

ENDORSED
FILED

2013 APR 24 PM 12: 04

David H. Yarnesfeld, Clerk of the Superior Court
County of Santa Clara, California
By: _____
Deputy Clerk

1 Beatrice K. Pacheco
2 2518 Sun Mor Avenue
3 Mt View, CA. 94040
4 650.969.3370
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7

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SANTA CLARA

10 In re Conservatorship of Beatrice
11 K. Pacheco

Case No. 1-12-PR-171580

12 **EMERGENCY PETITION FOR**
13 **REMOVAL REPLACEMENT OF**
14 **CONSERVATOR OF PERSON/ESTATE**
15 **AND FOR ISSUANCE OF AMENDED**
16 **LETTERS OF CONSERVATORSHIP**
17 **PROB.CODE § 2650 et seq.**

18 Date: MAY 13, 2013
19 Time: 9 AM
20 Dept: 3

21 **INTRODUCTION**

22 Petitioner, Beatrice Pacheco, hereby move this court pursuant to Prob.C § 2650 et seq.
23 with a Petition to remove the conservator from my person and estate and those orders issued
24 which improperly separates me from my husband Marreon Gene Starks.

25 This Petition is primarily based upon Petitioner's declaration in support of this request and
26 any other documents, testimony and other evidence that may be presented by my friends and
27 interested persons presented now or later at any proceedings which are held regarding my person
28 and or estate.

Petitioner hereby alleges:

1. Petitioner is a conservatee.

In re Conservatorship of BEATRICE K. PACHECO, 1-12-PR-171580

1 2. My address is 2518 Sun Mor Avenue, Mt View, CA 94040 and Stephen Pacheco,
2 the Conservator's address is, 334 PRAGUE ST SAN FRANCISCO, CA 94112.

3 3. Stephen Pacheco should be removed as Conservator of the person/estate of Beatrice
4 Pacheco, for cause for all of the reasons set forth in Declaration of Beatrice Pacheco in Support of
5 Emergency Petition for Removal/Replacement of Conservator... filed concurrently herewith.

6 4. Additionally, in summary of the Declaration *ibid*, Stephen Pacheco should be
7 removed for cause for the following reasons, namely that Stephen Pacheco:

- 8 a) Assaulted Conservatee on April 22, 2013, in reaction to her personal wishes to find
9 and fund her own lawyer in order to protect her interests' which are being ignored
10 and replaced with the interests' of Conservator and Michael Desmerias;
- 11 b) Has made numerous perjuries' and other misrepresentations before this court in
12 order to attain his own, personal self-interests' at the expense and detriment of
13 Conservatee;
- 14 c) Is constantly verbally abusing her whenever she attempts or does express her
15 wishes and needs to be with her husband Marreon Gene Starks;
- 16 d) Has and is conspiring with others to ensure that Conservatee is not afforded any
17 opportunity to speak with a judge so as to demonstrate that Conservatee is in
18 control of her mental facilities and am able to express her intentions and desires
19 relatively well;
- 20 e) Is paying Michael Desmerias to basically do his bidding and to ignore everything
21 that is in Conservatee's best interest and not report honestly or truthfully to the
22 court;
- 23 f) Has closed any and all checking accounts of Conservatee without notice or
24 authorization;
- 25 g) Has not provided or otherwise supplied the court ordered \$500 per week to
26 Conservatee;
- 27
- 28

- 1 h) Is taking every effort to ensure that Conservatee is unable to secure her own legal
2 or other representatives and undermining anyone who comes to her aid;
3
4 i) Has filed false police report saying that Conservatee's husband, Mr Starks, violated
5 restraining order when Conservatee has been the only one contacting him, and he
6 not her;
7
8 j) Has behaved in a manner where Conservatee has fear to even act on behalf of
9 herself due to retaliations which Conservator imposes.
10
11 k) Has confined Conservatee to her home and around person's not looking out for her
12 best interests'; and,
13
14 l) Unlawfully restricted or precluded Conservatee from being part of these and other
15 court proceedings.¹

16 5. The Conservator has not, and is not acting in good faith in the best interests of the
17 Conservatee.

18 6. On removal of Stephen Pacheco, it is in the Conservatee's best interests that a new
19 conservator of Beatrice Pacheco's person/estate be appointed, with all the powers now exercised
20 by Stepehn Pacheco.

21 7. A Petition for appointment of a successor conservator shall be filed after this
22 Petition.

23 8. Although living in her own home, it feels as if Conservatee has been confined as a
24 prisoner, during these proceedings, and not permitted to assert her rights or wishes at all.

25 WHEREFORE, Petitioner requests that:

- 26
27 i) Stephen Pacheco be removed as conservator of Beatrice K. Pacheco person/estate.
28 the conservatee;
ii) If she accepts, name Yollette R. Merritt, as conservator of the conservatee; and,

¹ Every good cause fact here is elaborated upon in Declaration of Beatrice Pacheco filed along with this petition.

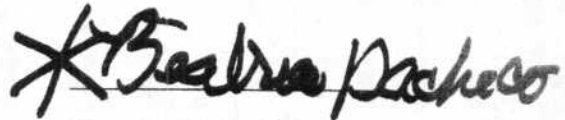
1 iii) The court find that the Conservator has not followed court orders and not in the
2 best interests of Conservatee.

3 iv) The court order other relief that it considers proper.

4 I, Beatrice K. Pacheco, the petitioner in this matter, declare that I have had the contents of
5 this petition read to me, and read petition in a larger font size duplicate and know its contents.
6 which are true to my own knowledge except for those matters stated on my information and belief.
7 and as to those matters I believe the petition to be true.

8 I declare under penalty of perjury under the laws of the State of California, that the
9 foregoing is true and correct.

10 April 23, 2013



11 Beatrice K. Pacheco

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15 **CERTIFICATE OF SERVICE**

16 I, David Merritt, hereby certify that I am over 18 years old and not a professional process server
17 and that I placed a true copy of:

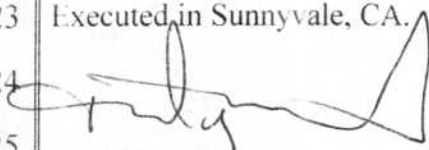
18 Declaration of Beatrice K. Pacheco and

19 EMERGENCY PETITION FOR REMOVAL AND REPLACEMENT OF CONSERVATOR
20 PROB.CODE § 2651

21 To Michael Desmarias at 16450 Los Gatos Boulevard, ste 208, Los Gatos, CA 95032 with first
22 class postage affixed thereto on April 24, 2013. *ALSO SERVED ON STEPHEN PACHECO*

334 PRAGUE ST. SAN FRAN, CA 94113

23 Executed in Sunnyvale, CA.

24 
25 David Merritt
26 660 Pinnacles Terrace
27 Sunnyvale, CA 94085