



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Petitioner/Guardian: Cynthia Peterson (pro per)

Petition of Termination of Guardianship and Final Account and Report of Cynthia Diane Peterson, Guardian of the Estate, Petition for Approval and Order Settling Final Account

		<p>CYNTHIA DIANE PETERSON, Guardian, is petitioner.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
		Account period: 5/22/13 – 9/22/15	<p>1. Order does not comply with Local Rule 7.5.1. Order must specifically list the property to be distributed to the minor and must specifically list the amount of cash in the balance.</p>
		Please see petition for details.	
Cont. from		Guardian - waives	<p>Reviewed by: KT</p> <p>Reviewed on: 12/11/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1 - Murrin</p>
<input type="checkbox"/>	Aff.Sub.Wit.	<p>Petitioner prays for an Order:</p> <p>1. Approving the final account and report and confirming the acts of Petitioner as guardian;</p> <p>2. Terminating the guardianship of the estate and allowing distribution from the blocked account to the minor.</p>	
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail		
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<input type="checkbox"/>	Sp.Ntc.		
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<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
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<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Attorney: David N. Knudson, (for Petitioner/Administrator Laura Dozier)

**Second Amended First and Final Account and Report of Administrator,
and Petition to set Aside Exempt Personal Property to Surviving Spouse, for
Payment of Statutory and Extraordinary Fees and for Final Distribution**

DOD: 9/18/2007	LAURA DOZIER , surviving spouse/Administrator, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 12/3/15. Minute order states the Court indicates that it is inclined to deny the request for reimbursement, but is willing to consider any additional information Counsel wants to provide. – Please see Declaration filed on 12/10/15.</p> <p>1. Petition states the real property on South Cornelia was a single family residence, having been acquired by the decedent prior to his marriage (in April of 2006) to petitioner. Following the decedent's death, Petitioner continued to reside in the home with her sons, and over the next fifteen months paid the mortgage, taxes and insurance on the property. Petitioner was unable to continue to make the payments and as a result the home was foreclosed upon. Petitioner is requesting reimbursement of \$25,050.00 for paying the mortgage from her personal funds. The petitioner and her sons received a benefit from living in the estate property. It appears that the payments towards the mortgage could be considered rents for living in the estate's real property and therefore may not be reimbursable.</p>
	Account period: 2/4/2008 – 6/30/2015	
Cont. from 120315	Accounting - \$652,005.95	
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH - \$650,750.00	
<input checked="" type="checkbox"/> Verified	Ending POH - \$101,040.89 (\$96,040.89 is cash)	
<input checked="" type="checkbox"/> Inventory	Administrator (statutory) - \$10,650.07	
<input checked="" type="checkbox"/> PTC	Administrator X/O (for sale of real property) - \$1,000.00	
<input checked="" type="checkbox"/> Not.Cred.	Administrator Reimbursement of Expenses - \$53,238.09 (\$17,480.00 has already been paid leaving a balance of \$35,758.09)	
<input checked="" type="checkbox"/> Notice of Hrg	Attorney (statutory) - \$10,650.07	
<input checked="" type="checkbox"/> Aff.Mail W/	Attorney X/O (for sale of real property) - \$1,000.00	
<input type="checkbox"/> Aff.Pub.	Costs (filing fee, certified copies) - \$460.50	
<input type="checkbox"/> Sp.Ntc.	Fresno County Federal Credit Union (creditor's Claim) - \$36,522.16	
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters 2/4/08		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order	Please see additional page	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input checked="" type="checkbox"/> FTB Notice		
		Reviewed by: KT
		Reviewed on: 12/11/15
		Updates:
		Recommendation:
		File 3 – Dozier

Petitioner states certain assets that were decedent's separate property constitute exempt personal property eligible to be set aside to the surviving spouse pursuant to Probate Code §6510. Petitioner requests the court set aside the following personal property

- 2005 KTM Motorcycle (appraised value \$2,500.00)
- 2005 Honda ATV (appraised value \$2,500.00)

Petitioner alleges prior to his death, the decedent had given the motorcycle to Petitioner's son, Chris Johnson. Although the motorcycle had been given to Chris, title remained in the name of the decedent. Petitioner requests the court set aside the motorcycle to Petitioner (and Petitioner will confirm transfer to her son, Chris). In the alternative, Petitioner requests that the court confirm the gift of the motorcycle made prior to the decedent's death.

Petitioner states as surviving spouse she is entitled to have personal property set aside to her, in the Court's discretion, and requests the court exercise its discretion accordingly. Petitioner likewise requests that the Honda ATV be set aside to her as well. Petitioner believes that the value of the motorcycle and the ATV is presently less than the appraised value.

Petitioner states she has paid from her personal funds various expenses, including funeral expenses, license fees, taxes, administration expenses and payments on the loan for the residence. The total paid by petitioner is the sum of \$53,238.09. Petitioner reimbursed herself the sum of \$17,480.00, leaving a balance owing to petitioner of \$35,758.09. Petitioner states she should be able to reimburse herself the sums advanced in the administration of the estate.

Proposed distribution is to:

Laura Dozier -	\$11.08
Sandra Dozier -	\$11.08

Declaration of Laura Dozier in Support of Second Amended First and Final Account filed on 12/10/15

Ex Parte Petition for Authorization and Instruction as to Expenditure of Funds for Travel

	PUBLIC GUARDIAN , Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Petitioner filed the Ex Parte Petition for Authorization and Instruction as to Expenditure of Funds for Travel on 11/19/15.	
	On 12/2/15, the Court set the matter for hearing and faxed a copy of the Order to County Counsel.	
<input type="checkbox"/>	Aff.Sub.Wit.	
<input checked="" type="checkbox"/>	Verified	
<input type="checkbox"/>	Inventory	
<input type="checkbox"/>	PTC	
<input type="checkbox"/>	Not.Cred.	
<input type="checkbox"/>	Notice of Hrg	
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<input type="checkbox"/>	Letters	
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<input type="checkbox"/>	Video Receipt	
<input type="checkbox"/>	CI Report	
<input type="checkbox"/>	9202	
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<input type="checkbox"/>	Aff. Posting	
<input type="checkbox"/>	Status Rpt	
<input type="checkbox"/>	UCCJEA	
<input type="checkbox"/>	Citation	
<input type="checkbox"/>	FTB Notice	
	Petitioner states the beneficiary's mother, Elisa Mora, plans to take Guillermo to visit family in La Penita, Nayarit, Mexico for Christmas. For the last four years, the Court has authorized distribution from the trust for this purpose. Mrs. Mora is planning to leave after Thanksgiving and is requesting \$4,000.00 be distributed from the trust for this trip, which is the same amount as last year. The funds would cover gas for the handicap-equipped van, hotel rooms for part of the time they are gone, food, incontinent supplies, and any other supplies needed to care for Mr. Mora for the trip.	
	Petitioner states there is currently \$1,117.04 in the PG's Trust account and \$137,066.87 in savings. Mr. Mora's monthly income from SSI is \$877.40 and his expenses total approx. \$1,450.00/month. Petitioner assert that the trust estate will not be harmed by providing funds for this trip and the beneficiary would benefit from visiting family that he is unable to see very often.	
	Supporting documentation provides a breakdown of the costs including tickets/gas, hotel, food, incontinent supplies, leisure money.	
	Petitioner requests the Court authorize \$4,000.00 from the special needs trust for travel expenses for Mr. Mora and his mother; and for such other orders as the Court deems proper.	
		Reviewed by: skc
		Reviewed on: 12/10/15
		Updates:
		Recommendation:
		File 4 - Mora

6 Tobias Brewer, Tyler Brewer, Trevor Brewer & Torilyn Brewer (GUARD/P)

Case No. 11CEPR00896

Guardian Beck, Melanie (pro per – maternal grandmother)
 Petitioner Brewer, Tabitha (pro per – mother)

Petition for Visitation

		TABITHA BREWER , mother, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 10/29/15</u> As of 12/11/15, nothing further has been filed and the following notes remain:</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Visitation</i> <u>or</u> <i>Consent & Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for: <ol style="list-style-type: none"> a. David Brewer (father) b. Allen (Paternal grandfather) c. Terrie DuMichelle (paternal grandmother) d. Tobias Brewer (minor) e. Tyler Brewer (minor)
		MELANIE BECK , maternal grandmother, was appointed Guardian of the minors on 12/05/11. – <i>acknowledged being served on 09/24/15</i>	
Cont. from 092415, 102915		Father: DAVID BREWER	
	Aff.Sub.Wit.	Paternal grandfather: ALLEN	
✓	Verified	Paternal grandmother: TERRIE DUMICHELLE	
	Inventory	Maternal grandfather: STEVE MOORE	
	PTC	Petitioner requests unsupervised visits with all 4 of her children.	
	Not.Cred.	Objection to Visitation filed 10/15/15 by Melanie Beck (guardian).	
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
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	Letters		
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✓	Objections		
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	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: JF
			Reviewed on: 12/11/15
			Updates:
			Recommendation:
			File 6 – Brewer

7A Nathaniel Collins & Malichi Collins (GUARD/P) Case No. 12CEPR00561

Petitioner Collins, Angelina Denise (pro per – mother)
Attorney Walters, Jennifer (for Lana Pratt – maternal grandmother/Guardian)
 Petition Visitation

		ANGELINA D. COLLINS , mother, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 11/05/15</u> Minute Order from 11/05/15 states: Ms. Horton requests a continuance to respond.</p> <p>1. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing or Consent & Waiver of Notice</i> for: a. Nathaniel Comenger (father) b. Paternal grandparents Note: Declaration of Due Diligence filed 10/27/15 states that Petitioner only has a contact number for a paternal aunt who stated that the father is “on the run” and that she and the paternal grandmother want nothing to do with the situation.</p>
		LANA PRATT , maternal grandmother, was appointed Guardian on 11/26/12. – Served by mail on 10/27/15	
Cont. from 080415, 082415, 100515, 110515			
	Aff.Sub.Wit.	Father: NATHANIEL COMENGER – Declaration of Due Diligence filed 10/27/15	
✓	Verified		
	Inventory		
	PTC	Paternal grandfather: NOT LISTED – Declaration of Due Diligence filed 10/27/15	
	Not.Cred.	Paternal grandmother: NOT LISTED – Declaration of Due Diligence filed 10/27/15	
✓	Notice of Hrg		
✓	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.	Maternal grandfather: KURT RICARDO – served by mail on 10/27/15	
	Pers.Serv.		
	Conf. Screen		
	Letters	Petitioner states [see file for details].	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	x	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Reviewed by: JF	
		Reviewed on: 12/11/15	
		Updates:	
		Recommendation:	
		File 7A – Collins	

Attorney Boyajian, Thomas M. (for Conservator Irene V. Santos)

Final Account and Report of Conservator and Petition for Its Settlement, for Approval of Sale of Depreciating Property, for Allowance of Conservator's and Attorney's Compensation, and for Discharge of Conservator and Exoneration of Bond

DOD: 12/8/2014		<p>IRENE V. SANTOS, daughter and Conservator of the Person and Estate, is Petitioner.</p> <p>Account period: 7/1/2014 - 8/1/2015</p> <table> <tr> <td>Accounting</td> <td>-</td> <td>\$54,999.39</td> </tr> <tr> <td>Beginning POH</td> <td>-</td> <td>\$47,101.81</td> </tr> <tr> <td>Ending POH</td> <td>-</td> <td>\$ 2,677.87</td> </tr> <tr> <td colspan="3"><i>(all cash)</i></td> </tr> <tr> <td>Conservator</td> <td>-</td> <td>\$1,030.00</td> </tr> <tr> <td colspan="3"><i>(services not itemized; Mileage Report itemization attached as Exhibit B totals \$118.69 for 206.42 miles @ \$0.575 per mile;)</i></td> </tr> <tr> <td>Attorney</td> <td>-</td> <td>\$1,650.00</td> </tr> <tr> <td colspan="3"><i>(per Declaration attached as Exhibit A1 and A2; less than total of \$3,250.00 for 13.00 hours @ \$250.00 per hour, from 7/11/2014 to 1/23/2015;)</i></td> </tr> <tr> <td>Bond</td> <td>-</td> <td>\$35,000.00</td> </tr> </table> <p>Petitioner prays for an order:</p> <ol style="list-style-type: none"> 1. Approving and settling the Final Account and Report; 2. Approving all acts and transactions of the Conservator relating to the conservatorship as shown in the account; 3. Approving and confirming the sale of Conservatee's automobile as a sale of depreciating property; 4. Authorizing and directing Conservator to pay herself \$1,030.00 as compensation for her services rendered during the period of account; and 5. Authorizing directing Conservator to pay the Attorney fees of \$1,650.00 as compensation for services rendered. 	Accounting	-	\$54,999.39	Beginning POH	-	\$47,101.81	Ending POH	-	\$ 2,677.87	<i>(all cash)</i>			Conservator	-	\$1,030.00	<i>(services not itemized; Mileage Report itemization attached as Exhibit B totals \$118.69 for 206.42 miles @ \$0.575 per mile;)</i>			Attorney	-	\$1,650.00	<i>(per Declaration attached as Exhibit A1 and A2; less than total of \$3,250.00 for 13.00 hours @ \$250.00 per hour, from 7/11/2014 to 1/23/2015;)</i>			Bond	-	\$35,000.00
Accounting	-		\$54,999.39																										
Beginning POH	-		\$47,101.81																										
Ending POH	-		\$ 2,677.87																										
<i>(all cash)</i>																													
Conservator	-		\$1,030.00																										
<i>(services not itemized; Mileage Report itemization attached as Exhibit B totals \$118.69 for 206.42 miles @ \$0.575 per mile;)</i>																													
Attorney	-		\$1,650.00																										
<i>(per Declaration attached as Exhibit A1 and A2; less than total of \$3,250.00 for 13.00 hours @ \$250.00 per hour, from 7/11/2014 to 1/23/2015;)</i>																													
Bond	-		\$35,000.00																										
Cont. from 110515																													
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NEEDS/PROBLEMS/COMMENTS:

Continued from 11/5/2015. Minute Order states counsel needs to file an amended accounting. If the amended petition is filed at least two court days prior, then no appearance is necessary on 12/17/15.

1. This accounting was not completed on the mandatory-use Judicial Council forms as required by Probate Code § 2620(a). CA Rule of Court 7.101(a) provides if the Judicial Council has adopted a mandatory form, that form must be used. Need amended accounting on the mandatory-use Judicial Council forms.
2. Schedule A, Receipts, does not but should show the **\$1,800.00** sale proceeds from the sale of Conservatee's 2004 Chevrolet (valued at **\$4,500.00** on the Final Inventory and Appraisal filed 3/7/2013.) Need explanation for the disposition of the sale proceeds and an amended schedule and/or account.
3. Based upon the cash on hand as stated in the account, the request for Conservator commissions and attorney fees exceeds the available funds by **\$2.13**. Further, the conservatorship estate appears to have **\$1,800.00** in funds that are not accounted for in the schedules.
4. Need proposed order pursuant to Local Rule 7.1.1(F).

Reviewed by: LEG

Reviewed on: 12/10/15

Updates:

Recommendation:

File 8 – Murillo

Probate Status Hearing re: Filing of the First Account of Successor Guardians.

	OSCAR BARBA and TRISHA BARBA were appointed successor co-guardians of the estate on 10/16/14.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need first account of successor co-guardians or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
	HECTOR BARBA was appointed successor guardian of the person on 3/17/15.	
	Minute order dated 3/17/15 set this status hearing for the filing of the first account of successor guardians.	
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
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Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 12/11/15
		Updates:
		Recommendation:
		File 9 – De La Mora

DOD: 9-21-12	ROSARIO R. FORESTIERE , Spouse, was appointed as Administrator with Limited IAEA without bond on 1-3-13 and Letters issued on 1-7-13.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 6/18/15: Counsel is waiting for the ruling on the appeal.</p> <p>1. Need first account or petition for final distribution or verified written status report per local rule 7.5.</p>
Cont. from 032114, 042814, 052814, 062614, 091814, 061815	At hearing on 1-3-13, the Court set this status hearing for the filing of the first account or petition for final distribution.	
Aff.Sub.Wit.	<p>Status Report filed 3-11-14 by Mr. Forestiere's former attorney Robert Wright states that a will has now been discovered and a Petition for Probate of Will is in process. The assets of the estate include the decedent's home, personal vehicle, and personal effects. On 12-31-13, the Court approved the sale of the residence and it is currently in escrow. The estate is not in a condition to be closed until the will has been admitted and escrow has closed.</p> <p>Note: On 6-26-14, the will was admitted to probate and Rosario R. Forestiere was appointed as Executor.</p> <p>The Court continued this status hearing re filing the first account or petition for final distribution to 9-18-14.</p>	
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
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Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report	<p>Reviewed by: skc</p> <p>Reviewed on: 12/10/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10 – Forestiere</p>	
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Petition for Transfer

		<p>SHARON SHRIVES was appointed conservator on 9/25/14 with bond set at \$40,000.00.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>	
		<p>Court Investigator Jennifer Young filed a Petition for Transfer on 10/26/15 requesting this proceeding be transferred to Tulare County because the conservatee has resided there for over one year, and it is presumed pursuant to Probate Code §2215 that transfer of the conservatorship case to the county of residence is in the best interests of the conservatee.</p>	<p>Note: A status hearing for the filing of the first account was continued to 1/28/16. It appears that this petition should not be approved until after the approval of the first account. Therefore the court may wish to continue this matter to 1/28/16 to be heard with the status hearing for the filing of the first account.</p>	
Cont. from		<p>Court Investigator further recommends that the fees and costs related to this transfer be waived.</p>		
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
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<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: KT	
			Reviewed on: 12/11/15	
			Updates:	
			Recommendation:	
			File 12 - Mardis	

Anna Hepner Living Trust

Krbechek, Randolph (for Jerry Prudek – Beneficiary – Petitioner)
Teixeira, J. Stanley (for Glenn J. Hepner, George Hepner, Jr., and Jimmy Hepner)
Verified Petition for Accounting and for Order Instructing Co-Trustees and Compelling
Final Distribution From Trust [Probate Code §§ 16062, 17200(b)(4), (5), and (6)]

<p>Anna Hepner DOD: 4/24/08</p>	<p>JERRY PRUDEK, Beneficiary, is Petitioner.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
<p>Cont. from 060815, 072215, 091715</p>	<p>Petitioner states GLENN J. HEPNER, JIMMY A. HEPNER, GEORGE HEPNER, JR., and DOLLIE SIMPSON have served as successor trustees since the death of their mother. The trust holds various acreage in Fresno County. Other assets are unknown.</p>	<p>Minute Order 9/17/15: Mr. Krbechek represents that mediation is going well; requests an additional 60-90 days, stating that he will inform Mr. Teixeira of the date.</p>
<p><input type="checkbox"/> Aff.Sub.Wit.</p>	<p>Petitioner alleges that the co-trustees have reviewed a proposal for distribution as set forth on Exhibit B. No action has been taken to effect such distribution due to lack of agreement among the co-trustees.</p>	<p>Note: See Page B re status of mediation and agreement.</p>
<p><input checked="" type="checkbox"/> Verified</p>	<p>The beneficiaries are Glenn J. Hepner, Jimmy A. Hepner, and George Hepner, Jr., each as to a 1/4 interest, and Dolly Simpson and Jerry Prudek each as to a 1/8 interest. Jerry Prudek is successor to Evelyn Prudek.</p>	<p>1. Probate Code §17200(b)(7) provides that proceeding to compel account may be commenced if the trustee has failed to submit a requested account within 60 days after written request of the beneficiary and no account has been made within six months preceding the request.</p>
<p><input type="checkbox"/> Inventory</p>	<p>Petitioner requests distribution in accordance with the First Amendments, which provides that "if my children are unable to agree on how the property is to managed or divided, then the property shall be sold and the proceeds divided in the proportions indicated above."</p>	<p>2. Need order.</p>
<p><input type="checkbox"/> PTC</p>	<p>Petitioner requests a full and complete accounting in accordance with Probate Code §16063 pursuant to Probate Code §16062, 16063, and 17200. Further administration of trust assets is not necessary, and the remaining assets should be liquidated and distributed.</p>	<p>Petitioner states his proposed distribution was reviewed, no action taken, but does not state whether written request for account was made. If not, this petition may be premature.</p>
<p><input type="checkbox"/> Not.Cred.</p>	<p>Petitioner prays for relief against the co-trustees as follows:</p>	<p>Reviewed by: skc</p>
<p><input checked="" type="checkbox"/> Notice of Hrg</p>	<p>1. An order compelling the successor trustees to account for any trust assets collected or received by them;</p>	<p>Reviewed on: 12/10/15</p>
<p><input checked="" type="checkbox"/> Aff.Mail W</p>	<p>2. An order settling the accounts and passing upon the acts of each of the co-trustees;</p>	<p>Updates:</p>
<p><input type="checkbox"/> Aff.Pub.</p>	<p>3. An order determining to whom property shall pass or be delivered upon termination of the trust;</p>	<p>Recommendation:</p>
<p><input type="checkbox"/> Sp.Ntc.</p>	<p>4. An order for termination of the trust;</p>	<p>File 14A - Hepner</p>
<p><input type="checkbox"/> Pers.Serv.</p>	<p>5. For such other and further relief as the Court may deem just, equitable, and proper.</p>	
<p><input type="checkbox"/> Conf. Screen</p>		
<p><input type="checkbox"/> Letters</p>		
<p><input type="checkbox"/> Duties/Supp</p>		
<p><input type="checkbox"/> Objections</p>		
<p><input type="checkbox"/> Video Receipt</p>		
<p><input type="checkbox"/> CI Report</p>		
<p><input type="checkbox"/> 9202</p>		
<p><input type="checkbox"/> Order X</p>		
<p><input type="checkbox"/> Aff. Posting</p>		
<p><input type="checkbox"/> Status Rpt</p>		
<p><input type="checkbox"/> UCCJEA</p>		
<p><input type="checkbox"/> Citation</p>		
<p><input type="checkbox"/> FTB Notice</p>		

Petitioner: Jerri Mae Toews (pro per)

Objector: Laura Abell (pro per)

Objector: Doreese Dee Loyd (pro per)

Petition for Appointment of Probate Conservator

		There is no temporary. Temporary was denied.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator Advised Rights on 10/6/15.</p> <ol style="list-style-type: none"> Petition is incomplete at #1. #1a. requests the Public Guardian be appointed as conservator of the person but #1b is blank as to conservator of the estate. It appears that petitioner is requesting appointment of the Public Guardian as conservator of the person and estate. Order is incomplete (completely blank) Need new order. Need Letters.
		JERRI MAE TOEWS, daughter, is petitioner and requests the PUBLIC GUARDIAN be appointed as conservator.	
Cont. from 110515		Court Investigator Report filed on 10/20/15	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen	N/A	
	Letters	X	
✓	Duties/Supp		
	Objections		
	Video Receipt	N/A	
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
✓	Citation		
	FTB Notice		
			<p>Reviewed by: KT</p> <p>Reviewed on: 12/11/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 17A – Everitt</p>

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

- **Wednesday, May 25, 2016** at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.
- **Wednesday, March 15, 2017** 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.

Petition for Order: (1) Domesticating Petitioner's Minnesota Adult Guardianship Order; (2) Removing Teng Yang as Trustee; (3) Appointing Guardian Nicole Ballard as Successor Trustee; and (4) Transferring Situs of Trust to Minnesota

		EX PARTE ORDER HOLDING FUNDS IN ABEYANCE PENDING HEARING was granted 9/25/15.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED TO 2/3/16</u> Per attorney request</p> <p>Note: Order on Ex Parte Application for Order Holding Funds in Abeyance Pending Hearing on the Petition was entered 9/25/15 and requires that "Wilton (formerly CAN Structured Settlements), Custodian of Settlement Funds" is ordered to hold any funds received for Pao's benefit pending this hearing.</p> <p>Note: Petitioner filed a Supplement to the petition on 12/9/15.</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p> <hr/> <p>Reviewed by: skc</p> <p>Reviewed on: 12/10/15</p> <p>Updates: 12/11/15</p> <p>Recommendation:</p> <p>File 18 – Xiong</p>
		NICOLE BALLARD , Guardian of the Person as appointed in Hennepin County, MN, is Petitioner.	
Cont. from 110315		Petitioner states the PAO VUE XIONG SPECIAL NEEDS TRUST was established 2/17/00 in Fresno Superior Court Case 0627917-8 (Pao Vue Xiong, et al, v. National Railroad Passenger Corporation, et al.) following a train accident in Fresno, CA, which left Pao permanently disabled. Pao's mother, TENG YANG , was appointed trustee and continues to hold this title.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail	x	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	x	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<u>SEE ADDITIONAL PAGES</u>	

Page 2

Petitioner states as trustee, Teng agreed to hold the following property for the benefit of Pao:

- a) \$25,506.89, which was used to set up the trust;
- b) \$650/month in aid, which was paid to the trust until Pao turned 18;
- c) \$1,643.06/month in aid, which would continue for Pao's life with 20 years guaranteed, commencing 12/20/11 and increasing at 2% compounded interest annually.

Petitioner requests an order domesticating Petitioner's Minnesota Adult Guardianship Order pursuant to Probate Code §2013. (*Examiner's Note: This section is effective 1/1/16. See issues.*)

Petitioner requests Teng be removed as trustee pursuant to Probate Code §15642. Petitioner states Teng has committed a breach of trust by failing to make distributions or act as trustee since August 2014. Despite Petitioner's attempts, she has been unable to locate or communicate with Teng in over a year. The trust makes it clear that there exist basic living needs that public benefit programs for the disabled may not provide. Thus, it is *vitaly important* that Pao continue to receive such additional services to meet these needs in order to maintain an adequate level of human dignity and humane care. Because Teng's failure to provide distributions leads to an inadequate level of human dignity and care for Pao, the Court has good cause to remove her as trustee.

Petitioner requests appointment as successor trustee. Petitioner states the named successor trustee, Tong Houa Xiong, Father of Pao, is incarcerated and unable to act as successor trustee. Petitioner is a professional fiduciary and Pao's guardian and is the best person to serve in this capacity and consents to serve as trustee.

Petitioner requests to transfer the situs of the trust to Hennepin County, Minnesota pursuant to Probate Code §2802(c) (transfer of personal property out of state) and Probate Code §17401 and §17404 (transfer of trust property or place of administration). Petitioner states Pao resides in Mendota Heights, Minnesota. Because Pao is permanently disabled and the purpose of the trust is to provide Pao with necessary supplemental funding to ensure his proper care, it would be in the best interest of the trust to be located in the jurisdiction in which he resides. Transferring the place of administration would not violate any terms of the trust.

Petitioner prays as follows:

1. For an order domesticating Petitioner's Minnesota guardianship order to California;
2. For an order removing Teng Yang as trustee of the trust;
3. For an order appointing Nicole Ballard as successor trustee of the trust;
4. For an order transferring the trust property and place of administration to Hennepin County, State of Minnesota; and
5. For such other and further relief as the Court deems proper.

SEE ADDITIONAL PAGES

Page 3 – NEEDS/PROBLEMS/COMMENTS: The following issues remain noted for reference, with Petitioner's responses following in italics.

1. It does not appear Petitioner has standing as guardian of the person only to bring this petition on behalf of beneficiary Pao Vue Xiong without appointment as Guardian Ad Litem in this matter pursuant to Probate Code §1003. Need Petition and Order Appointing Petitioner as Guardian Ad Litem for Pao Vue Xiong. See Judicial Council Forms GC-100 and GC-101.

Supplement filed 12/9/15 states Petitioner has standing as an interested party and fiduciary and believes appointment as GAL would unnecessarily deplete the already limited resources of the trust, further delay proceedings, and is unlikely to lead to any other results because the mother is unreachable. Petitioner has attached as Exhibit A an ex parte GAL application if the Court feels it is necessary.

Examiner's Note: An attachment to a declaration does not constitute a filed petition. The Court may require that the GAL petition be properly filed.

2. Petitioner requests Registration of Order of Conservatorship under Probate Code §2013; however, Probate Code §§ 2011 et seq., do not go into effect until 1/1/16. Note: Petitioner is Guardian of the Person only in Minnesota. §2013 is for registration of conservatorship of the person and estate. §2011, when effective, is the section that will apply.

Per code commentary, the purpose of registration is to facilitate enforcement of conservatorship orders of other states or to facilitate real estate or care transactions in California. This does not appear to be the case here, so it is unclear what the purpose of registration would be, unless it is simply for standing for the filing this petition. If so, appointment as GAL is necessary as noted above. Regardless, these registration sections are not currently in effect.

If the Court determines that registration under §2011 is appropriate or will be appropriate upon its effective date, the Registration of Order of Conservatorship should be filed as a separate case pursuant to Local Rules 7.1.2 and 7.19, and will be subject to a separate filing fee, separate notice, and filing of documents as follows:

- Judicial Council Cover Sheet (beginning 1/1/16);
- Certified copies of Order Appointing Guardian and Letters per Probate Code §2011;
- Duties of Conservator (GC-348) per Probate Code §§ 2015, 1834, 1835;
- Service of Notice of Intent to Register Conservatorship on the Court supervising the conservatorship (County of Hennepin, State of Minnesota District Court, Fourth Judicial District, Probate-Mental Health Division), every person who would be entitled to notice of a petition for the appointment of a conservator in Minnesota and in California (see Probate Code §1821 et seq.).

Supplement filed 12/9/15 states Petitioner requests the Court domesticate her guardianship order pursuant to §2011, which can apply to proceedings begun before January 2016 per §2024. Although Petitioner believes she has standing under Probate Code §48(c), Petitioner seeks registration in an abundance of caution to solidify the issue of standing in California.

fSEE ADDITIONAL PAGES

Page 4 – NEEDS/PROBLEMS/COMMENTS (Cont'd):

3. It appears this special needs trust was established in 2000 within the minor's compromise in Fresno Superior Court Case No. 0627917-8, but the trust itself was never properly filed in the Probate Court for review and continuing Court supervision, as required for special needs trusts. The trust does not require bond or any accounting by the trustee and is missing substantially all the language and provisions required for special needs trusts in California.

At this time, the trust has now been brought under the jurisdiction and supervision of this Probate Court and the Court will require compliance with Local Rule 7.19, which includes bond and probate accounting. No payment of fees to attorneys or trustee may be made without prior Court approval.

4. The Court may require clarification of how payments were made and distributed and used prior to August 2014 or accounting by the trustee or custodian pursuant to Cal. Rule of Court 7.903(c) and Probate Code §§ 1060 et seq., and 2620, et seq.

Re #3 and #4 above: Supplement filed 12/9/15 states Petitioner has no objections of the Court's inquiry as to how payments have been made prior to August 2014. Counsel for Petitioner has been working with counsel for the custodian of settlement, Wilton RE Holdings Ltd., to determine the facts surrounding prior distributions and payments. However, Wilton's records only show that checks prior to August 2014 were cashed, not how the funds were expended. Because the former trustee is missing, no information is available to Petitioner. Wilton advises it holds funds for Pao's benefit (and therefore payable to the SNT) in the amount of \$27,761.32 comprised of monthly payments from August 2014 – November 2015.

5. Petitioner requests transfer of the trust situs to Minnesota with reference to Probate Code §2802(c) and 17401 and 17404. Section 2800 et seq., appears to apply to personal property of a conservatee, not trust assets, and it is unclear how §17404 applies to special needs trusts. The Court may require further authority for transfer of the trust situs to Minnesota. Note: If this section is applicable, need all information contained in Probate Code §2803 and notice to all relatives within the second degree.

Supplement filed 12/9/15 refers to Probate Code §17404, which applies to all trusts under Division 9 of the Probate Code; therefore there is no reason why this shouldn't apply to a special needs trust. With respect to the notice under §2803, Pao has no relatives to the second degree who are entitled to notice.

SEE ADDITIONAL PAGES

Page 5 – NEEDS/PROBLEMS/COMMENTS (Cont'd):

6. If Petitioner is appointed as successor trustee, the Court will require bond pursuant to Probate Code §§ 15602, 2620 et seq., and Cal. Rule of Court 7.903(c). Based on the allegation that the trust consists of monthly income of at least \$1,643.06, increasing by 2% annually, beginning 2011, examiner calculates the current monthly income at approx. \$1,778.50, which would require bond including cost of recovery of \$23,476.20. (This assumes there income only, no principal.)

Supplement filed 12/9/15 states if bond is required, Petitioner shall post bond accordingly; however, because the trust situs is likely to be transferred to Minnesota, Petitioner requests that no bond be required.

7. Petitioner states she is a professional fiduciary. The Court may require license information. For an example of the information that may be required, see Judicial Council Form GC-210(A-PF) Professional Fiduciary Attachment to Petition for Appointment of Guardian or Conservator.

Supplement filed 12/9/15 states Minnesota does not require that its professional fiduciaries be licensed, but does required a background study. Attached is Ms. Ballard's background study and resume.

8. Need proposed order pursuant to Local Rules 7.1.1.F and 7.6.

Supplement filed 12/9/15 attaches a proposed order.

Examiner's Note: The Court requires that a proposed order, along with copies to conform, be lodged prior to the hearing for signature and filing if granted. Attaching to the supplement is not sufficient.

		See petition for details.	NEEDS/PROBLEMS/COMMENTS:
			<u>Court Investigator advised rights on 10/23/15</u>
			<u>Voting rights affected – need minute order.</u>
			<u>Note:</u> If granted, the order will be effective on Jessica's 18 th birthday.
			<u>Minute Order 11/5/15:</u> Examiner notes provided in open court.
			As of 12/10/15, the following issues remain:
			1. Need Citation and proof of personal service of Citation with a copy of the petition at least 15 days prior to the hearing on Proposed Conservatee Jessica Estrada per Probate Code §1824.
			2. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1822 <u>or</u> declaration of due diligence on: - John Estrada (Father)
			3. CVRC was served by mail on 11/25/15. Probate Code §1820(e) requires 30 days' notice. Further continuance may be required.
			4. The petition is blank at #4b re whether the proposed Conservatee is receiving or entitled to receive benefits from the US Dept. of Veterans Affairs. If so, notice is required per Probate Code §1822(b).
			5. Need Letters.
			Reviewed by: skc
			Reviewed on: 12/10/15
			Updates:
			Recommendation:
			File 19 – Estrada
Cont. from 110515			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	Conf. Screen		
	Letters	X	
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	Objections		
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