



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.

Atty Bettencourt, Manuel L., of Henry, Logoluso & Blum (for Petitioner Betty Farmer, mother)
 Atty Porter, Tres, sole practitioner (for Objector Jeff Hendricks, spouse)
 Atty Boyett, Deborah (Court-appointed for Conservatee)

Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C. 1820, 1821, 2680-2682)

Age: 45 years		<p>BETTY FARMER, mother, is Petitioner and requests appointment as Conservator of the Person with medical consent and dementia powers to administer dementia medications; and as Conservator of the Estate with bond set at \$37,500.00.</p> <p>Estimated Value of the Estate: Personal property - \$20,000.00 Annual income - \$17,500.00 Total - \$37,500.00 <i>(1/2 interest in real property excluded; estimated real property value of \$112,500.00)</i></p> <p>Capacity Declaration of Don Yoshimura, M.D., filed 9/18/2013 supports request for dementia powers and medical consent powers.</p> <p>Capacity Declaration of Michele Russell, Ph.D., filed 9/18/2013 supports request for dementia powers; Item 7 re: medical consent powers is incomplete at 7(b) in space for psychologist initials.</p> <p>Voting Rights Affected.</p> <p>Petitioner states the proposed Conservatee has been diagnosed with Early Onset Alzheimer's Dementia and Major Depressive Disorder, and she suffers from extreme memory and cognitive impairment, for which she requires medications. Petitioner states as the proposed Conservatee's medical conditions are genetic and expected to worsen, her treating physicians have recommended that her family members assume primary responsibility for her financial and health care risks, and that due to safety issues, the proposed Conservatee should have someone with her at all times;</p> <p align="center">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Page 4B is the Status Hearing.</p> <p>Court Investigator Advised Rights on 9/18/2013.</p> <p>Voting Rights Affected – Need Minute Order.</p> <p>Continued from 10/17/2013. The following issue from the last hearing remains:</p> <p>1. Bond is required in the sum of \$41,250.00 pursuant to Probate Code § 2320 and CA Rule of Court 7.207. Further, based upon Petitioners request that independent powers under Probate Code § 2590 be granted, with specific power per Probate Code § 2591(c)(2) to sell at public or private sale the <u>personal residence</u> of the conservatee <u>without confirmation of court of the sale</u>, Court may require bond of \$165,000.00 per Probate Code § 2320 and CA Rule of Court 7.207, which includes the value of the ½ interest in real property estimated to be valued at \$112,500.00.</p>
DOB: 1/17/1968			
Cont. from 092613, 101713			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
✓ Pers.Serv.	Ackn. Rcpt.		
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
✓ Objections			
✓ Video Receipt			
✓ CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
✓ Citation			
FTB Notice			
		<p>Reviewed by: LEG</p> <p>Reviewed on: 11/27/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4A – Hendricks</p>	

First Additional Page 4A, Teresa Hendricks (CONS/PE) Case No.13CEPR00740

Petitioner states, continued:

- On multiple occasions the proposed Conservatee has sought the assistance of Petitioner for purposes of having Petitioner set up and transport her to medical appointments; Petitioner currently serves as the proposed Conservatee's primary caregiver, and accompanies her on all of her medical appointment to ensure she obtains the necessary and proper medical examinations, treatment and medications;
- Based upon Petitioner's own knowledge and experience in assisting the proposed Conservatee, she requires around the clock assistance with her daily activities in order to protect her health and safety, including bathing (controlling water temperatures), cooking (operating stoves, ovens), and operating other electrical appliances (iron, curling iron);
- The proposed Conservatee is co-owner of real property, and due to her mental and medical conditions she is not capable of performing or understanding the necessary duties as an owner of real property;
- It is in the proposed Conservatee's best interest to allow Petitioner to perform all necessary functions as co-owner of the proposed Conservatee's real property, including but not limited to entering into contracts, commencement of any necessary legal actions, and maintenance and upkeep of said real property;
- Based upon the proposed Conservatee's current mental and medical conditions, the proposed Conservatee is substantially unable to manage her financial resources and resist fraud or undue influence; on multiple occasions the proposed Conservatee has sought the assistance of Petitioner for the purposes of having Petitioner manage her financial accounts and requesting that Petitioner arrange for the payment of proposed Conservatee's bills.

Petitioner requests independent powers under Probate Code § 2590 be granted, with specific powers per Probate Code § 2591 as follows, including the reasons for the requests:

- **2591(c)(1) - Power to sell real or personal property without confirmation of the Court, other than personal residence of proposed Conservatee; and 2591(c)(2) - Power to sell at public or private sale the personal residence of the conservatee without confirmation of court of the sale [emphasis added]:** Proposed Conservatee is co-owner of real property, and due to her mental and medical conditions, Petitioner believes the proposed Conservatee may soon require full time assistance for her care and medical treatment, and due to the high costs associated with such care, as well as the requirement to exhaust all resources prior to obtaining governmental assistance, Petitioner believes it may become necessary to sell the property of the proposed Conservatee in order to obtain the necessary care for the proposed Conservatee;
- **2591(d) - Power to create by grant or otherwise easements and servitudes:** same reasons as stated above; sale of the real property may require granting of easement or other servitude;
- **2591(e) - Power to borrow money:** same reasons as stated above; due to high costs associated with care of proposed Conservatee, it may become necessary to obtain liquid funds to pay for such care by utilizing proposed Conservatee's real property as security to obtain loans;
- **2591(f) - Power to give security for the repayment of loan:** same reasons as stated above; due to high costs associated with care of proposed Conservatee, it may become necessary to obtain liquid funds to pay for such care by utilizing proposed Conservatee's real property as security to obtain loans;
- **2591(g) – Power to purchase real or personal property:** same reasons as stated above; proposed Conservatee's limitations and ailments make it evident that sale of her real property will likely be necessary to optimize the proposed Conservatee's care and maintenance; [sic]

~Please see additional page~

Second Additional Page 4A, Teresa Hendricks (CONS/PE) Case No.13CEPR00740

Petitioner requests independent powers under Probate Code § 2590, continued:

- **2591(l) – Power to sell property of the estate on credit if any unpaid portion of the selling price is adequately secured:** Petitioner believes the proposed Conservatee may soon require full time assistance for her care and medical treatment, and due to the high costs associated with such care, as well as the requirement to exhaust all resources prior to obtaining governmental assistance, Petitioner believes it may become necessary to sell the property of the proposed Conservatee in order to obtain the necessary care for the proposed Conservatee;
- **2591(m) – Power to commence and maintain an action for partition:** same reasons as stated above; as the proposed Conservatee is only a co-owner of the real property, it may become necessary to seek a partition of the real property in order to sell the proposed Conservatee's interest;
- **2591(p) – Power to pay, collect, compromise, or otherwise adjust claims, debts or demands upon the conservatorship described in 2501(a), 2502, or 2504, or to arbitrate any dispute described in 2406:** Petitioner is unaware of the number or value of any claims, debts, or demands which may be presented upon the proposed Conservatee seeking payment; due to the proposed Conservatee's mental and medical conditions, Petitioner believes the proposed Conservatee is not in a condition to pay, collect, compromise, or otherwise adjust any such claims, debts or demands without assistance.

Objection to Petition for Conservatorship of Teresa Hendricks filed by JEFF HENDRICKS, husband, on 9/17/2013 states:

- He is the husband and [named agent] on Power of Attorney for the proposed Conservatee;
- He and proposed Conservatee were married on 6/11/1988;
- Petitioner, mother of proposed Conservatee, along with the proposed Conservatee's sister, **CHRISTINA RODRIGUEZ**, have been assisting him with the daily care necessary for proposed Conservatee;
- On 6/25/2013, the proposed Conservatee executed an advance Health Care Directive and a Durable General Power of Attorney for Asset Management with the assistance of legal counsel (*copies attached to Declaration of Jeff Hendricks in Support of Objection, attached as Exhibits A and B*);
- In said documents, proposed Conservatee directed that her husband, Jeff Hendricks, act as her agent in all relevant matters in the event she is incapable of giving informed consent;
- In both documents, Jeff Hendricks is listed as the proposed Conservatee's first choice as conservator, followed by their son, **WYATT LANE HENDRICKS**, in the event Jeff is unable to serve;
- Pursuant to Probate Code §§ 1810 and 1812, the Objector should be given preference in order of appointment as conservator in the event that a conservatorship of the person or estate is deemed necessary of proper by the Court;
- Jeff Hendricks has been married to the proposed Conservatee for more than 25 years and is the proposed Conservatee's nominated power of attorney for both financial and medical decisions; further, pursuant to Probate Code § 4126, the proposed Conservatee's nomination in the durable power of attorney should be considered by the Court;
- Further, as detailed in the *Declaration of Jeff Hendricks*, he is more physically capable of taking care of the proposed Conservatee and is much more familiar with the financial needs and dealings of the proposed Conservatee;

~Please see additional page~

Third Additional Page 4A, Teresa Hendricks (CONS/PE) Case No.13CEPR00740

Objection to Petition by Jeff Hendricks filed 9/17/2013, continued:

- Objector concurs that the proposed Conservatee is unable to provide for her own needs; however, with an Advance Health Care Directive and a Durable Power of Attorney currently in place, Jeff Hendricks is capable of assisting the proposed Conservatee, just as he has been doing for the past 25 years;
- Objector readily concedes that Petitioner and proposed Conservatee's sister have assisted Objector and the proposed Conservatee by having the proposed Conservatee spend the workday with them while Objector has gone to work; it is also conceded that the proposed Conservatee's mental awareness and ability has declined at an increased rate over the past couple of months; if these family members are no longer willing to assist with the daily care of the proposed Conservatee, then Objector will make alternate arrangements, but it does **not** *[emphasis in original]* mean that conservatorship is necessary or justified in this case;
- The instant *Petition* requests authority to sell the jointly owned real property of Objector and proposed Conservatee, so sell jointly owned personal property; to create grants or servitudes, to borrow money; to grant security for loans; to purchase property; to sell property on credit; to commence and maintain an action for partition; and to pay, collect, compromise, or otherwise adjust claims, debts, or demands; these are all powers that the Objector, by virtue of his status as the proposed Conservatee's spouse and by the existence of the Advance Health Care Directive and a Durable General Power of Attorney, currently possesses and is in a superior position to that of the proposed Conservator to perform;
- The instant request for conservatorship of the person and estate is unnecessary; however, if the Court were to believe such conservatorship were to be in the best interest of the proposed Conservatee, then Objector Jeff Hendricks as the party's spouse and by virtue of the writings executed by the proposed Conservatee should have priority and be appointed instead of Petitioner;
- **Objector requests** that this Court deny the instant *Petition*; alternatively, Objector would request that he be allowed to file his own petition for appointment if it is determined by this Court that the best interest of the proposed Conservatee requires that someone be appointed.

Declaration of Jeff Hendricks in Support of Objection to Petition for Conservatorship of Teresa Hendricks states:

- The Petitioner is his mother-in-law and mother of proposed Conservatee, and over the course of the last several months, Petitioner and the proposed Conservatee's sister, **CHRISTINA RODRIGUEZ**, have been assisting him with the daily care necessary for his wife ("Terrie"); he agrees that his wife is not currently capable of providing for her own needs;
- Last year, he and Terrie were living and working in Kentucky; after Terrie lost her job, they moved back to California in March of 2012 and Terrie was put on disability;
- He started working again in the summer of 2012, and began taking Terrie to either Petitioner's home or Christina's home for them to watch Terrie while he was at work;
- On 8/9/2013, he dropped Terrie off at Christina's home in the morning; that evening, he had a voice mail from Terrie's brother, **MICHAEL LABRIE**, who informed him that Terrie felt threatened by him and that Terrie was going to stay with him and that they would be filing a restraining order and for divorce;
- Since 8/9/2013, he has not seen or been allowed by Terrie's family to speak directly to Terrie; he has called the Sheriff's Office and personally went to the Sheriff's department, and was informed that Sheriff's deputies had spoken to Terrie on the phone and she was fine;

~Please see additional page~

Fourth Additional Page 4A, Teresa Hendricks (CONS/PE) Case No.13CEPR00740

Declaration of Jeff Hendricks in Support of Objection to Petition for Conservatorship of Teresa Hendricks, continued:

- He was informed that their son, **WYATT HENDRICKS**, went to see Terrie at Petitioner's home ~1 week ago; upon arriving, Wyatt was told he could not enter the home of Petitioner, his grandmother, and was allowed to speak to Terrie only in the backyard, with Petitioner intently overseeing the conversation from the back door; Wyatt was told by Petitioner's husband not to mention "going home" to Terrie because it would upset her; Terrie told Wyatt she missed him [Jeff] and wanted to come home;
- Terrie receives ~\$1,485.00 per month in disability; it is his belief that Petitioner has instigated the instant conservatorship action solely to obtain control of such funds and to possibly force a sale of our family home;
- While Petitioner, along with Terrie's brother and sister, have been a help to him in caring for Terrie over the last year, his relationship with Terrie's family has been tense for the majority of their marriage;
- If Terrie's family is no longer willing to assist with her daily care, then he will make alternate arrangements, but it does **not** [emphasis in original] mean that conservatorship is necessary or justified in this case;
- He has loved and cared for Terrie for more than 25 years and will continue to do so to the best of his ability with or without the help of Terrie's mother, brother or sister; it is shocking and disturbing that he is now being accused by her family of threatening or harming her;
- He believes the instant request for conservatorship of the person and estate of Terrie is unnecessary and motivated entirely by greed and animosity towards him on the part of Petitioner;
- However, if the Court were to believe such a conservatorship were to be in the best interest of the proposed Conservatee, then it is his understanding that he as Terrie's husband and by virtue of being nominated in her power of attorney documents should have priority and be appointed ahead of Petitioner; if the Court feels otherwise, then he would ask that either the **PUBLIC GUARDIAN** or their son, **WYATT HENDRICKS**, be appointed ahead of Petitioner;
- In addition to questioning her motives, he has sincere doubts as to whether Petitioner is physically or emotionally capable of taking care of Terrie full time; he believes that her current husband, Terrie's step-father, is disabled and he does not believe Petitioner herself to be in decent physical shape, nor does he believe Petitioner has the patience required to adequately cope with the reality of Terrie's condition;
- For the majority of this past year, he relied primarily upon Terrie's sister, **CHRISTINA RODRIGUEZ**, to watch Terrie while he was working, with Petitioner as an alternate choice; Terrie expressed that she preferred being with Christine as opposed to Petitioner.

Court Investigator Jo Ann Morris' Report was filed on 9/20/2013.

Note: If petition for conservatorship is granted, Court will set status hearings as follows:

- **Friday, January 10, 2014, at 9:00 a.m. in Dept. 303** for filing proof of bond;
- **Friday, April 18, 2014 at 9:00 a.m. in Dept. 303** for filing of inventory and appraisal; and
- **Friday, February 13, 2015 at 9:00 a.m. in Dept. 303** for filing of first account and/or petition for final distribution.

~Please see additional page~

Fifth Additional Page 4A, Teresa Hendricks (CONS/PE) Case No.13CEPR00740

Evidentiary Objections to Declaration of Jeff Hendricks was filed by Attorneys for Petitioner Betty Farmer on 9/25/2013.

Motion to Strike contained within and following the *Evidentiary Objections* states: Petitioner Betty Farmer requests the Court strike all portions of the *Declaration of Jeff Hendricks* for which evidentiary objections have been made, and which are granted by the Court.

Note: The *Evidentiary Objections* are structured in civil code format and include citations to Evidence Code sections regarding hearsay, lack of personal knowledge and speculation, lack of foundation, and relevance, among other evidentiary objections; based upon this format and that this document is not in typical narrative format of pleadings in Probate matters, the *Evidentiary Objections* and corresponding Paragraphs of the *Declaration of Jeff Hendricks* to which the *Objections* refer have not been outlined here.

Declaration of Dr. Don Yoshimura, M.D. was filed confidentially on 9/25/2013.

Atty Bettencourt, Manuel L., of Henry, Logoluso & Blum (for Petitioner Betty Farmer, mother)
 Atty Porter, Tres, sole practitioner (for Objector Jeff Hendricks, spouse)
 Atty Boyett, Deborah (Court-appointed for Conservatee)

Status Hearing

Age: 45 years	<p>BETTY FARMER, mother, filed on 8/20/2013 a <i>Petition for Appointment of Conservator of the Person and Estate</i> with medical consent and dementia powers to administer dementia medications.</p> <p>JEFF HENDRICKS, husband, filed on 9/17/2013 an <i>Objection to Petition for Conservatorship</i>.</p> <p>Minute Order dated 10/17/2013 from the hearing on the Petition for Appointment states:</p> <ul style="list-style-type: none"> Mr. Bettencourt informs the Court that a co-conservatorship petition will be forthcoming from Mr. Porter's client, Jeff Hendricks; Counsel requests a continuance; matter continued to 12/5/2013; The Court will entertain an order shortening time with respect to the property. 	NEEDS/PROBLEMS/COMMENTS:	
		<p>1. Need verified status report and proof of service of notice of the status hearing pursuant to Local Rule 7.5(B).</p>	
Cont. from			<p>Reviewed by: LEG</p> <p>Reviewed on: 11/27/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4B – Hendricks</p>
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			