1 **Shirley Arlene Sprague (7660)** **Case No. 09CEPR00030**

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

Atty **Sanoian, Joanne (Court-appointed for Conservatee/Decedent in Conservatorship Case)**

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution (Prob. C. 12200, et seq)

DOD: 12-18-08		
Cont. from 081011, 101211		
	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 ADMINISTRATOR was authorized to administer and distribute the Decedent's estate pursuant to Probate Code §7660(a)(1) on 1-16-09.

On 6-30-11, the court set status hearing for failure to file an account or petition for final distribution on 8-10-11, which was continued to this date.

Background:

Joanne Sanoian was court-appointed counsel for the Decedent in the Conservatorship Case 08CEPR00367. On 3-11-09, the court granted attorney's fees in the amount of $1,380.00, payable from the conservatorship estate.

On 5-14-09, Joanne Sanoian filed a Creditor's Claim for that amount and a Request for Special Notice in this estate case. Since then, two additional creditor's claims have been filed ($998.25 and $373.98).

The Inventory and Appraisal filed 6-3-09 reflected a total estate value of $60,400.00, including real property, a 1984 Pontiac Grand Am, and miscellaneous household furniture and personal effects.

A Notice of Proposed Action filed 3-12-10 indicated that the Public Administrator proposed to sell the real property for $60,000.00, less commission, etc.

On 7-11-11, Public Administrator filed an ex parte request for extraordinary commissions for sale of the Decedent's real and personal property in the amount of $1,345.55. That petition was set for noticed hearing (Page 5B) due to the Request for Special Notice and granted on 8-10-11.

Also on 8-10-11, the Court continued the status hearing for failure to file an account or petition for final distribution to 10-12-11.

Status Report filed 10-7-11 states that this because this §7660 estate is insolvent with creditors, the Public Administrator will be filing a formal account and request for distribution, and is in the process of preparing the documents.

NEEDS/PROBLEMS/COMMENTS:

<u>Minute Order 10-12-11</u>: Matter continued to 12-12-11 at the request of the Public Administrator.

<u>As of 12-5-11, nothing further has been filed.</u>

1. **Need account.**

Updates:

Contacts: Reviewed 12-5-11

Recommendation:

Reviewed by: skc

File 1 - Sprague

Dept. 303, 9:00 a.m. Monday, December 12, 2011

2 Chester P. Beeler (Estate) Case No. 10CEPR00104

Atty Lind, Ruth P. (for James Louis Roberts – Executor – Petitioner)

(1) First Account and Report of Executor, Petition for Its Settlement, and (2) Petition for Preliminary Distribution, and (3) for Allowance of Compensation to Executor and Attorneys for Ordinary and Extraordinary Services (Prob. C. 1060, 10900, 11640, 10800, 10801, 10811, 11620, 11623)

DOD: 12-29-09

	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	W
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	**Letters**	6-18-10
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

JAMES LOUIS ROBERTS, Executor with full IAEA without bond (all cash in blocked accounts), is Petitioner.

Account period: 8-19-10 through 1-31-11

Accounting:	$352,369.90
Beginning POH:	$352,146.36
Ending POH:	$352,369.90

Executor: $16,737.58 (95% of $17,618.50, which includes statutory compensation of $10,047.40 plus an additional $7,571.10 for "administering the estate as per the intent and Will of decedent.")

Petitioner alleges that all services required of the executor have been rendered except for income tax matters that cannot be completed without the cooperation of the trustee of the decedent's trust. Therefore, Petitioner believes it is in order to pay 95% of his compensation at this time without injury to the estate or any interested person.

Costs (Reimburse Executor): $1,259.00
(filing fees, certified copies, publishing)

Attorney Ruth Lind: $9,545.03 (95% of statutory)

Attorney Ruth Lind: $10,720.00 (Extraordinary per declaration)

Attorney Stefanie J. Krause-Cota: $5,862.40 (Extraordinary per declaration)

Petitioner states the estate is not in a position to be closed due to the issue of income taxes because the trustee of the decedent's trust has been uncooperative in turning over records. Petitioner states he has made every attempt to negotiate a settlement.

Petitioner requests the Court authorize payment of the statutory and extraordinary fees and commissions as requested above and also authorize preliminary distributions pursuant to the Will as follows:

- West Park Baptist Church: $100,000.00
  [full distribution of specific gift provided by the will]
- Anna Belle Beeler Hinley: $25,857.82
  [a portion of the $40,000.00 provided by the will]
- Elizabeth Beeler Rogers: $25,857.82
  [a portion of the $40,000.00 provided by the will]
- John H. Beeler: $25,857.82
  [a portion of the $40,000.00 provided by the will]
- Frances Beeler Albers: $25,857.82
  [a portion of the $40,000.00 provided by the will]

SEE PAGE 2

NEEDS/PROBLEMS/ COMMENTS:

SEE PAGES 2-4

Reviewed by: skc

Reviewed on: 12-6-11

Updates:

Recommendation:

File 2 - Beeler

Dept. 303, 9:00 a.m. Monday, December 12, 2011

SUMMARY (Continued):

Attorney Ruth Lind filed a Memorandum of Points and Authorities in Support of the Petition on 12-5-11 that addresses certain issues and discusses the background of the case, including the dispute over various wills, the trust, the position of the executor in the church, etc.

1) **Was admission of the will proper and can probate now be revoked?** Petitioner states the will was properly admitted to probate and probate cannot now be revoked, with reference to code regarding appeal and will contest.
[Examiner notes that it is unclear why this is addressed, as this is not an issue at this petition/first account.]

   Petitioner also states: "Brown and Wyatt have made it clear that they want ½ of the estate distributed to Brown as Trustee of the Chester and Lorene Beeler Living Trust." ***[Examiner notes that, as noted above, this is not an issue at this time. This petition/first account requests preliminary distribution of the will's other devises.]***

2) **Does the compensation provision in the will govern if it is greater than the statutory fee compensation?** Petitioner states the will governs compensation to the personal representative as provided in Probate Code §10802.

3) **What was intent of testator and how should will be interpreted?** Petitioner discusses whether the 50% devise should go to the trust or to the church. ***[Examiner notes that, as noted above, this is not an issue at this time.]***

4) **Are extraordinary fees of Petitioner's attorneys reasonable, and can they be paid before final distribution?** The memo references code and other cites regarding extraordinary compensation, and states that litigation was undertaken to benefit the estate or to protect its interests and meets the requirements of Probate Code §10832 re extraordinary compensation before final distribution because:

   - It is likely that administration will continue for an "unusually long time" because the executor has been unable to obtain the necessary documentation for filing tax returns.

   - Payment of extraordinary fees at this time will benefit the estate and beneficiaries by avoiding additional extraordinary services over objections which could further deplete the estate.

   - Other good cause is shown because the attorneys were required to devote substantial time and extraordinary legal services and their normal income diminished accordingly, causing hardship to the attorneys. The prospect of having to wait until the end of a protracted estate for payment would discourage many from agreeing to become a personal representative or attorney for a personal representative.

SEE PAGE 3

NEEDS/PROBLEMS/COMMENTS (Continued):

1. **Petitioner notes ambiguity in the will re payment of the portion to decedent's "trust account."**

   The will states: "*50% of all my assets will go into the Beeler Trust Account before my Sisters and Brother are paid*." The will then lists specific gifts of $40,000.00 each to the four siblings, $100,000.00 to the church, and any residual to a ministry.

   However, the will later states that if the decedent's wife dies before the "trust account" has run out, then the remainder of the account shall go to the church. Petitioner notes that the wife died 4-2-10, and there is a dispute regarding whether the 50% should go to the trust or directly to the church.

   ***Also at this time, only 50% of the net value of the estate can be distributed pursuant to Probate Code §11623*. POH is $352,369.90 cash. If the requested fees/commissions are approved, only 50% ($153,862.60) would distributable at this time.**

   ***It appears this can be treated as the same 50%* that will later be determined to either go to the trust or to the church – *which means that the total amount available for the specific gifts cannot exceed that 50%, even at final distribution*.**

   Petitioner requests to distribute a total of $203,431.28, which exceeds that 50%. Petitioner specifically requests to pay the entire specific gift of $100,000.00 to the church per the language quoted above, and abates the specific gifts to the siblings.

   Also however: Petitioner states the reason the estate is not ready to close is the income tax issue. Examiner notes that if taxes are due or additional costs are incurred for preparation, etc., then the amount distributable may need to be reduced further.

   Therefore, in order to not exceed distribution of more than the 50% (per Probate Code §11623, and to protect the 50% that is due to the trust or church), further abatement is necessary.

   The Court may also require an estimate of future administration costs and may require reduction in preliminary distributions based on these issues noted.

2. **Petitioner computes and references a statutory fee, and then states that his payment per the will that provides that the personal representative will receive 5% commission for on the sale of any assets. Petitioner then states he should be paid a total of $17,618.50 for "*administering the estate as per the intent and Will of decedent*" and requests 95%, or $16,737.58.**

   Attorney Lind's points and authorities confirm that Probate Code §10802 states that except if a personal representative petitions for and is granted relief from this provision, if the will makes provision for compensation of the personal representative, the compensation provided by the will shall be the full and only compensation for the services of the personal representative.

   However, there has been no sale of assets by Executor (See ¶20-21). The only inventoried asset is cash, which has been held in blocked accounts. Examiner notes that if Probate Code §10802 is held effective, the compensation to Petitioner would be $0 (zero) because nothing was sold.

   Even if Petitioner is granted relief from Probate Code §10802, and statutory fees are allowed, and the Court agrees to consider whether extraordinary compensation is appropriate, the Petition does not contain information regarding the specific services rendered (Cal. Rule of Court 7.702).

   Therefore, need clarification and authority for compensation as requested.

3. **The Public Administrator served as Special Administrator from 4-20-10 through 8-17-10 during the period of trial prep on competing petitions for probate and was responsible for gathering and preserving the assets of the estate. Petitioner does not address whether the statutory compensation for the personal representative and attorneys will be shared per agreement with Public Administrator and County Counsel pursuant to Probate Code §10814 based on either agreement or performance. The Court may require notice and agreement or itemization to determine appropriate apportionment. *[Examiner notes that line items in the attorneys' declarations include conference and correspondence with Heather Kruthers (County Counsel).]***

SEE PAGE 3

NEEDS/PROBLEMS/COMMENTS (Continued):

4. **Need direct notice to beneficiaries served "c/o" Attorney Bagdasarian pursuant to Probate Code §1214 (*"also to the attorney"*) and Cal. Rule of Court 7.51(a) (*Direct Notice Required*).**

5. **Attorney Lind's declaration re extraordinary fees includes a line item dated 11-28-10: "Legal Research – Brokers commission; Draft Correspondence to Bagdasarian re sale."**

   Examiner notes that if assets were sold, this may explain Petitioner's compensation request; however, it presents the issue that there were no saleable assets inventoried; therefore, supplemental I&A may be necessary.

   Need clarification.

6. **Attorney Lind's declaration re extraordinary fees includes a line item dated 7-20-11 for 2.5 hours ($500.00): "…Draft Schedule of executor extraordinary services."**

   However, there does not appear to be a schedule of the executor's extraordinary services, as noted above. Need clarification.

7. **Attorney Krause-Cota's declaration re extraordinary fees includes costs for copies, mileage and parking of $32.40. These items are considered by the Court to be costs of doing business and are not reimbursable per Local Rule 7.17.**

8. **Attorney Lind states it is likely that administration will continue for an "unusually long time," but does not provide an estimate of the time needed to close the administration pursuant to Probate Code §12201(a). Need information.**

3A **Rebecca Lee Ann Dell Pitkin (GUARD/PE)** **Case No. 10CEPR00544**

Atty **Bakergumprecht-Davies, Kathleen (for Petitioner/Guardian Melissa Russell)**

First Annual Accounting

Age: 9 years		
DOB: 6/22/2002		
Cont. from 112811		
	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	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

MELISSA RUSSELL, guardian, is petitioner.

Account period: 9/30/10 – 9/30/11

Accounting	-	**$70,563.79**
Beginning POH	-	**$0**
Ending POH	-	**$70,151.29**
Attorney	-	not addressed
Guardian	-	not addressed

Petitioner prays:

1. The first account and report be approved and settled;
2. The acts of the guardian shown in the accounting and report be approved.

NEEDS/PROBLEMS/COMMENTS:

Continued from 11/28/11. As of 12/2/11 the following issues remain:

1. **Need *Notice of Hearing*.**
2. **Pursuant to Probate Code 2626 need proof of service of the *Notice of Hearing* on:**
   a. **Rebecca Lee Ann Dell Pitkin (minor)**
3. **Need Order**

Reviewed by: KT
Reviewed on: 12/2/11
Updates:
Recommendation:
File 3A - Pitkin

Dept. 303, 9:00 a.m. Monday, December 12, 2011

3B **Rebecca Lee Ann Dell Pitkin (GUARD/PE)** **Case No. 10CEPR00544**

Atty **Bakergumprecht-Davies, Kathleen**

Request for Hearing About Court Fee Waiver Order

Age: 9 years DOB: 6/22/2002			NEEDS/PROBLEMS/COMMENTS:
			Continued from 11/28/11. As of 12/2/11 the following issues remain:
Cont. from 112811			
	Aff.Sub.Wit.		1. Need Order
	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: KT
	Status Rpt		Reviewed on: 12/2/11
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 3B - Pitkin

3B

Dept. 303, 9:00 a.m. Monday, December 12, 2011

4 Suzanne M. Bennetts (Estate) **Case No. 10CEPR01115**

Atty Renge, Lawson K. (for Petitioner/Executor Kimberly R.W. Bennetts)

First and Final Account and Report of Executor and (2) Petition for Final Settlement and Distribution (Prob. C. §§10800, 10810, 10831, 10900, 10951, 11640)

DOD: 10/13/10		
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	2/9/11
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	X

KIMBERLY R. W. BENNETTS, Executor, is petitioner.

Accounting is waived.

I & A - **$113,976.64**

Executor - **waives.**

Attorney (statutory) - **$4,419.30**

Costs (filing fee, publication, probate referee, certified copies) - **$790.33**

Distribution, pursuant to Decedent's Will and Disclaimer is to:

Adrienne Vance - real property, 1/2 of $4,148.00, ½ of 5 shares of PG& E stock, ½ of 38.801 shares of PG& E stock, ½ of a 2000 Chevy, and ½ of the household furniture and furnishings.

Kimberly R.W. Bennetts - 1/2 of $4,148.00, ½ of 5 shares of PG& E stock, ½ of 38.801 shares of PG& E stock, ½ of a 2000 Chevy, and ½ of the household furniture and furnishings.

NEEDS/PROBLEMS/COMMENTS:

1. **Kimberly R. W. Bennetts disclaimed his interest in the real property.**
   The disclaimer acts as if the Kimberly pre-deceased the decedent. Therefore, if the Kimberly has issue, his issue would be entitled to the share of the estate the Kimberly disclaimed. Probate Code §275 et seq. The Court will need to know if Kimberly has issue prior to distribution.
2. **Order does not comply with Local Rule 7.6.1.**
3. **Petition does not contain a statement regarding if notice to the Franchise Tax Board was performed, as required by Probate Code 9202(c)(1).**

Reviewed by: KT
Reviewed on: 12/5/11
Updates:
Recommendation:
File 4 - Bennetts

Dept. 303, 9:00 a.m. Monday, December 12, 2011

5A **Eva Jane Carolyn Pitkin (GUARD/PE)** **Case No. 11CEPR00069**

Atty **Bakergumprecht-Davies, Kathleen (for Petitioner/guardian Melissa Russell)**

First Annual Accounting

Age: 6 years
DOB: 10/17/05

Cont. from 112811

	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	
✓	2620(c)	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

MELISSA RUSSELL, guardian, is petitioner.

Account period: 9/30/10 – 9/30/11

Accounting	-	**$70,563.79**
Beginning POH	-	**$0**
Ending POH	-	**$70,151.29**
Attorney	-	not addressed
Guardian	-	not addressed

Petitioner prays:

3. The first account and report be approved and settled;
4. The acts of the guardian shown in the accounting and report be approved.

NEEDS/PROBLEMS/COMMENTS:

Continued from 11/28/11. As of 12/2/11 the following issues remain:

4. **Need *Notice of Hearing*.**
5. **Pursuant to Probate Code 2626 need proof of service of the *Notice of Hearing* on:**
   b. **Eva Jane Carolyn Pitkin (minor)**
6. **Need Order**

Reviewed by: KT
Reviewed on: 12/2/11
Updates:
Recommendation:
File 5A – Pitkin

Dept. 303, 9:00 a.m. Monday, December 12, 2011

5B **Eva Jane Carolyn Pitkin (GUARD/PE)** **Case No. 11CEPR00069**

Atty **Bakergumprecht-Davies, Kathleen (for Eva Jane Carolyn Pitkin)**

Request for Hearing About Court Fee Waiver Order

Age: 6 years DOB: 10/17/05.			NEEDS/PROBLEMS/COMMENTS:
			Continued from 11/28/11. As of 12/2/11 the following issues remain:
Cont. from 112811			
	Aff.Sub.Wit.		2. Need Order
	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: KT
	Status Rpt		Reviewed on: 12/2/11
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 5B – Pitkin

5B

Dept. 303, 9:00 a.m. Monday, December 12, 2011

6 Michael A. Ferrara (Estate) **Case No. 11CEPR00086**

Atty Esraelian, Robyn L. (for Robert C. Ferrara – Executor)

Waiver of Accounting and Petition for Allowance of Statutory Fees to Executor and Attorney for Executor, and Petition for Final Distribution

DOD: 01/12/11		
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	03/24/11
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

ROBERT C. FERRARA, Executor, is Petitioner.

Accounting is waived.

I & A - **$2,267,000.00**
POH - **$2,330,945.00**
($63,945.01 is cash)

Executor - **waives**

Attorney - **$20,000.00**
(statutory)

Distribution, pursuant to decedent's Will, is to:

Robert C. Ferrara - $21,972.00
plus ½ interest in real property

Paulette Bradford - $10,986.00
plus ¼ interest in real property

Patricia Bradford - $10,986.00

NEEDS/PROBLEMS/COMMENTS:

1. **Need revised Inventory & Appraisal. The Petition states that the estate has a bank account in the amount of $63,945.01; however, this bank account is not included in the Inventory & Appraisal. Pursuant to Probate Code § 8850(b)(3) all money and other cash items are to be included in the Inventory & Appraisal.**
2. **The Petition seeks to distribute the real property to the beneficiaries in undivided interests. Pursuant to Local Rule 7.12.4A – The Court will not order distribution of real property in undivided interests absent the written consent of all distributees. Need written consent from each distributee.**
3. **The Order states that distribution shall be to Paulette Bradford twice instead of listing Paulette Bradford and Patricia Bradford.** *Note: The Examiner has interlineated the order to show distribution to Paulette Bradford and Patricia Bradford as stated in the Petition.*

Reviewed by: JF

Reviewed on: 12/05/11

Updates:

Recommendation:

File 6 - Ferrara

Dept. 303, 9:00 a.m. Monday, December 12, 2011

7 Dorothy Lillian White (Estate) **Case No. 11CEPR00143**

Atty Esraelian, Robyn L. (for Darlene Downs – Executor)

Waiver of Accounting and Petition for Allowance of Statutory Fees to Executor and Attorney for Executor, and Petition for Final Distribution

DOD: 01/04/11		
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	04/06/11
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

DARLENE DOWNS, Executor, is Petitioner.

Accounting is waived.

I & A - **$345,593.07**
POH - **$345,593.07**

Executor - **$9,911.86** (statutory)

Attorney - **$9,911.86** (statutory)

Distribution, pursuant to decedent's Will, is to:

Richard L. Ohannesian - $1,000.00

Lisa Ann Ohannesian - $1,000.00

Barbara J. Phillips - $69,383.68 cash or liquid assets plus ½ interest in real property

Barbara J. Phillips as Trustee of the Special Needs Trust for the benefit of Lawrence Raymond White, Jr. - $69,383.68 cash or liquid assets plus ½ interest in real property

NEEDS/PROBLEMS/COMMENTS:

1. **Need Waivers of Accounting from Lisa Ann Ohannesian and Richard L. Ohannesian and Barbara J. Phillips as Trustee of the Special Needs Trust for the benefit of Lawrence Raymond White, Jr. (See Probate Code § 10954(b)(4).)**
2. **Need Acceptance of Trust from Barbara J. Phillips as Trustee of the Special Needs Trust. (See Probate Code §§ 10954(b)(4) and 15600.)**

Reviewed by: JF
Reviewed on: 12/05/11
Updates:
Recommendation:
File 7 - White

Dept. 303, 9:00 a.m. Monday, December 12, 2011

8 **Ruth Etsuko Yuyama (Estate)** **Case No. 11CEPR00244**

Atty **Jones, Robert L. (for Agnes M. Yuyama – Administrator)**

(1) Report of Administrator on Waiver of Account and (2) Petition for Allowance of Compensation to Attorneys for Ordinary Services (Prob. C. 11600, 10954, 10810)

DOD: 02/25/11		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
	Notice of Hrg	n/a
	Aff.Mail	n/a
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	06/30/11
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

AGNES M. YUYAMA, Administrator, is Petitioner.

Accounting is waived.

I & A - **$279,154.38**
POH - **$279,154.00**

Administrator - waives

Attorney - **$5,500.00** (less than statutory)

Distribution, pursuant to intestate succession, is to:

Agnes M. Yuyama - 29 shares of Prudential Financial, all furniture and furnishings of the decedent, and real property

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: JF

Reviewed on: 12/05/11

Updates:

Recommendation: SUBMITTED

File 8 - Yuyama

Dept. 303, 9:00 a.m. Monday, December 12, 2011

9 Jay C. Roberts (CONS/PE) Case No. 11CEPR00302

Atty Chappel, Gregory M. (of Jamison & Chappel in Oakhurst, for Teresa Margrey – Conservator)

(1) Petition for Settlement of Second Account; (2) for Order Dispensing with Further Accountings for Small Estate; (3) Waiver of Bond; and Declaration in Support (Prob. C. 1060-1064, 2628, 2321)

Age: 87		
DOB: 5-3-24		
Cont. from 110711		
	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**	
N/A	**9202**	
✔	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

TERESA MARGREY, family friend and Conservator, is Petitioner.

Account Period: 7-1-10 through 9-30-11

Accounting: $0
Beginning POH: $0
Ending POH: $0

Conservator: Not addressed
Attorney: Not addressed

Petitioner states there are no assets in the estate and it is anticipated that the estate will derive any income whatsoever as all such amounts are collected by the Conservatee's living trust.

Petitioner is also the Successor Trustee of the Roberts Family Survivor's Trust, the Roberts Family Exemption Trust and the Roberts Family Marital Trust, all non-court supervised trusts which are administered in Madera County, CA. The Trusts contain a combined total in excess of $1,000,000.00, which is available for the Conservatee's needs.

In the order appointing the conservator, the court authorized an allowance to the Conservatee of $50.00/week. Petitioner seeks authorization to continue paying this allowance from the assets of the Trust.

Petitioner requests to waive further accountings pursuant to Probate Code §2628.

Petitioner requests that bond continue to be waived as all income is deposited directly to the Conservatee's trust account and is used for his benefit.

Petitioner prays for an Order to:

1. Settle and allow this account and report;
2. Approve and confirm the acts of Petitioner;
3. Dispense with further accountings as long as the conditions of Probate Code §2628 are satisfied;
4. Continue to waive bond in this matter; and
5. For such other orders as the Court may deem proper.

NEEDS/PROBLEMS/COMMENTS:

<u>Note</u>: Petitioner was appointed Conservator of the Person and Estate with medical consent powers without bond in San Mateo County on 6-19-09. The First Account was settled there on 12-6-10.

1. **Petitioner requests authorization to dispense an allowance for the Conservatee from his living trust. Examiner notes that administration of the trust(s) is not before the Court and such authorization may be inappropriate within this conservatorship estate.**

Reviewed by: skc

Reviewed on: 12-5-11

Updates:

Recommendation:

File 9 – Roberts

Dept. 303, 9:00 a.m. Monday, December 12, 2011

10 Harley E. Chaffer Trust **Case No. 11CEPR00967**

Atty Streett, John R. (for Petitioner Andrew Chaffer)

Petition for Removal of Trustee, Account, and for Appointment of Successor Trustee

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	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

ANDREW CHAFFER, trust beneficiary, is petitioner.

Petitioner states he is the grandson and 1/6 beneficiary under the **HARLEY E. CHAFFER TRUST** executed May 9, 1991. Petitioner states he does not possess a copy of the Trust. And amendment to the Trust was executed on October 29, 1988.

Harley E. Chaffer died on March 4, 2011 thereby making the Trust irrevocable.

Petitioner is informed and believes that the successor Trustee is **DOUGLAS EDWARD CHAFFER.**

Petitioner alleges:

1. The Trustee has violated his duty to inform the beneficiaries and has refused to provide Petitioner with a copy of the Trust, despite written requests.
2. The Trustee has violated his duty to Petitioner as Trustee has failed to ever render an accounting despite written request to do so.

Wherefore, Petitioner prays for an Order:

1. Compelling Douglas Edward Chaffer to produce a copy of the Harley E. Chaffer Trust of May 9, 1991 and all amendments to it;
2. Compelling Douglas Edward Chaffer to account fully for all Trust property;
3. Removing Douglas Edward Chaffer as Trustee;
4. Appointing a new Trustee as prescribed by the Trust;
5. For costs of suit; attorney fees and for such other and further relief as the court deems proper.

NEEDS/PROBLEMS/COMMENTS:

1. **Petition states a copy of the amendment is attached as Exhibit A to the petition. However there are no attachments to the petition filed with the court.**
2. **Petitioner alleges he has a copy of an Amendment to the trust dated October 29, 1988. Petition states the Trust was established on May 9, 1991 which is *after* the date of the amendment. Need clarification.**
3. **Need proposed order.**

Reviewed by: KT

Reviewed on: 12/5/11

Updates:

Recommendation:

File 10 - Chaffer

Dept. 303, 9:00 a.m. Monday, December 12, 2011

11 **Stacy Lynn Moore (CONS/PE)** **Case No. 0489148**

Atty **Humpal, Leroy C (for Conservators Rosemarie Swearingen and Maile Moore)**

Probate Status Hearing Re: Failure to File Annual or Biennial Account

Age: 36 years **DOB: 4/19/1975**	**ROSEMARIE A. SWEARINGEN** and **MAILE MOORE**, were appointed co-Conservators of the person and estate on 12/20/1993. First account was due 12/20/1994. **Court Investigator JoAnn Morris' Report filed on 8/30/11**.	**NEEDS/PROBLEMS/COMMENTS:** 1. **Need current status report or first account.**
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: KT**
Status Rpt		**Reviewed on: 12/5/11**
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 11 - Moore**

Dept. 303, 9:00 a.m. Monday, December 12, 2011

12 Brythalia Espinoza (GUARD/P) **Case No. 10CEPR01109**

Atty Risueno, Alicia Nunez (Pro Per/Maternal Grandmother – Guardian)

Status Hearing Re: Update for Any Changes

Age: 5 years		
DOB: 6-16-06		
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	x
	UCCJEA	
	Citation	
	FTB Notice	

ALICIA NUNEZ RISUENO, maternal grandmother, was appointed Guardian on 4/12/11.

Father: Fernando Espinoza
Mother: Ditania Risueno
Paternal grandfather: Alfredo Espinoza
Paternal grandmother: Alfadalia Espinoza (*deceased*)
Maternal grandfather: Alodio Risueno

Background:

- **On 3/12/11,** Guardian obtained a domestic violence restraining order against Mother in 11CEFL01210 that expires 3-21-14 and includes protection for minor Brythalia; **however, per the 3-21-11 minute order, the Probate Court has the authority to include an exception for brief and peaceful contact if guardianship is granted.**
- **On 4-12-11,** the court granted the guardianship and ordered supervised visitation for Mother **DITANIA RISUENO**, to be supervised by her father (maternal grandfather **ALODIO RISUENO**) twice a week for two hours each day, every Sunday with either a Monday or a Saturday visit depending on Mother's work schedule. *The Court set a Review Hearing regarding Visitation for 6/13/2011.*
- **6/13/11 Minute Order states: Alicia Nunez Risueno's son, Diego, is present and interprets for Ms. Risueno in the spanish language. Visits remain the same for Ditania Risueno. Alicia Risueno states to the Court that the minor, Brythalia Espinoza, has a passport. The Court allows Alicia Risueno to take the child to Mexico this summer for up to four weeks; however, the Court also expects visits to increase for mother, Ditania Risueno, prior to the four-week vacation and after the four-week vacation. [The Court set the matter for hearing on 9/12/11 for Update for Any Changes.]**

NEEDS/PROBLEMS/COMMENTS:

Continued from 9/12/11. Minute Order states: Diego Risueno is sworn and interprets for Alicia Risueno. The Court is advised that the mother has not participated in any visitation since the last court date. The Court orders that Alicia Risueno continue to make the child available for visitation. The Court further orders that supervised visitation remain as previously ordered and all prior orders remain in full force and effect.

1. Need status or update of any changes.

Notes:

- **Parties are Spanish-speaking.**
- **Guardian/Maternal Grandmother Alicia Risueno has a domestic violence restraining order against Mother Ditania Risueno that includes protection for the minor Brythalia Espinoza in 11CEFL01210 that expires 3-21-14; however, per minute order 3-21-11, the probate court has the authority to include an exception for brief and peaceful contact.**
- **Visitation Order (Minute Order of 4/12/11) ordered supervised visitation for Mother DITANIA RISUENO, to be supervised by her father (maternal grandfather ALODIO RISUENO) twice a week for two hours each day, every Sunday with either a Monday or a Saturday visit depending on Mother's work schedule.**

Updates:

Contacts: copy of notes in file.

Reviewed on: 12/7/11

Reviewed by: NRN

File 15 – Espinoza

13 Anthony Perez & Bobby Gray (GUARD/P) Case No. 11CEPR00661

Atty Ruiz, Francisco (pro per Petitioner)
Atty Ruiz, Rebecca (pro per Petitioner)

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

Anthony age: 4 months
DOB: 5/27/11

Bobby age: 1 year
DOB: 6/29/10

Cont. from 091911

	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	

TEMPORARY EXPIRES 12/12/11

FRANCISCO RUIZ and **REBECCA RUIZ,** maternal uncle and aunt, are Petitioners.

Father: **ROY PEREZ –** *personally present in court on 9/11/11.* .
Mother: **ASHLEY GRAY** – *consents and waives notice*

Paternal grandfather: Not Listed
Paternal grandmother: Not Listed

Maternal grandfather: Not Listed
Maternal grandmother: Josie Gray – *consents and waives notice.*

Petitioners state that parents are on drugs and there is domestic violence between them. Anthony was born premature and Petitioners have been caring for him since birth. CPS placed the children with petitioners on 07/05/11.

Court Investigator Julie Negrete's Report filed on 9/12/11

Court Investigator Julie Negrete's Supplemental report filed on 9/14/11

NEEDS/PROBLEMS/COMMENTS:

Continued from 9/19/11. Minute order states Examiner notes and ICWA-030 Notice of Child Custody Proceeding for Indian Child handed to Francisco Ruiz in open court. Later on the Record: Roy Perez, father, makes an appearance. Mr. Perez is notified of the 12/12/11 hearing. Mr. Perez does not object to the guardianship and provides his mailing address. ***As of 12/2/11 the following issues remain:***

1. Court Investigator's report indicates according to Mrs. Ruiz, the [mother] Ashley Gray's paternal grandmother has said she is part Cherokee but said there was no registry. Therefore, a *Notice of Child Custody Proceeding for Indian Child* (Form ICWA-030), must be served together with copies of petition and all attachments, including this form, on the child's parent; any Indian custodian; any Indian tribe that may have a connection to the child; the Bureau of Indian Affairs (BIA), and possibly the U.S. Secretary of the Interior, by certified or registered U.S. Mail, return receipt requested. (Please see Probate Code 1460.2, and CA Rules of Court 7.1015)
2. Per item 1 above, Petitioners will need to return the completed copy of the *Notice of Child Custody Proceeding for Indian Child* to the probate clerk. The probate clerk will then mail the notice to the required agencies as required.
3. Need *Notice of Hearing.*
4. Need proof of service at least 15 days before the hearing of *Notice of Hearing* with a copy of the *Petition* or Consent and Waiver of Notice:
   a. Paternal grandparents
   b. Maternal grandfather
5. *Confidential Screening Forms* list the same SSN for both Petitioners and is missing Driver License information for either Petitioner.

Reviewed by: KT

Reviewed on: 12/2/11

Updates:

Recommendation:

File 13 – Perez & Gray

Dept. 303, 9:00 a.m. Monday, December 12, 2011

14 Zahden Bradshaw & Tamia Crawford (GUARD/P) Case No. 11CEPR00803
Atty Johnson, Laganda (pro per Petitioner/maternal grandmother)
Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Zahden age: 3 years DOB: 8/14/08		
Tamia age: 2 years DOB: 11/4/09		
Cont. from 110711		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
	Conf. Screen	X
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

THERE IS NO TEMPORARY.
No temporary was requested.

LAGANDA JOHNSON, maternal grandmother, is petitioner.

Zahden's father: **JESUS GARCIA** – *declaration of due diligence filed on 9/8/11*.

Tamia's father: **FREDDIE CRAWFORD**

Mother: **SHANISHA AKINS**

Zahden's paternal grandparents: Unknown – *declaration of due diligence filed on 9/8/11*.
Tamia's paternal grandfather: Unknown - *declaration of due diligence filed on 9/8/11*.
Tamia's paternal grandmother: Ana Garcia
Maternal grandfather: Steven Akins - *declaration of due diligence filed on 9/8/11*.

Petitioner states mom is not taking care of the children. She has been roaming around from place to place. She has left them with Petitioner and others for days at a time. This time Petitioner states she has had the children for over 2 months.

Court Investigator Dina Calvillo's Report filed on 10/27/11.

NEEDS/PROBLEMS/COMMENTS:

Continued from 11/7/11. Minute Order states there has been no service on Freddie Crawford (Tamia's father) and Jesus Gardia (Zahden's father). Freddie Crawford and Jesus Garcia need to be noticed. ***As of 12/2/11 the following issues remain:***

1. **Need *Notice of Hearing.***
2. **Need proof of personal service of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence on:**
   a. **Freddie Crawford (Tamia's father)**
   b. **Shanisha Akins (mother)**
   c. **Jesus Garcia (Zahden's father)-***if court does not dispense with notice.*
3. **Need proof of service of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence on:**
   a. **Ana Garcia (Tamia's paternal grandmother)**
   b. **Zahden's paternal grandparents -***if court does not dispense with notice.*
   c. **Tamia's paternal grandfather -***if court does not dispense with notice.*
   d. **Steven Akins (maternal grandfather) -***if court does not dispense with notice*
4. **Need Confidential Guardian Screening form.**

Reviewed by: KT
Reviewed on: 12/2/11
Updates:
Recommendation:
File 14 – Bradshaw & Crawford

15A Nerine Amavisca, Noe Amavisca, Natalie Amavisca and Nadine Amavisca (GUARD/P)

Case No. 11CEPR00901

Atty Gonzales, Yolanda (pro per Paternal grandmother/proposed guardian of Nerine and Natalie)

Atty Amavisca, Renee (pro per Petitioner/paternal aunt/proposed guardian of Noe and Nadine)

Atty Amavisca, Monica (pro per Objector/mother)

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

Nerine age: 10 years DOB: 4/6/01		
Noe age: 9 years DOB: 8/18/02		
Natalie age: 4 years DOB: 7/19/07		
Nadine age 2 years DOB: 12/7/09		
Cont. from		
✓	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 12/12/11

YOLANDA GONZALES, paternal grandmother, is petitioner.

Father: **SAMUEL AMAVISCA** – *deceased*.

Mother: **MONICA AMAVISCA**

Paternal grandfather: Samuel Amavisca
Maternal grandfather: Rick Sandhu
Maternal grandmother: Lupe Rios

Petitioner states ????

Objections of Mother, Monica Amavisca filed on 10/19/11 states her husband died and she had to move out of her home because it was too much for them. She states she didn't have a permanent place to live so she asked Yolanda to take the kids until she got her apartment. Yolanda agreed and now that she has the apartment they don't want to give the kids back.

Court Investigator Samantha Henson's Report filed on 11/30/11

NEEDS/PROBLEMS/COMMENTS:

This petition is as to NERINE and NATALIE ONLY.

Minute order for the hearing on the temporary petition dated 10/25/11 vacated the general hearing date of 12/7/11 and rescheduled it to 12/12/11 stating mother is to be notified of the 12/12/11 hearing date.

1. **Need *Notice of Hearing*.**
2. **Need proof of personal service of the *Notice of Hearing* along with a copy of the Petition or consent and waiver of notice or declaration of due diligence on:**
   a. **Monica Amavisca (mother)**
3. **Need proof of service of the *Notice of Hearing* along with a copy of the Petition or consent and waiver of notice or declaration of due diligence on:**
   a. **Samuel Amavisca (paternal grandfather)**
   b. **Rick Sandhu (maternal grandfather)**
   c. **Lupe Rios (maternal grandmother)**
4. **Petition does not state why the guardianship is necessary.**
5. **UCCJEA is incomplete. Need residence information for the minors from 2006 to 11/24/10.**

Reviewed by: KT
Reviewed on: 12/6/11
Updates:
Recommendation:
File 15B - Amavisca

Dept. 303, 9:00 a.m. Monday, December 12, 2011

15B Nerine Amavisca, Noe Amavisca, Natalie Amavisca and Nadine Amavisca (GUARD/P)

Case No. 11CEPR00901

Atty Gonzales, Yolanda (pro per Paternal grandmother/proposed guardian of Nerine and Natalie)

Atty Amavisca, Renee (pro per Petitioner/paternal aunt/proposed guardian of Noe and Nadine)

Atty Amavisca, Monica (pro per Objector/mother)

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

Nerine age: 10 years DOB: 4/6/01		
Noe age: 9 years DOB: 8/18/02		
Natalie age: 4 years DOB: 7/19/07		
Nadine age 2 years DOB: 12/7/09		
Cont. from		
✓	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 12/12/11

RENEE AMAVISCA, paternal aunt, is petitioner.

Father: **SAMUEL AMAVISCA** – deceased.

Mother: **MONICA AMAVISCA**

Paternal grandfather: Samuel Amavisca
Maternal grandfather: Rick Sandhu
Maternal grandmother: Lupe Rios

Petitioner states ????

Objections of Mother, Monica Amavisca filed on 10/19/11 states her husband died and she had to move out of her home because it was too much for them. She states she didn't have a permanent place to live so she asked Yolanda to take the kids until she got her apartment. Yolanda agreed and now that she has the apartment they don't want to give the kids back.

Court Investigator Samantha Henson's Report filed on 11/30/11

NEEDS/PROBLEMS/COMMENTS:

This petition is as to NOE and NADINE ONLY.

Minute order for the hearing on the temporary petition dated 10/25/11 vacated the general hearing date of 12/7/11 and rescheduled it to 12/12/11 stating mother is to be notified of the 12/12/11 hearing date.

6. **Need *Notice of Hearing*.**

7. **Need proof of personal service of the *Notice of Hearing* along with a copy of the Petition or consent and waiver of notice or declaration of due diligence on:**
   b. **Monica Amavisca (mother)**

8. **Need proof of service of the *Notice of Hearing* along with a copy of the Petition or consent and waiver of notice or declaration of due diligence on:**
   d. **Samuel Amavisca (paternal grandfather)**
   e. **Rick Sandhu (maternal grandfather)**
   f. **Lupe Rios (maternal grandmother)**

9. **Petition does not state why the guardianship is necessary.**

10. **UCCJEA is incomplete. Need residence information for the minors from 2006 to 11/24/10.**

Reviewed by: KT
Reviewed on: 12/6/11
Updates:
Recommendation:
File 15B - Amavisca

Dept. 303, 9:00 a.m. Monday, December 12, 2011

16 Bianca Monique Vega (GUARD/P) **Case No. 11CEPR00913**

Atty Gaytan, Rudolph (pro per Petitioner/maternal grandfather)

Atty Gaytan, Linda Christina (pro per Petitioner/maternal step-grandmother)

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

Age: 16 years
DOB: 8/16/1995

Cont. from

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

TEMPORARY EXPIRES 12/12/11

RUDOLPH EDWARD GAYTAN and **LINDA CHRISTINA GAYTAN,** maternal grandfather and maternal step-grandmother, are petitioners.

Father: **MIGUEL ANGEL VEGA SR.** – *personally served on 10/11/11*.

Mother: **NELLIE CRUZ VEGA –** *personally served on 10/11/11*.

Paternal grandfather: Unknown
Paternal grandmother: Unknown
Maternal grandmother: Rachel Juarez – *served on 11/14/11*

Petitioners state the minor's parents threw her out of the home and she does not want to return to live with them again. Petitioners believe that for her emotional health she should remain with them.

Court Investigator Samantha Henson's Report was filed on 12/5/11.

NEEDS/PROBLEMS/COMMENTS:

1. **Need proof of service of the *Notice of Hearing* along with a copy of the Petition or consent and waiver of notice or declaration of due diligence on:**
   a. **Paternal grandparents (unknown)**

Reviewed by: KT

Reviewed on: 12/6/11

Updates:

Recommendation:

File 16 - Vega

Dept. 303, 9:00 a.m. Monday, December 12, 2011

17 Cameron Bartlow & Todd J Bartlow (GUARD/P) Case No. 11CEPR00916

Atty Zink, Buddie (pro per – maternal grandmother/Petitioner)

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

Todd, 5		
DOB: 09/22/06		
Cameron, 4		
DOB: 10/02/07		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
	Aff.Mail	x
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	n/a
✓	**Conf. Screen**	
✓	**Letters**	
✓	**Duties/Supp**	
	Objections	
	Video Receipt	
✓	**CI Report**	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
✓	**UCCJEA**	
	Citation	
	FTB Notice	

TEMPORARY EXPIRES 12/12/11

BUDDIE ZINK, maternal grandmother, is Petitioner.

Father: **BLAINE BARTLOW** – *consent & waiver of notice filed 10/21/11*

Mother: **CHRISTY LEE LONG** – *consent & waiver of notice filed 11/04/11*

Paternal grandfather: UNKNOWN – *declaration of due diligence filed 11/04/11*
Paternal grandmother: LYNN BARTLOW

Maternal grandfather: KENNETH LONG, JR.

Petitioner states that the parents are homeless and abusing drugs. Their priority has not been caring for the children. Todd, who is of school age was never placed in school. Petitioner states that the mother placed the children in her care on 10/01/11. Petitioner states that temporary guardianship is necessary so that she can enroll Todd in school and Cameron in pre-school and also to seek medical attention. Further, petitioner states that she fears that the mother will change her mind and remove the children from her home.

Court Investigator Charlotte Bien's report was filed 11/28/11.

NEEDS/PROBLEMS/COMMENTS:

1. **Need proof of service by mail at least 15 days before the hearing of *Notice of Hearing* with a copy of the *Petition for Guardianship* <u>or</u> Consent and waiver of notice <u>or</u> Declaration of Due Diligence for:**
   - Kenneth Long, Jr. (maternal grandfather)
   - Lynn Bartlow (paternal grandmother)
   - Paternal grandfather (unknown) – *unless diligence is found, declaration of due diligence filed 11/04/11*

Reviewed by: JF	
Reviewed on: 12/06/11	
Updates:	
Recommendation:	
File 17 - Bartlow	

Dept. 303, 9:00 a.m. Monday, December 12, 2011

18 Angelica Ramirez, Alyssa Ramirez, Savannah Ramirez and Marissa Ramirez (GUARD/P) **Case No. 11CEPR00917**

Atty Silva, Monica (pro per Petitioner/paternal aunt)

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

Angelica age: 13 years DOB: 11/3/1998		
Alyssa age: 11 years DOB: 12/22/1999		
Savannah age: 10 years DOB: 6/1/2001		
Marissa age: 8 years DOB: 5/30/2008		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W/
	Aff.Pub.	
	Sp.Ntc.	
✓	Pers.Serv.	W/
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

TEMPORARY EXPIRES 12/12/11

MONICA SILVA, paternal aunt, is petitioner.

Father: **RONNIE RAMIREZ** – *personally served on 10/17/11*

Mother: **JANEL MONTEZ (RAMIREZ)** - *personally served on 10/17/11*

Paternal grandfather: Ernest Silva – *served on 10/14/11*
Paternal grandmother: Eloise Silva - *served on 10/14/11*
Maternal grandfather: Mr. Lujan – deceased
Maternal grandmother: Angie Lujan - *served on 10/14/11*.

Petitioner states the minors have been living with her since December 2010. The parents have a history of domestic violence and substance abuse. Guardianship is needed so that the petitioner can change the benefits the children receive into her name. The father is the one receiving the food stamps and MediCal. Neither parent is willing to sign a consent however they are both willing to let the Petitioner have custody of the children and watch her struggle to properly care for them.

Court Investigator Jennifer Daniel's Report filed on 12/6/11.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: KT

Reviewed on: 12/6/11

Updates:

Recommendation:

File 18 - Ramirez

19 Noah Vang & Christian Vang (GUARD/P) **Case No. 06CEPR00894**

Atty Carrasco, Chue Vang (pro per – paternal aunt/Petitioner)

Atty Carrasco, Octavio (pro per – paternal uncle/Petitioner)

Petition for Appointment of Temporary Guardianship of the Person

Noah, 6 **DOB: 01/13/05**		
Christian, 2 **DOB: 11/18/09**		
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	

GENERAL HEARING 01/30/12

CHUE VANG CARRASCO and **OCTAVIO CARRASCO,** paternal aunt and uncle, are Petitioners.

Father: **YEE VANG** – *personally served 12/01/11*

Mother: **MICHELLE MOUA** – *personally served 12/01/11*

Paternal grandfather: VA CHA VANG
Paternal grandmother: NENG LEE

Maternal grandfather: TERRY MOUA
Maternal grandmother: CYNTHIA MOUA

Sibling: JACOB VANG (infant)

Petitioners state that Noah has lived with them since August 22, 2011. His parents were not providing for his basic needs or supporting his education. Petitioners state that temporary guardianship is needed in the case of a medical emergency and to be able to communicate with Noah's teachers about his school performance.

NEEDS/PROBLEMS/COMMENTS:

This Temporary Petition appears to only apply to NOAH. Petitioners have filed for general guardianship of both NOAH and CHRISTIAN.

Note: Per UCCJEA, Christian is residing with his parents.

Reviewed by: JF	
Reviewed on: 12/06/11	
Updates:	
Recommendation:	
File 19 – Vang	

Dept. 303, 9:00 a.m. Monday, December 12, 2011