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California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

Estate of WILLIAM A. GIRALDIN,
Deceased.

CHRISTINE GIRALDIN et al.,

Plaintiffs and Respondents,

v.

TIMOTHY GIRALDIN et al.,

Defendants and Appellants.

G041811

(Super. Ct. No. A240697)

**ORDER DENYING REQUEST FOR
PUBLICATION, DENYING
PETITION FOR REHEARING,
AND MODIFYING OPINION; NO
CHANGE IN JUDGMENT**

The request for publication contained in the letter filed April 30, 2013 by attorney William A. Salzwedel is DENIED. The clerk of this court is directed, pursuant to rule 8.1120(b) of the California Rules of Court, to forward to the Supreme Court, within 15 days of the finality of the opinion in this case, a copy of attorney Salzwedel's request, together with a copy of the opinion, and this denial order. It does not appear that our opinion meets the standards set forth in California Rules of Court, rule 8.1105(c);

attorney Salzwedel's letter is merely a vehicle to express disagreement with the merits of the decision.

The petition for rehearing filed by Appellant Timothy Giralдин May 2, 2013 is DENIED.

The opinion filed April 16, 2013 is hereby modified in the following particulars:

(1) On page 7 of the slip opinion, replace "The surcharge order was" in the second full paragraph with the words "The two surcharge orders were" such that the sentence now reads: "The two surcharge orders were based on the trial judge's determination that by 2001 William lacked the mental capacity to authorize the SafeTzone investment or any other transaction Timothy undertook with regard to the trust."

(2) On page 13 of the slip opinion, replace the first sentence of the disposition with: "The two surcharge orders discussed in this opinion and based on Timothy's actions during William's lifetime are reversed, and the matter remanded for further proceedings consistent with this opinion."

These modifications do not affect a change in judgment.

BEDSWORTH, ACTING P. J.

I CONCUR:

ARONSON, J.