Monday, September 26, 2016

The Probate Examiner's Office recommends approval of the following Probate matters:

17	16CEPR00569	Norell Stuart Nelson (Estate)
21	16CEPR00851	Clark Michael Douhan (Estate)

The following Probate matters have been continued at the request of the Petitioner or the Petitioner's attorney:

None

The following Probate matters are off calendar:

8	13CEPR01059	Lizibet E. Rousseau (Cons/PE)

Appearance of counsel is recommended for all remaining Probate matters set for hearing.

Thank you.

1A Michelle Lloydel Dale (CONS/PE) Case No. 07CEPR01207

Conservator Dale, Jeffrey (Pro Per – Spouse – Conservator of the Estate only)

Fourth Account and Report of Conservator of the Estate

	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**	
	2620(c)	x
	Order	x
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

JEFFREY DALE, Spouse and Conservator of the Estate with bond of $340,000.00, is Petitioner.

Account period: 10/1/14 – 8/1/16
Accounting: $0
Beginning POH: $0
Ending POH: $0

Petitioner states the conservatorship is assetless since the last accepted account. During the period of the account, there were no cash assets. The conservatorship estate ran out of funds in 2013 and the conservatee's debts were paid from funds borrowed by the conservator, who is the conservatee's husband.

Petitioner states he has received no compensation for his services and is requesting none at this time.

The Conservatee resides at Cottonwood Court), a locked residential care facility in Fresno.

GORDON PANZAK will continue as conservator of the person.

Petitioner requests that:

1. The court finds that the Notice of Hearing on this account, report and petition was given as required by law;
2. The Court make an order approving, allowing and settling the account and report of the conservator in all respects as filed; and
3. The Court grant such other relief as it considers just and proper.

NEEDS/PROBLEMS/COMMENTS:

<u>Need Amended Fourth Account.</u>

1. **Pursuant to Probate Code §1061(a)(1), the property on hand at the beginning of the account period shall be the property on hand at the end of the prior account period.**

   The Third Account, which was settled on 2/4/15, contained multiple account periods, the last of which ended on 6/30/14 with an ending POH value of $280,144.59 (cash plus a one-half interest in real property).

   This Fourth Account begins 10/1/14, leaving a 3-month period unaccounted for, and does not correspond to the assets on hand and the end of the prior account.

2. **A Request for Special Notice was filed 8/23/16 by William Freed, Esq., attorney for Debbie Duehning, conservator of George McLain, IV. Need notice pursuant to Probate Code §1214, 1252.**

3. **Need facility statements pursuant to Probate Code §2620(c)(5).**

4. **The Court may require clarification as to whether the Conservatee receives Social Security or other income, and if so, whether it is handled by Petitioner as payee or by the care facility as share of cost.**

5. **Need order. Local Rule 7.1.1.F.**

Reviewed by: skc

Reviewed on: 9/20/16

Updates:

Recommendation:

File 1A- Dale

Dept. 303, 9:00 a.m. Monday, September 26, 2016

1B **Michelle Lloydel Dale (CONS/PE)** **Case No. 07CEPR01207**

Conservator **Dale, Jeffrey (Pro Per – Spouse – Conservator of the Estate only)**

Conservator of the Estate's Motion to Exonerate Bond of Assetless Conservatorship and Motion to Waive Bond and Order

	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	

JEFFREY DALE, Conservator of the Estate, is Petitioner.

Petitioner states he was appointed conservator of the estate in 2008 and has satisfactorily performed his duties to date. The accounting has been duly filed and accepted by this court. The last accounting showed that all assets have been correctly and lawfully expended on behalf of the Conservatee. The estate is assetless, and there appears to be no need for future annual bonds to be imposed on the conservator of the estate. The Conservator of the Estate is informed and believes that an old bond placed upon the conservator in 2009 is still in place.

Petitioner prays that the Court find good cause exists and the court order that the bond be exonerated and waive the requirement for an annual bond on Mr. Dale.

NEEDS/PROBLEMS/COMMENTS:

<u>Note</u>: See Page A re amended account needed.

6. **A Request for Special Notice was filed 8/23/16 by William Freed, Esq., attorney for Debbie Duehning, conservator of George McLain, IV. Need notice pursuant to Probate Code §1214, 1252.**
7. **The proposed order is not in compliance with Local Rule 7.6.1.F. Need revised order.**

Reviewed by: skc

Reviewed on: 9/21/16

Updates:

Recommendation:

File 1B- Dale

Dept. 303, 9:00 a.m. Monday, September 26, 2016

2A In the Matter of the Verni Family Trust Case No. 10CEPR00639

Attorney Joseph Marchini; J. Jackson Waste; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)

Attorney Kenneth Baldwin; Timothy Thompson; Nikole Cunningham; of McCormick Barstow (for Co-Trustee Nicola "Nick" Verni, son)

Attorney L. Kim Aguirre, of Gromis & Aguirre (for Co-Trustee Antonietta "Rosa" Verni, daughter)

Attorney John Phillips; of Wild, Carter & Tipton (for Leonard "Dino" Verni, son)

Attorney Jeffrey Bohn, sole practitioner (for Erlinda M. Verni, surviving spouse)

Status Hearing

Leonarda DOD: 7/31/2000		
Saverio DOD: 5/25/2009		
Cont. from 032114, 053014,080414, 091514, 031615, 062215, 081715, 113015, 032816, 062016		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
✓	Status Rep.	
	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	

CARMELA DeSANTIS, daughter and Trust Beneficiary, filed the following pleadings in this matter:

- *Petition to Remove Trustees; Appoint Receiver; Surcharge Trustees; Deny Trustees Compensation; Impose Constructive Trust on Assets; and Cause Proceedings to Trace and Recover Assets* on 7/26/2012.
- *Amended Objections to First Account Current of Trustee*, and *Objections to Second Account Current of Trustee* on 7/26/2012.
- *Petition to Construe Trust Provision* on 7/26/2012.
- *Petition to Establish Claim of Ownership, in Favor of Trust, to Property and for Order Directing its Transfer to the Trustees to Hold in Trust* on 8/14/2012;
- *Petition for Review of Accounts and Acts of Trustees* on 9/25/2013.

NICOLA "NICK" VERNI, son and Successor Trustee of the **SURVIVOR'S TRUST,** and **ANTONIETTA "ROSA" VERNI,** daughter and Trustee of the **MERGED FAMILY SUB-TRUST,** filed the following pleadings in this matter:

- *Response to Petition to Remove Trustees, etc. on 9/27/2012*.
- *Response to Petition to Construe Trust Provision* on 9/27/2012.
- *Response to Petition to Establish Claim of Ownership* on 9/27/2012.
- *Response to Petition for Review of Accounts and Acts of Trustees* on 12/5/2013.

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS:

Page 2B is the *Petition to Remove Trustees, etc.*
Page 2C is the *Petition to Construe Trust Provision*.
Page 2D is the *Petition to Establish Claim of Ownership in Favor of Trust to Property, etc.*
Page 2E is the *Petition for Review of Accounts and Acts of Trustees*.

Continued from 6/20/2016.

Reviewed by: LEG	
Reviewed on: 9/21/16	
Updates:	
Recommendation:	
File 2A – Verni	

***Petitioner Carmela DeSantis' Status Report* filed by *Attorney Joseph Marchini on* 9/14/2016 states:**

- Petitioner has several pending petitions and several objections to trustee accountings pending before the court in this matter *[list of petitions and objections omitted]*;
- The trustees have provided and intend to provide, but not filed with the court, accountings for periods subsequent to those that are the subject of the current objections. Petitioner is reserving the filing of additional objections pending the outcome of *[a further accounting for the period beginning with the end of the last accounting and ending in approximately March, 2016 that is being prepared and will be filed by the Trustees]*;
- Petitioner has deposed numerous produce buyers who engaged in transactions posted to the first and second accountings; the depositions of the accountants who prepared the accounts are still to be taken;
- **Open discovery:** Petitioner has deposed numerous produce buyers who engaged in transactions posted to the first and second accountings; the depositions of the accountants who prepared the accountings are still to be taken;
- **Petition to Construe:** This petition was severed from other matters for separate trial in the belief that the resolution of this matter might streamline litigation of the others. On 8/4/2014, the Court issued its *Statement of Decision*; the Appeal has been heard, and the trial court's judgment affirmed.
- **Administration of the Trusts:** Counsel for Trustee Nick Verni and counsel for Mrs. DeSantis have recently spoken about the status of the estate. In June 2016, Counsel for Nicola Verni advised counsel for Mrs. DeSantis that the real property held in trust is currently being appraised by **RICK P. SMITH** so that the trustees may formulate a plan for distribution of the trusts.
- Counsel for Mr. Verni further advises that the trustees are in the process of preparing a further accounting for the period beginning with the end of the last accounting and ending in approximately March, 2016;
- Once the appraisals, accounting, and proposed distribution plan are available, counsel will be able to complete their discussions regarding resolution of the pending petitions or to request the matter be set for trial. Mrs. DeSantis requests that this matter be continued for no more than **30 days** to assure the materials will be provided by the Trustees soon so that she may review the materials in a timely fashion.

***Trustee [Nicola Verni's] Status Report* filed by *Attorney Timothy L. Thompson on* 6/9/2016 for the <u>previous status hearing</u> states:**

- On 9/22/2014, after trial in this matter held before the Honorable Robert H. Oliver, judgment was entered in favor of the Trustees as to the *Petition to Construe Trust Provisions*;
- A *Notice of Appeal* was filed by Petitioner, Carmela DeSantis, on 1/23/2015;
- The parties submitted their respective briefs, oral argument was held on 1/25/2016, and on 1/27/2016, the Appellate Court issued it Opinion affirming the judgment and awarding costs on appeal to the Respondent Trustees;
- The Appellate Court issued the Remittitur on 3/28/2016 and the Trustees filed a Memorandum of Costs on Appeal on 4/27/2016; the Appellant paid the full amount of the costs claimed *[of **$1,761.70**]* prior to the expiration of the time limit to file a Motion to Tax Costs;
- The remaining issues in this matter include the *Petition to Remove Trustees; Appoint Receiver; Surcharge Trustees; Deny Trustees Compensation; Impose Constructive Trust on Assets; and Cause Proceedings to Trace and Recover Assets*; the ruling in favor of Trustees on the trust interpretation issue has removed the necessity to trace and recover *inter-vivos* gifts and potentially resolves some of the remaining accounting issues;

~Please see additional page~

2A, Second Additional Page, Matter of the Verni Family Trust Case No. 10CEPR00639

***Trustee [Nicola Verni's] Status Report* filed 6/9/2016 for the <u>previous status hearing</u> continued:**

- Following the Appellate Court's Decision, Attorney Thompson spoke with opposing counsel, Mr. Marchini, and based upon those discussions he is optimistic that the parties will be able to discuss a resolution of the remaining issues without further litigation;
- The Trustees are continuing with the process of gathering information regarding the value of certain assets in the trust (real estate appraisals are being obtained on various properties), which need to be distributed pursuant to the trust terms;
- Once those values are obtained, they intend to work with opposing counsel and the other parties to resolve the remaining issues;
- They request this matter be continued for a further Case Management Conference for at least **90 days** to allow the parties to conduct the necessary work and discussions to see if the matter can be resolved.

Dept. 303, 9:00 a.m. Monday, September 26, 2016

2B In the Matter of the Verni Family Trust (Trust) Case No. 10CEPR00639

Attorney **Joseph Marchini; J. Jackson Waste; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)**

Attorney **Kenneth Baldwin; Timothy Thompson; Nikole Cunningham; of McCormick Barstow (for Co-Trustee Nicola "Nick" Verni, son)**

Attorney **L. Kim Aguirre, of Gromis & Aguirre (for Co-Trustee Antonietta "Rosa" Verni, daughter)**

Attorney **John Phillips; of Wild, Carter & Tipton (for Leonard "Dino" Verni, son)**

Attorney **Jeffrey Bohn, sole practitioner (for Erlinda M. Verni, surviving spouse)**

Petition to: (1) Remove Trustees; (2) Appoint Receiver; (3) Surcharge Trustees; (4) Deny Trustees Compensation; (5) Impose Constructive Trust on Assets; and (6) Cause Proceedings to Trace and Recover Assets [Prob. C. 15642, 16420 & 17200]

Leonarda DOD: 7/31/2000

Saverio DOD: 5/25/2009

Cont. from 091112, 100212, 120512, 010313, 022113, 032213, 052413, 062113, 062813, 083013, 092713, 103013, 120613, 012714, 032114, 053014, 080414, 091514, 031615, 062215, 081715, 113015, 032816, 062016

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

CARMELA DeSANTIS, daughter and Trust Beneficiary, is Petitioner.

Petitioner states:

- The **VERNI FAMILY TRUST of 1999** was created by **SAVERIO VERNI** and **LEONARDA VERNI** on 6/10/1999, and was amended once by Settlors on the following day, 6/11/1999; Leonarda died on 7/31/2000, thereby causing the Trust to be divided into three sub-trusts: the **VERNI MARITAL TRUST**, the **VERNI FAMILY TRUST**, (which was amended once during both Trustors' lifetimes), and the **VERNI SURVIVOR'S TRUST** (*copies of Trusts attached as Exhibit A);* following Leonarda's death, Saverio amended the **SURVIVOR'S TRUST** seven times, with the *Eighth Amendment* (the final) amending the **SURVIVOR'S TRUST** in its entirety;
- Saverio served as sole trustee of the three sub-trusts until his death on 5/25/2009, and upon his death the Marital Sub-Trust terminated and its principal was added to the Family sub-trust, which became the **MERGED FAMILY SUB-TRUST**;
- Pursuant to the Trust terms, **ANTONIETTA ROSA VERNI**, daughter, is first appointed and currently serves as Successor Trustee of the Merged Family Sub-Trust; pursuant to the *Eighth Amendment* to Trust, **NICOLA VERNI**, son, is first appointed and currently serves as Successor Trustee of the **SURVIVOR'S TRUST**;
- The beneficiaries of each of the Sub-Trusts are the Settlor's five children: **ANTONIETTA ROSA VERNI (Rosa), NICOLA VERNI (Nick), LEONARD VERNI (Dino), MARIA STANZIALE, and CARMELA DeSANTIS** (Petitioner); and specific distributions from the Survivor's Sub-Trust are to **ERLINDA MARCIANO VERNI ($200,000.00)** and **ST. ANTHONY OF PADUA CATHOLIC CHURCH ($200,000.00**);
- Following the death of Saverio and Leonarda, the Merged Family Sub-Trust names Rosa as First Successor Appointee, and Maria as Second Successor Appointee; Eighth Amendment provides that upon Saverio's ceasing to act as trustee, Nick will serve as trustee of the Survivor's Sub-Trust;
- **Petitioner seeks a Court order pursuant to Probate Code § 15642 removing Rosa as trustee of the Merged Family Sub-Trust, and removing Nick as trustee of the Survivor's Sub-Trust; Petitioner also seeks a determination by the Court that Dino is not qualified to serve as next successor trustee of the Survivor's Sub-Trust.**

NEEDS/PROBLEMS/ COMMENTS:

Continued from 6/20/2016.

Note: Additional notes pages originally prepared with respect to this petition have been omitted.

Reviewed by: LEG

Reviewed on: 9/21/16

Updates:

Recommendation

File 2B – Verni

2C In the Matter of the Verni Family Trust (Trust) Case No. 10CEPR00639

Attorney Joseph Marchini; J. Jackson Waste; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)
Attorney Kenneth Baldwin; Timothy Thompson; Nikole Cunningham; of McCormick Barstow (for Co-Trustee Nicola "Nick" Verni, son)
Attorney L. Kim Aguirre, of Gromis & Aguirre (for Co-Trustee Antonietta "Rosa" Verni, daughter)
Attorney John Phillips; of Wild, Carter & Tipton (for Leonard "Dino" Verni, son)
Attorney Jeffrey Bohn, sole practitioner (for Erlinda M. Verni, surviving spouse)

Petition to Construe Trust Provision [Prob. C. 17200]

Leonarda DOD: 7/31/2000

Saverio DOD: 5/25/2009

Cont. from 100212, 120512, 010313, 022113, 032213, 052413, 062113, 062813, 083013, 092713, 103013, 120613, 012714, 032114, 053014, 080414, 091514, 031615, 062215, 081715, 113015, 032816, 062016

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	Duties/S	
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	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Post	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notc	

CARMELA DeSANTIS, daughter and Trust Beneficiary, is Petitioner.
Petitioner states:

- The **VERNI FAMILY TRUST of 1999** was created by **SAVERIO VERNI** and **LEONARDA VERNI** on 6/10/1999, and was amended once by Settlors on the following day, 6/11/1999; Leonarda died on 7/31/2000, thereby causing the Trust to be divided into three sub-trusts: the **VERNI MARITAL TRUST**, the **VERNI FAMILY TRUST**, (which was amended once during both Trustors' lifetimes), and the **VERNI SURVIVOR'S TRUST** (*copies of Trusts attached as Exhibit A);*
- The instant petition relates to a provision contained in the **SURVIVOR'S SUB-TRUST;** over Petitioner's objections, Trustees Nick and Rosa have provided a commingled accounting for the Merged Family and Survivor's Sub-Trusts, which fails to segregate each Sub-Trust's assets, liabilities, receipts and disbursements;
- The failure to appropriately segregate assets, liabilities, receipts and disbursements among the Sub-Trusts prevents the Court, trustee and beneficiaries from determining the size and holdings of the **SURVIVOR'S SUB-TRUST**; because the **SURVIVOR'S SUB-TRUST** will be used to fund the above-referenced equalization provision, any appropriate increase in size to that particular Sub-Trust will allow greater realization of the Trustor's intent and will provide a means for effectuating the equalization of prior distributions; conversely, any inappropriate decrease in the size of the **SURVIVOR'S SUB-TRUST** will undermine the Trustor's intent and deny the Trustee the ability to effectuate an equalization;
- **The Trustee of the SURVIVOR'S SUB-TRUST believes that distributions made during Saverio's lifetime should <u>not</u> be considered for purposes of the equalization process; Petitioner believes this to be contrary to the language of the provision and intent of the Trustor.**
- **Petitioner requests a judicial declaration from the Court concerning the proper construction of Subsection1, of Section B, or Article IV of the SURVIVOR'S SUB-TRUST** *[refer to copy of Trust or Paragraph 11 of Petition for exact language requiring apportionment of the residue of the trust estate into equal shares for Trustor's living children.]*

NEEDS/PROBLEMS/ COMMENTS:

<u>Continued from 6/20/2016</u>.

<u>Note</u>: Additional notes pages originally prepared with respect to this petition have been omitted.

Reviewed by: LEG
Reviewed on: 9/21/16
Updates:
Recommendation:
File 2C – Verni

Dept. 303, 9:00 a.m. Monday, September 26, 2016

2D In the Matter of the Verni Family Trust (Trust) Case No. 10CEPR00639

Attorney Joseph Marchini; J. Jackson Waste; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)
Attorney Kenneth Baldwin; Timothy Thompson; Nikole Cunningham; of McCormick Barstow (for Co-Trustee Nicola "Nick" Verni, son)
Attorney L. Kim Aguirre, of Gromis & Aguirre (for Co-Trustee Antonietta "Rosa" Verni, daughter)
Attorney John Phillips; of Wild, Carter & Tipton (for Leonard "Dino" Verni, son)
Attorney Jeffrey Bohn, sole practitioner (for Erlinda M. Verni, surviving spouse)

Petition to Establish Claim of Ownership, in Favor of Trust, to Property and for Order Directing its Transfer to the Trustees to Hold in Trust (Prob. C. 850, 17200.1)

Leonarda DOD: 7/31/2000

Saverio DOD: 5/25/2009

Cont. from 100212, 120512, 010313, 022113, 032213, 062113, 062813, 083013, 092713, 103013, 120613, 012714, 032114, 053014, 080414, 031615, 062215, 081715, 113015, 032816, 062016

	Aff.Sub.W	
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	Objection	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Post	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

CARMELA DeSANTIS, daughter and Trust Beneficiary, is Petitioner and requests orders:

1. Determining that the following is property of the Trust estate:
   (a) **Almond crops**: (i) The almond meat inventory on hand at the date of Saverio's death; (ii) all almond crops grown on Trust land since Saverio's death; and (iii) proceeds from the sale of the almond inventory and crops;
   (b) **Olive crops**: (i) The olive oil, olive crop and olive inventory on hand at the date of Saverio's death; (ii) all olive crops grown on Trust land since Saverio's death; and (iii) proceeds from the sale of the olive oil, inventory and crops;
   (c) **Other crops (Stone Fruit, Grapes, Etc.):** (i) The inventory of other crops grown on Trust land, on hand at the time of Saverio's death but not reported in the Trustee's First Account; (ii) all such crops grown on Trust land since Saverio's death and during 2009; and (iii) proceeds from sale of inventory/crops;
   (d) **Other Inventory on Hand:** (i) The inventory of firewood and olive oil on hand at the time of Saverio's death but not reported in the Trustee's First Account; (ii) all such items produced from products grown on Trust land since Saverio's death and during 2009; [and (iii) proceeds from inventory;]
   (e) **Proceeds from Sale of Trust Real Property:** The money received of **~$1,000,000.00** by Nick and Dino from DeYoung Properties in connection with the option to purchase land and used by DeYoung Properties to actually purchase Trust land;
2. Directing each of the beneficiaries in possession to transfer such property to the Trustees to hold for the benefit of the Trust and the appropriate Sub-Trust(s);
3. Directing each of the beneficiaries in possession of proceeds from the sale or exchange of any of the property to transfer such proceeds to the Trustees to hold for the benefit of the Trust and the appropriate Sub-Trust(s);
4. For judgment in favor of the Trustees of the Trust against any beneficiary who received the Trust property and proceeds, in an amount to be determined and as required to compensate for all of the detriment and damages cause to the Trust; and
5. For treble damages pursuant to Probate Code § 859.

NEEDS/PROBLEMS/ COMMENTS:

Continued from 6/20/2016.

Note: Additional notes pages originally prepared with respect to this petition have been omitted.

Reviewed by: LEG
Reviewed on: 9/21/16
Updates:
Recommendation:
File 2D – Verni

Dept. 303, 9:00 a.m. Monday, September 26, 2016

2E In the Matter of the Verni Family Trust (Trust) Case No. 10CEPR00639

Attorney Joseph Marchini; J. Jackson Waste; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)
Attorney Kenneth Baldwin; Timothy Thompson; Nikole Cunningham; of McCormick Barstow (for Co-Trustee Nicola "Nick" Verni, son)
Attorney L. Kim Aguirre, of Gromis & Aguirre (for Co-Trustee Antonietta "Rosa" Verni, daughter)
Attorney John Phillips; of Wild, Carter & Tipton (for Leonard "Dino" Verni, son)
Attorney Jeffrey Bohn, sole practitioner (for Erlinda M. Verni, surviving spouse)

Petition for Review of Accounts and Acts of Trustees [Prob. C. 16063(a)(5); 17200(b)(5)]

Leonarda DOD: 7/31/2000

Saverio DOD: 5/25/2009

Cont. from 120613, 012714, 032114, 053014, 080414, 091514, 031615, 062215, 081715, 113015, 032816, 062016

	Aff.Sub.Wit.	
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	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

CARMELA DeSANTIS, daughter and Trust Beneficiary, is Petitioner.

Summary of Petitioner's requests in the Prayer for Relief:

- That each of the Second, Third, and Fourth Accounts Current submitted to Petitioner by the Co-Trustees be disallowed;
- That the Co-Trustees, and each of them, be ordered to compensate the estate for any loss caused by their acts and omissions;
- That the Trustees be directed to prepare and file a true and full account of their acts and proceedings within such time as may be allowed by this Court; and
- That Petitioner be reimbursed attorney's fees and costs.

***Response to Petition for Review of Accounts and Acts of Trustees* filed on 12/5/2013 by Trustees Nick Verni and Rosa Verni pray for an Order of this Court that:**

- The objections of Petitioner be dismissed;
- All acts and transactions of the Trustees as reflected in the Account and Report be ratified and confirmed;
- The Trustees be authorized and directed to continue the administration of the Sub-Trusts until such time as the remaining tasks discussed herein are accomplished, the remaining legal actions discussed herein are resolved, and a plan of final distribution can be presented to the beneficiaries of the trust for their consent;
- Petitioner take nothing by way of her Petition; and
- Attorney's fees and costs of suit are awarded to Respondents.

***Objections to Third Account Current of the Family Trust* filed by CARMELA DESANTIS on 11/5/2015.**

***Objections to Third Account Current of the Survivor's Trust* filed by CARMELA DESANTIS on 11/5/2015.**

NEEDS/PROBLEMS/ COMMENTS:

Continued from 6/20/2016.

Note: Petitioner requests the Court **review** and **disallow** the Second, Third and Fourth Accounts. Because the subject accounts are attachments by Petitioner and have not been duly filed with the Court by the Co-Trustees as the fiduciaries, the accounts have not been reviewed by the Court.

Note: Additional notes pages originally prepared with respect to this petition have been omitted.

Reviewed by: LEG

Reviewed on: 9/21/16

Updates:

Recommendation:

File 2E – Verni

Dept. 303, 9:00 a.m. Monday, September 26, 2016

3 Shirley B. Taylor (Estate) Case No. 10CEPR00830

Attorney: Deborah K. Boyett (for Petitioner Donna T. Wright)

First And Final Account And Report Of Administrator And Petition For Its Settlement; For Order Fixing And Allowing Statutory Compensation To Attorney And Allowing Compensation To Attorney For Extraordinary Services; And For Final Distribution

DOD: 8/15/10			
Cont. from 090816			
	Aff.Sub.Wit.		
✓	**Verified**		
✓	**Inventory**		
✓	**PTC**		
✓	**Not.Cred.**		
✓	**Notice of Hrg**		
✓	**Aff.Mail**	W/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	**Letters**	7/17/12	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	**9202**		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	**FTB Notice**		

DONNA T. WRIGHT, Administrator, is petitioner.

Account period: 7/17/12 – 7/25/16

Accounting - **$381,348.32**
Beginning POH - **$380,600.00**
Ending POH - **$380,320.07**

Administrator - **waives**

Attorney - **$10,612.00**
(statutory)

Attorney x/o - **$7,571.00**
(per itemization and declaration for sale of real property, 27.40 hours @ $275 – 395 per hour.)

Costs - **$1,070.50**
(filing fees, certified copies, recorder fees)

Distribution, pursuant to intestate succession and assignments of interest is to:

Donna T. Wright - Real property, personal property, automobile and $180,166.57

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: KT
Reviewed on: 9/20/16
Updates:
Recommendation:
File 3- Taylor

Dept. 303, 9:00 a.m. Monday, September 26, 2016

4 Aubryaunah Aquino & Andrew Aquino (GUARD/P)

Case No. 11CEPR00132

Petitioner Aquino, Ricardo Chez (Pro Per – Father)

Petition for Termination of Guardianship

Aubryaunah Age:9			**RICARDO CHEZ AQUINO,** father, is petitioner.
Andrew Age: 8			
			Please see petition for details
Cont. from			
	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		

NEEDS/PROBLEMS/COMMENTS:

1. Petition is incomplete. Petitioner does not provide a reason why termination of the guardianship is in the best interest of the minors.

2. Need Notice of Hearing.

3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Termination of Guardianship for:
   - Josefa Fraga (Guardian)
   - Cecilia Navil Ramos (Mother)
   - Ricardo Valverde Aquino (Paternal Grandfather)
   - Lisa Marie Aquino (Paternal Grandmother)
   - Victor Ramos (Maternal Grandfather)

Reviewed by: LV

Reviewed on: 09/21/2016

Updates:

Recommendation:

File 4- Aquino

Dept. 303, 9:00 a.m. Monday, September 26, 2016

5 Vanessa Perez and Brianna Perez (GUARD/P) Case No. 11CEPR00716

Petitioner Perez, Sandra (Pro Per – Mother)
Objector Rodriguez, Sylvia (Pro Per – Guardian)

Petition for Termination of Guardianship

Brianna Age: 10			**SANDRA PEREZ,** mother, is petitioner.
Vanessa Age: 15			
			Please see petition for details
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		
	Duties/Supp		
	Objections		
	Video Receipt		
✓	**CI Report**		
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

1. Proof of Civil Service filed 09/15/2016 indicates that Sylvia Rodriguez, guardian, was served by mail on 09/14/2016. The proof of service indicates that a Notice of Hearing was also served however the Notice of Hearing showing service must be filed.

Note: Proof of Service indicates Sylvia Rodriguez was served by mail on 09/14/2016 which is only 12 days prior to the hearing and not the required 15 days.

2. Proof of Civil Service filed 09/15/2016 indicates that Angelo Perez, Carlos Perez, and Petra Martinez, were served by mail on 09/14/2016. The proof of service indicates that a Notice of Hearing was also served however the Notice of Hearing showing service must be filed.

Note: Proof of Service indicates Angelo Perez, Carlos Perez and Petra Martinez were served by mail on 09/14/2016 which is only 12 days prior to the hearing and not the required 15 days.

Please see additional page

Reviewed by: LV
Reviewed on: 09/21/2016
Updates:
Recommendation:
File 5- Perez

Dept. 303, 9:00 a.m. Monday, September 26, 2016

5(additional page) Vanessa and Brianna Perez (GUARD/P) Case No. 11CEPR00716

NEEDS/PROBLEMS/COMMENTS continued:

3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Termination for:
    - Amedeo Garcia (Maternal Grandfather)
    - Petra Garcia (Maternal Grandmother)
    - Vanessa Perez (Minor)

For Objector:

1. Proof of Service on Objection to Termination of Guardianship filed 09/01/2016 appears to be a copy. Need original.

Dept. 303, 9:00 a.m. Monday, September 26, 2016

6 Nathaniel Swenson & Scarlet Swenson Case No. 12CEPR00833

Atty Fanucchi, Edward L. (for Talina Hurley – maternal grandmother/Guardian)

Status RE: Establishment of a Guardianship in Oregon

Cont. from 012615, 030915, 060115, 062915, 080315, 083115, 102615, 011116, 071116, 082216

	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	

TALINA HURLEY, maternal grandmother, was appointed Guardian on 11/19/12.

On 05/27/14, the Court granted Guardian's Petition to Fix Residence Outside the State of California.

On 06/24/14, Debra Swenson, paternal grandmother, filed ***Ex Parte Application for Temporary Restraining Order Preventing Guardian from Fixing Residence of Minors Outside of California and an Order Shortening Time on Petition to Terminate Order Fixing Minors Residence Outside of California***. The Ex Parte Application was granted 6/24/14 and hearing was set for 7/10/14.

On 7/10/14, the matter was set for trial.

At Court trial on 7/24/14, the Court found no detriment in allowing the children to move to Oregon and set this Status Hearing re Establishment of a Guardianship in Oregon.

Cover Sheet for Oregon Petition for Appointment of Guardian and Attached Documents filed 2/17/15 attaches a copy of a Petition for Appointment of Guardian in Washington County, Oregon.

Status Report filed 12/8/15 states the Oregon court held a hearing on 11/30/15 and set the matter for review on 06/27/16. The Oregon Judge indicated that he had been in contact with Judge Kazanjian and that the California guardianship will remain in full force and effect until the Oregon matter gets set aside.

SEE PAGE 2

NEEDS/PROBLEMS/COMMENTS:

Minute Order 8/22/16:
Talina Hurley represents that the Oregon judge is "sitting" on the matter due to the Juvenile Court being involved. The Court orders Ms. Hurley to obtain a hearing date for establishing guardianship of Scarlet, and to be present on CourtCall on 9/26/16.

Status Report filed 9/19/16 by Attorney Fanucchi states there have been no changes in the status of this matter.

1. Need proof of establishment of guardianship or equivalent in Oregon pursuant to Probate Code §2352(d).

Reviewed by: skc

Reviewed on: 9/20/16

Updates:

Recommendation:

File 6- Swenson

Page 2 - Status Report filed 7/8/16 states there have been no changes since the last status hearing held on this matter in January 2016. Attempts have been made to contact the client, Talina Hurley, but no response has been received. She last indicated that the matter was set to be reviewed by the Oregon courts in June 2016; this office has not been updated as to the results.

On 7/8/16, it was confirmed that the Oregon Probate Department that their guardianship case C14-0545-PG was dismissed by the Probate Court on 8/7/15 and transferred to the Juvenile Court as Case No. J140415. In the order dated 9/29/15 in Juv. Court Case J150602, it was stated that no action was taken in the matter; that the Court tracks the case with Nathaniel's delinquency case in J140415 and that Oregon Circuit Court Judge Ricardo J. Menchaca was going to contact the Judge in California.

On 7/8/16, the Juvenile Court Clerk confirmed that J140415 remained open as to minor Nathaniel and that the case had been assigned to the Oregon Youth Authority. An attempt to contact the case worker (phone number provided) was made and voice mail left; however, a call back has not yet been received.

Status Report filed 8/9/16 by Attorney Fanucchi states his client Talina Hurley has been frustrated with efforts to get the Oregon Courts to grant guardianship for Scarlet and Nathaniel. It appears that once Nathaniel was assigned into the Youth Authority Program, the Court dismissed the guardianship matter, which means Scarlet's guardianship was also dismissed. Talina Hurley has no financial means to hire counsel in Oregon to try to get additional guidance. Ms. Hurley has reported to Attorney Fanucchi that the children are doing well. Attached is an email reporting the positive progress of the children and the continued threats posed by their mother of taking them away from their stable and thriving environment back into an unstable and questionable one. She is fearful that if the California guardianship is terminated it will put the children at risk.

Additionally, for the Court's attention: Ms. Hurley has no funds to pay for the CourtCall. She has had transportation issues and does not have a vehicle that could be driven to the hearing, and has no funds to pay for transportation to the hearing. The attorney has paid for her CourtCall charges and likely will not be reimbursed.

It is requested that the California guardianship remain in full force and that a status be set if necessary for an additional one-year review.

7 **Michael Lynn Doolittle (Estate)** **Case No. 13CEPR00257**

Atty **Hemb, Richard E. (for Amber Lynne White – Daughter – Executor)**

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

DOD: 2/15/13		
Cont. from 071114, 111014, 020215, 050415, 091415, 121415, 060616		
	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	

AMBER LYNNE WHITE, Daughter, was appointed as Executor with Full IAEA without bond on 5/13/13.

At the hearing on 5/13/13, the Court set this status hearing for the filing of the petition for final distribution pursuant to Probate Code §12200.

I&A filed 9/4/13 indicates a total estate value of $585,750.00 consisting of decedent's interest in various real property.

Status Report filed 6/3/16 states there has been an agreement to purchase and joint escrow instructions between Team 5 Properties Inc. (Buyer) and Cindy Gill and Amber Whit, executor (the two undivided 50% owners). $70,000 has been deposited by Buyer to date towards the purchase price of $825,000, the estate's share being one-half. The agreement calls for closing to take place the earlier of six months from 5/11/16 or 15 days after the Army Corp of Engineers approves a plan for Dog Creek.

Status Report filed 9/23/16 states closing will conclude once final approval by the Corp. of Engineers is received for Dog Creek, which adjoins said real property.

NEEDS/PROBLEMS/ COMMENTS:

<u>Minute Order 12/14/15</u>: Counsel requests additional time due to complications with the property.

1. **Need first account or petition for final distribution pursuant to Probate Code §12200 or current written status report pursuant to Local Rule 7.5.**

Reviewed by: skc
Reviewed on: 9/20/16
Updates: 9/23/16
Recommendation:
File 7 - Doolittle

8 **Lizibet E. Rousseau (CONS/PE)** **Case No. 13CEPR01059**

Attorney **Kruthers, Heather H. (for Public Guardian)**

Status RE: Termination of Proceeding for Deceased Conservatee

DOD: 1/14/16			**The FRESNO COUNTY PUBLIC GUARDIAN** was appointed Conservator of the Estate on 8/26/14. Conservator's First Account was settled on 10/22/15. The Conservator informed the Court that the Conservatee passed away on 1/14/16. On 1/19/16, the Court set this status hearing for termination of proceeding for deceased Conservatee and sent notice to the Conservator, County Counsel.	**NEEDS/PROBLEMS/COMMENTS:** **OFF CALENDAR** **Final Account filed 9/14/16 is set for hearing 10/19/16**
Cont. from 071816				
	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:** 9/20/16
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 8- Rousseau**

Dept. 303, 9:00 a.m. Monday, September 26, 2016

9 Elizabella Lynne Godina, Micheal Godina, Emily Williams (GUARD/P)
Case No. 15CEPR00615

Petitioner: Melissa Katherine Meno (pro per)
Petitioner: Jackalyn Nicole Meno (pro per)

Petition for Appointment of Guardian

Age: 2 months			**TEMPORARY EXPIRES 09/26/2016**	**NEEDS/PROBLEMS/COMMENTS:**
			MELISSA MENO and **JACKALYN NICOLE MENO,** maternal cousins, are petitioners.	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 for: • Father (Unknown) – Unless the Court dispenses with notice. **Note to Judge:** Declaration of Due Diligence filed 07/25/2016 indicates the mother was prostituting herself and therefore the father is unknown. 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 for: • Paternal Grandparents (Unknown) – Unless the court dispenses with notice. **Note:** Declaration of Due Diligence filed 08/01/2016
			Please see petition for details	
Cont. from				
	Aff.Sub.Wit.			
✓	**Verified**			
	Inventory			
	PTC			
	Not.Cred.			
✓	**Notice of Hrg**			
	Aff.Mail	w/		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	x		
✓	**Conf. Screen**			
✓	**Letters**			
✓	**Duties/Supp**			
	Objections			
	Video Receipt			
✓	**CI Report**			
	9202			
✓	**Order**			
	Aff. Posting			**Reviewed by:** LV
	Status Rpt			**Reviewed on:** 09/22/2016
✓	**UCCJEA**			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 9- Godina & Williams**

Dept. 303, 9:00 a.m. Monday, September 26, 2016

10 Jose Nunez, Eron Nunez, Rodolfo Nunez (GUARD/P)

Case No. 15CEPR00632

Petitioner **Nunez, Perla (Pro Per – Mother)**

Petition for Visitation

Eron Age: 17			**PERLA NYRIA NUNEZ**, mother, is petitioner.
Jose Age: 13			**Please see petition for details**
Rodolfo Age: 16			
Cont. from 081516			
	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		

NEEDS/PROBLEMS/COMMENTS:

Minute Order of 08/15/2016: Examiner notes provided in open court.

The following issues remain:

1. Need Notice of Hearing.

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 Visitation for:
   - Maria Elegre Nunez (Guardian)
   - Eron Nunez (Father)
   - Eron Nunez (Minor)
   - Jose Nunez (Minor)
   - Rodolfo Nunez (Minor)

Reviewed by: LV

Reviewed on: 09/20/2016

Updates:

Recommendation:

File 10- Nunez

Dept. 303, 9:00 a.m. Monday, September 26, 2016

11 Kurt Dewayne Hudson (Estate) Case No. 15CEPR01024

Attorney **Jennifer L. Walters (for Robert Hudson and Mary Ann Hudson, Co-Administrators)**

Probate Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 9/7/2015			**ROBERT HUDSON** and **MARY ANN HUDSON**, parents, were appointed Co-Administrators with Full IAEA authority without bond on 1/25/2016.	**NEEDS/PROBLEMS/COMMENTS:**
				<u>Continued from 7/25/2016</u>.
Cont. from 052316, 072516			***Letters* issued on 1/28/2016.**	**The following issue from the last hearing remains:**
	Aff.Sub.Wit.			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), including notice to **GERALD TOMASSIAN** per the *Request for Special Notice* filed 12/3/2015.
	Verified			
	Inventory	X	**Pursuant to Probate Code § 8800(b)**, *Final Inventory and Appraisal* was due **5/28/2016**.	
	PTC			
	Not.Cred.			
	Notice of Hrg		***Minute Order* dated 1/25/2016** from the hearing on the petition for letters of administration set the matter for a Status Hearing on 5/23/2016 for filing of the final inventory and appraisal.	
	Aff.Mail	X		
	Aff.Pub.			
	Sp.Ntc.	X		
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			**Reviewed by:** LEG
	Status Rpt	X		**Reviewed on:** 9/21/16
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 11- Hudson**

Dept. 303, 9:00 a.m. Monday, September 26, 2016

12 Theron Livermore (Estate) Case No. 15CEPR01079

Attorney: Gary G. Bagdasarian (for Administrator Janet Curtiss)

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

DOD: 3/10/15			**JANET CURTISS**, Daughter and Administrator with Will Annexed with Limited IAEA without bond, is Petitioner.
Cont. from			
	Aff.Sub.Wit.		Sale price: $96,500.00 Overbid: $101,825.00
✓	**Verified**		
✓	**Reappraisal**		Reappraisal: $96,500.00
	PTC		Property: 4319 N. Feland Ave. Fresno, CA 93722
	Not.Cred.		
✓	**Notice of Hrg**		Publication: Business Journal
✓	**Aff.Mail**	W/	Buyer: Alain Jeschien, a married man as his sole and separate property.
✓	**Aff.Pub.**		
	Sp.Ntc.		Broker: 6% or $5,790.00 Premier Valley Realty.
	Pers.Serv.		
	Conf. Screen		Petitioner requests to place proceeds of sale into a blocked account.
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	**Order**		
✓	**Aff. Posting**		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

1. An Order confirming the sale of this property was entered on 6/27/16, confirming the sale of the real property to Jennifer Fregoso. It appears that the 6/27/16 order must be vacated prior to this sale being confirmed.

Note: A Status Hearing has been set for Receipt of Deposit of Funds into Blocked Account on **11/28/16, at 9:00 a.m. in Dept. 303.**

Reviewed by: KT

Reviewed on: 9/21/16

Updates:

Recommendation:

File 12- Livermore

Dept. 303, 9:00 a.m. Monday, September 26, 2016

13 Robert T. Fitzpatrick (Estate) Case No. 15CEPR01093

Attorney: Lance E. Armo (for Administrator Dicie Wheaton)

Petition for Final Distribution on Waiver of Account and for Allowance of Compensation for Ordinary Services

DOD: 9/8/15		
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**	12/18/16
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

DICIE WHEATON, Administrator, is petitioner,

Accounting is waived.

I & A	-	**$265,000.00**
POH	-	**$ 74,448.08**
Administrator	-	**waives**
Attorney (statutory)	-	**$8,300.00**

Distribution, pursuant to intestate succession, is to:

Dicie Wheaton	-	$33,074.04
Ryan Fitzpatrick	-	$33,074.04

NEEDS/PROBLEMS/COMMENTS:

1. Need schedule showing the changes in the form of assets for the sale of the real property. The schedule should show the sales price of the real property. California Rules of Court, Rule 7.550.

Reviewed by:	KT
Reviewed on:	9/21/16
Updates:	
Recommendation:	
File 13- Fitzpatrick	

Dept. 303, 9:00 a.m. Monday, September 26, 2016

14 Mary Slater (Spousal) Case No. 16CEPR00343

Attorney Reich, Jeff (for John Slater – Petitioner – Surviving Spouse)

Spousal or Domestic Partner Property Petition

DOD: 04/18/2015			**JOHN SLATER,** surviving spouse, is petitioner.
			No other proceedings
Cont. from 050916, 061316, 072516			Will dated: 06/26/2002 devises the residue of the estate to the John P. Slater and Mary D. Slater Family Trust.
	Aff.Sub.Wit.		
✓	**Verified**		Petitioner requests Court confirmation that that the Charles Schwab account entitled John P. Slater & Mary Deaver Slater Comm/prop. pass to the petitioner.
	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		

NEEDS/PROBLEMS/COMMENTS:

Continued from 07/25/2016

Minute Order of 06/13/2016: Examiner is to call counsel to discuss options.

Minute Order of 05/09/2016: Continued due to the defects listed in the Examiner notes.

The following issues remain:

1. The will devises the residue of the estate to the John P. Slater and Mary D. Slater Family Trust not the surviving spouse/petitioner, therefore this procedure cannot be used.

2. Need Notice of Hearing.

3. Nee proof of service on the Notice of Hearing on the following:
   - Amy Slater Thompkins
   - Jay Slater
   - Eric Slater

Reviewed by: LV

Reviewed on: 09/20/2016

Updates:

Recommendation:

File 14- Slater

15 Allanah Everk, Wess Everk (GUARD/P) Case No. 16CEPR00444

Petitioner: Sylvia Gonzales Maldonado (Pro per - Maternal grandmother)

Petition for Appointment of Guardian of the Person

			NO TEMPORARY – DENIED 5/9/2016	**NEEDS/PROBLEMS/COMMENTS:**
			SYLVIA GONZALES MALDONADO, maternal grandmother, is petitioner.	**Continued from 8/15/2016.** Matter was continued to allow time for an investigation; the investigator had been unable to make contact with the father.
Cont. from 062716, 081516				
	Aff.Sub.Wit.		***See petition for details.***	
✓	**Verified**			
	Inventory			
	PTC			
	Not.Cred.			
✓	**Notice of Hrg**			
✓	**Aff.Mail**	w/		
	Aff.Pub.			
	Sp.Ntc.			
✓	**Pers.Serv.**	w/		
✓	**Conf. Screen**			
✓	**Letters**			
✓	**Duties/Supp**			
	Objections			
	Video Receipt			
✓	**CI Report**			
	9202			
✓	**Order**			
	Aff. Posting			**Reviewed by:** SEF
	Status Rpt			**Reviewed on:** 9/20/2016
✓	**UCCJEA**			**Updates:** 9/23/2016
	Citation			**Recommendation:**
	FTB Notice			**File 15- Everk**

Dept. 303, 9:00 a.m. Monday, September 26, 2016

16 Helene J. Swain (Estate) Case No. 16CEPR00485

Attorney Janisse, Ryan Michael (for Petitioner Jodi Swain Gallagher)

Petition for Letters of Administration; Limited Authority under IAEA

DOD: 12/14/12		
Cont. from 062016, 080116		
	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	

JODI SWAIN GALLAGHER, Daughter, is Petitioner and requests appointment as Administrator with Limited IAEA without bond, all funds to be placed into a blocked account.

Petitioner is a resident of Las Vegas, NV.

Limited IAEA – ok

Decedent died intestate

Residence: Clovis
Publication: Business Journal

Estimated value of estate:
Real property: $300,000.00 (Whittier Trust has indicated the estate's interest in the trust could be as little as $150,000 or as high as $600,000)

Probate Referee: Rick Smith

Petitioner states the sole purpose of opening this estate is to receive a distribution from the Clairice Benezra Trust. The trust has been being administered since before the decedent's death. There was litigation within the trust and other issues that have delayed the receipt and distribution of its assets. Currently, the Estate of Clairice Benezra, Nevada Case No. P061254 is open and awaiting assets which will pour into the trust. The trust is working to sell its remaining assets and deal with a 706 issue.

Hence, the Helen Swain Estate is being opened to receive asset from a trust, which is waiting to receive asset from an estate via pour-over will.

Many things will need to occur before assets are distributed to this estate. However, the institutional trustee appears to be currently charging the trust $50,000/year to administer the $300,000 it is holding in reserve pending the assets pouring into it. When Petitioner objected, the trustee responded that a personal representative needed to be appointed.

Since there are no assets to pay a bond premium from, combined with the fact that the assets realistically may not be received for years, Petitioner requests the Court order that any and all assets received be deposited into a blocked account in lieu of requiring a bond at this time.

NEEDS/PROBLEMS/ COMMENTS:

<u>Minute Order 8/1/16</u>: Counsel requests 45 days for continued discussions.

As of 9/20/16, nothing further has been filed.

The following issues remain noted re the petition for reference:

<u>SEE PAGE 2</u>

Reviewed by: skc

Reviewed on: 9/20/16

Updates:

Recommendation:

File 16- Swain

1. **Heir Judy Swain appears to have been given notice at a business address ("Bamboo 2 U" in Leucadia, CA). The Court may require clarification regarding use of this address.**

2. **It is unclear from the description in the petition and in the supplement whether the estate is expected to receive and consist of real property <u>or</u> cash <u>or</u> other assets. Need clarification.**

3. **Petitioner is a resident of Las Vegas, NV. The Court may require waivers of bond from the two other heirs, Judy Swain and James Swain, or bond in an appropriate amount subject to #2 above.**

4. **The Court may require clarification regarding the status of the referenced pending cases in Nevada and the estimated time frame for closing this estate with reference to Probate Code §12200.**

<u>Note</u>: If granted, the Court will set status hearings as follows:
- **Monday, November 14, 2016 for filing of bond, if required, or receipt for blocked account.**
- **Monday, March 27. 2017 for filing of Inventory and Appraisal**
- **Monday, December 4, 2017 for filing first or final account**

17 Norrell Stuart Nelson (Estate) Case No. 16CEPR00569

Attorney Boyett, Deborah (for Brynne F. Nelson – Petitioner – Sister)

Petition for Letters of Administration and Authorization under IAEA

DOD: 05/12/2015			**BRYNNE F. NELSON,** sister, is petitioner and requests appointment as Administrator without bond.	**NEEDS/PROBLEMS/COMMENTS:**
			Full IAEA – o.k.	**<u>Note:</u> If the petition is granted status hearings will be set as follows:** •**Monday, 02/27/2017 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **<u>and</u>** • **Monday, 11/27/2017 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.
Cont. from 071116, 082216			Decedent died intestate	
	Aff.Sub.Wit.		Residence: Fresno Publication: The Business Journal	
✓	**Verified**		**<u>Estimated value of the Estate:</u>** **Personal property - $110,000.00**	
	Inventory		Probate Referee: Rick Smith	
	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:** LV
	Status Rpt			**Reviewed on:** 09/20/2016
	UCCJEA			**Updates:**
	Citation			**Recommendation:** Submitted
	FTB Notice			**File 17- Nelson**

18 Abreanna Cortez, Daja Cruder (GUARD/P) Case No. 16CEPR00666

Petitioner: Daniel Cortez (Pro per – Paternal uncle)

Petition for Appointment of Guardian of the Person

			TEMPORARY NOT REQUESTED
			DANIEL CORTEZ, paternal uncle, is petitioner
Cont. from 082916			
	Aff.Sub.Wit.		
✓	**Verified**		***See petition for details.***
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	x	
	Aff.Mail	x	
	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		

NEEDS/PROBLEMS/COMMENTS:

Minute order 8/29/2016 continued matter to 9/26/2016 stating Mr. Cortez is allowed to notice parents via FaceBook.

1. Need *Notice of Hearing*.
2. Need proof of personal service at least 15 days before the hearing of the *Notice of Hearing* with a copy of the petition <u>or</u> consents and waivers of notice <u>or</u> declarations of due diligence for:
   a. Miguel Cortez III (father) – *unless the Court excuses notice*
   b. Shannon Cruder (mother) – *unless the Court excuses notice*
   c. Abreanna Cortez (minor)
   d. Daja Cruder (minor)
3. Need proof of service at least 15 days before the hearing of the *Notice of Hearing* with a copy of the petition <u>or</u> consents and waivers of notice <u>or</u> declarations of due diligence for:
   a. Miguel Cortez (paternal grandfather)
   b. Josefina Zavala (paternal grandmother)
   c. Maternal grandfather (unknown)
   d. Destiny Cortez (sister) – *if 12 years or older*
   e. Markus Cruder (brother) – *if 12 years or older*
   f. Desiree Cruder (sister) – *if 12 years or older*

Reviewed by: SEF

Reviewed on: 9/20/2016

Updates:

Recommendation:

File 18- Cortez/ Cruder

Dept. 303, 9:00 a.m. Monday, September 26, 2016

19 Clarence Wyatt & Clarion Wyatt (GUARD/P) Case No. 16CEPR00779

Petitioner Robinson, Vernishay (Pro Per – Paternal Aunt – Petitioner)

Petition for Appointment of Guardian of the Person

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

NEEDS/PROBLEMS/COMMENTS:

Note: On 8/9/16, the Court granted permission to give notice to the mother via Facebook message. Declaration of Due Diligence filed 8/15/16 included extensive diligence and also attaches a Facebook message the pertinent information re the continued temp hearing and this general guardianship hearing. On 8/23/16, the Court deemed notice sufficient.

1. **Petitioner requests the Court excuse notice to the maternal grandparents because she has never met them; however, no declaration of due diligence has been filed. The Court may require notice pursuant to Probate Code §1511.**

Reviewed by: skc

Reviewed on: 9/21/16

Updates:

Recommendation:

File 19- Wyatt

20 Bibiana Salazar (GUARD/P) Case No. 16CEPR00780

Petitioner: Carla Alaniz (pro per)

Petition for Appointment of Guardian of the Person

			TEMPORARY EXPIRES ON 9/26/16	**NEEDS/PROBLEMS/COMMENTS:**
			CARLA ALANIZ, sister, is petitioner.	
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			**Reviewed by:** KT
	Status Rpt			**Reviewed on:** 9/22/16
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 20- Salazar**

20

Dept. 303, 9:00 a.m. Monday, September 26, 2016

21 Clark Michael Douhan (Estate) Case No. 16CEPR00851

Attorney: Gary G. Bagdasarian (for Petitioner Lori Douhan)

Petition for Probate of Will and for Letters Testamentary with IAEA

DOD: 7/1/16			**LORI DOUHAN**, named executor without bond, is petitioner.
			Full IAEA – o.k.
Cont. from			
	Aff.Sub.Wit.		Will dated: 7/21/00
✓	**Verified**		Residence: Reedley
	Inventory		Publication: Reedley Exponent
	PTC		
	Not.Cred.		
	Notice of Hrg		**Estimated value of the Estate:**
✓	**Aff.Mail**	W/	Personal property - $30,000.00 Annual Income - $11,500.00 Real Property - $30,000.00
✓	**Aff.Pub.**		**Total - $71,500.00**
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		**Probate Referee: RICK SMITH**
✓	**Letters**		
✓	**Duties/Supp**		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:
Reviewed by: KT
Reviewed on: 9/21/16
Updates:
Recommendation: SUBMITTED
File 21- Douhan

Dept. 303, 9:00 a.m. Monday, September 26, 2016

22 Andria Ortega, Janessa Ortega, Michelle Ortega (GUARD/P) Case No. 16CEPR00936
Attorney: Dallas Johns (for Mollie Ortega and Manuel Ortega)

Petition for Appointment of Temporary Guardian of the Person

			TEMPORARY EXPIRES 9/26/2016 **GENERAL HEARING 11/8/2016**
			MOLLIE ORTEGA and MANUEL ORTEGA, paternal grandparents, are petitioners.
Cont. from			
	Aff.Sub.Wit.		
✓	**Verified**		***See petition for details.***
	Inventory		
	PTC		
	Not.Cred.		
✓	**Notice of Hrg**		
✓	**Aff.Mail**	w/	
	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		

NEEDS/PROBLEMS/COMMENTS:

Please see related page 23 re: guardianship petition for minors' half-sibling, Gabriel, Jr. filed by same petitioners.

1. Proof of service of *Notice of Hearing* filed 9/15/2016 shows *mailed* service on parents. Need proof of *personal* service at least 5 court days before the hearing of the *Notice of Hearing* with a copy of the petition *or* consents and waivers of notice *or* declarations of due diligence for:
   a. Gabriel Ortega (father)
   b. Jacquelyn Munoz (mother)

Reviewed by: SEF
Reviewed on: 9/22/2016
Updates:
Recommendation:
File 22- Ortega

23 Gabriel Ortega, Jr. (GUARD/P) **Case No. 16CEPR00944**

Attorney: Dallas Johns (for Mollie Ortega and Manuel Ortega)

Petition for Appointment of Temporary Guardian of the Person

			TEMPORARY EXPIRES 9/26/2016 **GENERAL HEARING 11/8/2016** **MOLLIE ORTEGA and MANUEL ORTEGA**, paternal grandparents, are petitioners. ***See petition for details.***	**NEEDS/PROBLEMS/COMMENTS:** 2. Proof of service of *Notice of Hearing* filed 9/15/2016 shows *mailed* service on parents. Need proof of *personal* service at least 5 court days before the hearing of the *Notice of Hearing* with a copy of the petition *or* consents and waivers of notice *or* declarations of due diligence for: a. Gabriel Ortega (father) b. Mercedes Garcia (mother)
Cont. from				
	Aff.Sub.Wit.			
✓	**Verified**			
	Inventory			
	PTC			
	Not.Cred.			
✓	**Notice of Hrg**			
✓	**Aff.Mail**	w/		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	x		
✓	**Conf. Screen**			
✓	**Letters**			
✓	**Duties/Supp**			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			**Reviewed by:** SEF
	Status Rpt			**Reviewed on:** 9/22/2016
✓	**UCCJEA**			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 23- Ortega (Gabriel, Jr.)**

Dept. 303, 9:00 a.m. Monday, September 26, 2016