



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

(1) Report on Waiver of Account and (2) Petition for Its Settlement, for (3) Allowance of Attorney Fees and Costs and for (4) Final Distribution

DOD: 04/08/13	CYNTHIA GERRINGER , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Accounting is waived.	CONTINUED FROM 01/16/14 Minute Order from 01/16/14 states: Mr. Cain is appearing via Courtcall. Ms. Nuttall requests a continuance on behalf of Ms. Sanoian who is out ill. Matter set for Settlement Conference on 02/26/14. Counsel is directed to submit their settlement conference statements along with a courtesy copy of the Court one week before the hearing. Mr. Cain's client will not be required to be personally present on that day however, she is to be available by phone.
Cont. from 011614	I & A - \$244,765.39 (see note 1)	As of 02/06/14, nothing further has been filed in this matter.
<input type="checkbox"/> Aff.Sub.Wit.	POH - \$138,065.65 (all cash)	1. The Petition references a final Inventory & Appraisal filed 06/15/13 in the amount of \$108,765.39 on page 3, item 10. However the Final Inventory & Appraisal was filed 10/04/13 reflecting assets in the amount of \$108,618.76. Therefore, it appears that the total assets of the estate equal \$244,618.76 rather than \$244,765.39. This difference also effects the calculation of the statutory fees.
<input checked="" type="checkbox"/> Verified	Administrator - \$8,442.44 (statutory, see note 1)	2. Need Order.
<input checked="" type="checkbox"/> Inventory	Attorney - \$8,442.44 (statutory, see note 1)	Note: Examiner calculates the fee base to be \$271,975.20 and the statutory fee to be \$8,439.50, resulting in \$60,375.83 to be distributed to each beneficiary.
<input checked="" type="checkbox"/> PTC	Costs - \$435.00 (filing fee)	Reviewed by: JF
<input checked="" type="checkbox"/> Not.Cred.	Distribution, pursuant to intestate succession, is to:	Reviewed on: 02/06/14
<input checked="" type="checkbox"/> Notice of Hrg	John Robert Marin - \$60,372.88	Updates:
<input checked="" type="checkbox"/> Aff.Mail w/	Cynthia Geringer - \$60,372.88	Recommendation:
<input type="checkbox"/> Aff.Pub.	Objections to Report and Waiver of Account and Objection to Petition for its Settlement; Points and Authorities filed 01/13/14 by Eleanor Copeland states:	File 6A – Copeland
<input type="checkbox"/> Sp.Ntc.	1. Objector is the sole heir of decedent's predeceased spouse and is entitled to inherit ½ of the community property under Probate Code § 6402.5(a)(2), 6402.5(b)(2) and 240.	
<input type="checkbox"/> Pers.Serv.	2. The Petition erroneously states that the estate consists entirely of the decedent's separate property.	
<input type="checkbox"/> Conf. Screen	3. Decedent's estate consists of a residence purchased during her 38 year marriage and decedent's income, earned while married, which funded her pension.	
<input type="checkbox"/> Letters 06/27/13	Continued on Page 2	
<input type="checkbox"/> Duties/Supp		
<input checked="" type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" 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 checked="" type="checkbox"/> FTB Notice		

4. Decedent did not designate a beneficiary for her pension and that pension plan has terminated. Those funds are now **former ERISA plan benefits**. (Emphasis in original) The former pension funds have been paid to the Administrator, as they come into decedent's estate, they retain their community property character, and are distributable with other community property.
5. The Petition for Probate appointing Petitioner as Administrator of Decedent's estate failed to state that decedent was survived by a parent of a predeceased spouse and Objector is objecting on that basis. Decedent's husband, George L. Copeland, died on 05/21/09.
6. Objector is an intestate heir of decedent's predeceased spouse under Probate Code § 6402.5(a)(2), 6402.5(b)(2) and has standing to bring these objections. Objector requests judicial notice under Evidence Code § 452(d) of her petition to determine heirship and the beneficial interests of the intestate heirs thereunder.
7. The pension funds that were distributed to the Administrator consist of IBM Retirement Savings and a beneficiary account with the IBM 401 (k) Plus Plan.
8. Decedent's residence on Stanford in Clovis is community property of decedent and her predeceased husband George Copeland. The property was purchased on 06/22/88, during their marriage, they were married on 11/16/72.
9. By law ERISA (Employment Retirement Income Security Act of 1974) federal preemption is limited. California law still creates a community property interest in decedent's income earned during the marriage.
10. Once an ERISA-qualified plan terminates or the participant terminates his or her interest in the plan and the benefits are transferred out of the plan, ERISA no longer applies and there is no federal preemption. In this case, decedent did not designate a pension plan beneficiary, and the funds were property distributed to the Administrator for disposition in decedent's estate.
11. A community property interest in acquired during marriage and before separation. A spouse's community property interest arises at the time it is acquired and is not affected by a change in the form of the property. Its community property status can only be altered by judicial decision or joint action between the parties.
12. In California, the community vs. separate character of property is determined by reference to the time of its acquisition.
13. Both the residence and the IBM Pension funds were acquired during the marriage. The proceeds from the sale of the marital residence and the former 401 (k) pension funds are community property and one-half is distributable under community property principles to the heirs of a predeceased spouse under Probate Code § 6402.5(a)(2) and 6402.2(b)(2). Accordingly, one-half of the estate should be distributed to Objector as the sole heir of the predeceased spouse, and one-half should be distributed to the decedent's heirs at law, being her brother and sister.

Objector prays for an Order:

1. Denying the request to settle the report on waiver of account and the petition thereon;
2. Find that the estate consists entirely of community property;
3. Set bond in an appropriate amount as Objector has not waived bond; and
4. Order that community property be distributed pursuant to Objector's petition to determine heirship.

Petition to Determine Heirship

DOD: 04/08/13		ELEANOR COPELAND , is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 01/16/14</u> Minute Order from 01/16/14 states: Mr. Cain is appearing via Courtcall. Ms. Nuttall requests a continuance on behalf of Ms. Sanoian who is out ill. Matter set for Settlement Conference on 02/26/14. Counsel is directed to submit their settlement conference statements along with a courtesy copy of the Court one week before the hearing. Mr. Cain's client will not be required to be personally present on that day however, she is to be available by phone.</p> <p>As of 02/06/14, nothing further has been filed in this matter.</p> <p>1. Need Order.</p>
Cont. from 011614			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/	
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	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	x	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

DOD: 04/08/13	<p>CYNTHIA GERRINGER, Administrator, filed a Report on Waiver of Account and Petition for its Settlement; for Allowance of Attorney Fees and Costs Advances; and for Final Distribution on 11/20/13.</p> <p>ELEANOR COPELAND, Objector, filed a Petition to Determine Heirship on 11/25/13 and Objections to Report and Waiver of Account and Objections to Petition for its Settlement; Points and Authorities on 01/13/14.</p> <p>Minute Order from hearing on the above described Petitions on 01/16/14 set this matter for a status hearing and states: Mr. Cain is appearing via Courtcall. Ms. Nuttall requests a continuance on behalf of Ms. Sanoian who is out ill. Matter set for Settlement Conference on 02/26/14. Counsel is directed to submit their settlement conference statements along with a courtesy copy of the Court one week before the hearing. Mr. Cain's client will not be required to be personally present on that day however, she is to be available by phone.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
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Notice of Hrg		
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Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 02/06/14
		Updates:
		Recommendation:
		File 6C – Copeland

		TEMP DENIED 10-24-13	
		JULIE CASTILLO and CONNIE MARTINEZ , Daughters, are Petitioners and request appointment as Co-Conservators of the Person with medical consent powers and dementia medication powers, and as Co-Conservators of the Estate without bond, funds blocked.	
		Voting rights affected	
		Estimated value of estate:	
		Personal property: \$100,000.00	
		(also Real property: \$100,000.00)	
		Cost of recovery: \$10,000.00	
		Bond required: \$110,000.00	
		Need Capacity Declaration	
		Petitioners state their mother was diagnosed with dementia in 2010. Before this occurred, she had drafted a Power of Attorney for Health Care indicating Petitioners (daughters), Joseph (son), and Monica (granddaughter) as potential agents to assist in her health care decisions. In the last year, the family has witnessed actions by Joseph that have caused great concern regarding his motivation in assisting her. At this point, Joseph will not allow Petitioners access to any of their mother's finances and now utilizes a debit card in her name all over town. He has made significant cash withdrawals including removing approx. \$17,500 from the account. He insisted the money was his, even though he is unemployed and contributes no funds to the account. In addition, he has been talking derogatorily and with obscene profanity toward their mother and tells her that nobody wants her and if he did not live with her she would be all alone. She is afraid to say anything to him. Petitioners state he took her to an attorney, but she does not know what she signed. He does not allow her to go to the doctor and threatens to not feed her if she does not listen to him. Petitioners state their mother is not capable of making decisions on her own and are concerned that something may happen to her if conservatorship is not granted.	
		SEE ADDITIONAL PAGES	
			NEEDS/PROBLEMS/COMMENTS:
			Court Investigator advised rights on 11-12-13
			Voting rights affected - Need minute order
			Minute Order 10-24-13 (Temp): Ms. Walters informs the Court that her client owes Rosie Reyna about \$3,000.00 which she is currently paying. Parties agree to participate in mediation today at 1:30 p.m. Parties are ordered not to speak ill of one another around Rosie Reyna. Mr. Teixeira is ordered to remain as counsel for Rosie Reyna. Based on the report of the investigator and everything that has been heard today, the Court denies the petition. The General Hearing remains set for 11/21/13. Petition is denied.
			Minute Order 11-21-13: Status of Evaluation to be filed with the Court.
			Note: Nothing further has been filed regarding the outcome of the mediation appointment or the status of evaluation per minute order of 11-21-13.
			1. Need Confidential Supplemental Information Form GC-312. (This form provides information about the proposed Conservatee.)
			2. Need bond of \$110,000.00 per Cal. Rules of Court 7.207 and Probate Code §2320(c)(4).
			3. Need Capacity Declaration in support of requests for medical consent and dementia powers.
			4. Need order.
			Reviewed by: skc
			Reviewed on: 2-6-14
			Updates:
			Recommendation:
			File 7 – Reyna
Cont. from 112113			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	W		
Aff.Pub.			
Sp.Ntc.			
✓ Pers.Serv.	W		
✓ Conf. Screen	X		
✓ Letters			
✓ Duties/Supp			
Objections			
✓ Video Receipt			
✓ CI Report			
9202			
Order	X		
Aff. Posting			
Status Rpt			
UCCJEA			
✓ Citation			
FTB Notice			

Page 2

Petitioners filed declarations in support of the petition from Bernardo Reyna (son), Julien Castillo (son-in-law), Paul Reyna (brother-in-law), Jonathan Martinez (grandson), Dorothy Martinez (family member), Harry Martinez (son-in-law), Cameron Martinez (grandson), Corina Martinez (granddaughter), Diane A. Frias (niece), Lydia Leong (family friend and former girlfriend of Joe), and Monica Estrada (granddaughter). See declarations for details.

Court Investigator Samantha Henson filed a report on 11-14-13.

Declaration of Attorney Lisa Horton filed 11-19-13 states that on 11-15-13, she was on the telephone with her client Julie Castillo who was standing in front of the proposed conservatee's residence attempting to visit with her mother. Attorney Horton heard Joseph Reyna yelling at Rosie and her clients through the phone, including yelling out, "They just want your money mom, don't let them in."

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 12/21/2013			<p>JENNIFER EARLE, friend/named executor without bond, is petitioner.</p> <p>Full IAEA –?</p> <p>Will dated: 10/31/2011</p> <p>Residence: Selma Publication: Need</p> <p>Estimated value of the Estate: Personal property - \$305,000.00 Real property - \$3,000.00 Total: - \$308,000.00</p> <p>Probate Referee: Rick Smith</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Affidavit of Publication.</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 <u>and</u> • 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>
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.	s/p		
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<input type="checkbox"/>	Inventory			
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<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
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<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
Reviewed by: LV				
Reviewed on: 02/06/2014				
Updates:				
Recommendation:				
File 11 – Carr				

Status Hearing Re: Filing of the Receipt for the Blocked Account

DOD: 06/22/2012	<p>KAREN K. WILLIAMS, was appointed as administrator with limited authority without bond and ordered to have \$170,000.00 deposited into a blocked account.</p> <p>Minute order dated 06/07/2013 set this status hearing for the filing of the receipt for blocked account.</p> <p>Third Amended Order for Probate signed on 08/29/2013 stating the total amount authorized for deposit is estimated at \$170,000 and will be deposited at different times. The initial deposit will consist of approximately \$47,926.88, plus accrued interest, held in a checking account and Certificates of Deposit currently held in decedent's name at Bank of America. Following that deposit will be proceeds from the sale of two vehicles, transfer of funds now held in the decedent's name at United Local Credit Union in an amount approximately \$14,915.04, plus accrued interest, and the net proceeds of the sale of the decedent's real property.</p> <p>Depository Receipt in the amount of \$47,931.99 was filed on 01/07/2014.</p>	NEEDS/PROBLEMS/COMMENTS:
		<ol style="list-style-type: none"> 1. Need receipt for blocked account in the amount of \$14,915.04. 2. Need receipt for blocked account for the net proceeds of the sale of the decedent's real property. Note: Receipt for blocked account will not be ready until the sale of the property. Report of Sale and Petition for Order Confirming Sale of Real Property continued to 02/18/2014. 3. Need sanctions in the amount of \$500.00 ordered on 11/01/2013 to be paid.
Cont. from 051013, 060713, 070513, 080213, 090613, 110113, 010914		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
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Video Receipt		
CI Report		
9202 Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 02/06/2014
		Updates:
		Recommendation:
		File 13 – Williams

		SHANIKA GREEN and MARK GREEN , Guardians, are Petitioners.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Page 17B is a petition for temporary guardianship filed by another aunt Debra Hopkins.</p> <ol style="list-style-type: none"> 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: <ul style="list-style-type: none"> - 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.	
Cont. from 020414			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
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	Letters		
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	CI Report		
	9202		
✓	Order		
	Aff. Posting		
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	FTB Notice		
		<p>Father (Ineisha): ISAAC MCCOY Father (Lazaya): ZACHARY TUCKER Mother: LANIESHA GREEN</p> <p>Paternal grandparents (Ineisha): Unknown Paternal grandfather (Lazaya): Zack Tucker Paternal grandmother (Lazaya): Angela Palmer</p> <p>Maternal grandfather: Tommy Green Maternal grandmother: Janet Simpson</p> <p>Petitioners state the mother wants to work on getting them back. Also, they are having problems with the oldest girl's behavior.</p> <p>Court Investigator Julie Negrete filed a report on 1-7-14.</p>	
			<p>Reviewed by: skc</p> <p>Reviewed on: 2-6-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 17A – McCoy & Tucker</p>

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

		GENERAL HEARING 4-7-14	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Petitioner requests the Court excuse notice to Iniesha's father Isaac McCoy because no one knows his address or phone number and he did not appear at the last hearing.</p> <p>However, on 8-8-13, Mr. McCoy filed an Objection and a Petition for Termination of the guardianship, which provides an address and phone number for both him and his mother Lovella McCoy.</p> <p>Therefore, the Court may require notice to Mr. McCoy pursuant to Probate Code §2250(e) or further diligence for this temporary hearing and to both of them for the general hearing on 4-7-14.</p> <p><u>Note:</u> It appears Mr. McCoy was not served regarding the last hearing either, which may be the reason he was not there.</p>
		DEBRA HOPKINS , Maternal Aunt, is Petitioner.	
		SHANIKA GREEN and MARK GREEN , Maternal Aunt and Uncle, were appointed Guardians on 11-12-13. - Petition For - Personally served 2-4-14	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC	Father (Iniesha): ISAAC MCCOY Father (Lazaya): ZACHARY TUCKER - Personally served 2-4-14	
	Not.Cred.		
✓	Notice of Hrg	Mother: LANIESHA GREEN - Personally served 2-4-14	
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.	Paternal grandfather (Iniesha): Deceased Paternal grandmother (Iniesha): Lovella McCoy Paternal grandfather (Lazaya): Zack Tucker Paternal grandmother (Lazaya): DD Tucker - Personally served 2-4-14	
✓	Pers.Serv.	W	
	Conf. Screen		
	Letters		
	Duties/Supp	Maternal grandfather: Tommy Green Maternal grandmother: Janet Simpson	
	Objections		
	Video Receipt	Petitioner states it is best that she take the girls. Their aunty is giving them up because she is having problems taking care of them. Petitioner has more than enough room for them and has no other kids to look after and does not want to see the girls in foster care. Petitioner states Iniesha and her mother lived with her until Iniesha was about four years old. Petitioner feels she could parent both of the girls.	
	CI Report		
	9202 Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA	Petitioner requests the Court excuse notice to Iniesha's father Isaac McCoy and because no one knows his address or phone number.	
	Citation		
	FTB Notice		
		Reviewed by: skc	
		Reviewed on: 2-6-14	
		Updates:	
		Recommendation:	
		File 17B –McCoy & Tucker	

Age: 5	<u>NO TEMPORARY REQUESTED</u>		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 01/09/14</u> Minute Order from 01/09/14 states: No appearances. Matter continued to 02/13/14. The Court directs that a copy of the minute order be sent to Maria Hernandez.</p> <p>Clerk's Certificate of Mailing filed 01/10/14 states that a copy of the minute order was mailed to Petitioner on 01/10/14.</p> <p>Petitioner is Spanish speaking.</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person or Consent & Waiver of Notice or Declaration of Due Diligence</i> for: <ol style="list-style-type: none"> a. Jose Aca Cocone (father) – personal service required, unless diligence is found; declaration of due diligence filed 11/14/13 b. Alberta Ramos Hernandez (mother) – personal service required c. Paternal grandfather – service by mail sufficient d. Paternal grandmother – service by mail sufficient e. Tomas Ramos (maternal grandfather) – service by mail sufficient f. Carmela Hernandez (maternal grandmother) – service by mail sufficient
	<p>MARIA MAGDALENA RAMOS HERNANDEZ, maternal aunt, is Petitioner.</p> <p>Father: JOSUE ACA COCONE – <i>Declaration of Due Diligence</i> filed 11/14/13</p> <p>Mother: ALBERTA RAMOS HERNANDEZ</p> <p>Paternal grandparents: UNKNOWN</p> <p>Maternal grandfather: TOMAS RAMOS Maternal grandmother: CARMELA HERNANDEZ</p> <p>Siblings: JUAN CARLOS ACA RAMOS (9), DENISE SANCHEZ</p> <p>Petitioner alleges that the mother left the child without speaking to Petitioner. She left a notarized letter. Mother cannot afford to care for the child and does not want the child with her.</p> <p>Court Investigator Jennifer Young filed a report on 01/02/14.</p>		
Cont. from 010914			
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<input type="checkbox"/> Notice of Hrg	x		
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<input type="checkbox"/> FTB Notice			
<p>Reviewed by: JF</p> <p>Reviewed on: 01/08/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 19 – Aca-Ramos</p>			