1 Mollie Amelia Deiner (CONS/PE) **Case No. 0461882**

Atty Wall, Jeffrey L (for Petitioner/Conservator Public Guardian)

(1) Seventh and Final Account and Subsequent to Seventh and Final Account of Conservator, (2) Report of Conservator, (3) Services Rendered Compensation, Bond Fee and Ordinary Attorney's Fee

	DOD: 12/15/10	
	Cont. from 101311	
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
√	Notice of Hrg	
√	Aff.Mail	w
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

PUBLIC GUARDIAN, Conservator, is petitioner.

Account period: 2/3/04 – 2/15/10

Accounting - **$140,660.20**
Beginning POH - **$ 769.70**
Ending POH - **$ 1,645.60**

Subsequent account period: 2/16/10 – 7/18/11

Accounting - **$3,817.84**
Beginning POH - **$1,645.60**
Ending POH - **$3,817.84**

Conservator - **$3,939.60** (24.65 Deputy hours @ $96/hr and 20.70 Staff hours @ $76/hr)

Attorney - **$1,000.00** (less than per Local Rule)

Bond fee - **$2,648.64** (o.k.)

Petitioner request that due to the insufficiency of the estate to pay the fees and commissions that a lien be imposed upon the estate for any unpaid balances of the authorized fees and commissions.

Petitioner prays for an Order:

1. Approving, allowing and settling the second and account;
2. Authorizing the conservator and attorney fees and commissions;
3. Payment of the bond fee;
4. Authorize petitioner to impose a lien on the estate for any unpaid balances of authorized fees and commissions.

NEEDS/PROBLEMS/COMMENTS:

Continued from 10/13/11.

Reviewed by: KT/NRN
Reviewed on: 11/22/11
Updates:
Recommendation:
File 1 - Deiner

Dept. 303, 9:00 a.m. Thursday, December 1, 2011

2 Evelyn J. Enos (CONS/PE) Case No. 06CEPR00156

Atty Kruthers, Heather H (for the Public Guardian – Petitioner)

(1) Third Account Current and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney (Prob. C. 2620, 2623, 2942)

Age: 93 years
DOB: 9/3/1918

Cont. from

	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
√	Notice of Hrg	
√	Aff.Mail	w
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	3/29/06
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

PUBLIC GUARDIAN, Conservator, is petitioner.

Account period: 9/10/09 to 9/12/11

Accounting - **$1,177,921.10**
Beginning POH - **$1,007,280.71**
Ending POH - **$ 894,748.34**
($10,203.92 is cash)

Conservator - **$ 2,346.00**
(9.95 Deputy hours @ $96/hr and 18.30 Staff hours @ $76/hr)

Attorney - **$ 2,000.00**
(per Local Rule)

Bond fee - **$ 546.84** (o.k.)

Petitioner prays for an Order:

1. Approving, allowing and settling the third account and report;
2. Authorizing the conservator and attorney fees and commissions;
3. Payment of the bond fee.

Court Investigator Charlotte Bien's Annual Report filed 3/11/11.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: NRN
Reviewed on: 11/22/11
Updates:
Recommendation:
File 2 - Enos

Dept. 303, 9:00 a.m. Thursday, December 1, 2011

Dept. 303, 9:00 a.m. Thursday, December 1, 2011

3 Irene Fay Hervatine Trust dated 8-16-06 Case No. 07CEPR00941

Atty Wright, Judith A (for Frank r. Hervatine, Trustee – Petitioner)

(1) Fifth and Final Account and Report of Trustee; Petition for Approval Thereof, (2)for Distribution of Trust Assets, (3) Discharge of Trustee; (4) Discharge of Bond; Declaration of Death of Conservatee; and (5) Petition for Allowance of Attorney Fees [Prob. C. §§1064, CA Rules of Court §§7.902, 7.903]

DOD: 7/31/11		
Cont. from		
	Aff.Sub.Wit.	
√	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
√	**Notice of Hrg**	
√	**Aff.Mail**	W
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
√	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

FRANK R. HERVATINE, Trustee, is petitioner.

Account period: 8/1/10 – 7/31/11

Accounting - **$ 785,579.96**
Beginning POH - **$ 659,320.77**
Ending POH - **$ 630,159.05**

Subsequent Account period: 8/1/11 – 9/28/11

Accounting - **$1,020,836.10**
Beginning POH - **$ 630,159.05**
Ending POH - **$ 636,962.42** (*$261,625.05 is cash*)

Trustee - **not requested**

Attorney - **$3,259.05** (per itemization, for 6.09 attorney hrs @ $295/hr and 11.70 paralegal hrs @ $125/hr)

Petitioner prays for an order:

1. Approving, allowing and settling the fifth account and report;
2. Authorizing Petitioner to pay his attorney $3,259.05.00 for legal services rendered to the Trust estate during the account period;
3. Discharging the probate bond;
4. Authorizing and directing Petitioner as Trustee to distribute the balance of the trust estate, including any future discovered assets, to Petitioner Frank R. Hervatine, the sole beneficiary, pursuant to Decedent's Trust;
5. Discharging Petitioner as Trustee of the Trust, established pursuant to Court Order of 8/16/06;
6. For such other and further relief the Court deems proper.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: NRN

Reviewed on: 11/22/11

Updates:

Recommendation:

File 3 - Hervatine

Dept. 303, 9:00 a.m. Thursday, December 1, 2011

Dept. 303, 9:00 a.m. Thursday, December 1, 2011

Age: 46		
DOB: 8-14-65		
	Aff.Sub.Wit.	
✔	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✔	Notice of Hrg	
✔	Aff.Mail	W
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✔	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

WELLS FARGO BANK, NA, Conservator of the Estate, is Petitioner.

Petitioner states Conservatee is 46 and as a result of a construction accident, he suffered significant injuries and has physical and mental limitations. He recently married following the Court's determination that he had capacity to marry and approval of a premarital agreement. He lives in the home he owns in Clovis and owns several motor vehicles. Petitioner is informed and believes that he has a valid driver's license.

On 7-2-99, the Court authorized the purchase of a 1981 Tioga 23' motor home for Conservatee, which has recently had mechanical problems, increasing cost of upkeep and maintenance. Petitioner's wife has physical limitations that restrict their ability to use the current motor home. Conservatee has requested to replace it with a newer RV. Given Conservatee's circumstances and history of RV use for travel and recreation, and the cost of continuing to maintain the current motor home, the purchase of a new RV is now warranted.

Petitioner believes a "travel trailer" or "toy hauler" without a motor that can be towed by Conservatee's other vehicles would be a better replacement for the current motor home and can be acquired for $25,000.00 or less. At the close of the 21st account on 8-31-10, the conservatorship estate had assets with carry value of $851,444.14, including $74,940.26 in cash and non-cash assets with carry value of $776,483.66 (estimated market value $1,208,941.79). Income for that two-year account period was $312,016.85. Petitioner believes this purchase is reasonably justified and afforded and will provide benefit for Conservatee. Petitioner has not yet identified a particular RV, but Petitioner will have no affiliate relationship with seller.

Petitioner prays for an order authorizing and instructing Petitioner to expend up to $25,000.00 to purchase and acquire a travel trailer or toy hauler for Conservatee's use, and such other and further orders as the Court deems proper.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: skc
Reviewed on: 11-22-11
Updates:
Recommendation:
File 4 - McDaniels

5 **Christine I. Wooten (CONS/PE)** **Case No. 07CEPR01296**

Atty **Kruthers, Heather H (for Public Guardian)**

(1) First Account Current and Report of Successor Conservator and (2) Petition for Allowance of Compensation to Successor Conservator and Attorney (Prob. C. 2620, 2623, 2942)

Age: 94		
DOB: 5-7-17		
	Aff.Sub.Wit.	
✔	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✔	**Notice of Hrg**	
✔	**Aff.Mail**	W
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✔	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

PUBLIC GUARDIAN, Conservator of the Estate, is Petitioner.

Account period: 8-19-08 through 6-17-11

Accounting: $ 285,335.48
Beginning POH: $ 237,644.58
Ending POH: $ 73,881.95 ($71,381.95 is cash)

Conservator: $6,829.40
(35 Deputy hours @ $96/hr and 45.65 Staff hours @ $76/hr)

Attorney: $3,000.00 (per Local Rules)

Bond fee: $616.42 (ok)

Petitioner prays for an Order:

1) Approving, allowing and settling the account;

2) Authorizing payment of the conservator and attorney fees and commissions;

3) Authorizing payment of the bond fee; and

4) Such other orders the Court considers proper.

NEEDS/PROBLEMS/COMMENTS:

<u>Note</u>: Harold D. Wooten and Wilhelmina Lamar, son and daughter, are Co-Conservators of the Person.

1. **Need schedule regarding Conservatee's property in Texas per Probate Code §§ 2401.1 and 1063(h).**

Reviewed by: skc
Reviewed on: 11-22-11
Updates:
Recommendation:
File 5 - Wooten

6 TRANSFERRED - Catherine W. Davidson (CONS/E) Case No. 10CEPR00394

Atty Denning, Stephen M.
Atty Kruthers, Heather H
Atty Maseredjian, David G.

(1) First and Final Account and Report of Conservator; (2) Petition for Allowance of Compensation to Conservator and Her Attorney, (3) and Distribution (Prob. C. 1861, 2620, 2623, 2630, 2631, 2942)

Age:			NEEDS/PROBLEMS/COMMENTS:
DOD:			**OFF- CALENDAR; CASE TRANSFERRED TO LOS ANGELES COUNTY, PER 11/7/11 MINUTE ORDER**
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		Reviewed by: NRN
	Status Rpt		Reviewed on: 11/22/11
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 6 - Davidson

7 Lowell M. McCauley (Estate) Case No. 11CEPR00973

Atty Clark, Rory W. (OF Westlake Village, CA, for Wells Fargo Bank, N.A., Petitioner)

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 2-6-11		
	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	

WELLS FARGO BANK, N.A., is Petitioner and requests appointment as Administrator with Limited IAEA without bond.

Limited IAEA – ok

Decedent died intestate

Residence: Clovis
Publication: Fresno Business Journal

Estimated Value of the Estate:
Real property: $51,380.00 ($249,000.00 less encumbrances of $197,962.00)

Probate Referee: Rick Smith

Petitioner states persons with priority have failed to claim appointment. Petitioner is a creditor of the Decedent and requests appointment pursuant to Probate Code §8468.

NEEDS/PROBLEMS/COMMENTS:

1. **Need date of death of Decedent's predeceased spouse per Local Rule 7.1.1.D.**

2. **Examiner notes that the Notice of Hearing was sent to Decedent's son at the Decedent's former address. The Court may require clarification.**

<u>Note</u>: Petitioner concurrently filed a Creditor's Claim for $15,260.52 regarding a credit card balance owed by Decedent.

Reviewed by: skc

Reviewed on: 11-22-11

Updates:

Recommendation:

File 7 - McCauley

Dept. 303, 9:00 a.m. Thursday, December 1, 2011

8 **Margaret Missakian (CONS/E)** **Case No. 0516557**

Atty **Kruthers, Heather H (for Public Guardian)**

Status Hearing Re: Final Account

Age: 75		
DOB: 2-29-36		
	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	X
	UCCJEA	
	Citation	
	FTB Notice	

PUBLIC GUARDIAN is Conservator of the Estate.

Court Investigator Jo Ann Morris filed a report on 8-4-11 stating that funds have been depleted and Conservatee's only income is Social Security and there are no other assets; therefore, it appears conservatorship of the estate is no longer necessary.

The Court set a status hearing on 9-15-11 re possible termination based on the Court Investigator's report, and based on information that the Court Investigator has no objection to termination and requested 60 days to file the final report.

At that hearing, the Court set this status hearing for filing of the final account.

NEEDS/PROBLEMS/COMMENTS:

1. **Need final account.**

Reviewed by: skc

Reviewed on: 11-22-11

Updates:

Recommendation:

File 8 - Missakian

Dept. 303, 9:00 a.m. Thursday, December 1, 2011

9 **Robert Alexander Casey (Estate)** **Case No. 10CEPR00486**

Atty **Barrus, John (for Yolanda Casey, Administrator)**

Probate Status Hearing Re: Filing of the Petition for Final Distribution

DOD: 3/6/10		
Cont. from 090811		
	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	

YOLANDA CASEY was appointed as Administrator with Limited IAEA authority and without bond on 7/8/10.

I & A was filed on 6/15/10 showing and estate valued at $210,000.

This status hearing was set for the filing of a petition for final distribution.

***Status Conference Statement*, filed 11/21/11, states:**

The sole asset of the estate is real property, which has no equity value and is now in foreclosure and scheduled to be sold on 3/30/12; two creditors' claims have been filed in the estate, however no action has been taken by the Administrator to allow or reject either claim; the Final *I&A* was filed 6/15/10; Administrator has no cash in her possession. **Administrator's counsel requests a status conference be set for at least 30 days after 3/30/12, to allow time for the foreclosure sale to be completed and the Administrator to prepare her first and final account and petition to terminate the estate.**

NEEDS/PROBLEMS/COMMENTS:

Continued from 9/8/11. Minute Order states: Mr. Barrus advises the Court that he is representing Yolanda Casey and has the Substitution of Attorney, but has not filed it yet. Mr. Barrus further advises that the home is in foreclosure. Counsel requests a continuance.

[Note: Substitution of Attorney was filed 10/12/11]

Reviewed by: NRN
Reviewed on: 11/23/11
Updates:
Recommendation:
File 9 - Casey

10 **Marilyn M Roberts (Estate)** **Case No. 10CEPR01082**

Atty **Lucich, Nicholas L Jr.**

Status Hearing Re: Receipt of Blocked Account

Age:			**NEEDS/PROBLEMS/COMMENTS:**
DOD:			**OFF CALENDAR**
			Receipts filed 11-16-11.
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		**Reviewed by:** skc
	Status Rpt		**Reviewed on:** 11-22-11
	UCCJEA		**Updates:**
	Citation		**Recommendation:**
	FTB Notice		**File 10 - Roberts**

Dept. 303, 9:00 a.m. Thursday, December 1, 2011

11 Esther Sotelo Family Grantor Trust (Trust) **Case No. 11CEPR00503**

Atty Wall, Jeffrey L. (for Petitioner Esther F. Sotelo, Trustee)

Status Hearing Re: Bond

Age: 87 years	
DOB: 8/29/1923	
	Aff.Sub.Wit.
	Verified
	Inventory
✓	Proof of Bond
	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

ESTHER F. SOTELO, granddaughter and Trustee, filed her *First Account Current of Trustee* on 6/9/2011.

***Minute Order* dated 10/13/2011** from the hearing on the *First Account* states Mr. Wall informs the Court that the intent is to sell the house; however, it is not in the position to be sold at this time. The Court notes for the record that the accounting is for this case as well as case #03CEPR001364 [Conservatorship case]. The Court sets the bond at **$10,000.00** and grants the petition subject to receipt of the bond.

***Declaration of Esther Francine Sotelo Re: First Account Current* filed 9/2/2011 for consideration at the 10/13/2011 hearing** states that Petitioner requested proof of bond from her insurance agent so that the bond which was filed in the Conservatorship case [#03CEPR01364] could be transferred to [the Trust] case; however, the insurance agent declined to do that, and is requiring that she apply for a new bond. She states she has applied for the new bond and expects it will be filed before this matter comes on for hearing [on 10/13/2011].

NEEDS/PROBLEMS/COMMENTS:

OFF CALENDAR

***Proof of Bond* posted in the amount of $10,000.00 in this Trust Case was filed on 11/23/2011.**

Note: The proposed order approving both the Trust and Conservatorship accounts will be presented to the Court for ex parte signature upon payment of the filing fee of $395.00 for the Conservatorship account in Case #03CEPR01364, which has not yet been paid as required by Government Code § 70658(a)(2) and Local Rule 7.19(C). For the sake of clarity, a declaration should be filed along with fee payment in the Conservatorship Case indicating the filing fee is for the final account in the Conservatorship Case which has been approved in Trust Case #11CEPR00503.

Reviewed by: LEG	
Reviewed on: 11/23/11	
Updates:	
Recommendation:	
File 11 - Sotelo	

12 **Enrique Gamez (CONS/PE)** **Case No. 11CEPR00546**

Atty **Bagdasarian, Gary G. (for Elpidio Gamez and Maria L. Gamez – Conservators)**

Status Hearing Re: Filing of the Inventory and Appraisal

Age:			**NEEDS/PROBLEMS/COMMENTS:**
DOD:			
			OFF CALENDAR
			Inventory and Appraisal filed 11-4-11.
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		**Reviewed by:** skc
	Status Rpt		**Reviewed on:** 11-22-11
	UCCJEA		**Updates:**
	Citation		**Recommendation:**
	FTB Notice		**File 12 - Gamez**

Dept. 303, 9:00 a.m. Thursday, December 1, 2011

13 Kaylee Huffstutler (GUARD/P) Case No. 11CEPR00356

Atty Ferraro, Serena (Pro Per – Mother – Petitioner)
Atty Mekhitarian, Karney Mark (for Julie Ann Weber – Maternal Great-Aunt – Guardian)

Petition for Visitation

Age: 2		
DOB: 1-29-09		
	Aff.Sub.Wit.	
✔	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	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	

SERENA FERRARO, Mother, is Petitioner.

JULIE ANN WEBER, Maternal Great-Aunt, was appointed Guardian on 6-30-11.

Father: Kyle Huffstutler
Paternal Grandfather: Brian Huffstutler
Paternal Grandmother: Kathy Huffstutler
Maternal Grandfather: Joseph Ferraro
Maternal Grandmother: Sherri Thompson

Petitioner requests visitation twice a week for four hours on Wednesdays and Sundays and the ability to speak to the child by phone twice per day for no less than 15 minutes – before the child starts her day and at bedtime at the end of each day.

Petitioner states Guardian does not answer calls and texts and is ultimately denying her contact with the child because she asked not to pry into her personal life on matters that in no way, shape or form pertain to the child or have any negative effect on the child's safety or well-being.

Petitioner requests to spend much-needed time and continue to be a part of her child's life in a stable and consistent scheduled manner, and thanks the Court for its time.

NEEDS/PROBLEMS/COMMENTS:

1. **Need Notice of Hearing.**

2. **Need proof of service of Notice of Hearing at least 15 days prior to the hearing on:**
   - **Julie Ann Weber (Guardian)**
   - **Kyle Huffstutler (Father)**
   - **Brian Huffstutler (Paternal Grandfather)**
   - **Kathy Huffstutler (Paternal Grandmother)**
   - **Joseph Ferraro (Maternal Grandmother)**
   - **Sherri Thompson (Maternal Grandmother)**

Note: Petitioner submitted a proposed Order; however, if granted, the Court may use minute order only for visitation.

Note: Father has supervised visitation four hrs/ week at an agency. The order does not specify the dates/times. The Court may require clarification of this order so that visitation orders do not conflict.

Note: There is a Domestic Violence Restraining Order protecting Mother from Father in 09CEFL07447 that expires 5-25-14. Family Court yielded custody and visitation matters between the parents to this Probate Guardianship case until further order of the Court.

Reviewed by: skc	
Reviewed on: 11-22-11	
Updates:	
Recommendation:	
File 13 - Huffstutler	

14A Irene Lynn Huggins (GUARD/P) Case No. 11CEPR00531

Atty Gosselin, DeAnna (pro per – sister/Petitioner)
Atty Gosselin, Jacob (pro per – brother-in-law/Petitioner)

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

Age: 8
DOB: 09/19/03

Cont. from 081611, 100411

	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	x
	Aff.Mail	x
	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	

TEMPORARY EXPIRES 12/01/11

DEANNA GOSSELIN and **JACOB GOSSELIN,** sister and brother-in-law, are Petitioners.

Father: **KELLY HUGGINS** – *currently incarcerated*

Mother: **MELISSA TOBY** – *declaration of due diligence filed 07/11/11*

Paternal grandfather: FLOYD HUGGINS – *deceased*
Paternal grandmother: JOYCE HUGGINS

Maternal grandparents: NOT LISTED

Petitioners state the child's father is an alcoholic and is currently in Fresno County Jail. Petitioner state that the both parents are unfit. Father was verbally abusive to the minor when she was in his care and moved around a lot and consequently the minor was moved from school to school. Petitioner states that the father left the minor with the paternal grandmother, but she abandoned the child with an aunt who is unable to care for a child. Petitioners state that they want to obtain guardianship of the minor to provide her with a safe and stable environment.

Court Investigator JoAnn Morris' report filed 08/04/11 recommended that the petition be **GRANTED.**

Court Investigator JoAnn Morris' supplemental report filed 09/21/11 states: it is apparent that a guardianship is necessary due to the father currently serving a 3 years prison sentence. Although the father has filed numerous declarations stating that he wants his daughter to live with his mother, Joyce Huggins-Betz, Ms. Huggins-Betz has not filed for guardianship. Further, the investigator is not convinced of Ms. Huggins-Betz commitment to protect the minor when the father is released from prison. The minor has expressed that she is comfortable in Petitioner's home and wants to stay there. It therefore continues to be recommended that the petition be **GRANTED.**

Father, Kelly Huggins, has filed multiple objections and declarations stating that he wants his mother, Joyce Huggins-Betz, to be guardian of the minor while he is in prison.

Mother, Melissa Toby, filed an objection on 08/23/11 stating that she can provide a stable environment for the minor.

Paternal grandmother, Joyce Huggins-Betz filed an objection on 08/16/11.

See Page 2 for more information

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROM 10/04/11 Minute order from 10/04/11 hearing states: Also present in the courtroom Joyce Betz. The Court denies Joyce Betz' Petition for Temporary Guardianship schedule for 10/12/11. The Court continues this matter to 12/01/11 and extends the temporary to 12/01/11. The Court orders supervised visitation between mother, Melissa Toby, and the minor as agreed upon by the parties. Mother is not to bring her boyfriend or anyone else with her to these visits. Visitation to take place at the guardians home or other place mutually agreed upon by the parties. The Court orders that grandmother Joyce Betz may have phone calls with the minor.

As of 11/23/11, the following items remain outstanding:

1. **UCCJEA is incomplete and only lists the minors address from 02/14/11 to present. Need minor's residence information for the past 5 years.**
2. **Need *Notice of Hearing.***
3. **Need proof of personal service at least 15 days before the hearing of *Notice of Hearing* with a copy of the *Guardianship Petition* or Consent and Waiver of Notice or Declaration of Due Diligence for:**
   - Kelly Huggins (father) – Father was personally served at on 07/14/11 with the Notice of Hearing, however, the proof of service does not indicate that a copy of the petition was also served. Mr. Huggins has, however, filed multiple objections/declarations in this matter.
   - Melissa Toby (mother)*
   **Diligence filed 07/11/11, however mother appeared at 08/16/11 & 10/04/11 hearing and has filed an objection*.
4. **Need proof of service by mail at least 15 days before the hearing of *Notice of Hearing* with a copy of the *Guardianship Petition* or Consent and Waiver of Notice or Declaration of Due Diligence for:**
   - Joyce Huggins (Betz)(Paternal grandmother)*Ms. Betz has filed a competing petition and was present at the 10/04/11 hearing.*
   - Maternal grandparents

Updates:

Contacts: copy of notes in file

Recommendation:

Reviewed by: JF

File 14A - Huggins

Dept. 303, 9:00 a.m. Thursday, December 1, 2011

14A Irene Lynn Huggins (GUARD/P) Case No. 11CEPR00531

Atty Gosselin, DeAnna (pro per – sister/Petitioner)
Atty Gosselin, Jacob (pro per – brother-in-law/Petitioner)

Objection of Father, Kelly Huggins, filed 09/28/11, states that he is in disagreement with the Court Investigator's report dated 09/21/11. He further requests that the Court Investigator obtain information from San Joaquin County CPS regarding Petitioner Deanna Gosselin having her 9 year old son taken from her care. Mr. Huggins states that he feels his rights as a father are being overlooked and requests to be brought to court so that he can be present during the hearing or be appointed an attorney to represent him in court. Mr. Huggins once again reiterates that he wants his mother, Joyce Huggins-Betz, to be appointed guardian of the minor.

Objection of Father, Kelly Huggins, filed 11/22/11, states that he strenuously objects to Deanna & Jacob Gosselin being appointed as Guardian of the Irene. Mr. Huggins alleges that Deanna is wanted in the state of Texas and that there is drug and alcohol abuse in her home and requests that Deanna & Jacob Gosselin submit to drug testing. Mr. Huggins, wholeheartedly supports his mother, Joyce Betz' petition for guardianship.

Dept. 303, 9:00 a.m. Thursday, December 1, 2011

14B Irene Lynn Huggins (GUARD/P) **Case No. 11CEPR00531**

Atty Gosselin, DeAnna (pro per – sister/competing petitioner)
Atty Gosselin, Jacob (pro per – brother in law/competing petitioner)
Atty Betz, Joyce (pro per – paternal grandmother/Petitioner)

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

Age: 8		
DOB: 09/19/03		
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	

TEMPORARY WAS GRANTED TO COMPETING PETITIONERS DEANNA & JACOB GOSSELIN; EXPIRES 12/01/11

JOYCE BETZ, paternal grandmother, is Petitioner.

Father: **KELLY HUGGINS** – *currently incarcerated; consent & waiver of notice filed 10/31/11*

Mother: **MELISSA TOBY** – *served by mail 10/03/11 & personally served 10/04/11*

Paternal grandfather: FLOYD HUGGINS – *deceased*

Maternal grandfather: PETE GARCIA
Maternal grandmother: UNKNOWN

Petitioner states that Irene has spent most of her life with her and wants to return to live with her. Petitioner states that she will provide a stable and good environment for Irene.

Stanislaus County Court Investigator, Jose Delgadillo's report was filed 11/15/11.

NEEDS/PROBLEMS/COMMENTS:

1. **Proof of service by mail filed 10/04/11 does not indicate that a copy of the Petition was served with the Notice of Hearing as required.**

Reviewed by: JF
Reviewed on: 11/23/11
Updates:
Recommendation:
File 14B - Huggins

Dept. 303, 9:00 a.m. Thursday, December 1, 2011

15 Luis Andrade, Jr., Maria Andrade, Antonio Rivera, Zaiden Carney and Essence Carney (GUARD/P) Case No. 11CEPR00655

Atty **Belmontes, Sylvia (pro per – maternal grandmother/Petitioner)**

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

Luis, 7 **DOB: 02/14/04**		
Maria, 6 **DOB: 01/20/05**		
Antonio, 4 **DOB: 05/11/07**		
Zaiden, 2 **DOB: 08/05/09**		
Essence, 1 **DOB: 08/04/10**		
Cont. from 092911		
	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	

NO TEMPORARY REQUESTED

SYLVIA BELMONTES, maternal grandmother, is Petitioner.

Father (Luis & Maria): **LUIS ANDRADE, SR.** – *personally served 09/30/11*

Father (Antonio): **ALBERT DIAZ, III** – *personally served 10/03/11*

Father (Zaiden & Essence): **WILLIAM CARNEY, JR.** – *personally served 10/12/11*

Mother: **BONNIE RIVERA** – *consent & waiver of notice filed 09/06/11*

Paternal grandparents (Luis & Maria):
MIGUEL ANDRADE – *declaration of due diligence filed 09/06/11- court dispensed with notice on 09/29/11*
GUADALUPE FIGUEROA – *served by mail 08/26/11*

Paternal grandparents (Antonio):
ALBERT DIAZ – *served by mail 08/26/11*
DOREEN YEPES – *served by mail 09/06/11*

Paternal grandfather (Zaiden & Essence):
WILLIAM CARNEY – *declaration of due diligence filed 09/06/11*
LATAVIA ESTERS – *served by mail 08/26/11*

Maternal grandfather: RUSSELL BELMONTES, JR. – *served by mail 08/26/11*

Petitioner states mother left the children with her and said she could no longer be a mother and did not want the children anymore. Zaiden & Essence's father is incarcerated for domestic violence, Maria & Luis' father is disabled and not able to care for the children, and Antonio's father has never attempted to bond with him.

Court Investigtor Jennifer Young's Report was filed 09/23/11.

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROM 09/29/11

Reviewed by: JF

Reviewed on: 11/23/11

Updates:

Recommendation:

File 15 – Andrade, Rivera & Carney

Dept. 303, 9:00 a.m. Thursday, December 1, 2011

Pro Per **Colmenero, Vivian (Pro Per Petitioner, paternal great-grandmother)**

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

Age: 3 years		
DOB: 11/27/2007		
Cont. from 102711		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
✓	Conf. Screen	
	Aff. Posting	
✓	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
✓	Clearances	
✓	Order	
✓	Letters	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

NO TEMPORARY REQUESTED

VIVIAN COLMENERO, paternal great-grandmother, is Petitioner.

Father: **VINCENT ORTEGA**; *incarcerated; consents and waives notice*;

Mother: **YVETTE MOJARRO**; *present in Court at 10/27/2011 hearing;*

Paternal grandfather: George Ortega; *consents and waives notice*;
Paternal grandmother: Alice Perez; *consents and waives notice*;

Maternal grandfather: Unknown; *Declaration of Due Diligence filed 9/20/2011*;
Maternal grandmother: Margaret Gonzalez

Petitioner states the mother is not able to provide a home for the child as she has a warrant for grand theft auto and is abusing drugs. Petitioner states the father is incarcerated for grand theft auto and awaiting sentencing.

Petitioner filed on 8/25/2011 photos of the child with paternal relatives, and several letters and statements in support of the guardianship and regarding the mother's drug use and prostitution in Kerman.

Petitioner requests to be excused from giving notice to the maternal grandfather as he is unknown to her and the maternal grandmother will not release any information as to his name and whereabouts.

Court Investigator Dina Calvillo's *Report* was filed on 10/20/2011.

NEEDS/PROBLEMS/COMMENTS:

<u>Continued from 10/27/2011</u>. *Minute Order* states the Court is advised that the child is with her mother, Yvette Mojarro. The Court continues the matter to 12/1/2011. The Court orders that visitation between the child and Vivian Colmenero take place every Saturday from 9:00 a.m. to 5:00 p.m. Mother Yvette Mojarro is to have the child ready for her visits. Parties are ordered not to speak ill of one another around the child.

The following issues from the last hearing remain:

1. **Need proof of service by mail of the *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian*, or *Consent to Appointment of Guardian and Waiver of Notice*, or a *Declaration of Due Diligence*, for:**
   - **Margaret Gonzalez, maternal grandmother;**
   - **Maternal grandfather, *if Court does not grant Petitioner's request to excuse notice to him.***

Note: Court records do not contain proof of personal service of notice to Yvette Mojaro, mother. However, she was present in Court at the last hearing on 10/27/2011.

Reviewed by: LEG
Reviewed on: 11/28/11
Updates:
Recommendation:
File 16 - Ortega

Atty **Liscano, Lorie (Pro Per – Maternal Grandmother – Petitioner)**

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

Jordan Halford **Age: 4** **DOB: 5-14-07**		
Gauge Liscano **Age: 1** **DOB: 9-22-10**		
	Aff.Sub.Wit.	
✔	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
✔	**Conf. Screen**	
✔	**Letters**	
✔	**Duties/Supp**	
	Objections	
	Video Receipt	
	CI Report	X
	Clearances	X
✔	**Order**	
	Aff. Posting	
	Status Rpt	
✔	**UCCJEA**	
	Citation	
	FTB Notice	

NO TEMPORARY – none requested

LORIE LISCANO, Maternal Grandmother, is Petitioner.

Father (Jordan): **RANDY HALFORD**
- *Consent and Waiver of Notice filed 9-29-11*

Father (Gauge): **UNKNOWN**
- *Declaration of Due Diligence filed 9-29-11*

Mother: **MARYANN LISCANO**
- *Consent and Waiver of Notice filed 9-29-11*

Paternal Grandfather (Jordan): Randy Halford, Sr.
Paternal Grandmother (Jordan): Deborah McCoy

Paternal Grandfather (Gauge): Unknown
- *Declaration of Due Diligence filed 9-29-11*
Paternal Grandmother (Gauge): Unknown
- *Declaration of Due Diligence filed 9-29-11*

Maternal Grandfather: Rudy Liscano
- *Consent and Waiver of Notice filed 10-4-11*

Petitioner states Mother has a history of drug abuse. Petitioner has cared for the children since birth and wants to continue to provide a safe, loving home for them. Mother is pregnant and due October 2011. She knows she cannot care for any of her children and has signed the consent form for all three. Petitioner does not know who the father of the unborn child is. Petitioner included a letter from Gauge's doctor that he has never seen or met Mother.

Court Investigator Julie Negrete to file report, clearances.

NEEDS/PROBLEMS/COMMENTS:

Court Investigator to file report, clearances.

1. **Petitioner filed a Declaration of Due Diligence stating she believes Gauge's father's last name is Perez, but does not indicate any attempts to identify or locate him, such as asking Mother, etc.**

   Petitioner also filed Declarations of Due Diligence stating she has never met Jordan's paternal grandparents, but does not indicate any attempts to locate them, such as asking Father, etc.

   ***If diligence is not found*, need proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice or further diligence on:**
   - Gauge's father
   - Gauge's paternal grandfather
   - Gauge's paternal grandmother
   - Randy Halford, Sr. (Jordan's paternal grandfather)
   - Doborah McCoy (Jordan's paternal grandmother)

2. **Petitioners originally included a child that was unborn at filing but was due in October 2011. Later-filed documents cross this child's name off, as the Court cannot make orders about an unborn child. If Petitioners wish to seek guardianship, a new petition with documentation for this child, along with notice or consent, etc., must be filed.**

Reviewed by: skc

Reviewed on: 11-22-11

Updates:

Recommendation:

File 17 – Halford & Liscano

18 **Karon Michael Williams, Kenya James Williams, Keion Lloyd Williams, Karek Ray Williams, and Kyray Hill Williams (GUARD/P)** **Case No. 11CEPR00884**

Atty **Jackson, Paula (Pro Per – Non-relative – Petitioner)**

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

Karon Michael Williams (8) **DOB: 6-26-03**		
Kenya James Williams (6) **DOB: 8-31-05**		
Keion Lloyd Williams (3) **DOB: 6-13-08**		
Karek Ray Williams (20 months) **DOB: 3-13-10**		
Kyray Hill Williams (9 months) **DOB: 2-3-11**		
	Aff.Sub.Wit.	
✔	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
✔	**Pers.Serv.**	N/A
✔	**Conf. Screen**	X
✔	**Letters**	
✔	**Duties/Supp**	
	Objections	
	Video Receipt	
	CI Report	X
	Clearances	X
✔	**Order**	
	Aff. Posting	
	Status Rpt	
✔	**UCCJEA**	
	Citation	
	FTB Notice	

NO TEMPORARY – none requested

PAULA JACKSON, Non-relative "Godmother" (friend of the children's mother) is Petitioner.

Father: **LLOYD MICHAEL WILLIAMS, JR.**
- Nomination, Consent and Wavier of Notice filed 9-30-11
Mother: **JAMIE LYNN RAY**
- Nomination, Consent and Wavier of Notice filed 9-30-11

Paternal Grandfather: Lloyd Michael Williams, Sr.
Paternal Grandmother: Deceased

Maternal Grandfather: Deceased
Maternal Grandmother: Dana Hughes

Petitioner states the parents are unable to care for the children due to homelessness, mental incapacity (Father) and drug addiction. Petitioner has known the parents for over 10 years and is the only stable home that the children have. The grandparents are unable to care for them and no one else is willing. Petitioner loves these boys and cares for them "in every sense of the word." They have lived with her on and off for the last year.

Court Investigator, DSS Social Worker to provide report, clearances.

NEEDS/PROBLEMS/COMMENTS:

Court Investigator, DSS Social Worker to provide report, clearances.

1. **Confidential Guardian Screening Form answers: "I have" to #3 (charge/arrest) but does not explain.**
2. **Need proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice or declaration of due diligence on:**
   - Lloyd Michael Williams, Sr. (Paternal Grandfather)
   - Dana Hughes (Maternal Grandmother)

Reviewed by: skc
Reviewed on: 11-23-11
Updates:
Recommendation:
File 18 – Williams

Dept. 303, 9:00 a.m. Thursday, December 1, 2011