



## 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 Rosa Linda Larssen (CONS/PE)

Case No. 0321261

(1) Twelfth Account and Report of Sole, Surviving Successor Co-Conservator and  
 (2) Petition for Issuance of Letters to Surviving Co-Conservator as Sole Conservator  
 and (3) Petition for Allowance of Fees to Conservator and Attorney

<b>Age: 57</b>		<p><b>SYLVIA GONZALEZ</b>, sole remaining Conservator, is Petitioner. (Co-Conservator Guadalupe Pena has passed away.)</p> <p><b>Account period: 5-1-10 through 4-30-12</b></p> <p><b>Accounting: \$237,906.88 / \$236,511.14</b>                  Beginning POH: \$188,621.57                  Ending POH: \$202,555.53 (\$52,644.21 cash - \$17,317.73 unblocked - plus real and personal property)</p> <p><b>Conservator: \$1,800.00</b>                  (\$15/hr for 120 hours including transportation, household management, shopping, overseeing renovations on the residence, etc.)</p> <p><b>Attorney: \$2,000.00 (per local rule)</b></p> <p><b>Current Bond: \$42,000.00</b>                  Although Petitioner calculates that bond should be increased to \$49,143.81 pursuant to the POH and income at the end of this account period, Petitioner requests that the Court not increase the current bond of \$42,000.00. Petitioner states that shortly after this account period, additional expenses were incurred emptying the residence and readying it to become a rental. Additionally, personal property items depreciate in value, and the cemetery lot is included, which doesn't really have a liquid value to justify the requirement of bonding. Petitioner requests that any increase in bond be addressed at the next accounting.</p> <p><b>Petitioner prays for an order:</b></p> <ol style="list-style-type: none"> <li>1. Authorizing issuance of new Letters of Conservatorship naming Petitioner as the sole conservator;</li> <li>2. Approving, allowing and settling the account; and</li> <li>3. Authorizing the Conservator's and attorney's fees and commissions</li> </ol>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 2-19-13, 3-19-13</b></p> <p><b>Minute Order 3-19-13:</b> Counsel is directed to attempt to balance the account or indicate why she was unable to do so. In addition, counsel to submit a declaration addressing the remaining issues in the examiner notes. Continued to 4-23-13.</p> <p><b>As of 4-16-13, nothing further has been filed. The following issues remain:</b></p> <ol style="list-style-type: none"> <li>1. Accounting does not balance. Charges are \$237,906.88 and Credits are \$236,511.14, a difference of \$1,395.74. Need clarification and/or amendment.</li> <li>2. The dates of the disbursements are cut off on the Disbursement Schedule so it is unclear when the disbursements were made. The Court may require new schedules for Court records.</li> </ol> <p><i>(Examiner notes that for the schedules, the Judicial Council forms 400(A-G) are "optional;" however, if the forms were used, this format discrepancy would not have occurred.)</i></p> <p style="text-align: center;"><b><u>SEE ADDITIONAL PAGES</u></b></p>	
<b>Cont from: 021913, 031913</b>				
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<b>Reviewed by:</b> skc				
<b>Reviewed on:</b> 4-16-13				
<b>Updates:</b>				
<b>Recommendation:</b>				
<b>File 1 - Larsen</b>				

**NEEDS/PROBLEMS/COMMENTS (Continued):**

3. Disbursements schedule indicates numerous disbursements for gifts to family members during this account period totaling over \$2,000.00 for holidays and events. Pursuant to Cal. Rules of Court 7.1059, a conservator of the estate should Refrain from making loans or gifts of estate property, except as authorized by the court after full disclosure. The Court may require clarification and authorization going forward.
4. The accounting indicates that the Conservatee paid \$1,387.10 for her mother's funeral costs, and also reimbursed another family member \$600.00, for a total of \$1,987.10. The Court may require clarification as to whether the conservatorship paid the entirety of the costs, or whether this was just the Conservatee's portion.
5. Disbursements schedule indicates that the Conservatee receives an allowance from which she pays most of her personal expenses, which appears to range from \$800-\$2,100/month. Since moving in with her daughter in November 2011, she pays her housing costs in addition to contributing toward food and utilities from this allowance. The Court may require clarification of her share of the household expenses for this period, and accounting in future account periods of such expenses.
6. Petitioner indicates that after this account period, the Conservatee's residence in Fresno was being readied to become a rental. The Court may require an update on the status of the residence at this time, since there appears to be five months during this account period after the Conservatee moved out that there was no rental income.
7. Need order.

**Continued Hearing by Court Re: First Account and Status Report of Personal Representative**

<b>DOD: 05/04/08</b>	<p><b>DEBRA K. BEATH</b>, Administrator, filed her <b>First Account and Status Report of Personal Representative</b> on 09/30/11.</p> <p>An Objection was filed by Rabobank on 12/06/11 and the matter has been continued numerous times.</p> <p><b>Notice of Withdrawal of Objections to Request to Reduce Bond, First Account and Status Report, and Supplement to First Account and Status Report of Personal Representative</b> filed 03/26/13 by Rabobank.</p> <p><b>Personal Representative's Status Report filed 04/11/13</b> states: On 10/23/12, Petitioner filed a status report stating that on 11/14/12, there was a scheduled trustee's foreclosure sale of the real property owned by B &amp; B Riverbend Farms, LLC. Petitioner noted that it would be unlikely that the sale price at the foreclosure sale would be sufficient to pay the secured debt against the property and it was unlikely that B &amp; B Riverbend Farms, LLC would have assets of only nominal value and liabilities far in excess of its assets. The foreclosure sale was postponed because a sale of the real property was arranged. B &amp; B Riverbend Farms, LLC sold its real property for the purchase price of \$2,150,000.00. B &amp; B Riverbend Farms, LLC realized nothing from this sale as the proceeds were applied towards the existing liens. Petitioner and Rabobank, N.A. settled their differences and a written settlement agreement was entered. As a result of the settlement, Rabobank filed its Notice of Withdrawal of Objections on 10/26/13. The estate and its two wholly owned companies remain insolvent. <b>Petitioner expects to file her final accounting and petition to close the estate within the next 90 days.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> It appears that the First Account and Status Report of Personal Representative is still pending. It is unclear whether the settlement between the parties resolved any and all issues relating to the First Account. The Court may require clarification as to the status of the First Account.</p>
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<b>9202</b>		
<b>Order</b>		
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	<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 04/16/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 2 - Boos</b></p>	

(1) First and Final Account and Report of Executor and (2) Petition for Its Settlement, for (3) Allowance of Statutory Attorneys Fees, for (4) Proration of Debts Among Creditors and for (5) Final Distribution Under Will (Prob. C. 11002, 10810, 11420, 11640)

<b>DOD: 2-9-08</b>		<p><b>KELINA ANN WALKER</b>, Surviving Spouse and Executor with Full IAEA without bond, is Petitioner.</p> <p>Account period: 2-9-08 through 1-20-13</p> <p>Accounting: \$264,156.70                  Beginning POH: \$260,315.05                  Ending POH: \$262,156.70                  (real property plus \$12,689.50 cash)</p> <p>Executor (Statutory): Waived</p> <p>Attorney (Statutory): \$566.27</p> <p>The value of the decedent's residence has not been included in the statutory fee calculation because it has a negative equity of \$82,829.00.</p> <p>The estate remaining for distribution consists of cash of \$12,122.93. The total amount of creditors' claims is \$108,935.87. Petitioner states the real property was valued at \$250,000.00 on the decedent's date of death. A recent reappraisal shows the value at \$180,000.00. However, the outstanding balance due on the mortgage on said home is \$262,829.41. Therefore, there is no equity in said property whatsoever.</p> <p>Petitioner maintains that the property is not amenable to sale, in that forcing Petitioner to sell the home will not result in any benefit to the estate or the creditors. Instead, Petitioner proposes the Court distribute the real property pursuant to Decedent's will, which devises the entire estate to Petitioner as surviving spouse.</p> <p>Petitioner proposed payment to the creditors as follows:</p> <p style="text-align: center;"><b><u>SEE ADDITIONAL PAGES</u></b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> Pursuant to Probate Code §13502, Petitioner filed an Election by Surviving Spouse to Administer Surviving Spouse's Community Property in Deceased Spouse's Estate on 10-16-08.</p> <p>1. Petitioner proposes partial payments to the creditors, but proposes to distribute the real property to herself because there is currently no equity. Petitioner states it would not benefit the estate or the creditors to order the house sold. <b><u>Need authority.</u></b></p> <p>The Court cannot authorize distribution until creditors are satisfied unless each creditor agrees to the proposed distribution.</p> <p>See §§ 11420, 11640.</p> <p><b>Attorney filed Memorandum of Points and Authorities in Support of Petition on 4-5-13, with the following documents attached:</b></p> <ul style="list-style-type: none"> <li>- Instruction Letter to Creditors</li> <li>- Declaration of Don Scordino (California licensed Real Estate Broker)</li> </ul> <p><b>See documents for details.</b></p>	
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<input type="checkbox"/>	<b>Aff.Pub.</b>			
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<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input checked="" type="checkbox"/>	<b>FTB Notice</b>			
		<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 4-16-13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 3 - Walker</b></p>		

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Petitioner proposes payment to the creditors as follows:

- Capital One Claim #1: \$434.22, plus the first 3.5818% of any other property not now known or discovered, up to the claim amount of \$3,901.85
- Capital One Claim #2: \$438.98, plus the first 3.6211% of any other property not now known or discovered, up to the claim amount of \$3,944.74
- Capital One Claim #3: \$51.69, plus the first .4264% of any other property not now known or discovered, up to the claim amount of \$464.54
- American Express c/o Estate Recoveries Inc: \$4,915.11, plus the first 40.5439% of any other property not now known or discovered, up to the claim amount of \$44,166.85
- Phillips and Cohen Associates: \$1,389.30, plus the first 11.4601% of any other property not now known or discovered, up to the claim amount of \$12,484.17
- Discover Financial Services LLC: \$544.70 plus the first 4.4931 % of any other property not now known or discovered, up to the claim amount of \$4,894.58
- West Asset Management for HSBC Bank: \$480.90, plus the first 3.9676% of any other property not now known or discovered, up to the claim amount of \$4,322.09
- West Asset Management: \$1,338.89, plus the first 11.0443% of any other property not now known or discovered, up to the claim amount of \$12,031.23
- Citibank c/o Phillips and Cohen Associates: \$2,529.05, plus the first 20.8617% of any other property not now known or discovered, up to the claim amount of \$22,725.82.
- Thereafter, any such property not now known or discovered is distributable to Petitioner.

**Petition for Settlement of First and Final Account and Report of Trustee; Petition to Terminate Trust and for Order of Distribution of Trust Assets; Approval of Trustee's Fees; and for Approval of Payment of Professional Services [Prob. C. 16063, 17200, CRC 7.902]**

<b>DOD: 11-7-11</b>	<b>MICHAEL NEAL</b> , Son and Successor Trustee of the <b>PAT NEAL LIVING TRUST AS AMENDED AND RESTATED ON 7-30-07</b> , is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>Account period: 11-7-11 through 12-31-12</b>	
	Accounting: \$2,064,170.61	
	Beginning POH: \$1,940,341.56	
	Ending POH: \$1,723,977.75	
<input type="checkbox"/> Aff.Sub.Wit.	(Ending POH consists of \$121,137.90 cash, loan to Christopher Neal, loan to Michael Neal, three vehicles, household furnishings, furniture, personal belongings, seven (7) properties, promissory note)	
<input checked="" type="checkbox"/> Verified	Trustee: \$11,000.00 (requested, see below)	
<input type="checkbox"/> Inventory	Attorney (Bolen Fransen): \$3,244.50 (paid)	
<input type="checkbox"/> PTC	Attorney (Dowling Aaron Incopropated): \$13,026.81 (paid)	
<input type="checkbox"/> Not.Cred.	Reserve: \$21,000.00 (for payment of any unpaid income taxes, accountant fees, attorney's fees and costs, trustee's fees, and any other expenses incurred prior to final distribution)	
<input checked="" type="checkbox"/> Notice of Hrg	<b>Petitioner prays for an order:</b>	
<input checked="" type="checkbox"/> Aff.Mail	1. Settling and allowing the First and Final Account as filed;	
<input type="checkbox"/> Aff.Pub.	2. Ratifying, confirming and approving all of the acts and transactions of Petitioner Michael Neal as Trustee;	
<input type="checkbox"/> Sp.Ntc.	3. Petitioner be authorized and directed to pay himself the amount of \$11,000.00 for his services as Trustee through 12-31-12;	
<input type="checkbox"/> Pers.Serv.	4. Ratifying payment of the accounting, legal, financial and other professional service fees paid by Petitioner for those services as described in the first account;	
<input type="checkbox"/> Conf. Screen	5. Petitioner be authorized to terminate and distribute the Trust estate remaining in the hands of the Trustee as set forth herein;	
<input type="checkbox"/> Letters	6. Petitioner be authorized and directed to withhold a reserve in the amount of \$21,000.00 for payment of any income taxes, accountant fees, attorney's fees and costs, trustee's fees, and any other expenses of the Trust incurred prior to final distribution; and the balance of the reserve account be distributed to the beneficiaries, each as to an undivided one-third (1/3) interest;	
<input type="checkbox"/> Duties/Supp	7. For the Court's approval of the proposed trust distribution as set forth in the Petition; and	
<input type="checkbox"/> Objections	8. Such further orders be made as the Court deems proper.	
<input type="checkbox"/> Video Receipt	<b>SEE ADDITIONAL PAGES</b>	
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		<b>Reviewed by:</b> skc
<input type="checkbox"/> Status Rpt		<b>Reviewed on:</b> 4-16-13
<input type="checkbox"/> UCCJEA		<b>Updates:</b>
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Beneficiary Donald Neal was hired to remove a tree at one of the properties at \$200.00. Petitioner also paid his personal business, Floor Tech, \$5,620.00 as reimbursement for out of pocket costs paid by the business to employees and for materials used for working on the trust rental properties and moving Pat Neal's personal property from her home so that it could be rented to generate income to the trust. Itemization attached. Petitioner also paid \$1,600.00 for appraisal of the properties and \$1,000.00 for bookkeeping services on the rentals.

Petitioner states he has performed all duties as trustee including ensuring that all rental properties are adequately insured, utilities paid, rents collected, and general management (responding to tenant issues), sometimes to the detriment of time to devote to Petitioner's own business (self-employed with two full time employees in the decorative concrete business). Petitioner states, for example, that the post office used for trust business is 35 miles from Petitioner's home, and picking up trust mail requires a considerable amount of travel time.

Petitioner states the two remaining beneficiaries, Petitioner's brothers, are without jobs and repeatedly called and wrote to ask for cash distributions to maintain their lifestyles. This required constant attention from Petitioner as they rely almost exclusively on Petitioner and the Trust to provide for their day-to-day needs. Beneficiary Christopher Neal further complicated the trust administration because funds were requested and paid to post bail and pay a criminal defense attorney.

Petitioner estimates approx. 45-60 hours/month dealing with the above-referenced trust matters. Petitioner has not received compensation for his services. Petitioner hereby requests approval in the total amount of \$11,000.00 for services through 12-31-12, calculated at approx. 10% of the rent collected in the total amount of \$110,770.71, but equating less than 1% of the total property on hand at the close of this account. Petitioner estimates that this is less than one-third of the income he lost from his business during this period due to the time spent on trust administration.

Petitioner states any recipient of the account accompanying this petition has a right to petition the court pursuant to § 17200 to obtain court review of the account and the acts of Petitioner. Claims against Petitioner for breach of trust may not be made after the expiration of three years from the date the beneficiary receives an account or report disclosing facts giving rise to the claim.

In accordance with the terms of the trust, Petitioner proposes distribution as set forth on Exhibit B, which includes a cash loan in an amount no less than \$58,766.03 to make the distribution equal as follows:

**SEE ADDITIONAL PAGE**

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**Proposed distribution:****To Michael Neal:**

- 323 N. Minewawa, Clovis, valued at \$375,000.00
- 378 Gibson, Clovis, valued at \$200,000.00
- 1965 Chevelle Supersport valued at \$15,000.00
- Tangible personal property valued at \$5,333.34
- Loan to Michael Neal: \$2,000.00
- Distributions through 12-31-12: \$8,000.00
- Checking account (trust asset after date of death): \$0
- Less \$7,000.00 (share of reserve)
- Less 1/3 Trustee's fees \$3,666.67
- **Total: \$594,666.67, less cash of \$58,766.03 for equalization, for a Total of \$535,900.64**

**To Donald Neal:**

- 65 Cole, Clovis, valued at \$100,000.00
- 207 Pollasky, Clovis, valued at \$330,000.00
- 2010 Chevrolely Malibu valued at \$18,000.00
- Tangible personal property valued at \$5,333.33
- Distributions through 12-31-12: \$39,214.15
- Checking account (trust asset after date of death): \$54,019.83
- Less \$7,000.00 (share of reserve)
- Less 1/3 Trustee's fees \$3,666.67
- **Total: \$535,900.65**

**To Christopher Neal:**

- 620 W. Barstow, Clovis, valued at \$200,000.00, subject to mortgage \$123,578.91
- 502 Beverly Drive, Clovis, valued at \$105,000.00
- 1458 Ashcroft Ave., Clovis, valued at \$145,000.00, subject to mortgage \$125,514.33
- Promissory Note in the amount of \$75,000.00 signed by Perry and Castaneda dated 8-6-07, valued at \$68,839.85
- 1941 Ford Business Coupe valued at \$15,000.00
- Tangible personal property valued at \$5,333.33
- Loan to Christopher Neal \$13,000.00
- Distributions through 12-31-12: \$117,603.28
- Checking account (trust asset after date of death): \$67,118.07
- Less \$7,000.00 (share of reserve)
- Less 1/3 Trustee's fees \$3,666.67
- **Total: \$477,134.62, plus cash of \$58,766.03, for a Total of \$535,900.65**

Atty Ferri, Sabino J.L. (Pro Per – Son / Named Co-Executor – Petitioner)

Atty Ferri, Pasqua Carmela (Pro Per – Daughter / Named Co-Executor – Petitioner)

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

DOD: 5-23-12		<p><b>SABINO J.L. FERRI, son, and PASQUA CARMELA FERRI, daughter</b>, both Named Co-Executors without bond, are Petitioners.</p> <p>Full IAEA – ok</p> <p>Will dated 9-25-03</p> <p>Residence: Fresno Publication: Fresno Business Journal</p> <p>Estimated value of estate:                      Personal property: \$ 50,000.00                      Annual income: \$ 24,000.00                      Real property: \$ 325,000.00                      Total: \$ 399,000.00</p> <p>Probate Referee: Rick Smith</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Continued from 4-2-13</u></p> <p><b>Minute Order 4-2-13: No appearances. Petitioners must be present to make sure they understand their duties as Executors.</b></p> <p><b>Note:</b> If petition is granted, Court will set status hearings as follows:</p> <ul style="list-style-type: none"> <li>• <b>Friday, 9-6-13 at 9:00 a.m. in Dept. 303</b> for filing of inventory and appraisal; and</li> <li>• <b>Friday, 9-5-14 at 9:00 a.m. in Dept. 303</b> for filing of first account and/or petition for final distribution.</li> </ul> <p>Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.</p>
Cont. from 040213			
Aff.Sub.Wit.	S/P		
✓ Verified			
Inventory			
PTC			
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✓ Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: skc	
		Reviewed on: 4-16-13	
		Updates:	
		Recommendation:	
		File 13 - Ferri	