

LIS PENDENS NOTICE


20160725000258720 1/7 \$33.00
Shelby Cnty Judge of Probate, AL
07/25/2016 12:50:39 PM FILED/CERT

TAKE NOTICE THAT Gregory H. Hawley was appointed Conservator of the Estate of M.A. Oztekin pursuant to that certain Order on Petition for Permanent Letters of Guardianship and Conservatorship Letters of Conservatorship dated March 25, 2016, and attached hereto as Exhibit "A", and those certain Letters of Conservatorship dated April 11, 2016, and attached hereby as Exhibit "B", and by this reference made a part hereof. M.A. Oztekin is the sole member of Eagle Investments, L.L.C., which is the owner of real property by way of Quit Claim Deed recorded at Instrument #20041112000621120 in the Office of the Judge of Probate of Shelby County, Alabama, as modified by Corrective Quitclaim Deed recorded at Instrument #20130530000221070 in the Office of the Judge of Probate of Shelby County, Alabama and more particularly described as follows:

Lot C-1, according to the survey of Eagle Point, First Sector, Phase II, as recorded in Map Book 14, Page 113, in the Office of the Judge of Probate of Shelby County, Alabama.

Notice is hereby made that the Conservator is filing a Lis Pendens on said property in order to provide notice of said Conservatorship and evidence of the Conservator's authority to execute documents on behalf of M.A. Oztekin as the sole member of Eagle Investments, L.L.C. The Conservator has the sole authority to sell, transfer, convey, lease, or encumber said property on behalf of Eagle Investments, L.L.C., or otherwise. The Conservator has the sole authority to execute, acknowledge, and deliver any and all deeds, instruments, documents, affidavits and other papers as the Conservator deems necessary to sell, transfer, convey, lease, or encumber said property as said Conservator may approve, and the execution and delivery of any such document shall be conclusive evidence of its authorization.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand and seal to this

Lis Pendens on the 8th day of July, 2016.

Conservator:



20160725000258720 2/7 \$33.00
Shelby Cnty Judge of Probate, AL
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 *Conservator for M.A. Oztekin*
GREGORY H. HAWLEY, Conservator

Estate of M.A. Oztekin
Jones & Hawley, P.C.
2001 Park Place, Suite 830
Birmingham, AL 35203
205.490.2290

IN THE PROBATE COURT OF JEFFERSON COUNTY, ALABAMA
SITTING IN EQUITY

IN THE MATTER OF:

THE ESTATE OF

M. A. OZTEKIN,

A PROTECTED PERSON.

CASE NO: 2012-216945



20160725000258720 3/7 \$33.00
Shelby Cnty Judge of Probate, AL
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ORDER ON PETITION FOR PERMANENT LETTERS OF
GUARDIANSHIP AND CONSERVATORSHIP

THIS CAUSE came on to be heard on the 25th day of March, 2016, for final hearing on the Petition of MICHAEL LOGAN (“the Petitioner”), seeking the appointment of the County Guardian and Conservator under Permanent Letters of Guardianship and Conservatorship for M.A. OZTEKIN, an adult in need of protection (hereinafter “the Ward”). The Petitioner appeared with his attorneys of record, Hon. Brett A. King and Hon. Bradley A. Green. The Respondent Mera O. Crews appeared with her attorney of record, Hon. Michael E. Wallace. Suzanne O. Yayman, daughter of the Ward, appeared with her attorney of record, Hon. Charles J. Lorant. The Ward’s Guardian *ad litem*, Hon. Moses Stone, was present. Hon. Christopher Nicholson, representing the County Guardian and Conservator also appeared. Before proceeding, the Court found that proper service had been perfected upon all persons due notice. After taking extensive *ore tenus* testimony, receiving documentary evidence, hearing arguments from counsel, and upon consideration of the Report of the Guardian *ad litem*, the Court is of the opinion that the following Order is due to be entered. It is therefore **ORDERED, ADJUDGED, and DECREED** as follows:

1. The Motion to Dismiss filed by Mera O. Crews is hereby DENIED.
2. The Court finds that M.A. Oztekin is in need of protection, and that it is in the best interest of M.A. Oztekin that the County Guardian and Conservator be appointed and granted permanent letters of Guardianship and

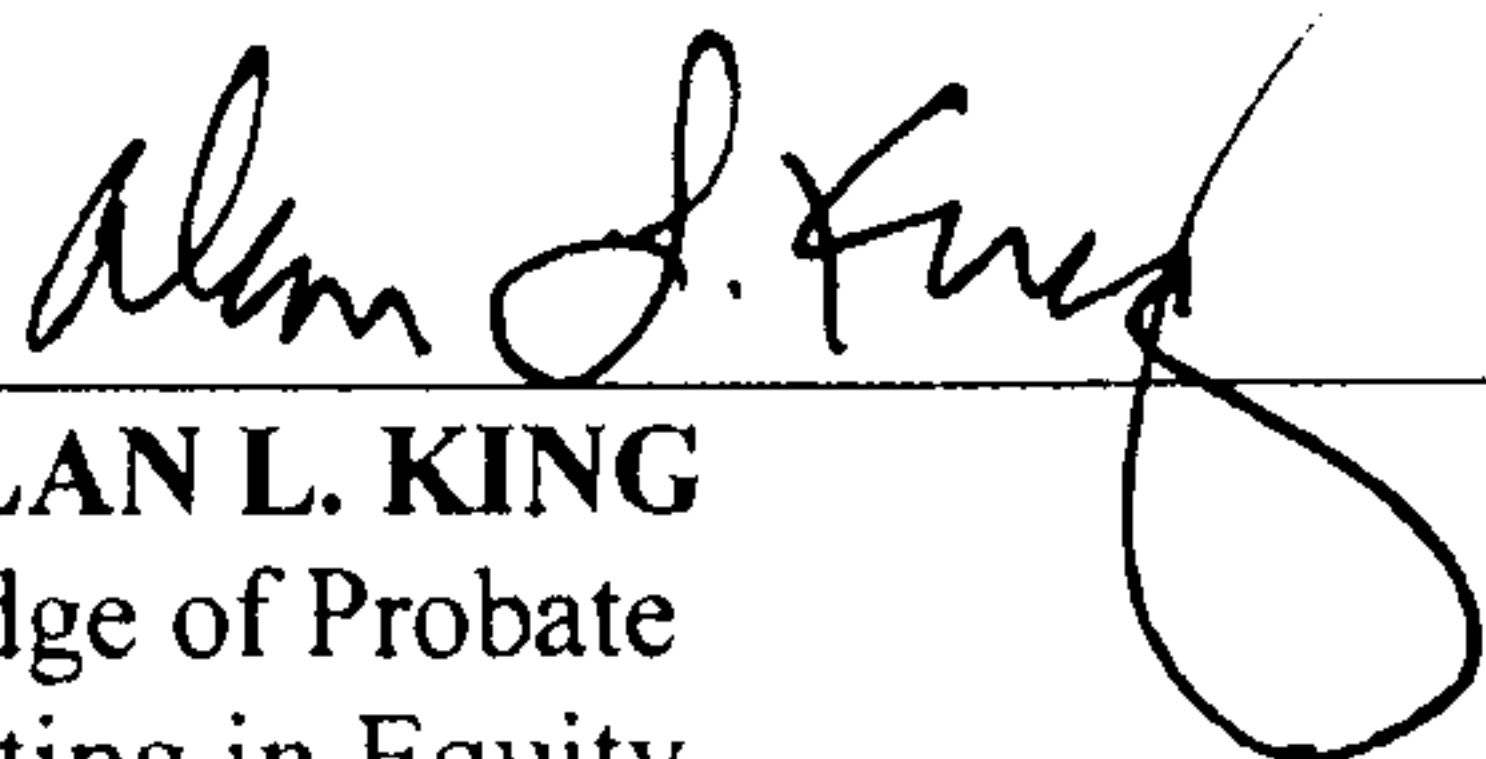
Conservatorship. Therefore, Hon. Gregory H. Hawley (hereinafter, "the Guardian/Conservator") is hereby appointed and granted permanent letters of Guardianship and Conservatorship over M.A. Oztekin, upon posting a bond in the amount of \$200,000.00 with the Clerk of this Court.

3. The Durable Power of Attorney granted by M.A. Oztekin to Mera O. Crews and Erol Kent Oztekin is hereby VACATED and is VOID as of March 25, 2016.
4. The four adult children of M.A. Oztekin: Aycil O. Logan, Erol Kent Oztekin, Mera O. Crews, and Suzanne O. Yayman, shall have liberal and unfettered visitation with their Father (the Court notes that the Ward resides at Brookdale Senior Living in Homewood, Alabama) in the same manner as normally allowed for any other resident at Brookdale. The Court directs the Guardian/Conservator to allow the Ward's children to visit him with the same rules/restrictions applying to each child. The Court specifically finds that limiting visitation within the hours of 9:00 a.m. to 5:00 p.m. is unreasonable, and that visitation should be extended into the evening as allowed by the standard hours at Brookdale. Additionally, the Court directs that all four children shall be notified by the Guardian/Conservator of any significant changes in the health of the Ward.
5. Evidence presented to the Court showed that there is certain real property owned by the Ward near Eagle Point on Hwy. 280 in Shelby County Alabama. Testimony from Mr. Frank Phillips, a realtor and listing agent for said property, indicated that there are multiple parcels on both sides of the highway. For the purposes of this Order, the Court will refer to any and all property owned by the Ward in this area as "the Eagle Point property." There is currently a contract for the sale of part of the Eagle Point property. The Guardian/Conservator is directed to proceed with said sale, and after the

closing, immediately report the terms of such to the Court, at which time the
~~bond requirement may be adjusted.~~

6. The Court notes that the testimony from Mera O. Crews indicated that in addition to the funds presently in the Ward's bank accounts, there are two Certificates of Deposit with Edward Jones together totaling \$100,000.00, and that there may be additional funds in a retirement account that had existed through Kent Corporation.
7. Mera O. Crews is hereby ORDERED to prepare and file a settlement/accounting of her actions as to the Ward's assets/liabilities/income/expenses, showing all her actions while acting under the power of attorney from May 13, 2013 to March 25, 2016. The Court gave Ms. Crews' attorney instructions in open court as to the specific manner such settlement should be prepared. Said settlement/accounting shall be filed with this Court on or before May 31, 2016. Ms. Crews is also directed to send copies of the same to the Guardian/Conservator, each of the other three children of the Ward, and Hon. Moses Stone, at the time such is filed with the Court.
8. Costs of Court, which shall include the fee for the services of the Guardian *ad litem*, shall be taxed against the Ward's estate.

DONE and ORDERED on this the 25th day of March, 2016.


ALAN L. KING
Judge of Probate
Sitting in Equity

Copies to:

The Honorable Bradley Green
2057 Valleydale Road, Suite 202
Birmingham, Alabama 35244



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Shelby Cnty Judge of Probate, AL
07/25/2016 12:50:39 PM FILED/CERT

Honorable Moses O. Stone
Stone Law Firm, LLC
P.O. Box 461
Birmingham, AL 35201

The Honorable Gregory H. Hawley
Jefferson County Conservator
Jones & Hawley, P.C.
2001 Park Place, Suite 830
Birmingham, AL 35203

The Honorable Christopher J. Nicholson
Jones & Hawley, PC
2001 Park Place
Suite 830
Birmingham, Alabama 35203

The Honorable Charles J. Lorant
550 Montgomery Highway
Suite 101
Vestavia, Alabama 35216-1841

The Honorable Brett A. King
29984 State Highway 79
Suite 200
Locust Fork, Alabama 35097

Honorable Michael E. Wallace
P.O. Box 26428
Birmingham, AL 35260

Erol Kent Oztekin
3321 Hermitage Road
Birmingham, AL 35223

IN THE MATTER OF THE ESTATE OF IN THE PROBATE COURT OF
JEFFERSON COUNTY, ALABAMA

M. A. OZTEKIN,
A protected person

CASE NO. 2012-216945*LETTERS OF CONSERVATORSHIP*
20160725000258720 7/7 \$33.00
Shelby Cnty Judge of Probate, AL
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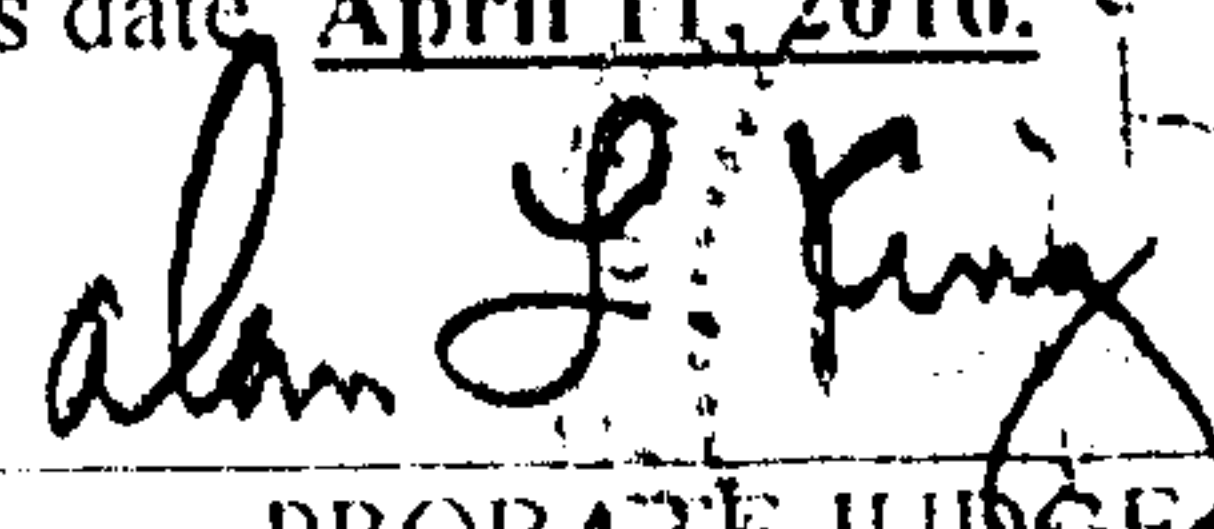
(Alabama Uniform Guardianship and Protective Proceedings Act)

Letters of Conservatorship over the Estate of M. A. OZTEKIN, a protected person are hereby granted to GREGORY H. HAWLEY, County Conservator who has duly qualified and given bond in the amount of \$ 200,000.00 as such Conservator in accordance with law. Said Conservator is granted those powers and duties as set forth in Section 26-2A-152, as amended, except the following limitations:

WITNESS my hand and official seal this date April 11, 2016.

ALAN L. KING
Judge of Probate

I, Alan L. King, Judge of Probate of Probate Court of Jefferson County, Alabama, hereby certify that the foregoing is a true, correct and full copy of the Letters of Conservatorship issued in the above-styled cause as appears of record in said Court. I further certify that said Letters are still in full force and effect.

WITNESS my hand and seal of said Court this date April 11, 2016.

PROBATE JUDGE