

IN PROBATE COURT OF SHELBY COUNTY, ALABAMA

IN THE MATTER OF THE ESTATE OF) CASE NO. PR-2007-000181
)
DEBORAH D. HUNTINGTON,)
)
an incapacitated person in need of protection.)

**ORDER GRANTING PETITION FOR
GUARDIANSHIP/CONSERVATORSHIP**

This cause came on to be heard for the appointment of a Guardian and Conservator over Deborah D. Huntington, on the petition of Roy A. Burroughs, pursuant to the Alabama Uniform Guardianship and Protective Proceedings Act; it now appears to the Court that venue and jurisdiction are proper; and that notice of these proceedings has been given to those entitled and proof of same filed; and

Now comes the said petitioner, Roy A. Boroughs, by and through his attorney of record, Mitchell A. Spears, and also comes Deborah D. Huntington, by and through her Guardian ad Litem, Vonda Felton, who has been appointed to serve in such capacity and represent and protect her interests in all matters pertaining to this proceeding (the presence of the said Deborah D. Huntington having been waived for good cause shown).

Upon due consideration of the evidence adduced in this matter, the Court does find that Deborah D. Huntington is incapacitated and, that a basis for the appointment of a Guardian/Conservator has been established, and that the best interest of the incapacitated person will be served by the following relief, and

It is therefore, ORDERED, ADJUDGED and DECREED by the Court as follows:

1. That Deborah D. Huntington is an incapacitated person and the appointment of a Guardian is necessary or desirable as a means of providing continuing care and supervision of the said incapacitated person.
2. That Roy A. Boroughs is duly qualified and is hereby appointed Guardian over the said Deborah D. Huntington, and is conferred all powers and duties under the *Ala. Code, §26-2A-108 (1975)*, and as otherwise provided by law.

Return to: M A Spears

3. That the said Deborah D. Huntington is unable to manage her property and business and financial affairs effectively, due to physical illness or disability, and/or mental deficiency, and said person has property that will be wasted or dissipated unless property management is provided.

4. That Roy A. Boroughs is duly qualified and is hereby appointed Conservator over the estate of Deborah D. Huntington, and is conferred all powers and duties under ***Ala. Code, §26-2A-152 (1975)***, and as otherwise provided by law, upon posting bond with good and sufficient surety in the amount of \$600,000.00, subject to the following limitations: NONE.

5. The Court finds that, on August 8, 2006, Nancy Devine Boroughs (also known as Nancy D. Boroughs), as Attorney-in-Fact for Deborah D. Huntington (also known as Deborah Joan Huntington) conveyed an undivided one-half interest in certain real property situated in Shelby County, Alabama, to herself and her husband, Roy A. Boroughs, for the purpose of preserving the estate of Deborah D. Huntington, with said deed having been recorded in the Office of the Probate Judge, Shelby County, Alabama at Instrument Number 20060810000389140, for valid consideration in the sum of \$60,000.00. Furthermore, Roy A. Boroughs and Nancy Devine Boroughs executed a mortgage in favor of Deborah D. Huntington in the sum of \$60,000.00, same of which was recorded in said Probate Office at Instrument Number 20060810000389150. Said real property is more particularly described, as follows:

Lot 42, according to the Survey of Fairview Subdivision as recorded in the Office of the Judge of Probate, Shelby County, Alabama, Map Book 22, Page 135.

It is therefore, **ORDERED, ADJUDGED and DECREED**, as follows:

A. Roy A. Boroughs and Nancy Devine Boroughs shall pay to the Estate of Deborah D. Huntington the sum of \$60,000.00, within thirty (30) days of the date of this Order, which this Court finds to be valid and adequate consideration for the interest of Deborah D. Huntington in and to the above described real property.

B. The Court does hereby acknowledge, confirm and ratify, ab initio, the above referenced conveyance, and orders that all right, title and interest in and to the real property hereinabove described in Paragraph 5 is vested in Roy A. Boroughs and Nancy Devine Boroughs, and that Deborah D. Huntington is divested of any and all right, title or interest therein, per the terms of the warranty deed referenced within this Paragraph 5.

C. The mortgage hereinabove referenced within this Paragraph 5 shall be cancelled, terminated, and held for naught, and same shall be fully released upon the recordation of the original or a certified copy of this Order.

D. The Court further finds that the real property described within this Paragraph 5 was originally conveyed to Deborah D. Huntington (also known as Deborah Joan Huntington) and Roy A. Boroughs, on September 27, 2004, pursuant to warranty deed recorded in said Probate Office at Instrument Number 20040930000539880, pursuant to the request of Deborah D. Huntington.

6. The Court finds that, on December 17, 2004, Nancy Devine Boroughs, as Attorney-in-Fact for Elizabeth M. Devine, conveyed to herself and her husband, Roy A. Boroughs, certain real property situated in Shelby County, Alabama, pursuant to warranty deed recorded in the Office of the Probate Judge, Shelby County, Alabama, at Instrument Number 20041228000701980, for the purpose of preservation of the estate of Elizabeth M. Devine. Upon said date, Roy A. Boroughs and Nancy Devine Boroughs also executed a mortgage in favor of Elizabeth M. Devine in the sum of \$110,000.00, said mortgage having been recorded in said Probate Office at Instrument Number 20041228000701990. Said real property is more particularly described, as follows:

Lot 7, according to Fairview Subdivision, as recorded in the Office of the Judge of Probate, Shelby County, Alabama, Map Book 22, Page 135.

It is therefore, **ORDERED, ADJUDGED and DECREED**, as follows:

A. The Court finds that Elizabeth M. Devine died testate on or about November 7, 2006, and the Court has issued Letters Testamentary in favor of Nancy D. Boroughs on June 27, 2007, pursuant to Case Number PR-2007-000180.

B. The Court hereby acknowledges, confirms and ratifies the warranty deed hereinabove referenced within this Paragraph 6, and orders vesting all right, title and interest in and to said real property to Roy A. Boroughs and Nancy Devine Boroughs, and the Estate of Elizabeth M. Devine is hereby divested of any and all right, title or interest therein.

C. As it is the case that Nancy D. Boroughs and Deborah D. Huntington are equal distributees under the Last Will and Testament of Elizabeth M. Devine, the Estate of Deborah D. Huntington shall receive the sum of \$55,000.00 in excess of the distribution made to Nancy D. Boroughs from the Estate of Elizabeth M. Devine, to equalize the distributive shares of each from the estate of their mother, Elizabeth M. Devine. This distribution is designed to accomplish equal distribution to said distributees of said decedent's estate from the purchase price/mortgage relating to the conveyance hereinabove referenced within this Paragraph 6. Provided, however, in the event that the distributive share of Nancy D. Boroughs, within the Estate of Elizabeth M. Devine, is insufficient to satisfy such payment requirement, Nancy D. Boroughs shall compensate the Estate of Deborah D. Huntington the deficiency in said \$55,000.00 sum from her personal funds.

D. The Court does hereby cancel, terminate and hold for naught the mortgage hereinabove referenced within this Paragraph 6, and same shall be fully released upon the recordation of an original or certified copy of this Order.


7. Nancy D. Boroughs shall be reimbursed the sum of \$5,120.49 from the Estate of Deborah D. Huntington for expenditures relating to Deborah D. Huntington from the personal funds of Nancy D. Boroughs.

8. It is further ORDERED by the Court that the costs of this proceeding, including a Guardian ad Litem fee of \$ 1,000⁰⁰ to be paid to Vonda Felton, a Court Representative fee of \$900.00 to be paid to Casey Duncan and attorney fee in the sum of

\$1,480.00 to be paid to Mitchell A. Spears, be taxed against the estate of Deborah D. Huntington, for the recovery of which let execution issue.

9. The Clerk of this Court shall furnish Roy A. Boroughs with an original or certified copy of this Order, for purposes of recordation with the Office of the Probate Judge, Shelby County, Alabama.

DONE and ORDERED this the 12th day of July, 2007.


Hub Harrington
Specially Assigned Probate Judge

ENTERED AND FILED

JUL 12 2007

Kimberly Melton, Chief Clerk
Probate Court
Shelby County, Alabama

I certify this to be a true and
correct copy Patricia Yeager Flomister
8-29-07 Probate Judge
NRA Shelby County