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.

Dept. 303, 9:00 a.m. Tuesday, June 19, 2012

1 George Beckett (CONS/PE) **Case No. 07CEPR01048**

Atty Armas, J. Todd (for Petitioner/Conservator Doris Beckett

Fifth Amended Account and Report of Conservator and Petition for its Settlement

Age: 81 years	**DORIS BECKETT**, spouse/Conservator, is petitioner.	**NEEDS/PROBLEMS/COMMENTS:**
DOB: 1/12/1931		**Continued from 3/13/12. As of 6/12/12 there has been no additional documents filed.**
	Account period: 11/13/07 – 9/30/11	
	Accounting **$129,262.22** Beginning POH **$ 22,004.96** Ending POH **$ 5,770.60**	**Examiner is unable to review these pleadings. The pleadings have incomplete sentences and paragraphs and do not make sense.**
Cont. from 031312	**Current bond $24,500.00**	
	Conservator - **not addressed**	**Accounting is not verified or signed by the Conservator. Probate Code §1020. Note: the accounting is signed by the attorney. It has not been verified. An attorney cannot verify for a fiduciary. The accounting must be verified by the Conservator.**
	Attorney - **not addressed**	**Notice of the Hearing has not been given.**

	Aff.Sub.Wit.	
	Verified	X
	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: KT

Reviewed on: 6/12/12

Updates:

Recommendation:

File 1 – Beckett

Dept. 303, 9:00 a.m. Tuesday, June 19, 2012

2 Robert Alexander Casey (Estate) Case No. 10CEPR00486

Atty **Barrus, John E. (for Yolanda Casey – Administrator)**

(1) First and Final Account of Administrator and Petition for Its Settlement and (3) for Final Distribution [Prob. C. 11600]

DOD: 03/06/10		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	**Letters**	07/08/10
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

YOLANDA CASEY, Administrator, is Petitioner.

Account period: 03/06/10 – 03/31/12

Accounting	-	**$210,000.00**
Beginning POH	-	**$210,000.00**
Ending POH	-	**$0.00**
Administrator	-	$0.00
Attorney	-	$0.00

Petitioner states that there are no assets of the Estate to distribute. Any not now known or discovered property to be distributed, pursuant to intestate succession, as follows:

Yolanda Casey	-	1/3 interest
Evan Casey	-	1/3 interest*
Andrew Casey	-	1/3 interest*

*Evan Casey and Andrew Casey are minors. If any property is discovered to be distributed to them before their 18th birthday, their shares are to be distributed to Yolanda Casey, who is the currently court-appointed Guardian of the Estates of both minor children, to be held in the guardianship estate until the minor attains the age of majority.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: JF

Reviewed on: 06/12/12

Updates:

Recommendation: SUBMITTED

File 2 - Casey

Dept. 303, 9:00 a.m. Tuesday, June 19, 2012

3 Micklos Lemons (Trust) **Case No. 11CEPR00461**

Atty Matlak, Steven (for Micklos Lemons)

Petition for Order Establishing Special Needs Trust; and for Authorization for Initial Trust Expenditures (Prob. C. 3600-3613)

Age: 35 years		
DOB: 4/1/1977		
Cont. from 071111, 082411, 050812		
	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	

MICKLOS LEMONS, a conserved adult, by his attorneys, Dowling, Aaron and Keeler, seeks and order under Probate Code §3600 – 3613 to establish a Special Needs Trust (SNT) with Mr. Lemons as the proposed beneficiary.

Mr. Lemons has been diagnosed with mental retardation, and the State of California has determined that the level of his disability is severe.

The SNT will be funded from proceeds of a litigation settlement. All of the parties in the Litigation Action have reached a settlement with Mr. Lemons in his favor in the amount of $46,548.00. Before any SNT is funded with these funds, by prior order of the Court dated 10/27/10, the Law Offices of Joanne Sanoian are to be paid $3,400.00 from the settlement proceeds for services to the Conservators and $355.00 for costs advanced. After payment to the Law Offices of Joanne Sanoian, Mr. Lemons will receive $42,793.00.

Petitioner states the settlement proceeds if provided directly to Mr. Lemons would eliminate his continuing eligibility for SSI and Medi-Cal because they exceed $2,000.00

Petitioner seeks an order of this Court that the assets from the settlement be paid to the Trustee of the MICKLOS LEMONS SPECIAL NEEDS TRUST.

The proposed Special Needs Trust complies with all Federal, State and Local Requirements.

Continued on additional page

NEEDS/PROBLEMS/COMMENTS:

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

- Friday, July 20, 2013 at 9:00 a.m. in Department 303 for the filing of the bond, **and;**
- Friday, August 16, 2013 at 9:00 a.m. in Department 303, for the filing of the first account.

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

Reviewed by: KT

Reviewed on: 5/1/12

Updates:

Recommendation:

File 3 - Lemons

The proposed Special Needs Trust complies with California Rules 7.903(c) as follows:

- The Trust does not contain a "no-contest" provision;
- It prohibits modifications or revocations without court approval;
- It clearly identifies the trustee and any other person with authority to direct the trustee to make payments;
- It prohibits investments by the trustee other than those permitted under Probate Code §2574;
- It requires the Trustee to post bond in the amount required under Probate Code §2320-2335;
- It requires the Trustee to file accounts and report for court approval in the manner and frequency required by Probate Code §1060-1064 and §2620-2628;
- It requires Court approval of changes in trustees and court order appointing any successor trustee;
- It requires that compensation of the trustee, the members of any advisory committee, or the attorney for the trustee to be in just and reasonable amounts that must be fixed and allowed by the court

The proposed Special Needs Trust complies with Fresno County Local Rules as follows:

- A copy of the proposed trust instrument is attached to the petition to establish the Trust;
- The Trust complies with California Rules of Court 7.903;
- The Trust requires court confirmation for any purchase or sale of trust real property;

Petitioner proposes that **FREDA B. BALES** be named as the initial Trustee with **bond fixed at $48,484.46**. Freda Bales consents to this appointment.

Petitioner requests an order of the Court that the Trustee is authorized to use asset of the SNT for the following purchases:

1. To purchase a bedroom set for Micklos Lemons n an amount not to exceed $2,000.00;
2. To utilize trustee monies to meet Mr. Lemons' vision, dental and audiology needs which are not covered by Medi-Cal, including the payment of needed procedures as they arise, and/or for the purchase of insurance on an ongoing basis without the need for court approval for each instance;
3. The purchase of some items to enhance Mr. Lemons' life in a combined amount not to exceed $2,000.00, including, a new bicycle, a new stereo and a vacation to Disneyland. It also requests the court approve the use of SNT funds to pay for room and board and the price of a ticket for Mr. Lemons' caregivers, Freda Bales and Sharon Bushman, as they would otherwise lack the financial means to take him on the trip;
4. The purchase of a burial headstone for Mr. Lemons and his deceased father in an amount not to exceed $675.00;
5. The purchase of a pre-needs burial plan in an amount not to exceed $6000.00.

Dept. 303, 9:00 a.m. Tuesday, June 19, 2012

Petitioner prays for an Order:

1. That the Court establish the MICKLOS LEMONS SPECIAL NEEDS TRUST.
2. That Petitioner be directed to execute it on behalf of Micklos Lemons and that the Court has continuing jurisdiction over the Micklos Lemons Special Needs Trust;
3. That FREDA BALES shall serve as the initial trustee with bond fixed at $48,484.46;
4. That Mr. Lemons has a disability that substantially impairs his ability to provide for his own care or custody, and constitutes a substantial handicap;
5. That Mr. Lemons is likely to have special needs that will not be met without the Trust;
6. That money to be paid to the Trust does not exceed the amount that appears reasonably necessary to meet Mr. Lemons' special needs;
7. That the payment of all monies due to Mr. Lemons from the Litigation Settlement be paid to the Trustee of the Special Needs Trust after payment of the personal injury Medi-Cal lien, if any;
8. That any proceeds of the settlement award received by Mr. Lemons' attorney before the hearing of this petition and deposited in attorney's attorney/client trust account shall not be considered received by Mr. Lemons for public benefits eligibility purposes;
9. That the assets of the estate are unavailable for the beneficiary and shall not constitute a resource to Mr. Lemons for Mr. Lemons' financial eligibility for Medi-Cal, SSI; regional center assistance, or any other program of public benefits;
10. That the Trustee provide the Court with a biennial account and report of the SNT beginning with the period 1 year after the court approves the establishment of the trust and every 2 years thereafter;
11. That the Trustee is authorized to use the assets of the SNT to purchase a bedroom set for Mr. Lemons in an amount not to exceed $2,000.00;
12. That the Trustee is authorized to use trust assets to meet Mr. Lemons' vision, dental and audiology needs which are not covered by Medi-Cal, including the payment of needed procedures as they arise, and/or for the purchase of insurance on an on-going basis;
13. That the Trustee is authorized to use assets of the SNT to purchase some items to enhance Mr. Lemons' life in a combined amount not to exceed $2,000.00, including a new bicycle, a new stereo, and a vacation to Disneyland, including payment of room, board and tickets for Mr. Lemons' caregivers for such vacation to Disneyland;
14. That the Trustee is authorized to purchase a burial headstone to be shared by Mr. Lemons and his deceased father in an amount not to exceed $675.00 and a prepaid burial contract for Mr. Lemons for funeral expenses in an amount not to exceed $6,000.00.

4 **Harley Wells (Estate)** **Case No. 11CEPR00922**

Atty **Shepard, Jefferson S. (for Allen Wells – Administrator)**

(1) First and Final Report of Administration, (2) Petition for Allowance of Statutory Fees to Attorney and for (3) Final Distribution on Waivers of Accounting (PC 11002, 11600, 11601, 11640. 10810, 10954)

DOD: 10/06/11		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	11/29/11
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

ALLEN WELLS, Administrator, is Petitioner.

Accounting is waived.

I & A - **$74,265.04**
POH - **$73,723.49**
($8,723.49 is cash)

Administrator - **waives**

Attorney (statutory) - **$2,970.60**

Closing - **$1,000.00**

Distribution, pursuant to intestate succession, is to:

Allen Wells - $950.58 plus an undivided 1/5 interest in real property

Mina Wright - $950.58 plus an undivided 1/5 interest in real property

Melton Wells - $950.58 plus an undivided 1/5 interest in real property

Sylvia Hunt - $950.58 plus an undivided 1/5 interest in real property

Sharon Gabel - $950.57 plus an undivided 1/5 interest in real property

NEEDS/PROBLEMS/COMMENTS:

1. Need consent to distribution of real property in undivided interests from all beneficiaries pursuant to Local Rule 7.12.4 A.

Reviewed by: JF

Reviewed on: 06/12/12

Updates:

Recommendation:

File 4 - Wells

Dept. 303, 9:00 a.m. Tuesday, June 19, 2012

5 John Barry Prendergast aka John Barry aka John Prendergast (Estate)

Case No. 11CEPR01022

Atty Sullivan, Robert L. (for Laurie Barry Prendergast – Executor/Petitioner)

(1) First and Final Report of Executor and (2) Petition for Its Settlement, for Statutory Attorneys' Fees and for (3) Final Distribution on Estate of Waiver Accounting (Prob. C. 11600, et seq)

DOD: 01/30/11		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w/o
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	01/10/12
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

LAURIE BARRY PRENDERGAST, Executor, is Petitioner.

Accounting is waived.

I & A - **$205,000.00**
POH - **$205,000.00** (all real property)

Executor - waives

Attorney - $7,100.00 (statutory) (to be paid outside of the estate)

Costs - $1,256.00 (filing fees, publication, certified copies, recording fees) (to be paid outside of the estate)

Distribution, pursuant to decedent's Will, is to:

Laurie Barry Prendergast – Real property valued at $205,000.00

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: JF

Reviewed on: 06/13/12

Updates:

Recommendation: SUBMITTED

File 5 - Prendergast

Dept. 303, 9:00 a.m. Tuesday, June 19, 2012

6 Madeline Juliette Hurley (Estate) Case No. 11CEPR01043

Atty **Boyett, Deborah K. (for Jack C. Hurley – Executor/Petitioner)**

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

DOD: 10/28/11		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
✓	Inventory	
✓	PTC	
✓	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	w/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	01/05/12
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	FTB Notice	

JACK C. HURLEY, Executor, is Petitioner.

Accounting is waived.

I & A - **$370,160.72**
POH - **$373,706.90**
($372,006.90 is cash)

Executor - waived

Attorney - **$8,322.58** (less than statutory)

Costs - **$775.00** (filing fees, publication)

Closing - **$500.00**

Distribution, pursuant to decedent's Will, is to:

Randall G. Hurley - 50% interest in cash, household furniture and furnishings, and clothing, jewelry and other personal effects

Dawn M. Hurley Trogdon - 25% interest in cash, household furniture and furnishings, and clothing, jewelry and other personal effects

Debbie M. Hurley Holck - 25% interest in cash, household furniture and furnishings, and clothing, jewelry and other personal effects

NEEDS/PROBLEMS/COMMENTS:

1. Order does not designate the dollar amount to be distributed to each beneficiary. Pursuant to Local Rule 7.6.1 A – All orders or decrees in probate matters must be complete in themselves. Orders shall set forth all matters ruled on by the court, the relief granted, and the names of persons, descriptions of property and/or amounts of money affected with the same particularity required of judgments in general civil matters. **Monetary distributions must be stated in dollars, and not as a percentage of the estate**. Need revised Order.

Reviewed by: JF

Reviewed on: 06/13/12

Updates:

Recommendation:

File 6 - Hurley

7 Jonathan T. Garcia (CONS/P) Case No. 12CEPR00304

Atty O'Neill, Patricia B., sole practitioner (for Petitioners Karen Garcia and Rudy Garcia)

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

Age: 18 years			**KAREN and RUDY GARCIA**, Parents, are Petitioners and request appointment as Co-Conservators of the Person with medical consent powers.	**NEEDS/PROBLEMS/COMMENTS:**
DOB: 12/23/1993				**Court Investigator advised rights on 5-7-12**
			Voting rights affected	**Voting rights affected**
Cont. from 051712				- **Need minute order**
	Aff.Sub.Wit.		**A Capacity Declaration was filed 4-11-12.**	
✓	**Verified**			
	Inventory		**Petitioners state** the proposed Conservatee is developmentally delayed, has cerebral palsy, Dandy-Walker Variant, seizures, hydrocephalus, autonomic/thalamic storms, is fed through a feeding tube and is unable to express his needs. He was recently hospitalized for several months and at this time he is unable to walk.	
	PTC			
	Not.Cred.			
✓	**Notice of Hrg**			
✓	**Aff.Mail**	w		
	Aff.Pub.			
	Sp.Ntc.			
✓	**Pers.Serv.**	w		
✓	**Conf. Screen**		**Court Investigator Samantha Henson filed a report on 6-12-12.**	
✓	**Letters**			
✓	**Duties/Supp**			
	Objections			
✓	**Video Receipt**			
✓	**CI Report**			
	9202			
✓	**Order**			
	Aff. Posting			**Reviewed by:** skc
	Status Rpt			**Reviewed on:**6-14-12
	UCCJEA			**Updates:**
✓	**Citation**			**Recommendation:**
	FTB Notice			**File 7 - Garcia**

Dept. 303, 9:00 a.m. Tuesday, June 19, 2012

11A Mary Johanna Cormier (CONS/PE) Case No. 02CEPR00107

Atty **Feigel, Sheldon W. (of Sanger, for Norma M. Karmann, Conservator)**

Probate Status Hearing Re: Termination of Proceeding for Deceased Conservatee (Prob. C. § 1860, et seq.)

DOD: 1-8-09

Cont. from 082311, 092711, 110111, 011712, 032712, 050112

	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	

NORMA M. KARMANN was appointed Conservator of the Person and Estate and Letters issued on 3-21-02.

On 8-20-08, bond was set at $40,000.00.

On 7-24-09, the court set a status hearing for termination of the proceeding for deceased conservatee.

The Amended Fourth Account covering the period 3-22-08 through 1-8-09 (date of death) was settled on 8-13-10.

However, the Amended Fourth Account did not contain an accounting subsequent to the conservatee's date of death as required by Probate Code §2620(b).

On 6-28-11, the court set a status hearing on 8-23-11 for termination of the proceeding for deceased conservatee and filing of the final account.

On 8-23-11, Counsel advised the Court that the bond has not been paid, but he is now in the position to prepare and file the final accounting.

On 9-27-11, Attorney Feigel informed the Court that he has a meeting next week with the Conservator for a signature on the accounting. The matter was continued to 11-1-11.

On 11-1-11, the Court continued the matter to 1-17-12.

On 1-17-12, Counsel advised the Court that the conservator has discovered some stock certificates and they are trying to determine if they have any value. The matter was continued to 3-27-12.

On 3-26-12, a "Fourth Account" was filed and set for hearing on 5-24-12. However, Examiner noted that the accounting filed did not appear to be an appropriate filing (title, account period, signature discrepancy) and the status hearing was not taken off calendar.

At the status hearing on 3-27-12, Attorney Feigel did not appear. The Court noted the discrepancies with the filing on the record and continued the matter to 5-1-12.

On 5-1-12, there were no appearances. The Court continued the matter to 6-19-12 and also set this OSC re $500.00 sanctions for failure to appear and failure to file a timely and appropriate accounting.

On 6-11-12, an accounting was filed and set for hearing on 7-12-12. ***(This document has not yet been reviewed. Examiner notes that it appears to contain an appropriate account period and signature. Further review will occur for the 7-12-12 hearing.)***

NEEDS/PROBLEMS/ COMMENTS:

Note: The Ending POH per Amended Fourth Account as of 1-8-09 (DOD) was $65,782.01 (cash and US Savings Bonds).

Note: An "Amended Fourth (Final) Account" was filed 6-11-12 and is set for hearing on 7-12-12. Examiner notes that it appears to be mis-labeled, as it should be the *Fifth and Final Account*; however, the account period appears to be appropriate.

Examiner did not take this Status Hearing off calendar due to the history of this matter. This is the 7th status hearing regarding this matter.

Updates:

Reviewed: 6-13-12

Recommendation:

Reviewed by: skc

File 11A - Cormier

Dept. 303, 9:00 a.m. Tuesday, June 19, 2012

11B Mary Johanna Cormier (CONS/PE) Case No. 02CEPR00107

Atty Feigel, Sheldon W. (of Sanger, for Norma M. Karmann, Conservator)

Order to Show Cause Re: Failure to File a Timely and Appropriate Accounting; Failure to Appear

DOD: 1-8-09		
	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	

NORMA M. KARMANN was appointed Conservator of the Person and Estate and Letters issued on 3-21-02.

On 8-20-08, bond was set at $40,000.00.

On 7-24-09, the court set a status hearing for termination of the proceeding for deceased conservatee.

The Amended Fourth Account covering the period 3-22-08 through 1-8-09 (date of death) was settled on 8-13-10.

However, the Amended Fourth Account did not contain an accounting subsequent to the conservatee's date of death as required by Probate Code §2620(b).

On 6-28-11, the court set a status hearing on 8-23-11 for termination of the proceeding for deceased conservatee and filing of the final account.

On 8-23-11, Counsel advised the Court that the bond has not been paid, but he is now in the position to prepare and file the final accounting.

On 9-27-11, Attorney Feigel informed the Court that he has a meeting next week with the Conservator for a signature on the accounting. The matter was continued to 11-1-11.

On 11-1-11, the Court continued the matter to 1-17-12.

On 1-17-12, Counsel advised the Court that the conservator has discovered some stock certificates and they are trying to determine if they have any value. The matter was continued to 3-27-12.

On 3-26-12, a "Fourth Account" was filed and set for hearing on 5-24-12. However, Examiner noted that the accounting filed did not appear to be an appropriate filing (title, account period, signature discrepancy) and the status hearing was <u>not</u> taken off calendar.

At the status hearing on 3-27-12, Attorney Feigel did not appear. The Court noted the discrepancies with the filing on the record and continued the matter to 5-1-12.

On 5-1-12, there were no appearances. The Court continued the matter to 6-19-12 and also set this OSC re $500.00 sanctions for failure to appear and failure to file a timely and appropriate accounting.

On 6-11-12, an accounting was filed and set for hearing on 7-12-12. *(This document has not yet been reviewed. Examiner notes that it appears to contain an appropriate account period and signature. Further review will occur for the 7-12-12 hearing.)*

NEEDS/PROBLEMS/ COMMENTS:

Reviewed by: skc

Reviewed on: 6-13-12

Updates:

Recommendation:

File 11B - Cormier

Dept. 303, 9:00 a.m. Tuesday, June 19, 2012

12 Mary S. Smith (Estate) Case No. 02CEPR00335

Atty **Patten, Mary Louise (Pro Per – Executor)**

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution (Prob. C. 12200, et seq.)

DOD: 3-17-02		
	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	X
	UCCJEA	
	Citation	
	FTB Notice	

MARY LOUISE PATTEN, Granddaughter, was appointed Executor with Full IAEA without bond and Letters issued on 7-23-02.

Inventory and Appraisal filed 7-23-02 reflected a total estate value of $141,559.24 consisting of cash and real and personal property.

The real property was sold for $120,000.00 pursuant to Court confirmation on 4-15-04.

On 5-8-12, the Court set this status hearing for failure to file a first account or petition for final distribution. Notice was mailed to the Executor on 5-8-12.

NEEDS/PROBLEMS/COMMENTS:

Note: The Executor was formerly represented by Attorney William Irwin, who is now deceased.

Note: On 5-17-12, Attorney Gary Bagdasarian filed a Request for Special Notice in this matter on behalf of Bobby Ray Smith, II, a grandson of the Decedent.

Note: The Decedent's will devises the estate to Mary Louise Patten (Executor) and Bobby Ray Smith, II, in equal shares.

1. **Need account and petition for final distribution pursuant to Probate Code §12200.**

Reviewed by: skc
Reviewed on: 6-13-12
Updates:
Recommendation:
File 12 - Smith

Dept. 303, 9:00 a.m. Tuesday, June 19, 2012

13 Robert Steven Dennis (Special Needs Trust) Case No. 0522948

Atty Simonian, Jeffrey (for Petitioner/Trustee Lisa Lepper)

Status Hearing Re: Increased Bond

				NEEDS/PROBLEMS/COMMENTS:
				OFF CALENDAR
				Additional bond was filed 5-24-12.
	Aff.Sub.Wit.			
	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			**Reviewed by:** skc
	Status Rpt			**Reviewed on:** 6-13-12
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 13 - Dennis**

14 Daniel D. Ellsworth (Estate) **Case No. 09CEPR00517**

Atty Flanigan, Philip M. (for Daniel J. Ellsworth and Carol Ellsworth – Co-Administrators)

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution (Prob. C. 12200, et seq.)

DOD: 06/04/09	**DANIEL J. ELLSWORTH** and **CAROL ELLSWORTH,** were appointed as Co-Administrators with bond set at $45,000.00 on 12/02/09 and Letters were issued on 12/08/09. **Inventory & Appraisal filed 06/18/10** - $619,880.02 **Notice of Status Hearing filed 05/08/12** set this matter for status. **Clerk's certificate of mailing** states that the Notice of Status Hearing was mailed to each Administrator and their attorney on 05/08/12. **Status report filed 06/08/12 by Administrators** states that the First and Final Report of Administration on Waivers of Accounting and Petition for settlement thereof will be filed before the status hearing date on 06/19/12.	**NEEDS/PROBLEMS/COMMENTS:** 1. **Need First & Final Report and Account and Petition for Final Distribution.**
		Reviewed by: JF
		Reviewed on: 06/13/12
		Updates:
		Recommendation:
		File 14 - Ellsworth

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	

Dept. 303, 9:00 a.m. Tuesday, June 19, 2012

15 Elva G. Garza (CONS/PE) **Case No. 07CEPR00291**

Atty Walters, Jennifer L. (for Carlos Garza – Father – Petitioner)
Atty Kruthers, Heather (for Public Guardian – Conservator)
Petition for Visitation (Prob. Code 2102;2113)

Age: 33		
DOB: 1-7-79		
	Aff.Sub.Wit.	
✔	**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	

CARLOS GARZA, Father, is Petitioner.

PUBLIC GUARDIAN was appointed Conservator of the Person and Estate of Elva Garza on 5-14-08.

Petitioner states his daughter (33) is developmentally disabled, is a CVRC client, and resides in an assisted living facility. He was actively involved in the proceedings for conservatorship, and at the conclusion of the proceedings on 5-2-08, the Court encouraged visits.

Until December 2011, Petitioner was receiving supervised visits with his daughter. On 12-5-11, however, he received his last visit and no family has been able to visit since.

Petitioner has called the Public Guardian's office multiple times and has been told that his daughter cannot decide if she wants to visit and therefore they are not setting up visits at this time.

Petitioner does admit that his daughter has a history of one day saying one thing and the next day saying something else. She probably has said on occasion that she does not want to visit; however, she suffers from mental disabilities that should be taken into account.

There have been no incidents during visitation that would cause the Public Guardian concern or to cease visitation.

Ms. Garza's family wants to be able to visit, especially Petitioner, and it has become apparent that this will not occur without additional assistance from the Court.

Petitioner requests this Court order that:

1. Petitioner receive reasonable visitation with the Conservatee; and
2. Any other orders the Court deems necessary.

NEEDS/PROBLEMS/ COMMENTS:

1. **Need Notice of Hearing and proof of service of Notice of Hearing on:**
   - Public Guardian
   - Daniel Escandon (brother)
   - Gloria Ramos (aunt)
   - Any other interested parties as the Court may require.

Reviewed by: skc

Reviewed on: 6-13-12

Updates:

Recommendation:

File 15 - Garza

Dept. 303, 9:00 a.m. Tuesday, June 19, 2012

16A Aleyna C. Gonzales and Amelia G. Gonzales (GUARD/P) Case No. 11CEPR00835
Atty Gonzales, Andy R. and Rebecca (Pro Per – Paternal Uncle and Aunt – Guardians)
Atty Gonzales, Tammy L. (Pro Per – Mother)
Guardians' Petition to Modify Visitation

Aleyna Celine Gonzales
Age: 14
DOB: 7-31-97

Amelia Grace Gonzales
Age: 12
DOB: 11-22-99

Cont. from 050112

	Aff.Sub.Wit.	
✔	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	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

ANDY R. and REBECCA GONZALES, Guardians (Paternal Uncle and Aunt), are Petitioners.

Petitioners were appointed Guardians on 1-26-12

Father: **LARRY GONZALES**

Mother: **TAMMY GONZALES**

Paternal Grandfather: Ascencion Gonzales *(Deceased)*
Paternal Grandmother: Lupe R. Ybarra

Maternal Grandfather: Carol Carson Cruz *(Deceased)*
Maternal Grandmother: Julio Cruz

Sibling: Larry Gonzales, Jr. (17)

Current visitation per Minute Order 1-26-12:

- Larry Gonzales, Jr. (these minors' sibling who resides with the father) may visit Mondays and Thursdays from 7-9pm.
- Tammy Gonzales (Mother) may have supervised visitation every Saturday from 9am-noon unless the girls are engaged in a legitimate activity. Visitation to be supervised by Andy Gonzales at the guardians' residence or place mutually agreed by the parties. If the girls are engaged in a legitimate activity, Andy Gonzales is to notify the mother by Friday 5pm.
- Visitation with the father to be determined among the parties

Petitioners are asking the Court to cancel the visits with both Tammy Gonzales (Mother) and Larry Gonzales, Sr. (Father). Petitioners state Tammy lets Larry Sr. know where and when her visits are, and he then shows up and causes conflicts and altercations with Andy Gonzales (Guardian). Petitioners state they have several event numbers. Also, Tammy's phone number has been disconnected. Petitioners have called several times to talk to Larry Sr., for visits with his daughters, and every time they try to talk with him or Tammy, they cuss or hang up and won't talk reasonably.

SEE PAGE 2

NEEDS/PROBLEMS/COMMENTS:

14A – Guadians' Petition
14B – Mother's Petition

Continued from 5-1-12.

See Page 2 for Minute Order and further visitation and investigation orders.

Note: The Court ordered notice to be given to the appropriate parties for the next hearing. As of 6-12-12, nothing further has been filed. The following issues remain:

1. **Need Notice of Hearing.**
2. **Need proof of service of Notice of Hearing at least 15 days prior to the hearing on:**
   - Tammy Gonzales (Mother)
   - Larry Gonzales, Sr. (Father)
   - Larry Gonzales, Jr. (Brother, age 17)
   - Aleyna Gonzales (Minor, age 14)
   - Amelia Gonzales (Minor, age 12)
   - Lupe R. Ybarra (Paternal Grandmother)
   - Julio Cruz (Maternal Grandmother)

Reviewed by: skc
Reviewed on: 6-12-12
Updates:
Recommendation:
File 16A - Gonzales

16A Aleyna C. Gonzales and Amelia G. Gonzales (GUARD/P) Case No. 11CEPR00835

Atty Gonzales, Andy R. and Rebecca (Pro Per – Paternal Uncle and Aunt – Guardians)
Atty Gonzales, Tammy L. (Pro Per – Mother)
Guardians' Petition to Modify Visitation

Summary (Continued):

The girls wish to visit with their brother, but since 1-26-12, he has only come over once. The parents call people at the church and ask personal questions, and on 3-25-12, the girls came home from a visit and said they felt like their parents are stalking them. They are scared of their parents causing more altercations. Petitioners state the girls want to live in peace, and since they have been with them, they are doing very good emotionally, mentally and physically. Petitioners want them to have visits with their brother. Petitioners thank the Court for taking this situation seriously so that no more altercations occur.

Note: Guardians filed Declarations of Due Diligence for both the mother and the father stating that they refused service.

Mother filed a Petition for Visitation in response to this Petition. See Page 14B.

Minute Order 5-1-12: The Court continues the matter to 6/19/12. The Court orders that a court investigator contact the mother Tammy Gonzales, the guardians, Larry Jr., and the children for purposes of determining what their attitudes are regarding visitation and whether mother should have extended visits, supervised or unsupervised as well as overnights. In addition, the Court is seeking additional information regarding the appropriateness of the guardianship placement, and the continuing issues the parties are having with respect to visitation. The Court further orders that mother Tammy Gonzales call the guardians before 5:00 p.m. on Friday to confirm her visit with the children. The guardians are to make the children available for visitation unless the children are otherwise engaged in a legitimate activity. Mother is ordered not to bring anyone else with her during her visits. Notice to be given to the appropriate parties regarding the next hearing.

Court Investigator Jennifer Young to file report.

Dept. 303, 9:00 a.m. Tuesday, June 19, 2012

16B Aleyna C. Gonzales and Amelia G. Gonzales (GUARD/P) Case No. 11CEPR00835
Atty Gonzales, Andy R. and Rebecca (Pro Per – Paternal Uncle and Aunt – Guardians)
Atty Gonzales, Tammy L. (Pro Per – Mother)
Mother's Petition for Visitation

Aleyna Celine Gonzales
Age: 14
DOB: 7-31-97

Amelia Grace Gonzales
Age: 12
DOB: 11-22-99

Cont. from 050112

	Aff.Sub.Wit.	
✔	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	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

TAMMY GONZALES, Mother, is Petitioner.

ANDY R. and REBECCA GONZALES, Paternal Uncle and Aunt, were appointed Guardians of Aleyna and Amelia on 1-26-12.
- Personally served 4-24-12

Father: **LARRY GONZALES, Sr.**

Mother: **TAMMY GONZALES**

Paternal Grandfather: Ascencion Gonzales *(Deceased)*
Paternal Grandmother: Lupe R. Ybarra

Maternal Grandfather: Carol Carson Cruz *(Deceased)*
Maternal Grandmother: Julio Cruz

Sibling: Larry Gonzales, Jr. (17)

Current visitation per Minute Order 1-26-12:

- Larry Gonzales, Jr. (these minors' sibling who resides with the father) may visit Mondays and Thursdays from 7-9pm.
- Tammy Gonzales (Mother) may have supervised visitation every Saturday from 9am-noon unless the girls are engaged in a legitimate activity. Visitation to be supervised by Andy Gonzales at the guardians' residence or place mutually agreed by the parties. If the girls are engaged in a legitimate activity, Andy Gonzales is to notify the mother by Friday 5pm.
- Visitation with the father to be determined among the parties

Mother is requesting more visitation because this is a very sensitive and important time in their teenage lives. They need the comfort and closeness more from their biological mother. They would all be happy with more time together. Her daughters have told her that they want more time with her – they would love to go to the mall for the day, have lunch, do what mothers and daughters do - what they used to do. Mother states she and the father raised them with a strong church background and the girls are faithful to their church. She is concerned about their emotional stability and the distance and separation between them has caused strain on the whole family. Mother noticed that they have fear of the Guardians, so she doesn't think mediation is appropriate. Her visits have been wonderful, but there have been some serious issues.

Mother states Andy (Guardian) is not following the court order.

SEE PAGE 2

NEEDS/PROBLEMS/COMMENTS:

Continued from 5-1-12.

See Page 2 for Minute Order and further visitation and investigation orders.

Note: The Court ordered notice to be given to the appropriate parties for the next hearing. As of 6-12-12, nothing further has been filed. The following issues remain:

3. Need proof of service of Notice of Hearing at least 15 days prior to the hearing on:
- Larry Gonzales, Sr. (Father)
- Larry Gonzales, Jr. (Brother, age 17)
- Aleyna Gonzales (Minor, age 14)
- Amelia Gonzales (Minor, age 12)
- Lupe R. Ybarra (Paternal Grandmother)
- Julio Cruz (Maternal Grandmother)

Note: Guardians Andy and Rebecca (Becky) Gonzales were served on 4-24-12, which is 8 days prior to the hearing rather than the required 15; however, Guardians also have a petition being heard today (Page 14A).

Reviewed by: skc

Reviewed on: 6-12-12

Updates:

Recommendation:

File 16B - Gonzales

16B Gonzales Minors (GUARD/P) **Case No. 11CEPR00835**

Atty Gonzales, Andy R. and Rebecca (Pro Per – Paternal Uncle and Aunt – Guardians)

Atty Gonzales, Tammy L. (Pro Per – Mother)

Mother's Petition for Visitation

Summary (Continued):

Mother states Andy (Guardian) is not following the court order. On 2-25-12 the girls had a wedding, but it didn't start until 1pm. Both the girls and the mother wanted at least 2 hours, but Andy cancelled it completely.

On 3-12-12 another visit was cancelled because Andy said Mother didn't call by 5. The order states he is to call by five, not her.

On 3-24-12 was the worst – another visit cancelled. Mother went, but Andy cancelled it after 20 minutes because Larry Sr., walked by and gave the girls a hug and kiss. So Andy told the girls "let's go." Larry Sr., asked what his problem was, then Andy got him in a headlock, kicked him, and caused Mother and the girls to cry. This was an emotional and hostile environment for the girls.

On 3-31-12 her visit was cancelled due to a non-legitimate reason –Andy said the girls' cousins were visiting.

Today (4-3-12) Mother hasn't seen or talked to the girls in 3 weeks. They can't have a private conversation on the phone.

The judge clearly told the guardians to be reasonable, and it has not been that way. With all this going on, the guardians do not have the best interest of the girls at heart. Andy's personal dislike for her should not be taken out on the girls. Mother asks the Court to please review the facts and grant her more time with the girls. Mother feels there is no need for supervision. If it is gradual, that is fine, but her goal is to obtain custody again. Please consider their best interests.

Minute Order 5-1-12: The Court continues the matter to 6/19/12. The Court orders that a court investigator contact the mother Tammy Gonzales, the guardians, Larry Jr., and the children for purposes of determining what their attitudes are regarding visitation and whether mother should have extended visits, supervised or unsupervised as well as overnights. In addition, the Court is seeking additional information regarding the appropriateness of the guardianship placement, and the continuing issues the parties are having with respect to visitation. The Court further orders that mother Tammy Gonzales call the guardians before 5:00 p.m. on Friday to confirm her visit with the children. The guardians are to make the children available for visitation unless the children are otherwise engaged in a legitimate activity. Mother is ordered not to bring anyone else with her during her visits. Notice to be given to the appropriate parties regarding the next hearing.

Court Investigator Jennifer Young to file report.

Dept. 303, 9:00 a.m. Tuesday, June 19, 2012

17 Betty Jean McCoon (CONS/PE) Case No. 12CEPR00516

Atty Morris, Rhonda Rene (Pro Per – Non-relative – Petitioner)
Atty Rindlisbacher, Curtis (Court-appointed for Proposed Conservatee Betty Jean McCoon)
Atty Kruthers, Heather (for Public Guardian)

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

Age:
DOB: Not provided

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

GENERAL HEARING 7-10-12

RHONDA RENE MORRIS, a non-relative (concerned friend), is Petitioner and requests appointment as Temporary Conservator of the Person and Estate.

(The Petition is blank re bond information at #1c. See Item #4.)

Estimated Value of Estate:
Personal Property: $ 300,000.00
Annual income: $ 11,000.00

Petitioner states the proposed Conservatee needs immediate care and protection as evidenced by the attached police report dated 6-2-12.

The police report (copy attached) indicates that Ms. McCoon was taken to St. Agnes Hospital on 6-2-12 after she was found wandering lost and complained of being lightheaded. She thought she was in Santa Cruz and was unable to answer questions.

Court Investigator Julie Negrete filed a report on 6-13-12.

NEEDS/PROBLEMS/COMMENTS:

Court Investigator advised rights on 6-8-12.

1. **Petitioner lists only one relative, Elva Van Buskirk of Fremont, CA, who is Ms. McCoon's sister. However, per the Court Investigator's report, there may be additional relatives including nieces Gay Mitchell and Jody Montgomery that should be listed and noticed.**
2. **Notice of Hearing filed 6-12-12 does not indicate that a copy of the Petition was included with the notice to Ms. Buskirk pursuant to Probate Code §2250(e). The Court may require further service.**
3. **Petitioner's Confidential Supplemental Information form contains *Petitioner's* information instead of *Ms. McCoon's* information at #1 (name, DOB, SSN, etc.). Need amended form with the proposed Conservatee's information.**
4. **If granted, bond is required pursuant to Probate Code §2320(c)(4) and Cal. Rules of Court 7.207. Based on the estimated value of the estate including personal property and income, Examiner calculates bond should be $342,100.00.**

Reviewed by: skc
Reviewed on: 6-13-12
Updates: 6-14-12
Recommendation:
File 17 - McCoon

19 Jaca C. Marshall & Diego I.X. Aguilera **Case No. 12CEPR00514**

Atty Aguilera, Irene (Pro Per – Maternal Aunt – Petitioner)

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

Jada Cameron Marshall (11) **DOB: 5-7-01**		
Diego I.Xavier Aguilera (7) **DOB: 11-15-04**		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
✓	**Conf. Screen**	
✓	**Letters**	
✓	**Duties/Supp**	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
✓	**UCCJEA**	
	Citation	
	FTB Notice	

GENERAL HEARING 8-14-12

IRENE AGUILERA, Maternal Aunt, is Petitioner.

Father: **ROBERT MARSHALL**

Mother: **ALMA ROSE AGUILERA**

Paternal Grandfather: Unknown
Paternal Grandmother: Unknown

Maternal Grandfather: Ruben Aguilera
Maternal Grandmother: Maria Aguilera

Petitioner states the mother is homeless and is heavily using methamphetamines. The father has not seen, called or supported the children since 2006. The children have largely resided with Petitioner during their lives except for a three-year time 2009-2011 when they resided with the mother in Southern California (Norwalk). The mother was clean during a small part of those years, but when she came back to Fresno in December 2011, she dropped off the children and went straight to the streets. Petitioner is concerned that once the mother finds out she will not be receiving cash aid for the children, she will come and pick them up, take them to the streets, and to abject danger.

Petitioner states the school knows her from the years that they lived with her, and both children are in need of counseling due to the life their mother has forced them to lead for the past three years. However, she cannot obtain any insurance or medical care for them at this time. Petitioner describes violence from the mother's husband in front of the children and that there were times that he made the children sleep in the car in the driveway instead of the house because of fighting with the mother. He was ultimately incarcerated for beating the mother badly, but she maintained a relationship with him during his incarceration.

NEEDS/PROBLEMS/ COMMENTS:

1. **Need Child Information Attachment for Diego.** *(It appears Jada's is attached twice.)*

2. **Need proof of personal service of Notice of Hearing with a copy of the Temporary Petition at least five (5) Court days prior to the hearing per Probate Code §2250(e) or consent and waiver of notice or declaration of due diligence on:**
   - Alma Rose Aguilera (Mother)
   - Robert Marshall (Father)
   Note: Petitioner's attached declaration describes efforts to locate the father.

Reviewed by: skc

Reviewed on: 6-13-12

Updates:

Recommendation:

File 19 – Marshall & Aguilera

20 Kilian M. Hicks & Aclea M. Hicks (GUARD/P) Case No. 12CEPR00523

Atty Kyle, Penny (Pro Per – Paternal Aunt – Petitioner)
Atty Kyle, Brian (Pro Per – Paternal Uncle – Petitioner)

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

Kilian M. Hicks (5)
DOB : 1-31-07

Aclea Merale Hicks (5)
DOB: 1-31-07

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

TEMPORARY GRANTED EX PARTE EXPIRES 6-19-12

GENERAL HEARING 8-8-12

PENNY and BRIAN KYLE, Paternal Aunt and Uncle, are Petitioners.

Father: **JEFFREY TODD HICKS**
Mother: **SHERRY LYNN NEAL**

Paternal Grandfather: Ronald James Hicks
Paternal Grandmother: Mary D'Alessio

Maternal Grandfather: Unknown
Maternal Grandmother: Unknown

Petitioners state the children are in their custody at this time. Petitioners state the parents are homeless and living on the streets in Eugene, Oregon, and sent the children to stay with Petitioners for the summer stating that they just couldn't take the children anymore and the father was having severe mental illness issues and wanted to check himself into an inpatient psychiatric hospital. Petitioners state the parents told them they have resorted to panhandling and selling plasma.

Petitioners state that the children arrived on an Alaskan Airlines flight on 5-26-12 dirty, hungry, and complaining of pain (*Kilian had a black eye and the children complained of pain in other areas - arm, ribs, teeth, etc.*). Their suitcases were filled with dirty toys, very small clothes, and were crawling with bugs. Petitioners state the children are very scared and withdrawn, apologize constantly for being bad, and were threatened not to talk about anything because "daddy would go to jail."

Petitioners contacted Kingsburg Police, who have been in contact with **Eugene, Oregon Police**, and an arrest warrant is in the process of being issued with regard to Kilian's injuries, which include being punched in the face and spanked with a belt that left bruising and abrasions. Petitioners have also spoken to CPS. Additional details regarding the parents' lifestyle and children's behavior are provided, including pictures drawn by the children.

NEEDS/PROBLEMS/ COMMENTS:

1. Petitioners filed a declaration of due diligence for the parents.

   If diligence is not found, need proof of personal service of Notice of Hearing with a copy of the Temporary Petition at least five Court days prior to the hearing per Probate Code §2250(e) or consent and waiver of notice or further diligence on:

   - Jeffrey Todd Hicks (Father)
   - Sherry Lynn Neal (Mother)

Reviewed by: skc
Reviewed on: 6-14-12
Updates:
Recommendation:
File 20 - Hicks