

Atty Kruthers, Heather H., of County Counsel (for Public Guardian, Conservator)  
 Atty Sharbaugh, Catherine, sole practitioner (Court-appointed for Conservatee)

(1) First and Final Account and Report of Conservator, (2) Petition for Allowance of Compensation to Conservator and Her Attorney (Prob. C. 1860, 2620, 2630, 2942)

<b>DOD: 6/14/2010</b>		<b>PUBLIC GUARDIAN</b> , Conservator of the Person and Estate, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>Account period: 8/29/2008 – 6/14/2010</b>	
		Accounting - \$150,017.61	
<b>Cont. from</b>		Beginning POH - \$ 82,050.71	
<b>Aff.Sub.Wit.</b>		Ending POH - \$ 80,485.68	
<input checked="" type="checkbox"/> <b>Verified</b>		<i>(\$5,449.84 is cash)</i>	
<b>Inventory</b>		<b>Subsequent Account period: 6/15/2010 – 8/15/2011</b>	
<b>PTC</b>		Accounting - \$82,911.80	
<b>Not.Cred.</b>		Beginning POH - \$80,485.68	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		Ending POH - \$ 2,816.81 <i>(all cash)</i>	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/		Conservator - \$5,790.98	
<b>Aff.Pub.</b>		<i>(38.96 Deputy hours @ \$96/hr and 28.60 Staff hours @ \$76/hr for a total of \$5,913.76, less a \$122.78 late fee assessed on 1/29/2009;)</i>	
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>		Attorney - \$2,000.00	
<b>Conf. Screen</b>		<i>(per Local Rule)</i>	
<b>Letters</b>			
<b>Duties/Supp</b>		Bond fee - \$280.47 (o.k.)	
<b>Objections</b>		Costs - \$492.50	
<b>Video Receipt</b>		<i>(filing fee, certified copies)</i>	
<b>CI Report</b>		<b>Petitioner requests</b> the Court order that due to the insufficiency of the estate a lien be imposed against the estate for any unpaid balances of the authorized fees and commissions.	
<b>9202</b>			
<input checked="" type="checkbox"/> <b>Order</b>		<b>Petitioner prays for an Order:</b>	
<b>Aff. Posting</b>		1. Approving, allowing and settling the First and Final Account;	
<b>Status Rpt</b>		2. Authorizing the conservator and attorney fees and commissions;	
<b>UCCJEA</b>		3. Authorizing payment of the bond fee and reimbursement of costs advanced;	
<b>Citation</b>		4. That there is no estate to distribute to Decedent's heirs after payment of court-authorized commissions, fees and costs; and	
<b>FTB Notice</b>		5. Authorizing petitioner to impose a lien on the estate of the Deceased Conservatee for any unpaid balances of authorized fees and commissions.	
		<b>Reviewed by:</b> LEG	
		<b>Reviewed on:</b> 11/15/11	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 1 - Chinn</b>	

**Atty Pimentel, Paul J. (for Sandra Wright – Mother – Trustee – Petitioner)**

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

<b>Age: 10</b>	<p><b>SANDRA WRIGHT</b>, 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>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>DOB: 3-1-01</b>		
<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b> W		
<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>		
<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:</b> skc	
	<b>Reviewed on:</b> 11-14-11	
	<b>Updates:</b> SUBMITTED	
	<b>Recommendation:</b>	
	<b>File 2 - Cleveland</b>	

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		<b>JESSE CORTEZ</b> , Executor, is Petitioner.		<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need Order. <u>Order received 11/16/11.</u>  <b>Note:</b> 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).  Reviewed by: NRN Reviewed on: 11/14/11 Updates: 11/17/11 Recommendation: File 3 - Chan
		<u>Account Period: 3/9/11 – 9/30/11</u>		
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 (per	
✓	Aff.Mail	<i>declaration and itemization, 14.40 hours of legal</i>	<i>services relating to the defending the Objection of</i>	
	Aff.Pub.	<i>Executor Cortez’ First Account Current)</i>		
	Sp.Ntc.	Costs advanced-	\$395.00 (filing fee	
	Pers.Serv.	<i>for Second Account)</i>		
	Conf. Screen	<b>Petitioner requests the following distribution</b>		
	Letters	<b>pursuant to Decedent’s Will:</b>		
	Duties/Supp	<b><u>Household furnishings:</u> Jesse Cortez</b>		
	Objections	<b><u>Remaining Estate property</u> (cash in the sum of</b>		
	Video Receipt	<b>\$98,608.32 plus accrued interest): to Jesse</b>		
	CI Report	<b>Cortez as Trustee of the Jayne Y.C. Chan Living</b>		
✓	9202	<b>Trust</b>		
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJA			
	Citation			
	FTB Notice			

(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)

<b>DOD: 2/9/11</b>		<b>LaDonna Ybarra, Administrator, is</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Petitioner.	
		Accounting is waived.	
<b>Cont. from</b>		I&A- <b>\$133,607.04</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	POH- <b>\$133,097.00</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>	<i>(\$18,097.00 is cash)</i>	
<input checked="" type="checkbox"/>	<b>Inventory</b>	Administrator - <b>waives</b>	
<input checked="" type="checkbox"/>	<b>PTC</b>	(statutory)	
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	Attorney - <b>\$5,008.21</b>	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	(statutory)	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	w	
	<b>Aff.Pub.</b>	Costs advanced- <b>\$1255.00</b> <i>(filing fees</i>	
	<b>Sp.Ntc.</b>	<i>(x2), publication, probate appraiser's fee)</i>	
	<b>Pers.Serv.</b>	<b>Petitioner requests the following</b>	
	<b>Conf. Screen</b>	<b>distribution pursuant to intestate succession</b>	
	<b>Letters</b>	<b>is as follows:</b>	
	<b>Duties/Supp</b>	<b><u>100% of estate to Petitioner as sole intestate</u></b>	
	<b>Objections</b>	<b><u>heir.</u></b>	
	<b>Video Receipt</b>		
	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by: NRN</b>
			<b>Reviewed on: 11/14/11</b>
			<b>Updates:</b>
			<b>Recommendation: SUBMITTED</b>
			<b>File 4 - McEwin</b>

(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)

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

**(1) First and Final Report of Executor on Waiver of Account and (2) Petition for Final Distribution and (3) for Order Fixing and Allowing Compensation to Attorney for Ordinary Services**

<b>DOD: 2-7-11</b>	<b>MARIE GALE MOTTA</b> , Daughter and Executor with full IAEA without bond, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>1. Need declaration regarding trust pursuant to Local Rule 7.12.5.</b>
	Accounting is waived.	
	I&A: \$463,865.40	
	POH: \$	
	Executor: Waived	
	Attorney: \$8,714.50 (Less than statutory)	
	Costs: \$1,145.50 (Filing fees, certified letters, publishing)	
	Closing: \$500.00	
	<b>Distribution pursuant to Decedent's will:</b>	
	Marie Gale Motta: Various items of personal property	
	Melissa M. Schaefer: Various items of personal property	
	Harold E. Schaefer, Jr.: Various items of personal property	
	Marie Gale Motta, Trustee of the H&H Schaefer Trust dated 6-8-93: Residue of estate including 416,275.80 in cash and other inventoried items	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input checked="" type="checkbox"/> Inventory		
<input checked="" type="checkbox"/> PTC		
<input checked="" type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	W	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters	6-15-11	
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input checked="" type="checkbox"/> FTB Notice		
<b>Reviewed by:</b> skc		
<b>Reviewed on:</b> 11-14-11		
<b>Updates:</b> 11-17-11		
<b>Recommendation:</b>		
<b>File 6 - Schaefer</b>		

		<p><b>JUSTINE SEREFINE</b>, Mother and Conservator of the Estate without bond, with additional powers under Probate Code §2591(g) to purchase real or personal property, is Petitioner.</p> <p>The petition for conservatorship was granted as prayed on 8-8-11. The Conservatee nominated his mother as Conservator and attended the hearing, and stated under penalty of perjury in Attachment 3.c(1) to the Petition:</p> <p><i>"I understand that there will not be a court investigator pursuant to Probate Code section 1826 (o), which provides that 'This section does not apply to a proposed conservatee who has personally executed the petition for conservatorship, or one who has nominated his or her own conservator, if he or she attends the hearing.'"</i></p> <p>By letter dated 8-2-11, the Court Investigator's Department submitted its billing statement of \$820.00 for the cost of the conservatorship investigation. Petitioner responded by letter dated 8-24-11 that no investigative fees are owed (copies attached). Attorney Krbechek received a call from the Court Investigator's office on 8-30-11 requesting payment; however, no response to the letter has been received.</p> <p><b>Petitioner disputes that this charge is owed pursuant to Probate Code §1826(o).</b> Section §1826 states the requirement for conservatorship investigation is waived by law in two distinct circumstances: First, if the proposed conservatee personally executed the petition for conservatorship, and second, if the proposed conservatee nominated the conservator and attends the hearing. The second requirement was satisfied in this proceeding. By statute, the investigation was waived.</p> <p>Petitioner references <i>Kapitanski v. Von's Grocery Co.</i> (198) 146 Cal.App.3d 29, 32: Local court rules and policies have the force of procedural statutes, so long as they are not contrary to legislative enactments.</p> <p><b>Petitioner prays that the Court find the exception set forth in Probate Code §1826(o) is applicable and issue an Order that Petitioner is not liable for the fee, which was assessed in violation of statute.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Continued from 10-17-11 at Attorney Krbechek's request.</u></p> <p>1. Need order.</p> <p>Alternatively, minute order may be sufficient.</p>
Cont. from 101711			
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	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: skc	
		Reviewed on: 11-15-11	
		Updates:	
		Recommendation:	
		File 7 - Danielson	

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

<b>DOD: 9-13-11</b>		<p><b>TERI GRAHAM and SANDI GRAHAM,</b> 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><b>NEEDS/PROBLEMS/COMMENTS:</b></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		

<b>Age:</b>	<p><b>LINDA VORIS</b>, 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.</p> <p><b>Petitioner states:</b></p> <ol style="list-style-type: none"> <li>1. The Trust is revocable, and the person holding the power of revocation is settlor and current trustee, John C. Voris (“John Voris” or “Settlor”).</li> <li>2. The Trust was created on 7/20/02 and amended once on 8/29/08.</li> <li>3. 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 (<i>medical documentation attached to Petition</i>);</li> <li>4. 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;</li> <li>5. 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;</li> <li>6. Should the Court remove John Voris, both Delfina and Linda stand ready and willing to serve as successor co-trustees (<i>as evidenced by their executed Acceptance of Appointment as Co-Trustees, attached to Petition</i>).</li> </ol> <p><b>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 will all powers previously vested in John C. Voris and 3) for costs of suit.</b></p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>DOD:</b>		
<b>Cont. from</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/o		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<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> NRN
		<b>Reviewed on:</b> 11/16/11
		<b>Updates:</b>
		<b>Recommendation:</b>
		File 9 - Voris

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

<b>DOD: 5-5-11</b>	<b>PETE LAMBETECCHIO</b> , Trustee of the Pete Lambetecchio & Doris Lambetecchio Trust, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>CONTINUED TO 1-19-12</u></b>  at Attorney Nahigian's request</p> <ol style="list-style-type: none"> <li>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></li> <li>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 &amp; Doris Lambetecchio Trust?</li> <li>3. Petitioner requests that the court determine succession to the trustee of the Pete Lambetecchio &amp; Doris Lambetecchio Trust; however, the will devises the estate to "the Trustee of <u>the trust designated</u> in the Pete Lambetecchio &amp; Doris Lambetecchio Trust." Need clarification. Is there a subtrust?</li> <li>4. Need declaration regarding trust devisee pursuant to Local Rule 7.12.5.</li> </ol>
	40 Days since DOD	
Aff.Sub.Wit.	No other proceedings	
✓ Verified	I&A: \$95,000.00 (See Item #1.)	
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.	
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.	
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 10 - Lambetechio

Status Hearing Re: Filing of the Inventory and Appraisal

Age:		NEEDS/PROBLEMS/COMMENTS:  <p style="text-align: center;"><b><u>OFF CALENDAR</u></b></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



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

DOD: 06/13/11		<b>TONI SCHROEDER RICHARDSON</b> , daughter, is Petitioner, and requests appointment as Administrator with Will Annexed.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>OFF CALENDAR</b> <b>Amended Petition filed 11/09/11; hearing set for 01/12/12</b>  <ol style="list-style-type: none"> <li>1. Need copy of the Will.</li> <li>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.</li> <li>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></li> <li>4. Item 3(e)(2) of the Petition is not marked regarding decedent's Will.</li> <li>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.</li> <li>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></li> <li>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.</li> </ol>	
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		Full IAEA – <b>NEED</b>  Will dated - ??? [copy of Will not attached]  Residence: Fresno Publication: <b>NEED</b>  <u>Estimated Value of the Estate:</u> Real property - \$78,000.00  Probate Referee: <b>STEVEN DIEBERT</b>		
		Reviewed by: JF Reviewed on: 11/14/11 Updates: Recommendation: File 13 - Bonham		

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

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

Age: 4	<p align="center"><b><u>NO TEMPORARY REQUESTED</u></b></p> <p><b>MAUREEN VILLAGRANA and ART VILLAGRANA</b>, paternal grandmother and step-grandfather, are Petitioners.</p> <p>Father: <b>CARTER BRIER</b> – <i>consent &amp; waiver of notice filed 09/19/11</i></p> <p>Mother: <b>AMANDA STIVERS</b> – <i>consent &amp; waiver of notice filed 09/19/11</i></p> <p>Paternal grandfather: <b>MARK BRIER</b> – <i>served by mail 09/20/11</i></p> <p>Maternal grandfather: <b>HERMAN DEMIK</b> – <i>served by mail 09/20/11</i></p> <p>Maternal grandmother: <b>SHARI PURKEY</b> – <i>served by mail 09/20/11</i></p> <p>Siblings: <b>BLAKE BRIER (3), HEAVENLEE BRIER (3)</b></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><b>Court Investigator Jennifer Young’s report was filed 11/14/11.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>
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	<p><b>Reviewed by: JF</b></p> <p><b>Reviewed on: 11/15/01</b></p> <p><b>Updates: 11/16/11</b></p> <p><b>Recommendation:</b></p> <p><b>File 15 - Brier</b></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"><b><u>TEMPORARY EXPIRES 11/21/11</u></b></p> <p><b>ARTHUR LAMBERT</b>, maternal great-uncle, is petitioner.</p> <p>Windell and Windaisha's father: <b>WINDELL LIGHTLE, SR.</b></p> <p>Daveeon's father: <b>KENNETH COLTER</b></p> <p>Mother: <b>JACQUELLA ELEY - deceased</b></p> <p>Windell &amp; Windaisha's paternal grandparents: UNKNOWN                  Daveeon's paternal grandparents: UNKNOWN                  Maternal grandfather: DENNIS ELEY                  Maternal grandmother: DECEASED</p> <p><b>Petitioner states</b> 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><b>Court Investigator Samantha Henson's report was filed 11/10/11.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>Temporary was granted as to Windell &amp; Windaisha only.</p> <ol style="list-style-type: none"> <li>1. Need <i>Notice of Hearing</i>.</li> <li>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"> <li>- Windell Lightle, Sr. (father of Windell &amp; Windaisha)</li> <li>- Kenneth Colter (father of Daveeon)</li> </ul> </li> <li>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"> <li>- Paternal grandparents (unknown)</li> <li>- Dennis Eley (maternal grandfather)</li> </ul> </li> <li>4. Need UCCJEA for Daveeon.</li> </ol>
Windaisha, 8 DOB: 3/21/03		
Daveeon, 4 DOB: 6/26/07		
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<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 11/14/11</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 16 – Lightle &amp; Colter</b></p>		

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

<b>Age: 1 year, 7 months</b>	<p><b>TINA NEAL</b>, Mother and Guardian Ad Litem, is Petitioner.</p> <p><b>Petitioner requests the establishment of a Special Needs Trust pursuant to Probate Code §§ 3610 et seq., based on the following:</b></p> <p>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.</p> <p><i>[Court records indicate that an order on the claim was signed 9-21-11.]</i></p> <p>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.</p> <p>The proposed trust (Exhibit B attached) complies with Cal. Rule of Court 7.903 and this Court’s local rules.</p> <p>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:</p> <ul style="list-style-type: none"> <li>• 1.50% on the first \$2 million of trust assets</li> <li>• 1.05% on the next \$3 million of trust assets</li> <li>• 0.85% on balances over \$5 million</li> </ul> <p>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.</p> <p>Petitioner provides copies of medical evaluations describing Laila’s condition and services.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Note:</u> Declarations addressing the Examiner Notes was filed on 11-14-11 and 11-16-11.</p> <p>The proposed trustee requests that the trust be subject to continuing jurisdiction of Los Angeles Superior Court.</p> <p style="text-align: center;"><u>SEE PAGE 2</u></p>
<b>DOB: 4-25-10</b>		
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		<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 11-15-11</p> <p><b>Updates:</b> 11-17-11</p> <p><b>Recommendation:</b></p> <p><b>File 17 - Neal</b></p>

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.

*Declaration filed 11-16-11 states trust fees are inclusive of services provided in administering the trust, and unlike other trustees, Wells Fargo does not charge extra for home visits research for public benefits, responding to phone calls, or bill pay services, or coordinating with other professionals to maximize benefits and care. WF is competitive with other banks and private fiduciaries. The fee schedule requested is consistent with industry standards, and is significantly less when compared to hourly fees or percentages charged by private fiduciaries who generally add additional fees for investment management.*

*WF is not aware of any trustee that will manage a special needs trust for an all-inclusive rate of .75%.*

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.*