



ATTENTION

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

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

Thank you for your patience.

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

DOD: 07/18/10	<p>SHAWN H. SMITH, nephew, was appointed Administrator with full IAEA and bond set at \$60,000.00 on 10/21/13. Letters of Administration were issued on 01/10/14.</p> <p>Inventory & Appraisal, final, filed 03/19/14 - \$46,000.00</p> <p>Order Increasing the Surety Bond to \$87,000.00 was filed 12/04/14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Account/Report on Waiver of Account and Petition for Final Distribution.</p> <p>Note: As of 12/16/14 the increased bond has not been filed.</p>
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		Reviewed by: JF
		Reviewed on: 12/16/14
		Updates:
		Recommendation:
		File 2 - Wardlow

DOD: 12/25/11	<p>PAULA WEINS and AVERIL MUELLER, sisters, were appointed as Co-Administrators with full IAEA and without bond on 10/22/13. Letters of Administration were issued on 10/22/13.</p> <p>Inventory & Appraisal, final, filed 02/06/14 - \$170,000.00</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Accounting/Report of Administrators on Waiver of Accounting and Petition for Final Distribution.</p>	
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			<p>Reviewed by: JF</p> <p>Reviewed on: 12/17/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3 - Streiff</p>

4 Amayah Garza, Genaro Montes III and Aydan Garza (GUARD/P)

Case No. 13CEPR00558

Atty Huitron, Claudia (pro per – maternal grandmother/Petitioner)

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

Aydan, 2 mos.	<u>GENERAL HEARING: 02/02/15</u>	NEEDS/PROBLEMS/COMMENTS:
	CLAUDIA HUITRON , maternal grandmother, is Petitioner.	This Petition is for Aydan Garza only. Petitioner was appointed Guardian of Amayah and Genaro on 10/10/13.
	Father: JACOB RODRIGUEZ	Mother, Priscilla Garza, has filed a Petition for Termination of the Guardianship of Amayah and Genaro that is set for hearing on 02/02/15.
Cont. from	Mother: PRISCILLA GARZA	
<input type="checkbox"/> Aff.Sub.Wit.	Paternal grandfather: RAYMOND RODRIGUEZ	
<input checked="" type="checkbox"/> Verified	Paternal grandmother: IVONE SINGH	
<input type="checkbox"/> Inventory	Maternal grandfather: MARIO GARZA	
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<input type="checkbox"/> Aff.Mail	Petitioner states that the mother does not have stable housing and moves from place to place frequently. The mother is currently living with a person that she has a restraining order against and is involved in prostitution and drug sales. Petitioner states that the she currently has guardianship of the mother's other 2 children due to the mother's drug and alcohol abuse.	
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<input type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 12/17/14
		Updates:
		Recommendation:
		File 4 – Garza & Montes

Petition for Appointment of Temporary Conservatorship of the Person and Estate

Age: 87 year		<p>TEMPORARY GRANTED EX PARTE on 12/11/14. Temporary Expires 12/19/14.</p> <p>GENERAL HEARING 1/26/15</p> <p>DAN HABIB, son, is petitioner and requests that the PUBLIC GUARDIAN be appointed temporary conservator of the person and estate.</p> <p>Estimated value of the estate: Personal property - \$177,000.00 Annual income - \$ 90,000.00</p> <p>Petitioner states the proposed conservatee suffers from a progressive cognitive disability. Approximately 18 months ago, the proposed conservatee started having panic attacks, usually in the late afternoon or early evening. At the onset, proposed conservatee was managing these attacks with the assistance of her family and friends.</p> <p>In the fall of 2013, the proposed conservatee met Robert ("Bobby"), who moved into the other half of her duplex (after she evicted a long-time tenant). Thereafter, Bobby has been representing himself as the proposed conservatee's "caregiver."</p> <p>Since November 2013 Bobby has been living in the duplex, which is located next door to the proposed conservatee's residence, rent free. In addition to the free rent, the proposed conservatee has been paying Bobby \$2,500.00 per month for his services.</p> <p style="text-align: center;">Please see additional page</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing along with a copy of the Temporary Petition on: <ol style="list-style-type: none"> a. Samuel E. Habib b. Samuel H. Habib c. Mark E. Habib d. John M. Habib e. Cary E. Patham <p>- Per Order on Ex Parte Application for Good Cause Exception to Notice of Hearing on Petition for Appointment of Temporary Conservator signed on 12/11/14, notice to the proposed conservatee has been dispensed with and notice to the relatives is, 1 day by E-mail or overnight mail.</p> <p>Note: The Court Investigator has not been able to advise the conservatee of her rights.</p>
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		<p>Reviewed by: KT</p> <p>Reviewed on: 12/17/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5 - Habib</p>	

Petitioner alleges that since moving next door, Bobby has engaged in a pattern of conduct designed to isolate the proposed conservatee from her family, including Petitioner and Petitioner's brother, wife and children, as well as her friends, in order to take advantage of the proposed conservatee's impaired cognitive state for his personal financial gain, including influencing the proposed conservatee to transfer title to one unit of her personal residence, which is a duplex, from her sole ownership to that of her and Bobby as joint tenants, unduly influencing the proposed conservatee to give him the sum of \$40,000 for his purported fish business (this transfer of funds was able to be stopped by Petitioner pursuant to his authority under a Durable Power of Attorney), unduly influencing the proposed conservatee to engage in an intimate relationship with him, and is unduly influencing the proposed conservatee to change her representation from Mark Poochigian in order to effect changes in her longstanding estate plan.

Petitioner states substantially all of the proposed conservatee's assets are held in the Lillie Habib Trust dated March 13, 1996. The exception is the real property located at 413 W. Keats in Fresno, cash which has been withdrawn by the proposed conservatee and a checking account into which her income is deposited.

Pursuant to an Amendment dated July 30, 2014, the proposed conservatee appointed Petitioner herein, Dan Habib, to serve as successor trustee of the Trust.

The assets held in the Trust have an approximate value of \$3,500,000.00. Petitioner is expressly not requesting an order that would transfer these assets to the conservatorship estate.

Petitioner requests the following additional order:

1. conservatee's real or personal property.
2. Enter an order that all Advance Health Care Directives executed by Lillie Habib nominating Robert as her agent or conservator of her person to be revoked to prohibit his ability to give or withhold medical consent or access to any confidential medical records or information.
3. Allowing the Conservator to change the residence, if necessary, (i) implementing the Orders prohibiting Robert, who currently resides next door to the proposed conservatee, from having contact with the proposed conservatee, (ii) to protect the proposed conservatee from any danger or threat posed by the location of Robert's current residence, or (iii) to assure that professional caregivers can be employed.
4. The power to inquire as to the status of the payment of any funds in excess of the sum of \$2,500 per month from Lillie Habib to Robert from any bank or investment account to which Lillie Habib is a signatory in either her individual capacity or in her capacity as the Trustee of the Lillie Habib Living Trust, and to take the following actions:
 - a. If the sums have been paid to and collected by Robert, to take all necessary actions to obtain possession and control of such sums for the benefit of the Estate of the proposed conservatee.
5. Enter an order authorizing the Conservator to bring an unlawful detainer action against Robert to remove him from the property located next door to the proposed conservatee, in order to prevent him from having the ability to unduly influence or intimidate her.

Please see additional page

6. Enter and order that all Amendments to the Lillie Habib Living Trust executed by Lillie Habib appointing Robert as Trustee be revoked.
7. Enter an order that all Powers of Attorney executed by Lillie Habib nominating Robert as her agent or attorney-in-fact be revoked to prevent his transfer of any of the proposed
8. Enter and order that all Amendments to the Trust executed by Lillie Habib purporting to transfer any personal or real property to Robert be revoked.
9. Enter an order prohibiting Robert from removing the proposed conservatee from the City of Fresno.
10. Enter an order prohibiting Robert from communicating with, or otherwise having any contact with the proposed conservatee including but not limited to severing his provision of services to the proposed conservatee as caregiver.
11. Issue and order invalidating and revoking the proposed conservatee's purported transfer of title to her real property located at 413 W. Keats Ave, Fresno to be held by the proposed conservatee and Robert as Joint Tenants as evidenced by the Grant Deed executed by the proposed conservatee on 10/5/14.
12. Enter an order prohibiting the proposed conservatee from applying for any license or entering into any contract, including, without limitation, a license to marry or to establish a business.

Court Investigator JoAnn Morris' Report filed 12/17/14.