1A Louis Brosi, Sr. (Trust) Case No. 07CEPR01213

Atty Keeler Jr., William J. (of DAK, for Cindy Snow Henry – Trust Beneficiary – Petitioner)
Atty Klassen, Kenton J. (of DAK, also for Cindy Snow Henry – Trust Beneficiary – Petitioner)
Atty Abrams, Robert C. (of Pascuzzi, Moore & Stoker, for Louis Brosi, Jr. – Trustee)
Atty Jaech, Jeffrey A. (of Caswell Bell, formerly for Louis Brosi, Jr. – Trustee)
Atty Paloutzian, Dirk (of BMJ, formerly for Louis Brosi, Jr. – Trustee)

Notice of Motion and Motion to Compel Performance Under Settlement Agreement

Louis Brosi, Sr.
DOD: 8-1-79

Stella Brosi
DOD: 10-29-05

Cont. from 051011, 070511, 082311, 091911 (Status Conf.), 101811

	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	

CINDY SNOW HENRY, Trust Beneficiary, is Petitioner.

Petitioner states on 3-5-09 the parties reached agreement and the settlement was placed on the record with parties and counsel present. **Petitioner seeks to have the court order Louis Brosi III to carry out the acts necessary to partition the property into three parcels anticipated and directed by the settlement.**

Petitioner states the land is still owned jointly by several parties: Louis Brosi, Jr., Doris Brosi, Petiitoner Cindy Snow Henry, and her brother Robert Snow; the settlement provided for partition of the property into three parcels.

Petitioner requests that the court compel Louis Brosi III to partition the parcel and pay the associated costs. Petitioner states Louis Brosi III has had more than two years, but to Petitioner's knowledge has made no effort to perform. Petitioner states that upon partition, the property can be used to earn income, provde collateral, or be sold for Petitioner's benefit or to pay off debts against the property.

Petitioner seeks relief to prevent the diminution of value of the property to be received by Petitioner. Petitioner states that during the past two years, what Louis Brosi III has effectively done by his failure to act or act in good faith is to run up interest charges against Petitioner and/or her property. Petitioner alleges that he has intentionally failed ot act in good faith and his true intent is to "steal" the property from Petitioner by his inaction.

Petitioner requests that the court order Louis Brosi III to take those actions necessary to complete the partition described in the settlement agreement and to present to Petitioner within 120 days the documents necessary to implement the division.

Louis Brosi, Jr.'s Opposition filed 4-28-11 states new issues have arisen since settlement.

SEE PAGE 2

NEEDS/PROBLEMS/COMMENTS:

Minute Order 5-10-11:
The matter is continued to 7-5-11 to allow Mr. Klassen an opportunity to receive the information from both counsel. Matter also set for status (1B).

Minute Order 7-5-11:
Matter continued to 8-23-11.

Minute Order 8-23-11:
Mr. Franco requests additional time to file a motion. The Court directs Mr. Franco to file his motion by 9-27-11. The Court sets a hearing on the pending motion for 10-18-11.

Minute Order 10-18-11: Mr. Franco informs the Court that Mr. Abrams will be substituting out as counsel. Mr. Franco further advises that Mr. Zangle is out of the country. The Court continues the matter to 12-15-11 and vacates the 11-14-11 hearing date.

Note: No motion has been filed. A Status Conference was held on 9-19-11. See Page 3B.

Note: As of 12-8-11, nothing further has been filed.

Note: Atty Franco represents Louis Brosi, III in the Estate of Thomas Brose (Page 3). It does not appear that this party has yet made an appearance in this case.

Updates:

Contacts: Reviewed 12-8-11

Recommendation:

Reviewed by: skc

File 1A - Brosi

Dept. 303, 9:00 a.m. Thursday, December 15, 2011

1A Louis Brosi, Sr. (Trust) Case No. 07CEPR01213

Atty Keeler Jr., William J. (of DAK, for Cindy Snow Henry – Trust Beneficiary – Petitioner)
Atty Klassen, Kenton J. (of DAK, also for Cindy Snow Henry – Trust Beneficiary – Petitioner)
Atty Abrams, Robert C. (of Pascuzzi, Moore & Stoker, for Louis Brosi, Jr. – Trustee)
Atty Jaech, Jeffrey A. (of Caswell Bell, formerly for Louis Brosi, Jr. – Trustee)
Atty Paloutzian (of BMJ, formerly for Louis Brosi, Jr. – Trustee)

Notice of Motion and Motion to Compel Performance Under Settlement Agreement

Summary (Continued):

Louis Brosi, Jr.'s Opposition filed 4-28-11 states new issues have arisen since settlement:

- In addition to the partition, the settlement required that Petitioner's parcel would secure three deeds of trust with interest only payable quarterly by Petitioner and all due in five years, including:
  - Note secured by 1st deed of trust payable to Louis Brosi III for $117,000.00
  - Note secured by 2nd deed of trust payable to Louis Brosi, Sr., and Doris Brosi for $50,000.00
  - Note secured by 3rd deed of trust payable to Louis Brosi III for 1/3 of the partition costs, capped at $30,000.00. (Louis Brosi III was to front the costs for the parcel maps.)

- Petitioner has failed to make payments on any of the notes to date.

- Respondent is informed and believes that Louis Brosi III does not have the financial ability to front the costs as originally anticipated.

- The $30,000.00 cap on Petitioner's note for 1/3 of the cost of the maps is insufficient to cover her 1/3 share.

- There are required use easements and road and other public dedications along Chestnut that should be excluded from the gross parcel prior to determining the size of each of the three parcels.

- The trust has no funds and no income. Louis Brosi, Jr., and his wife Susan Brosi have been advancing personal funds annually, and Louis Brosi, Jr., is not receiving trustee fees for administering the trust.

Respondent concludes that based on Petitioner's non-performance and non-compliance with this court's order, her motion to compel should be denied.

Respondent requests the court order mediation to resolve the details of the new issues.

Dept. 303, 9:00 a.m. Thursday, December 15, 2011

1B **Louis Brosi, Sr. (Trust)** **Case No. 07CEPR01213**

Atty **Keeler Jr., William J. (of DAK, for Cindy Snow Henry – Trust Beneficiary – Petitioner)**
Atty **Klassen, Kenton J. (of DAK, also for Cindy Snow Henry – Trust Beneficiary – Petitioner)**
Atty **Abrams, Robert C. (of Pascuzzi, Moore & Stoker, for Louis Brosi, Jr. – Trustee)**
Atty **Jaech, Jeffrey A. (of Caswell Bell, formerly for Louis Brosi, Jr. – Trustee)**
Atty **Paloutzian, Dirk (of BMJ, formerly for Louis Brosi, Jr. – Trustee)**

Status Hearing Re: Pending Motion By Mr. Franco

Cont. from 101811

	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	

CINDY SNOW HENRY, Trust Beneficiary, filed Notice of Motion and Motion to Compel Performance Under Settlement Agreement on 3-15-11. (See Page 3A.)

LOUIS BROSI, JR., Trustee, filed an Opposition on 4-28-11 that new issues have arisen since settlement.

This hearing was continued from hearings on 5-10-11, 7-5-11, 8-23-11 and 10-18-11.

Additionally, a Status Conference was held 9-19-11.

Minute Order 9-19-11: Susan Brosi leaves the courtroom prior to the Court going on the record. All counsel present - Gilmore, Franco, Abrams - meet in chambers. Counsel is to speak with each respective client re: new appraisal on subject property and the Court encourages counsel to discuss costs & time. Each party is immediately responsible for any [appraiser - Carol Laval or George "Zangel"] retainer and 1/3 cost of appraisal. **Assuming parties agree on an idea of an appraisal [no later than the close of business on Sept. 21st], dates of 9/29 and 10/18 are off calendar, an 11/14/11 court date is set @ 3:00 p.m.** Any motions are to be filed by Oct. 24th, and the other Brosi matter (case to be provided to Manager Anita Morris) is also set for 11/14. If no agreement on an appraisal, the hearing date of 10/18 remains, and any further motion is to be filed by 9/29/2011.

Minute Order 10-18-11: Mr. Franco informs the Court that Mr. Abrams will be substituting out as counsel. Mr. Franco further advises that Mr. Zangle is out of the country. The Court continues the matter to 12/15/11 and vacates the 11/14/11 hearing date.
Continued to 12/15/11.

As of 12-8-11, nothing further has been filed.

NEEDS/PROBLEMS/COMMENTS:

Note: The "other Brosi matter" referred to in the minute order of 9-19-11 is the Thomas Eugene Brosi Probate Estate 08CEPR00559 (Page 3 of this calendar).

Reviewed by: skc
Reviewed on: 12-8-11
Updates:
Recommendation:
File 1B - Brosi

Dept. 303, 9:00 a.m. Thursday, December 15, 2011

2 **Tatiana Ledaiev (Estate)** **Case No. 08CEPR00104**

Atty **Markeson, Thomas A. (for Maria Kapssof – Executor – Petitioner)**

Report of Sale and Petition for Order Confirming Sale of Real Property (Prob. C. 2540, 10308)

DOD: 8-25-07		
	Aff.Sub.Wit.	
✔	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✔	**Notice of Hrg**	
✔	**Aff.Mail**	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✔	**Letters**	5-27-08
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✔	**Order**	
✔	**Aff. Posting**	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

MARIA KAPSSOF, Executor with full IAEA without bond, is Petitioner.

Sale price: $173,000.00
Overbid: $182,150

Reappraisal: $175,000.00

Property: 6315 West Olive
Fresno, CA 93723

Publication: Not required

Buyer: Carlos Amaya, a single man, as his sole and separate property

Broker: $8,000.00 to Cal-Prime Realty on sale to original buyer. No commission is owed on a sale to any other successful overbidder.

Petitioner states she has been trying to sell the property since her appointment in May of 2008. Petitioner has had the property listed with several different brokers, all of whom listed the property on the MLS.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: skc

Reviewed on: 12-8-11

Updates:

Recommendation:

File 2 - Ledaiev

Dept. 303, 9:00 a.m. Thursday, December 15, 2011

3 Thomas Eugene Brosi (Estate) Case No. 08CEPR00559

Atty Franco, Paul C. (for Louis C. Brosi, III – Brother – Administrator)
Atty Schneider, David D. (for Creditor McKenzie Farms, LLC – Objector)

Amended First and Final Account, Report of Administrator and Petition for Dismissal of Probate Proceeding

DOD: 5-8-08		
Cont. from 071211, 082311, 101811		
	Aff.Sub.Wit.	
✔	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

LOUIS C. BROSI, III, brother and Administrator with full IAEA without bond, is Petitioner.

Account period: 5-8-08 through 3-30-11

Accounting:	$	1,042,500.00
Beginning POH:	$	1,042,500.00
Ending POH:	$	0.00

Petitioner states the estate is insolvent and requests that the court dismiss this probate action.
Petitioner states:

- 15 creditor's claims were filed totaling $272,306.96. No creditors have been paid; all claims have been rejected.
- Inventory and Appraisal Partial No. 1 reflects Decedent's 50% interest in HB Partners LLC valued at $282,500.00.
- Inventory and Appraisal Partial No. 2 reflects Decedent's interest in two parcels of real property at Alluvial and Chestnut in Fresno valued at $760,000.00.
- Inventory and Appraisal Partial No. 3 reflects Decedent's 100% interest in Tommy Rock Landscaping and Nursery Supplies, Inc., valued at $0.00.
- The LLC owned real property on McCall in Selma that carried a note for $240,000.00. The estate and the LLC's other partner could not afford the monthly payments or the upcoming balloon payment, so the McCall property was transferred to a third party for the amount of the debt to avoid foreclosure. At the time of the transfer, the estate was in default of the note for over $56,000.00.
- The Decedent's interest in the Alluvial property was challenged in a civil action and the settlement resulted in the estate being divested of Decedent's interest in the property without reimbursement or consideration.
- The corporation had not paid rent to the property owners (the beneficiaries herein) since Decedent's death; the nursery inventory was abandoned and much has already died. Other stock was taken by the landlord and used to offset unpaid rent once the property and stock were abandoned by the corporation and estate.

SEE PAGE 2

NEEDS/PROBLEMS/COMMENTS:

Minute Order 8-23-11: Counsel *[Paul Franco for Administrator]* advises the Court that the Moxley matter *[Opposition by Creditor McKenzie Farms]* is gone, and the only issue that is being dealt with is the issue regarding the Attorney General. Counsel further advises that he has been trying to reach a resolution with the Attorney General. Matter continued to 10-18-11.

As of 12-8-11, nothing further has been filed.

1. **Decedent's 100% interest in the corporation is valued at $0.00 and Petitioner states that the stock died and was abandoned after Decedent's death; however, Examiner notes that the appraisal should reflect the value as of the Decedent's date of death, and any abandonment or disposition after that date may be considered a loss to the estate. Need clarification.**
2. **Petitioner states the McCall property was transferred to a third party to avoid foreclosure. The court may require clarification and may consider this action an unauthorized distribution.**
3. **Petitioner refers to Decedent's vehicles that were returned to creditors to satisfy claims; however, no vehicles were inventoried. If the vehicles were part of the corporation, their values would have been reflected in that appraisal. Further, such losses are not reflected in any schedules. Need clarification.**

Updates:

Contacts: Reviewed 10-7-11

Recommendation:

Reviewed by: skc

File 3 - Brosi

3 Thomas Eugene Brosi (Estate) Case No. 08CEPR00559

Atty Franco, Paul C. (for Louis C. Brosi, III – Brother – Administrator)
Atty Schneider, David D. (for Creditor McKenzie Farms, LLC – Objector)

Amended First and Final Account, Report of Administrator and Petition for Dismissal of Probate Proceeding

SUMMARY (Continued):

- The corporation was involved in litigation to recover assets that were allegedly taken from the corporation. Minimal property was recovered. Further, the corporation was audited by the State Board of Equalization and charged $142,991.59 for unpaid sales tax. "In any event, the corporation is insolvent and does not anticipate the recovery of any significant assets which would change this."

- The Decedent's truck was returned to the creditor, Ford Motor Company, to resolve that debt. Other finance creditors had their property returned to them, such as bobcats and tractors, to satisfy their claims.

- No assets remain and accounting has been waived by the beneficiaries.

Petitioner prays for an Order that the probate be dismissed in its entirety.

Notice of Pendency of Action filed 6-20-11 by Attorney General Kamala Harris states that on 6-13-11, the California State Board of Equalization filed a complaint on the Creditor's Claim after its rejection in this probate case as Fresno Superior Court Case 11CECG02043. There is a court date in that matter set for 10-24-11.

12-8-11 Examiner notes that it appears this matter has been dismissed. Need verification.

Minute Order 10-18-11: Mr. Franco informs the Court that Mr. Abrams will be substituting out as counsel. Mr. Franco further advises that Mr. Zangle is out of the country. The Court continues the matter to 12/15/11 and vacates the 11/14/11 hearing date. Continued to 12/15/11.

Dept. 303, 9:00 a.m. Thursday, December 15, 2011

4 **Ruth C. Vance (Estate)** **Case No. 08CEPR00655**

Atty **Shepard, Jefferson S. (for Lloyd Vance and Paulette Cox – Co-Executors)**

(1) Petition for Final Distribution and (2) for Allowance of Statutory Attorneys Fees on Waivers of Accounting and Notice

DOD: 05/20/08		
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**	

LLOYD VANCE and **PAULETTE COX,** Co-Executors, are Petitioners.

Accounting is waived.

I & A - **$77,270.52**
POH - **$62,455.08**
($10,455.08 is cash)

Executors - **waive**

Attorney - **$3,090.92** (statutory)

Closing - **$1,500.00**

Distribution, pursuant to decedents Will, is to:

Lloyd Vance - $2,932.08 cash, plus ½ interest in real property

Paulette Cox - $2,932.08 cash, plus ½ interest in real property

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: JF

Reviewed on: 12/08/11

Updates:

Recommendation: SUBMITTED

File 4 - Vance

Dept. 303, 9:00 a.m. Thursday, December 15, 2011

5 Jefferson Davis, Sr. (Estate) Case No. 10CEPR00654

Atty Matlak, Steven M. (for Jeff Davis, Jr., Administrator – Petitioner)

Petition for Instructions Allowing Administrator to Allow Foreclosure of Estate RealProperty (Probate Code 9611)

DOD: 4/22/10		
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	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
√	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

JEFF DAVIS, JR., Administrator, is Petitioner.

Petitioner states:

- He was appointed as Administrator on 9/2/10 with full IAEA powers; however, Petitioner was unable to meet the bond requirements;
- Therefore, by court order of 12/9/10, the IAEA powers were revoked and Petitioner ordered not to take possession of any estate property without court order; the new *Letters of Administration* issued on 12/13/10;
- The *Inventory & Appraisal*, filed 3/16/11, includes improved real property located on Kearney Blvd in Fresno, and the appraised value at Decedent's death was $140,000.00;
- Decedent purchased the property in April 2007 for $210,000.00 with 100% financing through GMAC Mortgage (Petitioner believes GMAC still owns the Note);
- Pursuant to C.C.P. 530b, Decedent was not personally liable to GMAC for deficiencies under the Note, and accordingly, Decedent's estate is not liable;
- At the time of his death, Decedent was current on the Note and it was being handled by the Public Guardian's office as Conservator of Decedent's Estate;
- Petitioner does not have a copy of the Note in his possession, however Petitioner believes the Note became delinquent on 12/1/10, with a remaining principal balance of $191,223.05 *(1/14/11GMAC mortgage statement attached to Petition);*
- Because the obligation amount exceeded the real property's value, Petitioner's counsel attempted to notify GMAC in April and May 2011 that no further payment would be made on the Note by Decedent's estate and offered to convey the real property to GMAC if it would accept the real property in complete satisfaction of its claim against the estate and all parties interest in the estate under the Note;
- No response was ever received from GMAC; on 8/1/11, Petitioner received a copy of the Notice of Default and Election to Sell *(copy attached to Petition);*
- Because Decedent was not in default at the time of his death, GMAC had no claim against Decedent and the filing of a creditor's claim is not required under PrC §§9002 or 9391;
- On 1/14/11, GMAC took possession of the real property;
- Petitioner believes that foreclosure is to the estate's advantage because the estate's obligation under the Note will be completely extinguished by the foreclosure sale as a result of the antideficiency statute (C.C.P. 580b mentioned above), and thereby saving the estate.

<u>Petitioner requests</u> an order authorizing Petitioner to allow the foreclosure of the Kearney Blvd. real property, and authorizing Petitioner to take such further actions and execute additional documents as may be necessary in proceeding with foreclosure.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: NRN

Reviewed on: 12/9/11

Updates:

Recommendation:

File 5 - Davis

Dept. 303, 9:00 a.m. Thursday, December 15, 2011

6 **Virginia A Dealy (Estate)** **Case No. 11CEPR00262**

Atty **McCloskey, Daniel T. (for Kristin Berry – Executor)**

(1) First and Final Report of Executor and (2) Petition for Its Settlement, and (3) Reimbursement of Estate Expenses, and (4) Waiver of Executor's Fees and (5) Allowance of Statutory Fees to Attorney for Ordinary Services and (6) Final Distribution (Independent Administration of Estates Act) (Probate Code 10951)

DOD: 02/21/11		
Cont. from 111711		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	06/06/11
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

KRISTIN BERRY, Executor, is Petitioner.

Account period: **02/21/11 – 10/06/11**

Accounting	-	**$122,056.94**
Beginning POH	-	**$122,000.00**
Ending POH	-	**$87,607.38** (all cash)
Executor	-	waives
Attorney	-	**$4,660.00** (statutory)
Costs (publication, filing fees, certified copies)	-	**$1,170.00**
Closing	-	**$100.00**

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

Kristin Berry	-	$40,838.69
John Dealy	-	$40,838.69

NEEDS/PROBLEMS/COMMENTS:

CONTINUED TO 01/24/12

At request of Counsel

1. **Need proof of service by mail at least 15 days before the hearing on Wells Fargo Card Services, who filed a request for Special Notice on 06/30/11 and which request has not be rescinded.**

Reviewed by: JF
Reviewed on: 12/08/11
Updates:
Recommendation:
File 6 - Dealy

Dept. 303, 9:00 a.m. Thursday, December 15, 2011

7 Gavin Russell Roberts-Pitman, Lukas Ryan Roberts-Pitman, Alexa Jane Roberts (GUARD/P) **Case No. 11CEPR00941**

Atty Casheros, Jerry D. (for Cal Roberts & Deborah Roberts – maternal grandparents/Petitioners)

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

Alexa, 9 **DOB: 09/14/02**		
Lukas, 6 **DOB: 01/15/05**		
Gavin, 4 **DOB: 05/07/07**		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	n/a
✓	**Conf. Screen**	
	Letters	x
✓	**Duties/Supp**	
	Objections	
	Video Receipt	
✓	**CI Report**	
	9202	
	Order	x
	Aff. Posting	
	Status Rpt	
✓	**UCCJEA**	
	Citation	
	FTB Notice	

NO TEMPORARY REQUESTED

CAL ROBERTS and **DEBORAH ROBERTS,** maternal grandparents, are Petitioners.

Father: **RYAN PITMAN** – *consent and waiver of notice filed 10/18/11*

Mother: **MELISSA ROBERTS-PITMAN** – *deceased*

Paternal grandfather: CHARLES PITMAN – *served by mail on 10/20/11*
Paternal grandmother: LINDA BROSI – *served by mail on 10/20/11*

Petitioner states that the children's mother died in January 2010 and the children have lived with them since then. The children's father has battled severe problems with alcohol since his wife passed away and has been incarcerated on multiple occasions. The father is currently in a rehab facility. The father consents to the guardianship and feels it is in the children's best interest that the petitioners become the children's guardians.

Court Investigator Jennifer Young's report was filed 12/08/11.

NEEDS/PROBLEMS/COMMENTS:

1. **Need order and Letters.**

Reviewed by: JF
Reviewed on: 12/09/11
Updates:
Recommendation:
File 7 – Roberts-Pitman & Roberts

Dept. 303, 9:00 a.m. Thursday, December 15, 2011

8 **Lester E. Oldham, Jr. (Estate)** **Case No. 11CEPR00997**

Atty **Mele, James J. (for Ruby Lee Oldham – spouse/Petitioner)**

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

DOD: 03/15/11			**RUBY LEE OLDHAM,** spouse, is Petitioner and requests appointment as Administrator without bond.
Cont. from			Full IAEA – OK
	Aff.Sub.Wit.		
✓	**Verified**		Decedent died intestate
	Inventory		
	PTC		Residence: Fresno
	Not.Cred.		Publication: The Business Journal
✓	**Notice of Hrg**		**<u>Estimated Value of the Estate:</u>**
✓	**Aff.Mail**	w/o	Personal property - $101,433.00
✓	**Aff.Pub.**		<u>Annual income - 1,000.00</u>
	Sp.Ntc.		**Total - $102,433.00**
	Pers.Serv.		
	Conf. Screen		Probate Referee: **RICK SMITH**
✓	**Letters**		
✓	**Duties/Supp**		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:
Reviewed by: JF
Reviewed on: 12/09/11
Updates:
Recommendation: SUBMITTED
File 8 - Oldham

Dept. 303, 9:00 a.m. Thursday, December 15, 2011

9 Robert S. Shaver aka Robert Stephen Shaver (Spousal)

Case No. 11CEPR01001

Atty **Neilson, Bruce A. (for Susan C. Shaver – spouse/Petitioner)**

Spousal or Domestic Partner Property Petition (Prob. C. 13650)

DOD: 09/23/11		
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	

SUSAN C. SHAVER, surviving spouse, is Petitioner.

No other proceedings.

Will dated 12/06/06 devises entire estate to Susan C. Shaver.

Petitioner states that she and the decedent were married on 09/08/73 and remained married until the decedents death on 09/23/11. Petitioner and decedent understood that all of their property was jointly owned community property in which they each held a one-half interest. The subject property are two deposit accounts held in the decedent's name. The source of funds in these accounts are decedent's pension and retirement checks he received during the marriage and which came to him because of his earnings during the marriage. As earnings during the marriage, the accounts are community property.

Petitioner requests Court confirmation that ½ interest in two bank accounts belongs to her, and ½ interest in the two bank accounts passes to her pursuant to decedent's Will.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: JF

Reviewed on: 12/09/11

Updates:

Recommendation: SUBMITTED

File 9 – Shaver

10 William Anthony Gallagher aka William A. Gallagher (Spousal)

Case No. 11CEPR01003

Atty **Neilson, Bruce A. (for Mary Ann Gallagher – spouse/Petitioner)**

Spousal or Domestic Partner Property Petition (Prob. C. 13650)

DOD: 09/26/11		
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	

MARY ANN GALLAGHER, surviving spouse, is Petitioner.

No other proceedings.

Will dated 03/18/11 devises decedent's interest in real property located at 3604 S. McCall Avenue, Sanger to Mary Ann Gallagher if she survives decedent.

Petitioner states that she and the decedent were married on March 20, 2008 and have lived continuously in California since the date of their marriage. No proceeding to terminate the marriage was ever instituted and the parties never separated.

The property should pass to the Petitioner as surviving spouse from the decedent because decedent's Will devised the property to her.

Petitioner requests Court confirmation that a 51% interest in real property located at 3604 S. McCall, Sanger, CA passes to her.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: JF

Reviewed on: 12/09/11

Updates:

Recommendation: SUBMITTED

File 10 - Gallagher

11 Betty Jean Johnson (Estate) Case No. 10CEPR00725

Atty **Johnson, Chris (pro per – son/Executor)**

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

DOD: 09/26/08	**CHRIS JOHNSON,** son, was appointed Executor and Letters were issued on 10/21/10. **Minute Order from hearing on 10/21/10** set this matter for status for filing the First Account or Petition for Final Distribution on 12/15/11. **An Inventory & Appraisal was filed 01/26/11.**	**NEEDS/PROBLEMS/COMMENTS:** 1. **Need First Account or Petition for Final Distribution.**
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:** JF
Status Rpt		**Reviewed on:** 12/09/11
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 11 – Johnson**

Dept. 303, 9:00 a.m. Thursday, December 15, 2011

12 Christian J. & Timothy J. Johnson (GUARD/P) Case No. 06CEPR01081
Atty Martinez, Deborah (pro per – paternal grandmother/Guardian)
Atty Johnson, Bridgett (pro per – mother)
Petition for Visitation

Age: 11		
DOB: 07/21/00		
Cont. from 112211		
	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	

DEBBIE MARTINEZ, paternal grandmother is Petitioner. She was appointed guardian on 1/4/07.

Father: **TIMOTHY JOHNSON, SR.**

Mother: **BRIDGETTE WILSON**

Paternal grandfather: Daniel Johnson
Maternal grandfather: Larry Tripp
Maternal grandmother: Teri Morgan

Petitioner requests to modify the current visitation order which states that the mother is to have unsupervised visitation for 8 hours on Sundays from 10am – 6pm. Petitioner would like to discontinue these visits and made visitation subject to her discretion because the mother has been inconsistent with the visits and has cancelled on multiple occasions. Petitioner states that the mother only visits with the minor when it is convenient for her and if she feels like it. Further, Petitioner states that she and her husband have to work out of the state and will be taking the minor out of the state for 2-4 months at a time. Further, Petitioner states that she believes the mother and her husband are using drugs.

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROM 11/22/11

This petition is as to TIMOTHY JOHNSON ONLY. Guardianship of Christian Johnson was terminated on 10/26/09.

1. **Need *Notice of Hearing.***
2. **Need proof of service by mail at least 15 days before the hearing of *Notice of Hearing* along with a copy of the *Petition for Visitation* for:**
   - Bridgette Wilson (mother)

Reviewed by: JF
Reviewed on: 12/09/11
Updates:
Recommendation:
File 12 – Johnson

13 Talisha M. Griffin, Lavandra Y. Willis, Jaeshauna L. Dixon, Jabaree D. Means (GUARD/P)

Case No. 07CEPR00582

Atty Griffin, Cassandra (pro per – maternal grandmother/Guardian)
Atty Griffin, Latreava (pro per – mother/Petitioner)

Petition for Termination of Guardianship (Prob. C. 1460, 1601, 2626, 2627, 2636)

Talisha, 15 DOB: 12/15/95		
Lavandra, 13 DOB: 10/03/97		
Jaeshauna, 12 DOB: 07/05/99		
Jabaree, 6 DOB: 05/01/05		
Cont. from 063011		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
	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	

LATREAVA GRIFFIN, mother, is Petitioner.

CASSANDRA GRIFFIN, maternal grandmother, was appointed Guardian on 11/19/07. *Personally served 04/25/11*.

Father(s): **NOT LISTED** – *court dispensed with notice to all fathers on 06/30/11*

Paternal grandparents: NOT LISTED - *court dispensed with notice to all fathers on 06/30/11*

Maternal grandfather: NOT LISTED

Petitioner states that it is time for her children to be returned to her care. They are not happy living with their grandmother and the guardian is not allowing visitation between herself and the children. Petitioner is asking for the guardianship to be terminated.

Court Investigator Charlotte Bien's report was filed 06/09/11.

NEEDS/PROBLEMS/COMMENTS:

<u>CONTINUED FROM 06/30/11</u>
Minute order from 06/30/11 hearing states: Mother Latreava Griffin advises the Court that she does not know who the fathers of the minors are. The Court dispenses with further notice to fathers. The Court grants the petition as to Talisha M. Griffin only. The guardianship as to the other minors continues. Matter continued to 12/15/11 as to the remaining minors. The Court orders that there be a minimum of one 8 hours unsupervised visit between mother and minors per week. Petitioner is ordered to attend AA/NA two times a week and bring proof at the next hearing.

On 08/17/11, Guardian, Cassandra Griffin, filed a petition to terminate visitation with the mother due to physical abuse.

Minute order for hearing on 10/04/11 regarding visitation states: Mother Latreava Griffin admits to striking the children. Visitation between mother Latreava Griffin and the children is terminated forthwith until further order of the Court.

As of 12/08/11, nothing further has been filed in the matter and following items remain outstanding from the mother's petition for termination filed 04/25/11.

1. **The Petition for Termination is incomplete. No boxes or information is filled in except for the Petitioner's name at item 1 and 9(d) and the last names of the children at items 1(a) and 9(b).**
2. **Need proof of service by mail at least 15 days before the hearing of *Notice of Hearing* along with a copy of the *Petition for Termination* <u>or</u> Declaration of Due Diligence <u>or</u> Consent and Waiver of Notice for:**
   - maternal grandfather (not listed)

Reviewed by: JF

Reviewed on: 12/08/11

Recommendation:

Updates:

File 13 – Griffin, Willis, Dixon & Means

Petition for Termination of Guardianship (Prob. C. 1460, 1601, 2626, 2627, 2636)

Sabrina Age: 13 yrs DOB: 3/2/1998		
Sean Age: 11 yrs DOB: 6/12/2000		
Shelby Age: 8 yrs DOB: 2/16/2003		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	W/O
	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	

LAURA ABRAHAMIAN, maternal great aunt and Guardian appointed on 10/11/2007, is Petitioner.

Father: **HANS MATHEUS**; *sent notice by mail (proof of service undated);*

Mother: **SARA ABRAHAMIAN**; *Declaration of Due Diligence filed 11/21/2011*; *per Minute Order dated 10/11/2007 (from petition for appointment) states the Court finds due diligence as to the mother and dispenses with notice unless whereabouts become known;*

Ward Sabrina Matheus consents to the termination and waives notice of hearing. Personally served with notice on 11/14/2011.

Paternal grandfather: Unknown; *deceased*;
Paternal grandmother: Sharon Clinton; *sent notice by mail 11/17/2011;*

Maternal grandfather: Robert Abrahamian; *sent notice by mail 11/17/2011;*
Maternal grandmother: Susan [Abrahamian] Nunez; *sent notice by mail 11/17/2011;*

Petitioner states she and the child have irreconcilable differences, and the child has become an instigator in the home. Petitioner states she is concerned about how this ongoing behavior may affect the siblings in the home. Petitioner states the child wishes to go to a foster home.

Court Investigator Charlotte Bien's *Report* filed 12/5/2011 states the minor requested to terminate the guardianship and the Guardian filed the Petition at her request; that a maternal aunt, Elizabeth Abrahamian, has filed a petition for successor temporary guardian to be heard on the same day as the termination petition; and recommends that if the Court deems it appropriate to terminate the guardianship, the petition for temporary guardianship could be considered for placement with the maternal aunt pending investigation into the appropriateness of the general guardianship; otherwise, the matter can be continued until the general hearing date of 1/31/2012.

NEEDS/PROBLEMS/COMMENTS:

Note: This Petition for Termination is for Sabrina only.

<u>Page 14B</u> is a *Petition for Appointment of Temporary Guardian* filed by Elizabeth Abrahamian, maternal aunt, and Julian Ruiz, her boyfriend.

Reviewed by: LEG
Reviewed on: 12/9/11
Updates:
Recommendation:
File 14A - Matheus

14B Sabrina Matheus, Sean Matheus & Shelby Matheus (GUARD/P) Case No. 07CEPR00758

Pro Per Abrahamian, Elizabeth (Pro Per Petitioner, maternal aunt)
Pro Per Ruiz, Julian J. (Pro Per Petitioner, boyfriend of maternal aunt)

Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)

Sabrina Age: 13 yrs DOB: 3/2/1998		
Sean Age: 11 yrs DOB: 6/12/2000		
Shelby Age: 8 yrs DOB: 2/16/2003		
Cont. from		
	Aff.Sub.W	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
✓	Conf. Screen	
	Aff. Post	
✓	Duties/S	
	Objections	
	Video Rcpt	
✓	CI Report	
	9202	
✓	Order	
✓	Letters	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

General Hearing set for 1/31/2012

ELIZABETH ABRAHAMIAN and JULIAN RUIZ, maternal aunt and her boyfriend, are Petitioners.

LAURA ABRAHAMIAN, maternal great aunt, was appointed Guardian on 10/11/2007.

Father: **HANS MATHEUS**

Mother: **SARA ABRAHAMIAN**; *per Minute Order dated 10/11/2007 (from petition for appointment) states the Court finds due diligence as to the mother and dispenses with notice unless whereabouts become known;*

Paternal grandfather: Unknown; *deceased*;
Paternal grandmother: Sharon Clinton

Maternal grandfather: Robert Abrahamian
Maternal grandmother: Susan [Abrahamian] Nunez

Petitioner states the child and the current Guardian has discussed and decided that in the best interest of the child and the household that the child be removed from her current home. Petitioner states it is better that the child be with family than in foster care.

Petitioner requests to be excused from giving notice to the mother because she has not made contact with her family in almost a year and all of the attempts to locate her have been unsuccessful.

Court Investigator Charlotte Bien's *Report* was filed 12/5/2011.

NEEDS/PROBLEMS/COMMENTS:

Note: This Petition for Appointment is for Sabrina only.

1. **Petitioner Julian Ruiz did not sign or verity the temporary petition.**
2. **Need *Notice of Hearing* and proof of five (5) court days' notice by personal service of the *Notice of Hearing* and a copy of the *Petition for Appointment of Temporary Guardian*, or *Consent to Appointment of Guardian and Waiver of Notice*, or a *Declaration of Due Diligence* for:**
   - **Hans Matheus, father;**
   - **Sabrina Matheus, ward.**
3. ***Confidential Guardian Screening* form of both Petitioners filed 11/29/2011 does not include Attachment 6 providing explanation of affirmative answer re: social worker or parole or probation officer.**

Reviewed by: LEG
Reviewed on: 12/9/11
Updates:
Recommendation:
File 14B – Matheus

Dept. 303, 9:00 a.m. Thursday, December 15, 2011

15 Nona Lee Johnson (Estate) Case No. 09CEPR00917

Atty Johnson, Kenneth D. (pro per – Administrator)
Atty Johnson, Suzanne G. (pro per – Administrator)

Petition for Final Distribution Amended

DOD: 04/22/09		
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	01/14/10
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

KENNETH JOHNSON and **SUZANNE JOHNSON,** Co-Administrators, are Petitioners.

Account Period: **04/22/09 – 10/31/10**

Accounting	-	**$253,737.45**
Beginning POH	-	**$101,203.57**
Ending POH	-	**$0**
Administrators	-	waive

Distribution, pursuant to intestate succession, is to:

Suzanne G. Johnson	-	$45,913.22
Julia M. Glick	-	$45,913.22
Kenneth D. Johnson	-	$45,913.22

(Note: Distribution of funds was made by the personal representatives without court approval. A receipt from each beneficiary was filed on 11/03/11)

NEEDS/PROBLEMS/COMMENTS:

1. **The Petition states that the beginning property on hand was $101,203.57; however, the Inventory & Appraisal states that the estate assets at the time of the decedent's death was $211,783.29. Need explanation as to why the beginning property on hand is not the amount of the Inventory & Appraisal.**

Reviewed by: JF
Reviewed on: 12/09/11
Updates:
Recommendation:
File 15 - Johnson

Dept. 303, 9:00 a.m. Thursday, December 15, 2011

16A Angel & James Obanion (GUARD/P) Case No. 11CEPR00025

Atty Stempien, Tina (pro per/non-relative - Guardian)
Atty Gary, Kimberly Nicole (pro per, mother – Petitioner)
Petition for Visitation

Angel O'Banion Age: 3 years DOB: 1/1/09	
James O'Banion Age: 2 years DOB: 12/8/09	
Cont. from	
	Aff.Sub.Wit.
√	Verified
	Inventory
	PTC
	Not.Cred.
√	Notice of Hrg
	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

KIMBERLY GARY, Mother, is Petitioner.

TINA STEMPIEN, non-relative, is the current guardian. Ms. Stempien was granted guardianship of the two minors on 3/17/11.

Father: **JAMES O'BANION**

Paternal grandfather: Mike O'Banion
Paternal grandmother: Virginia Ellis – *deceased*.
Maternal grandfather: Michael Gary
Maternal grandmother: Jamila Lindsey

Petitioner states: She has been clean and sober for 7 months and she is stable and lives in a house in Sanger. Her fiancé is working full-time and has taken a major role in her childrens' lives. They have had continuous weekend visits and they have gone wonderfully. Petitioner will be starting school in December to finish her paralegal degree. Petitioner feels more than ready for visitation, and would like to have unsupervised visits for a week at a time, every other week. The minors, Angel and James, are her two youngest children. Petitioner's two other children, Devon and Jonathan, reside with Petitioner full-time and are current enrolled in 3rd grade and kindergarten in the Sanger Unified School District. Petitioner wants all of her children together so that her life will be whole again.

Declaration of current guardian, Tina Stempien, filed 12/5/11, states: Guardian would like the Court to consider supervised visits between the minors and Petitioner (mother), as in the minors' best interest – due to Mother's boyfriend. Petitioner mother told the current guardian that mother's boyfriend, Daniel Sanford, had not taken his medication for 2-3 days and became angry and uttered some cruel, harmful, and hurtful things to mother's 9-yr. old son, Devon. Furthermore, the current guardian has recently only allowed supervised visits between mother and the minors, due to severe and unexplained bruises on the minor Angel's leg and arm after an overnight weekend visit with mother. Furthermore, mother has left the two supervised visits early, and as of the writing of this Declaration, had not contacted the guardian about scheduling another visit with the minors.

NEEDS/PROBLEMS/COMMENTS:

***Note**: Page 16B is Petitioner Mother's Petition for Termination.*

1. **Need proof of service of the *Notice of Hearing* and copy of Petition for Visitation on:**
   a. **James O'Banion (father)**
   b. **Mike O'Banion (paternal grandfather)**
   c. **Michael Gary (maternal grandfather)**
   d. **Jamila Lindsey (maternal grandmother**

Reviewed by:	NRN
Reviewed on:	12/12/11
Updates:	
Recommendation:	
File 16A - Obanion	

16B Angel & James Obanion (GUARD/P) **Case No. 11CEPR00025**

Atty Stempien, Tina (pro per/non-relative - Guardian)
Atty Gary, Kimberly Nicole (pro per/mother – Petitioner)
Petition for Termination of Guardianship

Angel O'Banion		
Age: 3 years		
DOB: 1/1/09		
James O'Banion		
Age: 2 years		
DOB: 12/8/09		
Cont. from		
	Aff.Sub.Wit.	
√	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
√	**Notice of Hrg**	
	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	

KIMBERLY GARY, mother, is petitioner.

TINA STEMPIEN, non-relative, was appointed guardian on 3/17/11.

Father: **JAMES O'BANION**

Paternal grandfather: Mike O'Banion
Paternal grandmother: Virginia Ellis – *deceased*.
Maternal grandfather: Michael Gary
Maternal grandmother: Jamila Lindsey

Petitioner states she is stable and has had stable visitations with the minors. Petitioner further states that her fiancé is working full-time, that they have a house in Sanger and that her two other children are at home full-time and are doing well.

Court Investigator Charlotte Bien's Report filed on 12/8/11.

See attached page

NEEDS/PROBLEMS/COMMENTS:

***Note**: Page 16A is Petitioner Mother's Petition for Visitation.*

2. **Need proof of service of the *Notice of Hearing* and copy of *Petition* on:**
   e. **James O'Banion (father)**
   f. **Mike O'Banion (paternal grandfather)**
   g. **Michael Gary (maternal grandfather)**
   h. **Jamila Lindsey (maternal grandmother)**

Reviewed by:	NRN
Reviewed on:	12/13/11
Updates:	
Recommendation:	
File 16B – Obanion	

Dept. 303, 9:00 a.m. Thursday, December 15, 2011

- ***Declaration of current guardian***, Tina Stempien, filed 12/5/11, states:

Guardian would like the Court to consider supervised visits between the minors and Petitioner (mother), as in the minors' best interest – due to Mother's boyfriend. Petitioner mother told the current guardian that mother's boyfriend, Daniel Sanford, had not taken his medication for 2-3 days and became angry and uttered some cruel, harmful, and hurtful things to mother's 9-yr. old son, Devon. Furthermore, the current guardian has recently only allowed supervised visits between mother and the minors, due to severe and unexplained bruises on the minor Angel's leg and arm after an overnight weekend visit with mother. Furthermore, mother has left the two supervised visits early, and as of the writing of this Declaration, had not contacted the guardian about scheduling another visit with the minors.

- **Current guardian Tina Stempian also submits Certificates (filed 12/5/11) for her completion of the following: Fresno City College's Foster & Kinship Care Education Program (8 Individual Sessions totaling 20 hours), and the Fresno County First 5 and the Children's Services Network's Workshop "When Children Misbehave – We Teach."**
- **Additionally, Current Guardian submits 9 lengthy letters of friends and colleagues (several who are employed with Clovis Unified) detailing Ms. Stempien's care for the minors, her love, hard work and dedication to them, as well as her efforts in raising them and providing them all of their emotional, educational, and physical needs, and attestations as to the positive changes and growth the minors have made in Ms. Stempien's care, and the minors' ultimate well-being and statements as to how the minors are thriving in her care and overcoming emotional issues. (*Letters flagged in case file*).**

17 Lloyd C Macklin III & Kayveon D Macklin (GUARD/P) Case No. 11CEPR00512

Atty Smith, Deborrah (pro per – maternal grandmother/Petitioner)

Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)

Lloyd, 3		
DOB: 09/08/08		
Kayveon, 2		
DOB: 10/19/09		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
	Aff.Mail	
	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	

GENERAL HEARING 12/15/11

DEBORRAH SMITH, maternal grandmother, is Petitioner.

Father: **LLOYD C. MACKLIN, JR.**

Mother: **DEBORRAH M. HARVEY** – *personally served 12/09/11*

Paternal grandfather: LLOYD C. MACKLIN – *declaration of due diligence filed 12/09/11; petitioner believes he is deceased*
Paternal grandmother: JOYCE L. FRIERSON

Maternal grandfather: RONNIE GREEN

Petitioner states that the parents are both incarcerated and both have drug problems. The parents both have criminal history and are not able to provide a stable and drug free environment for the children. Petitioner states that temporary guardianship is necessary to prevent the parents from removing the children from her home, should they get out of jail/prison.

NEEDS/PROBLEMS/COMMENTS:

1. **Need proof of personal service at least 5 court days before the hearing of *Notice of Hearing* with a copy of the *Petition for Temporary Guardianship* or Declaration of Due Diligence or Consent and Waiver of Notice for:**
   - Lloyd C. Macklin, Jr. (father)

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

Dept. 303, 9:00 a.m. Thursday, December 15, 2011

18 Mykayla Ann Rodriguez (GUARD/P) **Case No. 11CEPR00946**

Atty Summers, Jenny Y. (pro per – paternal grandmother/Petitioner)

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

Age: 11
DOB: 05/02/00

Cont. from

	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
	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 12/15/11

JENNY YONHWA SUMMERS, paternal grandmother, is Petitioner.

Father: **MICHAEL BROWN**

Mother: **LYNNAVASQUEZ** – *personally served 10/27/11*

Paternal grandfather: NOT LISTED

Maternal grandparents: NOT LISTED

Petitioner states that the mother is being investigated for abuse, endangerment and neglect. CPS has placed the minor in petitioners care to keep her safe.

Court Investigator Dina Calvillo's report was filed 12/08/11.

NEEDS/PROBLEMS/COMMENTS:

1. **Need proof of personal service at least 15 days before the hearing of *Notice of Hearing* along with a copy of the *Petition for Guardianship* or Consent and Waiver of Notice or Declaration of Due Diligence for:**
   - Michael Brown (father)
   Note: A Notice of Hearing with a stamped Orange County Sheriff's proof of personal service on the back was filed 11/08/11; however the document does not state who was served.
2. **Need proof of service by mail at least 15 days before the hearing of *Notice of Hearing* along with a copy of the *Petition for Guardianship* or Consent and Waiver of Notice or Declaration of Due Diligence for:**
   - Paternal grandfather
   - Maternal grandparents

Reviewed by: JF

Reviewed on: 12/09/11

Updates:

Recommendation:

File 18 - Rodriguez

Dept. 303, 9:00 a.m. Thursday, December 15, 2011

Pro Per Graff, Shannon Marie (Pro Per Petitioner, granddaughter)
Pro Per Quiris, Frances Marie (Pro Per Objector, daughter)
Pro Per Quiris, Christina (Pro Per Objector, granddaughter)

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

Age: 85 years		
DOB: 6/8/1926		
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	
	Aff. Posting	
✓	Duties/Supp	
✓	Objections	
	Video Receipt	X
✓	CI Report	
	9202	
✓	Order	
✓	Letters	
	Status Rpt	
	UCCJEA	
✓	Citation	
	FTB Notice	

NO TEMPORARY REQUESTED

SHANNON MARIE GRAFF, granddaughter, is Petitioner and requests appointment as Conservator of the Person with medical consent powers.

***Capacity Declaration* filed 11/7/2011** of Markham Kirsten, M.D., supports request for medical consent powers.

Voting rights affected.

Petitioner states the proposed Conservatee suffered a severe stroke on 6/23/2011 that has caused right-side paralysis, and she is unable to take care of her personal needs and communicate with others about her financial affairs. Petitioner states proposed Conservatee cannot be left alone, is unable to walk or groom herself on her own, and is unable to prepare meals for herself or eat without assistance. Petitioner states proposed Conservatee does not have the mental capacity to know the date and time of day, gets confused easily, and is unable to make medical decisions or to manage her financial resources.

Court Investigator Charlotte Bien's *Report* was filed 12/5/2011.

~Please see additional page for Objections~

NEEDS/PROBLEMS/COMMENTS:

Court Investigator Advised Rights on 11/16/2011.

Voting Rights Affected – Need *Minute Order*.

1. **Need *Video Viewing Certificate* pursuant to Local Rule 7.15.9(A).**

Reviewed by: LEG	
Reviewed on: 12/12/11	
Updates:	
Recommendation:	
File 19 - Quiris	

***Objection to Conservatorship* filed on 12/2/2011 by Francis Marie Quiris, daughter, states:**

- She objects to the conservatorship because the tremendous amount of responsibility her daughter [Petitioner] has already taken on with her own children may be too much for her daughter to handle;
- Due to her own love and concern for her mother [proposed Conservatee] and the special needs and issues she has, she requests the Court appoint a conservator that would add to the quality of the rest of [the proposed Conservatee's life.]

Note: *Proof of Service by First-Class Mail* filed on 12/8/2011 shows a copy of the *Objection* of Frances Marie Quiris was mailed to all persons listed in the *Petition* on 12/3/2011.

***Objection to Conservatorship* filed on 12/2/2011 by Christina Quiris, granddaughter, states:**

- She objects to the conservatorship because she was residing in the home with her grandmother [proposed Conservatee], taking care of her through 11/25/2011;
- On the days she attended school, she believes her grandmother wasn't properly cared for and was neglected at times;
- She feels the Petitioner is not capable of attending to her grandmother's physical needs due to [the Petitioner] having six children, one of which is a toddler, and the other a newborn;
- Petitioner told her that she wouldn't take care of her grandmother if someone else was there to do it; i.e., one day she came home from school and was told to change her grandmother because she needed to be changed badly, and when she was changing her, her grandmother was bleeding due to the Petitioner not changing her;
- Another day, her grandmother received breakfast between 10:00 a.m. and noon, she didn't get any lunch until approximately 3:00 – 4:00 p.m., and those were the only meals she received that day; this has happened several other times;
- She requests [the Public Guardian be Conservator of] her grandmother.

Note: *Proof of Service by First-Class Mail* filed on 12/8/2011 shows a copy of the *Objection* of Christina Quiris was mailed to all persons listed in the *Petition* on 12/3/2011.