



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.

First Account Current and Report of Trustee of Special Needs Trust and Petition for Its Settlement (Prob. C. 2620)

Age: 10	<p>SANDRA WRIGHT, Mother and Trustee with bond of \$90,000.00, is Petitioner.</p> <p>Account period: 4-19-11 through 10-7-11</p> <p>Accounting: \$68,211.97 Beginning POH: \$67,441.72 Ending POH: \$67,484.97</p> <p>Trustee: Not addressed Attorney: Not addressed</p> <p>Bond is sufficient.</p> <p>Petitioner prays for an Order approving allowing and settling the first account as filed.</p>	NEEDS/PROBLEMS/COMMENTS:
DOB: 3-1-01		
Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
Inventory		
PTC		
Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail W		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p>Reviewed by: skc</p> <p>Reviewed on: 11-14-11</p> <p>Updates: SUBMITTED</p> <p>Recommendation:</p> <p>File 2 - Cleveland</p>	

3 Jayne Yu Chen Chan (Estate)

Case No. 09CEPR01039

Atty Sanoian, Joanne (for Jesse Cortez, Executor – Petitioner)

Atty Quintero, Adriana (for Edward B. Chan)

(1) Second and Final Account and Report of Executor, (2) Petition for Its Settlement for (3) Allowance of Attorney Ordinary and Extraordinary Fees and Costs Advanced, for Allowance of Executor's Ordinary Fees, and for (4) Final Distribution

(Prob. C. 1060 et seq, 10900 & 11640 et seq, Rules of Court 7.651, & Local Rule 7.12.1)

DOD: 8/30/09	JESSE CORTEZ , Executor, is Petitioner.		NEEDS/PROBLEMS/COMMENTS: 1. Need Order. <u>Note:</u> Per Petition, in a related Contra Costa County action (Case No. P10-00081) in which the Estate was named as a respondent, Executor agreed to a settlement between himself as Executor and Trustee of Decedent's Trust and Edward B. Chan, Decedent's son. According to settlement terms, Executor Cortez is to pay from the probate assets an amount of money to Mr. Chan (per Distribution schedule, this money was paid to Mr. Chan on 9/26/11).
	Account Period: 3/9/11 – 9/30/11		
Cont. from	Accounting:	\$199,297.54	
Aff.Sub.Wit.	Beginning POH:	\$173,276.16	
✓ Verified	Ending POH:	\$116,183.68	
✓ Inventory	Executor -	\$6,978.93	
PTC	Attorney -	\$6,978.93	
Not.Cred.	(statutory)		
✓ Notice of Hrg	Attorney x/o –	\$2,722.50 (<i>per declaration and itemization, 14.40 hours of legal services relating to the defending the Objection of Executor Cortez' First Account Current</i>)	
✓ Aff.Mail	Costs advanced-	\$395.00 (<i>filing fee for Second Account</i>)	
Aff.Pub.			
Sp.Ntc.	Petitioner requests the following distribution pursuant to Decedent's Will:		
Pers.Serv.	Household furnishings: Jesse Cortez		
Conf. Screen	Remaining Estate property (cash in the sum of \$98,608.32 plus accrued interest): to Jesse Cortez as Trustee of the Jayne Y.C. Chan Living Trust		
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
✓ 9202			
Order	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
			Reviewed by: NRN
			Reviewed on: 11/14/11
			Updates:
			Recommendation:

(1) First and Final Report of Administrator and (2) Petition for Distribution; (3) for Allowance of Attorneys' Fees and Reimbursement of Costs Advanced (Prob. C. 1060; 10800; 10810; and 10951)

DOD: 2/9/11		LaDonna Ybarra, Administrator, is	NEEDS/PROBLEMS/COMMENTS:
		Petitioner.	
		Accounting is waived.	
Cont. from		I&A- \$133,607.04	
<input type="checkbox"/>	Aff.Sub.Wit.	POH- \$133,097.00	
<input checked="" type="checkbox"/>	Verified	<i>(\$18,097.00 is cash)</i>	
<input checked="" type="checkbox"/>	Inventory	Administrator - waives	
<input checked="" type="checkbox"/>	PTC	(statutory)	
<input checked="" type="checkbox"/>	Not.Cred.	Attorney - \$5,008.21	
<input checked="" type="checkbox"/>	Notice of Hrg	(statutory)	
<input checked="" type="checkbox"/>	Aff.Mail	w	
	Aff.Pub.	Costs advanced- \$1255.00 <i>(filing fees</i>	
	Sp.Ntc.	<i>(x2), publication, probate appraiser's fee)</i>	
	Pers.Serv.	Petitioner requests the following	
	Conf. Screen	distribution pursuant to intestate succession	
	Letters	is as follows:	
	Duties/Supp	<u>100% of estate to Petitioner as sole intestate</u>	
	Objections	<u>heir.</u>	
	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 on: 11/14/11
			Updates:
			Recommendation: SUBMITTED
			File 4 - McEwin

(1) First and Final Report of Personal Representatives, (2) Petition for Final Distribution and (3) Allowance of Attorneys' Fees on Waiver of Accounting (Prob. C. 12200)

DOD: 9-21-10		<p>IDA HENDERSON and PATRICK MCGEE, Co-Executors with full IAEA without bond, are Petitioners.</p> <p>Accounting is waived.</p> <p>I&A: \$321,191.77 POH: \$320,350.22 (securities)</p> <p>Co-Executors (Statutory): \$9,423.84 (\$4,711.92 to each Co-Executor)</p> <p>Attorney (Statutory): \$9,423.84 (Fee pursuant to agreement not to exceed statutory sum of \$9,423.84)</p> <p>Costs: \$815.50</p> <p>Distribution pursuant to Decedent's will:</p> <p>Ida Henderson and Patrick McGee, as trustees of the Geraldine McGee Living Trust dated 8-27-96: Entire estate, subject to payment of costs, commissions and fees, consisting of certain securities</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need declaration regarding trust pursuant to Local Rule 7.12.5.</p>
Aff.Sub.Wit.			
✓ Verified			
✓ Inventory			
✓ PTC			
✓ Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	W		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
✓ Letters	5-10-11		
Duties/Supp			
Objections			
Video Receipt			
CI Report			
✓ 9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
✓ FTB Notice			
		Reviewed by: skc	
		Reviewed on: 11-14-11	
		Updates:	
		Recommendation:	
		File 5 - McGee	

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 9-13-11		<p>TERI GRAHAM and SANDI GRAHAM, Daughters and named Co-Executors without bond, are Petitioners.</p> <p>Full IAEA – ok</p> <p>Will dated 7-15-11</p> <p>Residence: Fresno Publication: Fresno Business Journal</p> <p>Estimated Value of Estate: Personal property: \$ 55,000.00 Annual income: \$ 400.00 Real property: \$ 95,480.00 Total: \$ 150,880.00</p> <p>Probate Referee: Steven Diebert</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>		
<input type="checkbox"/>	Aff.Sub.Wit.			S/P	
<input checked="" type="checkbox"/>	Verified				
<input type="checkbox"/>	Inventory				
<input type="checkbox"/>	PTC				
<input type="checkbox"/>	Not.Cred.				
<input checked="" type="checkbox"/>	Notice of Hrg				
<input checked="" type="checkbox"/>	Aff.Mail			W	
<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: skc		
			Reviewed on: 11-14-11		
			Updates:		
			Recommendation: SUBMITTED		
			File 8 - Graham		

Age:	LINDA VORIS, beneficiary of The July 20, 2002 John C. Voris Trust and 7/20/02 and 8/29/08 Amendment thereto (collectively referred to as the "Trust") is Petitioner.		NEEDS/PROBLEMS/COMMENTS:
DOD:			
Cont. from			
Aff.Sub.Wit.			
√ Verified			
Inventory			
PTC			
Not.Cred.			
√ Notice of Hrg			
√ Aff.Mail	w/o		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
√ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Petitioner states:

- The Trust is revocable, and the person holding the power of revocation is settlor and current trustee, John C. Voris ("John Voris" or "Settlor").
- The Trust was created on 7/20/02 and amended once on 8/29/08.
- John Voris however is unfit to administer the Trust as he has been diagnosed with dementia; said belief is based upon medical examination and documentation received by Petitioner and her sister Delfina Voris – who are daughters of Settlor (*medical documentation attached to Petition*);
- Based upon the medical documentation, Petitioner believes that John Voris is substantially unable to resist fraud or undue influence; specifically, Petitioner is aware of a "friend" of John Voris who has been preying on Settlor's bank accounts over the last several months, and Petitioner has reported this activity to law enforcement for review as financial elder abuse;
- On removal of John Voris as trustee, there will be a vacancy, which the Trust requires to be filled; while the Trust does not provide a practical method of removing a trustee under the current circumstances, it does provide that if for any reason the trustee ceases to act, Delfina A. Voris and Linda Marie Voris shall serve as successor co-trustees;
- Should the Court remove John Voris, both Delfina and Linda stand ready and willing to serve as successor co-trustees (*as evidenced by their executed Acceptance of Appointment as Co-Trustees, attached to Petition*).

Petitioner requests the Court: 1) remove John C. Voris as trustee and 2) appoint Petitioner and Delfina A. Voris as co-trustees of the Trust, and vesting them with all powers previously vested in John C. Voris and 3) for costs of suit.

Reviewed by: NRN
Reviewed on: 11/16/11
Updates:
Recommendation: File 9 - Voris

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

DOD: 5-5-11	PETE LAMBETECCHIO , Trustee of the Pete Lambetecchio & Doris Lambetecchio Trust, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	40 Days since DOD	1. Need amended Inventory and Appraisal on Mandatory Judicial Council Form DE-160. <i>(The mandatory form contains certain mandatory language/declarations that are missing from the form that was used.)</i>
<input type="checkbox"/> Aff.Sub.Wit.	No other proceedings	2. Petition #11 is not marked; however, there is an Attachment 11 describing the property. Need clarification: Is it correct that Petitioner is requesting the property passes to him as Trustee of the Pete Lambetecchio & Doris Lambetecchio Trust?
<input checked="" type="checkbox"/> Verified	I&A: \$95,000.00 (See Item #1.)	3. Petitioner requests that the court determine succession to the trustee of the Pete Lambetecchio & Doris Lambetecchio Trust; however, the will devises the estate to "the Trustee of <u>the trust designated</u> in the Pete Lambetecchio & Doris Lambetecchio Trust." Need clarification. Is there a subtrust?
<input type="checkbox"/> Inventory	Will dated 9-29-05 devises the entire estate to the Pete Trustees of the trust designated in the Pete Lambetecchio & Doris Lambetecchio Trust.	4. Need declaration regarding trust devise pursuant to Local Rule 7.12.5.
<input type="checkbox"/> PTC	Petitioner requests court determination that Decedent's one-half community property interest in an undivided one-half interest in certain commercial real property passes to him as Trustee of the Pete Lambetecchio & Doris Lambetecchio Trust.	
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail		
<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		Reviewed by: skc
<input type="checkbox"/> Status Rpt		Reviewed on: 11-14-11
<input type="checkbox"/> UCCJEA		Updates:
<input type="checkbox"/> Citation		Recommendation:
<input type="checkbox"/> FTB Notice		File 10 - Lambetecchio

Status Hearing Re: Filing of the Inventory and Appraisal

Age:		NEEDS/PROBLEMS/COMMENTS: <p style="text-align: center;"><u>OFF CALENDAR</u></p> Inventory and Appraisal filed 10-21-11
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: 11-14-11
		Updates:
		Recommendation:
		File 11 – Graham

**Application for Order Terminating and Dismissing Proceedings for Lack of Property
Subject to Administration (Probate Code 1021 and 12251)**

DOD: 8-16-11	DANIEL T. MCCLOSKEY , Named Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Petitioner states there are no assets subject to administration. Petitioner originally believed the estate consisted of two annuity funds in excess of \$275,000.00; however, Petitioner is now informed that the funds are beneficiary designated accounts.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC	Petitioner has made due search and inquiry and is informed and believes that there is no property of any kind belonging to the decedent's estate that is subject to administration.	
<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.	Notice of Petition to Administer Estate has not been served, filed or published as Petitioner was waiting for information regarding the need for administration.	
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters	Petitioner prays for an order terminating and dismissing further proceedings without prejudice.	
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report	<i>Examiner notes that Notice of Hearing with a copy of this petition was served on all interested parties and one potential creditor of the estate.</i>	
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order	X	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt	<i>Examiner further notes that Letters have not issued.</i>	
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: skc
		Reviewed on: 11-14-11
		Updates:
		Recommendation: SUBMITTED
		File 12 – Kearns

Petition for Probate of Will and for Letters of Administration With Will Annexed
 (Prob. C. 8002, 10450)

DOD: 06/13/11		TONI SCHROEDER RICHARDSON , daughter, is Petitioner, and requests appointment as Administrator with Will Annexed.	NEEDS/PROBLEMS/COMMENTS: OFF CALENDAR Amended Petition filed 11/09/11; hearing set for 01/12/12 <ol style="list-style-type: none"> 1. Need copy of the Will. 2. Petition requests appointment as Administrator with Will Annexed. The Examiner is unable to determine if this is the correct appointment without copy of the Will. 3. Item 2(d) of the Petition is incomplete regarding bond. <i>It is noted that Item 3(d) of the Petition is marked indicating that the Will waives bond, however, the Examiner is unable to verify this without a copy of the Will.</i> 4. Item 3(e)(2) of the Petition is not marked regarding decedent's Will. 5. Item 3(f)(1)(d) states that Petitioner is the decedent's daughter, however it fails to state whether the person named as Executor in the decedent's Will cannot act due to death or declination or other reason. 6. Item 5(a)(2) regarding spouse of the decedent is incomplete, either option (a) divorced or never married; or (b) spouse deceased. <i>It is noted that item 7(b) of the Petition is marked stating that the decedent had a predeceased spouse. If the decedent did have a predeceased spouse, the name and date of death of the deceased spouse should be stated in item 8 of Petition Pursuant to Local Rule 7.1.1D.</i> 7. Item 8 of the Petition is not complete. The relationship to the decedent and age of each person listed must be included; also, the Petitioner states that she is the decedent's daughter, but she is not listed in item 8. Further, if the decedent had a predeceased spouse, the spouses name and date of death should also be listed in item 8 of the Petition. 	
Cont. from 101711				
<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.			x
<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			
Full IAEA – NEED Will dated - ??? [copy of Will not attached] Residence: Fresno Publication: NEED <u>Estimated Value of the Estate:</u> Real property - \$78,000.00 Probate Referee: STEVEN DIEBERT		Reviewed by: JF Reviewed on: 11/14/11 Updates: Recommendation: File 13 - Bonham		

14 Omar Diego Jimenez (GUARD/P)
Atty Stribling, Stephanie L. (pro per – family friend/Petitioner)

Case No. 11CEPR00838

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

Age:		NEEDS/PROBLEMS/COMMENTS: CONTINUED TO 11/28/11 Per petitioner's request
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: JF
		Reviewed on: 11/15/11
		Updates:
		Recommendation:
		File 14 - Jimenez

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

Age: 4	<p align="center"><u>NO TEMPORARY REQUESTED</u></p> <p>MAUREEN VILLAGRANA and ART VILLAGRANA, paternal grandmother and step-grandfather, are Petitioners.</p> <p>Father: CARTER BRIER – <i>consent & waiver of notice filed 09/19/11</i></p> <p>Mother: AMANDA STIVERS – <i>consent & waiver of notice filed 09/19/11</i></p> <p>Paternal grandfather: MARK BRIER – <i>served by mail 09/20/11</i></p> <p>Maternal grandfather: HERMAN DEMIK – <i>served by mail 09/20/11</i></p> <p>Maternal grandmother: SHARI PURKEY – <i>served by mail 09/20/11</i></p> <p>Siblings: BLAKE BRIER (3), HEAVENLEE BRIER (3)</p> <p>Petitioners state that Charizzma has lived with them since 2008 and that neither parent is able to care for her. Both parents agree that it is in Charizzma’s best interest to live with Petitioners.</p> <p>Court Investigator Jennifer Young’s report was filed 11/14/11.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
DOB: 03/14/07		
Cont. from		
Aff.Sub.Wit.		
✓ Verified		
Inventory		
PTC		
Not.Cred.		
✓ Notice of Hrg		
✓ Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv. n/a		
✓ Conf. Screen		
✓ Letters		
✓ Duties/Supp		
Objections		
Video Receipt		
✓ CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
✓ UCCJEA		
Citation		
FTB Notice		
	<p>Reviewed by: JF</p> <p>Reviewed on: 11/15/01</p> <p>Updates: 11/16/11</p> <p>Recommendation:</p> <p>File 15 - Brier</p>	

Atty Lambert, Arthur (pro per – maternal great-uncle/Petitioner)

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

Windell, 11 DOB: 3/2/00	<p align="center"><u>TEMPORARY EXPIRES 11/21/11</u></p> <p>ARTHUR LAMBERT, maternal great-uncle, is petitioner.</p> <p>Windell and Windaisha's father: WINDELL LIGHTLE, SR.</p> <p>Daveeon's father: KENNETH COLTER</p> <p>Mother: JACQUELLA ELEY - deceased</p> <p>Windell & Windaisha's paternal grandparents: UNKNOWN Daveeon's paternal grandparents: UNKNOWN Maternal grandfather: DENNIS ELEY Maternal grandmother: DECEASED</p> <p>Petitioner states on 8/14/11 the children's mother called him and asked if he could become the guardian of her children in the event she died. Mom died on 8/21/11. The father of the youngest child was incarcerated when he was born and is currently on parole. The youngest child's father has a mental disability and is on SSI and may not be able to take care of the child. The older children have not seen their father for the last 6-7 years. Neither of the fathers has financially supported the children.</p> <p>Court Investigator Samantha Henson's report was filed 11/10/11.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Temporary was granted as to Windell & Windaisha only.</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of personal service of <i>Notice of Hearing</i> with a copy of the <i>Petition</i> at least 15 days before the hearing <u>or</u> Consent and Waiver of Notice <u>or</u> Declaration of Due Diligence for: <ul style="list-style-type: none"> - Windell Lightle, Sr. (father of Windell & Windaisha) - Kenneth Colter (father of Daveeon) 3. Need proof of service by mail of <i>Notice of Hearing</i> with a copy of the <i>Petition</i> at least 15 days before the hearing <u>or</u> Consent and Waiver of Notice <u>or</u> Declaration of Due Diligence for: <ul style="list-style-type: none"> - Paternal grandparents (unknown) - Dennis Eley (maternal grandfather) 4. Need UCCJEA for Daveeon.
Windaisah, 8 DOB: 3/21/03		
Daveeon, 4 DOB: 6/26/07		
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 checked="" 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		
<p>Reviewed by: JF</p> <p>Reviewed on: 11/14/11</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 16 – Lightle & Colter</p>		

Petition for Approval of Creation of Proposed Special Needs Trust (Prob. C. 3610 et seq)

Age: 1 year, 7 months DOB: 4-25-10	TINA NEAL , Mother and Guardian Ad Litem, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Note: A declaration addressing the Examiner Notes was filed on 11-14-11. The declaration also requests that the trust be subject to continuing jurisdiction of Los Angeles Superior Court.
	Petitioner requests the establishment of a Special Needs Trust pursuant to Probate Code §§ 3610 et seq., based on the following:	
	Petitioner has conditionally settled a claim on behalf of her daughter in Fresno Superior Court Case 10CECG03424. The gravamen of the case is alleged medical malpractice resulting in severe spastic quadriparetic-type cerebral palsy, global development delay and seizure disorder.	
Cont. from 111411	<i>[Court records indicate that an order on the claim was signed 9-21-11.]</i>	
<input type="checkbox"/> Aff.Sub.Wit.	The settlement valued at \$6,750,000.00 provides up-front cash of \$2,250,000.00 (reduced by attorney fees and Medi-Cal lien as authorized in the civil case) plus periodic payments starting at \$14,217.00 per month starting 11-1-11 for the life of Laila Neal, with a guarantee of five years, which payments increase at 3% per year. Remaining guaranteed payments after her death, if any, will be made to her estate.	
<input checked="" type="checkbox"/> Verified	The proposed trust (Exhibit B attached) complies with Cal. Rule of Court 7.903 and this Court’s local rules.	
Inventory	The initial trustee will be Wells Fargo Bank, and the trust provides a fee schedule for “just and reasonable” compensation starting as follows, to be reviewed and adjusted at accounting according to proof:	
PTC	<ul style="list-style-type: none"> • 1.50% on the first \$2 million of trust assets • 1.05% on the next \$3 million of trust assets • 0.85% on balances over \$5 million 	
Not.Cred.	Petitioner also requests the Court approve her employment by the Trustee as caregiver with compensation of \$6,000.00 per month, increasing at 3% per year, for 56 hours of care per week, which equates to \$20-\$25 per hour. Paying Petitioner this amount will leave \$8,217.00 per month for additional attendant care, therapies or other items not provided by Kaiser or Medi-Cal.	
<input checked="" type="checkbox"/> Notice of Hrg	Petitioner provides copies of medical evaluations describing Laila’s condition and services.	
<input checked="" type="checkbox"/> Aff.Mail W		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc Reviewed on: 11-15-11 Updates: Recommendation: File 17 - Neal

Petition for Approval of Creation of Proposed Special Needs Trust (Prob. C. 3610 et seq)

NEEDS/PROBLEMS/COMMENTS (Continued):

1. The trust provides trustee discretion over distributions. The Court may require that the trust distinguish between general disbursements for the care of the beneficiary and other distributions or purchases such as real property, construction, remodel, vehicle, etc., and court approval and/or estimated budget on a case-by-case basis for such.

Declaration filed 11-14-11 ¶ 12 states re high priced one-time costs like a van or home modifications that the trustee would request court approval. Examiner notes that the trust itself does not contain language to this effect.

2. At Article I, Paragraph 2, the trust provides that the trustee may hire a case worker or other expert to advise it regarding the special needs of the beneficiary at trust expense. The Court may require that the trust provide for court approval of such expenses prior to payment, or an estimated budget for such case worker or expert advice, and revised language to that effect.

Declaration ¶ 13 states such costs generally range from \$1,000.00 to \$5,000.00 per year, and requiring court approval would likely incur more attorney and filing fees than the cost of services.

3. At Article IV, Paragraph 6, the trust provides for the hire of other advisers (custodians, investment advisers, accountants, and any other agents or advisers) to assist the trustee in administration of the trust. As noted above, the Court may require that the trust provide for court approval of such expenses prior to payment, or an estimated budget for such expenses, and revised language to that effect.

Examiner notes that it is unclear if the above statement includes these other types of advisers. The Declaration appears to describe Wells Fargo's in-house trust staff duties and experience. The Court may require clarification.

4. Petitioner requests compensation of \$6,000.00 as caregiver, which will leave \$8,217.00 for additional attendant care, therapies, or other items from the settlement's monthly payment amount. The Court may require additional information as to the estimated cost of such additional care and expenses before approving this caregiver allowance for Petitioner.

For example, will hours/care/duties overlap? How likely is it that additional costs may exceed the \$8,217.00?

Is there a plan/budget for such occasions? Is it likely that the entire monthly payment amount will be spent on a monthly basis, or is it likely that savings will occur?

Declaration ¶ 14 states that there will not be an overlap of services, and there will be savings expected, and initial costs will probably not exceed \$2,000.00 per month (out of the \$8,217.00).

5. The trustee fees requested are higher than those typically approved by this Court (scale starting at 0.75% or lower). The court may require clarification.

Declaration describes the services performed and examples of other similar bank special needs trust departments.