

APSA

ARIZONA PROCESS SERVERS ASSOCIATION

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SUMMER 2010

Annual Conference
2010
September 24th thru 26th



August, 2010
VOLUME 12, Issue 2
www.arizonaprocessservers.org

PRESIDENT'S MESSAGE

Dear Fellow Members of APSA,

I am looking forward to seeing you all again at the yearly conference. This year's conference should prove to be well worth your time.

We will have a table set up where you can bring your promotional items and set them up during the conference and during all the planned and unplanned social and networking events. So bring your pens, business cards, letter openers and other promotional items and let other members know who you are.

I also want to encourage all the company owners to help us out with door prizes to be given away at various times during the conference and networking events. All companies that provide door prizes will receive a free advertisement in the next newsletter.

As well as receiving your continuing education credits at this conference I want to encourage you attend the yearly meeting and social networking events and have some fun. So let's all wear our favorite Hawaiian shirts or dresses on Sunday and see who has the loudest and most outrageous Hawaiian shirt or dress.

I also want to remind you that we will have our yearly meeting during lunch on Saturday. We will need to select and vote for new board members. I would encourage anyone that is a member to step up and put your name on the ballot. I don't want to hear the excuse that you have to travel too far for meeting because there are a couple of board members that travel and get motel rooms in order to attend meetings. We need to hear from the membership and you are a member and we want your input and need your service.

I would also like to take this opportunity to thank you for letting me serve as your association president for the past year and also thank all the other board members that made my position easier.

Sincerely,
Larry Ratcliff - President APSA



EDITOR'S CORNER

In this issue we are featuring all of the information you will need to know if you plan to attend the Arizona Process Servers Association Annual Conference. We would like to see all of our members attend! During the conference we will be electing new officers, anyone who would like to volunteer to become an officer and play an important part in the association is encouraged to run. Please let one of the board members know your interest in a position on the board, so we can be sure you are nominated. We are excited about this year's conference, vendors, door prizes and a Friday night social, please plan to attend and make our association all it should be. **-Patty Chlebanowski-**

Calendar of Events

Court Holiday – Labor Day

Monday, September 6, 2010 – **COURTS CLOSED**

Arizona State Mandatory Holiday

Friday, September 17, 2010 – **ALL STATE OFFICES CLOSED**

Maricopa County Testing for Process Server Certification

Thursday, September 23, 2010 promptly at 9:30 AM - **YOU MUST PRE REGISTER**
620 West Jackson - Third Floor - Suite 3017, Phoenix, AZ

Maricopa County Testing for Process Servers Certification

Friday, September 24, 2010 promptly at 9:30 AM- **YOU MUST PRE REGISTER**
620 West Jackson - Third Floor - Suite 3017, Phoenix, AZ

Arizona Process Servers Association – Annual Conference - Phoenix

Friday, September 24, 2010 thru Sunday, September 26, 2010

12851 N. 19th Ave., Phoenix, AZ – Fraternal Order of Police Lodge

Friday, September 24th – 5:00 PM – 8:00 PM – Meet and Greet Social

Saturday, September 25, 2010 – 8:00 AM – 5:30 PM – Continuing Education Classes

Sunday, September 26, 2010 – 8:00 AM – 4:45 PM – Continuing Education Classes

Court Holiday – Columbus Day

Monday, October 11, 2010 – **COURTS CLOSED**

Process Servers Court & Clerk’s Exchange Meeting - Phoenix

Tuesday, October 19, 2010 at 12:00 PM – 1:00 PM (1 hour)

620 West Jackson- 2nd Floor, Suite #2083, Phoenix, AZ

Maricopa County Testing for Process Server Certification

Thursday, October 28, 2010 & Friday, October 29, 2010

promptly at 9:30 AM - **YOU MUST PRE REGISTER**

620 West Jackson -Third Floor - Suite 3017, Phoenix, AZ

APSA Annual Conference
To be held at the Fraternal Order of Police Lodge
12851 N. 19th Ave., Phoenix, AZ 85029

We have a special rate for guests from out of town or those who would like to spend the weekend near the conference facility:

Crowne Plaza – Phoenix
2532 W. Peoria Ave., Phoenix, AZ 85029
Remember to mention the Arizona Process Servers Association for a discounted rate!
(MUST BOOK BY WEDNESDAY AUGUST 25, 2010 TO RECEIVE DISCOUNT)

**ARIZONA PROCESS SERVERS ASSOCIATION
2010 ANNUAL CONFERENCE
AGENDA**

Friday, September 24, 2010

Fraternal Order of Police Lodge

5:00 PM - 8:00 PM

Meet & Greet Happy Hour/Dinner (non-hosted function)

Saturday, September 25, 2010

7:30 AM - 8:00 AM

Registration for Classes, Annual Meeting & Luncheon

8:00 AM - 11:30 AM

A.C.P.S. Full Course (6 hours) (1st Half)

8:00 AM - 12:00 PM

C.P.R. TRAINING COURSE /BASIC FIRST AID (4 hours)

11:45 AM - 1:30 PM

LUNCH & ANNUAL MEETING (with paid registration)

1:45 PM - 4:15 PM

A.C.P.S. Full Course (2nd Half)

1:30 PM - 5:30 PM

LEGAL SPANISH PHRASES & TERMINOLOGY (4 hours)

5:30 PM – 8:00 PM

Hosted Happy Hour – hors d'oeuvres, cash-bar

Sunday, September 26, 2010

7:30 AM - 8:00 AM

Registration for All Classes

8:00 AM - 12:15 PM

C.P.R. TRAINING COURSE /BASIC FIRST AID (4 hours)

8:00 AM - 11:15 AM

A.C.P.S. Condensed Renewal (3 hours)

12:30 PM - 1:30 PM

LUNCH BREAK

1:30 PM - 3:45 PM

PERSONAL SAFETY (2 hours)

1:30 PM – 4:45 PM

CONFLICT RESOLUTION (3 hours)

ARIZONA PROCESS SERVERS ASSOCIATION
 2010 Annual Educational Conference Registration Form
 September 24th thru 26th, 2010 @ Fraternal Order of Police Lodge
 12851 N. 19th Ave., Phoenix, AZ 85029

Name: _____ Company: _____
 (Please print as you want your name to appear on your continuing education certificates)
 Address: _____ City: _____
 State: _____ Zip Code: _____ E-mail Address: _____
 Work #: _____ Cell (other) #: _____

By making this application to the Arizona Process Servers Association, I understand that all materials provided in the courses are copyrighted. There are no refunds. **I understand that these courses are not a substitute for registration and appointment with the Court under RCP(4), e, but are a symbol of my professional level within the legal community and will count toward continuing education credit as required under the rules of the Arizona Supreme Court.**

PLEASE NOTE: Per the Supreme Court, only the ACPS course may be taken more than once a three year renewal period. All other courses cannot be duplicated during this time frame.

PLEASE MARK THE CLASSES YOU WISH TO ATTEND BY FILLING IN THE CORRESPONDING FEES:
 (** NOTE: Registration Fee includes the luncheon.**)

Saturday, September 25, 2010 Seminars:

7:30 a.m. – 8:00 a.m.	Registration-Applicable for all Registrants-Non Refundable		\$ 45.00
8:00 a.m. – 11:30 a.m.	A.C.P.S. Full Course (1 st Half) Must Attend Both Sessions (Member Price \$90, Non-Member Price \$180)	6 Hrs.	\$ _____
8:00 a.m. – 12:00 p.m.	C.P.R. Training Course/Basic First Aid (Member Price \$60, Non-Member Price \$120)	4 Hrs.	\$ _____
11:45 a.m. - 1:30 p.m.	LUNCHEON & ANNUAL MEETING (Must be registered to attend)		\$ <u>N/C</u>
1:45 p.m. – 4:15 p.m.	A.C.P.S. Full Course (2 nd Half)		\$ <u>ABOVE</u>
1:30 p.m. – 5:30 p.m.	Legal Spanish Phrases & Terminology (Member Price \$60, Non-Member Price \$120)	4 Hrs.	\$ _____

SUBTOTAL AMOUNT FOR SATURDAY = \$ _____

Name: _____

Sunday, September 26, 2010 Seminars:

7:30 a.m. – 8:00 a.m. **Registration**

8:00 a.m. – 12:15 p.m. C.P.R. Training Course/Basic First Aid **4 Hrs.** \$ _____
(Member Price \$60, Non-Member Price \$120)

8:00 a.m. – 11:15 p.m. A.C.P.S. Condensed Renewal **3 Hrs.** \$ _____
(Member Price \$45, Non-Member Price \$90)

12:30 p.m. – 1:00 p.m. **LUNCH BREAK**

1:30 p.m. – 4:45 p.m. Personal Safety **2 Hrs.** \$ _____
(Member Price \$30, Non-Member Price \$60)

1:00 p.m. – 4:15 p.m. Conflict Resolution **3 Hrs.** \$ _____
(Member Price \$45, Non-Member Price \$90)

SUBTOTAL AMOUNT FOR SATURDAY = \$ _____

TOTAL AMOUNT ENCLOSED \$ _____

DEADLINE FOR REGISTRATION: SEPTEMBER 17, 2010 NO REFUNDS AFTER DEADLINE

**Please include \$25 late fee if mailing after September 17, 2010.
If not included, it will be collected at class registration.**

Make Checks payable to: **ARIZONA PROCESS SERVERS ASSOCIATION (APSA)**
Mail Registration to: **P.O. Box 2233, PHOENIX, AZ 85002**

SIGNED: _____ DATE: _____

ARIZONA PROCESS SERVERS ASSOCIATION

Membership Application/Renewal Form

(Please list your address and telephone exactly as you want it to appear in the directory)

Name: _____

Firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____ Fax: _____

E-Mail Address: _____

Web Site Address: _____

Counties/Areas Served: _____

ACPS Certified _____ Yes _____ No Member of APSA since _____

List me in the roster under the city of: _____

If you want to be listed under additional cities in the directory attach another application of form and include \$15.00 for each additional city.

Please answer YES or NO to the following services you may provide in addition to the service of process: () Yes () No Legal Messenger Service

() Yes () No Skip Tracing

() Yes () No Record Searches

() Yes () No Full Investigative Services

P.I. License No. : _____ Expiration Date _____

**** VOLUNTARY LEGISLATIVE FUND DONATION**** \$ _____

I hereby apply for membership (or membership renewal) in the Arizona Process Servers Association. I agree to abide by its laws and maintain the highest ethical standards in carrying out the duties of my profession. I state that I have no felony convictions and my license is current.

Please attach a copy of your license, front & back.

I am applying as an out of state member. _____

Signature _____ Date: _____

Please enclose a check for \$50.00 made out to APSA, and mail to:
Arizona Process Servers Association
P.O. Box 2233, Phoenix, AZ 85002
(602) 476-1737

OFFICERS

ELECTION AND TERM – The Active members of the Association shall elect from among the active membership at the annual meeting of the Association the following offices: a President, a Vice President, a Recording Secretary, a Treasurer, and (4) Directors, who shall hold office for a term of one (1) year commencing on the first day of the month immediately following their election or until their successors are elected and qualify.

DUTIES OF OFFICERS

PRESIDENT – The President shall be the executive head of the Association. He shall appoint all standing committees and shall be an ex-officio member thereof. He shall have such powers and duties as are customarily exercised by the President of an association.

VICE PRESIDENT - The Vice President shall perform the duties of the President at such times as the President is absent or unable to perform the same, together with such other and further duties as may from time to time be assigned to him by the President of the Board of Directors. Upon the existence of a vacancy in the office of President during the normal term of that office, one or two Vice Presidents shall be elected by secret ballot by the Board of Directors at a special meeting for the remainder of the term, and the Office of the Second Vice President shall become vacant. The Board of Directors, at its discretion, may appoint a Second Vice President to fill the vacancy.

RECORDING SECRETARY – The Recording Secretary shall keep and preserve minutes of all meetings of the Board of Directors and minutes of any meeting of the members at which any business may be discussed or acted upon. He shall be the custodian of all the records of the Association, other than its books of account, and shall perform such other duties as may be delegated by the Board of Directors. The Secretary shall bind and preserve, with appropriate identification by calendar year, the original minutes of the Board of Directors and Association.

TREASURER – The Treasurer shall collect all dues and other receipts of the Association and shall disburse the same at the direction of the Board of Directors. He shall keep a record of all receipts and disbursements and shall make an accounting thereof when requested by the Board of Directors. He shall issue membership cards to all members in good standing. He shall furnish a fidelity bond in such amount as the Board of Directors may direct, conditioned upon the faithful performance of his duties, the premium on such bond to be paid by the Association. He shall perform such other duties as may be delegated by the Board of Directors.

DIRECTORS – The Directors (4) are charged with the duty of procuring appropriate resolution in memoriam. A majority of the membership of any committee/board of directors shall constitute a quorum.

SOME IMPORTANT WEBSITES

NOTE: Now that we are posting the newsletter online, if you are reading this “online” you can <Ctrl>-Click on any links in this document to go right to the website!

Stay up to date with all legislative changes, including those that may affect process serving rules and regulations at the following website:

www.azleg.state.az.us

Process service related information that would be of interest for APSA members is available on our list serve. To join the list serve, send an email, with your name in the subject line to:

AZPSA-subscribe@yahoogroups.com

**An auto-respond email will come back to you giving instructions on how to join.
This list will only be open to current members of APSA.**

**Process Servers and Court Exchange Meeting dates, minutes and agendas
can be viewed at:**

www.clerkofcourt.maricopa.gov

**Click on “Process Servers” under “Services”
Process Server Coordinator Sandy #602-476-1737**

**Supreme Court Process Server Program
can be viewed at:**

<http://www.supreme.state.az.us/cld/pps.htm>

**A wealth of information including continuing education information
Kimberly Siddall #602-452-3378**

Day & Date:	Tuesday, April 20, 2010	Location:	Downtown Justice Center 620 West Jackson, 2nd Floor Training Room 2083
Time:	12:00p – 1:00 pm	Minutes:	Jody Fisher
Purpose of Meeting			
Community Awareness; Process Servers, Court and Clerk's Office Information and Exchange Meeting			

PROCESS SERVERS QUARTERLY MEETING MINUTES

Open to the Public		
Names		
Clerk of the Superior Court		Justice Court
Superior Court		Process Servers
Supreme Court		Judicial Officers
1.	<p style="text-align: center;">Welcoming Remarks</p> <p>Meeting opened at 12:02, Michael K. Jeanes introduced the newest member of to the Clerk's Office, Deputy Director Becky Magana she is working with Deputy Director Gordon Mulleneaux who will be retiring, Becky will take over the Document and Cash Management Division.</p>	Michael K. Jeanes, Clerk of the Superior Court
2.	<p style="text-align: center;">eFiling and ECR Updates</p> <p>eFiling updates, the Supreme Court's <u>AZ Turbo Court</u> portal will have a Soft launch sometime in June 2010, exact date unknown at this time. This will allow eFilings for any Civil subsequent case documents through the State Portal. Eventually when AZ Turbo Court is up and running, there will be an Administrative Order signed by the Supreme Courts Chief Justice making it will be mandatory for all attorneys to eFile all Civil subsequent documents. The system will be available to all Pro Per's through AZ Turbo Court but not mandatory for these customers.</p> <p>Question: How will the documents, Summonses and Certificate of Service be handled?</p> <p>Answer; Lauri Million stated, "They haven't discussed these items particularly, if they were to be</p>	Michael K. Jeanes, Clerk of the Superior Court

	accepted there would then be the fee that applies. Each document filed through the system has a \$6.00 transaction fee”.	
3.	<p style="text-align: center;">Budget Status Update</p> <p>Budget updates; The State has reached a Budget agreement. There is one agreement if Prop. 100 passes and another for if Prop. 100 does not pass. Until this comes to a conclusion the Budget for the Clerk’s Office remains uncertain, yet hopefully there will not be any more Reductions in Force. Currently the office is down by 160 positions.</p> <p style="text-align: center;">Do your own research and get out there and vote. Either way, just be sure you vote.</p>	Michael K. Jeanes, Clerk of the Superior Court
4.	<p style="text-align: center;">Civil Filing Fees Changed April 15th, 2010, Lengthy Trial Fee’s Michael K. Jeanes introduced Merriel Trombley, Supervisor</p>	Merriel Trombley, Supervisor Civil Filing

<p>PROCESS SERVERS QUARTERLY MEETING MINUTES</p> <p>of the Civil Filing Counter. She explained that on April 15th, there was a fee change, the Lengthy Trial Fund Fee will be applied to all filing fees to file a new complaint, answer or motion to intervene pursuant to Arizona Supreme Court</p> <p><u>Administrative Order 2010-44.</u> The civil filing fees are as follows: Civil Complaints - \$301 Answers - \$223, and Motions to Intervene - \$301 Judgment for Writs Update – <u>Statute 12-1178</u></p> <p>There was a question on Writs in our last quarterly meeting; Merriel Trombley explained the Writs of Restitution and the Writs of Judgment. Where there is a 5 day waiting period on the Writs of Restitution and not on the Judgment.</p> <p>If you are coming from court you must have a copy of the signed Judgment for certification. The copy will clearly be marked “Copy for Certification” since this document will not be available on the system that quickly.</p> <p style="text-align: center;">Election Challenge Cases</p> <p>The Election Challenge Cases is coming up quickly, if you have documents to file on an Election Challenge Case there is a deadline of 5:00 PM on June 10, 2010. <u>Do not use the drop box if you are filing an Election Challenge Petition on the deadline.</u></p>	<p>Counter Clerk of the Court</p>
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<p>5.</p>	<p>Registration and Renewals of the Process Servers License</p> <p>Michael K. Jeanes introduced Sandra Tarin, with Customer Service, your Process Server Coordinator.</p> <p>Sandra reviews the Regular and the Renewal License time frame. Please make sure you apply 30 -45 days in advance. There is a lag time and we don't want them to expire.</p> <p>There have also been a large number of complaints received recently. Please be sure you are following the regulations and always being professional.</p> <p>Michael stated that we only process the complaints. They are then forwarded to Judge Sam Myers. The Judge will review all complaints and do as he sees fair.</p>	<p>Sandra Tarin, Customer Service Process Servers Coordinator</p>
<p>6.</p>	<p>Updates on Filing Counter Remodel Downtown</p> <p>Michael K. Jeanes introduced Becky Magana; together they explained the remodel for <u>Central and West Court Buildings</u>. Criminal, Family and Civil Filing Counters and the Distribution area will be re-locating for this remodel. This is approaching very quickly possibly, June or July exact date is unknown at this time. We do ask you stay updated by the COC web page. http://www.clerkofcourt.maricopa.gov/</p> <p>All dates and department movements and closures will be announced there. The Central and West Court Buildings were built in the 60's. There are OSA guidelines that will be adhered to during the remodel because of Asbestos that was used in the 1960's.</p> <p>The current plan is that we will have a location available for Process Servers where multiple case types can be filed.</p>	<p>Becky Magana, Deputy Director, Clerk of the Court</p>

PROCESS SERVERS QUARTERLY MEETING MINUTES

The WCB / CCB remodel will be a temporary inconvenient. If there are any major problems please don't hesitate to contact us. Lauri Million remains available.

7.	<p style="text-align: center;">Justice Court Information</p> <p>Michael Jeanes introduced Mr. James Vance, Deputy JC Administrator. Mr. Vance explained that he had polled the individual areas Court Managers, asked if there were any issues they would like brought up;</p> <p>The <u>Arcadia Biltmore</u> and the <u>Encanto Courts</u> stated that a fax sent in for the "Certificate of Service" is NOT acceptable.</p> <p>Q; Why is it not accepted if it is accepted in other Justice Court's?</p> <p>Mr. Vance explained that there are different Court Manager's and Judges for each Justice Court. Each Court does have different rules in place. In these two JC the faxed Certificate of Service will NOT be accepted.</p> <p>Mr. Vance also explained that if the Process Servers were to get together and assign one or two Process Servers as representatives. Those individuals could attend the Court Manager's Meeting and explain the Process Servers point of view. If there is a decision on who would be appointed to attend, contact Mr. Vance at 602-506-5881. Those individuals will need to be placed on the agenda.</p>	James Vance, Deputy Justice Court Administrator
8.	<p style="text-align: center;">Superior Court Information</p> <p>Shannon Branham, Superior Court was introduced by Michael K. Jeanes the group was asked if there were any question, with there being none we moved on.</p>	Shannon Branham, Superior Court
9.	<p style="text-align: center;">Questions and Comments</p> <p>The floor was opened to any questions and with none</p> <p>Michael K. Jeanes did state that we are always available please use the eMail below and to contact Lauri Million with questions and or agenda items. The meeting adjourned at 1:00 PM.</p>	

ARIZONA SUPREME COURT MAKES RULING ON PROCESS SERVICE IN MEXICO

By John M. Carpenter, A.C.P.S., A.C.P.S.I.

The Arizona Supreme court recently ruled that service of process on persons and business entities in Mexico via postal chambers and email is being done incorrectly. All service of foreign judicial documents in Mexico must be made through Mexico's Ministry of Foreign Affairs.

In 2008, an Indian Tribe filed a lawsuit in Maricopa County Superior Court concerning their investment in a casino project in Guadalupe, Mexico. The tribe moved for alternate service of two defendants and four corporate entities. The Superior Court granted alternate service by the following means: (1) certified mail to the Defendants attorneys of record at their domestic addresses; (2) email to one Defendant at two addresses; (3) Federal Express delivery to the six defendants with return receipt requested at an address in Mexico where the parties had previously met; and (4) mail to one Defendant at his last known domestic address. The Court later noted that each proposed method of service was likely insufficient standing alone, and thus approved the alternate service by the above-stated means.

The Tribe complied with the order but did not receive delivery confirmation at the Mexican address. The Tribe also did not receive a receipt for the mailings sent to one Defendant at his last known domestic address. However, the Superior Court ruled that these mailings completed service of process on the Defendants. The six Defendants made a court appearance and moved for dismissal due to the insufficiency of the service of process citing a violation of The Hague Service Convention and Arizona Rules of Civil Procedure 4.2. The Superior Court denied the motion saying Hague Service Convention did not prohibit the alternate methods of service previously ordered by the Superior Court. The Court of Appeals declined special action jurisdiction.

The Supreme Court agreed to hear the case because proper service of persons and business entities in Mexico is an issue of statewide importance. The Supreme Court needed to consider whether the Hague Service Convention allows service in Mexico by the means approved by the Superior Court.

Arizona Rules of Civil Procedure 4.2. (i) (1) states that service may be effected outside the United States on individuals by any internationally agreed means reasonably calculated to give notice, such as means authorized by the Convention. A court may also direct service "by other means not prohibited by international agreement" 4.2 (i) (3). If the Convention applies, the Superior Court was correct in its ruling.

However, the Convention does not apply if the address of the person to be served with the document is not known. The Convention also requires each contracting state to set up a "central authority to receive requests for service coming from other contracting states." Once the central authority receives a request for service that complies with the

Convention, it must serve the document itself or have it served by an appropriate agency and then provide the applicant with a certificate identifying how the document was served or the reasons preventing its service. Alternative service allows service through a state's diplomatic or consular services or sent directly to persons abroad via postal channels or by personal service through judicial officers, officers, or other competent authorities.

Mexico has objected to these forms of alternate service and has expressed that all process be served through its Ministry of Foreign Affairs.

The Tribe did not attempt service through the Ministry of Foreign Affairs but contended that all services were valid. The Tribe argued that the Convention does not apply because the Defendant's Mexican addresses were not known. The Tribe further argued that service was affected domestically on all Defendants and their attorneys, and these persons were authorized to receive service of process on behalf of the Defendants.

The Supreme Court vacated the Superior Court's order denying the Six Defendant's motion to dismiss for insufficiency of service of process and remanded the case to the Superior Court for further proceedings consistent with their opinion.

A copy of the opinion can be found at:

[Http://www.azcourts.gov/Portals/23/pdf2010/CV100017PR.pdf](http://www.azcourts.gov/Portals/23/pdf2010/CV100017PR.pdf)

**APSA
P.O. BOX 2233
PHOENIX, AZ 85002**

To: