

Atty Zigmund, Rudolph E.

Atty Wall, Jeffrey L

Probate Status Hearing Re: Failure to File Final Accounting due to Death of Conservatee

Age:		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p style="text-align: center;">The accounting approved on 10/13/11 (Order signed 12/06/11) in the Trust matter (11CEPR00503) also served as the Final account of the Conservatorship.</p>
DOD:		
Cont. from		
Aff.Sub.Wit.		
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Inventory		
PTC		
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Notice of Hrg		
Aff.Mail		
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Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 12/17/13
		Updates:
		Recommendation:
		File 1 – Sotelo

Timothy age: 7	Temporary Expires 12/20/13		<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>Continued from 10/10/13. Minute Order states the court orders that the current visitation schedule remain in full force and effect, with the exception that the father have the children for the Thanksgiving holiday from Wednesday until Sunday. The temporary will remain in effect until 12/20/13 at which time it will terminate and the children will return to the father.</p> <ol style="list-style-type: none"> 1. Need Order 2. It appears that the Letters were signed only by Gennadiy Kitsen. Letters must be signed by both proposed guardians.
Sophia age: 4	<p>GENNADIY KITSEN and LIDIA KITSEN, maternal uncle and aunt, are petitioners.</p> <p>Father: MIKHAIL RYBIN – personally served on 11/7/12</p> <p>Mother: MIRIAM RYBIN – consents and waives notice.</p> <p>Paternal grandfather: Yuri Rybin – served by mail on 10/19/12.</p> <p>Paternal grandmother: Olga Rybin – served by mail on 10/19/12.</p> <p>Maternal grandfather: Nickolay Kotenkoff – served by mail on 10/19/12.</p> <p>Maternal grandmother: Valentina Kotenkoff – served by mail on 10/19/12.</p> <p>Petitioners allege: the children's mother is currently dealing with personal and dependency issues and cannot presently care for the children. Mom has voluntarily given the children to the petitioners. The children's father is currently in jail and also suffers from drug addiction. Mom and Dad are divorced and Mom has sole legal and physical custody due to the father's drug addiction. Given that both parents are currently incapable of caring for the children, a guardianship is in the children's best interest.</p> <p>Court Investigator Charlotte Bien's Report filed on 11/29/12.</p> <p>Request for Judicial Notice filed on 12/11/12 requests the Court take Judicial Notice of the Stipulation and Order from Yolo County Superior Court Case no. FL-10-1583 dated 12/5/2012.</p> <p>The Stipulation and Order states in relevant part: Yolo County defers to Fresno County re: Petition for Guardianship. Father is not suited to be primary custodial at this time – needs to show extended period of lawful conduct and drug free. If guardianship is granted, this case is stayed.</p> <p style="text-align: center;">Please see additional page</p>		
Cont. from 121212, 041113, 101013			
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<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
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<input type="checkbox"/> Video Receipt			
<input checked="" type="checkbox"/> CI Report			
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Reviewed by: KT			
Reviewed on: 12/17/13			
Updates:			
Recommendation:			
File 2A - Rybin			

Minute order dated 12/12/12 states father, Mikhail Rybin objects to the petition. Counsel moves to amend the petition to request a temporary guardianship. The Court accepts the oral amendment and grants a temporary guardianship in favor of Gennaldiy Kitsen and Lidia Kitsen. The temporary expires on 4/11/13. The Court directs that visitation be determined among the parties. As to the Christmas holiday, parties agree that the father will have the children during the Christmas weekend from Sunday until Wednesday and he will be responsible for bringing them back to the guardians. Parties are directed to make arrangements for another overnight visit as may be agreed upon. Counsel is directed to prepare the order. Father is ordered to provide counsel all documents regarding his random drug testing and class/program work. In addition, father is to keep counsel informed of his progress. The Court investigator is to conduct a further investigation of the parties. Father provides contact information to the court.

Court Investigator Charlotte Bien's Report filed on 4/2/13.

Court Investigator Charlotte Bien's Report filed on 10/2/13.

Order for Visitation signed on 11/25/2013 indicates the court entered an order pursuant to stipulation filed on 11/22/2013. The stipulation states the parties agree that the temporary guardianship will terminate on 12/20/13 at which time the children will be returned to their father. Petitioners [Gennadiy Kitsen and Lidia Kitsen] will have visitation with the children once every two months. The visitation plan will continue for two years commencing 1/1/14 and ending on 1/1/16. Visitation will be from 6 p.m. on Friday until 6 p.m. on Sunday.

Copy of Order Continuing Hearing on Custody filed in the Yolo County case dated 11/22/2013 states in relevant part that immediately upon termination of the Guardianship in Fresno County, this court awards Father temporary sole legal and physical custody until he brings the children to court on January 10, 2014 and the court makes further orders.

Ex parte Petition for Visitation

Timothy, 7	MIKHAIL RYBIN , father, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 10/10/13. Minute order states the court order that the current visitation schedule remain in full force and effect with the exception that the father shall have the children for the Thanksgiving holiday from Wednesday until Sunday.</p> <hr/> <p>Reviewed by: JF/KT</p> <p>Reviewed on: 12/17/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2B – Rybin</p>
Sophia, 5	GENNADIY KITSEN and LIDIA KITSEN , maternal uncle and aunt, were appointed temporary guardians on 12/12/12.	
Cont. from 050613, 081913, 101013	Mother: MARIAM RYBIN	
Aff.Sub.Wit.	Paternal grandfather: Yuri Rybin Paternal grandmother: Olga Rybin	
✓ Verified		
Inventory		
PTC	Maternal grandfather: Nickolay Kotenkoff Maternal grandmother: Valentina Kotenkoff	
Not.Cred.		
Notice of Hrg		
✓ Aff.Mail w/	Petitioner states that after the last hearing on 04/11/13, he and the temporary guardians have not been able to reach an agreement regarding a visitation schedule and exchange location. He states that he has not been offered the opportunity to take the children to Sacramento where he lives. He states that he has been offered a 6 hour visit in Fresno, but states that the 6 hour Fresno visits are stressful because they have to use public restrooms and eat at fast food places. In addition, the children frequently ask when they are going home with him to Sacramento. Petitioner states that he has had to beg for visits in the last 5 months. He would like to have a court ordered visitation schedule to include days, time, and exchange location at a half-way point (Modesto). Petitioner proposes the following visitation schedule: <u>During school:</u> 1 st & 3 rd Friday 6:00pm exchange at McDonalds in central Modesto. <u>During summer:</u> June 15 th @ 12pm – June 24 th @ 7pm July 6 th @ 12pm – July 15 th @ 7pm Aug. 3 rd @ 12pm – Aug. 12 @ 7 pm Exchange at McDonalds in central Modesto.	
Aff.Pub.		
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FTB Notice		

Continued on Page 2

Declaration of Nikole E. Cunningham in support of Opposition to Ex Parte Petition for Visitation filed 05/02/13 states:

1. At the status conference hearing on 04/11/13, the Court extended the temporary guardianship to 10/10/13 and requested that the parties reach an agreement regarding visitation. In regards to visitation, Mr. Rybin requested that the Court order Petitioners to drive to Modesto for each visit in order to exchange the children. Petitioners noted the burden associated with traveling to Modesto for each visit and requested that the Court not issue such an Order. Petitioners did agree and remain willing to travel to Modesto for a portion of the visits between Mr. Rybin and his children. The Court requested that the parties agree to exchange the children in Modesto for a portion of the visits.
2. On 04/15/13, counsel and her clients prepared a proposed visitation schedule and submitted it to Mr. Rybin. The proposed visitation schedule greatly expanded the prior custody orders issued by Yolo County Superior Court. The proposed visitation schedule allows Mr. Rybin to have 1 six hour visitation and 1 weekend visitation per month during the school year. When the children are on summer vacation, the schedule allows Mr. Rybin to have 1 week-long visit from Saturday to Saturday, per month. The guardians are willing to travel to Modesto for a significant number of visits.
3. On 04/17/13, Mr. Rybin sent counsel an e-mail that included a copy of the minute order from the Court's online docket. Mr. Rybin highlighted portions of the minute order where the Court directed the parties to work amongst themselves to determine the days when they would meet halfway to exchange the children for visitation. Mr. Rybin then sought to have a weekend visit the 1st and 3rd weekends of each month and demanded that the guardians drive to Modesto to exchange the children for each visitation. During summer vacation, Mr. Rybin also proposed that week-long trips be extended to run through Monday and also demanded that guardians drive to Modesto for exchanges for each week-long visit.
4. Also on 04/17/13, counsel responded to Mr. Rybin regarding his visitation demands. She pointed out that the Court only asked that guardians travel to Modesto for a portion of the visitations, not all visits. It was further pointed out that due to the guardian's work schedules, they were unable to travel to Modesto for each visit. Finally, given that the guardians are paying all expenses associated with raising the children, to further burden guardians with the expense and time associated with always exchanging the children in Modesto was neither fair nor reasonable. Counsel did offer Mr. Rybin an additional visit the weekend of 04/26 – 04/28 and requested that Mr. Rybin let her know if he agreed to the visitation schedule. Mr. Rybin never responded to the e-mail and instead filed this ex parte petition.

Memorandum of Points and Authorities in Opposition to Ex Parte Petition for Visitation filed 05/02/13.

Order for Visitation signed on 11/25/2013 indicates the court entered an order pursuant to stipulation filed on 11/22/2013. The stipulation states the parties agree that the temporary guardianship will terminate on 12/20/13 at which time the children will be returned to their father. Petitioners [Gennadiy Kitsen and Lidia Kitsen] will have visitation with the children once every two months. The visitation plan will continue for two years commencing 1/1/14 and ending on 1/1/16. Visitation will be from 6 p.m. on Friday until 6 p.m. on Sunday.

Probate Status Hearing Re: Filing Inventory and Appraisal

DOD: 05/09/13		<p>TERRI MAY, friend, was appointed Administrator with Will Annexed with bond in the amount of \$915,000 on 07/17/13. Bond was filed and Letters were issued on 07/29/13.</p> <p>Inventory & Appraisal, partial no. 1 filed 09/10/13 - \$979,274.53</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>OFF CALENDAR</u> Final Inventory & Appraisal filed 10/23/13</p>
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Aff.Sub.Wit.			
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Citation			
FTB Notice			
		Reviewed by: JF	
		Reviewed on: 12/17/13	
		Updates:	
		Recommendation:	
		File 3 – Nichols	

Probate Status Hearing Re: Filing Inventory and Appraisal

DOD: 04/04/13	<p>BETTY PATE, daughter, was appointed Executor without bond on 07/24/13. Letters Testamentary were issued on 08/02/13.</p> <p>Minute Order from hearing on 07/24/13 set this matter for status regarding filing of the Inventory & Appraisal on 12/20/13.</p> <p>Status Declaration Re Filing of Inventory & Appraisal filed 12/12/13 states: The only real property asset of the estate is the decedent's residence on Adams Avenue in Fresno. It has been discovered that before her death, the decedent sold an adjoining parcel of real property to a third party. It now appears that the water well which services the decedent's residence may be located on the property that was sold. If the residence is without a water source, the value of the residence would be substantially diminished. The Executrix plans to sell the property during the pendency of this probate. She has initiated discussions with the party who purchased the adjoining property to resolve the water issue. The value of the property cannot be determined until a resolution is reached regarding the water supply. Petitioner requests a continuance in order to resolve this issue.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Final Inventory & Appraisal.</p>	
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FTB Notice			
Reviewed by: JF			
Reviewed on: 12/17/13			
Updates:			
Recommendation:			
File 4 – Guidi			

Probate Status Hearing for Failure to File a First Account or Petition for Final Distribution

DOD: 9/23/2001	<p>WAYNE C. BARRETT, brother, was appointed as Administrator with no IAEA authority and without bond on 6/10/2003.</p> <p>Letters issued on 7/10/2003.</p> <p>Inventory and appraisal was due on 10/10/2003.</p> <p>Creditor's Claims filed:</p> <p>Franchise Tax Board - \$844.02 Mary Frost - \$198,892.00 (rejected)</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 9/20/13. As of 12/17/13 the following issues remain:</p> <ol style="list-style-type: none"> 1. Need inventory and appraisal, first account, petition for final distribution or current verified written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties or inventory and appraisal.
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FTB Notice		
		Reviewed by: KT
		Reviewed on: 12/17/2013
		Updates:
		Recommendation:
		File 5 – Barrett

Probate Status Hearing for Failure to File a First Account or Petition for Final Distribution

DOD: 4/2/2003	<p>JESSE HERNANDEZ was appointed as Administrator with full IAEA authority and with bond set at \$10,000.00 on 7/1/2003.</p> <p>Bond of \$10,000.00 was filed on 7/11/03.</p> <p>Letters issued on 7/11/2003.</p> <p>Inventory and appraisal was due on 11/11/2003.</p> <p>Creditor's Claims filed:</p> <p>Department of Health Services - \$28,406.81</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 9/20/13. As of 12/17/13 the following issues remain:</p> <ol style="list-style-type: none"> 1. Need Inventory and Appraisal and First Account, Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties. 	
Cont. from 092013			
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UCCJEA			
Citation			
FTB Notice			
			<p>Reviewed by: KT</p> <p>Reviewed on: 12/17/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6 – Hernandez</p>

Probate Status Hearing for Failure to File a First Account or Petition for Final Distribution

DOD: 3/10/2003	<p>LORNA COOPER was appointed Administrator with full IAEA and without bond on 9/16/2003.</p> <p>Letters issued on 9/16/2003.</p> <p>Inventory and appraisal was due 1/16/2004.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 9/20/13. As of 12/17/13 the following issues remain:</p> <p>2. Need inventory and appraisal, first account, petition for final distribution or current verified written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties or inventory and appraisal.</p>
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Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 12/17/2013
		Updates:
		Recommendation:
		File 7 – Cooper

Status Hearing Re: Filing of the Petition for Final Distribution

DOD: 02/24/2012	<p>KENNETH ROBERTS, was appointed Administrator with full IAEA and with bond set at \$20,000.00 on 10/18/2012.</p> <p>Letters issued on 03/14/2013.</p> <p>Inventory and Appraisal filed on 10/15/2013 shows an estate valued at \$129,764.97.</p> <p>Minute Order of 10/18/2012 set this matter for hearing.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Petition for Final Distribution or written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>	
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FTB Notice			
			Reviewed by: LV
			Reviewed on: 12/17/2013
			Updates:
	Recommendation:		
	File 8 – Roberts		

		<p>MANUEL CHAVEZ, father, and SUSAN CHAVEZ LEON, sister, were appointed Conservator of the person and the estate on 10/18/2013 with bond set at \$201,850.00.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>2. Need First Account and Report of Conservator or written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Cont. from		Letters issued on 12/19/2012.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified	Inventory and Appraisal filed 03/07/2013 shows an estate valued at \$293,128.00.	
<input type="checkbox"/>	Inventory		
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<input type="checkbox"/>	Not.Cred.	Minute Order of 10/18/2012 set this matter for hearing.	
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			Reviewed by: LV
			Reviewed on: 12/17/2013
			Updates:
			Recommendation:
			File 11 – Chavez

Age: 68	<p>CHRISTINA TOLMAN, daughter, was appointed Conservator of the Person and Estate on 10/30/12 with bond set at \$38,920.00. Bond was filed on 11/30/12 and Letters of Conservatorship were issued on 12/03/12.</p> <p>Minute Order from hearing on 10/30/12 set this matter for status regarding filing of the First Account on 12/20/13.</p> <p>Inventory & Appraisal, final filed 03/21/13 - \$328,440.00</p> <p>Additional bond was filed 05/16/13, total current bond amount - \$319,064.80</p> <p>Status Conference Statement filed 12/13/13 states: at the time this conservatorship was established, a guardianship/conservatorship also existed in Kentucky where the conservatee lived previously. The Conservator has been working with the conservator/guardian in Kentucky, Peter Brown, to wind up the Kentucky proceeding and that process is not yet complete.</p> <p>The Conservators is also taking finals and completing numerous research papers for her master's program and will not complete those until 12/11/13. Additionally, this is the busiest time of year for the conservator's work schedule. Due to these factors, the Conservator requests an additional 60 days to complete the accounting.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need First Account and report of Conservator.</p>
DOB: 08/31/45		
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Citation		
FTB Notice		
	<p>Reviewed by: JF</p> <p>Reviewed on: 12/17/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12 – Tolman</p>	

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

DOD: 04/15/10		<p>ANN R. JOSEPH, surviving spouse, was appointed Executor without bond on 10/23/12. Letters Testamentary were issued on 10/23/12.</p> <p>Minute Order from hearing on 10/23/12 set this matter for status regarding filing of the Accounting/Petition for Final Distribution.</p> <p>Inventory & Appraisal, final filed 02/14/13 – \$17,231.26</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Accounting and/or Petition for Final Distribution <u>or</u> current written status report pursuant to Local Rule 7.5, which states: In all matters set for status hearing, verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
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UCCJEA			
Citation			
FTB Notice			
		Reviewed by: JF	
		Reviewed on: 12/17/13	
		Updates:	
		Recommendation:	
		File 13 – Joseph	

DOD: 04/30/13		<p>MARGUERITE HUGHES, niece and former Conservator, was appointed Administrator with Will Annexed on 11/18/13 with bond of \$550,000.00.</p> <p>Minute Order from hearing on 11/18/13 set this matter for status regarding filing of the bond.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>As of 12/17/13, bond has not been filed and Letters have not issued.</p> <p>1. Need bond in the amount of \$550,000.00.</p>
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		<p>Reviewed by: 12/17/13</p>	
		<p>Reviewed on:</p>	
		<p>Updates:</p>	
		<p>Recommendation:</p>	
		<p>File 14 – Peters</p>	

Status Hearing Re: Filing of the Inventory and Appraisal

		<p>BROOKE A. CASTLE, granddaughter, was appointed conservator of the person and the estate of Patricia Stott without bond on 08/21/2013.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Final Inventory and Appraisal or need current written status report pursuant to Local Rule 7.5 which states all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the status report shall be served on all the necessary parties.</p>
Cont. from 120613		Letters issued 08/21/2013.	
<input type="checkbox"/>	Aff.Sub.Wit.	<p>Minute Order of 08/15/2013 set this status hearing for the filing of the Inventory and Appraisal.</p>	
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
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<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
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<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: LV
			Reviewed on: 12/17/2013
			Updates:
			Recommendation:
			File 15 - Stott