

Petition for Discharge Without Administration

DOD: 4/2/2003		<p>NANCY J. LEVAN, Attorney of Record for Administrator JESSE HERNANDEZ, is Petitioner.</p> <p>JESSE HERNANDEZ, son, was appointed Administrator on 7/1/2003 with Full IAEA and bond of \$10,000.00. Proof of Bond was filed 7/11/2003.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> • A formal Creditor's Claim was filed on 10/6/2003 by the Department of Health Services in the amount of \$28,406.81; • When Petitioner filed his <i>Petition for Letters of Administration</i>, he believed that there would be significant possessions of his father in the possession of his father's live-in girlfriend; • That is not the case, and the only item the Petitioner was able to recover was his father's ashes; • The live-in girlfriend has disposed of all other possessions and the cost to litigate these matters is more than the items were worth; the value is estimated at less than \$2,000.00; • Accordingly, while the creditor's claim on the estate has been made, there is no cash or property out of which it may be paid, and the Administrator should now be discharged, as no administration is necessary; • Attorney LeVan has been unable to locate the Administrator, Jesse Hernandez, despite efforts to locate him by phone and by letter; Attorney LeVan is unaware of the location of the Administrator; • Communication with the Administrator ceased in the year 2007 (<i>please refer to letter to Department of Health Services dated 6/29/2007, Exhibit A filed 1/10/2014</i>). <p>Petitioner prays for an Order discharging Jesse Hernandez as Administrator on the basis that the Decedent died leaving no property subject to administration.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Proposed order submitted to the Court entitled <i>Order Approving Petition to Terminate Proceedings Due to Lack of Assets and Inability to Reach the Personal Representative</i> does not substantially match the request for relief in the <i>Petition for Discharge Without Administration</i> filed 12/18/2013, as findings are included that are not prayed for in the pleadings.</p> <p>Note: Probate Code § 12251 provides:</p> <p>(a) At any time after appointment of a personal representative and whether or not letters have been issued, if it appears there is no property of any kind belonging to the estate and subject to administration, the personal representative may petition for the termination of further proceedings and for discharge of the personal representative. The petition shall state the facts required by this subdivision.</p> <p>(b) Notice of the hearing on the petition shall be given as provided in Section 1220 to all interested persons.</p> <p>(c) If it appears to the satisfaction of the court on the hearing that the facts stated in the petition are true, the court shall make an order terminating the proceeding and discharging the personal representative.</p>
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Reviewed by: LEG			
Reviewed on: 1/29/14			
Updates: 1/31/14			
Recommendation:			
File 1 – Hernandez			

(1) Report and Final Account of Administrator, Petition for Reimbursement to Administrator for Costs Advanced and (2) Attorneys Compensation and (3) for Final Distribution

		FELIPE LEAL , Administrator with Will Annexed, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 1/7/14. As of 1/30/14 the following issues remain:</p> <p>1. Department of Health Services was sent notice of the proceedings on 9/16/2013. Petition states the Department of Health Services was not going to file a claim. However, on 12/11/13 a Creditor's Claim from the Department of Health Services was filed in the amount of \$32,818.85. The Creditor's Claim must be addressed before any distribution can be made.</p> <p>2. The initial petition and the Petition for Final Distribution were both filed using a fee waiver. Filing fees are considered costs of administration and must be paid prior to distribution of any assts. Therefore filing fees totaling \$755.00 are now due (\$320.00 for the initial petition and \$435.00 for the Petition for Final Distribution).</p>	
		Account period: 9/19/06 – 8/31/13		
Cont. from 110613, 010714		Accounting - \$145,000.00		
Aff.Sub.Wit.		Beginning POH - \$145,000.00		
<input checked="" type="checkbox"/>	Verified	Ending POH - \$145,000.00		
<input checked="" type="checkbox"/>	Inventory	Administrator - waives		
<input checked="" type="checkbox"/>	PTC	Administrator Costs - \$11,730.38 (homeowners insurance, recorder, publication, probate referee, bills of the decedent.)		
<input checked="" type="checkbox"/>	Not.Cred.	Attorney - waives		
<input checked="" type="checkbox"/>	Notice of Hrg	<p>Distribution, pursuant to intestate succession [sole heir to the will predeceased decedent without issue] is to:</p> <p>Helen Littlefield (daughter) - 50% interest in real property.</p> <p>Christina Avila (daughter) - 50% interest in real property.</p>		
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Aff.Pub.				
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		Reviewed by: KT		
		Reviewed on: 1/30/14		
		Updates:		
		Recommendation:		
		File 2 – Cano		

(1) Report and Final Account of Administrator, (2) Petition for Reimbursement to Administrator for Costs Advanced and (3) Attorney's Compensation and (4) for Final Distribution

DOD: 4/5/2000		DANIEL DIAZ , Administrator, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 1/7/2014. As of 1/30/14 the following issue remains:</p> <p>1. Petition request distribution of 1/5 interest in the estate to the decedent's grandson, Joseph Diaz, son of James Diaz. At the time the estate was opened in 2006 James Diaz, son, was alive and therefore his share of the estate must be distributed to him or his estate and not to his son, Joseph Diaz. - Declaration under Probate Code §13100 re: transfer of personal property filed on 1/28/14. A declaration under Probate Code §13100 can only be used for personal property. The petition requests that Joseph receive his father's share of the real property. Therefore a declaration under Probate Code §13100 cannot be used in this situation. (In addition the declaration is not notarized as required.)</p>
		Account period: 10/24/06 – 8/31/13	
Cont. from 102213, 111913, 010714		Accounting - \$23,000.00	
		Beginning POH - \$23,000.00	
		Ending POH - \$23,000.00	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Administrator - waives	
<input checked="" type="checkbox"/>	Inventory	Attorney (statutory) - \$920.00	
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.	Costs - \$1,065.00 (filing fees, publication, probate referee, certified copies)	
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	Distribution, pursuant to intestate succession, is to:	
<input type="checkbox"/>	Pers.Serv.	Virginia Macias, Daniel Diaz, Rachael Garcia, Patricia Contreras and Joseph Diaz, 1/5/ interest each in real property.	
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters 10/24/06		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
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			Reviewed by: KT
			Reviewed on: 1/30/14
			Updates:
			Recommendation:
			File 3 – Diaz

(1) First and Final Account and Report of Executor and (2) Petition for Final Settlement and Distribution Accounting Waived (PC 10800, 10810, 10831, 10900, 10951, 11640)

DOD: 10/24/10		JOE YAMASHIRO , Executor is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. The petition does not include the accounting, i.e. summary of account, receipt schedule, disbursement schedule, etc. 2. Petition does not specifically state the property to be received by each beneficiary after payment of attorney fees and costs. 3. Petition does not contain a statement regarding Probate Code §216 and 9202(a) re: notice to the Director of Health Care Services. 4. Petition does not contain a statement regarding Probate Code §216 and 9202(b) re: notice to the Director of Victims Compensation and Government Claims Board. 5. Costs include \$9.76 for postage. Local Rule 7.17 states the court considers postage to be a cost of doing business and therefore not reimbursable. 6. Need Order. Local Rule 7.1 states a proposed Order shall be submitted with all pleadings that request relief. If the proposed order is not received in the Probate Filing Clerk's Office ten (10) days before the scheduled hearing, a continuance may be required.
		Account period: ???	
		Accounting - ????	
Cont. from		Beginning POH - \$496,963.24	
Aff.Sub.Wit.		Ending POH - ????	
<input checked="" type="checkbox"/>	Verified	Executor - waives	
<input checked="" type="checkbox"/>	Inventory	Attorney (statutory) - \$12,939.26	
<input checked="" type="checkbox"/>	PTC	Costs - \$1,060.26 (filing fee, probate referee, publication, recorder, certified copies and postage)	
<input checked="" type="checkbox"/>	Not.Cred.	Distribution, pursuant to decedent's will, is to:	
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail W/		
Aff.Pub.		Joe Yamashiro - 1/3	
<input checked="" type="checkbox"/>	Sp.Ntc.	Nobuko Nobu Sekishiro- 1/3	
Pers.Serv.		Geor Yamashiro - 1/3	
Conf. Screen			
<input checked="" type="checkbox"/>	Letters 4/4/11		
Duties/Supp			
Objections			
Video Receipt			
CI Report			
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Order X			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
<input checked="" type="checkbox"/>	FTB Notice		
Reviewed by: KT			
Reviewed on: 1/30/14			
Updates:			
Recommendation:			
File 4 – Yamashiro			

Amended and Final Account and Report of Administration and Petition for Its Settlement, for Allowance of Compensation to Administrator and Attorney for Ordinary and Extraordinary Services, and for Final Distribution

DOD: 08/19/92	ALAN CADE, JR. , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Accounting period: 09/07/12 – 12/19/13	1. Need original Affidavits under Probate Code § 13101 from: a. Alan Cade, Jr. b. Michael Cade
Cont. from	Accounting - \$37,818.36	2. Need Order.
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH - \$37,818.36	
<input checked="" type="checkbox"/> Verified	Ending POH - \$24,712.53 (all cash)	
<input checked="" type="checkbox"/> Inventory	Administrator (statutory) - \$1,172.73	
<input checked="" type="checkbox"/> PTC	Administrator x/o - \$2,000.00 (for sale of real property and labor provided in maintaining the real property)	
<input checked="" type="checkbox"/> Not.Cred.	Attorney (statutory) - \$1,172.73	
<input checked="" type="checkbox"/> Notice of Hrg	Attorney x/o - \$1,000.00 (per Local Rule for sale of real property)	
<input checked="" type="checkbox"/> Aff.Mail w/o	Distribution, pursuant to intestate succession, is to:	
Aff.Pub.	James Cade - \$3,873.41	
Sp.Ntc.	Roberta Cade - \$3,843.41	
Pers.Serv.	Alan Cade, Jr. - \$1,936.71	
Conf. Screen	Karen L. Cade-Brisco - \$1,936.71	
Letters 09/07/12	Michael Cade - \$1,936.71	
Duties/Supp	Rick Cade - \$1,291.14	
Objections	Linda Putica - \$1,291.14	
Video Receipt	Steve Cade - \$1,291.14	
CI Report	Estate of Raymond Cade - \$1,936.71	
<input checked="" type="checkbox"/> 9202		Reviewed by: JF
Order x		Reviewed on: 01/30/14
Aff. Posting		Updates: 01/31/14
Status Rpt		Recommendation:
UCCJEA		File 5 – Cade
Citation		
<input checked="" type="checkbox"/> FTB Notice		

(1) First and Final Report of Status of Administration, (2) Petition for Settlement Thereof for Reimbursement of Costs Advanced, and (3) Petition to Close

DOD: 5/29/10		<p>DEBORAH C. GURRY, Administrator, is petitioner.</p> <p>Petitioner states an inventory and appraisal was never filed for this estate. The only asset in the estate was the property located at 3384 N. El Capital in Fresno and this property was lost to foreclosure.</p> <p>Administrator - \$0</p> <p>Attorney - \$0</p> <p>Costs - \$785.00 (filing fee, publication)</p> <p>Petitioner requests an Order that:</p> <ol style="list-style-type: none"> 1. The Administration of the estate be closed; 2. All acts and proceedings of Petitioner as Administrator be confirmed and approved; 3. Petitioner be authorized to pay the attorney \$785.00 for costs advanced. 	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
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		<p>Reviewed by: KT</p> <p>Reviewed on: 1/30/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6 – Gurry</p>	

7A John Areias Jr. Trust Share of the Mary Luis Areias Living Trust, udt 5/26/92

Case No. 13CEPR00967

Atty Pedersen, Kris B. (for Petitioners Betty Martin and John L. Areias, III)
 Atty Nahigian, Eliot S. (for Respondent/Objector John Areias, Jr., Trustee)

Verified Petition for Breach of Trust, Removal of Trustee and Appointment of Successor Co-Trustee

Mary Luis Areias DOD: 3-4-93	BETTY MARTIN and JOHN L. AREIAS, III , are Petitioners.	NEEDS/PROBLEMS/COMMENTS:
		<u>Continued from 12-31-13</u>
Cont. from 123113	Petitioners state Respondent JOHN AREIAS, JR. , is the Successor Trustee and income beneficiary of the JOHN AREIAS JR. TRUST SHARE . Petitioners are the daughter and son of JOHN AREIAS, JR. , and are remainder beneficiaries with standing to bring this petition, and are also named successor trustees of the JOHN AREIAS JR. TRUST SHARE .	1. Petitioners state they are entitled to accounting as remainder beneficiaries. However, pursuant to Probate Code §16062(a), the trustee is required to account to a beneficiary to whom income or principal is required or authorized in the trustee's discretion to be <u>currently distributed</u>. Need clarification, authority.
<input type="checkbox"/> Aff.Sub.Wit.	Petitioners state Respondents DOES 1-10 are presently unknown. It is believed they are co-conspirators with John Areias, Jr., and as such are equally liable for the wrongdoing alleged herein. Petitioners state all respondents are responsibility for the conduct of the other respondents because of the conspiracy or because they are agents, joint venturers, or representatives of one another.	
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail W		
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<input type="checkbox"/> Duties/Supp		
<input checked="" type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
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<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		Reviewed by: skc
<input type="checkbox"/> UCCJEA	Petitioners state that on 4-5-12, John Areias, Jr., executed a Special Power of Attorney designating his wife, Patricia A. Areias, as the attorney-in-fact for the trust's Wells Fargo bank account (attached).	Reviewed on: 1-30-14
<input type="checkbox"/> Citation		Updates:
<input type="checkbox"/> FTB Notice		Recommendation:
		File 7A - Areias
	Petitioners state their attorney sent a letter on 4-23-13 requesting an accounting for the calendar year 2012; however, in response, were provided only partial pages of bank statements. Significantly, the Wells Fargo bank account reflected a deposit of only \$147,659.04 as of January 26, 2012 (Exhibit F).	
	<p style="text-align:center"><u>SEE ADDITIONAL PAGES</u></p>	

Page 2

On 6-3-13, Petitioners' attorney sent another letter requesting additional information and documentation, and an explanation for the unaccounted for discrepancy of \$305,552.45. In response, Petitioner's attorney received various hand-written notes on bank statements, copies of summaries of deposits, a ledger, further bank statements and copies of cashier's checks, WF transactions records, and copies of correspondence with prior counsel re 2011 tax returns and client account ledgers.

On 8-15-13, in a further good faith attempt to obtain clarification of the accounting, the attorney sent another letter. On or about 8-26-13, Pat Areias personally delivered additional documents, which included typed and handwritten notations by Pat Areias and withdrawal slips signed by Pat Areias. These did not explain the discrepancy.

Petitioners state the accounting records provided do not comply with the presentation and statements required under Probate Code §16063. Further, as successor trustee, John Areias, Jr., has duties concerning the John Areias, Jr., Trust Share, including a duty not to delegate to another person the performance of acts that he is required to personally perform and a duty not to transfer the office of trustee to another person. This is specifically prohibited under Probate Code §16012.

Petitioners believe John Areias, Jr., has improperly delegated his duties as successor trustee to his wife Pat Areias and that she is acting under a POA for the trust bank account and has been performing all other actions that he is required to personally perform, including providing information about the trust and accountings. Pat Areias has no special training, skills, expertise or experience to qualify as an agent, attorney, accountant, or other fiduciary professional upon which a trustee could or should rely.

Petitioners therefore believe that John Areias, Jr., should be removed as successor trustee because he has violated the duty owed to Petitioners as ultimate beneficiaries of the trust share. John Areias, Jr., has failed to act with care, skill, prudence, and diligence required of a trustee, including failure to communicate, response to reasonable inquiries, provide accounting, or explanation of the discrepancy.

The trust agreement names Petitioners as successor co-trustees of the John Areias, Jr. Trust Share, and Petitioners are available, able and willing to serve as successor co-trustees.

Petitioners request that:

- 1. The Court remove John Areias, Jr., as Successor Trustee of the John Areias, Jr. Trust Share of the Mary Luis Areias Living Trust;**
- 2. The Court appoint Betty Martin and John L. Areias, III as Successor Co-Trustees of the John Areias, Jr. Trust Share of the Mary Luis Areias Living Trust;**
- 3. The Court order John Areias, Jr., to provide an accounting to Petitioners detailing the discrepancy between the Trust Share cash assets existing as of December 31, 2011 and existing on January 26, 2012;**
- 4. The Court order John Areias, Jr., to turn over all accounting records for the Trust assets to Petitioners as Successor Co-Trustees; and**
- 5. The Court order any other and further relief the Court deems just and proper.**

SEE ADDITIONAL PAGES

Page 3

Response and Objection to Petition for Breach of Trust, Removal of Trustee and Appointment of Successor Co-Trustees filed 12-26-13 by John Areias, Jr., states Petitioners are his daughter and son, with standing to bring this petition, are named successor trustees if he is unable to serve, and he has two other children who are also remainder beneficiaries. Respondent states the Trust Share was funded with a fractional interest in one parcel of property which was sold in 2011, resulting in the Trust Share receiving cash and an interest in a promissory note and deed of trust. Respondent states that although the 2011 accounting identifies cash assets held in an account at Wells Fargo, they were actually held in a trust account with the Dias Law Firm. Respondent admits that he executed a Special Power of Attorney designating his wife as his attorney in fact for the Trust Share's Wells Fargo Bank Account.

The response both admits and denies various statements in the petition. See pleadings for details. Respondent provides five affirmative defences:

- 1) Statute of limitations. Petition barred by Probate Code §§16460 and 16461.
- 2) Waiver. Petitioners have waived any claims they may have against Respondent with reference to the subject matter of the petition.
- 3) No damages. Petitioners' claims are barred because they have suffered no damages as a result of the alleged conduct.
- 4) Laches. Respondent is informed and believes that the petition is barred by the Doctrine of Laches.
- 5) Unknown Defense. Respondent has insufficient knowledge and information as to whether he may have additional as yet unidentified defenses available and reserves the right to assert additional defenses if appropriate.

Respondent prays that the court dismiss Petitioners' prayers for relief and that Petitioners take nothing by way of the petition; for Respondent's costs incurred herein, and for such other and further orders that the Court may deem proper.

Status Hearing

Mary Luis Areias DOD: 3-4-93	BETTY MARTIN and JOHN L. AREIAS, III, filed a Verified Petition for Breach of Trust, Removal of Trustee and Appointment of Successor Co-Trustees on 11-4-13.	NEEDS/PROBLEMS/COMMENTS:	
	JOHN AREIAS, JR., filed Response and Objection to Petition for Breach of Trust, Removal of Trustee and Appointment of Successor Co-Trustees on 12-26-13.		
	At hearing on 12-31-13, the matter was continued to 1-30-14 (See Page 7A) and the Court also set this status hearing.		
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Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

Age:		NEEDS/PROBLEMS/COMMENTS:		
DOD:				
Cont. from				
Aff.Sub.Wit.				
Verified				
Inventory				
PTC				
Not.Cred.				
Notice of Hrg				
Aff.Mail				
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Video Receipt				
CI Report				
9202 Order				
Aff. Posting			Reviewed by:	
Status Rpt				Reviewed on: 01/29/14
UCCJEA				Updates:
Citation				Recommendation:
FTB Notice				File 8 - Harold

CONTINUED TO 02/19/14
Per request of Counsel

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 06/30/2011	RICARDO GARCIA , brother and requests appointment as Administrator with bond.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. The amount of bond was not provided on the petition at #3d(2). Need wavier of bond from Modesto Blanco, father, or bond set at \$10,000.00.</p> <p>Note: Pursuant to Intestate Succession the beneficiaries of the decedent's estate would be the parents, Hortencia Miranda and Modesto Blanco. Because Hortencia Miranda disclaimed her interest in the estate, Modesto Blanco is now the decedent's sole heir. If a beneficiary disclaims their interest in the estate, the disclaimer acts as if the disclaiming party pre-deceased the decedent. See Probate Code §275 et seq. for disclaimers.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Friday, 07/11/2014 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Friday, 04/10/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>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.</p> <p>Reviewed by: LV</p> <p>Reviewed on: 01/30/2014</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 9 – Blanco</p>
	Full IAEA – o.k.	
Cont. from	Decedent died intestate	
<input type="checkbox"/> Aff.Sub.Wit.	Residence: Fresno	
<input checked="" type="checkbox"/> Verified	Publication: The Business Journal	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Estimated value of the Estate:	
<input checked="" type="checkbox"/> Aff.Mail w/	Real property \$190,000.00	
<input checked="" type="checkbox"/> Aff.Pub.	Less encumbrances -\$185,000.00	
<input type="checkbox"/> Sp.Ntc.	Total: - \$5,000.00	
<input type="checkbox"/> Pers.Serv.	Probate Referee: Steven Diebert	
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 03/30/2011		HELEN REED , Trustee of the Reed Family Trust, is petitioner.	NEEDS/PROBLEMS/COMMENTS: Note: The filing fee was initially waived for this petition; however, the fee will be due prior to distribution pursuant to Government Code §68637. (Filing fee is \$435.00.) 1. Need Notice of Hearing. 2. Pursuant to Probate Code §1208, need proof of service of the Notice of Hearing on the following persons: <ul style="list-style-type: none"> • Jayne Elizabeth Fraticelli • James Michael Reed • John Loren Reed 3. Need Order.
		40 days since DOD	
Cont. from		No other proceedings	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	I&A - \$100,000.00	
<input checked="" type="checkbox"/>	Inventory	Will dated: 04/28/1997 will devises all assets to the Trustee of the Reed Revocable Living Trust, designated as the Reed Family Trust.	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	x Petitioner requests Court determination that decedent's 100% interest in real property located at 3207 S. Cherry Fresno, Ca. pass to Reed Family Trust pursuant to decedent's will.	
<input type="checkbox"/>	Aff.Mail	x	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	x	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: LV
			Reviewed on: 01/30/2014
			Updates:
			Recommendation:
			File 10 – Reed

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

Age: 84	NO TEMPORARY REQUESTED		NEEDS/PROBLEMS/COMMENTS:
	<p>JOHN PERHODUK, brother, is Petitioner and requests appointment as Conservator of the Person with Medical Consent and Dementia Powers to administer dementia medications and for placement in a secured perimeter facility; and for appointment as Conservator of the Estate with bond fixed at \$20,750.00. Petitioner also requests the §2590 power to enter into a reverse mortgage on the property jointly owned by he, his wife and the proposed conservatee.</p>		<p>Court Investigator advised rights on 01/10/14.</p> <p>Voting rights affected, need minute order.</p>
Cont. from	<p>Estimated Value of the Estate Personal property - \$ 2,500.00 Annual income - 12,000.00 Real property - 60,000.00</p>		<p>1. Need proof of personal service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Probate Conservator</i> on the proposed conservatee. Note: Proof of service by mail was filed 01/16/14 indicating that a copy of the Petition (without the Notice of Hearing) was mailed to the proposed conservatee on 01/15/14; however service by mail is insufficient. Need proof of <u>personal service</u>. It is noted that the Citation was personally served on the proposed conservatee.</p> <p>2. Need receipt for viewing of conservatorship video.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Friday, 02/28/14 at 9:00a.m. in Dept. 303 for the filing of the bond; • Friday, 06/27/14 at 9:00a.m. in Dept. 303 for filing of the Inventory & Appraisal; and • Friday, 03/27/15 at 9:00a.m. in Dept. 303 for the filing of the first account. <p>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.</p>
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	x		
✓ CI Report			
9202			
✓ Order	<p>Court Investigator Charlotte Bien filed a report on 01/15/14.</p> <p>Declaration of Deborah K. Boyett, Court-Appointed Attorney for Conservatee filed 01/31/14 states: she opposes Petitioner's request for § 2590 powers in order to obtain a reverse mortgage on the residential property owned jointly by Petitioner and his wife and the proposed conservatee. Declarant does not support the plan of obtaining a reverse mortgage because the income received therefrom could potentially disqualify the proposed conservatee from receiving or continuing to receive benefits that pay for her board and care. Therefore, Ms. Boyett does not believe that a reverse mortgage on the residence is in the best interests of the proposed conservatee.</p>		
Aff. Posting			
Status Rpt			
UCCJEA			
✓ Citation			
FTB Notice			
			<p>Reviewed by: JF</p> <p>Reviewed on: 01/30/14</p> <p>Updates: 01/31/14</p> <p>Recommendation:</p> <p>File 11 – Perhoduk</p>

Status Hearing Re: Establishment of Guardianship in Nevada

		<p>ADRIANNE MOUTON, Maternal Aunt is Guardian.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
		<p>Guardian's Petition to Fix Residence Outside the State of California was granted on 7-18-13.</p>	<p><u>Continued from 11-19-13, 12-31-13</u> There were no appearances at the last two status hearings. Minute Orders were mailed to Ms. Mouton.</p>
<p>Cont. from 111913, 123113</p>		<p>The Court set this Status Hearing Re: Establishment of Guardianship in Nevada.</p>	<p>As of 12-19-13, nothing further has been filed.</p>
Aff.Sub.Wit.		<p>On 9-17-13, Petitioner filed a declaration with an attached copy of a petition for guardianship filed 8-12-13 in Clark County, Nevada. The document indicates a court date of 9-12-13.</p>	<p>1. Petitioner provided documentation that a guardianship petition was filed in Clark County, NV; however, it is not known whether guardianship has been granted and established there yet.</p> <p>Has the guardianship been established in Clark County, NV? What was the outcome of the hearing on 9-12-13?</p> <p><u>Note:</u> Upon proof that guardianship has been established in Clark County, NV, the Court will terminate this guardianship in Fresno.</p>
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters		<p>Reviewed by: skc</p> <p>Reviewed on: 1-30-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12 – Collins</p>	
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Atty De Ramirez, Blanca (pro per – maternal grandmother/Guardian)

Atty Agundez, Angelica (pro per – paternal grandmother/Petitioner)

Petition for Visitation

Age: 7	ANGELICA AGUNDEZ, paternal grandmother, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		CONTINUED FROM 12/03/13
	BLANCA DE RAMIREZ, maternal grandmother, was appointed guardian on 01/12/12 – Personally served on 11/14/13	Minute Order from 12/03/13 states: Also present in the courtroom are Janette Ramirez and Ms. Arias. The Court orders the parties to participate in mediation today at 10:30 am.
Cont. from 120313		
Aff.Sub.Wit.		
✓ Verified	Father: EDGAR AGUNDEZ – currently incarcerated; served on 11/14/13	Probate Mediation Agreement signed by all parties was filed 12/04/13.
Inventory	Mother: KARLA ALVAREZ – currently incarcerated; served on 11/20/13	
PTC		
Not.Cred.	Paternal grandfather: MOISES AGUNDEZ	1. Need Notice of Hearing.
Notice of Hrg	Maternal grandfather: UNKNOWN	2. Need proof of service by mail at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Visitation for:
Aff.Mail		- Moises Agundez (paternal grandfather)
Aff.Pub.		- Maternal grandfather
Sp.Ntc.		
✓ Pers.Serv.	Petitioner states that she has had a lot of trouble getting her court ordered visitation. Petitioner alleges that the guardian cancels the visits frequently without reason. The Court has previously ordered that the guardian is not to miss visits under any circumstances, but she has violated this order. Petitioner also wants permission to take Kaylie to visit her father in prison before he is transferred out of state. Petitioner requests:	
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: JF
Status Rpt		Reviewed on: 01/30/14
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice	Declaration filed 12/02/13 by Petitioner Angelica Agundez states: that they participated in mediation on 11/13/13; the guardian left after one hour and continues to violate the court order and not allow Kaylie to visit her father with Michelle (step-mother). Even though Petitioner has demonstrated numerous times that Michelle and Kaylie are not strangers.	File 13 – Alvarez

Atty Green, Shanika M. (pro per – maternal aunt/Petitioner)

Atty Green, Mark (pro per – maternal aunt’s fiancé/Petitioner)

Petition for Termination of Guardianship

		SHANIKA GREEN and MARK GREEN , Guardians, are Petitioners.	NEEDS/PROBLEMS/ COMMENTS: 1. Need Notice of Hearing. 2. Need proof of service of Notice of Hearing at least 15 days prior to the hearing per Probate Code §1460(b)(5) on all relatives: - Isaac McCoy (Ineisha’s father) - Zachary Tucker (Lazaya’s father) - Laniesha Green (Mother) - Ineisha’s paternal grandparents - Zack Tucker (Lazaya’s paternal grandfather) - Angela Palmer (Lazaya’s paternal grandmother) - Tommy Green (Maternal Grandfather) - Janet Simpson (Maternal Grandmother)
		Petitioners (Maternal Aunt and Uncle) were appointed Guardians on 11-12-13.	
Aff.Sub.Wit.		Father (Ineisha): ISAAC MCCOY	
✓ Verified		Father (Lazaya): ZACHARY TUCKER	
Inventory		Mother: LANIESHA GREEN	
PTC			
Not.Cred.		Paternal grandparents (Ineisha): Unknown	
Notice of Hrg	X	Paternal grandfather (Lazaya): Zack Tucker	
Aff.Mail	X	Paternal grandmother (Lazaya): Angela Palmer	
Aff.Pub.		Maternal grandfather: Tommy Green	
Sp.Ntc.		Maternal grandmother: Janet Simpson	
Pers.Serv.		Petitioners state the mother wants to work on getting them back. Also, they are having problems with the oldest girl’s behavior.	
Conf. Screen		Court Investigator Julie Negrete filed a report on 1-7-14.	
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: skc
			Reviewed on: 1-30-14
			Updates:
			Recommendation:
			File 14 – McCoy & Tucker

Age: 7		<u>TEMPORARY EXPIRES 02/04/2014</u>		NEEDS/PROBLEMS/COMMENTS:
		<p>CONNIE JIMENEZ, maternal aunt is petitioner.</p> <p>Father: ANDREW BROWN – <i>Personally served on 12/06/13</i></p> <p>Mother: CYNTHIA VALDEZ – <i>Consent & Waiver of Notice filed 12/11/13</i></p> <p>Paternal Grandfather: CORNELIUS POLK - <i>Deceased</i></p> <p>Paternal Grandmother: DIANE POLK - <i>Deceased</i></p> <p>Maternal Grandfather: ROBERT VALDEZ – <i>Served by mail on 12/06/13</i></p> <p>Maternal Grandmother: JANET MARIE JIMENEZ – <i>Served by mail on 12/06/13</i></p> <p>Petitioner states: the mother, Cynthia Valdez, is dying of terminal Stage 4 cancer; her death is imminent. Petitioner states that the child's father, Andrew Brown, is in his life and is very loving, however petitioner is seeking to share legally with the father in order to be helpful to him after the mother's death. She states that the father is a good care taker and she is not seeking to take custody of the child from the father but she wants to be a co-parent, she wants to be a mother figure to the child.</p> <p>Court Investigator Charlotte Bien filed a report on 01/24/14.</p>		
Cont. from				
	Aff.Sub.Wit.			
✓	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			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: JF
				Reviewed on: 01/30/14
				Updates:
				Recommendation:
				File 15 – Brown

ProPer Brown, Andrew L. (pro per – mother's fiancé/Petitioner)

ProPer Jimenez, Connie (pro per – maternal aunt/Petitioner)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 10	<u>TEMPORARY EXPIRES 02/04/2014</u>		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. The Petitioner indicated to the CI that the minor has American Indian ancestry. Therefore, need <u>Notice of Child Custody Proceeding for Indian Child</u> (Form ICWA-030) to be completed and returned to the Probate Clerk's Office as soon as possible. The guardianship cannot go forward without this Notice. 60 days must elapse after the Notice is served before a guardianship can be granted. A blank copy of the form is in the file for Petitioner. It should be completed and returned <u>as soon as possible</u> to the Probate Clerk's Office. The Probate Clerk's Office will complete service. Note: The Petition was not marked that the minor had Indian Ancestry.</p> <p>2. Need service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Guardianship or Consent & Waiver of Notice or Declaration of Due Diligence</i> for:</p> <ul style="list-style-type: none"> a. Darnell Robinson (father) – personal service required b. Paternal grandfather – service by mail sufficient c. Paternal grandmother – service by mail sufficient
	<p>ANDREW BROWN, mother's fiancé, and CONNIE JIMENEZ, maternal aunt are petitioners.</p>		
Cont. from	<p>Father: DARNELL ROBINSON</p>		
Aff.Sub.Wit.	<p>Mother: CYNTHIA VALDEZ - <i>Consent and Waiver of Notice filed 12/13/2013</i></p>		
✓ Verified	<p>Paternal Grandfather:</p>		
Inventory	<p>Paternal Grandmother:</p>		
PTC	<p>Maternal Grandfather: ROBERT VALDEZ – served by mail on 12/06/13</p>		
Not.Cred.	<p>Maternal Grandmother: JANET MARIE JIMENEZ – served by mail on 12/06/13</p>		
✓ Notice of Hrg	<p>Petitioners state: Da'Veon's mother, Cynthia Valdez, has been diagnosed with Stage 4 cancer and her death is imminent, she may not live to the hearing. The biological father has not been in the child's life for the entirety of it and has not seen the child since the age of three. The biological father is believed to be incarcerated in California. The mother is anxious for the child to have guardians prior to her death, which could come at any moment. Proposed guardian, Andrew Brown, has helped raise the minor and has been his father figure for most his life.</p>		
✓ Aff.Mail w/	<p>Court Investigator Charlotte Bien filed a report on 01/24/14.</p>		
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			
<p>Reviewed by: JF</p>			
<p>Reviewed on: 01/30/14</p>			
<p>Updates:</p>			
<p>Recommendation:</p>			
<p>File 16 – Robinson</p>			

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

Age: 6	<p><u>TEMPORARY GRANTED EX PARTE;</u> <u>EXPIRES 02/04/14</u></p> <p><u>GENERAL HEARING 03/24/14</u></p> <p>KEISHA SHABAZZ, maternal cousin, is Petitioner.</p> <p>Father: UNKNOWN</p> <p>Mother: LASHONRA HARDEMAN</p> <p>Paternal grandparents: UNKNOWN</p> <p>Maternal grandfather: RICK HARDEMAN – <i>deceased</i></p> <p>Maternal grandmother: MARIYLN MARTIN</p> <p>Petitioner states that Je'Tai's mother has not been an active parent due to drug addiction. The mother does not have stable housing and frequently leaves Je'Tai in the home of strangers. She has also not sought property medical treatment for his asthma. Petitioner states that Je'Tai has been in her care since December 2013 and his mother has seen him a total of 1 hour during that time.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardian of the Person or Consent & Waiver of Notice or Declaration of Due Diligence</i> for: <ol style="list-style-type: none"> a. LaShondra Hardeman (mother) b. Father 	
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input type="checkbox"/> Notice of Hrg			x
<input type="checkbox"/> Aff.Mail			
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			x
<input type="checkbox"/> Pers.Serv.			
<input checked="" type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters			x
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input type="checkbox"/> Order			x
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input checked="" type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
		<p>Reviewed by: JF</p> <p>Reviewed on: 01/30/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 17 – Hardeman</p>	