1 June Owings (CONS/E) **Case No. 11CEPR00605**

Atty Kruthers, Heather (for Petitioner Public Guardian/Conservator)

1)Second Account Current and Report of Conservator and 2) Petition for Allowance of Compensation to Conservator and Attorney

Age: 73 years		
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	

PUBLIC GUARDIAN, Conservator, is petitioner.

Account period: 9/7/12 – 9/5/14

Accounting	-	**$44,891.42**
Beginning POH	-	**$ 9,411.75**
Ending POH	-	**$ 2,560.95**
Conservator	-	**$3,849.60**
(32.12 Deputy hours @ $96/hr and 10.08 Staff hours @ $76/hr)		
Attorney	-	**$1,250.00**
(less than allowed per Local Rule)		
Bond fee	-	**$50.00**
(o.k.)		

Petitioner prays for an Order:

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

Court Investigator Julie Negrete's Report filed on 10/7/14.

NEEDS/PROBLEMS/COMMENTS:

Note: If the petition is granted, status hearings will be set as follows:

- **Wednesday, November 16, 2016** at 9:00 a.m. in Department 303, for the filing of third account.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.

Reviewed by: KT
Reviewed on: 12/8/14
Updates:
Recommendation:
File 1 – Owings

Dept. 303, 9:00 a.m. Monday, December 15, 2014

2 Dorothy Jean Smith (CONS/PE) Case No. 12CEPR00452

Atty Kruthers, Heather H. (for Public Guardian – Conservator of the Estate/Petitioner)

(1) First and Final Account and Report of Conservator; (2) Petition for Allowance of Compensation to Conservator and his Attorney; and (3) Distribution

DOD: 10/18/12

Cont. from 042414, 052714, 062414, 072114, 092214, 102714

	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	
	2620	n/a
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

PUBLIC ADMINISTRATOR, Conservator of the Estate, is Petitioner.

Account period: **06/26/12 – 10/18/12**

Accounting - **$733,869.23**
Beginning POH - **$655,215.93**
Ending POH - **$578,727.55**

Subsequent account period: **10/19/12 – 02/20/14**

Accounting - **$728,711.54**
Beginning POH - **$578,727.55**
Ending POH - **$605,382.95**
($62,645.20 is cash)

Conservator - **$7,482.62** (26.09 staff hours @ $76/hr. and 57.29 deputy hours @ $96/hr.)

Attorney - **$2,500.00** (ok per Local Rule)

Bond fee - **$769.44** (ok)

Costs - **$539.00** (filing fees and certified copies)

Petitioner states that the conservatee has a trust and her assets will pass to that trust. Michael Smith, conservatee's son, is the trustee of her trust. Petitioner requests distribution of the remaining cash of $51,354.17 and personal and real property be made to her son, in his capacity as trustee of her trust.

Petitioner prays for an Order:

1. Finding that the conservatorship of the person and estate terminated on 10/18/12, the conservatee's date of death;
2. Approving, allowing and settling the first and final account;
3. Authorizing the conservator and attorney fees and commissions;
4. Authorizing payment of the bond fee and costs; and
5. Authorizing distribution of the balance of property as stated in the Petition (and above).

Continued on Page 2

NEEDS/PROBLEMS/COMMENTS:

<u>CONTINUED FROM 10/27/14</u>
Minute Order from 10/27/14 states: The Court orders all counsel to be personally present on 12/15/14 with their clients.

As of 12/09/14 nothing further has been filed.

<u>Note:</u> Per Clerk's Certificate of Mailing filed 10/27/14, copies of the Minute Order were mailed to attorneys, Jeffrey Jaech, Randolf Krbechek, Catherine Amador, and Heather Kruthers.

Reviewed by: JF
Reviewed on: 12/09/14
Updates:
Recommendation:
File 2 – Smith

Objection to First and Final Account and Report of Conservator and Petition for Distribution filed 04/22/14 by Mike (Butch) Smith, Jr. states:

1. The Petition for Distribution requests to distribute the remaining assets of the conservatorship estate to the conservatee's trust – to Michael Smith, as trustee of that Trust.
2. Petitioner reports that the conservatorship estate is holding cash assets in the amount of $62,645.29 and other non-cash assets.
3. Objecting party alleges that the Jean Smith conservatorship estate owes Ben Smith (conservatee's husband) $116,398.12 [itemization and reasoning provided].
4. Objector further alleges that the conservatee owes $6,203.99 to the State of California for the 2011 tax year and states this should be cleared before distribution of the conservatorship estate.

Declaration of Randolf Krbechek Regarding Status Hearing filed 10/24/14 states: the Conservatorship estate is not ready to be closed due to unfiled tax returns. It is believed that the last tax returns for the conservatee were filed in 2010.

3 Tammy Rene Collins (Estate) Case No. 13CEPR00396

Atty **Motsenbocker, Gary L. (for Steven Collins – Administrator)**

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

DOD: 02/17/13		
Cont. from 082214, 092214		
	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	

STEVEN COLLINS, son, was appointed as Administrator with full IAEA and without bond on 06/19/13. Letters of Administration were issued on 06/19/13.

Inventory & Appraisal, final, was filed on 10/22/13 - $154,000.00

Report of Status of First Account Current filed 08/19/14 states: it is anticipated that the first account petition will be completed within 3 weeks. A 30 day continuance is requested.

Report of Status of First Account Current filed 12/05/14 states: at the last hearing, the court granted a 60 day continuance so that the Administrator could deal with a Social Security Administration issue that has now been resolved. During this time, it was discovered that it is possible there is a $10,000.00 EE Series Savings Bond that may be payable to the estate and that is currently being investigated by the Administrator. The only asset in the possession of the administrator at this time is real property on Fairmont Ave. in Fresno. A 90 day continuance is requested to allow ample time to deal with the remaining issues.

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROM 09/22/14

1. Need Account/Report of Administration and Petition for Distribution.

Reviewed by: JF
Reviewed on: 12/09/14
Updates:
Recommendation:
File 3 – Collins

4 Nellie Sue Lokey (Estate) Case No. 13CEPR00638

Atty **Motsenbocker, Gary L. (for Petitioner David R. Borges)**

(1) First and Final Report of Administrator on Waiver of Account and (2) Petition for Allowance of Compensation to Attorney for Ordinary Services and for (3) Final Distribution

DOD: 12/14/2012			**DAVID R. BORGES**, son and Administrator, is Petitioner.
			Accounting is waived.
Cont. from			I & A — **$94,000.00**
	Aff.Sub.Wit.		POH — **$94,831.50**
✓	**Verified**		*($831.50 is cash)*
✓	**Inventory**		Administrator — **waives**
✓	**PTC**		
✓	**Not.Cred.**		Attorney — **$3,760.00**
✓	**Notice of Hrg**		*(statutory; to be paid outside probate)*
✓	**Aff.Mail**	W/	**Distribution pursuant to intestate succession is to:**
	Aff.Pub.		
	Sp.Ntc.		**DAVID R. BORGES** – real property and vehicle.
	Pers.Serv.		
	Conf. Screen		
	Letters	091113	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	**9202**		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	**FTB Notice**		

NEEDS/PROBLEMS/COMMENTS:
Reviewed by: LEG
Reviewed on: 12/8/14
Updates:
Recommendation: SUBMITTED
File 4 - Lokey

Dept. 303, 9:00 a.m. Monday, December 15, 2014

5 Jean Audrey Gover (Estate) Case No. 13CEPR00735

Atty **Dowling, Michael D. (for Carol Mattox – Executor – Petitioner)**

(1) Waiver of First and Final Account and Report of Executor and Petition for Settlement Thereof; (2) for Allowance of Executor's Compensation for Ordinary Services; (3) for Allowance of Attorney's Fees for Ordinary Services and Costs; and (4) for Final Distribution

DOD: 3-26-13		
	Aff.Sub.Wit.	
✓	Verified	
✓	Inventory	
✓	PTC	
✓	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	w
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	Letters	10-4-13
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	FTB Notice	

CAROL MATTOX, Executor with Full IAEA without bond, is Petitioner.

Accounting is waived

I&A: $486,299.44
POH: $540,597.23 ($81,524.60 is cash)

Executor (Statutory): $13,709.68

Attorney (Statutory): $13,709.68

Costs: $511.00 (certified copies, filing)

Closing: $5,400.00

Distribution pursuant to Decedent's will:

Carol Mattox: $16,064.75 plus an undivided one-third interest in various stocks

Jan Morgan: $16,064.74 plus an undivided one-third interest in various stocks

Richard Henderson: $16,064.75 plus an undivided one-third interest in various stocks

NEEDS/PROBLEMS/COMMENTS:

Note: Consistent with the Court's recent practice, if Court determines an informal accounting of the closing reserve is warranted, the Court will set a Status Hearing as follows:

Monday, June 1, 2015 at 9:00 a.m. in Dept. 303 for an Informal Accounting of the $5,400.00 Closing Reserve.

Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required. **Filing of the informal accounting of closing reserve will not generate a new hearing date.**

Reviewed by: skc

Reviewed on: 12-8-14

Updates:

Recommendation: SUBMITTED

File 5 - Gover

6 **Davis 1989 Family Trust (Trust)** **Case No. 14CEPR00298**

Atty **Burnside, Leigh W. (for Petitioner Joshua Davis – Beneficiary)**

Petition for Order Compelling Trustee to Account and Report

Thomas J. Davis DOD: 6-5-00		
Wealthea Davis DOD: 3-25-98		
Cont from 051914, 061814, 071614, 082714, 101414		
	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	

JOSHUA DAVIS, Beneficiary, is Petitioner.

Petitioner states he is a beneficiary of the Davis 1989 Family Trust dated 11-17-89 (the Trust) (Exhibit A). On or about the same date, Thomas and Wealthea Davis also created the **Davis Family 1989 Life Insurance Trust (the Insurance Trust) (Exhibit B)**. The Family Trust became irrevocable on the settlors' deaths. The Insurance Trust was already irrevocable during their lifetimes. Petitioner states **BRUCE NEILSEN** is the successor trustee of both trusts.

Petitioner states that following the death of Thomas Davis on 6-5-00, Petitioner, by his agent and CPA Tom Bell, inquired of Trustee Neilsen on multiple occasions about the nature of the Trust assets and timetable for distribution. Petitioner was aware that the decedents had owned real property in California, various stocks and bonds, as well as other assets to which Petitioner and the other named in this petition were beneficiaries.

Petitioner has requested that Trustee Neilsen provide him with an account of his administration of the Trust, but Trustee Neilsen has not done so. Additionally, Petitioner believes portions of the trust property that were to be held fbo Trust beneficiaries and Insurance Trust beneficiaries have been used to make loans to beneficiaries other than Petitioner, all to the detriment of Petitioner and other beneficiaries who may have lost their share of Trust and Insurance Trust assets as a result of the breach of his duties to the beneficiaries by Trustee Neilsen.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS:

Continued from 5-19-14, 6-18-14, 7-16-14, 8-27-14, 10-14-14

<u>Note</u>: On 8-26-14, Joshua Davis, Corey Davis and Brittney Davis filed a separate Petition for Order Compelling Trustee to Account and Report in Case 14CEPR00790, titled "Davis Family 1989 Life Insurance Trust – See Page 10 of this calendar.

SEE ADDITIONAL PAGES

Reviewed by: skc

Reviewed on: 12-8-14

Updates:

Recommendation:

File 6 - Davis

Petitioner states moreover, Trustee Neilsen has failed to require the execution of notes requirement repayments by the borrowers of the Trust and Insurance Trust assets, and/or that Trustee Neilsen has failed to require the repayment of principal and interest on the Trust and Insurance Trust monies by the borrowers, all to the detriment of Petitioner and the other beneficiaries.

Petitioner states the Trust estate was to be divided into 12 separate trusts immediately on the death of both settlors. Petitioner made inquiries of Trustee Neilsen as to what is held in the trust created for Petitioner, but Trustee Neilsen has not provided the requested information or any meaningful response. Petitioner is informed and believes that Trustee Neilsen has, without consent or knowledge of several of the beneficiaries, used Trust and/or Insurance Trust assets to fund business transactions initiated by other beneficiaries, all to the detriment of Petitioner and other beneficiaries.

Petitioner has been unable to determine what has been done with what portion of the Insurance Trust assets and the Trust assets which were to have been segregated from the rest of the Trust property and Insurance Trust property for Petitioner's benefit.

Petitioner requests the Court order as follows:

1. Directing Trustee Bruce Neilsen to prepare and file a complete account and report of his administration of the Davis 1989 Family Trust and the Davis 1989 Life Insurance Trust for the period of June 6, 2000 through March 31, 2014, inclusive;

2. Directing Trustee Bruce Neilsen to set the Account and Report for hearing and give notice of same pursuant to §17203;

3. Awarding Petitioner reasonable attorneys' fees and costs incurred in this matter; and

4. Granting any and all other relief as the Court deems just and proper.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS:

~~1. This petition requests accountings for two separate trusts. The two separate trusts have separate terms, separate assets, and separate purposes, and as such consideration by the Court requires separate petitions, separate notice, separate files, separate filing fees, and ultimately separate accountings.~~

~~The Court may designate this case number as the Family Trust file and direct Petitioner to initiate a separate proceeding regarding the Life Insurance Trust.~~

Update: On 8-26-14, Joshua Davis, Corey Davis and Brittney Davis filed a separate Petition for Order Compelling Trustee to Account and Report in Case 14CEPR00790, titled "Davis Family 1989 Life Insurance Trust – See Page 10 of this calendar.

2. Also, per its terms, the Family Trust was to immediately divide into *twelve (12) separate trusts*, only one of which was for Petitioner's benefit. Need clarification and authority regarding the scope of the request for accounting(s).

   Note: The language in the instruments differentiates between division into separate trusts and into separate shares, as contemplated by the Life Insurance Trust.

3. Notice appears to have been mailed to six people as couples, rather than as individuals entitled to direct notice. The Court may require amended direct service pursuant to Cal. Rules of Court 7.51.

4. Probate Code §17200(b)(7) provides that the Court can compel the trustee to provide information or account if the trustee has failed to provide the requested information within 60 days after the beneficiary's reasonable written request. Here, Petitioner states that he requested information after the settlors' deaths, which was approx. 14 years ago, but Petitioner does not state if any recent written request was made pursuant to §17200(b)(7), or what response was received, if any, pursuant to the written request. The Court may require clarification as to whether this petition may be prematurely filed pursuant to §17200(b)(7) and may require continuance for formal request and response. (Note: The requests should be separated for each trust pursuant to the above items.)

5. Need revised order.

7 **Sarah Alvarado (CONS/PE)** **Case No. 14CEPR00343**

Atty **Rindlisbacher, Curtis D. (Attorney Petitioner)**

Petition for Attorney Fees

	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	

CURTIS D. RINDLISBACHER, Petitioner, was Court appointed to represent the Conservatee on 4-18-14.

On 5-29-14, the Fresno County Public Guardian was appointed Conservator of the Person and Estate.

Petitioner requests fees in connection with the representation of the Conservatee for the petition to appoint a conservator.

Peitioner asks that he be paid $2,244.50 for 6.50 attorney hours @ $325/hr and 1.2 paralegal hours @ $110/hr, plus $435.00 for the filing fee for this petition.

Services are itemized by date and include review of pleadings, correspondence with Court Investigator, meeting with client, appearance at hearings, and correspondence with Public Guardian. 1.5 hours is also estimated for appearance at this hearing.

NEEDS/PROBLEMS/COMMENTS:

<u>Note</u>: I&A filed 12-9-14 by the Public Guardian consists of real property valued at $58,000.00.

Reviewed by: skc

Reviewed on: 12-8-14

Updates: 12-9-14

Recommendation:

File 7 - Alvarado

Dept. 303, 9:00 a.m. Monday, December 15, 2014

8 Christina DeLaCruz Irlas (Estate) Case No. 14CEPR00634

Atty Nielson, Bruce (for Petitioner Irene Preciado Irlas)
Atty Lawson, Pamela (of Las Vegas NV, licensed in CA) for Fernando Irlas Objector
Atty Irlas, Ruben (pro per Objector)
Atty Gomez, Esmeralda (pro per Objector)

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

DOD: 2/27/14

Cont. from 082514, 092314, 102714

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

IRENE PRECIADO IRLAS, daughter, is petitioner and requests appointment as Administrator without bond.

Full IAEA – o.k.

Decedent died intestate.

Residence: Selma
Publication: Selma Enterprise

Estimated value of the estate:

Personal property	-	$ 300.00
Real property	-	$150,000.00
Total	**-**	**$150,300.00**

Probate Referee – Steven Diebert.

Objections of Fernando Irlas filed on 9/8/14 states he objects to Petitioner's appointment based on the following:

1. Irene's mental health is questionable.
2. Irene failed to inform him that their mother was seriously ill. Did not keep him informed about their mother's arrangements. Assets of the decedent were allowed to be transferred to other family members. It is believed that decedent's life insurance policy was altered to name their brother Joe as beneficiary.
3. The petition for probate is filled with errors and misstatements. Personal property of the estate exceeds the $300 listed.

Please see additional page

NEEDS/PROBLEMS/COMMENTS:

Continued from 10/27/14.

As of 12/8/14 the following issues remain:

1. Need bond set at $150,300.00 or waivers of bond from:
   a. Ruben Irlas (son)
   b. Fernando Irlas (son)
   c. Esmeralda Irlas (daughter)
   d. Manuel Pena (grandson)
   e. Ciriaco Pena (grandson)
   f. Pearl Toledo (granddaughter)
   g. Frank Pena (son)
2. Need Duties and Liabilities.

Please see additional page

Reviewed by: KT
Reviewed on: 12/8/14
Updates:
Recommendation:
File 8 – Irlas

Supplement to Objections to the Petition filed by Fernando Irlas on 12/8/14 states the Petitioner should not be appointed as Administrator because she is not a person likely to manage the estate properly. After the Decedent's death she physically moved into the home of the decedent without notice or consultation with the Contestant; not only did she move into the home she moved her daughter and her two children into the home. Petitioner and her daughter and her grandchildren are living in the home rent free. Petitioner permitted or acquiesced in decedent's truck being transferred to Joe Irlas. Petitioner has permitted the home's back yard to become a junk yard. Petitioner is biased against her brother, contestant herein. This bias is long before the death of their mother but has escalated after her death.

In addition, Contestant states the petitioner's mental health appears to be questionable. Petitioner suffered a severe bout of depression at or immediately following the death of decedent. Petitioner did not work for two to three months; even after filing her petition she was still not competent as evidenced by her recent Facebook postings. 9/13/14, Petitioner states that she "Decided to finally comb my hair and put some make up." 10/13/14 Petitioner states, "I feel a lot better stell can't breathe but thank God I made it to work gotta pay the bills." 11/11/14 Petitioner states in pertinent part: "My ears are ringing constantly I'm seeing people that no one else sees and people are telling me that I look so happy. . ."

Contestant requests an independent fiduciary be appointed to administer the estate. Contestant has been communicating with Ron Dickem who is an independent fiduciary with his business in the area. There is no downside to the Estate in the appointed of an independent fiduciary, the fees are statutory and the same for both a lay person and/or a professional a professional fiduciary.

In the alternative, Contestant requests that the court appoint Ruben Irlas (child of the decedent) as co-administrator.

Contestant further requests that in the event petitioner is appointed bond be required in an amount sufficient to protect the assets of the estate.

Contest of Appointment of Personal Representative filed by Ruben Irlas on 9/8/14 states he opposes the appointment of Irene Preciado Irlas as personal representative for the following reason:

1. Not all assets of the estate are listed.
2. He and his brother were left out of the obituary.
3. Irene has moved into the estate property and has not paid any rent for the benefit of the estate, the only benefit is for her and her family to live there rent free.

Contest of Appointment of Personal Representative filed by Esmeralda Gomez on 9/8/14 states he opposes the appointment of Irene Preciado Irlas as personal representative for the following reason:

1. Not all assets of the estate are listed.
2. Irene verbally told her that she was suffering from depression.

Please see additional page

NEEDS/PROBLEMS/COMMENTS (cont.):

For Objector/Contestants:

1. Objection of Fernando Irlas filed on 9/8/14 does not include a proof of service showing it has been served on all interested parties.

2. Contest of Ruben Irlas does not include a proof of service showing it has been served on all interested parties.

3. Contest of Esmeralda Gomez does not include a proof of service showing it has been served on all interested parties.

4. Substitution of Attorney filed by Pamela Lawson on behalf of Fernando Irlas was not on the mandatory Judicial Council form.

Note: The Contest filed by Ruben Irlas and the Contest filed by Esmeralda Gomez state that they each have filed a petition for their own appointment as personal representative and have served notice of hearing on that petition. However, there is no record that another Petition for Probate has been filed for this decedent.

Note: If the petition is granted, status hearings will be set as follows:

- **Wednesday, January 21, 2015** at 9:00 a.m. in Department 303, for the filing of the bond.

- **Wednesday, May 20, 2015** at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.

- **Wednesday, February 24, 2016** at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.

9 Frank O. Alvarez (CONS/P) **Case No. 14CEPR00680**

Atty Mendoza, Helen (Pro Per – Sister – Petitioner)

Atty Boyett, Deborah K. (Court appointed for Conservatee)

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

Cont. from 090414, 101614		
	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	

NO TEMP REQUESTED

HELEN MENDOZA, Sister, is Petitioner and requests appointment as Conservator of the Person with medical consent powers and dementia medication and placement powers.

Voting rights affected

Capacity Declaration filed 8-25-14.

Petitioner states the proposed Conservatee suffers from dementia, autism.

Court Investigator Charlotte Bien filed a report on 8-14-14.

NEEDS/PROBLEMS/COMMENTS:

Court Investigator advised rights on 8-12-14.

Voting rights affected – need minute order

Minute Order 10-16-14:
Matter continued to 12/15/14 at which time, the Court will consider Ms. Mendoza's request for placement powers.

1. **It is unclear if Petitioner is seeking dementia medication and placement powers because the dementia attachment to the petition (GC-313) was not included or served with the petition.**

   The Capacity Declaration states the proposed Conservatee has dementia, and supports dementia medication powers, but does not address placement at all.

   Petitioner has now filed the Dementia Attachment requesting both medication and placement powers, and has filed proofs of service on the attorney for the Conservatee and the relatives.

   However, because the Capacity Declaration specifically does not address placement, the Court may require further information or a new Capacity Declaration.

   As of 12-8-14, nothing further has been filed.

Reviewed by: skc
Reviewed on: 12-8-14
Updates:
Recommendation:
File 9 - Alvarez

10 In Re: Davis Family 1989 Life Insurance Trust Case No. 14CEPR00790

Atty Burnside, Leigh W (for Petitioners Joshua Davis, Corey Davis and Brittney Davis)

Petition for Order Compelling Trustee to Account and Report

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	

JOSHUA DAVIS, COREY DAVIS and **BRITTNEY DAVIS**, beneficiaries, are petitioners.

Petitioners state Settlors **Wealthea Davis** died on 3/25/98 and **Thomas J. Davis** died on 6/5/00 – more than 14 years ago.

BRUCE NEILSON ("Trustee Neilson") is successor Trustee.

Petitioners state following the death of settlor Thomas J. Davis, by their agent and their CPA, Tom Bell, inquired on multiple occasions of Trustee Neilson about the nature of the Trust assets and the timetable for distribution. Petitioners believe that the Insurance Trust at its inception was funded with approximately $2,370,000.

Petitioners have requested that Trustee Neilson provide them with an account of his administration of the Insurance Trust, but Trustee Neilson has not yet done so.

Additionally, Petitioners believe that portions of the Insurance Trust property that was to be held by Trustee Neilson for the benefit of the Insurance Trust beneficiaries has been used to make loans or excessive distributions to beneficiaries other than Petitioners, all to the detriment of Petitioners and other beneficiaries whose share of Insurance Trust assets have been improperly loaned or otherwise transferred to beneficiaries who were not entitled to receive what was loaned or otherwise transferred to them as a result of the breach by Trustee Neilson of his duties to the beneficiaries.

Please see additional page.

NEEDS/PROBLEMS/COMMENTS:

1. Need Order

Reviewed by: KT

Reviewed on: 12-8-14 (skc)

Updates:

Recommendation:

File 18 – Davis Life

Moreover, Petitioners believe that Trustee Neilson has failed to require the execution of notes requiring repayment by the borrowers of the Insurance Trust assets, and/or that Trustee Neilson has failed to require repayment of principal and interest on the Insurance Trust monies by the borrowers, all to the detriment of Petitioners and the other Beneficiaries to whom loans were not made.

Petitioners believe that Trustee Neilson has transferred property belonging to the beneficiaries of the Insurance Trust in a manner that diminishes Petitioners' rights as beneficiaries under the Insurance Trust. Petitioners submit Trustee Neilson has refused to share information with Petitioners concerning what has been done with the assets of the Insurance Trust, and that such refusal constitutes a violation of Probate Code §16060 which states the trustee has a duty to keep the beneficiaries "reasonably informed of the trust and its administration."

Further, Petitioners believe that Trustee Neilson has made substantially greater distributions to some beneficiaries than to others, in a manner which is inconsistent with the terms of the Insurance Trust. Some beneficiaries have been distributed or loaned far more than their "share" of the trust assets. Petitioners have been distributed far less than their "shares" and the Insurance Trust does not appear to hold sufficient assets to provide Petitioners with the assets to which they are entitled.

Petitioners request this Court order Trustee Neilson to provide a complete account and report of his administration of the Insurance Trust for the period from June 6, 2000 through the present.

Petitioners allege that Trustee Neilson should be personally surcharged for any damages resulting from his mismanagement of the Insurance Trust and failure to provide the beneficiaries with information as provided by law.

Petitioners allege that Trustee Neilson's failure to segregate the Insurance Trust assets as provided for in the Insurance Trust constitutes a breach of is fiduciary duties as Trustee.

As a proximate result of Trustee Neilson's breach of trust, there has been an extreme depletion of the Insurance Trust assets which would be available for distribution to Petitioners if not for the wrongful distributions and loans made by Trustee Neilson. Petitioners believe that Trustee Neilson's breach of trust has resulted in damages to Petitioners and the Insurance Trust in an amount not less than $533,000.

Wherefore, Petitioners request the Court order the following:

1. Directing Trustee Bruce Neilson to prepare and file a complete account and report of his administration of the Davis Family 1989 Life Insurance Trust for the period of 6/6/2000 through 8/15/2014, inclusive;

2. Directing Trustee Bruce Neilson to set the Account and Report for hearing and give notice of same pursuant to Probate Code §17203;

3. Awarding Petitioners reasonable attorneys' fees and costs incurred in this matter;

4. Surcharging Trustee Bruce Neilson as appropriate according to proof.

Dept. 303, 9:00 a.m. Monday, December 15, 2014

11 Robert Niel Hansen (Estate) Case No. 14CEPR00833

Atty **O'Malley, David T. (for Craig R. Hansen – Son – Petitioner)**

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

DOD: 5-30-14		
Cont from 102714		
	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	

CRAIG R. HANSEN, Son and named Executor without bond, is Petitioner.

All listed heirs waive bond.

Full IAEA – ok

Will dated 7-2-10

Residence: Weiser, Idaho

The decedent owned real property in Fresno County.

Estimated value of estate:
Real property: $500,000.00
Annual Income from Real Property: $13,000.00
Total: $513,000.00

Probate Referee: Rick Smith

NEEDS/PROBLEMS/COMMENTS:

<u>Note</u>: This is an ancillary probate. Petitioner has provided an exemplified copy of the will, the original having been lodged with the Clerk of the District Court, State of Idaho, County of Washington.

<u>Note</u>: If granted, the Court will set status hearings as follows:

- **Monday 4-20-15 for the filing of the Inventory and Appraisal**
- **Monday 4-18-16 for the filing of the first account or petition for final distribution**

If the proper items are on file pursuant to Local Rules, the status hearings may be taken off calendar.

Reviewed by: skc

Reviewed on: 12-15-14

Updates:

Recommendation: SUBMITTED

File 11 – Hansen

12 Ellie Jubily Robertson (GUARD/P) Case No. 14CEPR00944
Atty Donovan, Katherine E. (for Cindy Robertson – Maternal Grandmother – Petitioner)
Atty Ritter, Jarrod (Pro Per – Father – Objector)
Petition for Appointment of Guardian of the Person (Prob. C. 1510)

	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	
✓	Clearances	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

TEMP EXPIRES 12-15-14

CINDY ROBERTSON, Maternal Grandmother, is Petitioner.

Father: **JARROD RITTER**
- Personally served 10-16-14
- Objection filed 10-22-14

Mother: **BAILEY ROBERTSON**
- Consents and waives notice

Paternal Grandfather: Michael Ritter
- Served by mail 10-15-14
Paternal Grandmother: Crystal Perez
- Served by mail 10-15-14

Maternal Grandfather: Bruce Robertson
- Served by mail 10-15-14

Petitioner states the mother is currently in treatment at an inpatient facility. The father resides in the California Hotel in Downtown Fresno which does not allow children. The current Family Law order provides that the father have supervised visits only. A copy of the Court Order Re Child Custody and Visitation filed 8-13-14 in 12CEFS02577 is attached to the UCCJEA.

Jarrod Ritter, Father, filed an Objection on 10-22-14. Mr. Ritter states Petitioner has been hostile toward him and has insulted him in front of his daughter. He has only been able to see his daughter a few times. It has been impossible to work with Cindy. Her petition states he has been in substance abuse programs four times, which is untrue, and states he is bipolar and uses methamphetamines, which is also untrue. She claims he left his daughter unsupervised around a pool. There is no way that could occur, because the pool gate is always locked and he does not have a key. She is trying to discredit him. Mr. Ritter asks that visitations be changed as there is no reason to have supervised visits. It is apparent that Cindy is not willing to work with him and is treating the custody situation like a battle, when he is more than willing to work with them. Mr. Ritter recommends the Court order all parties involved in Ellie's care go to counseling so that Ellie can get the best care and all the love and attention she deserves. Attached is a letter in support from a social worker at Mr. Ritter's residence.

Court Investigator Dina Calvillo filed a report on 12-5-14.

NEEDS/PROBLEMS/COMMENTS:

<u>Minute Order 10-23-14</u>: The Court orders that visitation be supervised by the paternal grandfather. Visitation as determined by the temporary guardian. The general hearing remains set for 12-15-14.

1. **There is an active Family Law matter 12CEFS02577. Pursuant to Local Rule 7.15.7, the Court may require Petitioner seek joinder to the Family Law matter in lieu of guardianship.**

Reviewed by: skc
Reviewed on: 12-8-14
Updates:
Recommendation:
File 12 - Robertson

13 Robert Murrieta (Det Succ) **Case No. 14CEPR00989**

Atty Little, Kevin G. (for Petitioner Janie Murrieta)

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

DOD: 1/18/11			**JANIE MURRIETA**, surviving spouse, is petitioner. 40 days since DOD. No other proceedings Decedent died intestate? I & A - **Need** **Petitioner requests** Court determination that real property located at 4754 E. Thomas, Fresno pass to her pursuant to intestate succession.	**NEEDS/PROBLEMS/COMMENTS:** 1. Petition was filed using a fee waiver. Filing fees are considered by the Court to be costs of administration. Therefore the filing fees of $435.00 must be paid prior to the order being signed. 2. Need Inventory and Appraisal 3. #5 of the petition was not answered re: intestate or testate. 4. #9a(7) or 9a(8) of the petition was not answered re: issue of a predeceased child. 5. Declaration attached to the petition states Petitioner and Decedent did not have any children. Did the Decedent have children from a prior marriage? Or issue of a predeceased child from a prior marriage? 6. Attachment 11 does not include the decedent's interest in the real property. 7. Need Order
Cont. from				
	Aff.Sub.Wit.			
✓	**Verified**			
	Inventory	X		
	PTC			
	Not.Cred.			
	Notice of Hrg	N/A		
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order	X		
	Aff. Posting			**Reviewed by: KT**
	Status Rpt			**Reviewed on: 12/8/14**
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 13 - Murrieta**

Dept. 303, 9:00 a.m. Monday, December 15, 2014

14 Melissa Dale Guiba (Estate) **Case No. 14CEPR01033**

Atty Fanucchi, Edward L. (for Ramon Guiba – Spouse – Petitioner)

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

DOD: 3-26-14			RAMON GUIBA, Spouse, is Petitioner and requests appointment as Administrator with bond (amount not stated). Full IAEA – ok Decedent died intestate Residence: Publication: Estimated Value of Estate: Blank Probate Referee: Rick Smith	NEEDS/PROBLEMS/COMMENTS: 1. **Need Estimated Value of Estate. Probate Code §8002(a)(4). This information is necessary for bond calculation.** 2. **Need Order. Local Rule 7.1.1.F.** 3. **Need Letters.** **<u>Note</u>: If granted, the Court will set status hearings as follows:** • **Monday 2-2-15 for filing of bond** • **Monday 4-20-15 for the filing of the Inventory and Appraisal** • **Monday 4-18-16 for the filing of the first account or petition for final distribution** **If the proper items are on file pursuant to Local Rules, the status hearings may be taken off calendar.**
	Aff.Sub.Wit.			
✓	**Verified**			
	Inventory			
	PTC			
	Not.Cred.			
✓	**Notice of Hrg**			
✓	**Aff.Mail**	w		
✓	**Aff.Pub.**			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters	x		
✓	**Duties/Supp**			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order	x		
	Aff. Posting			**Reviewed by:** skc
	Status Rpt			**Reviewed on:** 12-8-14
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 14 - Guiba**

Dept. 303, 9:00 a.m. Monday, December 15, 2014

15 Glenda Humphries (CONS/P) Case No. 0279066

Atty Frame, Darline (Pro Per – Sister – Petitioner)
Atty Romanenko, Carolyn (Pro Per – Sister – Petitioner)
Atty White, Aline (Pro Per – Sister – Petitioner)

Petition for Appointment successor Probate Conservator of the Person

	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	x
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

NO TEMP REQUESTED

DARLINE FRAME, CAROLYN ROMANENKO, and ALINE WHITE, Sisters, are Petitioners and request appointment as Successor Co-Conservators of the Person with medical consent powers under Probate Code §2355 and additional powers under Probate Code §2590.

MAXINE MARSH, Sister, was appointed Successor Conservator with medical consent powers on 7-15-03.

Voting rights affected

Petitioners state the Conservatee was stricken with polio at age six months. She is unable to communicate medical and personal decisions. She must have constant care and attention and without it she cannot take care of her physical needs. A more detailed explanation is contained in the Confidential Supplement. Petitioners request that the Court deny the petition filed on 10-31-14 by Dewayne Marsh.

Petitioners also seek powers under Probate Code §2590 in order to seek community resources for the benefit of the Conservatee and seek and obtain benefits including Social Security, SSI, medical coverage, Medicare, Medi-Cal, long term care, supplemental health insurance, disability benefits, food stamps, subsidized housing, and personal care and welfare services.

Court Investigator Julie Negrete filed a report on 12-9-14.

NEEDS/PROBLEMS/COMMENTS:

Court Investigator advised rights on 11-24-14

Voting rights affected – need minute order

Note: TONY DEWAYNE MARSH, Nephew, filed a petition on 10-31-14 for appointment as Joint Successor Conservator of the Person with current conservator **MAXINE MARSH** that is set for hearing on 12-16-14. Mr. Marsh is represented by Attorney Marlene Hubbell.

Court Investigator to advise rights, file report.

Voting rights affected – need minute order

1. **There is no vacancy in the office of Conservator. Maxine Marsh was appointed as Successor Conservator of the person on 7-15-03 and there is no petition pending to remove her pursuant to Probate Code §2650. (Tony Dewayne Marsh is seeking appointment jointly with the existing conservator.)**
2. **Petitioners do not request conservatorship of the estate, but seek powers under Probate Code §2590 in order to seek public assistance benefits and resources for the Conservatee. Pursuant to Local Rule 7.15.4, Conservatorship of the estate is not required when the only income/assets are public assistance benefits. As such, it does not appear that powers under §2590 are necessary or appropriate. The Court may require clarification.**
3. **Need video receipt per Local Rule 7.15.8.A.**
4. **The Conservatee is developmentally disabled pursuant to Probate Code §1420. Therefore, need notice to CVRC pursuant to Probate Code §§ 1822(e), 1461.4.**

Reviewed by: skc
Reviewed on: 12-8-14
Updates: 12-10-14
Recommendation:
File 15 - Humphries

16A Devan M. Harris (CONS/P) Case No. 0613579

Atty **Horton, Lisa M., of Walters & Moshrefi (for Conservator Kendra L. Brenson)**

Status Hearing Re: Filing Receipt of Blocked Account

Age: 39 years		
Cont. from 061814, 101614		
	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	

KENDRA L. BRENSON, sister, was appointed Successor Conservator of the Person and Estate on 8/2/2007.

***Petition for Order Confirming Sale of Real Property* was filed by Conservator on 3/10/2014**, seeking Court confirmation of the real property interest owned by the Conservatorship, consisting of a **23.95%** interest in the property valued at **$84,314.47** as of 3/31/2008.

***Order Confirming Sale of Real Property* was filed 5/19/2014**, and requires bond of **$42,000.00**. ***Minute Order* dated 5/19/2014** from the hearing on the confirmation of sale states the Court accepts counsel's representation and finds good cause for sale of the property at **$185,000.00**. There being no overbids in open Court, the sale price is confirmed at **$185,500.00**. The Court orders that there be no distribution of the proceeds pending further order of the Court.

***Declaration of Lisa Horton* filed 6/11/2014 for the previous Status Hearing states, in pertinent part:**

- Due to the Petitioner being out of state, being bonded is difficult;
- Petitioner requests that this Court order the funds from the sale as according to the closing statement be deposited into a blocked account in Texas, with proof of deposit into a blocked account filed within 15 days from the date of the hearing;
- The Conservatee receives SSA from his father's death and no longer receives SSI; if the sale proceeds are deposited into a blocked account, then there is no danger of Conservatee losing any benefits.

NEEDS/PROBLEMS/COMMENTS:

Page 16B is the Status Hearing Re: Establishment of Conservatorship in Texas; and filing of the Final Account.

Continued from 10/16/2014. The following issue from the last hearing remains:

1. Need proof of funds deposited into a blocked account in the State of Texas via filing of Judicial Council form *Receipt and Acknowledgment of Order for the Deposit of Money into Blocked Account*.

Note: *Order to Deposit Money into Blocked Account* filed 11/20/2014 authorizes deposit of the sum of **$37,058.93**.

Reviewed by: LEG	
Reviewed on: 12/8/14	
Updates:	
Recommendation:	
File 16A - Harris	

16B Devan M. Harris (CONS/PE) Case No. 0613579

Atty **Horton, Lisa M., of Walters & Moshrefi (for Conservator Kendra L. Brenson)**

Status Hearing Re: Establishment of Conservatorship in Texas; Final Account

Age: 39 years		
Cont. from 101614		
	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	

KENDRA L. BRENSON, sister, was appointed Successor Conservator of the Person and Estate on 8/2/2007.

***Order Fixing Residence Outside the State of California* filed on 6/18/2014** finds the residence of the Conservatee shall be *[street address omitted]*, Conroe, Texas; and that conservatorship of the person and estate or its equivalent shall be commenced in the state of new residence **within 4 months** of the date of this order.

***Minute Order* dated 6/18/2014** set a Status Hearing on 10/16/2014 for filing proof of establishment of conservatorship or its equivalent in Texas.
Four months from the date of the *Order Fixing Residence* expired on **10/18/2014**.

Status Hearing Report filed 10/15/2014* for the previous Status Hearing states:

- **Receipt:** The escrow funds were deposited into a Wells Fargo Savings account under the name of the conservatorship at the direction of Ms. Brenson's Texas counsel; she is trying to get a signed receipt for the deposit into a blocked account, but they do not have blocked accounts in Texas for conservatorships; those accounts are called "safe keeping" accounts; she has spoken with Ms. Brenson's counsel in Texas and she is advising Ms. Brenson on maintaining and keeping the funds safe;
- She has seen a bank account statement showing the funds gaining interest and with no withdrawals; she needs more time to get a signed receipt from Wells Fargo;
- **Final accounting:** Since the conservatorship has not been established yet in Texas, the final accounting period has not ended; she is gathering the bank statements since the escrow funds from the sale were deposited and have started the accounting;
- **Conservatorship in TX:** She has been in contact with Ms. Brenson's Texas counsel and was informed that the application for guardianship (TX term for conservatorship) has been prepared and will be filed shortly; she was informed that a court investigator is appointed after the application is filed and the investigators are behind on their investigations and could be out a couple of months; the whole process could take 4 months.

NEEDS/PROBLEMS/ COMMENTS:

1. Need proof of the establishment of conservatorship of the person and estate or its equivalent in the State of Texas.
2. Need first and final account of the conservatorship pursuant to Probate Code § 2620 et seq.

Reviewed by: LEG

Reviewed on: 12/8/14

Updates:

Recommendation:

File 16B - Harris

17 Norma Woodrum (CONS/PE) Case No. 12CEPR01132

Atty Burnside, Leigh W., of Dowling Aaron (for Conservator Randy Woodrum)

Status Hearing Re: Filing of the Increased Bond

			NEEDS/PROBLEMS/COMMENTS:
			OFF CALENDAR
Cont. from			***Proof of Additional Bond* in the amount of $9,100.99 was filed 10/27/2014.**
	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:** LEG
	Status Rpt		**Reviewed on:** 12/8/14
	UCCJEA		**Updates:**
	Citation		**Recommendation:**
	FTB Notice		**File 17 - Woodrum**

18 Joanne Sanoian (Estate) Case No. 14CEPR00327

Atty **Shahbazian, Steven L. (for John F. Garland – Executor)**

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 03/22/2014		
Cont. from 101514		
	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	

JOHN F. GARLAND, was appointed Executor with full IAEA without bond on 05/15/2014.

Letters issued on 05/20/2014

Minute Order of 05/15/2014 set this matter for hearing.

Inventory and Appraisal Partial No. 1 filed 07/15/2014 shows an estate valued at $440,000.00

Final Inventory and Appraisal filed 10/28/2014 shows an estate valued at $954,068.74. – See Note

NEEDS/PROBLEMS/COMMENTS:

1. Need Final Inventory and Appraisal.

Note: Final Inventory and Appraisal filed 10/28/2014 states in the caption that this is the Final Inventory and Appraisal however at #3 it states "*attachment 1 and 2 together with all prior inventories filed contain a true statement of a portion of the estate that has come to my knowledge or possession, including particularly all money and all just claims the estate has against me. I truly, honestly, and impartially appraised to the best of my ability each item set forth in Attachment 1.*" Need clarification: is this truly just a portion of the decedent's property or is this in deed all of the decedent's estate?

Reviewed by: LV
Reviewed on: 12/09/2014
Updates:
Recommendation:
File 18 - Sanoian

19 Willie Young (Estate) **Case No. 14CEPR00420**

Atty Balgley, Elise M. (for Howard Young – Brother – Administrator)

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 6-17-13			HOWARD YOUNG, Brother, was appointed as Administrator with Full IAEA with bond of $205,000.00 on 7-14-14. At the hearing on 7-14-14, the Court set this status hearing for the filing of the Inventory and Appraisal. On 9-2-14, the Court amended its order to reflect Limited IAEA and no bond was required. Letters issued on 9-5-14.	NEEDS/PROBLEMS/COMMENTS: 1. **Need Inventory and Appraisal pursuant to Probate Code §8800 or verified written status report pursuant to Local Rule 7.5.**
	Aff.Sub.Wit.			
	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			Reviewed by: skc
	Status Rpt			Reviewed on: 12-8-14
	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 19 - Young

20 Juan Jaime Gonzalez (Estate) Case No. 14CEPR00501

Atty Roberts, Gregory J. (for Executor Sandra Gonzalez)

Status Hearing Re; Filing of the Inventory and Appraisal

DOD: 2/17/2014			NEEDS/PROBLEMS/COMMENTS:
			OFF CALENDAR
Cont. from			***Final Inventory and Appraisal*** **filed 10/27/2014.**
	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:** LEG
	Status Rpt		**Reviewed on:** 12/8/14
	UCCJEA		**Updates:**
	Citation		**Recommendation:**
	FTB Notice		**File 20 - Gonzalez**

21 Sharon Elaine Bess (CONS/P) Case No. 0241225

Pro Per **Christian, Elsie J. (Pro Per Petitioner, sister)**
Pro Per **Bess, Doris (Pro Per Successor Conservator, sister)**

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

Age: 55 years		
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	X
✓	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
✓	Citation	
	FTB Notice	

NO TEMPORARY REQUESTED

ELSIE J. CHRISTIAN, sister, is Petitioner and requests appointment as Conservator of the Person with medical consent powers.

***Capacity Declaration* of Caroline Sharp, Ph.D., filed 9/26/2007** supports request for medical consent powers; the Conservatee's incapacity to consent to any form of medical treatment was determined by order filed in this matter on 10/30/2007.

Voting Rights Affected

Petitioner states the Conservatee is developmentally disabled and suffers from mental retardation due to medication given to her mother during pregnancy.

***Declaration* filed 12/4/2014** by Petitioner contains a letter to the Court from the Petitioner and the following siblings of Conservatee, **DOUGLAS BESS, JEFFERY BESS, RODNEY BESS** (the name of **MARVIN BLAND** is included, but the letter does not contain his signature), which provides family history and information for the Court's consideration in support of their request to grant Petitioner's petition for successor conservatorship.

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS:

Court Investigator Advised Rights on 11/5/2014.

Voting Rights Affected – Need Minute Order.

1. Court records show a Conservatorship of the Person has existed for the Conservatee since 5/23/1979, with **DORIS BEST**, sister, as the current Successor Conservator of the Person having been appointed on 10/30/2007 following the resignation of Conservatee's mother. Therefore, there is no vacancy in the office of conservator. Petitioner may file a petition for removal of conservator of the person pursuant to Probate Code § 2650 et seq., or in the alternative may procure a resignation from the current conservator of the person pursuant to Probate Code § 2660.

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

~Please see additional page~

Reviewed by: LEG
Reviewed on: 12/9/14
Updates:
Recommendation:
File 21 - Bess

NEEDS/PROBLEMS/COMMENTS, continued:

Note: *Proof of Service by Mail* of the *Notice of Hearing* filed 11/18/2014 shows that Conservatee's son, **DAVID J. CHATMAN**, is indicated as homeless and thus has not been provided with notice of this petition. Court may require Petitioner to file a Declaration of Due Diligence regarding efforts to provide notice to him pursuant to Probate Code §§ 1822(b)(2) and 2683(b).

Court Investigator Julie Negrete's *Report* was filed on 12/5/2014.

22 Adam Flavio Carbajal (GUARD/P) Case No. 10CEPR00008

Atty Delgado, Maria Guadalupe (pro per Petitioner/mother)
Atty Garcia, Alfredo (pro per Guardian/maternal step-grandfather)
Atty Alvarez-Garcia, Maria (pro per Guardian/maternal grandmother)

Petition for Visitation

Age: 11 years			**MARIA DELGADO**, mother, is petitioner.
			MARIA ALVAREZ-GARCIA, maternal grandmother, and **ALFREDO GARCIA**, maternal step-grandfather, were appointed guardians on 5/3/2010.
			Father: **FLAVIO CARBAJAL**
Cont. from			
	Aff.Sub.Wit.		
✓	**Verified**		
	Inventory		**Petitioner states** at the time of the appointment she agree to the guardianship. Since the guardianship was established she has seen her son with no issues. Now all of the sudden the guardian is not letting her see her son. Guardian has no valid reason for keeping the minor from his mother.
	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		

NEEDS/PROBLEMS/COMMENTS:

1. Need Notice of Hearing.
2. Need proof of service of the Notice of Hearing on:
   a. Maria Alvarez-Garcia (guardian)
   b. Alfredo Garcia (guardian)

Reviewed by: KT
Reviewed on: 12/8/14
Updates:
Recommendation:
File 22 - Carbajal

Dept. 303, 9:00 a.m. Monday, December 15, 2014

23 TraSean Mister (GUARD/P) **Case No. 14CEPR00705**

Atty Dickson, Tracia (pro per – maternal grandmother/Petitioner)

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

Age: 5			**TEMPORARY EXPIRES ON 12/15/14**	**NEEDS/PROBLEMS/COMMENTS:**
			TRACIA DICKSON, maternal grandmother, is Petitioner. Father: **EARL SEAN MISTER** Mother: **TRAMAREE PARKER** Paternal grandparents: UNKNOWN Maternal grandfather: MATTHEW PARKER – *deceased* **Petitioner alleges** that both parents are currently incarcerated. Petitioner alleges that the father has a history of violence and has threatened to burn her house down and also to take the minor to the Los Angeles area. **Court Investigator Jennifer Young filed a report on 10/07/14.**	**<u>CONTINUED FROM 10/15/14</u>** **Minute Order from 10/15/14 states: The Court on its own motion grants a temporary guardianship in favor of Tracia Dickson. The temporary expires on 12/15/14.** **As of 12/09/14, nothing further has been filed and the following notes remain:** 1. Need *Notice of Hearing*. 2. Need proof of service at least 15 days before the hearing of *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian of the Person* <u>or</u> Consent and Waiver of Notice <u>or</u> Declaration of Due Diligence for: a. Earl Sean Mister (father) – personal service required b. Tramaree Parker (mother) – personal service required c. Paternal grandparents – service by mail sufficient 3. UCCJEA is incomplete. Need minor's residence address for the past 5 years.
Cont. from 101514				
	Aff.Sub.Wit.			
✓	**Verified**			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg	X		
	Aff.Mail	X		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	X		
✓	**Conf. Screen**			
✓	**Letters**			
✓	**Duties/Supp**			
	Objections			
	Video Receipt			
✓	**CI Report**			
	9202			
✓	**Order**			
	Aff. Posting			**Reviewed by:** JF
	Status Rpt			**Reviewed on:** 12/09/14
✓	**UCCJEA**			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 23 - Mister**

Dept. 303, 9:00 a.m. Monday, December 15, 2014

24 Pamela Darlen Lassley (Spousal) Case No. 14CEPR00854

Atty **Lassley, Scott (Pro Per – Spouse – Petitioner)**

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

DOD: 6-11-14		
Cont from 102714		
	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	

SCOTT LASSLEY, Surviving Spouse, is Petitioner.

No other proceedings

Will dated 4-28-13 is the California Statutory Will. The spaces filled in indicate Petitioner as named executor, but the decedent's own name is filled in regarding the residence and residue.

Petitioner states he and the decedent were married in 1984 and remained married until her death. They acquired the real property that is the subject of this petition in 1997 together with the understanding that it would be and remain their community property.

Petitioner requests court confirmation that an undivided one-half interest in the real property located at 1763 5th Street in Clovis belongs to him, and that the decedent's one-half interest in the real property passes to him.

Petitioner also requests court confirmation that the decedent's 2005 Toyota passes to him.

NEEDS/PROBLEMS/COMMENTS:

1. **The Decedent's will is a printout of the California Statutory Will with blank spaces to fill in the devisees, etc. It appears that the decedent fill in her own name, and not the name of her devisee, in most sections of the will. Because of this, the will does not devise her estate to Petitioner; it devises her estate to herself.**

   However, Petitioner alleges that the assets described in this petition were community property; therefore, it appears the assets would pass to Petitioner pursuant to intestate succession. The Court may require further information.

Reviewed by: skc	
Reviewed on: 12-8-14	
Updates:	
Recommendation:	
File 24 – Lassley	

25 Brittany Nunez (GUARD/P) **Case No. 14CEPR00940**

Atty Nunez, Myra (pro per Petitioner/maternal aunt)

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

Age: 16 years		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	W/
	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 12/15/14

MYRA NUNEZ, maternal aunt, is petitioner.

Father: **EDGAR DANIEL VIRGILIO FONSECA**

Mother: **LAURA NUNEZ** – *consents and waives notice.*

Paternal grandfather: Daniel Virgilio
Paternal grandmother: San Juana Forseca Chavez
Maternal grandfather: Deceased
Maternal grandmother: Maria Mendez – *mailed notice on 10/16/14.*

Petitioner states the father is abusive to the minor. He has left bruises and scratches on her body. The minor has filed police reports but nothing has been done. She has run away from the home twice.

Court Investigator JoAnn Morris' Report filed on 12/8/14.

NEEDS/PROBLEMS/COMMENTS:

1. 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. Brittany Nunez (minor)
   b. Edgar Daniel Virgilio Fonseca (father)

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. Daniel Virgilio (paternal grandfather)
   b. San Juana Forseca Chavez (paternal grandmother)

Reviewed by: KT
Reviewed on: 12/9/14
Updates:
Recommendation:
File 25 - Nunez

Dept. 303, 9:00 a.m. Monday, December 15, 2014

26 Daniel Jacob McDonald-Carpio (GUARD/P) Case No. 14CEPR00950

Atty McDonald, Lori (Pro Per – Paternal Grandmother – Petitioner)

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

			TEMP EXPIRES 12-15-14	**NEEDS/PROBLEMS/COMMENTS:**
			LORI MCDONALD, Paternal Grandmother, is Petitioner. Father: **JACOB MCDONALD** *- Consents and waives notice* Mother: **REBECCA SANCHEZ** *- Personally served 10-17-14* *- Present at hearing 10-27-14* Paternal Grandfather: Scott McDonald *- Served by mail 10-22-14* Maternal Grandfather: Unknown Maternal Grandmother: Magdalena (last name not provided)(deceased) **Petitioner states** the father is incarcerated at Pleasant Valley Prison and will not come home until a good seven years. The children were removed from their mother's care by CPS. Daniel was placed in Petitioner's care and his siblings were placed in foster care. See attached Team Decision-Making Summary Report. **Court Investigator Samantha Henson filed a report on 12-5-14.**	**1. Petitioner states the maternal grandfather is unknown. If diligence is not found, need notice pursuant to Probate Code §1511.**
	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			**Reviewed by:** skc
	Status Rpt			**Reviewed on:** 12-8-14
✓	**UCCJEA**			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 26 – McDonald-Carpio**

Dept. 303, 9:00 a.m. Monday, December 15, 2014

27 Terry Hayden (Estate) **Case No. 14CEPR00995**

Atty Luchetti, Kylee Marie (Pro Per – Daughter – Petitioner)

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

DOD: 10-19-14		
✓	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	

KYLEE MARIE LUCHETTI, Daughter, is Petitioner and requests appointment as Administrator without bond.

Named Executor declines to act.

All heirs waive bond and nominate Petitioner to act as personal representative.

Full IAEA – ok

Holographic Will dated 5-22-12

Residence: Clovis
Publication: Fresno Business Journal

Estimated value of estate:

Personal property:	$162,900.00
Annual income:	$128,700.00
Real property:	$518,000.00
Total:	$809,600.00

Probate Referee: Rick Smith

NEEDS/PROBLEMS/COMMENTS:

OFF CALENDAR

Amended Petition filed 11-25-14 is set for hearing on 1-12-15

The following issues should be addressed before the hearing on 1-12-15:

1. **Need republication for amended petition for 1-12-15.**
2. **Petitioner does not state the relationships of the listed heirs to the decedent at #8 as required by Probate Code §8002(a)(3). Need verified declaration containing this information.**
3. **Petitioner indicates at #3 that the decedent died in Hartford, CT, but resided in Clovis, CA. The Court may require clarification regarding the decedent's residence for jurisdiction purposes pursuant to Probate Code §§ 8005-8007.**
   (Note: Petitioner resides in Clovis; however, the other two heirs reside in Seattle, WA.)
4. **The petition is blank at #5(7) and (8). Was the decedent survived by issue of a predeceased child?**
5. **Does Disclaimant Joanne Hayden have issue that would take pursuant to Probate Code §275?**

Reviewed by: skc

Reviewed on: 12-9-14

Updates:

Recommendation:

File 27 - Hayden

28 Josiah Gayten & Nevaeh Dominguez (GUARD/P) Case No. 14CEPR00508

Atty **Alegria, Eddie (pro per – maternal second cousin/Petitioner)**

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

Josiah, 6 mos.		
Nevaeh, 1 year		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	x
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	x
✓	**Conf. Screen**	
	Letters	x
✓	**Duties/Supp**	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	x
	Aff. Posting	
	Status Rpt	
✓	**UCCJEA**	
	Citation	
	FTB Notice	

TEMPORARY GRANTED EX PARTE; TEMPORARY EXPIRES 12/15/14

GENERAL HEARING CONTINUED TO 01/13/15

EDDIE ALEGRIA, maternal second cousin, is Petitioner.

Father (Josiah): **ADRIAN GAYTEN**
Father (Nevaeh): **PABLO DOMINGUEZ, III**

Mother: **CRISSY QUAIR**

Paternal grandparents: NOT LISTED

Maternal grandfather: NOT LISTED
Maternal grandmother: MARY LOU DICK

Petitioner states that both parents have abandoned Nevaeh and show no interest in her well-being. The father ripped Nevaeh from Petitioner's home (the only home Nevaeh knows) just to turn around and give her to his parents a few weeks later. His parents then returned her to her mother knowing that she is an unfit mother with an ongoing meth addiction. The mother then called Petitioner and asked her to care for Nevaeh again. When Petitioner went to pick up Nevaeh, she had only the dirty clothes she was wearing and 2 diapers. She had been left with a woman the mother had only known for a month. Petitioner states that temporary guardianship is necessary so that she can keep Nevaeh safe and to prevent her father from coming and taking her again.

NEEDS/PROBLEMS/COMMENTS:

Note: This Temporary Petition is regarding Nevaeh only.

1. Need *Notice of Hearing.*
2. Need proof of personal service at least 5 court days before the hearing of *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian of the Person* or Consent & Waiver of Notice or Declaration of Due Diligence for:
   a. Pablo Dominguez, III (father)
   b. Crissy Quair (mother)

Reviewed by: JF
Reviewed on: 12/09/14
Updates:
Recommendation:
File 28 – Gayton & Dominguez

29A Wanda H. Bingham (CONS/PE) Case No. 11CEPR00949

Atty Krause, Stephanie J. (for Randy Grace – Petitioner and Co-Trustee of Trust)
Atty Magness, Marcus D. (also for Randy Grace – Petitioner and Co-Trustee of Trust)
Atty Roberts, David A. (for Joan St. Louis – Conservator)
Atty Boyett, Deborah K. (Court appointed attorney for Conservatee Wanda H. Bingham)
Atty Burnside, Leigh W. (for Wells Fargo Bank, N.A. – Co-Trustee of Trust)

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

Cont 111914

	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	x
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

RANDALL "RANDY" GRACE, Step-grandson and Co-Trustee of the Byrum C. and Wanda H. Bingham Trust, is Petitioner and requests appointment as Successor Conservator of the Person with medical consent powers under Probate Code §2355 and dementia medication and placement powers pursuant to Probate Code §2356.5, and as Successor Conservator of the Estate with bond of $485,578.45.

Voting rights affected

Capacity Declaration filed 11-17-11.

Estimated Value of Estate:
Personal property: $ 406,225.91
Annual income: $ 93,985.27
Total: $ 500,211.18

Petitioner states it was previously determined that Mrs. Bingham is unable to provide for her personal needs for physical health, food, clothing, or shelter. Accordingly, the Court appointed David St. Louis as Conservator of her person. Subsequently, Joan St. Louis was appointed as Successor Conservator. Attached are nominations of Petitioner to serve as successor conservator signed by all relatives. Petitioner's Declaration details events during conservatorship under the current conservator, Joan St. Louis. Petitioner is also a co-trustee of the conservatee's trust and provides details of his experience as a fiduciary and administrator. Petitioner states he is actively involved in learning about Alzheimer's care to arrange better care and quality of life for the Conservatee. Attached are various communications with Joan St. Louis.

Court Investigator Charlotte Bien filed a report on 11-7-14.

NEEDS/PROBLEMS/ COMMENTS:

Note: Page B is the corresponding Petition for Removal of current conservator.

Minute Order 12-3-14: Continued to 12-15-14 at 9:00 am in Dept. 303.

Note: Order Granting Conservator Leave to Resign as Conservator of the Person and Estate was filed 12-4-14 and accepted Ms. St. Louis' resignation as of Midnight on 12-31-14.

Court Investigator advised rights on 10-31-14 and 11-5-14

Voting right affected – Need minute order.

SEE ADDITIONAL PAGES

Reviewed by: skc
Reviewed on: 12-8-14
Updates:
Recommendation:
File 29A - Bingham

Dept. 303, 9:00 a.m. Monday, December 15, 2014

NEEDS/PROBLEMS/COMMENTS:

1. Notice was served on Deborah Boyett as Court appointed attorney for Conservatee Wanda Bingham, and on David Roberts as attorney for the current Conservator Joan St. Louis. The Court may require direct notice to the Conservatee and the current Conservator pursuant to Probate Code §§1460(b) and 1214 and Cal. Rules of Court 7.51(c).

2. Need video receipt pursuant to Local Rule 7.15.8.A.

3. Petitioner requests bond be fixed at $485,578.45; however, based on the estimated value of the estate, Examiner calculates that bond should be at least $550,236.52, which includes cost of recovery pursuant to Probate Code §2320(c)(4) and Cal. Rule of Court 7.207.

   Note: The estimated value of the estate appear to be based on the accounting filed by the current conservator.

4. The Petition at #1k requests orders related to dementia medication and placement; however, the separate Attachment Requesting Special Orders Regarding Dementia (Mandatory Judicial Council Form GC-313) was not attached to the petition or served on interested parties, and the proposed order does not specify dementia medication and placement powers.

   Examiner notes that the additional medical consent and dementia medication and placement powers requested herein were originally granted to the original conservator, David St. Louis; however, additional orders were made pursuant to agreement reached at Court Trial on 12-6-11 and Order After Hearing Regarding Placement filed 12-13-11.

   The 12-13-11 Order specifies that care providers for Byrum Bingham (now deceased) and Wanda Bingham are to be present inside the main residence 24 hours per day; that Wanda Bingham is to abide by the dietary and nutrition guidelines recommended by her treating physician, and that the keys to the automobile are to be kept in the possession of the care providers or the conservator, David St. Louis.

   Examiner is not aware without extensive further review of the file whether subsequent agreements or orders were made regarding Mrs. Bingham's care and placement after Mr. Bingham's death, or after Mr. St. Louis' death. The Court may require clarification.

If granted, the Court will set status hearings on Monday, 2-2-15 for filing of bond.

29B Wanda H. Bingham (CONS/PE) Case No. 11CEPR00949

Atty Krause, Stephanie J. (for Randy Grace – Petitioner and Co-Trustee of Trust)
Atty Magness, Marcus D. (also for Randy Grace – Petitioner and Co-Trustee of Trust)
Atty Roberts, David A. (for Joan St. Louis – Conservator)
Atty Boyett, Deborah K. (Court appointed attorney for Conservatee Wanda H. Bingham)
Atty Burnside, Leigh W. (for Wells Fargo Bank, N.A. – Co-Trustee of Trust)

Petition for Removal of Conservator of Person and Estate of Wanda H. Bingham, and for Costs, Expenses and Attorney Fees

Cont from 111914		
	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	

RANDALL "RANDY" GRACE, Step-grandson and Co-Trustee of the Byrum C. and Wanda H. Bingham Trust, is Petitioner.

Petitioner states JOAN ST. LOUIS should be removed for cause as conservator for because she has failed to use ordinary care and diligence in the management of the Conservatee's person and estate and has continued to fail to perform her duties. See petition for details.

Removal of the Conservator is in the best interest of the Conservatee. The Conservator has shown an unwillingness to pay attention to details resulting in continuous and long-term failures in performing her duties. The Conservator has not actively sought to improve the Conservatee's quality of life, whereas the proposed successor conservator has been and will continue to do so. The Conservator is seeking full compensation from the Conservatee's estate, whereas the proposed successor conservator is willing to waive compensation other than reimbursement of certain expenses upon Court approval. The Conservator has not acted in good faith in the best interests of the Conservatee. A petition for appointment of a successor conservator is filed concurrently with this petition.

See also Memorandum of Points and Authorities in Support of Petition filed 10-10-14.

Petitioner requests that:

1. JOAN ST. LOUIS be removed as Conservator of the Person and Estate of Wanda H. Bingham, the Conservatee, and her Letters of Conservatorship be revoked;
2. The Court find that the Conservator has not acted in good faith in the best interests of the Conservatee and therefore order that Petitioner be awarded costs, expenses, and attorney fees from the Conservator, individually; and
3. The Court order other relief the Court may deed proper.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/ COMMENTS:

SEE ADDITIONAL PAGES

Minute Order 12-3-14: Continued to 12-15-14 at 9:00 am in Dept. 303.

Note: Order Granting Conservator Leave to Resign as Conservator of the Person and Estate was filed 12-4-14 and accepted Ms. St. Louis' resignation as of Midnight 12-31-14.

Reviewed by:	skc
Reviewed on:	12-8-14
Updates:	
Recommendation:	
File 29B - Bingham	

See also Declarations in Support of Petition for Removal by:

- Stefanie J. Krause, attorney for Petitioner Randy Grace herein
- Paul T. Chambers, attorney for Petitioner Randy Grace as Co-Trustee of the Byrum C. and Wanda H. Bingham Family Trust
- Leigh Burnside, attorney for Wells Fargo Bank, N.A., Co-Trustee of the Byrum C. and Wanda H. Bingham Family Trust
- Jeffrey Bingham, a grandson of the Conservatee
- Mark Lanier, property manager of Conservatee's home
- Tamie Arnold, professional caregiver
- Anthony C. Oxford, handyman

NEEDS/PROBLEMS/COMMENTS:

5. Notice was served on Deborah Boyett as Court appointed attorney for Conservatee Wanda Bingham, and on David Roberts as attorney for the current Conservator Joan St. Louis. The Court may require direct notice to the Conservatee and the current Conservator pursuant to Probate Code §§1460(b) and 1214 and Cal. Rules of Court 7.51(c).

Note: The Court will set a status hearing for the filing of a final accounting through 12-31-14.

30 **Ciclaly Aileen Cruz (GUARD/P)** **Case No. 14CEPR01096**

Atty **Gonzalez, Aurora (Pro Per – Nonrelative – Petitioner)**

Petition for Appointment of Temporary Guardian of the Person

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

GENERAL HEARING 2-5-15

AURORA GONZALEZ, Nonrelative, is Petitioner.

Father: **DAVID CRUZ**
Mother: **ELVERA HERNANDEZ**

Paternal Grandfather: Deceased
Paternal Grandmother: Felipa Cruz

Maternal Grandfather: Unknown
Maternal Grandmother: Unknown

Siblings: Marissa Cruz, Joseph Cruz, Marina Cruz, Mariah Cruz (ages not provided)

Petitioner states she needs to obtain medical insurance for the minor but without guardianship she cannot. Also she needs this for any emergency that might arise plus for the minor's educational needs.

Petitioner states she and the minor's father were in a relationship and when the relationship ended, the father left the minor in her care. The minor has been in her home for the past nine years and refers to Petitioner as mom.

NEEDS/PROBLEMS/COMMENTS:

1. **Need Notice of Hearing.**
2. **Need proof of personal service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing pursuant to Probate Code §2250(e) <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on:**
   - David Cruz (Father)
   - Elvera Hernandez (Mother)
   - Ciclaly Cruz (Minor, age 14)
3. **Need UCCJEA (Form GC-120) with information regarding the minor's residence for the past five years and other cases involving the minor. Probate Code §1510.**
4. **Need order. Local Rule 7.1.1.F.**

Reviewed by: skc
Reviewed on: 12-9-14
Updates:
Recommendation:
File 30 - Cruz

Dept. 303, 9:00 a.m. Monday, December 15, 2014

31 Brenda Ruth Scott (Estate) Case No. 11CEPR01103

Atty Fanucchi, Edward L. (for Will Scott, Jr. – Spouse – Successor Administrator)

(1) First and Final Account and Report of Personal Representative, Petition for Settlement, (2) for Waiver of Commissions and Attorneys' Fees, and (3) for Final Distribution

DOD: 10-22-11		
Cont from 120814		
	Aff.Sub.Wit.	
✔	Verified	
	Inventory	x
	PTC	
✔	Not.Cred.	
✔	Notice of Hrg	
✔	Aff.Mail	w
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✔	Letters 2-8-13	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✔	9202	
	Order	x
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✔	FTB Notice	

WILL SCOTT, JR., Spouse and Successor Administrator with Limited IAEA without bond, is Petitioner.

Account period: 10-22-11 through 10-8-14
Petitioner states the decedent's daughter Michelle Scott was appointed Administrator with Will Annexed on 2-2-12 Full IAEA with bond of $165,000.00. On 7-17-12, the Court ordered bond reduced to $10,000.00 with excess funds to be deposited into a blocked account; however, Letters never issued. Pursuant to Stipulation for Settlement, Michelle Scott resigned as Administrator and Will Scott, Jr., was appointed as Successor Administrator.

Petitioner states Creditor's Claims in the total amount of $9,142.57 were paid pursuant to negotiations with the creditors from the Quinlan, Kershaw & Fanucchi, LLP Client Trust Account, which funds on deposit were the result of an eminent domain action on the joint tenancy property held by the decedent and her spouse.

Petitioner states all debts have been paid and the estate is in a condition to close. No Inventory and Appraisal was filed because after a lengthy investigation and discovery it was determined that all property of the decedent was held in joint tenancy.

Petitioner waives compensation. Pursuant to Stipulation filed 26-13, Petitioner is the sole heir, and any later discovered property should be distributed to Petitioner.

Petitioner requests this Court to order:

1. That the administration of this estate be brought to a close;
2. That the First and Final Account be settled, allowed and approved as filed;
3. That all acts and proceedings of Petitioner as personal representative as set forth in this petition be confirmed and approved;
4. That Quinlan, Kershaw & Fanucchi, LLP, has waived its right to statutory attorney fees;
5. That Petitioner has waived his right to a statutory commission for his services as the personal representative;
6. That any other property of the decedent or the estate not now known or discovered be made to the person entitled to it, as set forth in the petition (Amendment states: to Melita Montgomery, Plaintiff, in the amount of $81,679.17 until fully paid); and
7. For further orders as the Court considers proper.

NEEDS/PROBLEMS/COMMENTS:

<u>Minute Order 12-8-14</u>:
Mr. Fanucchi shows the Court a copy of an objection he received on Friday; however, there is no record of it being filed yet. Continued to 12-15-14

1. **Proof of Service filed 12-4-14 indicates a copy of the petition was mailed to the judgment creditor on 11-26-14, which is 12 days prior to the hearing, and Petitioner did not use the mandatory Notice of Hearing form as required by the Probate Code. The Court may require continuance for appropriate notice. <u>Note</u>: Declaration filed 11-26-14 states the lien is against Will Scott, Jr., personally, not the estate. There being no assets in the estate, there are no funds to pay said lien.**

2. **The Court may require clarification regarding why the funds in the attorney client trust account are not considered an asset of the decedent's estate. If funds were received after the decedent's death from community property, regardless of whether it was held in joint tenancy, wouldn't the decedent's portion of such funds be considered an estate asset? Petitioner does not state what the total amount held in the trust account was, just that funds were received from this eminent domain action and that the settlement payment to Michelle and Rodney and the creditors' claims were paid from these funds.**

3. **Need Order.**

Reviewed by: skc

Reviewed on: 12-9-14

Updates:

Recommendation:

File 31 - Scott

Dept. 303, 9:00 a.m. Monday, December 15, 2014

32 **Desitiana Jaurique, Denicio Jaurique, (GUARD/P) and Alyssa Jaurique** **Case No. 13CEPR00814**

Atty **Ruiz, Richard A. (appearing Limited Scope for Cynthia Piombiono – Petitioner – Co-Guardian)**

Atty **Jaurique, George Danny (Pro Per – Co-Guardian)**

Petition for Termination of Guardianship

Destiana Age: 12		
Denicio Age: 10		
Alyssa Age: 9		
Cont. from 102014, 111714, 120814		
	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	

CYNTHIA PIOMBINO, co-guardian/paternal grandmother, is petitioner and is requesting that George Danny Jaurique, be removed as co-guardian.

GEORGE DANNY JAURIQUE and **CYNTHIA PIOMBINO,** paternal grandparents, were appointed co-guardians on 11/14/2013. George Danny Jaurique was served by mail on 09/08/2014

Father: **TEMUJINE JAURIQUE,** served by mail on 09/08/2014

Mother: **LISA MARCELLI,** served by mail on 09/08/2014

Maternal grandfather: Don Marcelli
Maternal grandmother: Susan Marcelli

Petitioner states: she has recently been made aware of multiple occasions where the co-guardian, George Danny Jaurique, has physically abused the minor children. Petitioner learned of an incident when Denicio, the minor, was hit so hard he fell off a chair and was called stupid. On another occasion petitioner was informed that the Denicio was slapped on the back of the head. Petitioner states on 07/18/2014 she received a call from her granddaughter stating that the Co-Guardian pulled over while driving and struck the minor, Destiana, on her arm. Petitioner states the children have expressed to her how mean the paternal grandfather is and they are fearful of his controlling behavior and that he ridicules and teases them repeatedly. Petitioner alleges that the Co-Guardian does not keep the children's scheduled medical appointments nor does he provide her with the names and contact information for medical providers for the minor children.

Please see additional page

NEEDS/PROBLEMS/COMMENTS:

Petition for Termination of Guardianship has been withdrawn. This hearing pertains to the Stipulation and Order regarding the mediation agreement that is to be submitted by Attorney Richard A. Ruiz.

Minute Order of 12/08/2014: The Petition for Termination has been withdrawn. An agreement has been reached but needs to be clarified as to times and dates. Mr. Ruiz will submit a stip and Order regarding the mediation agreement.

Minute Order of 11/17/2014: Parties are referred for mediation services forthwith today with regard to visitation.

Minute Order of 10/20/2014: The Court notes that it is the intent of the parties to withdraw the petition and continue as co-guardians. The Court orders that Denicio attend counseling. Counsel will be preparing a stipulation as to all three children. The stipulation is to address visitation and any ongoing matters.

As of 12/09/2014 a Stipulation has not been filed.

Please see additional page

Reviewed by: LV	
Reviewed on: 12/09/2014	
Updates:	
Recommendation:	
File 32 – Juarique	

continued from previous page: Petitioner states that based upon the contact she has received from the children's school and the children's dental provider, she believes that the co-guardian, George Danny Jaurique, has assigned the duties of guardianship, without authority, to Tina Havens (co-guardian's wife), who is not seeking the appropriate care for the children. Petitioner has been informed that the co-guardian receives public assistance benefits on behalf of the minors and this is his basis for his refusal to allow her to exercise significant periods of physical custody with the children. She states that the co-guardian has made several luxury purchases since the receipt of public assistance benefits commenced, that the household could not afford if not for the supplemental income received from the public assistance. Petitioner is concerned that her son, the children's father, is residing in the home of the co-guardian and the children while on drugs after Court hearings and discussions with DSS said the father was to be excluded from the residence. On multiple occasions, the petitioner has been informed that Tina Havens, wife of the co-petitioner, has made disparaging comments about the petitioner to the children. Ms. Havens has even said she wish she could have punched the petitioner after a disagreement.

Court Investigator Julie Negrete's report filed 09/25/2014.

Declaration filed 11/20/2014 includes the Probate Mediation Agreement outlining the visitation schedule between George Jaurique and Cynthia Piombino, the visitation includes weekends, holidays, summer vacation and the children's birthdays.

Needs/Problems/Comments (continued):

1. Need proof of service fifteen (15) days prior to the hearing 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 for:
    - Don Marcelli (Maternal Grandfather)
    - Susan Marcelli (Maternal Grandmother)
    - Destiana Jaurique (Minor)