



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.

Guardian ad Litem Request for Fees and for Termination [Prob. C. 1003(c)]

		JEFFREY S. HOLMAN is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner states the court appointed him guardian ad litem for minors, Serena Claire Venables, Isabell Venables, Oliver Robert Pomeroy Johnson Smith and the unborn beneficiaries of the Trust Under the Will of Edith Pomeroy. The purpose of the appointment was to represent the minors in connection with a petition by the trustee David Colburn to terminate the trust, pursuant to Probate Code § 15403.	
Cont. from 082212			
	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		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		<p>Petitioner states he did various work in investigating and evaluating this matter. In addition to that work, he spent time preparing, filing and distributing his report and this request for fees.</p> <p>Petitioner states he is a sole practitioner with offices located in Los Altos, California. He is in his 9th year of practice in as a trusts and estates attorney.</p> <p>Petitioner requests fees totaling \$3,295.00 (per itemization and declaration 8.2 hours of attorney time at \$375/hr and 2.2 hours of staff time @100/hr.)</p> <p>Petitioner request reimbursement of costs totaling \$70.76 for postage (\$12.86) and filing fee service (\$57.90)</p> <p>Supplemental Petition filed on 8/16/12 request additional attorney fees because the probate clerk determined that his request for compensation constituted a new, separate proceeding. Accordingly, the clerk set the matter for hearing and charged an additional \$435.00 filing fee. This led to additional time and expense for which Petitioner requests compensation and reimbursement.</p> <p style="text-align: center;">Please see additional page</p>	<p>Reviewed by: KT</p> <p>Reviewed on: 10/18/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2 - Pomeroy</p>

Supplemental Petition filed on 8/16/12 continued:

Petitioner states the additional time he and his staff has spent (a) determining why a new hearing was set and clarifying for trustee that the hearing on the underlying trust petition had not been rescheduled, (b) preparing, filing and serving this supplement, (c) appearing telephonically at the hearing on August 22, and (d) preparing and submitting a revised proposed order.

Petitioner requests additional compensation in the sum of **\$1,092.50** and costs totaling **\$550.95** (filing fee, Court Call and court runner fees).

(1) Petition to Close and Distribute Estate on Waiver of Account and (2) to Approve Reimbursement of Funds Advanced by Administrator and (3) to Approve Payment of Attorney's Fees

DOD: 8-5-07		<p>HENRY BOLTON, Brother and Administrator with Full IAEA without bond, is Petitioner.</p> <p>Accounting is waived.</p> <p>I&A: \$94,240.00 POH: \$75,000.00 (real property only)</p> <p>Administrator (Statutory): Waived</p> <p>Attorney: \$1,500.00 (less than statutory)</p> <p>Distribution pursuant to intestate succession:</p> <ul style="list-style-type: none"> • Henry Bolton: An undivided one-half interest in the residence • David J. Bolton: An undivided one-half interest in the residence <p>Petitioner states he advanced in excess of \$7,000.00 to the estate to satisfy ongoing expenses of administration, specifically expenses associated with the residence. The heirs are in agreement that the residence should be distributed in undivided interests to close the estate and reimbursement can be addressed after the house is sold at a later time, outside of probate. It is also anticipated that Petitioner will pay the costs of filing and the attorney's compensation, and requests, with consent of the other beneficiary, that the Court include his entitlement to reimbursement in the amount of \$9,000.00 from the proceeds of the sale, prior to distribution of the net proceeds, at such time as the residence can be sold.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
	Aff.Sub.Wit.		
✓	Verified		
✓	Inventory		
✓	PTC		
✓	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters 11-27-07		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	FTB Notice (N/A)		

Reviewed by: skc
Reviewed on: 10-18-12
Updates:
Recommendation:
File 3 - Bolton

Atty Bagdasarian, Gary G. (for Petitioner/Administrator Richard Gonzales)

(1) First and Final Account and Report of Status of Administration of Administrator and Petition for Settlement Thereof and (2) For Allowance of Statutory Attorney's Fees and Administrator's Compensation and (3) for Extraordinary Administrator's Compensation and Reimbursement of Costs to the Administrator, for Extraordinary Attorney's Fees and for Reimbursement of Costs to the Attorney and for (4) Final Distribution

DOD: 9/10/11		RICHARD GONZALES , Administrator, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Administrator is requesting \$1,410.00 in extraordinary commissions for house cleaning and repair. The declaration is a listing of tasks performed which does not comply with California Rules of Court 7.702. The declaration should list (1) the nature and difficulty of the tasks performed, (2) show the results achieved, (3) show the benefit to the estate, (4) specify the amount requested for each area of service performed, (5) State the hourly rate (6) describe the services rendered in sufficient detail to demonstrate the productivity of time spent.</p> <p>2. California Rules of Court 7.703 (b) includes a non-exclusive list of activities, for which extraordinary compensation may be awarded. House cleaning and repair do not appear on the list. It appears that house cleaning and repair could be considered part of the statutory commission.</p> <p style="text-align: center;">Please see additional page</p>
		Account period: 11/1/11 – 88/21/12	
		Accounting - \$84,613.00	
Cont. from		Beginning POH - \$84,100.00	
	Aff.Sub.Wit.	Ending POH - \$26,235.68	
✓	Verified	Administrator (statutory) - \$2,820.00	
✓	Inventory	Administrator x/o - \$1,972.50	
✓	PTC	(\$1,410.00 for the clean-up of the real property and \$562.50 for dealing with the estates vehicles and sale of real property)	
✓	Not.Cred.	Administrator costs - \$510.38 (trailer rental, gas, supplies for clean-up)	
✓	Notice of Hrg	Attorney (statutory) - \$2,820.00	
✓	Aff.Mail	Attorney x/o - \$10,050.00 (8.9 hrs to evict tenant, 3.2 hrs regarding vehicles & 28.10 hrs for sale of real property charged at \$250 per hour)	
	Aff.Pub.	Attorney costs - \$1,800.50 (filing fees, probate referee, publication, recording, certified copies)	
	Sp.Ntc.	Closing reserve - \$1,000.00	
	Pers.Serv.	Distribution, pursuant to intestate succession, is to:	
	Conf. Screen	Carol Borgogno - \$1,012.46	
✓	Letters 11/2/11	Kathy Susan Gonzales - \$1,012.46	
✓	Duties/Supp	Cheryl Gonzales - \$1,012.46	
	Objections	Richard Gonzales - \$1,012.46	
	Video Receipt	Amy Gonzales - \$ 337.49	
	CI Report	Jesus Gonzales - \$ 337.49	
✓	9202	Joseph Gonzales - \$ 337.48	
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	FTB Notice		

Reviewed by: KT

Reviewed on: 10/18/12

Updates:

Recommendation:

File 4 - Gonzales

3. It appears that several of the items listed in the request for extraordinary fees for the attorney regarding the sale of real property would be considered statutory. Such as:

11/2/11 - Obtaining certified copies of Letters of Administration and recording Letters of Administration with Fresno County Recorder's office, drafting of letter to client in connection with same. - .70 hours @ \$250/hr = \$175.00

11/8/11 – Drafting of Changes in Ownership Statement and Claim for Reassessment Exclusion - .50 hours @ \$250/hr = \$125.00

11/9/11 – Execution of Claim for Reassessment Exclusion70 hrs @ \$250/hr = \$175.00

11/21/11 – Drafting of letter to client re: insurance premiums40 hrs @ \$250/hr = \$100.00

Response to Objection to Report of Administrator of Insolvent Estate and Request for Final Discharge filed 07/02/12 by the Public Administrator/Petitioner states: The Deputy Public Administrator assigned to this matter was Noe Jimenez. He conducted the following investigation to determine the lack of assets in the estate:

- a. He twice went to the property at 3039 North 7th Street, Fresno, CA 93703 to meet with David L. Jimenez (decedent's son). He left his business card for David to contact him regarding the estate as Noe does not have David's phone number. Noe never received a return call from David or any other response to his business cards.
- b. He spoke by phone to Conrad (decedent's son), who provided details of the decedent's assets. Conrad reported that his father deeded the real property to him a couple of months before he died. Noe verified this transaction with Chicago Title. The employee handling the transaction had no concerns about the decedent's capacity to transfer title to his son.
- c. Conrad further reported that the decedent had also given him some personal items before his death, including his service revolver, badge, and similar items. Conrad further reports that when their father died, his brother David removed Raymond Sandoval (decedent's foster son) from the house on North 7th Street. Conrad reported that his father had some items in the residence but David would not allow him to enter the residence, even though the property belonged to him. Conrad confirmed that all personal items were transferred months before the decedent's death.
- d. Noe spoke with David Camenson, attorney for the Objectors, on three separate occasions. Mr. Camenson never asked about or offered information about any assets.
- e. Noe spoke to Conrad regarding the vehicles. Conrad confirmed that the decedent gave David's daughter, Janet Sellars, a Ford Windstar by signing a DMV form in July 2011. He further reported that the decedent gave Conrad's ex-wife, Anna DiFalco, the 1987 Toyota Cressida four years before the decedent died. Although the Objectors provided title to two vehicles, investigation revealed that neither belonged to the decedent at the time of his death.

Based on this information, Petitioner prays that:

1. The objections of David L. Jimenez and Raymond Sandoval be denied in their entirety; and
2. The Public Administrator's report be settled as prayed.

Response of Conrad Jimenez to Objection to Report of Administrator of Insolvent Estate and Request for Final Discharge filed 07/02/12 states: the two vehicles objectors refer to in their objection were not owned by the decedent at the time of his death as he had transferred ownership of both of them. The vehicle identified as a 1987 Toyota was transferred in 2009 to Anna Maria DiFalco and the 1995 Ford was transferred to Janet Sellars. Respondent further states that as to the "personal property" which is not specifically itemized in the Objection, he is personally aware that most all of the personal property of the decedent was either disposed of by the decedent or had little or no value at the date of his death. Even if there is any merit to the claim that the assets referred to in the Objection may be subject to probate court jurisdiction, all items referred to would be included within Probate Code §§ 13100-13116 as personal property that can be disposed of by the "Affidavit Procedure for Collection or Transfer of Personal Property". Therefore, even if the personal representative could assert ownership or control over any specific personal property asset, by his/her consent there would be nothing in a probate estate to administer. Further, the continuation of an essentially valueless estate could expose the estate to charges and expenses, which it should not incur and cannot afford. If the Objectors have any further information in reference to alleged "estate assets" they can and should communicate that information, with supporting documentation, to the public administrator. To the extent that the miscellaneous personal property described in the Objection is alleged to be the only basis to retain the personal representative, these are insufficient grounds to require the continuation of this probate proceedings. Respondent requests that the Objection be overruled and that the request for discharge by the public administrator be granted.

Continued on Page 3

Supplemental Report of Administrator of Insolvent Estate and Request for Final Discharge filed 10/09/12 states: Upon the Objectors providing more information to the Petitioner, the Petitioner conducted further investigation including interviewing several additional people. The further investigation yielded no new information and Petitioner refers the Court to their Response to Objection filed 07/02/12.

The Public Administrator Prays for an Order that:

1. The final report be settled, allowed and approved as filed on 05/30/12; and
2. He be discharged as administrator of this estate.

Petition to Revoke Full Authority to Administer Decedent's Estate Under the Independent Administration of Estates Act and Grant Limited Authority, and to Revoke Requirement of a Bond (Prob. C. 10450-10454)

DOD: 3-13-12		JANA L. NELSON , Administrator, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: The original Petition estimated \$89,226.00 in real property and \$14,800.00 in personal property; however, the nature of the personal property is not yet known. A status hearing for the filing of the I&A is set for 11-30-12.</p> <p>Note: Examiner notes that numerous creditor's claims have been filed in the estate totaling over \$14,000.00.</p>
		Petitioner was appointed Administrator with full IAEA with bond of \$105,000.00 on 7-2-12.	
		Petitioner states Letters have not issued.	
	Aff.Sub.Wit.	Waivers of bond and Assignments of Interest have now been filed by all other heirs and Petitioner is now the sole heir.	
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.	Petitioner requests that the bond previously ordered be revoked.	
✓	Notice of Hrg		
✓	Aff.Mail	w	
	Aff.Pub.		
	Sp.Ntc.	Petitioner believes it is in the best interest of the estate to administer the estate and those interested in it to administer the estate with limited authority under the IAEA.	
	Pers.Serv.	Petitioner does not intend to sell any of the real property and there are no funds in the estate for costs of administration or statutory fees.	
	Conf. Screen		
✓	Letters		
	Duties/Supp	Petitioner requests an order that full IAEA is revoked and limited IAEA is granted; that Letters issue; that no bond is required; and such further orders as the Court may deem proper.	
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 10-18-12
			Updates: 10-19-12
			Recommendation:
			File 6 - Nelson

Petition for Construction of Trust, Appointment and Confirmation of Successor Trustees and Persons Entitled to Distribution from Trust (Prob. C. 17200(b)(1)(4)(10), et seq)

DOD: 01/19/12	<p>STEVEN R. THOMAS, II, son, and KRISTY HELM-THOMAS, daughter, are Petitioners.</p> <p>Petitioners state:</p> <ol style="list-style-type: none"> Petitioners are the children of Steven R. Thomas and interested in the STEVEN R. THOMAS FAMILY TRUST, dated 05/13/03, (the "Trust") created and executed by Steven R. Thomas as sole Settlor and sole Trustee. Steven R. Thomas ("decedent") was unmarried and administered the Trust in Fresno County until his death on 01/19/12. Upon his death, the Trust became irrevocable. Petitioners are not aware of any current, authorized acting successor trustee(s). Petitioners have been provided with a copy of the Trust which Petitioners believe has been altered by handwritten and initialed interlineations and/or changes to the terms of the Trust. Petitioners believe that such interlineations and/or changes is an invalid attempt to amend the Trust's successor trustees and successor beneficiaries and was not done by decedent before his death. There are no amendments to the Trust known to Petitioners except possibly the decedent's Will (pour over Will) dated 05/13/12 currently being probated in Fresno Superior Court Case No. 12CEPR00132 with Petitioners as Co-Executors. The decedent's Will also has handwritten interlineations and changes to the references made as to the decedent's children and named executors. At the time decedent executed both the Trust and his Will, Petitioner Steven R. Thomas, II was present and did not observe any handwritten alterations or modifications to either the Trust or Will. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 09/19/12</u> Minute Order from 09/19/12 states: The Court is advised that Michael Garrett Davis and Michael Garrett Thomas are one and the same person. The Court orders that an attorney be appointed as guardian ad litem for the following grandchildren: Steven Ernest Helm, III, Steven Rex Thomas, Jackson Alan Thomas, and Alexis Leigh Thomas. The Court sets the matter for Status Hearing on 10/24/12. The Court orders that case #12CEPR00132 be set for Status Hearing Re: Filing of the Inventory & Appraisal on 11/02/12.</p> <p>Note: Marvin T. Helon was appointed as Guardian Ad Litem for the above referenced minors on 09/24/12.</p> <p>As of 10/19/12, nothing further has been filed.</p>
Cont. from 091912		
Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
Inventory		
PTC		
Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail w/		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Continued on Page 2

5. Petitioners allege that under Article III, Section B of the Trust entitled "Original Trustees" decedent originally nominated Steven R. Thomas, II and Carl E. Thomas, in that order of priority, as successor trustees.
6. Petitioners further allege that under Article VI, Section A.2 of the Trust entitled "Distributions to Successor Beneficiaries" the decedent originally named the following individuals and the following respective interests as successor beneficiaries in the Trust as follows:
 - Steven R. Thomas II - 25%
 - Kristy Helm-Thomas - 25%
 - Kelby Renee Helm - 25%
 - Michael Garrett Davis - 25%
7. The Trust document, as altered, crossed out the names of Steven R. Thomas II and Carl E. Thomas as successor trustees and were replaced with the name of Kristy Helm-Thomas as the nominated successor trustee. However, Kristy Helm-Thomas's name was also crossed out and replaced with the name of Jeri Rard as successor trustee.
8. The Trust document, as altered, crissed out the originally named successor beneficiaries set forth above in paragraph 6 and replaced them and their respective interests as follows:
 - 100% to (wording undeterminable and crossed out) Grandkids
Coins will be sold later on for my grand childrens college"
9. Petitioners stipulate that the handwritten and initialed interlineations and changes to the original Trust's provisions for successor trustees and successor beneficiaries are not valid amendments to the Trust and that the decedent did not make the changes to the Trust.
10. Under Article I, Section B, Chapter 2, the Trust document provides that the Trust is revocable and amendable by the Settlor as provided in Article V, Section B, Chapter 2 entitled "Revocation and Amendment" that provides that the Settlor may, at any time amend any portion of the Trust by adding provisions or by altering or deleting provisions contained therein, and by delivering a signed statement of amendment to the trustee. Further, the Trust requires that such statement be attached to and made part of the Trust agreement.
11. California Probate Code § 15042 provides that: "Unless the trust instrument provides otherwise, if a trust is revocable by the settlor, the settlor may modify the trust by the procedure for revocation". Probate Code § 15401 sets forth the procedure for revocation in part as follows:

"A trust that is revocable by the settlor may be revoked in whole or in part by any of the following methods:

 - (1) By compliance with any method or revocation provided in the trust instrument.
 - (2) By a writing (other than a will) signed by the settlor and delivered to the trustee during the lifetime of the settlor. If the trust instrument explicitly makes the method of revocation provided in the trust instrument the exclusive method of revocation, the trust may not be revoked pursuant to this paragraph."
12. The Trust, pursuant to Article I, Section B and Article V, Section B provides for the exclusive method of amendment to the Settlor's Trust. Petitioners contend that the handwritten and initialed alterations by interlineations and changes made to the Trust's provisions for successor trustees and successor beneficiaries is an invalid amendment or modification to the Trust. Specifically, Petitioners assert that the alterations to the original Trust did not comply with the Trust's exclusive requirement for amendment or modification, to wit:
 - a. That the provisions added, altered or deleted were not made by the Settlor, or alternatively, are not entirely in the Settlor's own handwriting;
 - b. That no signed statement of amendment was prepared and executed by the Settlor;
 - c. That the Settlor did not deliver a signed statement of amendment to the Trustee;
 - d. That a signed statement of amendment was not attached to and made a part of the Declaration of Trust; and
 - e. The Will of Steven R. Thomas dated May 13, 2003 does not qualify as a writing under Probate Code § 15401 to revoke or amend the Trust.

Continued on Page 3

13. Petitioners seek an order that the alterations by handwritten interlineations and changes made to the Declaration of Trust's provisions for Successor Trustees and Successor Beneficiaries do not amend the Trust's provisions for Successor Trustee and Successor Beneficiaries, the attempted amendment is invalid, that the court appoints and confirms Steven R. Thomas, II and Kristy Helm-Thomas as successor co-trustees. Petitioners further request an order that the Court acknowledge and confirm the following individuals and the following respective interests in the Trust estate as the successor beneficiaries of the Trust as follows:

- Steven R. Thomas II - 25%
- Kristy Helm-Thomas - 25%
- Kelby Renee Helm - 25%
- Michael Garrett Davis - 25%

14. The Trust provides in Article III, Section I, that no bond shall be required of a trustee in performance of its duties.

15. There is no other civil action pending with respect to the subject matter of this petition.

Petitioners pray for an order:

1. Declaring the handwritten alterations by interlineations and changes made to the Declaration of Trust are invalid as an amendment to the Declaration of Trust and are without effect.
2. Confirming that Jeri Rard is not the successor trustee of the Trust.
3. Confirming Steven R. Thomas, II and Kristy Helm-Thomas as the appointed successor co-trustees of the Trust, to serve without bond.
4. Instructing the trustees that, except as set forth below, the grandkids of Steven R. Thomas are not entitled to a share of the Trust.
5. Instructing trustees that the beneficiaries of the Trust are:
 - Steven R. Thomas II - 25%
 - Kristy Helm-Thomas - 25%
 - Kelby Renee Helm - 25%
 - Michael Garrett Davis - 25%; and
6. For costs of suit.

Age: 85		<p style="text-align: center;">TEMPORARY EXPIRED 9-26-12 (It was not extended at the hearing on 9-26-12.)</p> <p>PUBLIC GUARDIAN is Petitioner and requests appointment as conservator of the person and estate.</p> <p><u>Voting rights NOT affected</u></p> <p><u>Estimated Value of Estate:</u> Personal Property: \$ 50.61 Annual Income: \$35,345.88 Total: \$35,396.49</p> <p>Petitioner states Mr. Waer (85) is currently living independently in his own apartment, and is able to dress and groom himself without assistance; however, Mr. Waer displays bad judgment on a number of issues. He has a tendency to accept rides from people he does not know well and reveals financial information to them, which could endanger him. He has allowed a friend to move in with him that is a registered sex offender. Mr. Waer states this friend assists him by cooking and cleaning; however, inspection revealed minimal food in the apartment. Mr. Waer is not capable of preparing his own meals. Conservatorship will ensure that Mr. Waer's medical and personal needs are continuously met. He would benefit from placement in a setting where he will receive supervision and proper care in the least restrictive setting.</p> <p>Petitioner also states Mr. Waer is unable to manage his own finances and resist undue influence. After his wife's death eight years ago, he was assisted by family. However, they stopped assisting him when he allowed the "friend" to move in. Mr. Waer now disregards his son Tim and calls this man his son.</p> <p>Petitioner states Mr. Waer does not appear to have many expenses, yet his bank account is depleted, and he has repeatedly relied on cash advance companies to meet his bills. He has no recollection of signing his car over to his friend.</p> <p>Court Investigator Julie Negrete filed a report on 9-19-12.</p> <p style="text-align: center;"><u>SEE PAGE 2</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Court Investigator Advised Rights on 9-19-12.</u></p> <p><u>Continued from 9-26-12.</u></p> <p><u>As of 10-18-12, nothing further has been filed. The following issues remain:</u></p> <ol style="list-style-type: none"> <u>Need clarification:</u> The petition indicates a request for additional powers pursuant to Attachment 1.I.; however, there is no attachment. Are additional powers requested? <u>Need clarification:</u> The petition does not request medical consent or dementia medication and/or placement powers; however, according to the Court Investigator's report, Petitioner had scheduled Mr. Waer dementia evaluation, and teeth pulled for dentures, at a cost of approx. \$2,000.00. <p><u>If medical consent and dementia medication and/or placement powers are requested, need Amended Petition with Mandatory Judicial Council Form GC-313A (dementia request attachment) and amended service; and</u></p> <p>A Capacity Declaration will need to be filed to support findings pursuant to Probate Code §2356.5.</p>	
Cont from 092612				
<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 checked="" type="checkbox"/>	Pers.Serv.			W
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" 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 checked="" type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		<p>Reviewed by: skc</p> <p>Reviewed on: 10-18-12</p> <p>Updates:</p> <p>Recommendation: File 8 - Waer</p>		

Declaration filed 9-24-12 by Attorney Bagdasarian, Court-appointed counsel for Mr. Waer, states:

- The petition does not contain and the attorney has not received an Attachment Requesting Medical Consent or Dementia Medication and/or placement powers or a Capacity Declaration
- Attorney Bagdasarian met with Mr. Waer on 9-21-12 at his apartment. Mr. Waer was strongly against the imposition of conservatorship of his person or his estate, and indicated that he was able to obtain his own food and cook same, and was able to use the bus service to get to any place he needed to go. He also indicated he would take care of any bills that he had to write checks for.
- Mr. Waer could not explain exactly to whom the vehicle was titled, other than to indicate that he was in the process of selling the vehicle to his friend. He indicated that the vehicle was impounded, but did not know why, and that Louis Rodriguez had indicated that if he provided license, proof of insurance, and payment of funds, the vehicle would be released.
- Mr. Waer indicated that he enjoyed living at his apartment. Attorney Bagdasarian met a neighbor who indicated he had befriended Mr. Waer, and that Mr. Waer needed the attorney's help to remain in the apartment. Mr. Waer related many stories of his WWII experiences, and also the benefits that he felt had been provided by Mr. Rodriguez.
- When asked about his income, Mr. Waer could not identify where the balance of his funds was spent after payment of household expenses, and indicated that he had to obtain cash advance loans in order to pay his monthly expenses.
- Based on observations, and although Mr. Waer was adamantly against the Fresno County Public Guardian being the Conservator of his Person or Estate, Attorney Bagdasarian would recommend that, pending the receipt of the Capacity Declaration and other information in connection with the request of the Public Guardian with regard to any determined dementia, that the temporary conservatorship remain in place.

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

DOD: 12/25/2011		<p>HERBERT J. HERNANDEZ, son, is petitioner and requests appointment as Administrator with Limited IAEA authority and \$50,000.00 placed into a blocked account.</p> <p>Limited IAEA – o.k.</p> <p>Decedent died intestate.</p> <p>Residence: Fresno</p> <p>Publication: Fresno Business Journal</p> <p><u>Estimated value of the estate:</u></p> <p>Personal property - \$83,400.00</p> <p>Real property - \$31,275.00</p> <p>Probate Referee: RICK SMITH</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Petitioner estimates the value of the personal property of the estate at \$83,400.00. Petitioner requests \$50,000.00 be placed into a blocked account. Need bond for the remaining \$33,400.00 or waivers of bond from:</p> <ol style="list-style-type: none"> Richard Hernandez Shawna Robles Danielle Hernandez Zachary Hernandez Christopher Hernandez <p>2. Need Order to Deposit Funds into Blocked Account.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> Friday, 11/16/2012 at 9:00 a.m. in Dept. 303 for the filing of the receipt for blocked account and/or bond (if bond is required) Friday, 03/15/2013 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> Friday, 12/13/2013 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.		
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<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
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<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
Reviewed by: KT			
Reviewed on: 10/18/12			
Updates:			
Recommendation:			
File 9A - Hernandez			

DOD: 12/25/2011	RICHARD M. HERNANDEZ , son is petitioner and request appointment as Administrator.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. #2d(1), #2d(2) or #2d(3) of the petition regarding bond is incomplete. 2. The issue of bond has not been addressed on the petition at #3d(1) or #3d(2). Need waivers of bond from: <ul style="list-style-type: none"> • Herbert J. Hernandez • Shawna Robles • Danielle Hernandez • Zachary Hernandez • Christopher Frederickson Or bond set at \$140,138.00. <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Friday, 11/16/2012 at 9:00 a.m. in Dept. 303 for the filing of the bond (if bond is required) • Friday, 03/15/2013 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Friday, 12/13/2013 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>
	Full IAEA-o.k.	
Cont. from 100212		
<input type="checkbox"/> Aff.Sub.Wit.	Decedent died intestate	
<input checked="" type="checkbox"/> Verified	Residence: Fresno	
<input type="checkbox"/> Inventory	Publication: The Business Journal	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg w/	Estimated value of the estate: Personal property \$108,863.00 Real property \$31,275.00 Total: \$140,138.00	
<input checked="" type="checkbox"/> Aff.Mail		
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<input type="checkbox"/> Sp.Ntc.	Probate Referee: Rick Smith	
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<input type="checkbox"/> 9202		
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<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: KT
		Reviewed on: 10/18/12
		Updates:
		Recommendation:
		File 9B - Hernandez

Atty Kruthers, Heather H (for Public Guardian/Conservator)

Status Hearing Re: Accounting

	PUBLIC GUARDIAN was appointed conservator of the person and estate on 2/14/1986.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>If the Court grants the request to continue this status hearing for one year a status hearing will be set on Friday, October 18, 2013 at 9:00 a.m. in Dept. 303 for the filing of the 13th account.</p>
	The Public Guardian's 12 th Account for the account period ending 6/30/2011 was approved on 8/24/2011.	
Cont. from	Minute Order dated 8/24/2011 set this status hearing for the filing of the 13 th account.	
Aff.Sub.Wit.	Status Report filed on 10/9/12 states it has been the Court's practice to set a status hearing for a subsequent account approximately 2 years from the date of the hearing. There does not appear to be any issues that came up with the 12 th account were the Court would request a one-year follow-up. The Public Guardian usually automatically calendars two years from the end date of an account period to do the next one. Therefore, the schedules and supporting schedules for the 13 th account were not prepared.	
Verified	Therefore, it is respectfully requested that the Court set another status hearing for the 13 th account for one year for the state of this status hearing, or if the court did intend for the Public Guardian to file an annual account, a 60 day continuance is requested to prepare and file the account.	
Inventory		
PTC		
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Notice of Hrg		
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Video Receipt		
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Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 10/18/12
		Updates:
		Recommendation:
		File 12 - Ortiz

Age:			NEEDS/PROBLEMS/COMMENTS: OFF CALENDAR. Accountings were dispensed with by order dated 8/24/11.
DOD:			
Cont. from			
Aff.Sub.Wit.			
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Inventory			
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Objections			
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Status Rpt			
UCCJEA			
Citation			
FTB Notice			
Reviewed by: KT			
Reviewed on: 10/19/12			
Updates:			
Recommendation:			
File 13 – Hall			

<p>Age: 5</p>	<p>SANDRA FONSECA, Paternal Grandmother, was appointed Guardian on 9-27-12.</p> <p>On 9-27-12, the Court made visitation orders between the mother and the child as follows: Visitation shall be every weekend from Friday at 7:00 p.m. until Monday morning when the child is delivered to school by the mother. Mother shall be responsible for pick-up and delivery of the child unless, the child is participating in an activity. If the child is participating in an activity, the guardian will be responsible for delivering her to said activity and mother will be responsible for picking her up. Visitation shall not interfere with the child participating in any of her activities. The Court orders that appropriate child safety restraints be used at all times when transporting the child. Parties are ordered not to speak ill of one another around the child.</p> <p>On 10-3-12, Ms. Carrasco filed a request for a Civil Harassment Restraining Order in 12CECG03176 against Ms. Fonseca that is set for hearing on 10-24-12 and concurrently filed an Ex Parte Petition for Emergency Hearing in this Probate Guardianship case.</p> <p>The Probate Court denied Ms. Carrasco's Ex Parte Petition and the Order stated that any further petition will be considered only after and in light of the Court's order in the Civil Harassment case.</p> <p>On 10-4-12, Ms. Fonseca filed an Ex Parte Motion to set aside the visitation order and to prohibit Ms. Carrasco and Maria Garcia from interfering with the minor's education by entering school grounds.</p> <p>The Probate Code denied Ms. Fonseca's Ex Parte Petition, but on its own motion set this status hearing regarding visitation with reference to the Civil Harassment case/order.</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> These Examiner Notes will be updated upon receipt of the Minute Order from the 10-22-12 Civil Harassment hearing.</p> <p><u>Note:</u> The TRO currently in effect orders Ms. Fonseca to stay away from Ms. Carrasco and the minor's sibling, and their home, workplace and vehicle, and expires 10-22-12.</p>																																																		
<table border="1" style="width: 100%;"> <tr><td>Aff.Sub.Wit.</td><td></td></tr> <tr><td>Verified</td><td></td></tr> <tr><td>Inventory</td><td></td></tr> <tr><td>PTC</td><td></td></tr> <tr><td>Not.Cred.</td><td></td></tr> <tr><td>Notice of Hrg</td><td></td></tr> <tr><td>Aff.Mail</td><td></td></tr> <tr><td>Aff.Pub.</td><td></td></tr> <tr><td>Sp.Ntc.</td><td></td></tr> <tr><td>Pers.Serv.</td><td></td></tr> <tr><td>Conf. Screen</td><td></td></tr> <tr><td>Letters</td><td></td></tr> <tr><td>Duties/Supp</td><td></td></tr> <tr><td>Objections</td><td></td></tr> <tr><td>Video Receipt</td><td></td></tr> <tr><td>CI Report</td><td></td></tr> <tr><td>9202</td><td></td></tr> <tr><td>Order</td><td></td></tr> <tr><td>Aff. Posting</td><td></td></tr> <tr><td>Status Rpt</td><td></td></tr> <tr><td>UCCJEA</td><td></td></tr> <tr><td>Citation</td><td></td></tr> <tr><td>FTB Notice</td><td></td></tr> </table>	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		<table border="1" style="width: 100%;"> <tr><td>Reviewed by: skc</td></tr> <tr><td>Reviewed on: 10-18-12</td></tr> <tr><td>Updates:</td></tr> <tr><td>Recommendation:</td></tr> <tr><td>File 14 - Denington</td></tr> </table>	Reviewed by: skc	Reviewed on: 10-18-12	Updates:	Recommendation:	File 14 - Denington
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Page 2

Mother's Declaration filed 10-18-12 states the guardian is not in compliance with the Court's order and provides details of various incidents, including incidents involving law enforcement, beginning with the first visitation.

Mother states Kaylee has expressed that she does not want to be in "cheer." There has been a change in her demeanor from all of this activity, which is not just 1-2 hours as the guardian stated in Court. There are many weekend activities, including traveling to out of town and out of state events, including unreasonable trips to Stockton and Los Vegas.

Mother states the guardian seems to think that if she enrolls the minor in an activity it forfeits the mother's visitation until after the activity has taken place. She asked the guardian for a copy of Kaylee's schedule and when she finally gave it to her, she pressured her into signing it in front of Kaylee, making it clear that if she did not sign it, she would not receive her child.

Mother states if the guardian imposes this on Kaylee, that she not be allowed to take Kaylee out of state and that the activities be limited to Fresno, Kings and Tulare Counties, and that she (Mother) be the one to take her.

Mother refers to facts submitted on the restraining order request (not attached) and states she is accused, harassed, and kept under surveillance in her short time with her daughter, with the guardian insisting that she has the right to take photos of her car seats. The guardian harassed the mother, her mother, her aunt, called CPS and state licensing, and Dinuba and Hanford PD to no avail.

Mother respectfully asks the Court to reconsider and terminate this guardianship and allow her daughter to be with her mother.

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

Age: 13 years	THERE IS NO TEMPORARY. No temporary was requested.		NEEDS/PROBLEMS/COMMENTS:
	<p>PEDRO DE TORRES and IRMA DE TORRES, paternal grandparents, are petitioners.</p>		<ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of the Notice of Hearing along with a copy of the petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> a. Fernando Torres Gomez (father) b. Jesus Fernando Torres Medrano (minor, age 13) 3. Need proof of personal service of the Notice of Hearing along with a copy of the petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> a. Maternal grandparents 4. Petition does not list the names and addresses of the maternal grandparents. 5. Need UCCJEA 6. Need Confidential Guardian Screening form for Petitioners, Pedro De Torres and Irma De Torres.
Cont. from	<p>Father: FERNANDO TORRES GOMEZ</p> <p>Mother: BERTHA ELSA MEDRANO – consents and waives notice.</p> <p>Maternal grandparents: Not listed.</p>		
Aff.Sub.Wit.		<p>Petitioners allege: They have had the child in their care since he was 3 months old. They have taken care of each and every one of his needs.</p> <p>Court Investigator Jo Ann Morris' Report filed on 10/17/12.</p>	
✓ Verified			
Inventory			
PTC			
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Notice of Hrg	X		
Aff.Mail	X		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.	X		
Conf. Screen	X		
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA	X		
Citation			
FTB Notice			
			<p>Reviewed by: KT</p> <p>Reviewed on: 10/19/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 15 - Medrano</p>

Pro Per Mendez, Irma (Pro Per Petitioner, paternal grandmother)

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

Yajara Age: 9 years	<p style="text-align: center;">NO TEMPORARY REQUESTED</p> <p>IRMA MENDEZ, paternal grandmother, is Petitioner.</p> <p>Father: MIGUEL ANGEL REYES; whereabouts in Mexico unknown; Declaration of Due Diligence filed 8/28/2012.</p> <p>Mother: SELENA MARTINEZ; incarcerated;</p> <p>Paternal grandfather: Salvador Reyes; deceased.</p> <p>Maternal grandfather: Unknown Maternal grandmother: Unknown</p> <p>Petitioner states the mother is incarcerated and she always leaves the children with whoever will keep them at the moment, and the children are at times mistreated. Petitioner states she is the best guardian for the children because she has the children's best interests at heart, and will be able to provide a good and stable home for them.</p> <p>Court Investigator Jennifer Daniel's Report was filed 10/9/2012.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of the Notice of Hearing with a copy of the Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence, for: <ul style="list-style-type: none"> • Selena Martinez, mother; • Miguel Angel Reyes, father, if Court does not find due diligence. 3. Need proof of service by mail of the Notice of Hearing with a copy of the Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence, for: <ul style="list-style-type: none"> • maternal grandparents • Melina Martinez, half-sister(if age 12 or over); • Mathew Rivas, brother (if age 12 or over); • Julie Rivas, brother (if age 12 or over). 4. UCCJEA form filed on 8/28/212 does not provide residence information for the last 5 years as required. 	
Miguel Age: 6 years			
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
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Notice of Hrg			X
Aff.Mail			X
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			X
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✓ Duties/Supp			
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Video Receipt			
✓ CI Report			
✓ Clearances			
✓ Order			
✓ Letters			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: LEG</p> <p>Reviewed on: 10/18/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 16 – Martinez & Reyes</p>	

**First and Final Report of Status of Administration on Waivers of Accounting and
Petition for Settlement Thereof; for Allowance of Statutory Attorney's
Compensation; for Reimbursement of Costs Advanced; and for Final Distribution
(Prob. Code 10810, 10830, 10951 and 11600 et seq.)**

DOD: 6-4-09		<p>DANIEL J. ELLSWORTH and CAROL ELLSWORTH, Co-Administrators with Limited IAEA and bond of \$45,000.00, are Petitioners.</p> <p>Accounting is waived.</p> <p>I&A: \$619,880.02</p> <p>POH: \$719.00 cash plus real properties and a vehicle.</p> <p>Co-Administrators (Statutory): Not addressed</p> <p>Attorney (Statutory): \$15,233.60</p> <p>Petitioners request that due to the limited funds in the estate, compensation, the Court authorize liens against the real properties for the amount of the authorized compensation.</p> <p>Costs: \$3,209.95 (filing, publication, certified copies, probate referee, bond, expert witness)</p> <p>Distribution pursuant to intestate succession:</p> <p>Daniel J. Ellsworth: an undivided one-half interest in the three residential real properties and an undivided one-half interest in the remaining property in the estate and remaining property in the amount of \$11,859.50.</p> <p>Anthony J. Ellsworth: an undivided one-half interest in the three residential real properties and an undivided one-half interest in the remaining property in the estate and in the amount of \$11,859.50.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Jennifer Loeffler is Guardian of the Estate of heir Anthony J. Ellsworth in 10CEPR00452. Examiner notes that Anthony turned 18 this year and is entitled to distribution outside the guardianship as provided in this petition.</p> <p>However, the Guardianship Estate has not yet been closed, as a final accounting is due pursuant to Probate Code §2630 or release from the ward pursuant to Probate Code §2627 if accounts are settled.</p> <p>The Court will set a status hearing for the filing of the final accounting or release in that case and mail notice to the appropriate parties.</p>
Cont from 7/26/12			
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<input type="checkbox"/>	Citation		
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Reviewed by: skc			
Reviewed on: 10-18-12			
Updates:			
Recommendation: SUBMITTED			
File 18 - Ellsworth			