



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 Lillian Salwasser (Estate)

Case No. 07CEPR00104

Atty Matthai, Edith (for Craig A. Houghton – Objector)
 Atty Manock, Charles K. (for George Salwasser/Executor of the Estate of Lillian Salwasser)
 Atty Chiepegian, Michael S (for Marvin Salwasser/Administraror with Will Annexed of Walter Respondent) Salwasser
 Atty Wright, Janet L. (for George Salwasser/Executor)
 Atty Farley, Michael L. (of Visalia, for Gary E. Salwasser - Beneficiary)
Amended and Restated First Account and Report (Status)

	George Salwasser is Executor.	NEEDS/PROBLEMS/COMMENTS:
	An Amended and Restated First Account was filed on 1-13-10 and has been continued with reference to additional ongoing matters in this and other related cases.	<u>Continued from 6-25-12, 9-24-12, 11-26-12, 1-25-13, 3-1-13.</u>
Cont from 062512, 092412, 112612, 012513, 030113		Note: It is Examiner's understanding that at this point a further amended petition for final distribution is expected from Executor to close the estate once the other related matters are settled. This continued hearing is for status on such expected petition for final distribution.
Aff.Sub.Wit.		<u>Status Report and Request for Continuance filed 9-19-12 by Attorney Janet Wright states all matters impeding the filing of the petition appear to have been completed and a draft has been prepared; however, due to an unexpected illness and death in the family of the attorney for the Executor, the draft has not been finalized. Attorney requests 60 days to finalize the petition and continuance to 11-26-12.</u>
Verified	For background, Executor's Status Report filed 10/24/11 states: The purpose of this hearing was to determine whether any further accounting would be necessary as the PrC §850 petitions of the Lillian Salwasser Estate and Walter Salwasser Estate were settled by Settlement Agreement and Release entered into on 6/21/11. Based on the Settlement terms it appears no further accounting should be required for any account reported in the pending Account for accounts held in Decedent or her surviving spouse's names at the time of Decedent's death.	Note: As of 4-19-13, nothing further has been filed. See updates on Page 2.
Inventory		1. Need amended petition for final distribution.
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202	The Probate Estate Account (opened after Decedent's date of death) and collections, if any, on Promissory Notes reported in the Account, would need to be supplemented through date of distribution (Two notes are currently the subject of lawsuits); until there is determination as to the collectability on the Notes, tax matters cannot be finally determined.	
Order		
Aff. Posting		
Status Rpt	X	
UCCJEA		
Citation		
FTB Notice	A mediation is scheduled for 11/16/11 between George and Gary Salwasser; therefore, a continuance of 4 to 6 months is appropriate under the circumstances. Since then, the matter has been continued to per stipulation. Stipulation to Continuance filed 1-17-13 extends the status hearing date for the filing of an amended petition by the Executor to 3-1-13. Order on Stipulation was signed 1-18-13.	
		Reviewed by: NRN / skc
		Reviewed on: 4-19-13
		Updates:
		Recommendation:
		File 1 – Salwasser

Page 2

Status Report filed 2-28-13 by Attorney Janet Wright states:

As a result of settlement in mediation, settlement at the MSC in regards to the 850 Petition, and the judgment in the civil action, the following appear to be the only issues remaining to be resolved: Approval of legal fees; and Allocation of fees incurred relating to estate tax matters. As a practical matter, based on the terms and totality of the settlements, no final accounting for the probate estate assets should be required.

A corrected Inventory and Appraisal to show the 850 Settlement amount of \$300,000.00 as the probate assets, in lieu of a tracing of specific accounts, will be filed.

Counsel is preparing a petition for final distribution on Waiver of Account, which will include a request for approval and allocation of attorney's fees.

Minute Order 3-1-13: Mr. Boyd-Farrell is appearing via conference call for Attorney Michael Farley. Ms. Wright informs the Court that she will be filing a petition. Ms. Wright requests a continuance.

As of 4-19-13, nothing further has been filed.

DOD: 2-7-07		LORENA GARCIA , Daughter, is Administrator with limited IAEA without bond. Letters issued 7-21-08.	NEEDS/PROBLEMS/COMMENTS:
			<u>Continued from 12-6-11, 3-13-12, 9-13-12, 3-14-13</u>
			Minute Order 9-13-12: Ms. LeVan advises the Court that an appellate brief was filed on 8/21/12. She further advises that they are waiting on the assets to come from the award however, they will have to wait on the appeal. Matter continued to 3/14/13. Counsel is directed to submit a written status report. Continued to 3/14/13
Cont. from 120611, 031312, 091312, 031413		On 7-14-09 , the Court approved a settlement agreement between Administrator (daughter) and Omega Ochoa Garcia (surviving spouse) and allowed continuation of estate administration pending certain issues:	Minute Order 3-14-13: The Court orders all attorneys involved in case 04CECG03607 appear for status conference on 4-26-13. Order to Show Cause for attorneys regarding the status of litigation and status of mediation. A copy of the minute order and Order to Appear was mailed to Attorneys H. Ty Kharazi and David Emerzian on 3-15-13.
Aff.Sub.Wit.		1) Retrial of the damages portion of Civil Case # 04CECG03607 Garcia v. Roberts; and	<u>Page 2B of this Calendar is Status Conf re Litigation</u>
Verified		2) Receipt of proceeds due from an eminent domain matter	<u>As of 4-22-13, nothing further has been filed.</u>
Inventory			Note: Examiner Notes from the 10-4-11 status hearing with a brief chronology of this case are in the file for reference.
PTC		On 10-4-11 (the 7 th status hearing regarding retrial of the damages issue), Attorney Emerzian advised the Court that a motion for a new trial was denied and an appeal has been filed, and that deposits need to be made. The Court set this hearing for further status.	1. <u>Need account or current status report.</u>
Not.Cred.			Examiner notes that Letters issued <u>over 5 years ago</u> and the Court approved continuation of estate administration <u>over 4 years ago.</u>
Notice of Hrg		Status Report filed 12-1-11 by Attorney LeVan states that Attorney Ty Kharazi filed a Notice of Appeal on behalf of his clients, the Roberts'. The Fifth District Court of Appeal has set a mediation for the parties on 12-12-11. Attorney LeVan requests to set a status hearing in March 2012 to follow the progress of the appeal.	At recent hearings, status was provided regarding the <u>civil matter</u>; however, account current or status of <u>this estate</u> is needed if the estate is not in a position to be closed (<u>Probate Code §12200</u>).
Aff.Mail			At hearing on 7-26-11 , the Court was advised that the estate was awarded \$184,798.00, but a new trial may affect that award. The I&A value of the estate as of the date of death was \$5,125.00; however, it is unknown if other amounts have been recovered or received, etc.
Aff.Pub.			For example, at this point, what is the property on hand, and how is it held, etc.?
Sp.Ntc.			Reviewed by: skc
Pers.Serv.			Reviewed on: 4-22-13
Conf. Screen			Updates:
Letters			Recommendation:
Duties/Supp			File 2A - Garcia
Objections			
Video Receipt			
CI Report			
9202			
Order			
		Minute Order 12-6-12: No appearances. Matter continued to 3-13-12.	
		Minute Order 3-13-12: Counsel informs the Court that the case has been appealed.	
		Status Report filed 3-13-13 states there are no entries in the civil docket regarding appeal since 1-8-13. Until that matter is decided, we do not know what the final I&A will be. Attorney LeVan requests a six-month continuance for resolution of the appeal.	
Aff. Posting			
Status Rpt	X		
UCCJEA			
Citation			
FTB Notice			

DOD: 2-7-07	LORENA GARCIA, Daughter is Administrator with limited IAEA without bond. Letters issued 7-21-08.	NEEDS/PROBLEMS/COMMENTS:
		Note: This Probate Court has held at least 12 status conferences since January 2010 regarding status of this litigation. Need current status.
	On 7-14-09 , the Court approved a settlement agreement between Administrator (daughter) and Omega Ochoa Garcia (surviving spouse) and allowed continuation of estate administration pending certain issues:	
	1) Retrial of the damages portion of Civil Case # 04CECG03607 Garcia v. Roberts; and	
	2) Receipt of proceeds due from an eminent domain matter	
	On 10-4-11 (the 7 th status hearing regarding retrial of the damages issue), Attorney Emerzian advised the Court that a motion for a new trial was denied and an appeal has been filed, and that deposits need to be made. The Court set this hearing for further status.	
	Status Report filed 12-1-11 by Attorney LeVan states that Attorney Ty Kharazi filed a Notice of Appeal on behalf of his clients, the Roberts'. The Fifth District Court of Appeal has set a mediation for the parties on 12-12-11. Attorney LeVan requests to set a status hearing in March 2012 to follow the progress of the appeal.	
	Minute Order 12-6-12: No appearances. Matter continued to 3-13-12.	Reviewed by: skc
	Minute Order 3-13-12: Counsel informs the Court that the case has been appealed. Matter continued to 9-13-12, then 3-14-13.	Reviewed on: 4-22-13
	Status Report filed 3-13-13 states there are no entries in the civil docket regarding appeal since 1-8-13. Until that matter is decided, we do not know what the final I&A will be. Attorney LeVan requests a six-month continuance for resolution of the appeal.	Updates:
	Minute Order 3-14-13: The Court orders all attorneys involved in case 04CECG03607 appear for status conference on 4-26-13. Order to Show Cause for attorneys regarding the status of litigation and status of mediation.	Recommendation:
		File 2B - Garcia
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

		PUBLIC GUARDIAN , Trustee, is petitioner.	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>Continued from 3/25/13. Minute order states the Court approves the petition subject to the execution of the agreement. Matter continued to 4/26/13. If the agreement is not signed by 4/26/13, all counsel and their clients are to be personally present on 4/26/13. As of 4/22/13 no additional documents have been filed.</p> <hr/> <p>Reviewed by: KT</p> <p>Reviewed on: 4/22/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3 - Pacella</p>
		Petition alleges the Public Guardian was appointed successor Trustee upon the removal of the former Trustee, Philip Pacella. In that capacity the Public Guardian has participated in litigation with the homeowners' association for the condo owned by the trust.	
Cont. from 032513		After Phyllis E. Pacilla died, her son Philip Pacella lived at the condo. The Association filed a "Complaint for Foreclosure of Lien and for Money Damages: for violations of its covenants and restrictions. Although the Association was aware of the Public Guardian's appointment, it continued to attempt service of its complaint on Mr. Pacella. When Mr. Pacella failed to answer the complaint, a default was entered in favor of the Association. Thereafter, months of negotiations resulted in a set-aside of the default and an agreement to resolve the underlying action.	
	Aff.Sub.Wit.	Probate Code § 16242 confirms that a trustee has the power to "settle a claim by or against the trust by compromise . . ." Although Petitioner asserts that no court approval is required given this code section, she nevertheless requests the Court's approval of the compromise. This litigation involves two entities, and affects individual beneficiaries, all of whom will be protected by a court order.	
✓	Verified	A summary of the agreement is as follows: 1) the Public Guardian will pay to the association \$25,000, which covers all costs and fees (including attorney). The original default judgment was in excess of \$40,000. Petitioner did extensive research to determine which fines were valid and which dues were owed by the Trust due to Philip's failure to pay them. 2) The Public Guardian was to pay for December 2011 association dues, and pay an advance of dues owed for January-June 2012.	
	Inventory	Wherefore, the Public Guardian prays as follows:	
	PTC	1. The Court approve the settlement as proposed.	
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail		
	W/		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

(1) Petition for Final Distribution on Waiver of Accounting and (2) for Allowance of Statutory (Prob. C. 10400-10406, 10954, 11600-11642)

DOD: 07/23/10		MICHAEL TARASEVIC , Executor, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED MULTIPLE TIMES Minute Order from 03/11/13 states: The Petition is granted. Counsel's request for address the issue of attorney's fees on 04/26/13 is granted. Counsel to file a request for attorney's fees.</p> <p>Order Confirming Sale of Real Property was signed 03/11/13.</p> <p>As of 04/19/13, nothing further has been filed, it is unclear from the record whether the following issue has been addressed:</p> <p>1. The Petition states that all debts of the decedent have been paid, however, a Creditor's Claim in the amount of \$52,340.63 was filed by California Business Bureau for Community Medical Center on 11/02/10. The Petition states that no action has been taken on this claim at this time, therefore this debt has not been resolved. An Allowance or Rejection of Creditor's Claim was filed on 06/04/12 allowing the claim in the amount of \$24,689.09. Nothing further has been filed regarding this outstanding debt. <u>Distribution of estate assets cannot be made until all debts of the estate have been resolved.</u></p>
		I & A - \$135,867.00	
		POH - \$135,867.00	
		Executor - waives	
Cont. from 112811, 022712, 040912, 080712, 100512, 110912, 021113, 031113		Distribution, pursuant to decedent's Will, is to:	
	Aff.Sub.Wit.	Michael Tarasevic - \$58.50 cash, plus ½ interest in real property and ½ interest in a 1977 truck	
✓	Verified		
✓	Inventory		
✓	PTC		
✓	Not.Cred.	Anthony Tarasevic - \$58.50 cash, plus ½ interest in real property and ½ interest in a 1977 truck	
✓	Notice of Hrg		
✓	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters	11/30/10	
	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: 04/19/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 - Tarasevic</p>

Petition to Compel Trustee to Account to the Beneficiaries and Directing Distribution and Termination of the Trust [Prob. C. 17200(b)(6)(7)(13)]

		<p>JENNIE MILLER REDFERN and JOHN A. CLACK, children of the settlor, are Petitioners.</p> <p>Petitioners state this matter concerns the accounting and termination of the CLACK FAMILY GRANTOR TRUST.</p> <p>Petitioners allege: GENEVA CLACK, as Settlor, executed the CLACK FAMILY GRANTOR TRUST on 7/27/2010.</p> <p>Petitioners allege based on their firsthand knowledge and having read the Trust after their mother's death that the Trust property was to be distributed to the Trustor's named beneficiaries within the Trust.</p> <p>Trustor, GENEVA CLACK died on 12/24/2010. Petitioners believe that upon the Trustor's death the Trust became irrevocable.</p> <p>Petitioners contend that real property located at 2879 Fine Avenue, Fresno is an asset of the Trust.</p> <p>In addition to the property at Fine Avenue, a vehicle, life insurance policies, mutual funds and annuities were assets of the Trust. None of these items were listed in the Schedule A; however, the items have not been subject to any probate proceedings and therefore may be subject to the Trust.</p> <p>Pursuant to the terms of the Trust on page 26 under the heading "Accounting Reports" the Trustee is responsible for the maintenance of adequate records and is responsible for the preparation of an annual accounting report to be provided to the beneficiaries of the Trust. This has not been occurring. When requested by beneficiaries, Trustee refuses to provide adequate documentation. According to the Trustee he has been renting the property, but Petitioners have not been provided any financial explanation of the events surrounding it.</p> <p style="text-align: center;">Please see additional page</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 3/1/13. As of 4/22/13 the following issues remain:</p> <ol style="list-style-type: none"> 1. Petition does not include a copy of the CLACK FAMILY GRANTOR TRUST. The Court cannot make any of the findings requested without a copy of the trust instrument. – Declaration of Jennifer Walters filed on 3/15/13 states attached to her declaration is a copy of the CLACK FAMILY GRANTOR TRUST. However attached to the declaration is the GENEVA CLACK LIVING TRUST dated January 16, 2006 Restatement dated November 5, 2007 and not the CLACK FAMILY GRANTOR TRUST dated 7/27/2010. 2. Petition does not identify the current Trustee of the Trust. 3. Notice of Hearing was mailed on 1/2/13, 28 days- notice and not the required 30 days. Probate Code § 17203 <p>Please see additional page</p>	
Cont. from 012913, 030113				
<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 checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W/
<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			
		<p>Reviewed by: KT</p> <p>Reviewed on: 2/25/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5A – Clack</p>		

Petitioners allege that pursuant to the terms of the Trust, upon the death of the Settlor, the Trust is to be distributed 50% to **PHILIP WILLIAMS**, and 25% each to **JENNIE MILLER** and **JOHN CLACK**. Decedent's death was almost two years ago. There has been no distribution of the remaining assets. When Petitioners request the final distribution, Trustee indicates he wishes to exhaust the entire trust in costs and fees before he will do that.

Petitioners pray for an Order:

1. **GENEVA CLACK** established the **CLACK FAMILY GRANTOR TRUST**, an irrevocable trust on or about July 27, 2010;
2. The Trust was established for lawful purposes;
3. The Trustees named by the Trustor: **PHILIP WILLIAMS**, first; then **JENNIE MILLER** and then **JOHN A. CLACK**, and they were to serve in succession in the event that the prior named party was unable or unwilling to serve;
4. The beneficiaries of the Trust are and were ascertainable according to adequate and competent evidence as **PHILIP WILLIAMS**, **JENNIE MILLER** and **JOHN A. CLACK**;
5. It was the intent of the Settlor that her residence be distributed 50% to **PHILIP WILLIAMS**, and 25% each to **JENNIE MILLER** and **JOHN A. CLACK**;
6. An accounting is to be provided to the beneficiaries for period of 12/24/2010 to the current date;
7. Distribution of the remaining Trust estate is to occur and the Trust is terminated.

NEEDS/PROBLEMS/COMMENTS (cont):

4. Probate Code § 17200(b)(7)(B) and (C) states a beneficiary may compel the Trustee to provide information about the trust and/or an accounting, if the trustee has failed to provide the necessary information within 60 days after the beneficiary's reasonable written request, and the beneficiary has not received the requested information and/or account from the trustee within the six months preceding the request. Petition does not state when the Petitioners sent a written request to the Trustee to provide them with information regarding the trust.
5. Need order.

Status Conference

		<p>JENNIE MILLER REDFERN and JOHN A. CLACK, children of the settlor, petitioned the court to compel the trustee to account to the Beneficiaries and to distribute and terminate the Trust. Please see page 9A.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need current written status report pursuant to Local Rule 7.5B which states in all matter set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Cont. from 030113		<p>Minute order dated 1/29/13 set this status conference.</p>	
Aff.Sub.Wit.			
Verified		<p>Minute order dated 3/1/2013 states Ms. Moshrefi is appearing specially for Attorney Jennifer Walters. Ms. Moshrefi informs the court that Ms. Walters is requesting a continuance as the parties are attempting to reach an agreement.</p>	
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			<p>Reviewed by: KT</p>
			<p>Reviewed on: 4/22/13</p>
			<p>Updates:</p>
			<p>Recommendation:</p>
			<p>File 5B - Clack</p>

Atty Capata, Julian Eli (for Anna Noriega Chavez – Executor)
 Probate Status Hearing Re: Filing Final Distribution

DOD: 8/2/1978	<p>ANNA NORIEGA CHAVEZ was appointed Executor without bond and without IAEA powers on 9/12/1978.</p> <p>Inventory and appraisal filed on 11/5/2009 shows the value of the estate as \$40,000.00.</p> <p>Maria J. Noriega de Torres, daughter, filed a Petition for Order directing Personal Representative to Act on 04/06/12 requesting to purchase the real property of the estate for \$55,000.00 cash.</p> <p>Minute Order from hearing on 08/07/12 states: The court accepts Petitioners all cash offer of \$66,000.00 with no inspection and 30 day escrow. The century 21 realtor will receive a 3% commission of the difference from the posting price to the over-bid price in the amount of \$330.00. Petitioner provided Mr. Capata a cashier's check for down payment in the amount of \$7,000.00. Mr. Capata will prepare a new Order. This status hearing for filing of the Petition for Final Distribution and Order was set for 12/03/12.</p> <p>Order Confirming Sale of Real Property was filed 09/18/12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 03/25/13 Minute Order from 03/25/13 states: Mr. Capata is appearing via CourtCall. Mr. Capata requests a continuance. Matter continued to 04/26/13. Mr. Capata is authorized to send mailings directly to Barbara Juarez and Maria Noriega de Torres in addition to counsel.</p> <p>As of 04/19/13, nothing further has been filed in this matter and the following remains outstanding:</p> <ol style="list-style-type: none"> 1. Need Petition for Final Distribution.
Cont. from 120312, 022513, 032513		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
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: 04/19/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6 - Massoumi</p>	

Jerry, 64	<p>PATRICIA SCHOOLCRAFT, sister, was appointed successor conservator of the Person on 08/25/11.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
James, 58		
	<p>On 10/17/12, the Conservator filed a Petition to Fix Residence Outside the State of California.</p>	
Cont. from		<p>Minute Order dated 11/26/12 granted the Petition to Fix Residence Outside the State of California and set this matter for status.</p>
Aff.Sub.Wit.	<p>Reviewed on: 04/19/13</p>	
Verified	<p>Updates:</p>	
Inventory	<p>Recommendation:</p>	
PTC	<p>File 7 - Ray</p>	
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Atty Molsenbocker, Gary L. (for Dale Bolden – Daughter/Administrator)

Atty Johnson, Mark D. (for The Ebenezer Community Church of God in Christ)

Status Hearing Re: Settlement Agreement

DOD: 10-5-99	DALE BOLDEN , Administrator with Full IAEA, filed a Petition Requesting Partition of Real Property and Reimbursement of Costs Advanced and Past Due Rents and for Attorney's Fees on 05/23/12.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	<p>Minute Order from Status Conference on 10/26/12 states: Parties reach a settlement agreement as fully set forth by Mr. Johnson. Upon inquiry by the Court, parties individually agree to the terms and conditions of the settlement agreement. Mr. Molsenbocker is directed to prepare the agreement. Matter set for Status Hearing on 04/26/13. If all necessary documents are filed by 04/26/13, no appearance will be necessary.</p> <p>Status Report Re Estate Administration filed 04/22/13 states: In October 2012, the Ebenezer Church of God in Christ (the "Church") entered into an agreement with the Administrator of the decedent's estate to settle their dispute regarding ownership interests in the church premises. The Church agreed to pay the Administrator the sum of \$30,000.00 in monthly installments on the first of each month beginning December 2012 until the settlement was paid in full. The Church as thus far paid \$25,000.00 and the final payment is expected on 05/01/13. The Administrator stands ready, upon final payment, to convey the interest of the estate in the church premises to the Church upon the Church's instruction as to the property party name as the grantee on a grant deed. The Church's attorney has yet to provide a copy of the order that he prepared memorializing the settlement. Administrator's attorney prepared and forwarded a settlement agreement to the Church's attorney for approval and required signatures; that document has not been signed by the Church or returned to the Administrator. As soon as the documents are submitted as promised and the final payment is made, the Administrator stands ready to perform as agreed and she is prepared to submit a final account and request distribution of this estate.</p>	
Aff.Sub.Wit.		
Verified		
Inventory		
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Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Probate Status Hearing Re: Failure to File First Account or Petition for Final Distribution

DOD: 06/22/07	<p>LARRY A. DONALDSON, friend, was appointed as Executor without bond on 05/27/08 and Letters were issued on 06/18/08.</p> <p>No Inventory & Appraisal has been filed.</p> <p>Notice of Status Hearing filed 11/28/12 set this matter for status. Clerk’s Certificate of Mailing states that the Notice of Status Hearing was mailed to Larry A. Donaldson on 10/19/12.</p> <p>Declaration of Beneficiary Laura Leonard re Probate Status Hearing – Failure to File First Account or Petition for Final Distribution filed 01/13/11 states: she and her brother (both beneficiaries of the estate) have made many written and verbal requests to Mr. Donaldson requesting an accounting and for their father’s estate be brought to a close. Ms. Leonard states that Mr. Donaldson has ignored their requests and repeatedly failed to communicate with them regarding the estate. Ms. Leonard and her brother had an attorney, Frederick Borges, contact Mr. Donaldson on their behalf to request that he move forward with the estate. Mr. Donaldson responded that he would move forward, but has failed to do so. Ms. Leonard states that she and her brother have also made a complaint to the state bar of California regarding Mr. Donaldson’s failure to act. Ms. Leonard states that after all of these efforts, Mr. Donaldson recently provided them with a sloppy, incomplete “accounting”, however several years’ worth of information is absent and many of the transactions are questionable. Declarant further states that she and her brother were supposed to receive a distribution in early January, but have not received anything.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 03/29/13 Minute Order from 03/29/13 states: No appearances. The Court sets the matter for an Order to Show Cause on 04/26/13 regarding Larry Donaldson’s failure to appear and imposition of sanctions in the amount of \$500.00. Larry Donaldson is ordered to be personally present on 04/26/13</p> <p>As of 04/19/13, nothing further has been filed and the following remains outstanding:</p> <ol style="list-style-type: none"> 1. Need Inventory & Appraisal. 2. Need Accounting and/or Petition for Final Distribution.
Cont. from 012513, 032913		
Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
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Citation		
FTB Notice		
Reviewed by: JF		
Reviewed on: 04/19/13		
Updates:		
Recommendation:		
File 11A - Wallace		

Order to Show Cause Re: Failure to Appear; Imposition of Sanctions in the Amount of \$500.00

DOD: 06/22/07	<p>LARRY A. DONALDSON, friend, was appointed as Executor without bond on 05/27/08 and Letters were issued on 06/18/08.</p> <p>No Inventory & Appraisal has been filed.</p> <p>Minute Order from 03/29/13 re Status Hearing states: No appearances. The Court sets the matter for an Order to Show Cause on 04/26/13 regarding Larry Donaldson's failure to appear and imposition of sanctions in the amount of \$500.00. Larry Donaldson is ordered to be personally present on 04/26/13.</p> <p>Clerk's Certificate of Mailing filed 04/08/13 states that a copy of the Minute Order and Order to Show Cause was mailed to Larry Donaldson on 04/08/13.</p>	NEEDS/PROBLEMS/COMMENTS:
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Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 04/19/13
		Updates:
		Recommendation:
		File 11B - Wallace

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution [Prob. C. 12200, et seq.]

DOD: 01/23/11	<p>LESLEY WAGNER and MEAGAN WAGNER, were appointed Co-Administrators with Full IAEA and without bond on 07/26/11. Letters of Administration were issued on 07/27/11.</p> <p>Inventory & Appraisal, Partial No. 1 filed 02/15/13 - \$210,000.00</p> <p>Notice of Status Hearing filed 03/01/13 set this matter for status regarding filing of the Accounting and/or Petition for Distribution. Clerk's Certificate of Mailing states that a copy of the Notice of Status Hearing was mailed to attorney Janet Wright on 03/01/13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need First Account and/or Petition for Final Distribution or Status Update.</p>	
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Video Receipt			
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9202 Order			
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Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: JF
			Reviewed on: 04/19/13
			Updates:
	Recommendation:		
	File 13 – Wagner		

Probate Status Hearing Re: Filing of Inventory and Appraisal

Age: 74	TEMP EXPIRES 4-26-13	NEEDS/PROBLEMS/COMMENTS:
	VANCE SEVERIN and TERRI SEVERIN , Brother and Sister of Mr. Salzman's wife, Stacy Salzman, were appointed as Temporary Co-Conservators of the Person and Estate without bond (bond upon permanent appointment) on 9-25-12.	<u>Continued from 3-22-13</u>
Cont. from 032213	At a hearing on 11-5-12, the Court set this status hearing for the filing of the I&A.	1. Need receipt for blocked account (sale proceeds)
Aff.Sub.Wit.	On 12-10-12, The Temporary Co-Conservators were authorized to sell the Conservatee's real property, with proceeds to be deposited into a blocked account.	2. Need I&A.
Verified	At hearing on 1-7-13, the petition for conservatorship of the <u>person</u> was withdrawn, and the conservatorship of the <u>estate</u> was extended to 3-29-13, but limited to the sale of the property and negotiate and settle with the Conservatee's creditors, including California Franchise Tax Board and IRS.	3. Need status of the conservatorship estate at this time. Has the house sold? Have the debts been settled?
Inventory	Also on 1-7-13, the Court set this status hearing for filing of the First or Final Account of Temporary Conservator.	
PTC	Status Report filed 3-21-13 by Attorney Motsenbocker (<u>unverified</u>) states that at this time due to unforeseen circumstances and complications the house has not sold. There have been issues with repairs and other matters which have delayed sale. The parties are hopeful that in the next 30 days the house will sell. There are no funds to deposit to blocked account since the house has not sold. I&A has not been filed as the Co-Conservators were under the impression that this matter would be terminated by now. Since that has not happened, the only asset to be inventoried is the Conservatee's joint tenancy interest in the house. The Co-Conservators request a short extension to file I&A.	
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Objections		
Video Receipt		
CI Report		Reviewed by: skc
9202		Reviewed on: 4-19-13
Order		Updates:
Aff. Posting		Recommendation:
Status Rpt		File 15A - Salzman
UCCJEA		
Citation		
FTB Notice		

Age: 74	TEMP EXPIRES 4-26-13	NEEDS/PROBLEMS/COMMENTS:
	VANCE SEVERIN and TERRI SEVERIN , Brother and Sister of Mr. Salzman's wife, Stacy Salzman, were appointed as Temporary Co-Conservators of the Person and Estate without bond (bond upon permanent appointment) on 9-25-12.	<u>Continued from 3-29-13</u>
Cont. from 032913	At a hearing on 11-5-12, the Court set status hearing for the filing of the I&A for 3-22-13.	Minute Order 3-22-13: Mr. Motsenbocker requests a continuance to file the inventory. Matter continued to 4/26/13. At the request of both counsel, the hearing scheduled for 3/29/13 is vacated and rescheduled for 4/26/13.
Aff.Sub.Wit.	On 12-10-12, The Temporary Co-Conservators were authorized to sell the Conservatee's real property, with proceeds to be deposited into a blocked account.	4. Need receipt for blocked account (sale proceeds)
Verified	At hearing on 1-7-13, the petition for conservatorship of the <u>person</u> was withdrawn, and the conservatorship of the <u>estate</u> was extended to 3-29-13, but limited to the sale of the property and negotiate and settle with the Conservatee's creditors, including California Franchise Tax Board and IRS.	5. Need I&A.
Inventory	Also on 1-7-13, the Court set this status hearing for filing of the First or Final Account of Temporary Conservator.	6. Need status of the conservatorship estate at this time. Has the house sold? Have the debts been settled?
PTC		
Not.Cred.		
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Duties/Supp		
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CI Report		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 3-20-13
		Updates: 3-27-13
		Recommendation:
		File 15B - Salzman

Probate Status Hearing Re: Filing of Inventory and Appraisal

DOD: 05/22/12	<p>JIM D. REIS, brother, was appointed as Administrator with full IAEA without Bond on 08/14/12. Letters were issued on 08/15/12.</p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from 011813, 032213	<p>Notice of Status Hearing filed 09/11/12 set this matter for status on 01/18/13 for filing of the Inventory & Appraisal and on 10/25/13 for filing of First Account or Petition for Final Distribution.</p> <p>Clerk's Certificate of Mailing indicates that the Notice of Status Hearing was mailed to the Administrator and his Counsel on 09/11/12.</p>	<p>OFF CALENDAR I & A Filed 04/17/13</p>
Aff.Sub.Wit.	<p>Status Report by Administrator filed 01/16/13 states: the estate assets includes a gun collection, coin collection, and huge collection of die cast cars. In order to save the estate a very large expense, the Administrator is in the process of cataloging the car collection before having it professionally appraised. The gun collection has been secured and appraised and he is also in the process of cataloging the coin collection. Further, the Administrator states that his efforts to complete the inventory have been delayed due to an unexpected illness in his family. The Administrator requests a 60 day extension to complete the Inventory & Appraisal.</p>	Reviewed by: JF
Verified	<p>Status Report by Administrator filed 03/13/13 states: the Inventory & Appraisal has been completed and mailed to the Probate Referee. It will be filed upon receipt back from the Probate Referee.</p>	Reviewed on: 04/19/13
Inventory		Updates:
PTC		Recommendation:
Not.Cred.		File 16 - Reis
Notice of Hrg		
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FTB Notice		

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 02/14/12		<p>RICHARD DEWAYNE PHILLIPS, father, was appointed Administrator with Full IAEA and without bond on 12/04/12.</p> <p>Minute Order from hearing on 12/04/12 set this matter for status regarding filing of the Inventory & Appraisal.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Inventory & Appraisal.</p>	
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Citation				
FTB Notice				
				Reviewed by: JF
				Reviewed on: 04/22/13
		Updates:		
		Recommendation:		
		File 17 – Phillips		

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 08/30/12	<p>KATRINA BEST KENDALL, daughter, was appointed Administrator with full IAEA and bond set at \$260,000.00 on 11/26/12. Letters were issued on 12/06/12 upon the filing of the bond.</p> <p>Minute Order from hearing on 11/26/12 set this matter for status regarding filing of the Inventory & Appraisal.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Inventory & Appraisal.</p>	
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Citation			
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			<p>Reviewed by: JF</p> <p>Reviewed on: 04/22/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 18 – Best</p>

Age: 67	<p>CHRISTINA TOLMAN, daughter, was appointed Conservator of the Person and Estate with bond set at \$38,920.00 on 10/30/12.</p> <p>Inventory & Appraisal filed 03/21/13 - \$328,440.00.</p> <p>Ex Parte Application to Increase Bond filed 03/21/13, requested to increase the conservator's bond by \$319,064.80 for a total bond of \$357,984.80.</p> <p>Ex Parte Order Increasing Bond filed 03/22/13 set this matter for status regarding filing of the increased bond.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need bond in the amount of \$319,064.80.</p>	
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			<p>Reviewed by: JF</p> <p>Reviewed on: 04/22/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 19 – Tolman</p>

Colin (age 2 yrs)	Dr. Lawrence W. Schlak, Maternal Grandfather, was appointed Guardian on 1-3-13.	NEEDS/PROBLEMS/COMMENTS:
Kali (6 months)		
	At hearing on 1-3-13, the Court set this status hearing for Dr. Schlak to establish guardianship in Missouri. The Court also made orders for visitation. See Minute Order for details.	<u>Continued from 3-7-13, 3-28-13</u>
Cont. from 030713, 032813	On 3-20-13, Carol Schmock, Paternal Grandmother, filed a Declaration. Ms. Schmock states there has been no communication from the guardian Lawrence Schlak and he says they are not allowed to talk to Genevieve [mother]. If this is so, how are they supposed to stay in touch with the children and visit them if he will not communicate with us? Ms. Schmock states they needed two forms of ID to get Kali insured on Colin's [father's] insurance, but Mr. Schlak did not respond to the email. Fortunately the mother was able to get them what they needed, otherwise Kali would not have insurance. There has to be communication. Ms. Schmock has no intention of walking away from her grandchildren.	<u>As of 4-19-13, nothing further has been filed by the Guardian.</u>
Aff.Sub.Wit.		
Verified	At hearing on 3-7-13, the matter was continued to 3-28-13 and the Court ordered that copies of all documents filed in Missouri be submitted no later than 3-21-13.	The following issue remains:
Inventory		
PTC	At hearing on 3-28-13, Dr. Schlak provided Missouri case numbers on the record, and the Court again ordered that copies be filed in this case within one week. Re Visitation:	1. Need proof of establishing guardianship in Missouri pursuant to Minute Orders 1-3-13, 3-7-13, and 3-28-13, and Probate Code §2352(d).
Not.Cred.		
Notice of Hrg	Minute Order 3-28-13 states: Dr. Schlak objects to the visitation. The Court orders that supervised visitation with the father begin on 4/4/13. Said visitation is to extend for a period of fourteen days which shall include the date that visitation is to commence. Visits shall be supervised by Carol Schmock. Mr. Fearnside's clients agree that housing for the period of visitation will not be an issue. Carol Schmock is ordered to communicate with Dr. Schlak to coordinate the delivery and return of the children to the guardian. The Court orders that the children not be removed from the county in which visitation will be taking place. Parties are ordered not to speak ill of one another around the children. Set on 4/26/13 at 9:00am in Dept. 303 for Status Hearing Re: Establishing Guardianship in Missouri.	Reviewed by: skc
Aff.Mail		
Aff.Pub.	Order	Reviewed on: 4-19-13
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Letters	Status Rpt X	Recommendation:
Duties/Supp		
Objections	Citation	File 20 - Schmock
Video Receipt		
CI Report	FTB Notice	
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Probate Status Hearing Re: (1) Failure to File Inventory and Appraisal; (2) Failure to File a First Account or Petition for Final Distribution [Prob. C. 12200, et seq.]

DOD: 04/19/07	<p>EVELYN S. DUARTE, sister, was appointed Executor with full IAEA without bond on 07/10/07. Letters Testamentary were issued on 07/10/07.</p> <p>Inventory & Appraisal filed 08/03/07 - \$155,000.00.</p> <p>Notice of Status Hearing filed 03/01/13 set this matter for status. Clerk's Certificate of Mailing states that a copy of the Notice of Status Hearing was mailed to Evelyn S. Duarte on 03/01/13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Accounting and/or Petition for Final Distribution.</p>
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		<p>Reviewed by: JF</p> <p>Reviewed on: 04/22/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 21 – Flores</p>

Status Hearing Re: Settlement Agreement

Louie Friguglietti DOD: 5-11-06	BRUCE BICKEL is Successor Trustee.	NEEDS/PROBLEMS/COMMENTS:		
	ELAINE CORY , Beneficiary, filed a petition requesting various relief, including accounting and removal of the successor trustee.	1. Need settlement agreement.		
<table border="1"> <tr><td>Aff.Sub.Wit.</td><td></td></tr> </table>	Aff.Sub.Wit.		Minute Order 4-17-13 (Settlement Conf):	
Aff.Sub.Wit.				
<table border="1"> <tr><td>Verified</td><td></td></tr> </table>	Verified		Parties engage in settlement discussions with the Court. Parties reach a resolution as fully set forth by the Court. The Court indicates for the minute order that this is a compromise and release of all claims and a global settlement of all claims known and unknown. Upon inquiry by the Court, each party individually agrees to the terms and conditions of the settlement. Counsel is directed to prepare the necessary document(s). Matter set for Status Hearing on 4/26/13. If all documents are signed by 4/26/13, no appearances will be necessary.	Reviewed by: skc
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