

Second Account and Report of Successor Trustee and Petition for Allowance of Trustee Fees and Attorney Fees

Age: 18 years		<p>MARK OLSEN, private professional fiduciary, is petitioner.</p> <p>Account period: 8/1/12 – 7/31/14</p> <p>Accounting - \$491,788.63 Beginning POH - \$335,240.14 Ending POH - \$327,102.40</p> <p>Current Bond is \$448,888.64 (sufficient)</p> <p>Attorney - \$3,610.00 (per itemization and declaration, 17 hours @ \$200 to \$350 per hour)</p> <p>Trustee - \$8,587.00 (Trustee is allowed \$350 per month on account. He has been paid \$7,812.00 leaving a balance of \$775.00 outstanding)</p> <p>Petitioner prays for an Order:</p> <ol style="list-style-type: none"> Approving, allowing and settling the second account; Ratifying, confirming and approving the acts and transactions of Petitioner as Trustee; Authorizing the Trustee's fee in the amount of \$8,587.00 of which \$775.00 remains unpaid; Authorizing the Trustee to pay his attorney the sum of \$3,610.00 from the estate for services rendered. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued to 2/3/15 at the request of the attorney.</p> <ol style="list-style-type: none"> Beginning property on hand in this, the 2nd account is \$335,240.14. The ending property on hand in the first account was \$324,340.99 a difference of \$10,900.15. The beginning property on hand for the 2nd account must be the same as the ending property on hand in the first account. Need amended accounting. Attorney fees includes \$120 for communications with the Probate Examiner (identified as court investigator in the declaration). Local Rule 7.17B considers communication with the Probate Examiner to be a normal cost of doing business and is therefore not reimbursable. Disbursement schedule shows payments totaling \$655.00 to Grey Roberts for professional services. Need more information on what professional services were provided. Disbursement Schedule shows legal fees totaling \$6,223.26. Order approving the First Account allowed attorney fees totaling \$4,962.50. A difference of \$1,260.76. Need clarification.
DOB: 7/21/1996			
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
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<input type="checkbox"/>	Letters		
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<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Please see additional page.</p> <p>Reviewed by: KT</p> <p>Reviewed on: 12/15/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1 - Bustos</p>	

NEEDS/PROBLEMS/COMMENTS (cont.):

5. Disbursement schedule identifies several disbursements (totaling \$6,000.08) as “- -split- -” Probate Code §1062(b) requires the disbursement schedule to include the nature and purpose of each item, the name of the payee and the date thereof. Need clarification.
6. Disbursement schedule shows a payment of \$507.40 on \$10/25/12 without identifying what the purchase was for. Need clarification.
7. Order does not comply with Local Rule 7.6.1C. All orders settling accounts shall contain a statement as to the balance of the estate on hand, specifically noting the amount of cash included in the balance.

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

- **Wednesday, September 28, 2016** at 9:00 a.m. in Department 303, for the filing of the 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.

Notice of Status Hearing Re: Failure to File a First Account or Petition for Final Distribution

DOD: 11/25/07	<p>MARGIE GFELLER, Spouse, was appointed as Executor without IAEA authority and without bond on 03/18/08. Letters were issued on 05/13/08.</p> <p>Petition for Authority to Administer Estate without Court Supervision filed 06/02/08. Order Granting Authority To Administer Estate Without Court Supervision was filed 07/10/08. Letters Testamentary with Full IAEA Authority were issued on 07/14/08.</p> <p>Inventory & Appraisal, partial no. 1 - \$210,000.00</p> <p>Inventory & Appraisal, partial no. 2 - \$835,000.00</p> <p>Notice of Status Hearing filed 10/31/13 set this matter for status regarding failure to file a First Account and/or Petition for Final Distribution. Clerk's Certificate of Mailing states that the Notice of Status Hearing was mailed to Joanne Sanoian on 10/31/13.</p> <p>Status Hearing Report filed 12/15/14 states: the personal representative was previously represented by Joann Sanoian. After reviewing Ms. Sanoian's files and consulting with the Executor, CPA and members of Ms. Sanoian's staff, it has been determined that Capital One's creditor's claims and federal and state tax liens and/or liabilities must be resolved prior to the preparation of a Petition for Final Distribution. The Executor is the sole beneficiary of the estate and plans to waive an accounting. A 120 day continuance is requested.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 09/18/14 Minute Order from 09/18/14 states: Counsel informs the Court that there are payroll tax issues. Also Mr. Garland represents that Partial 1 and Partial 2 of the Inventory & Appraisal is the complete inventory.</p> <p>1. Need Accounting/Report of Administrator and Petition for Final Distribution.</p>
Cont. from 010314, 030714, 050214, 073114, 081414, 091814		
Aff.Sub.Wit.		
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Inventory		
PTC		
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Notice of Hrg		
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9202		
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Status Rpt		
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Citation		
FTB Notice		
<p>Reviewed by: JF</p> <p>Reviewed on: 12/16/14</p> <p>Updates:</p> <p>Recommendation: File 2 – Gfeller</p>		

Atty Kruthers, Heather H. (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: 56 years	<p>PUBLIC GUARDIAN, Conservator of the Person and Estate, is Petitioner.</p> <p>Account period: 10/20/2012 – 10/19/2014</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Accounting</td> <td style="width: 10%; text-align: center;">-</td> <td style="width: 60%; text-align: right;">\$130,720.04</td> </tr> <tr> <td>Beginning POH</td> <td style="text-align: center;">-</td> <td style="text-align: right;">\$50,724.75</td> </tr> <tr> <td>Ending POH</td> <td style="text-align: center;">-</td> <td style="text-align: right;">\$8,170.65</td> </tr> </table> <p>(cash)</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Conservator</td> <td style="width: 10%; text-align: center;">-</td> <td style="width: 60%; text-align: right;">\$3,107.80</td> </tr> </table> <p>(15.55 Deputy hours @ \$96/hr and 21.25 Staff hours @ \$76/hr)</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Attorney</td> <td style="width: 10%; text-align: center;">-</td> <td style="width: 60%; text-align: right;">\$1,250.00</td> </tr> </table> <p>(less than \$2,500.00 per Local Rule @ \$1,250.00/year for 2 years;)</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Bond fee</td> <td style="width: 10%; text-align: center;">-</td> <td style="width: 60%; text-align: right;">\$153.74 (OK)</td> </tr> </table> <p>Petitioner requests the Court dispense with notice to the Conservatee's spouse, SANDIE HERMOSILLO, as they are in ongoing dissolutions proceedings [Note: Schedule D, Disbursements, shows dissolution-related payments for attorneys' fees pursuant to the Order Authorizing the Public Guardian to Pay Counsel filed 1/7/2013, which ordered \$30,217.13 for legal services to be paid to Attorney Paul Lerandeau; and to the Order Allowing Compensation to Attorneys for Fees and Costs filed 1/7/2013, which ordered the Public Guardian to pay Attorney Marcus Magness \$15,416.13 in fees and costs.]</p> <p style="text-align: center;">~Please see additional page~</p>	Accounting	-	\$130,720.04	Beginning POH	-	\$50,724.75	Ending POH	-	\$8,170.65	Conservator	-	\$3,107.80	Attorney	-	\$1,250.00	Bond fee	-	\$153.74 (OK)	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Proposed order does not include a finding dispensing with notice to Conservatee's spouse, SANDIE HERMOSILLO, as Petitioner requests. If Court finds good cause and dispenses with notice to her for future hearings, this finding may be reflected on the Minute Order. (Proof of Service by Mail of the Notice of Hearing filed 12/3/2014 shows notice of this hearing was mailed to Conservatee's spouse on 12/2/2014.)</p> <p>Note: If the <i>Petition</i> is granted, Court will set a status hearing as follows:</p> <ul style="list-style-type: none"> • Thursday, December 15, 2016 at 9:00 a.m. in Dept. 303 for filing of the third account. <p>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.</p> <p>Reviewed by: LEG</p> <p>Reviewed on: 12/15/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3 - Herosillo</p>
Accounting	-	\$130,720.04																		
Beginning POH	-	\$50,724.75																		
Ending POH	-	\$8,170.65																		
Conservator	-	\$3,107.80																		
Attorney	-	\$1,250.00																		
Bond fee	-	\$153.74 (OK)																		
Cont. from																				
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Inventory																				
PTC																				
Not.Cred.																				
<input checked="" type="checkbox"/> Notice of Hrg																				
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Status Rpt																				
UCCJEA																				
Citation																				
FTB Notice																				

Petitioner prays for an order:

1. Approving, allowing and settling the Second Account;
2. Authorizing the Conservator and attorney fees and commissions;
3. Authorizing payment of the bond fee; and
4. Finding good cause and dispensing with notice to the Conservatee's spouse.

Court Investigator Jo Ann Morris' Report was filed on 3/26/2014.

4 Wilfred Carl Mell (Estate)

Case No. 12CEPR00225

Atty Krbechek, Randolph (for Petitioner/Executor Dale G. Mell)
Atty Burnside, Leigh (For Objector Dale L. Mell)

1) First and Final Account and Report of Executor, and 2) Petition for its Settlement, 3), for Allowance of Attorney's Fees, 4) and for Final Distribution

DOD: 5/29/2009	DALE GEORGE MELL , Executor, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>It appears that an amended accounting is required based on the following:</p> <ol style="list-style-type: none"> Petition states one decedent's sons, Dean C. Mell predeceased the decedent leaving two children surviving, Dale L. Mell and Tina L. Liles. The Petition for Probate indicated Dean C. Mell was survived by three children, Dale L. Mell, Tina L. Liles and Dean C. Bishop. Therefore it appears that Dean C. Bishop is entitled to a portion of his father's share of this estate. Need clarification. Dale L. Mell is to receive distribution (if any) from this estate as the issue of decedent's predeceased son, Dean C. Mell. Petition states the Executor advanced the sum of \$2,500 to Dale L. Mell at the request of Dale L. Mell and that said request should be deducted from the amount otherwise distributable to Dale L. Mell. The advanced distribution to Dale L. Mell exceeded his share of this estate therefore it appears that any distribution in excess of his share should be returned. <p>Please see additional page.</p>
	Account period: 5/29/09 – 10/31/14	
Cont. from	Accounting - \$247,149.88	
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH - \$235,148.78	
<input checked="" type="checkbox"/> Verified	Ending POH - \$229,744.11	
<input checked="" type="checkbox"/> Inventory	Executor - waives	
<input checked="" type="checkbox"/> PTC	Attorney - \$7,702.98	
<input checked="" type="checkbox"/> Not.Cred.	(statutory)	
<input checked="" type="checkbox"/> Notice of Hrg	Petitioner states the Will devises a life estate in the real property to the surviving spouse Alene Mell. Will states that Alene shall be responsible for paying any property taxes, assessments, insurance, maintenance, and ordinary reports on the property during the tenure of the life estate. Petitioner states he the estate has expended the sum of \$12,001.10 in payment of such property taxes, assessments, insurance, maintenance, and ordinary repairs on this property during the tenure of the life estate. Alene had not repaid the estate for said sums. Petitioner requests the amounts owed by Alene be reflected in the judgment for distribution entered herein, and be established a lien in favor of the holders of the remainder interest, namely Dale G. Mell, Larry F. Mell, Dale L. Mell and Tina L. Liles.	
<input checked="" type="checkbox"/> Aff.Mail	W/	
Aff.Pub.		
Sp.Ntc.	X	
Pers.Serv.		
Conf. Screen		
<input checked="" type="checkbox"/> Letters	1/14/13	
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202	X	
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice	X	
	Please see additional page	<p>Reviewed by: KT</p> <p>Reviewed on: 12/15/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 - Mell</p>

Petition states in June 2000 Dean C. Mell (deceased son) borrowed the principal sum of \$65,000. The promissory note states that "In the event that Wilfred Mell's death precedes the payoff of this loan, the remainder of the loan will be deducted from Dean C. Mell's portion of his inheritance." The promissory note was amended on 10/2/02 to include 2% interest on the unpaid balance of the loan. As of 9/1/08, the unpaid balance on the loan was \$11,500.00. No part of the principal balance has been paid by Dean C. Mell. The unpaid interest on the loan is \$1,426.63. Pursuant to the written agreement from Dean C. Mell, the sum of \$12,926.63 should be deducted from the amount otherwise distributable to Dean C. Mell.

Proposed Distribution, pursuant to Decedent's Will, is to:

Alene Mell -a life estate in the real property located in Fresno and all personal effects and household furniture. Upon termination of the life estate the real property shall pass 1/3 to Dale G. Mell, 1/3 to Larry E. Mell, 1/6 to Dale L. Mell and 1/6 to Tina L. Liles.

Dean C. Mell - \$15,115.02

Larry E. Mell - \$15,115.02

NEEDS/PROBLEMS/COMMENTS (cont.):

3. The promissory note from Dean C. Mell should have been inventoried and included as an asset of the estate.
4. Petition does not contain a statement regarding if notice to the Franchise Tax Board was performed, as required by Probate Code 9202(c)(1).
5. Petition does not contain a statement regarding Probate Code §216 and 9202(b) re: notice to the Director of Victims Compensation and Government Claims Board.
6. Need proof of service of the Notice of Hearing along with a copy of the Petition on attorney Leigh Burnside pursuant to Request for Special Notice filed on 10/26/12.

Please see additional page

4 Wilfred Carl Mell (Estate)**Case No. 12CEPR00225**

Note: The promissory note and preliminary distribution of \$2,500.00 should have been included in the total assets of the estate available for distribution. When they are added distribution would be as follows:

Residue (bank acct., promissory note, prelim. distribution to Dale L. Mell)	\$53,359.64 (\$37,933.01 is the cash on hand)
Minus Statutory fees	-7,702.98
Net estate for distribution	45,656.66
Dean C. Mell's share	15,218.89
Amount owed on promissory note	12,926.63
Subtotal	2,292.26
½ to Tina L. Liles	1,146.13
½ to Dale L. Mell less \$2,500 advance distribution	\$0.00
Larry E. Mell	\$15,218.89
Dale G. Mell	\$15,218.89
Reconciliation of final distribution	
Statutory fees	\$ 7,702.98
Net to Dale L. Mell	0.00
Net to Tina L. Liles	\$ 1,146.13
Net to Larry E. Mell	\$15,218.89
Net to Dale G. Mell	\$15,218.89
Total	\$39,286.89
The distribution is off by \$1,353.87 because of the \$2,500 advance distribution to Dale L. Mell when it appears that he was not entitled to a full \$2,500.00.	

(1) Amended Petition for Final Distribution and (2) for Allowance of Compensation for Ordinary Services on Waiver of Accounting

Age: 10/1/10	RONALD T. OYE , Administrator, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS: <u>Please see related case on page 15.</u></p> <ol style="list-style-type: none"> Amended Petition makes the same request as the original petition. Amended petition requests the ½ share of the decedent's estate that would go to his post deceased spouse, Katharine Kawano, instead pass to the Jim I. Kawano Trust pursuant the Petition to Determine Succession of Katharine Kawano (page 15 of this calendar). This petition must first pass the property to Katharine Kawano's estate in order for the Petition to Determine Succession to pass it to Katharine's Trust. Once in Katharine's Trust, the Trustee can pass it to wherever the Trust designates outside of the probate process. Need second amended petition. Need proof of service of the Notice of Hearing on: <ol style="list-style-type: none"> Jim Kawano (minor beneficiary) Order distributes 50% of the estate to the Katharine Kawano 2011 Trust. As stated above the property must pass to Katharine Kawano's estate. The Petition to Determine Succession on page 15 of this calendar, if approved, would pass the property from Katharine's estate to her trust. Need new order.
	Accounting is waived.	
Cont. from 081214, 101414, 111314	I & A - \$166,315.00 POH - \$166,315.00	
<input type="checkbox"/> Aff.Sub.Wit.	Administrator - waives	
<input checked="" type="checkbox"/> Verified	Attorney - \$5,989.45 (less than statutory)	
<input checked="" type="checkbox"/> Inventory	Petitioner requests distribution as follows:	
<input checked="" type="checkbox"/> PTC	Ron Oye, as Trustee of the Jim I. Kawano Trust - 50% interest in the real property	
<input checked="" type="checkbox"/> Not.Cred.	Ron Oye and Michiko Oye as guardians of the estate of Jim Kawano – 50% interest in the real property.	
<input checked="" type="checkbox"/> Notice of Hrg		
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<input type="checkbox"/> Aff.Pub.		
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<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters 2/20/13		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<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: 12/15/14
Updates: 12/16/14
Recommendation:
File 5 – Kawano

6 Mariangela Straight (Estate)

Case No. 13CEPR00164

Atty Molsenbocker, Gary L. (for Administrator Kenneth W. Price)

Probate Status Hearing Re: Filing First Account or Final Distribution

DOD: 1-13-13	<p>KENNETH W. PRICE was appointed Administrator with Full IAEA with bond of \$80,000.00 on 4-2-13.</p> <p>At the hearing on 4-2-13, the Court set this status hearing for the filing of the first account.</p> <p>Bond was filed and Letters issued on 4-16-13.</p> <p>I&A includes \$33,358.26 cash, real property valued at \$95,000.00, and \$295,413.95 in stock (total \$423,772.21).</p> <p>Status Report filed 8-28-14 (not verified) states the Administrator is also the Administrator of the Estate of Madeline Scheppner 13CEPR00872, which contains property that will be distributed to this estate. The Administrator is in the process of filing the petition to distribute in that estate. Therefore it is requested that this petition be continued for at least 90 days to allow distribution to this estate.</p> <p>Status Report filed 12-5-14 (not verified) states since the last status report, the administrator of the Scheppner case has listed and sold the real property, which was the only asset. The administrator and his attorney anticipate filing a final account within the next 10 days. After distribution to this estate, Mr. Price can file his first and final account. 90 days is requested.</p> <p>Supplemental Status Report filed 12-12-14 states an Order on Ex Parte Application to Increase Bond was filed 10-29-14. The increased bond was requested; however, on 12-10-14 it was discovered that the increased bond still had not issued. The bonding company was contacted and agreed to issue the additional bond immediately.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need first account or petition for final distribution pursuant to Probate Code §12200 or verified written status report pursuant to local rule.</p>
Cont from 090514		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
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Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p>Reviewed by: skc</p> <p>Reviewed on: 12-15-14</p> <p>Updates: 12-17-14</p> <p>Recommendation:</p> <p>File 6 - Straight</p>	

Atty Kruthers, Heather H. (for Petitioner Public Guardian, Conservator)

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

Age: 60 years	PUBLIC GUARDIAN , Conservator of the Person and Estate, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Note: If the <i>Petition</i> is granted, Court will set a status hearing as follows:
	Account period: 5/1/2013 – 10/15/2014	<ul style="list-style-type: none"> Thursday, December 15, 2016 at 9:00 a.m. in Dept. 303 for filing of the second account.
Cont. from	Accounting - \$103,050.27	
Aff.Sub.Wit.	Beginning POH - \$43,281.05	
<input checked="" type="checkbox"/> Verified	Ending POH - \$51,014.60 (<i>\$44,142.32 is cash</i>)	
<input checked="" type="checkbox"/> Inventory	Conservator - \$5,865.84 (<i>38.54 Deputy hours @ \$96/hr and 28.50 Staff hours @ \$76/hr</i>)	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.
PTC	Attorney - \$2,500.00 (<i>exceeds Local Rule 7.16B(4); 17 month accounting</i>)	
Not.Cred.	Bond fee - \$247.18 (OK)	
<input checked="" type="checkbox"/> Notice of Hrg	Costs - \$565.00 (<i>filing fee, certified copies</i>)	
<input checked="" type="checkbox"/> Aff.Mail W/	Petitioner prays for an Order:	
Aff.Pub.	1. Approving, allowing and settling the First Account;	
Sp.Ntc.	2. Authorizing the conservator and attorney fees and commissions; and	
Pers.Serv.	3. Authorizing payment of the bond fee and reimbursement of costs advanced.	
Conf. Screen	Court Investigator Julie Negrete filed on 9/30/2014 the Report of Susan Heartlight-Bellin of Los Angeles County Court Investigator's Office.	
Letters		Reviewed by: LEG
Duties/Supp		Reviewed on: 12/15/14
Objections		Updates:
Video Receipt		Recommendation:
<input checked="" type="checkbox"/> CI Report		File 7 - Brannon
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Atty Kruthers, Heather H. (for Conservator Public Guardian)

1) First and Final Account 2) Report of Executor, and 3) Petition for its Settlement, 4), for Allowance of Attorney's Fees, 5) and for Final Distribution

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;">OFF CALENDAR</p> <p style="text-align: center;"><i>Order Settling First Account was filed 11/17/2014.</i></p>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
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Notice of Hrg		
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UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 12/15/14
		Updates:
		Recommendation:
		File 8 - Westenrider

Atty Boyajian, Thomas M., (for Petitioner Carl John Peterson, Executor)

Report of Sale and Petition for Order Confirming Sale of Real Property

DOD: 2/21/2013		CARL JOHN PETERSON , former spouse and Executor appointed on 7/10/2014 with full IAEA Authority without bond, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need proof of 15 days' mailed service of <i>Notice of Hearing</i> to the following persons, including the purchasers, pursuant to Probate Code §§ 1230(a) and 10308(c): <ul style="list-style-type: none"> • Kimbra Pannett; • Tambra Peterson; • Matthew Peterson; • Cynthia Wallert; • John Torres; • Florinda Torres; • Chaston Graham; • Denice Graham. 2. Declaration of Publication filed 12/3/2014 lists 2/21/2013 as the date of appointment of Executor. However, that date is the Decedent's date of death, while the date of appointment of the Executor is 7/10/2014. 3. Attachment 1(c) to the Petition, and Declaration of Publication filed 12/3/2014 both state commission for the sale of the real property shall be divided as follows: 3% to Century 21 M & M Associates specifically to LARRY MATOS, and 3% to Century 21 C. Watson specifically to JOHN CAREY. However, Item 5 of the Petition regarding the contract for commission lists LORI MAYNE as agent for Century 21 C. Watson, and DIANN SAVAGE as agent for Century 21 M & M Associates.
Cont. from		Sale Price - \$277,000.00 Overbid - \$291,350.00	
<input type="checkbox"/>	Aff.Sub.Wit.	Appraisal - \$260,000.00 <i>(Appraisal completed 8/8/2014)</i>	
<input checked="" type="checkbox"/>	Verified	Property - 3221 Carson Ave. Clovis, CA 93611	
<input checked="" type="checkbox"/>	Inventory	Publication - Business Journal	
<input type="checkbox"/>	PTC	Buyers - Chaston Graham and Denice Graham, as husband and wife, as community property	
<input type="checkbox"/>	Not.Cred.	Broker - \$16,620.00 <i>(6% payable to @ 3% to Century 21 M & M/Larry Matos in the sum of \$8,310.00, and 3% to Century 21 C. Watson/John Carey in the sum of \$8,310.00)</i>	
<input type="checkbox"/>	Notice of Hrg	Bond - No bond <i>(pursuant to Order for Probate filed 7/10/2014)</i>	
<input type="checkbox"/>	Aff.Mail		
<input checked="" type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters 071114		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input checked="" type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
Reviewed by: LEG			
Reviewed on: 12/15/14			
Updates:			
Recommendation:			
File 9 – Gomes			

(1) First and Final Account & Report of Administrator with Will Annexed, (2) Petition for Instructions and for Distribution, for Statutory Commissions and for Statutory Attorney Fees

DOD: 4/30/2013		MARGUERITE HUGHES , Administrator with Will Annexed, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need Order.
		Account period: 11/30/13 – 10/14/14	
Cont. from		Accounting - \$566,116.65	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$508,587.56	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$548,835.01	
<input checked="" type="checkbox"/>	Inventory	Administrator (statutory) - \$14,322.32	
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.	Attorney (statutory) - \$14,322.32	
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	Closing - \$5,000.00	
	Aff.Pub.	Distribution, pursuant to Decedent's Will, is to:	
	Sp.Ntc.	Ethyl Klassen, Peter Klassen, Franklin Klassen and James Gunther - \$64,398.85 each.	
	Pers.Serv.	Valerie Serles and Gwendolyn Fiori - \$32,199.42 each.	
	Conf. Screen	Rebecca Neufeld, Tina Golbek, Reynold Neufeld, Dennis Neufeld, Richard Neufeld, Marguerite Hughes, William Bernard II, Robert Bernard - \$21,466.28 each.	
<input checked="" type="checkbox"/>	Letters		
	Duties/Supp	Connie Isaac, Christine McDonald and Carole Mireau-Frogge - \$7,155.43 each.	
	Objections		
	Video Receipt		
	CI Report		
<input checked="" type="checkbox"/>	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 12/16/14
			Updates:
			Recommendation:
			File 10 - Peters

Atty Guerrero, Danielle R., of the Law Office of Philip Flanigan (for Petitioner Loretta Crater)

1) Report of Administrator on Waiver of Account, and 2) Petition for its Settlement Thereof, 3) Petition for Allowance of Statutory Compensation to Attorney for Ordinary Services, 4) Petition for Reimbursement of Costs Advanced, 5) and Petition for Final Distribution

DOD: 10/15/2012	LORETTA CRATER , daughter and Administrator, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. <i>Final Inventory and Appraisal</i> filed on 7/15/2014 is incomplete at Item 5 re: property tax certificate, as required by Probate Code § 8800(d). Need statement regarding Property Tax Certificate. (Revenue and Tax Code § 480.)</p>
	Accounting is waived.	
Cont. from	I & A — \$170,000.00	
<input type="checkbox"/> Aff.Sub.Wit.	POH — \$170,000.00 <i>(no cash)</i>	
<input checked="" type="checkbox"/> Verified		
<input checked="" type="checkbox"/> Inventory	Administrator — waives	
<input type="checkbox"/> PTC	X	
<input checked="" type="checkbox"/> Not.Cred.	Attorney — \$6,100.00 <i>(statutory)</i>	
<input checked="" type="checkbox"/> Notice of Hrg	Costs — \$1,454.00 <i>(filing fees, probate referee, publication, certified copies)</i>	
<input checked="" type="checkbox"/> Aff.Mail	W /	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.	Petitioner requests this Court:	
<input type="checkbox"/> Pers.Serv.	1. Authorize the attorney's compensation and order that these fees be allowed as a judicial lien against the sole asset of the estate (real property);	
<input type="checkbox"/> Conf. Screen	2. Authorize the costs advanced for the benefit of the estate and order that these costs be allowed as a judicial lien against the sole asset of the estate.	
<input type="checkbox"/> Letters 070914		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report	Distribution pursuant to intestate succession is to:	
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order	LORETTA CRATER – entire estate consisting of 100% interest in real property.	
<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: LEG
		Reviewed on: 12/16/14
		Updates:
		Recommendation:
		File 11 - Crater

12A J. Jesus Rocha (Estate)

Case No. 14CEPR00797

Atty Fanucchi, Edward L. (for Maria Ines Gonzalez – Petitioner – Wife of Nephew in Law)

Atty Knudson, David N. (for Irene Sanchez Mayoral – Spouse - Petitioner)

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

DOD: 06/24/2014	MARIA INES GONZALEZ , wife of nephew in law, is petitioner and requests appointment as Administrator with bond set at \$100,000.00.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>12B is the competing petition filed by Irene Sanchez Mayoral, decedent's spouse.</p> <p>Note to Judge: Petitioner, Irene Sanchez Mayoral, is Spanish speaking.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Thursday, 01/15/2015 at 9:00a.m. in Dept. 303 for the filing of the bond and Thursday, 04/16/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Thursday, 02/18/2016 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
	Limited IAEA – o.k.	
Cont. from 100814, 111314	Decedent died intestate	
<input type="checkbox"/> Aff.Sub.Wit.	Residence: Parlier	
<input checked="" type="checkbox"/> Verified	Publication: The Business Journal	
<input type="checkbox"/> Inventory	Estimated value of the Estate:	
<input type="checkbox"/> PTC	Real Property - \$100,000.00	
<input type="checkbox"/> Not.Cred.	Less encumbrances -\$91,000.00	
<input checked="" type="checkbox"/> Notice of Hrg	Total - \$9,000.00	
<input checked="" type="checkbox"/> Aff.Mail w/	Probate Referee: Rick Smith	
<input checked="" type="checkbox"/> Aff.Pub.	Objection filed by Irene Sanchez Mayoral, Spouse, on 10/07/2014 states she objects to the petition filed by Maria Ines Gonzalez asking to be appointed as administrator to the decedent's estate as the objector is capable of managing her husband's estate. Objector states that she has had several issues with the petitioner and petitioner's husband who have been residing as tenants in the decedent's home. The objector was informed by Chase Bank that the mortgage loan was in the early stages of foreclosure due to non-payment. The objector informed the bank of the decedent's death and she was acknowledged as the next of kin. A packet was mailed to the husband's estate so that the objector could update her information. The objector alleges that the petitioner and the petitioner's husband received the package and corresponded back with the bank with their personal information instead of the Objector's. Objector served Maria Ines Gonzalez, petitioner, and Gonzalo Sandoval Sanchez, petitioner's husband with a 60 day notice to vacate the decedent's house for non-payment. Objector states there is an open inquiry with the DA's office in the matter of the petitioner and her husband using the decedent's food stamps card while he was in Mexico and after he was deceased.	
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 12/15/2014
		Updates:
		Recommendation:
		File 12A - Rocha

12B
Atty
Atty

J. Jesus Rocha (Estate)
Fanucchi, Edward L. (for Maria Ines Gonzalez – Competing Petitioner – Wife of Nephew in Law)
Knudson, David N. (for Irene Sanchez Mayoral – Spouse - Petitioner)

Case No. 14CEPR00797

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

DOD: 06/24/2014	IRENE SANCHEZ MAYORAL , spouse, is petitioner and requests that GUADALUPE ROCHA be appointed Administrator without bond.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>12C is the Hearing on Fee Waiver for Irene Sanchez Mayoral.</p> <ol style="list-style-type: none"> Nominee, Guadalupe Rocha, is not listed on #8 of the petition as required. The Appointment of Personal Representative portion of the Petition is incomplete. <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> Thursday, 01/15/2015 at 9:00a.m. in Dept. 303 for the filing of the bond and Thursday, 02/18/2016 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
	All heirs waive bond and nominate Guadalupe Rocha as Administrator.	
Cont. from	Guadalupe Rocha consents to the appointment of Administrator.	
<input type="checkbox"/> Aff.Sub.Wit.	Full IAEA – o.k.	
<input checked="" type="checkbox"/> Verified	Decedent died intestate	
<input type="checkbox"/> Inventory	Residence: Parlier	
<input type="checkbox"/> PTC	Publication: The Business Journal	
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail w/		
<input checked="" type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.	Estimated value of the Estate:	
<input type="checkbox"/> Pers.Serv.	Real Property - \$100,000.00	
<input type="checkbox"/> Conf. Screen	Less encumbrances -\$91,000.00	
<input checked="" type="checkbox"/> Letters	Total - \$9,000.00	
<input checked="" type="checkbox"/> Duties/Supp	Probate Referee: Rick Smith	
<input type="checkbox"/> Objections	Declaration of Maria Ines Gonzalez and Gonzalo Sandoval in Opposition to Petition of Irene Sanchez-Mayoral to Nominate an Administrator filed 12/11/2014 states the decedent and the petitioner, Irene Sanchez-Mayoral were married 01/24/1987, per their Certificate of Marriage (a duly translated copy of the original certified 08/08/2014, both of which are attached hereto and marked respectively Exhibits 1 and 2), all property acquired by each of them during the marriage was to be the separate property of the acquiring spouse which derives from their mutual selection – Regimen Matrimonial: Bienes Separados – as noted on their Certificate of Marriage; Each of the spouses signed the Marriage Registry of Coquimatlan from which is extracted all information given on the attached Exhibit 2.	
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	Please see additional page	
	Reviewed by: LV	
	Reviewed on: 12/15/2014	
	Updates:	
	Recommendation:	
	File 12C - Rocha	

12B

Dept. 303, 9:00 a.m. Thursday, December 18, 2014

Cohabitation of the Spouses – Decedent and Irene Sanchez-Mayoral resided together in the state of Colima, Mexico until 2006/2007 when the decedent left Mexico to go to Oakland, California. He left Colima due to employment matters; they had two children (twins) who are now adults, and he adopted a child of Mrs. Sanchez-Mayoral also now an adult. All children live in the State of Colima. The decedent left Mexico because he was heavily indebted, and Mrs. Sanchez-Mayoral had run him out of the home in Colima. About that time the decedent signed divorce papers which he returned to Mrs. Sanchez-Mayoral to file when she decided to do so. At that point, each of them decided to separate. The decedent went to live in an apartment in Colima Centro which he was buying for a few months, and then left for Oakland, California. He returned to the State of Colima often during holidays or time off from work in California, but never resided with Mrs. Sanchez-Mayoral. On his last visit, which started in October 2013, and lasted until his death on 06/24/2014, (See Exhibit 3, the Certificate of Death duly abstracted from the Registry of Death of the State of Colima and its translation marked as Exhibit 4). He had planned to spend two weeks in Colima, but had become ill and underwent treatments in Colima which prevented his return to Parlier, California. While he was there on his last visit, he rented a hotel room and other houses. He always maintained close fatherly relations with his three children.

Employment of J. Jesus Rocha – From his civil service in Mexico, Mrs. Sanchez-Mayoral was entitled to his MSS (Mexican Social Security) and his civil service union pensions, as his surviving wife. Mrs. Sanchez-Mayoral was always aware, per her words, that she would lose those benefits if she filed for the divorce that the decedent had signed in 2006/2007. She is now getting both pensions. Mrs. Sanchez-Mayoral came to Fresno after the decedent's death to claim U.S. Social Security benefits, as his surviving wife.

While in Oakland, California, the decedent worked in a soybean cheese factory for a few months and lived with his sister. In 2007, he moved to Parlier to live with a sister-in-law, Evangelina Sanchez-Mayoral, for one week, and then moved into an apartment rented by Petitioner, Maria Ines Gonzalez, and her husband, Gonzalo Sandoval, in Parlier, California.

The decedent started to work in 2007 for employment agencies who placed him at National Raisin. He was working as a sanitation worker. His last day of work was in 2011. He then got unemployment benefits for two years.

Purchase of house at 1206 King, Parlier, Ca. – In 2008, the decedent urged the undersigned to buy a house, and he wanted to help them qualify because neither competing-petitioner, Maria Ines Gonzalez, or her husband had a valid social security number or good credit; the decedent signed as buyer on three different offers and finally on the purchase of the present home. All buyer's charges in escrow were paid by Gonzalo Sandoval and Maria Ines Gonzalez from their wages and sale of a car. The decedent contributed nothing. However, he did obtain from the IRS an \$8,000.00 refund as a first time buyer. He kept all of that money. The buyer was at all times shown as the decedent. The loan to buy the property was arranged by Resources Lenders, and all payments to current date have been paid by Gonzalo Sandoval and Maria Ines Gonzalez. The source of all monies to make these payments were their wages. The decedent did not contribute to these payments. There was a lender requirement that the named buyer, the decedent, have three months bank deposits of \$3,000.00, and that was arranged by Mr. Sandoval and Mrs. Gonzalez giving \$3,000.00 to a straw-man to deposit in decedent's bank account at Bank of America.

Neither Mrs. Gonzalez nor Mr. Sandoval could withdraw from the decedent's bank account. From 2007-2012, the decedent paid to them \$250.00 per month for room and board. Starting in 2013, he paid \$300.00 per month. He executed an Affidavit dated 08/12/2013 to attest that he paid for room and board at 1206 King Street. He executed this document in his application for Medi-Cal benefits. It was always understood between the decedent and Mr. Sandoval and Mrs. Gonzalez that the decedent had no interest in the property on King St. Attached is Exhibit 6, a copy of the grant deed the decedent recorded in 04/20/2010 wherein he took title as "Jesus Rocha-Gaitan, an unmarried man."

Actions by Mrs. Sanchez-Mayoral to remove competing petition from 1206 King St. Parlier, Ca. – Mrs. Sanchez-Mayoral served Mrs. Gonzalez and Mr. Sandoval with a Verified Complaint, Unlawful Detainer dated 08/18/2014 and a 60-day Notice of Termination of Tenancy signed 08/04/2014 relative to 1206 King Street, Parlier, plus a 3-Day Notice to Pay \$2,2205.00. The Complaint was supposedly filed in the "Selma Superior Court of California," the envelope for those documents shows the address of the former courthouse.

Second, Mrs. Sanchez-Mayoral made contact with Chase Bank – the lender for the purchase of 1206 King Street, Parlier. She sought to change the loan to her name, and advised Chase of the decedent's death per Chase letter dated 08/22/2014.

Third, Mrs. Sanchez-Mayoral came to the home on or about 10/01/2014, and demanded entry into the home which she was denied. She then called the Parlier Police Department who arrived, and they stayed on the street and eventually left.

The clear intent of Mrs. Sanchez-Mayoral is to take title and possession of the house and remove Mrs. Gonzalez, Mr. Sandoval and their children from their home.

Declaration of Evangelina Sanchez-Mayoral in Support of the Opposition to Petition of Irene Sanchez-Mayoral to Nominate an Administrator filed 12/11/2014 states she is the sister of Irene Sanchez-Mayoral. On or about the date of the burial of J. Jesus Rocha on 06/24/2014, the declarant called her sister and stated she was worried now about the house in Parlier that Gonzalo Sandoval and his wife Maria Ines Gonzalez had purchased in the name of the decedent. The declarant states that she had been fully aware of the plan of the decedent to help Mr. Sandoval and his wife purchase the house by showing him as the buyer, although he never paid anything for the house or the escrow or the loan to purchase the house. The decedent and the declarant had spoke about the arrangement between them.

The decedent had offered the same proposition to Evengelina Sanchez-Mayoral to buy a house first, and said that if she chose not to do so, he had already spoken to Gonzalo and Maria Ines to help them buy a house by using his name. Gonzalo and Maria Ines could not get a loan and buy the home because they had no valid social security numbers and were illegally present in the United States. The decedent told his children that he helped Gonzalo and Maria Ines buy the home and that he did not own the home.

Mrs. Sanchez-Mayoral, competing-petitioner said she would honor the decedent's promise, and that she would come to California, if necessary, to help Gonzalo and Maria Ines straighten out the title on the home. Mrs. Sanchez-Mayoral, competing-petitioner, told her sister that she wanted to see an attorney to do what was necessary to put the house in Gonzalo and Maria Ines' name.

An appointment was made with a paralegal on 07/30/2011. On that day, Mrs. Sanchez-Mayoral told her sister to tell Gonzalo to turn over all the papers on the house to her because she was the widow, she had become the owner of the house. The declarant, Evangelina Sanchez-Mayoral, was upset with this change in attitude. In 10/2014, the competing-petitioner threatened her sister, the declarant, that if she testified against her she would report her to I.C.E for deportation. The declarant states she has lived and worked 25 years in Fresno County and she is self-supporting.

Memorandum of Points and Authorities in Support of Opposition to Petition of Irene Sanchez-Mayoral to Nominate an Administrator filed 12/11/2014 states decedent died intestate so the provisions of Probate Code §8460 et seq. apply as to the nomination and appointment of an administrator. The priorities of Probate Code §8461 do not apply to the nominated administrator, Guadalupe Rocha, because, as nephew of the decedent, he is not entitled to succeed to any part of the estate (Probate Code §8462(a)). Assuming there be an estate with assets, succession of the estate would be to the decedent's three children surviving him.

The surviving wife is not competent to act as personal representative because she is a resident of Mexico (Probate Code §8402(2)(4)). The surviving wife, if she were competent to act, here, has no priority because she has no entitlement to succeed to any part of the estate according to their terms of marriage in Mexico which specifies each party's property before and after is unbeholden to the other. The surviving wife has acquired no community or quasi-community property rights in the estate, as all of the estate was acquired by the decedent after separation in 2006 or 2007. The Probate Code §8465(b) do not apply to this nominee because of the provisions of Probate Code §8462(b), as earlier explained.

Finally, when the nominee is a California resident nominated by a foreign resident (Probate Code §8465(2)), the Court shall consider whether the nominee is capable of faithfully executing the duties of the office (Probate Code §8465(d)). The factors the Court may consider are, among others:

1. Whether the nominee has an adverse conflict of interest with any interested person, viz, the Petitioner and Objectors, Maria Ines Gonzalez, and her husband, Gonzalo Sandoval, (Probate Code §48)
2. Whether the nominee had a business or personal relationship with the decedent; here, there was not any such relationship by the nominee and the decedent. (Probate Code §8465(d)).

The appointment of the nominee would engender a Petition for Removal by Petitioner and her husband, as an interested party next of kin, under provision of Probate Code §8502(b) and (d). There is unity of interest between the nominator and the nominee to extract concessions, as to the realty, at the least, from the Petitioner and her husband by making this matter prohibitively costly and putting them in great fear of losing their home and investment at 1406 King Parlier, Ca. and the ultimate goal of the nominator and nominee is to eliminate the Petitioner and her husband from title and effect distribution to the nominator and/or her three children.

If the Court appoints the nominee as administrator, he should be denied Independent Administration of Estates Act powers. Wherefore, the nomination must be rejected and the Petition of Irene Sanchez-Mayoral be denied.

		TEMP EXPIRES 11-6-14, extended to 12-18-14	NEEDS/PROBLEMS/COMMENTS:
		PAUL CHEA and SIRAMALIN UTH , Paternal Grandparents, are Petitioners.	<u>Note</u> : This matter was originally scheduled for 8:30 am in Dept. 72; however, it will be assigned to Probate Dept. 303 for hearing.
Cont from 110614		Father: VUTHY CHEA	<u>Minute Order 9-22-14 (Temp) (Judge Cardoza)</u> : Mary Chea is sworn in as an interpreter for Siramalin Uth. Court orders weekly therapeutic visits one time a week for one hour between the mother and children at Comprehensive Youth Services. Therapist has disclosure to terminate the visit if the children become traumatized. Parties to schedule visits at Comprehensive Youth Services. Petition is granted. Temporary Guardianship Letters extended to 11/6/14. All other orders remain in full force and effect.
	<input type="checkbox"/> Aff.Sub.Wit.	- Consents and waives notice	
	<input checked="" type="checkbox"/> Verified	Mother: JENNIFER DY	
	<input type="checkbox"/> Inventory	- Personally served 9-13-14	
	<input type="checkbox"/> PTC	Maternal Grandfather: Sameang Dy	
	<input type="checkbox"/> Not.Cred.	- Personally served 11-17-14	
	<input checked="" type="checkbox"/> Notice of Hrg	Maternal Grandmother: Deceased	
	<input type="checkbox"/> Aff.Mail		
	<input type="checkbox"/> Aff.Pub.	Petitioners state the mother is violent and unstable due to psychiatric issues. She uses methamphetamines and abuses alcohol and is abusive to the children. Petitioners state the mother believes she is receiving messages from "God" related to harming her children and describe an incident related by the minor Kyla in July where the mother approached Kyla with a knife while making a stabbing motion. She also reportedly told Kyla that not even God loves her, and insinuated that God wants her to be hurt. Kyla is terrified and despondent. She cries regularly and has lost weight. Nova is delayed developmentally and is unable to feed himself or communicate on par with other children although he is five. He consumes only "pediasure" when staying with his mother. The father is unable to care for the children due to pending criminal charges and imminent incarceration.	
	<input type="checkbox"/> Sp.Ntc.		
	<input checked="" type="checkbox"/> Pers.Serv.		
	<input checked="" type="checkbox"/> Conf. Screen		
	<input checked="" type="checkbox"/> Letters		
	<input checked="" type="checkbox"/> Duties/Supp		
	<input type="checkbox"/> Objections		
	<input type="checkbox"/> Video Receipt		
	<input checked="" type="checkbox"/> CI Report		
	<input checked="" type="checkbox"/> Clearances		
	<input checked="" type="checkbox"/> Order		
	<input type="checkbox"/> Aff. Posting	According to the attorney's declaration, the children were placed in emergency foster care on 8-28-14 and on 8-29-14 were released to Petitioners pursuant to a Team Decision Meeting (TDM) held by DCFS.	<u>Note</u> : All relatives have now been served.
	<input type="checkbox"/> Status Rpt	Court Investigator Charlotte Bien filed a report on 10-30-14.	Reviewed by: skc
	<input checked="" type="checkbox"/> UCCJEA		Reviewed on: 12-15-14
	<input type="checkbox"/> Citation		Updates:
	<input type="checkbox"/> FTB Notice		Recommendation:
			File 13 – Chea

DOD: 08/13/14	MAXINE RODRIGUEZ , daughter, is Petitioner, and requests appointment as Administrator with bond set at \$10,000.00.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 103014	Limited IAEA – OK	
<input type="checkbox"/> Aff.Sub.Wit.	Decedent died intestate	
<input checked="" type="checkbox"/> Verified	Residence: Fresno	
<input type="checkbox"/> Inventory	Publication: The Business Journal	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Estimated Value of the Estate:	
<input checked="" type="checkbox"/> Aff.Mail w/	Personal property - \$ 2,200.00	
<input checked="" type="checkbox"/> Aff.Pub.	Real property - 138,197.00	
<input type="checkbox"/> Sp.Ntc.	Total - \$140,397.00	
<input type="checkbox"/> Pers.Serv.	Probate referee: RICK SMITH	
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 12/16/14
		Updates:
		Recommendation: SUBMITTED
		File 14 – Rodriguez

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

DOD: 6/29/2011	RONALD T. OYE , Trustee of the Katharine Kawano 2011 Trust dated 6/29/11, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 11/13/14. As of 11/7/14 the following issues remain:</p> <ol style="list-style-type: none"> 1. Need proof of service of the Notice of Hearing on: <ol style="list-style-type: none"> a. Bruce I. Kawano – minor beneficiary b. Guardians of Bruce I. Kawano.
	40 days since DOD.	
Cont. from 101414, 121814	I & A - \$83,187.50	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input checked="" type="checkbox"/> Inventory	Petitioner requests Decedent's 50% interest in a 14.5% interest in real property located in Fresno County pass to him as Trustee of the Katharine Kawano 2011 Trust.	
<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 checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: KT
		Reviewed on: 12/15/14
		Updates:
		Recommendation:
		File 15 - Kawano

<p>DOD: 5-29-12</p>	<p>LORI SHIBATA, Trustee, is Petitioner.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
		<p>Petitioner:</p>
<p>Cont from 111314</p>	<p>Petitioner states: Michael A. Lee established the Michael A. Lee Declaration of Trust dated 5-27-11 and was the initial trustee until his death on 5-29-12. The Trust is now irrevocable.</p>	<p>1. Petitioner requests costs. The Court may require clarification or itemization.</p>
<p><input type="checkbox"/> Aff.Sub.Wit.</p>	<p>The sole remainder beneficiary of the trust is Alyssa Lee, who is currently 20 years old. The trust provides that all remaining assets of the trust are to be held in trust for the benefits of Alyssa Lee, with income to be used for her support, including educational, medical, dental, hospital, and nursing expenses. One half of the trust's assets are to be distributed to Ms. Lee at age 30, free of trust, and the other half are to be distributed to Ms. Lee, free of trust, at age 35.</p>	<p>2. Need order.</p>
<p><input checked="" type="checkbox"/> Verified</p>	<p>Petitioner states the only assets of the trust are a Wells Fargo checking account containing approx. \$18,000.00 and residential real property in Fresno appraised at \$140,000.00. The trust's only income is the interest earned on the checking account, which is negligible at best. The residential real property is vacant and in very poor condition and cannot be rented until deferred maintenance is done and substantial repairs are made. Monthly expenses including utilities and gardening amount to approx. \$165 per month or \$1,980 per annum. Property taxes for 2013 amounted to \$1,502.28 annually or approx. \$125 per month. Expenses to provide for the care of Ms. Lee in compliance with the trust consist of the payment of her health insurance premiums of \$281 per month or \$3,372 per year.</p>	<p>Respondent:</p> <p>1. Respondent Alyssa Lee's Request to Waive Court Fees was denied on 12-12-14. Therefore, need \$435 filing fee for Objection.</p>
<p><input type="checkbox"/> Inventory</p>	<p>On 3-5-13, Robyn L. Esraelian, attorney for Petitioner, sent a Notice of Proposed Action Pursuant to Probate Code §16500 to Ms. Lee informing her of Petitioner's proposed action to list the property for sale. However, Ms. Lee objected in writing to the sale.</p>	<p>Reviewed by: skc</p>
<p><input type="checkbox"/> PTC</p>	<p>SEE ADDITIONAL PAGES</p>	<p>Reviewed on: 12-16-14</p>
<p><input type="checkbox"/> Not.Cred.</p>		<p>Updates:</p>
<p><input checked="" type="checkbox"/> Notice of Hrg</p>		<p>Recommendation:</p>
<p><input checked="" type="checkbox"/> Aff.Mail w</p>		<p>File 16 – Lee</p>
<p><input type="checkbox"/> Aff.Pub.</p>		
<p><input type="checkbox"/> Sp.Ntc.</p>		
<p><input type="checkbox"/> Pers.Serv.</p>		
<p><input type="checkbox"/> Conf. Screen</p>		
<p><input type="checkbox"/> Letters</p>		
<p><input type="checkbox"/> Duties/Supp</p>		
<p><input checked="" 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 checked="" type="checkbox"/> Order</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>		

Page 2

Petitioner states the trust does not contain enough liquid assets to pay the maintenance and repairs on the home to make it habitable and income-producing, to pay current trustee's fees, and to meet the monthly obligations associated with the residence and the beneficiary. If repairs are made, the residence could probably only be rented for no more than \$950/month, which would not generate enough income to pay the monthly expenses as outlined above and ongoing costs of administration such as property management fees and trustee's fees, and would certainly not generate enough income to fulfill the intent of the Trustor.

Petitioner states selling the subject residence and investing the net sales proceeds would generate sufficient principal and income to fulfill the intent of the Trustor to provide for Ms. Lee as set forth in Article Five, Paragraph C of the Trust.

Petitioner prays for an order:

- 1. Directing her, as Successor Trustee of the Michael A. Lee Declaration of Trust, to sell the residential real property located at 773 E. Ellery in Fresno, CA;**
- 2. For costs herein; and**
- 3. For such other orders as the Court may deem proper.**

Beneficiary Alyssa Lee filed an Objection on 12-12-14. Ms Lee states she is aware of the condition of the residence and cost to maintain it, and has proposed that she or a family member be allowed to live there at a fair rental value. Respondent believes rent of \$1100/month, offset by utilities and gardening, would result in a net rental income to the trust of \$800-900, which would generate income for payment of taxes and insurance. Respondent believes that at a reasonable rental, a tenant would be responsible for gardening and property maintenance and would pay their own utilities, eliminating those expenses for the trust. Respondent also believes the sum of \$151,000 is less than fair market value, even considering the necessary repairs. Zillow.com shows the current value at \$185,000.

The residence was Respondent's father's residence and is a very meaningful property to her. She has offered to handle repairs, maintenance and upkeep, through rental, but the trustee continues to refuse to consider the beneficiary's wishes and/or cooperate with her in maintaining the residence. See email communications.

The actions of the trustee in failing to consider the wishes of the beneficiary and adopting an authoritarian and imperious attitude raise the issue of whether the trustee is in violation of the "Duty of Loyalty" Probate Code §16002(a) which requires that a trust be administered solely in the interest of the beneficiaries.

Respondent states sale of the residence resulting in proceeds to be invested over time exposes the trust to market risk. Respondent doesn't believe that a sale would further the interests of the Trustor in providing for Respondent as beneficiary. The Trustor, Michael Lee, was Respondent's father. She has a strong emotional attachment to the residence, and would like it maintained and preserved.

Respondent states she has requested information concerning the assets of the trust, but to date has received no specific or verifiable responses from the trustee about certain issues, including account balances at her father's death. Accounting information shows round numbers, but source documents have not been provided, and bank accounts seldom have round numbers. Respondent has requested information concerning personal property passing to her and her brother, and prepared a list of items known, but the trustee has failed to respond to her request for information.

SEE ADDITIONAL PAGES

Page 3

Respondent states her father had a truck that is not shown as an asset of the trust. Prior to his death, her father made statements that, "they took my car." No information has been provided regarding the vehicle.

Respondent states she was advised that at or about the time of his death, her father had placed \$40,000 in two envelopes, \$20,000 each, for each of his children. Respondent has requested information regarding those envelopes, but the trustee has failed to provide information, although the trustee has acknowledged that the envelopes existed. This money should be accounted for as trust asset.

Counsel for the trustee has twice provided accounting information about the trust. In fall of 2012, following the Trustor's death, information was provided regarding accounts and expenses incurred by the trustee (attached). In January 2014, an "informal accounting" provided additional documentation of transactions through the end of 2013. Total cash at that point was \$30,882.88. This petition indicates assets have decreased to \$18,000. The accounting is not prepared in the form prescribed by the Probate Code and failed to show the required information.

Accordingly, Respondent requests the trustee prepare an accounting in the form prescribed by law. Respondent also requests the Court review the appropriateness of the fees charged by the trustee (\$60/hour or \$5,185.20).

Petitioner requests reimbursement for costs. Respondent believes costs may be payable by the trust.

Respondent requests that:

- 1. The Court deny the petition for instructions in so far as it requests authority to list and/or sell the property and instruct the trustee to maintain and rent the residence at an appropriate rental;**
- 2. That the trustee be ordered to provide additional information concerning the trust assets and administration issues, together with additional information concerning the trust assets;**
- 3. That the trustee be ordered to file and serve on the beneficiary a revised accounting showing the assets on hand at date of death, remaining as of closing of the accounting, and to bring the account current through a date not less than 60 days prior to the rendering of the revised accounting;**
- 4. That the Court review the trustee's requested compensation;**
- 5. That the trustee's request for costs be denied; and**
- 6. For all other and proper orders.**

17A Wayne Lee Bandy (Estate)

Case No. 14CEPR00884

Atty Standard, Donna M. (for Terry Novack – Named Executor – Petitioner)

Atty Blyth, Stan D. (of Oakland, CA, for Contestants Shon Treanor and Jill Treanor)

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

DOD: 9-21-14	TERRY NOVACK , named Executor without bond, is Petitioner. (relationship not stated)		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Page 17B is a Will Contest filed by Shon Treanor and Jill Treanor, Successor Trustees of the Cheryl Gortemiller Living Trust, is set for hearing on 12-18-14.</p> <p>Note: Page 26 is a related matter (Conservatorship of Mary Louise Bandy)</p> <p>Minute Order 11-3-14: Matter continued to meet up with the contest hearing.</p> <p>As of 12-15-14, the following issues remain:</p> <ol style="list-style-type: none"> 1. Need Letters. 2. The Will Contest alleges that Petitioner Terry Novack is a care custodian. The Court may require additional information with reference to Probate Code §21380 et seq., re presumption of undue influence. <p>Note: If the petition is granted, status hearings will be set as follows:</p> <ol style="list-style-type: none"> 3. Thursday, April 23, 2015 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. 4. Thursday, April 21, 2016 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution. <p>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.</p>
	Full IAEA – Publication <u>does not</u> include IAEA.		
Cont from 110314			
<input type="checkbox"/>	Aff.Sub.Wit.	S/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		
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<input type="checkbox"/>	Video Receipt		
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<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
Reviewed by: skc			
Reviewed on: 12-15-14			
Updates:			
Recommendation:			
File 17A – Bandy			

Contest and Grounds of Objection to Probate of Purported Will

		NEEDS/PROBLEMS/COMMENTS:
	SHON TREANOR and JILL TREANOR , Successor Trustees of the Cheryl Gortemiller Living Trust, filed this Contest and Grounds of Objection to Probate of Purported Will on 10-30-14. MARK BANDY , Son, filed a Joinder to the Contest on 12-3-14.	<p>Note: Attorney Standard filed Request for Judicial Notice on 12-5-14 regarding</p> <ol style="list-style-type: none"> 1. Need Summons. Probate Code §8250. 2. Need proof of service of Summons and Notice of Hearing on all entitled pursuant to §8250. 3. Need order.
Aff.Sub.Wit.	Contestants state they are interested persons as successor trustees of the Cheryl Gortemiller Living Trust, are creditors of the Decedent's estate, and are entitled to contest admission of the purported will to probate in that, as successor trustees of the Cheryl Gortemiller Living Trust, have satisfied the liability of the decedent's estate for the unpaid wages of Wayne Bandy's care custodian, Maria De Los Angeles Sala, for 271 hours of unpaid personal care of the decedent and are entitled to reimbursement from the estate.	
<input checked="" type="checkbox"/> Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	x	
Aff.Mail	x	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order	x	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p>Contestants state probate of the purported will should be denied on the following grounds:</p> <ol style="list-style-type: none"> 1. At the time of execution, Terry Novack was the care custodian of the decedent and the decedent was a dependent adult over age 65 as defined in Probate Code §21366. 2. The purported will was executed during the period in which Novack, acting as a care custodian, provided services to the decedent. 3. Novack failed to obtain a Certificate of Independent Review pursuant to Probate Code §21384 prior to execution of the purported will. 4. At the time of the alleged execution of the purported will, the decedent was not of sound and disposing mind. 5. Contestants are informed and believe and allege that the decedent's purported will is not and never was the decedent's will and was made at the time of its alleged execution as a result of the undue influence of Novack, in that Decedent was a long-term alcoholic and Novack, in full knowledge of Decedent's condition, continued to supply liquor to Decedent in large quantities in order to keep him in an inebriated state and falsely gain his trust and confidence, and as a result Novack was able to obtain Decedent's signature on the purported will due to his lack of capacity and as a result of false representations by Novack. <p>Contestants state the decedent's heirs are Mark Bandy and James Bandy; however, the devisees named in the purported will are Terry Lyn Novack, Frank Blankenship, Bill Lovewell, Jr., and Lilarose Bangs.</p> <p>Contestants request the purported will be denied probate, costs of suit, and all other proper relief.</p> <p style="text-align: center;">SEE ADDITIONAL PAGES</p>	
		<p>Reviewed by: skc</p> <p>Reviewed on: 12-15-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 17B - Bandy</p>

Attorney Donna Standard filed Request for Judicial Notice on 12-5-14 regarding the following:

1. Certified Death Certificate of Cheryl Gortemiller.
2. Supplement to Petition for Appointment of Probate Conservator of the Person and Estate of Mary Louise Bandy Case No. 14CEPR00295.
3. Declaration of Jill Treanor in Opposition to Ex Parte Request for Appointment of Special Administrator Pending Trial.
4. Declaration of Wayne Lee Bandy, filed in the Cheryl Gortemiller Living Trust Matter, Case No. FPR 046489.

Attorney Donna Standard filed Opposition to Contest on 12-5-14. The Opposition provides numerous details regarding the history and relationships of all parties, communications prior to and after the deaths, and also provides details regarding the current litigation in Solano County (Case No. FPR046484) regarding the Cheryl Gortemiller Trust. Please see Opposition for details.

Ms. Novack states Ms. Standard was recommended by the Bandys' CPA Arthur Ostrander to change the terms of their trust. Terry was not present for the attorney's first meeting with Mr. and Mrs. Bandy, but Mr. Bandy directed Terry to give her a list of his assets that he wanted to be addressed. The list contained his home and investment/retirement accounts. The account beneficiaries were changed by Wayne prior to his death. That was the substance of his estate, except for the proceeds from his daughter's estate, which is the subject of the Gortemiller contest.

Ms. Standard prepared an amendment to their trust; however, neither Ms. Standard nor the notary believed Mrs. Bandy could execute the document appropriately, and both had concerns as to whether Mary fully understood what was occurring. Thereafter, the conservatorship proceeding was commenced with Wayne Lee Bandy, Arthur Ostrander, and Terry Novack as co-conservators of her estate, in which the conservators requested the power to change the trust. See Supplement to Petition referenced with Request for Judicial Notice. Conservatorship was granted on 6-2-14; however, Letters were not issued before she passed away on 6-8-14. No assets were collected by the co-conservators.

Mr. Bandy, pursuant to the terms of their trust, acquired all assets as the sole survivor to their trust estate, and thereafter requested that Ms. Standard prepare a new will, which is the subject of this proceeding. In that will, Mr. Bandy made specific bequests with the balance going to Terry Novack. A certificate of independent review could not be obtained because the attorney could not find an attorney to come up from Fresno to review and speak to Wayne, including his former attorney, David Hogue. Instead, Ms. Standard contacted APS to investigate elder abuse claims against Terry and felt comfortable with their investigation results.

Ms. Novack states the only address for Mark Bandy that could be gleaned from private investigators was the address on Data Drive, and that is also the only address the Court Investigator could find also. It is noted that the Joinder allegedly filed on behalf of Mark Bandy is not verified, and Mark Bandy has made no personal appearances.

Ms. Novack states Mr. and Mrs. Bandy are the sole heirs to the estate of Cheryl Gortemiller, who had no issue, and her spouse died before her. It was represented at the hearing in Solano County that the value of her estate is approx. \$6,000,000.00. After receiving a contest to this petition, Ms. Novack filed a Petition for Appointment as Special Administrator to the Estate of Cheryl Gortemiller, since Cheryl effectively died intestate. At an ex parte hearing in Solano County, a private fiduciary was appointed to marshal the assets of Cheryl Gortemiller and the Court suspended the powers of the Treanors as successor trustees pending trial in that matter. This is primarily based on the fact that the Treanors indicated in this proceeding that they had "satisfied" an alleged debt of Wayne Bandy to Maria Salas, when they had indicated in the Gortemiller proceeding that they had no access to funds.

SEE ADDITIONAL PAGES

Page 3

Ms. Novack states the Treanors have been residing in Cheryl Gortemiller's home since her death. The new successor trustee is to determine whether or not they will be paying back rent and future rent for the property.

It is critical that Ms. Novack be appointed as Executor of the Estate of Wayne Bandy. The Treanors have made numerous efforts to impede her appointment. Their allegations of undue influence are completely unwarranted. While there is no Certificate of Independent Review obtained, there is more than clear and convincing evidence, no undue influence was exerted upon Mr. Bandy when his will was prepared and executed.

The purpose to interfere with Terry's appointment is clear. If she does not receive appointment, the trust proceeding is stalled. Mr. Bandy did not want his son to have any involvement in this estate or to obtain any benefit from his estate. Those were Mary's wishes as well prior to her death. Wayne did not believe Shon or Jill Treanor should receive any property from his daughter's estate, as they let her die without taking steps to keep her healthy and alive.

There is sufficient clear and convincing evidence to demonstrate Wayne Bandy was of sound mind when he executed his will. There is a police investigator's opinion that Mr. Bandy knew full well what he desired and had the capability of making those decisions. There is an APS investigator who discussed with Wayne and Mary their intentions and desires. Even Mary, in her poor condition, was determined by the Court Investigator to understand and have capacity to understand the proceedings that were being conducted. See Court Investigator's report in related conservatorship matter.

Standing: The Treanors have no standing to make this contest. While Mark Bandy may have standing to do so, there is more than sufficient evidence that Wayne Bandy was of sound mind. Mark had not seen his parents in many years, after he had stolen \$20,000 from them.

Based on the foregoing, it is respectfully requested that the Court grant Petitioner's request to be appointed as Executrix. If trial is necessary, Petitioner requests appointment as Special Administrator for the purpose of affecting an outcome in the Gortemiller trust proceedings. Without such appointment, there is no one on behalf of Wayne Bandy to follow through with objection to appointment of the Treanors as beneficiaries of a trust created eight days before their daughter's death.

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

DOD: 09/23/2014	HEATHER L. AGUIRRE , daughter is petitioner and requests appointment as Administrator with bond set at \$352,000.00.	NEEDS/PROBLEMS/COMMENTS: Note: Petition requests bond set at \$352,000.00 yet the estate is valued at \$307,000.00. The Court may require clarification as to why the bond amount is greater than the estimated value of the estate. Note: If the petition is granted status hearings will be set as follows: <ul style="list-style-type: none"> • Thursday, 01/15/2015 at 9:00a.m. in Dept. 303 for the filing of the bond and • Thursday, 02/18/2016 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
	Full IAEA – o.k.	
Cont. from	Decedent died intestate	
<input type="checkbox"/> Aff.Sub.Wit.	Residence: Clovis	
<input checked="" type="checkbox"/> Verified	Publication: The Business Journal	
<input type="checkbox"/> Inventory	Estimated valued of the Estate:	
<input type="checkbox"/> PTC	Personal property - \$307,000.00	
<input type="checkbox"/> Not.Cred.	Probate Referee: Rick Smith	
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail w/		
<input checked="" type="checkbox"/> Aff.Pub.		
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<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
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<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
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<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed on: 12/16/2014
		Updates:
		Recommendation:
		File 18 - MacMurray

Petition to: (i) Compel Attorney-In-Fact to Account and Report all Transactions to Determine Surcharges for Bad Faith Conduct; (ii) Compel Respondents to Return Property; (iii) Impose Constructive Trust; and (iv) for Attorneys' Fees

		CHRISTOPHER NEAL is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Order</p>
		Petitioner states he executed a power of attorney nominating his step-daughter, Jennifer O'Lane ("Jennifer") for the sole purpose of receiving various assets distributed to him pursuant to this Court's Order settling the First and Final Account and Report of Trustee (the "Final Order"). Jennifer has refused to deliver the property she received as agent to Petitioner, and has utilized the property for her own use and benefit, in conjunction with her husband Michael O'Lane ("Michael"). Jennifer has refused to provide an accounting of the property she received. After numerous requests by Petitioner to deliver the property, she told Petitioner, "sue me."	
Cont. from		Petitioner states his mother Pat Neal created the Pat Neal Living Trust. Petitioner's brother, Michael Neal, (the "Trustee") was the Trustee of the Trust. Petitioner states he was a 1/3 beneficiary of the Trust.	
<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		
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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		
<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		
		During the course of the administration, Petitioner was out of the country for extended travels in South America. After the Final Order was entered, Trustee was obligated to distribute Petitioner's share of the trust estate.	
		Petitioner states he executed a power of attorney nominating Jennifer to receive his distributive share from the Trust and manage his assets during his absence.	
		Please see additional page	
		Reviewed by: KT	
		Reviewed on: 12/16/14	
		Updates:	
		Recommendation:	
		File 19 - Neal	

Acting under the authority of the power of attorney, the Trustee then distributed assets to Jennifer on behalf of the Petitioner. Cash in the amount of \$74,717.86 was distributed to Jennifer.

Petitioner alleges that Jennifer's attorney requested that at least a portion of the assets distributed to her on behalf of Petitioner be distributed to her in her individual name and not as attorney in fact for Petitioner.

Upon Petitioner's return from South America, the assets were not delivered to Petitioner.

Petitioner believes that Jennifer managed the real property distributed to him and has kept the rent payments for her own benefit.

Petitioner states he has made numerous requests for an accounting and for the assets, including formal requests made by his counsel. Despite indicating that the information would be forthcoming, no accounting has ever been produced or cash turned over to Petitioner.

Petitioner states Jennifer should be compelled to account for actions as agent.

Jennifer should be compelled to deliver Petitioner's property forthwith.

Jennifer and Michael are in wrongful possession of property that belongs to Petitioner. Petitioner requests the Court find that they are constructive trustees of such property.

Therefore Petitioner prays for a Court order as follows:

1. Compelling Jennifer to provide an accounting of her actions as agent under the power of attorney;
2. Compelling Jennifer to deliver Petitioner's property to him;
3. Finding that Jennifer breached her fiduciary duty to Petitioner under the power of attorney;
4. Requiring Jennifer to pay double damages;
5. Finding Jennifer and Michael are constructive trustees of the Petitioner's property;
6. Requiring Jennifer to pay Petitioner's reasonable attorney fees and costs in this matter.

20 Bernice Kasabian Irrevocable Granddaughter's Trust, Number Two (Trust)

Case No. 14CEPR01006

Atty Teixeira, J. Stanley (for Jennifer Kapur Kirklin – Petitioner)

Petition for Removal of Trust, Account and to Appoint Successor Trustee

DOD: 01/17/13	JENNIFER KAPUR KIRKLIN , granddaughter and beneficiary is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	Petitioner states:	
<input type="checkbox"/> Aff.Sub.Wit.	1. Dana Kahler ("Kahler"), is the current acting trustee of the Bernice Kasabian Irrevocable Granddaughter's Trust, Number Two (the "Granddaughter Trust"). The Granddaughter Trust is irrevocable.	
<input checked="" type="checkbox"/> Verified	2. The Granddaughter Trust was to have been funded with the remainder and residue of the Bernice C. Kasabian Trust, dated 03/24/99 (the "Kasabian Trust"), for which Kahler also served as trustee.	
<input type="checkbox"/> Inventory	3. While serving as trustee of the Kasabian Trust, Kahler loaned substantial trust funds to his son's winery business without obtaining any security for those loans.	
<input type="checkbox"/> PTC	4. In the informal accounting provided for the Kasabian Trust, there were three large cash withdrawals totaling \$21,950.00. Despite requests for explanation and identification of the purposes of these withdrawals, Kahler has avoided providing any response.	
<input type="checkbox"/> Not.Cred.	5. The informal accounting also revealed that Kahler was drawing \$300.00 per month for services to the John Kasabian Trust, though no such trust exists. There were also trustee fees paid for "extra trust work", though no statements were presented to substantiate these extra charges.	
<input checked="" type="checkbox"/> Notice of Hrg	6. Pursuant to the terms of the Granddaughter Trust, the beneficiary should be receiving \$4,000.00 per month. Petitioner has been informed that the administration of the Kasabian Trust has been completed and the Granddaughter Trust has been funded. However, no accounting of the funding of the Granddaughter Trust has been forthcoming and the \$4,000.00 monthly payments to the beneficiary have not been made as required by the terms and provisions of the Granddaughter Trust.	
<input checked="" type="checkbox"/> Aff.Mail	Continued on Page 2	
<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 checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

20 Bernice Kasabian Irrevocable Granddaughter's Trust, Number Two (Trust)

Page 2

7. Despite being informed that the administration of the Kasabian Trust has been completed, no accounting was ever provided. Petitioner, who was also a beneficiary of the Kasabian Trust, received an informal accounting because she demanded it, but to her knowledge, no accounting was ever provided to the other beneficiaries of the Kasabian Trust.
8. The trust instrument does not appoint a successor trustee. Petitioner nominates Matt Bickel to serve as successor trustee, and in the event that he is unable to serve for any reason, Bruce Bickel may then serve as the alternate successor trustee. Petitioner requests that bond not be required of either successor trustee. **Consents to Serve by both Matt and Bruce Bickel attached to Petition.**
9. Petitioner requests that the Court order Dana Kahler to file an accounting within 45 days with the Court detailing his acts as trustee.

Petitioner prays for an Order:

1. Removing Dana Kahler as trustee;
2. Appointing Matt Bickel as successor trustee without bond, vesting him with all the powers of trustee under the trust terms;
3. Appointing Bruce Bickel as alternate successor trustee without bond, vesting him with all the powers of trustee under the trust terms, in the event that Matt Bickel is unable to serve as trustee;
4. Requiring Dana Kahler to deliver the trust assets to the successor trustee within 30 days after issuance of the Order;
5. Compelling Dana Kahler to account fully for all trust property; and
6. For costs of suit herein and any other orders the court may deem proper.

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

DOD:12/13/2013	TOSHI SAKAI , surviving spouse is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. The will devises that property in question to the Sakai Family Trust not the petitioner therefore this procedure cannot be used. 2. Need Order.
	No other proceedings.	
	Will dated 05/09/2011 devises the property in question to the Sakai Family Trust.	
Cont. from	Petitioner requests Court confirmation that 1/3 rd interest of the real property located in Fresno County pass to the petitioner.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
Inventory		
PTC		
Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> 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		
		Reviewed by: LV
		Reviewed on: 12/16/2014
		Updates:
		Recommendation:
		File 21 - Sakai

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

DOD: 06/04/1995	JOSE ADAME , son, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Petition must be joined in by all who succeed to the property pursuant to Probate Code §13151. Therefore Gilbert Adame, son, must also be a petitioner. 2. 9a(3) or #9a(4) of the petition was not answered regarding registered domestic partner. 3. 9a(7) or #9a(8) of the petition was not answered issue of predeceased child.
	40 days since DOD	
	No other proceedings	
Cont. from	I&A - \$65,000.00	
<input type="checkbox"/> Aff.Sub.Wit.	Will dated: 05/05/1995 devises real property located at 4755 E. Hamilton, Fresno, Ca. be distributed to Jose Adame and Gilbert Adame in equal shares.	
<input checked="" type="checkbox"/> Verified		
<input checked="" type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Petitioner requests Court determination that decedent's 100% interest in real property located at 4755 E. Hamilton, Fresno, Ca. pass ½to Jose Adame and ½ to Gilbert Adame in equal shares.	
<input checked="" type="checkbox"/> Aff.Mail	w/	
<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 checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 12/16/2014
		Updates:
		Recommendation:
		File 22 - Cavaros

DOD: 1-12-89	<p>MARY ELLEN RODRIGUEZ and DOLORES TRUJILLO, Daughters, were appointed as Co-Administrators without IAEA and with bond of \$8,000.00 on 1-16-1990.</p> <p>Bond was filed and Letters issued on 1-17-1990.</p> <p>Nothing further was filed.</p> <p>The open estate was discovered and the Court set this status hearing.</p> <p><u>Update:</u> The I&A was filed 10-1-14, and on 12-5-14, Dolores Trujillo filed a Report of Sale and Petition for Order Confirming Sale of Real Property that is set for hearing on 1-12-15.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> The Co-Administrators were previously represented by attorney Jin Ishikawa, now deceased. Pursuant to Substitution of Attorney filed 10-1-14, Attorney Danielle Guerrero now represents the sole remaining Administrator, Dolores Trujillo.</p> <p>1. Need account or petition for final distribution pursuant to Probate Code §12200 or verified written status report pursuant to Local Rule 7.5.</p> <p><u>Update:</u> On 12-9-14, Attorney Guerrero filed Status Report and Request for Continuance on Filing First Account and Petition for Final Distribution. Ms. Guerrero states the Law Offices of Philip M. Flanigan was recently retained as counsel in this matter. A buyer has been found for the property. Once the sale is confirmed, a petition can be filed for final distribution. 45 days is requested.</p>
Cont. from 081414, 100214, 110614		
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		
		<p>Reviewed by: skc</p> <p>Reviewed on: 12-15-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 23A – Rodriguez</p>

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

DOD: 6-9-11	<p>JANETTE COURTNEY, was appointed Executor with Full IAEA without bond and Letters issued on 9-15-11.</p> <p>Inventory and Appraisal Partial No. 1 filed 2-13-13 included commercial real property valued at \$250,000.00, which was sold pursuant to Order Confirming Sale of Real Property.</p> <p>At hearing on 2-25-13, the Court set status hearing for 4-8-13 for the filing of the Final Inventory and Appraisal, filing of the first account, and/or petition for final distribution.</p> <p>The status hearing for filing of the final Inventory and Appraisal has been continued to 6-28-13 and now 7-26-13.</p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from 040813, 062813, 072613, 100413, 011714, 032114, 042514, 060614, 072114, 091814, 102314		Minute Order 4-8-13: Mr. Keeler and Mr. Ivy are appearing via conference call. Mr. Ivy is directed to file a fully executed agreement with the court. Matter is set for Status Hearing on 5/24/13 regarding the settlement agreement and the dismissal. If the agreement and dismissal are filed by 5/24/13, no appearance will be necessary. The status hearing regarding the inventory and appraisal is continued to 6/28/13 for appearance by Mr. Neilson only. Set on 5/24/13 @ 9:00 a.m. Dept. 303 for: Status Hearing Re: Settlement Agreement and Dismissal
Aff.Sub.Wit.	Status Report filed 7-19-13 states:	Note: Full and Complete Settlement Agreement and Mutual Release of All Claims filed 4-11-13, and dismissal of petition filed by Dennis L. Thomas on 12-19-11 was entered on 5-1-13.
Verified	<ul style="list-style-type: none"> Petitioner has performed all required duties as personal representative All known debts have been paid except for mortgage on real property which has a market value below the mortgage amount All administration costs to date except for compensation to the personal representative and attorney have been paid The estate is solvent A creditor's claim filed by Steven Drummond has been rejected There is currently no pending litigation involving the estate; however, there is a potential claim against beneficiaries for recovery of a vehicle and reimbursement for sales tax paid The status of a business being operated by a beneficiary, and the estate's current interest therein, has yet to be determined/negotiated. It is estimated that an additional three (3) months will be needed to complete administration of the estate, unless litigation is needed to recover the vehicle. Petitioner requests authority to continue administration until 10-1-13. 	Minute Order 9-18-14: No appearances. Mr. Bruce A. Neilson is ordered to personally appear. Continued to 10-23-14 at 9:00 in Dept. 303. Note: This is the 12th status hearing on this matter. As of 12-15-14, nothing further has been filed.
Inventory		1. Need Final I&A.
PTC		2. Need First Account or Petition for Final Distribution pursuant to Probate Code §12200.
Not.Cred.		Reviewed by: skc
Notice of Hrg		Reviewed on: 12-15-14
Aff.Mail		Updates:
Aff.Pub.		Recommendation:
Sp.Ntc.		File 24 - Drummond
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202	Status Report filed 10/03/13 states: Since the prior status hearing the executor has been able to locate the Chevrolet Suburban, however it is damaged and towing and storage may be equal or more than the value. A compromise with the storage facility is being negotiated. Additionally, no paperwork has been located regarding the horse that a beneficiary claims belonged to the decedent and for which he is making a claim for care and feeding. The estate has rejected the claim. As to the real property in Mariposa, CA, it was thought that the bank was foreclosing on the property, but they have not. Time is requested to appraise and inventory this property and the Suburban as well as resolve the disposition of the horse.	
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Atty Rinehart, Rusty, of Rinehart Law Offices, Campbell, CA (for Craig Gammel, Administrator)

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 9/16/2013	CRAIG GAMMEL , nephew, was appointed Administrator with Full IAEA authority with bond of \$270,000.00 on 4/15/2014.	NEEDS/PROBLEMS/COMMENTS:
		Continued from 11/13/2014. Minute Order states Mr. Rinehart requests additional time for the inventory and appraisal to be completed. The Court grants one last continuance with regard to this matter. If the inventory and appraisal is not filed by 12/16/2014, then Mr. Rinehart and Craig Gammel are ordered to be personally present in Court or appear via Courtcall on 12/18/2014, or the Court will consider sanctions.
Cont. from 072514, 111314	Proof of Bond in the sum of \$270,000.00 was filed on 2/7/2014.	Note for background: Minute Order dated 7/25/2014 states counsel reports that he is still working on the inventory.
Aff.Sub.Wit.		
Verified	Letters issued on 5/20/2014.	
Inventory		
PTC	Pursuant to Probate Code § 8800(b), Final Inventory and Appraisal is due 9/20/2014.	
Not.Cred.		
Notice of Hrg		
Aff.Mail	Minute Order dated 4/15/2014 from the hearing on the petition for letters of administration set the matter for a Status Hearing for filing of the final inventory and appraisal on 7/25/2014.	1. Need Final Inventory and Appraisal pursuant to Probate Code § 8800(b), or verified Status Report and proof of service of notice of the Status Hearing pursuant to Local Rule 7.5(B).
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		Note: Due to the delay in the issuance of Letters from the time of the appointment on 4/15/2014, the first account and/or petition for final distribution of the estate will not be due until 12 months after date of issuance of Letters Pursuant to Probate Code § 12200, which falls on 5/20/2015 . Court may wish to change the Status Hearing <u>currently set</u> in this matter from Friday, 4/24/2015 for the filing of the first account and/or petition for final distribution <u>to the following date:</u>
Letters		<ul style="list-style-type: none"> Thursday, July 23, 2015 at 9:00 a.m. in Dept. 303 for filing the first account and/or petition for final distribution.
Duties/Supp		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.
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: LEG
Status Rpt	X	Reviewed on: 12/15/14
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 25 – Gammel

Status Hearing for Failure to Have Letters Issue

DOD: 06/08/2014	<p>WAYNE L. BANDY (now deceased), spouse, ARTHUR OSTRANDER, friend (CPA), and TERRY NOVAK, friend (Caregiver), were appointed as Co-Conservators of the Person and Estate with independent powers under Probate Code §2590, without bond.</p> <p>Letters have not issued.</p> <p>Notice of Status Hearing was filed 09/03/2014.</p> <p>Status Report filed 11/14/2014 states the conservatee in this matter, Mary Louise Bandy, died on 06/08/2014 in Fresno County, California. There were no Letters of Conservatorship issued before her death and no assets were collected by the Conservators. All property that belonged to the conservatee was in a trust and passed to her then living spouse, Wayne L. Bandy, the surviving Settlor and Trustee of the Wayne & Mary Bandy Living Trust of 2002. There was no pour over will for Mary Louise Bandy. There are no estate proceedings pending on behalf of Mary Louise Bandy or her estate. There is a pending proceeding regarding the Estate of Wayne L. Bandy, Case No. 14CEPR00884 with his will annexed.</p> <p>Notice of death and of these proceedings have been given to Mark Bandy who is the successor Trustee to the Trust Estate and is the sole beneficiary of the trust. The trust only includes the Conservatee's home, which is valued less than the present mortgage held against the property. Petitioner and/or her legal counsel have not received any communication from Mark L. Bandy.</p> <p>There is presently a contest over the Estate of Cheryl Gortemiller, the Conservatee's deceased daughter. Wayne L. Bandy commenced the objection to an unfunded trust created three weeks prior to his daughter's death, allegedly leaving her estate to her deceased spouse's niece and her husband. This disposition was disputed by Wayne L. Bandy prior to his death. Terry Novack has petitioned the Solano County Court to be Administrator of the Estate of Cheryl Gortemiller, as Ms. Gortemiller effectively died intestate.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Page 17A and 17B is a related matter (Estate of Wayne Lee Bandy)</p> <p>Minute Order of 11/03/2014 (Judge Kazanjian): Ms. Standard is to have a verified declaration regarding 2590 powers filed no later than 12/11/2014.</p> <p>Minute Order of 10/08/2014 (Judge Cardoza): Counsel reports that Ms. Bandy passed away before letters could be issued. Counsel is ordered to submit written status report.</p>
Cont. from 100815, 110314		
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		
Reviewed by: LV		
Reviewed on: 12/15/2014		
Updates:		
Recommendation:		
File 26 - Bandy		

		JANELLE LOPEZ , Mother, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		GAIL SHORE , Paternal Grandmother, was appointed guardian of this minor and her brother on 8-26-04.	
Cont from 111314			Note: This petition is for termination of guardianship of minor Therese only.
	Aff.Sub.Wit.	Father: JASON THROOP	
✓	Verified	Paternal Grandfather: Unknown	Minute Order 11-13-14: Examiner Notes handed in open Court; matter continued for the defects to be cured and for a reciprocal report from the Court Investigator in Santa Clara County. Continued to 12-18-14.
	Inventory	Maternal Grandfather: Ernest Marleau	
	PTC	Maternal Grandmother: Donna Jones	
	Not.Cred.	Siblings: Jason Throop, Jr.	
	Notice of Hrg	Petitioner states the minor will be 14 years old and has made the decision herself to live with Petitioner. She is now living with Petitioner.	As of 12-15-14, nothing further has been filed. The following issues remain:
	Aff.Mail		
	Aff.Pub.	Santa Clara Court Investigator Yvette Valenzuela filed a report on 12-9-14.	
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		<ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service of Notice of Hearing at least 15 days prior to the hearing pursuant to Probate Code §1460(b)(5) <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: <ul style="list-style-type: none"> - Gail Shore (Guardian) - Therese Throop (Minor) - Jason Throop (Father) - Jason Throop, Jr. (Sibling) - Ernest Marleau (Maternal Grandfather) - Donna Jones (Maternal Grandmother) - Unknown Paternal Grandfather
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 12-15-14
			Updates:
			Recommendation:
			File 27 – Throop

Pro Per Ramirez, Gregory C. (Pro Per Petitioner, son)
 Atty Kruthers, Heather H. (for Public Guardian, Conservator of the Person and Estate)
 Atty Rindlisbacher, Curtis D. (Court-appointed for Conservatee)

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

Age: 76 years	GREGORY C. RAMIREZ , son, is Petitioner and requests appointment as Conservator of the Person with medical consent and dementia powers to administer dementia medications; and of the Estate without bond.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator Advised Rights on 11/26/2014.</p> <ol style="list-style-type: none"> 1. Court records show a Conservatorship of the Person and Estate exists for the Conservatee with the PUBLIC GUARDIAN as the current Conservator appointed on 5/23/2014. Therefore, there is no vacancy in the office of conservator, and Petitioner must file a petition for removal of conservator of the person pursuant to Probate Code § 2650 et seq., which includes a petition for appointment of successor conservator pursuant to Probate Code § 2670 et seq. Alternatively, Petitioner may procure a resignation from the current Conservator pursuant to Probate Code § 2660 in order to proceed under the instant petition. 2. Item 3(e) of the <i>Petition</i> is incomplete regarding character and value of the estate. (Note: Final Appraisal of Estate by Public Guardian was filed 10/22/2014 showing an estate value of \$10,732.11.) <p>~Please see additional page~</p>
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Estimated Value of the Estate: incomplete	
Inventory	Capacity Declaration of Indira D. Adapa, M.D., filed 11/26/2013 supports request for medical consent and dementia powers; the Conservatee's incapacity to consent to any form of medical treatment was determined by order filed in this matter on 5/23/2014.	
PTC		
Not.Cred.		
Notice of Hrg	<input checked="" type="checkbox"/>	
Aff.Mail	<input checked="" type="checkbox"/>	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	Voting Rights Affected.	
<input checked="" type="checkbox"/> Conf. Screen	Petitioner states the Conservatee requires a conservator of her person as she has been diagnosed with dementia and can become combative and uncooperative. Petitioner states the Conservatee requires medications to control her agitation and psychotic systems, and that the Conservatee often fails to take her prescribed medications.	
Letters	<input checked="" type="checkbox"/>	
Duties/Supp		
Objections		
Video Receipt		
<input checked="" type="checkbox"/> CI Report	Court Investigator Samantha Henson's Report was filed on 12/12/2014.	
9202		
Order	<input checked="" type="checkbox"/>	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 12/16/14
		Updates:
		Recommendation:
		File 28 - Patrick

Declarations filed on 12/15/2014 contain statements in support of the petition for appointment of GREGORY C. RAMIREZ as Conservator from the following persons:

- **STEVEN DOUGLAS RAMIREZ:** He strongly recommends his brother Gregory as conservator of his mother; these are his mother's wishes as she has repeatedly made clear to him; Gregory is fully capable, and will ensure his mother's best interests while giving her the least restrictive, most appropriate environment reasonable; for now, his mother is unreasonably, inappropriately over-restricted, nor does she seem to be properly medicated despite their requests; the Ramirez family can't visit his mother's room, nor can they take her out of the facility at all; the reasons for such restrictions seem to be due (erroneously) to a failure to provide a calendar in a timely fashion; he is extremely concerned about abuses they witnessed against his mother while visiting her at Alice Manor; in July 2014 he visited her and found bruises on her face and arm and she indicated someone hit her; a staff person verified this; but such instances were not reported to them by the staff or the Public Guardian's office, he just happened to be there afterward; other abuses include several attempted thefts of his mother's food (one successful), including a female with mucus covered hands trying to steal his mother's food; another female screamed at his mother, calling her a "bitch" for no apparent reason as Gregory and he ate with his mother; his mother responded by saying, "I've got to get out of here." He agrees, and respectfully requests that the Court appoint Gregory Ramirez as conservator of his mother.
- **SANDRA C. RAMIREZ:** She gives her full consent and support to allow Gregory to be appointed conservator of her mother; she feels it would be in her mother's best interest to be in the care of a family member in an environment that is the most appropriate and least restrictive in order to provide the best quality of life for her; she feels the situation she is in now is very detrimental to her health and well-being, never being able to go out and visit with family, especially during the holidays and special occasions; she believes it would make her very happy to be able to be with family and to have family members around; she implores the Court to appoint Gregory Ramirez as conservator of her mother.
- **CALVIN I. PATRICK, JR.:** He is a brother of Conservatee and respectfully asks the Court to grant Gregory Ramirez conservatorship of the Conservatee; he has a home environment that will support the Conservatee; he is very mature in handling affairs of life and will make her needs a strong priority, whether at home or in another environment as dictated by her physical and/or mental health.
- **THOMAS N. PATRICK:** He is a brother of Conservatee and is writing on behalf of his nephew Gregory Ramirez to be appointed conservator of his mother; Gregory and his family are responsible and caring people, and the Conservatee enjoys being with them; the home where the Conservatee is now she can't even leave for anything; he feels she would be much happier with family.
- **T. WAYNE PATRICK:** He strongly supports his cousin Gregory Ramirez to be the conservator of his aunt; he thinks Greg would do the best job possible in taking care of the Conservatee's best interests, health and happiness; he has visited his aunt several times at the facility where she is kept, and that facility is no place for her to be; it hurts to see his aunt in a place like that; it seems to be draining the life from her; Greg can do much better at taking care of her and giving her the love and support she needs; he sees no reason why anyone outside of the family should be conservator so long as Greg is eager to take care of his own mother; please appoint Greg as conservator.

~Please see additional page~

Declarations filed on 12/15/2014 containing statements in support of the petition for appointment of GREGORY C. RAMIREZ, continued:

- **KIMBERLY DRAKE:** She recommends Gregory Ramirez to be named as conservator of his mother; she has been a close friend of the family for 16 years, and she has known and spent time with the Conservatee and all of her children: Gregory Ramirez, Sandra Ramirez, Donna Baker and Steven Ramirez; it is her opinion that it would in the Conservatee's best interest to appoint Gregory as conservator; she knows that Gregory would be able to perform any and all duties and responsibilities required to take care of the needs of Conservatee; she has had many conversations with her in regards to her care, and Conservatee has told her on several occasions that she wanted Gregory to take care of her and her needs and her personal affairs; when Conservatee's emotional and mental state reached a point where she could no longer take care of herself, Gregory was working out of the country and was not able to return to the United States until his responsibilities there were completed; Gregory has had experience caring for his elderly mother and father-in-law and she believes that he would provide the least restrictive and most appropriate environment for Conservatee; she strongly urges the Court to appoint Gregory as conservator as she believes he would provide the best setting for her care; she has concern about the restrictive care that Conservatee has received in the past few months since the Public Guardian has been appointed, and that Conservatee's rights to care in a least restrictive, most appropriate environment have not been considered; she is a minister at Immanuel Baptist Church and has had many years' experience with assisting families with the care of their elderly family members; she would be happy to provide any additional information or assistance as required by the Court to ensure the Conservatee, with her mental limitations, is in an environment that allows her to live out her life in the most appropriate environment.

NEEDS/PROBLEMS/COMMENTS, continued:

3. Need proof of 15 days' service by mail of the *Notice of Hearing*, accompanied by a copy of the *Petition*, for the following relatives named in the *Petition* pursuant to Probate Code § 2683(b), or waiver of such notice:
 - Calvin Patrick, brother;
 - Nadyne McGeehee, sister;
 - Naomi Kemp, sister;
 - Tom Patrick, brother;
 - Sandra Ramirez, daughter;
 - Donna Ramirez-Baker, daughter;
 - Steven Ramirez, son;
 - Greg Ramirez, Jr. grandson;
 - Katherine Bandy, granddaughter;
 - William Winther, grandson;
 - Dennis Gann, grandson;
 - Jacob Baker, grandson.

DOD: 01/09/98		<p>RALPH EAVES, son, is Petitioner.</p> <p>40 days since DOD.</p> <p>No other proceedings.</p> <p>I & A - \$65,000.00</p> <p>Decedent will dated 11/15/73 (See notes)</p> <p>Petitioner requests Court determination that decedent's interest in real property located on Lafayette Avenue in Fresno, CA pass to him pursuant to decedent's will? (see notes)</p>	<p>NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 10/23/14</u></p>
Cont. from 072414, 091814, 102314			
✓	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		
			Reviewed by: JF
			Reviewed on: 12/16/14
			Updates:
			Recommendation:
			File 29 – Eaves

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

Age:13	TEMPORARY DENIED 09/09/2014	NEEDS/PROBLEMS/COMMENTS: 1. Need proof of personal 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: <ul style="list-style-type: none"> • Devron Todd (Father) Note: Personally served on 12/11/2014 only 7 days prior to the Court hearing and not the required 15 days prior to the hearing. <ul style="list-style-type: none"> • Devine Blessing Todd (Minor) 2. 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: <ul style="list-style-type: none"> • Paternal Grandparents (Not Listed) • Willie Lee Harris (Maternal Grandfather) • Benona Gardner (Maternal Grandmother) • Siblings over 12 years of age 3. Page #5 of the Guardianship Petition – Child Information Attachment (GC 210(CA)) which pertains to whether the child has Native American Ancestry was not completed. Need declaration with page #5 attached.
	JAMIE L. HARRIS RAULS , Maternal Aunt, is Petitioner.	
Cont. from 102814	Father: DEVRON TODD , personally served on 12/11/2014	
✓ Aff.Sub.Wit.	Mother: REBECCA GARDNER (Deceased)	
✓ Verified	Paternal Grandparents: Not listed	
Inventory	Maternal Grandfather: Willie Lee Harris	
PTC	Maternal Grandmother: Benona Gardner	
Not.Cred.	Siblings: Mariah Todd, Shykeila Brown	
✓ Notice of Hrg	Petitioner states guardianship is needed to maintain a safe, stable, and healthy environment, free from erratic changes.	
Aff.Mail	Court Investigator Jennifer Young's report filed 12/10/2014.	
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		
Reviewed by: LV		
Reviewed on: 12/16/2014		
Updates:		
Recommendation:		
File 30 – Todd		

Probate Status Hearing for Failure to Have Letters Issue

Age: 73 years	<p>TRACY CERDA was appointed conservator of the person and estate on 8/4/14 with bond set at \$12,760.00.</p> <p>Letters have not issued.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
Cont. from	<p>Minute order dated 9/22/14 states Mr. Teixeira informs the Court that conservator is having difficulty getting bond. The Court allows the order to be amended to allow for blocked account and also allows no more than \$675.00 monthly paid out.</p>	
Aff.Sub.Wit.	<p>On 10/17/14 the Examiner made contact with the attorney asking him to submit the amended order and a blocking order for the court's consideration.</p>	
Verified	<p>On 10/27/14 an amended order along with a blocking order was received by the probate clerk. There blocking order did not include an amount to be blocked. The attorney informed the clerk that he was going to speak to his client and contact the examiner with the information.</p>	
Inventory	<p>On 11/14/14 the Examiner again made contact with the attorney requesting he contact her with the amount to be placed into the blocked account.</p>	
PTC	<p>On 12/8/14 after not getting a response from the attorney this status hearing was set.</p>	
Not.Cred.	<p>Status Report filed on 12/12/14 states Mr. Cerda reports that she has been hesitant to close and has delayed closing the conservatee's bank account because of certain deductions to be made for the conservatee's burial plan and certain deposits to be made to the account for reimbursement of life insurance premiums to be refunded to it by reason of the death of the conservatee's spouse.</p>	
Notice of Hrg	<p>Once she is certain that all these matters have cleared so that she knows the amount of funds to be claimed, she will close the account and establish a blocked account.</p>	
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		
		<p>Reviewed by: KT</p> <p>Reviewed on: 12/17/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 31 - Andrade</p>

Age: 43	<p>EVELYN MCALLISTER, mother, was appointed Conservator of the Person on 11/03/89.</p> <p>Court Investigator JoAnn Morris filed a report on 10/30/14. The report states that in conducting the annual review of the conservatorship, it was discovered that the conservator, Evelyn McAllister, passed away last year leaving a vacancy at conservator. No family members have come forward who are willing to file the necessary documents to be appointed as successor conservator. The conservatee has the assistance of Central Valley Regional Center, who can make decisions for her without a conservatorship. Therefore it is recommended that the conservatorship be terminated.</p> <p>Notice of Status Hearing filed 10/31/14 set this status hearing for 12/18/14.</p> <p>Clerk's Certificate of Mailing states that the Notice of Status Hearing was mailed to the conservatee and David McAllister (brother) on 10/31/14.</p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 12/16/14
		Updates:
		Recommendation:
		File 32 - McAllister

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

Age: 12		<p align="center"><u>GENERAL HEARING 02/10/2015</u></p> <p>ANAMARIA GALLARDO, non-relative, is petitioner.</p> <p>Father: FRANCISCO MEDINA ALMANZA</p> <p>Mother: ADELA ANNA FLORES</p> <p>Paternal Grandfather: Francisco Medina Almanza</p> <p>Paternal Grandmother: Hermelinda Medina</p> <p>Maternal Grandparents: Unknown</p> <p>Petitioner states: she was in a relationship with the child's father for ten years, she states the child calls her mom and they continue to have a close bond. Petitioner alleges the father has drug history. In 2012 he was involved with CPS over the issue of drugs. It has been brought to the petitioner's attention that he continues to use. The minor has witnessed his father and live-in girlfriend using. A well-known drug dealer recently informed the petitioner that he was invited to the home to use. The minor has been calling the petitioner to get him out of the home. Petitioner attached a letter written by the minor, she states she fears once the father sees what the child wrote he will be furious and take it out on him.</p> <p>Letter attached to the petition from the minor child states that he wants to live with his mom, Ana Gallardo, because his dad has not stopped using drugs and has a girlfriend who is always around and treats him bad. He states his mom always protects him and puts him first. He feels his mom loves him more than his dad.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service five (5) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Temporary Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Francisco Medina Almanza (Father) • Adela Anna Flores (Mother) • Francisco Flores Almanza (Minor)
Cont. from			
<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 x		
<input type="checkbox"/>	Aff.Mail n/a		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv. x		
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
Reviewed by: LV			
Reviewed on: 12/16/2014			
Updates:			
Recommendation:			
File 33 – Almanza			