 <i>(statutory)</i>	
<input checked="" type="checkbox"/> Notice of Hrg	Costs - \$435.00 <i>(filing fee)</i>	
<input checked="" type="checkbox"/> Aff.Mail W/		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	Distribution pursuant to Decedent's Will is to:	
Conf. Screen	<ul style="list-style-type: none"> • GENEVA MAYE RILEY – vehicle and jewelry, household furniture and furnishings and other articles of a personal nature; • Petitioners as Co-Trustees of the MERRILL F. JOHNSTON LIVING TRUST dated 12/22/2003 – \$298,324.26 cash. 	
Letters 022615		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
<input checked="" type="checkbox"/> FTB Notice		
		Reviewed by: LEG
		Reviewed on: 11/17/15
		Updates:
		Recommendation: SUBMITTED
		File 9 – Johnston

13 Joshua Areyano (GUARD/E) Case No. 15CEPR00427

Attorney Bagdasarian, Gary G. (for Laura Castillo – Guardian)

Probate Status Hearing Re: Filing of the Inventory and Appraisal

Age: 16	<p>LAURA CASTILLO, mother, was appointed guardian of the estate without bond on 06/30/2015.</p> <p>Letters issued on 07/15/2015</p> <p>Minute Order of 06/25/2015 set this Status Hearing for the filing of the Inventory and Appraisal.</p>	NEEDS/PROBLEMS/COMMENTS:
		<p>1. Need Inventory and Appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 11/17/2015
		Updates:
		Recommendation:
		File 13 – Areyano

16A Alana Messick (GUARD/P)

Case No. 15CEPR00683

Petitioner: Guadalupe Gutierrez, JR (pro per)

Competing Petitioner: Jessica Elizabeth Messick (pro per)

Petition for Appointment of Guardian of the Person

		TEMPORARY EXPIRES 11/19/15	NEEDS/PROBLEMS/COMMENTS:
		GUADALUPE GUTIERREZ, JR. is petitioner.	<ol style="list-style-type: none"> 1. Notice of Hearing is incomplete at #1- the person filing the documents and the title of the documents filed. 2. Proof of service of the Notice of Hearing shows it was served on Tamera Shatterlee on 10/30/15 for the hearing date of 9/14/15 and that it was not served with a copy of the petition as required. The Notice of Hearing must be served 15 days prior to the hearing date listed on the notice. 3. Need proof of service of the Notice of Hearing along with a copy of the petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> a. T.W. Carlson (paternal grandfather) – unless the court dispenses with notice. b. Daniel Messick (maternal grandfather) – unless the court dispenses with notice. c. Tamera Satterlee (maternal grandmother) 4. UCCJEA is incomplete. Need residence information for 2010 – 12/1/2012. In addition need the name and relationship of the person the minor has been living with from 12/1/12 – 5/28/15.
		Court Investigator Report filed 9/4/15	
Cont. from 091415, 110915		Court Investigator Supplemental Report filed on 11/16/15	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail	X	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.		
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Please see additional page
			Reviewed by: KT
			Reviewed on: 11/17/15
			Updates:
			Recommendation:
			File 16A – Messick

NEEDS/PROBLEMS/COMMENTS (cont.):

5. The competing Petitioner indicates the minor is Native American. Therefore, a *Notice of Child Custody Proceeding for Indian Child* (Form ICWA-030), must be completed and returned to the probate clerk for service. **Note:** A blank copy of the *Notice of Child Custody Proceeding for Indian Child* (Form ICWA-030) is in the file to hand to petitioner at the hearing.

16B Alana Messick (GUARD/P)

Case No. 15CEPR00683

Petitioner: Jessica Elizabeth Messick (pro per)

Objector/Competing Petitioner: Guadalupe Gutierrez, Jr. (pro per)

Petition for Appointment of Temporary Guardian of the Person

Age: 10 years	GENERAL HEARING 1/14/16.	NEEDS/PROBLEMS/COMMENTS: 1. Petitioner indicates the minor is Native American. Therefore, a <i>Notice of Child Custody Proceeding for Indian Child</i> (Form ICWA-030), must be completed and returned to the probate clerk for service. Note: A blank copy of the <i>Notice of Child Custody Proceeding for Indian Child</i> (Form ICWA-030) is in the file to hand to petitioner at the hearing. 2. Need Notice of Hearing. 3. 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. Matthew Messick (father) Please see additional page
	Temporary (granted to competing petitioner Guadalupe Gutierrez) Expires 11/19/15.	
	JESSICA ELIZABETH MESSICK, paternal aunt, is petitioner.	
Cont. from	Objection to Guardianship filed by Guadalupe Gutierrez on 11/13/15	
<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 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
		Reviewed on: 11/17/15
		Updates:
		Recommendation:
		File 16B – Messick

NEEDS/PROBLEMS/COMMENTS (cont.):

4. 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. Daniel Messick (paternal grandfather)
 - b. Tammy Lewis (maternal grandmother)
 - c. Maternal grandfather

5. Petition does not include the name and current address of the maternal grandfather.

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Petitioner

Rodolfo Cortez Castillo (Estate)
Castillo, Marilyn De La Cruz

Case No. 15CEPR00746

Probate Status Hearing Re: Filing Proof of Bond

Age:		NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> Bond of \$500,000.00 was filed 10/19/15; Letters issued 10/19/15.
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 11/17/15
		Updates:
		Recommendation:
		File 17 – Castillo

17

DOD: 02/27/2014	CONNIE MEKEALIAN , niece is petitioner and requests appointment as Administrator with all funds to be placed in a blocked account.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Thursday, 04/14/2016 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Thursday, 02/16/2017 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
Cont. from 110415	Limited IAEA – o.k.	
<input type="checkbox"/> Aff.Sub.Wit.	Decedent died intestate	
<input checked="" type="checkbox"/> Verified	Residence: Sanger	
<input type="checkbox"/> Inventory	Publication: The Business Journal	
<input type="checkbox"/> PTC	Estimated value of the Estate:	
<input type="checkbox"/> Not.Cred.	Real property - \$100,000.00	
<input checked="" type="checkbox"/> Notice of Hrg	Probate Referee: Rick Smith	
<input checked="" type="checkbox"/> Aff.Mail w/	Attachment to Petition states Decedent was the owner of fractional interests in real property in Fresno County. Decedent had no personal property of which Petitioner is aware. Petitioner has only requested limited authority under the Independent Administration of Estates Act and will deposit all funds into a blocked account upon the sale of the same. Consequently, request is made that no bond be required.	
<input checked="" type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 11/03/2015
		Updates:
		Recommendation: Submitted
		File 22 – Mekealian

		See petition for details.	NEEDS/PROBLEMS/COMMENTS:
			<u>Minute Order 11/5/15</u> : The Court orders that temporary Letters are to issue as to the <u>person and estate</u> forthwith.
Cont. from 110515			1. Petitioner did not attach the mandatory Attachment Requesting Special Orders Regarding Dementia to the petition which specifies the powers being sought, and therefore the request for such powers was not properly served on the proposed Conservatee or relatives. The Court may require amendment or may require the attachment to be filed separately and served on interested persons.
	Aff.Sub.Wit.		2. Temporary Conservatorship of the Estate was granted on 11/5/15 and permanent Conservatorship of the estate has been recommended.
✓	Verified		However, this petition requests conservatorship of the person only. The Conservatee and relatives have not been given notice of conservatorship of the estate, and the Court has not been given an estimate of the Conservatee's estate value.
	Inventory		The Court may require a separate petition to be filed and served for all appropriate information to be considered.
	PTC		3. Letters have issued to Petitioner as Temporary Conservator of the Person <u>and Estate</u> per the Court's minute order of 11/5/15. Pursuant to Probate Code §2320(c)(4) and Cal. Rule of Court 7.207, bond is required. Based on the figures provided in the Court Investigator's report of Social Security and pension benefits plus savings, bond should be fixed at least at \$60,720.00; however, clarification by Petitioner may be necessary.
	Not.Cred.		<u>Note</u> : If Estate is granted, the Court will set status hearings as follows:
✓	Notice of Hrg		• Thurs April 21, 2016 for filing the Inventory and Appraisal
✓	Aff.Mail	W	• Thurs Jan. 19, 2017 for filing the first account.
	Aff.Pub.		Reviewed by: skc
	Sp.Ntc.		Reviewed on: 11/16/15
✓	Pers.Serv.	W	Updates:
✓	Conf. Screen		Recommendation:
✓	Letters		File 23 – Garoppo
✓	Duties/Supp		
	Objections		
✓	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
✓	Citation		
	FTB Notice		

Petition for Appointment of Temporary Guardian of the Person (Prob. Code §2250)

		See petition for details.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 10/29/15: Michael Coward, Father, contacted the clerk's office this morning to advise of his objection and inability to appear this morning. The Court reviews a FUSD report card for the minor that is addressed to the guardian. Matter is continued for service as to the parents. Petitioner has the Court's permission to text Michael Coward, in addition to attempting proper personal service, with the date, time, place, and an offer to provide copies of the paperwork. Michael Coward is to file any objections no later than 11/12/15. The temporary petition is granted without prejudice to preserve the status quo.</p> <p>As of 11/16/15, no objections have been filed.</p> <p>The following issue remains noted:</p> <p>1. If diligence is not found, need notice to Latrese Benjamin, Mother.</p> <p>Reviewed by: skc</p> <p>Reviewed on: 11/16/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 32 – Coward</p>	
Cont. from 102915				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			X
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			X
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			

Petitioner De Luca, Frank (pro per – brother/named Executor)

Petition for Probate of Will and for Letters Testamentary: Authorization to Administer under the Independent Administration to Estates Act

DOD: 07/22/15	FRANK DE LUCA , brother/named Executor, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 11/12/15</u></p> <p>Note: Status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Thursday, April 7, 2016 at 9:00a.m. in Dept. 303 for the filing of the Final Inventory and Appraisal and • Thursday, January 12, 2017 9:00a.m. in Dept. 303 for the filing of the first account - Petition for final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter, the status hearing will come off calendar and no appearance will be required.</p>
	All heirs waive bond.	
Cont. from 111215	Full IAEA – OK	
<input checked="" type="checkbox"/> Aff.Sub.Wit.	Will dated 09/30/2014	
<input checked="" type="checkbox"/> Verified	Residence: Clovis	
Inventory	Publication: The Business Journal	
PTC		
Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Estimated Value of the Estate:	
<input checked="" type="checkbox"/> Aff.Mail w/	Real property - \$173,333.00	
<input checked="" type="checkbox"/> Aff.Pub.	(I & A, Partial No. 1 has already been filed indicating real property only valued at \$173,333.00)	
Sp.Ntc.	Probate Referee: STEVEN DIEBERT	
Pers.Serv.		
Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 11/16/15
		Updates:
		Recommendation: SUBMITTED
		File 34 – Virginia De Luca