


CERTIFICATE OF EXEMPLIFICATION

STATE OF GEORGIA
COUNTY OF HENRY

IN THE PROBATE COURT OF SAID STATE AND COUNTY


20160809000283210 1/22 \$78.00
Shelby Cnty Judge of Probate, AL
08/09/2016 11:50:34 AM FILED/CERT

I, KATHERINE E. FAGAN, Chief Clerk of the above-named Court, do hereby certify that the within documents annexed to this certificate and described herein are true copies of the originals on file and of record in this Court.

1. EXHIBIT A – PETITION FOR EMERGENCY PROTECTIVE SERVICES AND PLACEMENT
2. COURT APPOINTED EVALUATOR'S REPORT
3. ORDER
4. OATH
5. LETTERS OF CONSERVATORSHIP
6. FINAL ORDER

I, further certify that the within is still in full force and effect this 2nd day of August, 2016.



CHIEF CLERK, PROBATE COURT


I, KELLEY S. POWELL Judge of the above-named Court, do hereby certify that KATHERINE E. FAGAN whose name is signed to the preceding Certificate of Exemplification, is a Clerk in the said Court, duly appointed and that full faith and credit are due to her official acts. I further certify that the seal affixed to said Certificate is the seal of the said Court, and that the attestation thereof is in due form this 2 day of Aug, 2016.



JUDGE OF THE PROBATE COURT

I, KATHERINE E. FAGAN, Chief Clerk of the above-named Court, do hereby certify that KELLEY S. POWELL, whose name is signed to the foregoing certificate, is the Judge of this Court, duly elected and sworn, and that the signature of said Judge is genuine.

In witness whereof, I have hereunto set my hand and affixed the seal of said Court, this 2nd day of August, 2016.



CHIEF CLERK, PROBATE COURT



**IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA DHR
CIVIL DIVISION**

IN RE: IN THE MATTER OF:

MARY PIGGOTTE OLIVER,

**An adult in need of
protective services.**

DOB:

Case No: CV 2015-_____

PETITION FOR EMERGENCY PROTECTIVE SERVICES AND PLACEMENT

COMES NOW the Shelby County Department of Human Resources (hereinafter the Department), pursuant to Ala. Code 1975, 38-9-5 and 38-9-6, and the general equity powers of the Court, and shows and represents unto the Court as follows:

1. Mary Piggotte Oliver is a 73 year old female who was born on July 29, 1942.
2. Mary Piggotte Oliver currently resides at 4423 Engle Wood Road, Helena, AL 35080. She is presently admitted to the senior care unit of Shelby Baptist Medical Center, Alabaster, AL where she has been since October 3, 2015.
3. Mary Oliver was admitted to Shelby Baptist Medical Center for worsening confusion and delusions. Ms. Oliver has been diagnosed with Acute Delirium and has been delusional, hallucinating and has poor judgement with severe cognitive impairment.
4. On August 1, 2015 SCDHR received a report from Helena Police Department stating Ms. Oliver had made several reports of someone breaking into her home and stealing her belongings.



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5. On August 3, 2015 upon the first initial contact Ms. Oliver explained to SCDHR worker that she has installed security devices and an alarm system but someone keeps breaking into her house and eating up her food. She has placed items such as canned goods in front of her windows and security devices that look like metal bars underneath her door knobs so that if someone attempts to come in she can hear them and call police. Ms. Oliver also admitted to hearing voices in her attic when she goes to bed. Upon observation SCDHR social worker determined that no one is able to come into the house unless Ms. Oliver permitted them to do so. This creates a fire hazard as well as a barrier for emergency responders.

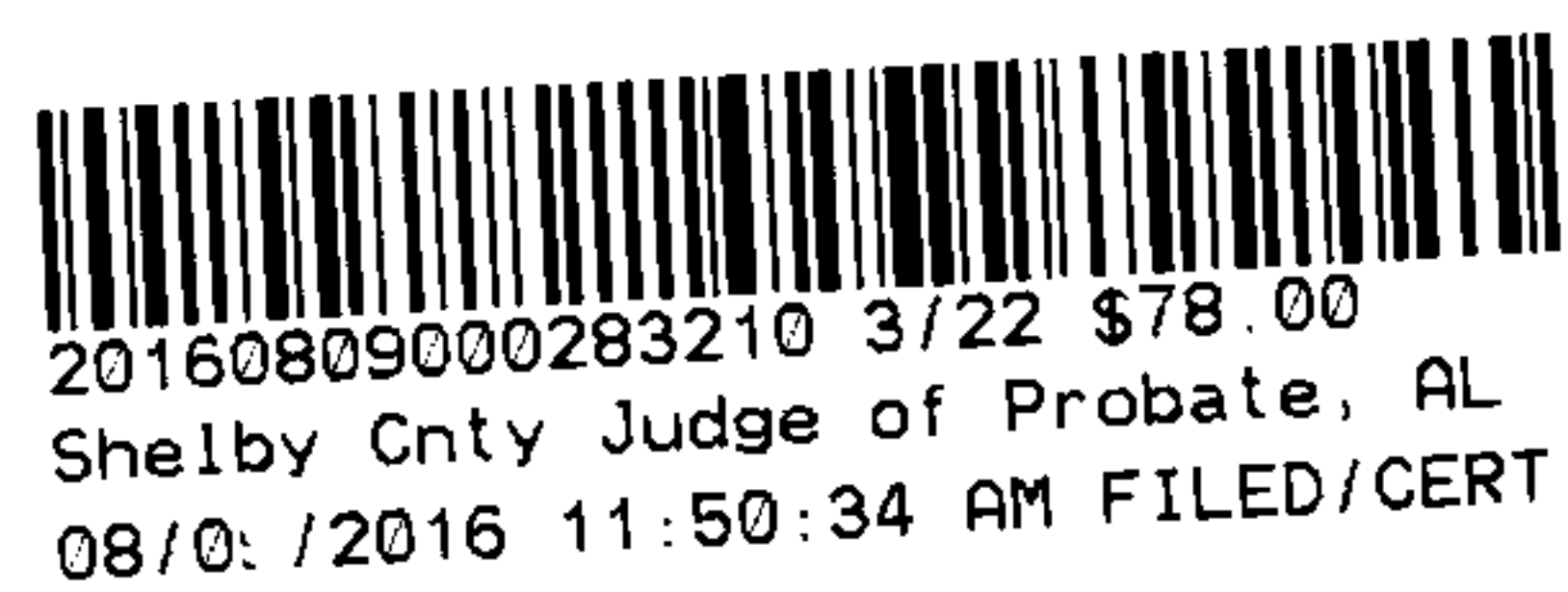
6. Helena Police Department reported that Ms. Oliver has called their department 16 times within a two month time frame.

7. Ms. Oliver stated that on the 27th of September, 2015 she saw a shadow in her home and retrieved her handgun and chased the intruder out of her home.

8. On September 29, 2015 Ms. Oliver called the Helena Police Department and reported three people were in the attic of her house all night whispering, eating her food and keeping her awake all night. The Police Department has made several visits but never find anything or anyone.

9. Ms. Oliver reported that she has one sister who lives in Georgia and another sister and brother but would not give any information on them.

10. Ms. Tracy Lowery, niece of Ms. Oliver, resides in Georgia and informs DHR that she has made attempts to get Ms. Oliver to come live with her but she becomes defensive and refuses to cooperate.



11. Ms. Oliver's physician reported that she does not have the ability to understand normal decision making required for daily living. She is paranoid and delusional and suffers from a mental diagnosis which subjects her to neglect, abuse or exploitation.

12. Ms. Mary Oliver is in need of continuous supervision for safety purposes and requires assistance with activities of daily living.

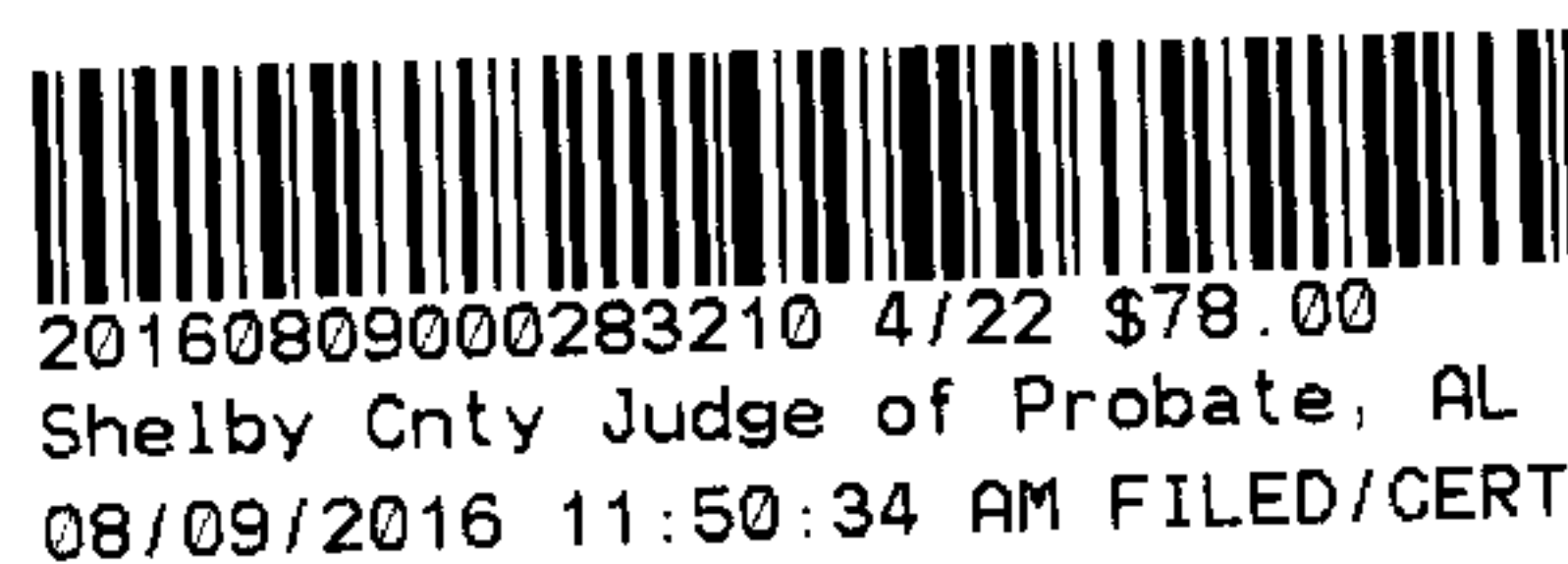
13. Ms. Oliver does not have the recall needed to manage her medications and her day to day living activities and is in need of long term care.

14. That Mary Piggotte Oliver is an adult in need of emergency protective services as she is unable because of physical and/or mental disabilities to provide for her basic needs for health care; her behavior indicates she is mentally incapable of adequately caring for herself and her interest without serious consequences to herself. Because of her physical or mental impairment, she is unable to protect herself from abuse, neglect or exploitation by others and as a result thereof her health and safety is in immediate.

15. The Shelby County Department of Human Resources has investigated this matter and believes, at this time; Mary Piggotte Oliver requires long term care.

16. Mary Oliver is not able to give informed consent to protective services and placement.

17. A Guardian ad-Litem should be appointed to protect and represent the interest of Mary Piggotte Oliver during these proceedings and that the Court should determine her ability to pay the fee of the Guardian ad-Litem. Further, the Court should appoint a Guardian and a Conservator to protect the person and estate of Mary Piggotte Oliver.



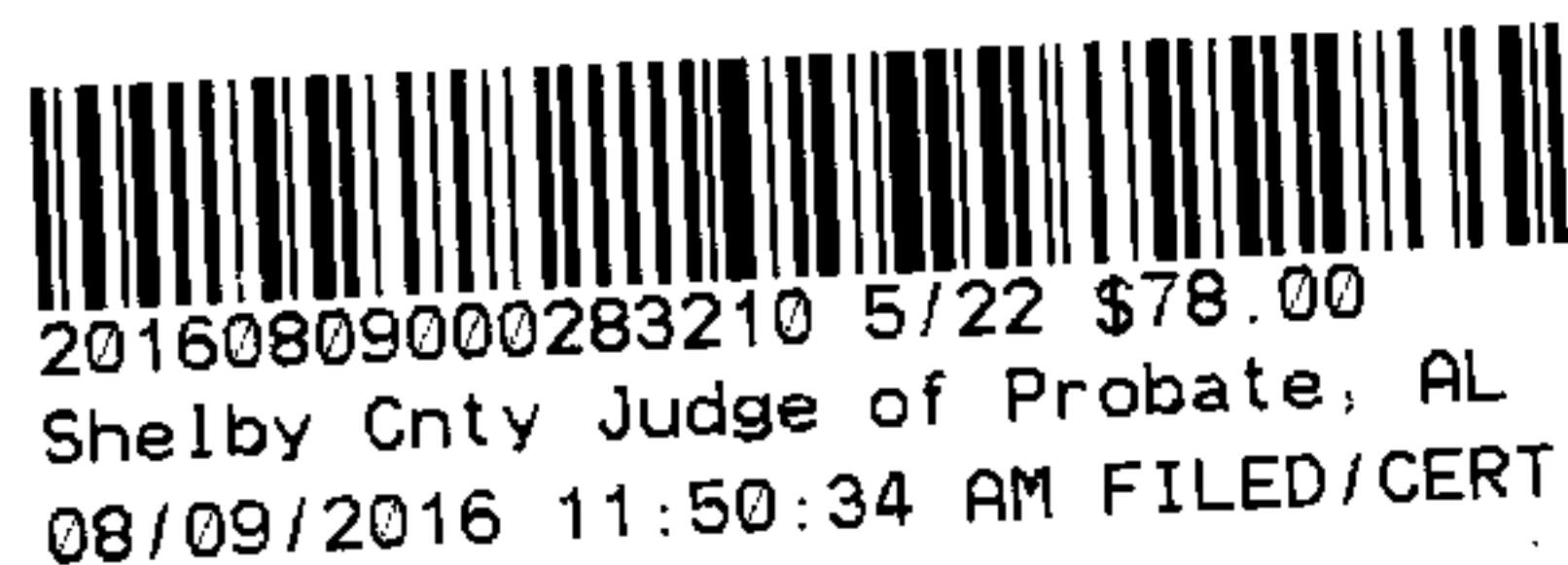
18. Correspondence from Dr. Yalamanchili, M.D. addressing the mental status of Mary Piggotte Oliver is attached hereto as Exhibit "A", and incorporated herein by reference as if fully set forth.

19. A social summary prepared by the Department summarizing the Department's involvement with Mary Piggotte Oliver is attached hereto as Exhibit "B", and incorporated herein by reference as if fully set forth.

20. In the event the Court grants the relief sought herein, the Shelby County Department of Human Resources has plans to make arrangements for Mary Piggotte Oliver to be placed in a suitable licensed care facility as soon as is practicable as determined by the appropriate medical personnel.

WHEREFORE THE ABOVE PREMISES CONSIDERED the Shelby County Department of Human Resources respectfully prays that this Honorable Court will grant the following relief:

- a. Accept jurisdiction of this petition.
- b. Set a hearing on this Petition.
- c. Issue an Order authorizing the Shelby County Department of Human Resources to arrange for a full medical evaluation of Mary Piggotte Oliver, and if appropriate, place her in a suitable licensed care facility.
- d. Grant the Department the authority to arrange for transportation services, as needed, including the services of the Sheriff's Department and/or ambulance services.
- e. Appoint a Guardian ad-Litem to represent the interest of Mary Piggotte Oliver, and that upon a final hearing in this matter, the Court also appoint a



Guardian of the person and a Conservator of the estate of Mary Piggotte Oliver. In the interim, the Court should prohibit any and all transactions and/or transfers of any assets of whatsoever nature owned individually or jointly by Mary Piggotte Oliver, unless such transactions is approved by the order of the Court.

f. Grant such other, further, or different relief as the Court deems appropriate or necessary.

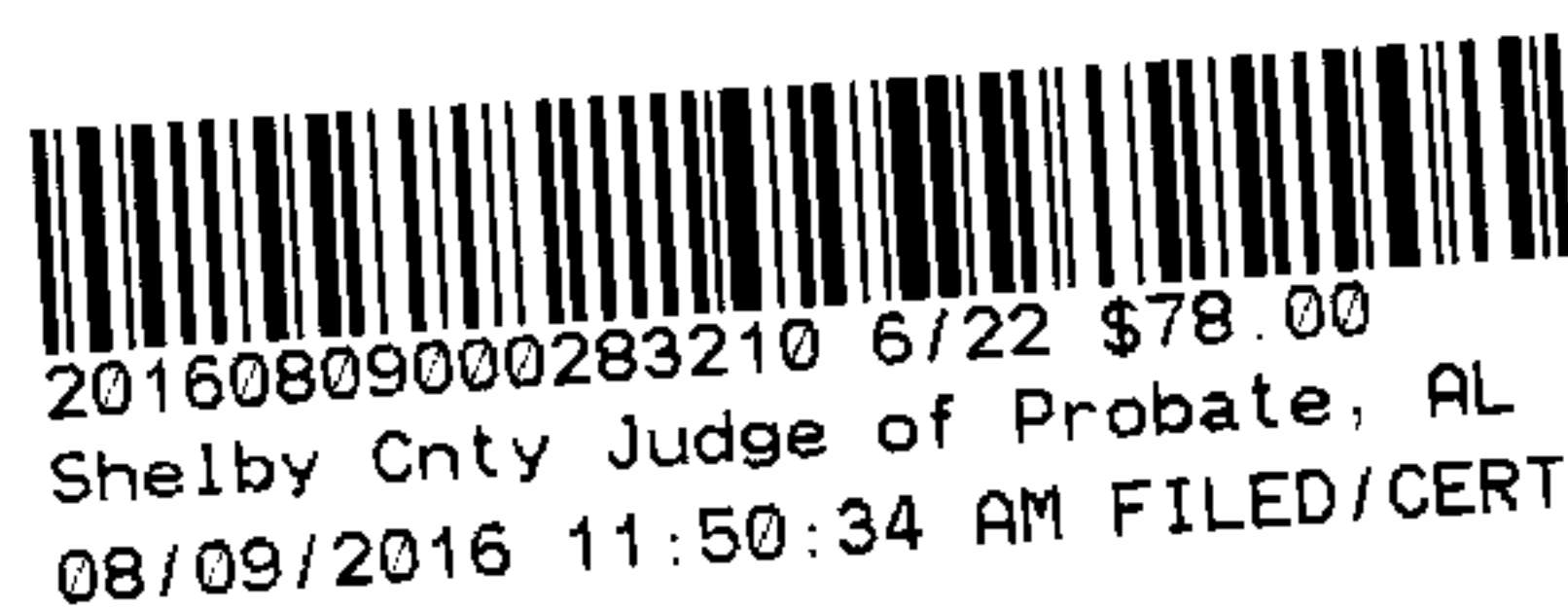
RESPECTFULLY SUBMITTED this 4th day of November, 2015.



CAROLYN WILLIAMS
Social Worker
Shelby County DHR



TREY WOODROW
Assistant Attorney General
Alabama Dept. of Human Resources
Columbiana Regional Legal Office
P. O. Box 1096
Columbiana, AL 35051
Ph: (205) 669-3006





10/26/2015

Re: Mary Oliver, 7/29/1942

To Whom It May Concern:

Ms. Mary Oliver has been under my care on the Senior Care Unit since 10/3/2015. The patient was admitted for worsening confusion and delusions.

During her time on the Senior Care Unit, she has been compliant with care and medication compliant. The patient is delusional, hallucinating and has poor judgment.

The patient has severe cognitive impairment. Patient needs constant supervision. The patient's diagnosis is Delirium.

Due to patient's cognitive impairment, patient is unable to make medical or financial decisions regarding her care and affairs. Please refer to her niece, Tracy Lowery to make these decisions.

Sincerely,

A handwritten signature in black ink, appearing to read "Shankar Yalamanchili", written over a large 'X' mark.

Dr. Shankar Yalamanchili, MD

A standard 1D barcode with vertical black bars of varying widths on a white background.

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Physician's Recommendation to Shelby County Department of Human Resources, Adult Protective Services

Your assistance is required to fully evaluate this patient and your recommendation will be utilized in determining if further action is necessary.

Patient Name: Mary Oliver

Address: 4423 Engle Wood Road, Helena, AL

Date Patient Last Seen:

1. Does Mary Oliver suffer from a mental illness, mental deficiency or other mental infirmity accompanying advanced age or other cause? ☒ Yes or ☐ No

If yes, what is the diagnosis?

Acute deliriumDoes he/she understand normal decisions required for daily living? NODoes he/she understand the consequences to himself or others? NOCan the person make and communicate responsible decisions? NO

2. Does Mary Oliver suffer from a physical or mental diagnosis which subjects him/her to neglect, abuse or exploitation? ☒ Yes or ☐ No

If yes, how does the diagnosis render the person subject to those conditions?

Patient's profound impairment in mental functioning puts her at great risk of exploitation as patient is paranoid & delusionalAre you aware of a guardian, relative, or other person who participates in their caretaking responsibilities? ☒ Yes or ☐ NoIf yes, Who? Tracy Lowery

Please describe any behaviors which indicate mental or physical incapacity to adequately care for himself/herself and his/her interests with serious consequences to self or others:

Great paranoia, suspicion of strangers. She believes people are living in her attic

Please describe the level of care required:

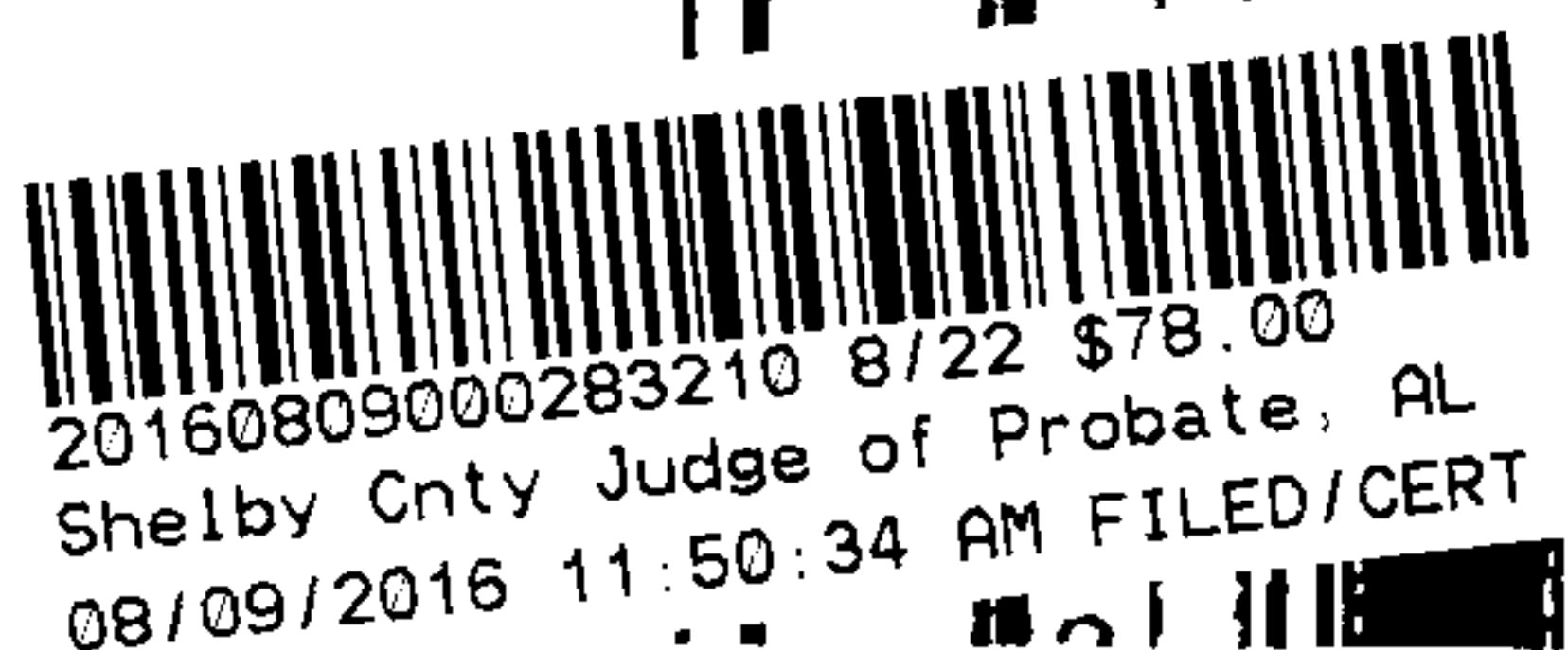
Patient is in need of guardian placement decisions. She has had visual hallucinations & is not in touch with reality. Oriented only to person.

I am providing this information to assist the Department of Human Resources in determining whether my patient is an adult in need of protective services.

Physician's Signature: [Signature]Date: 10/26/15

Physician's Name:

Address:





Robert Bentley
Governor

Shelby County
Department of Human Resources
P. O. Box 1096
987 Highway 70
Columbiana, Alabama 35051
Telephone: 205.669.3000
Fax: 205.669.3095



Nancy T. Buckner
Commissioner
Kim W. Mashego, LC
Director

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

IN THE MATTER OF
Mary Piggotte Oliver an adult in need of
Protective services

Case No:
DHR County Case No: 54534

On 08/01/2015, Shelby County Department of Human Resources received a report on Ms. Mary Piggotte Oliver DOB 07/29/1942 of 4423 Engle Wood Road, Helena AL 35080. The mandated reporter stated that Ms. Oliver had called the Helena Police Department many times with concerns of people breaking into her home and stealing her household items. The reporter was concerned about her mental stability and felt she might be having symptoms of some type of dementia.

On 08/03/2015, SCDHR spoke with Ms. Oliver at her home. She stated her home had been broken into six times in the last seven months. She stated people had been coming into her home and taking her clothing and they also had taken tools from her basement as well as silver pieces, stemware and her mystery books.

Ms. Oliver allowed the worker to go through her home including the basement. Under each door Ms. Oliver had placed a security device which looked like a metal bar that went underneath the door knob to prevent someone from coming into the door. She also had cans and various household items placed in the basement windows so that if anyone came in she could hear the intruder and call the police.

Ms. Oliver explained to the worker that even though she has security devices and an alarm system "people" keep getting into her house. She stated they come in and eat her food and leave the sandwiches on the counter, she hears them whispering and laughing in the attic when she goes to bed at night. Ms. Oliver expressed that the Helena Police had been at her house many times and they keep asking her rude questions like she is "senile or crazy." She stated they never believe her or do anything to help her. Worker could not see any way an intruder could come into the home unless Ms. Oliver allowed them to come in herself.

Worker was unable to obtain any health information from Ms. Oliver. She said she could take care of herself and moved from Florida to Alabama 25 years ago and is doing well on her own. She said she had a sister in Georgia and another sister and brother but would not give the worker any information. She was angry because the police had called her sister and worried her needlessly.

Worker spoke with Officer Plemons of the Helena Police Department. The most recent conversation was on 09/29/2015. He gave the worker an overview of the history Ms. Oliver has with the police department. He stated there had been 16 calls from Ms. Oliver in the past two months. She made one this morning claiming there were three people in her house all night eating her food in the attic. They kept whispering about her and kept her awake. Ms. Oliver will call dispatch and talk with the worker but does not want the police to come back out "because they never find anything." She claimed on the 27th of September at 5:30 a.m. she woke up and saw a shadow. She got her handgun and chased the white male 5'10" in dark clothing.

Worker spoke with Ms. Tracy Lowery, Ms. Oliver's niece on 09/30/2015. Ms. Lowery has asked Ms. Oliver to come and live with her in Georgia. Ms. Oliver has gotten really defensive and refuses. Ms. Lowery explains there may be dementia type issues going on but that most of the time Ms. Oliver is coherent and is able to take care of herself. Ms. Lowery is not sure if Ms. Oliver is even seeing a doctor at this time. Ms. Lowery stated she would continue to drive to Alabama to see Ms. Oliver and calls her daily but could not make her come with her back home because she was being very uncooperative. She has always been extremely private and independent. She stated she would like to become her power of attorney, guardian and conservator.



Worker received a faxed letter from Dr. Shankar Yalamanchili. Ms. Oliver is currently admitted into Shelby Baptist Medical Center. His letter reads "Ms. Mary Oliver has been under my care on the senior care unit since 10/03/2015. The patient was admitted for worsening confusion and delusions. During her time on the Senior Care Unit, she has been compliant with care and medication compliant. The patient is delusional, hallucinating and has poor judgement. The patient has severe cognitive impairment. Patient needs constant supervision. The patient's diagnosis is Delirium. Due to patient's cognitive impairment, patient is unable to make medical or financial decisions regarding her care and affairs. Please refer to her niece, Tracy Lowery to make these decisions."


Dr. Yalamanchili, also filled out the Physician's Form which states the patients level of capacity. It states "Ms. Oliver's diagnosis is Acute Delirium. She does not understand normal decisions required for daily living. She does not understand the consequences to herself or others. She cannot make and communicate responsible decisions. Ms. Oliver suffers from a mental diagnosis which subjects her to neglect, abuse or exploitation. Patient's profound impairment in mental functioning puts her at great risk of exploitation as patient is paranoid and delusional. He is aware that Tracy Lowery is a caretaker. She cannot take care of herself because of great paranoia, and suspicion of others. She believes people are living in her attic. Patient is in need of guardian and conservator to make proper placement decisions. She has had visual hallucinations and is not in touch with reality. She is oriented only to person. Signed 10/26/2015.


Shelby County Department of Human Resources would respectfully request the court appoint Ms. Oliver's niece Tracy Lowery as Ms. Oliver's guardian and conservator.

Done this 29th day of October, 2015

Respectfully submitted by:


Carolyn Williams
Adult Protective Services Worker


Heather Harrison
APS Supervisor


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Shelby Cnty Judge of Probate, AL
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VERIFICATION

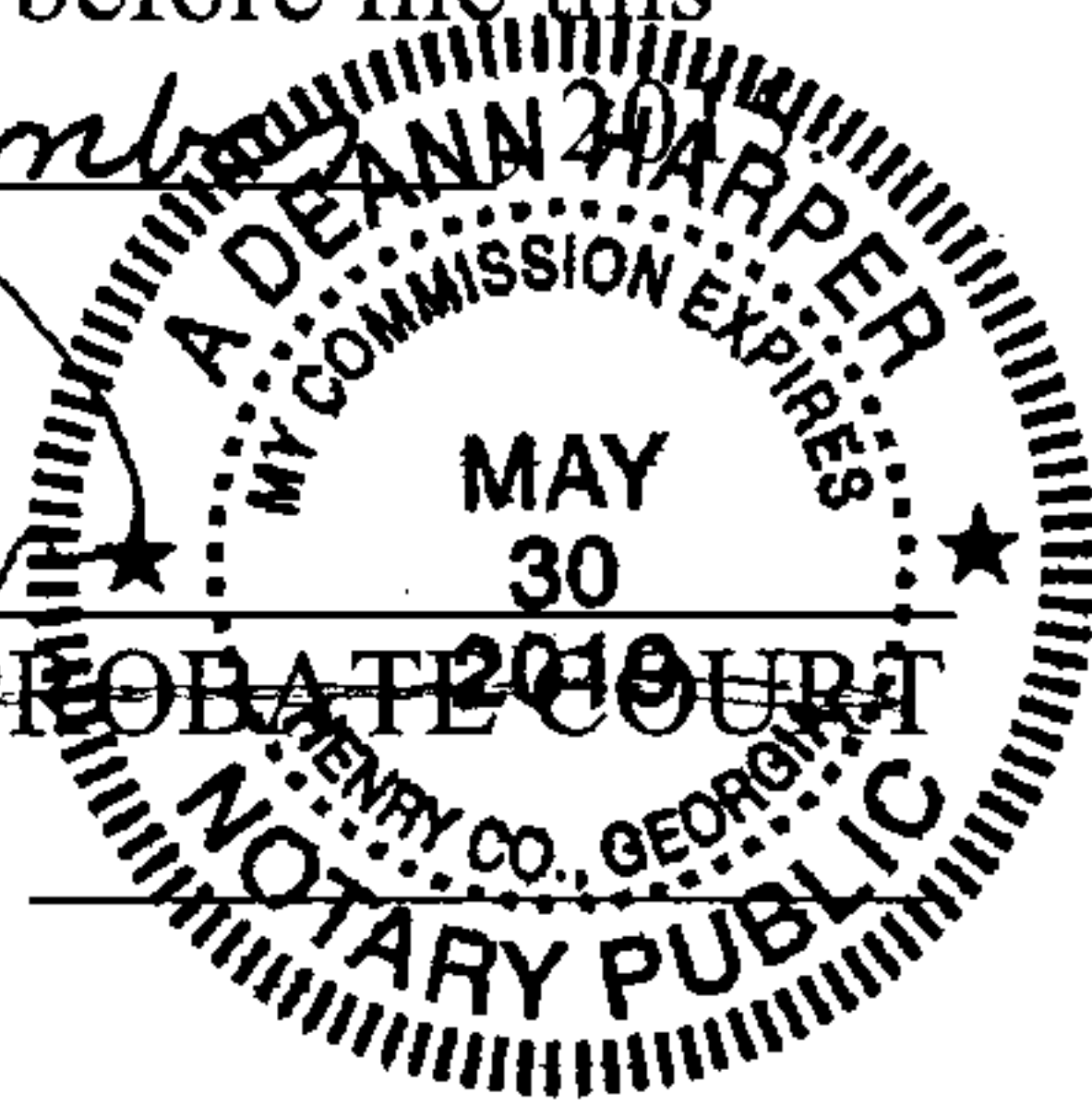
GEORGIA, HENRY COUNTY

Personally appeared before me the undersigned Petitioner(s) who, after being duly sworn, state(s) that the facts set forth in the foregoing Petition (and the attached exhibits) are true.

Sworn to and subscribed before me this
16th day of November

A. Deanna Harper

NOTARY/CLERK OF PROBATE COURT
My Commission Expires



Nancy Lowery
Signature of First Petitioner

Sworn to and subscribed before me this
16th day of November, 2015.

A. Deanna Harper

NOTARY/CLERK OF PROBATE COURT
My Commission Expires

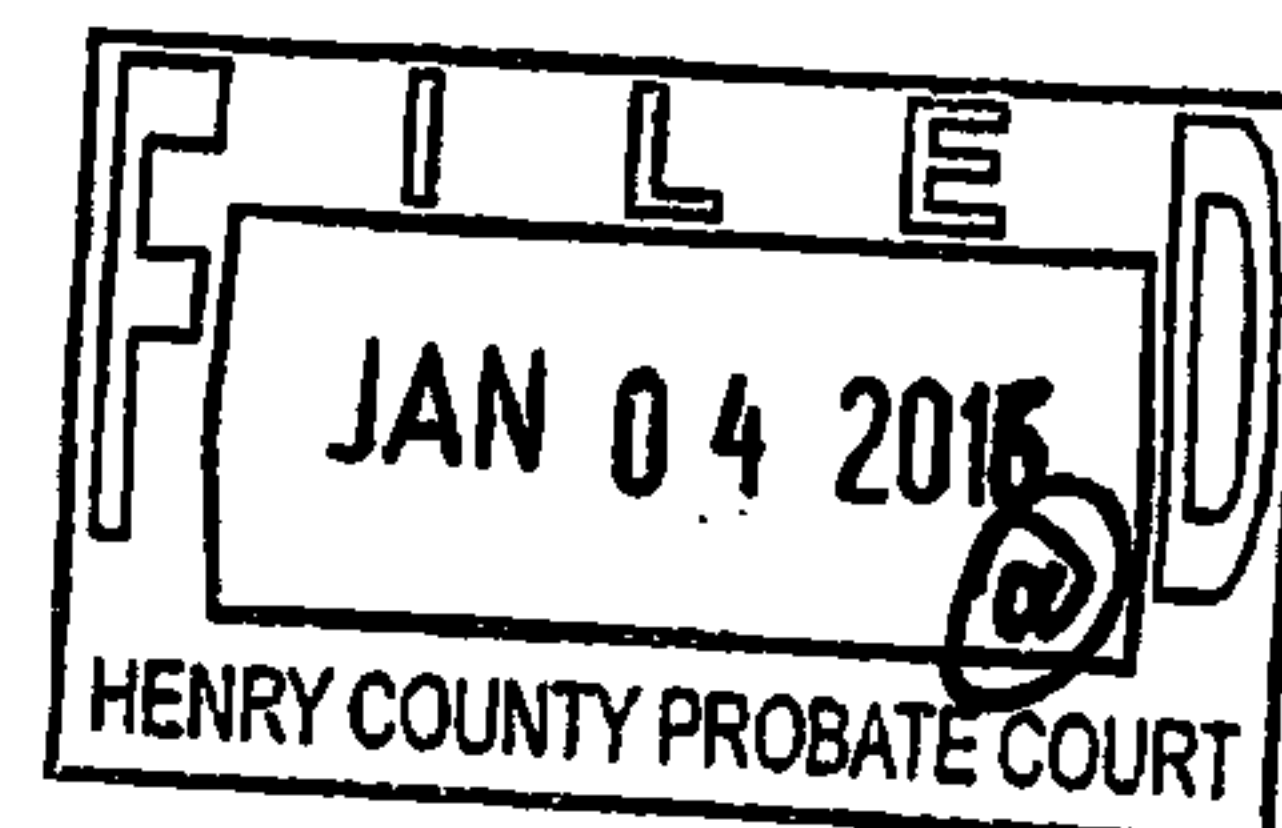


Mike Lowery
Signature of Second Petitioner



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IN THE PROBATE COURT
COUNTY OF Henry
STATE OF GEORGIA



IN RE: ESTATE OF

Mary P. Oliver,
PROPOSED WARD.

ESTATE NO. 2015- GA - 905

COURT APPOINTED EVALUATOR'S REPORT

PROPOSED WARD: Mary P. Oliver

In compliance with the Order of the Probate Court of Henry County dated December 4th, 2015, I performed an evaluation of the above-named proposed ward on December 15th, 2015. This evaluation took place at 50 Guthrie Place, Stockbridge, GA 30281. The evaluation continued for 60 (minutes) (hours). I explained the purpose of the evaluation to the proposed ward.

The following questions and tests were utilized in the evaluation:

Clinical Observation; Psychiatric Assessment including questions of past, present; future, persons, places, events;
MMSE-2 (Modified) - Mini Mental State Exam; SLUMS (Modified) - St. Louis Univ. Exam

Below is a list of all persons and other sources of information consulted in evaluating the proposed ward:

Reviewed Court Documentation; Reviewed P.W.'s medication Bottles;
Spoke with P.W.'s Niece, Tracy Lowery

The following is a description of the proposed ward's mental and physical state and condition, including all observed facts considered by me:

P.W. is a 73 yo female, alert, ambulatory, and verbally communicative;
Appearance was appropriate and demeanor pleasant. The clinical
exams indicated cognitive impairment with recall and calculation. Thus, this
explains P.W.'s inability to manage finances, manage taking her medications, etc.

The following is a description of the overall social condition of the proposed ward, including support, care, education, and well-being, and the functional capabilities of the proposed ward, if determined by the evaluator:

P.W. discussed her past experiences of "people stealing her belongings" and
"calling the police" (paranoia/delusions). She spoke highly favorable towards her niece (Tracy)
and niece's husband (Mike). She was very appreciative of their support care.
Prior to recent cognitive impairments, P.W. lived independently with a successful
career. P.W. reports having no children.

The following are my findings as to the needs of the proposed ward and their foreseeable duration: - indefinitely -

(initial all applicable)

KR (a) I find the proposed ward to be incapacitated by reason of cognitive impairment resulting in occasional poor processing and decision making unable to make sound decisions regarding her health or finances to the extent that said proposed ward:

KR (i) (for guardianship:) lacks sufficient capacity to make or communicate significant responsible decisions concerning his or her health or safety; and/or

KR (ii) (for conservatorship:) lacks sufficient capacity to make or communicate significant responsible decisions concerning the management of his or her property,

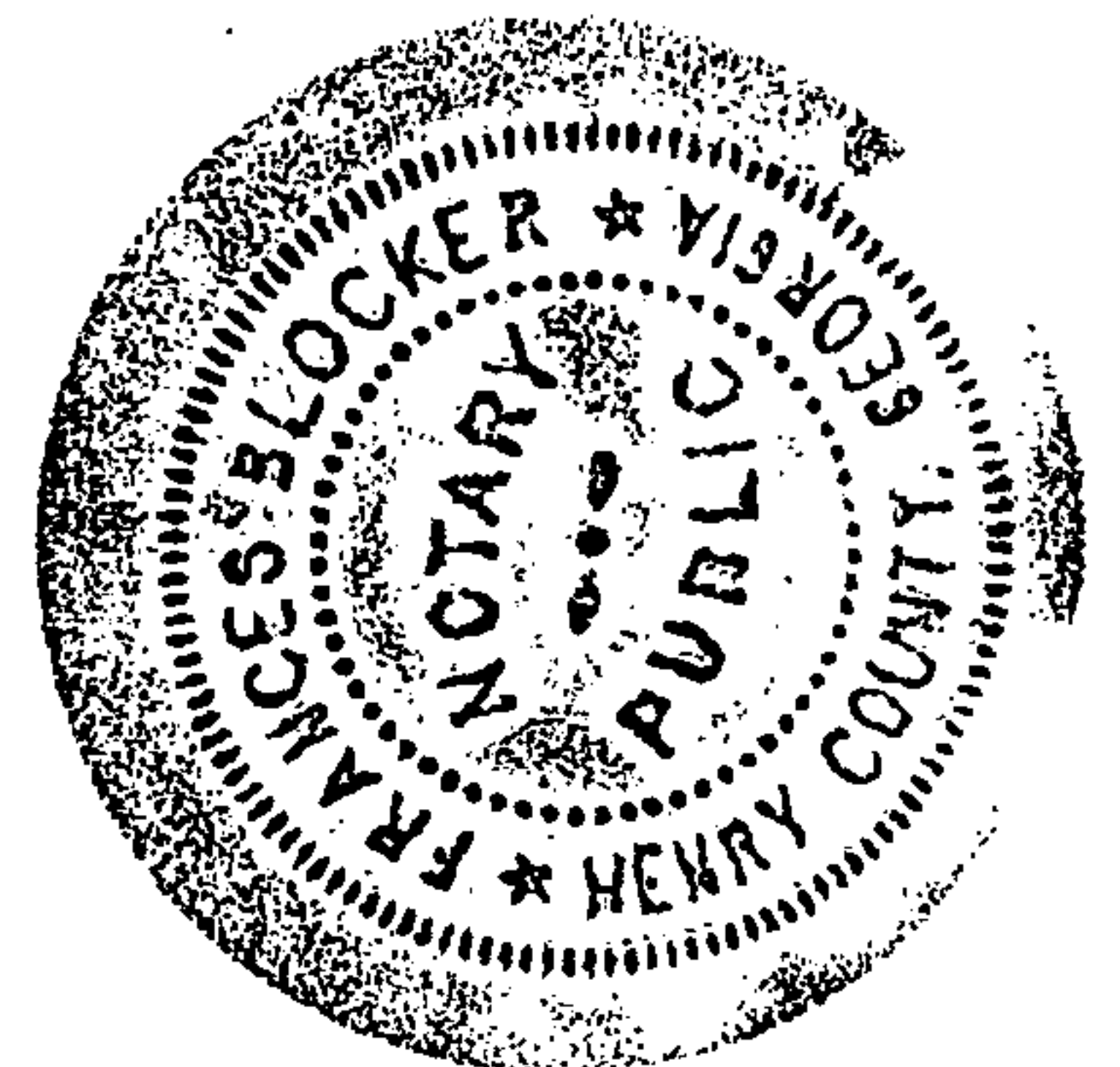
_____ (b) I do not find that the proposed ward meets the standards for guardianship set out in (a) (i) above.

_____ (c) I do not find that the proposed ward meets the standards for conservator set out in (a) (ii) above.

[Signature]
Physician licensed under Chapter 34 of Title 43 of the
Official Code of Georgia Annotated/
Psychologist licensed under Chapter 39 of Title 43 of the
Official Code of Georgia Annotated/
Licensed Clinical Social Worker

Sworn to and subscribed before me this
21st day of December, 2015.

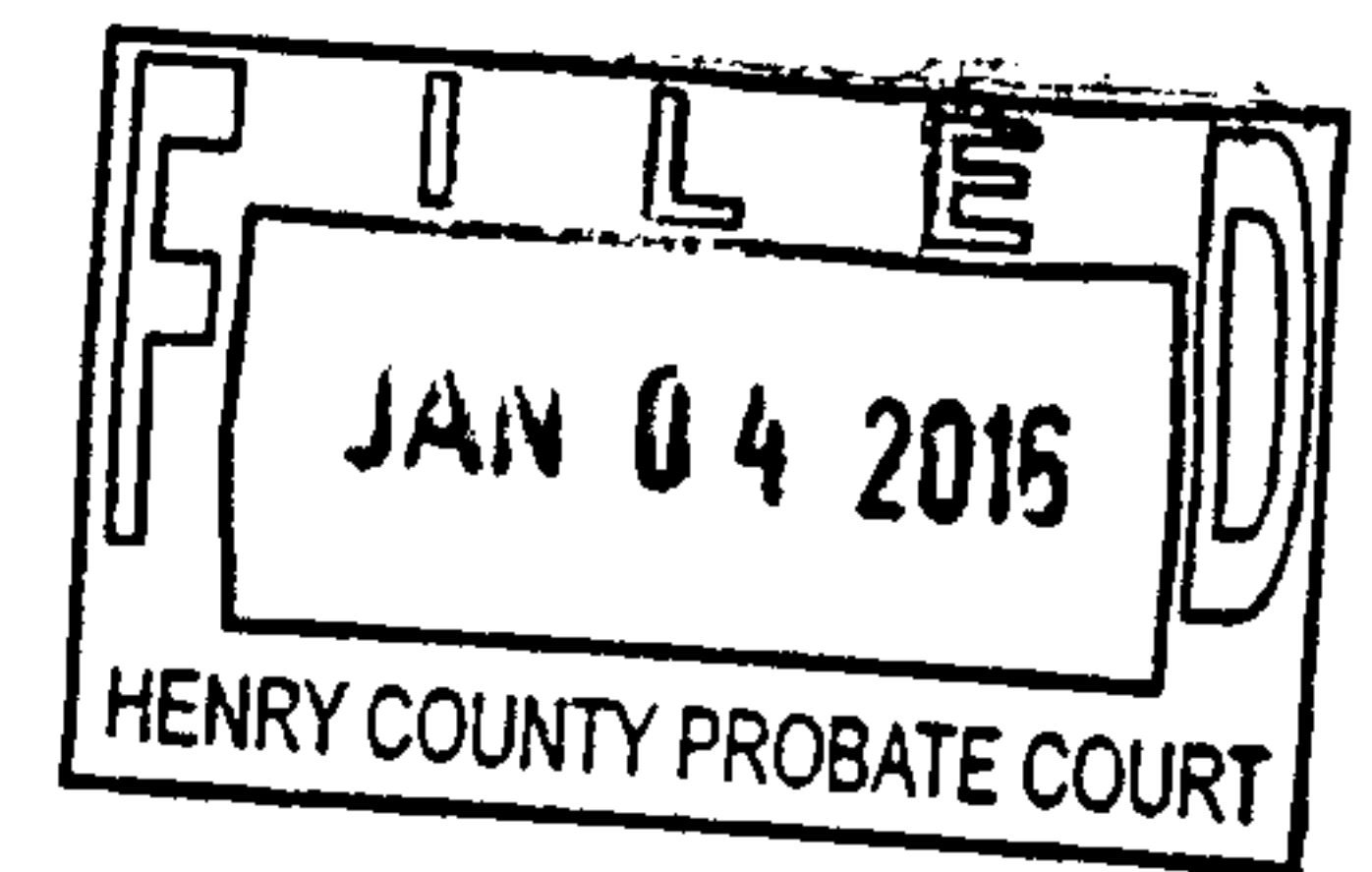
[Signature]
NOTARY/CLERK OF PROBATE COURT
My Commission Expires 8/9/2018



(NOTE: This report must be filed with the Probate Court no later than seven (7) days after the date of examination.)

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Shelby Cnty Judge of Probate, AL
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IN THE PROBATE COURT OF HENRY COUNTY
STATE OF GEORGIA



IN RE: ESTATE OF

MARY P. OLIVER,
WARD.

ESTATE NO. 2015-GA-905

ORDER

On November 23, 2015, this Court entered an Order appointing Mike Lowery (hereinafter "Mr. Lowery) as emergency conservator for the above-named ward. It has come to the Court's attention that Mr. Lowery has not been able to obtain a bond as set forth in the November 23, 2015, Order.


Accordingly, IT IS HEREBY ORDERED that Mike Lowery is REMOVED from the office of conservator for the above-named ward.

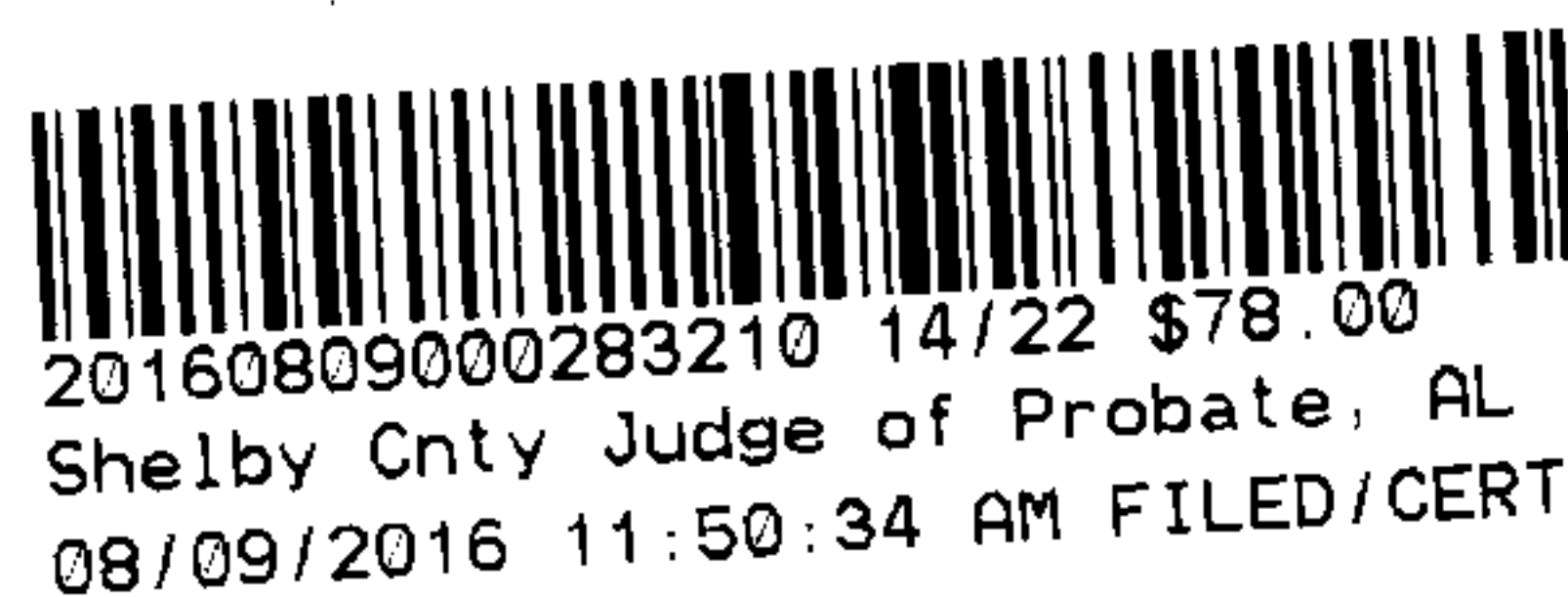
IT IS FURTHER ORDERED Michael A. O'Quinn, Esq., be and is hereby, appointed Emergency Conservator for the above-named ward. Letters of Emergency Conservatorship shall issue to Conservator upon taking the required oath and upon the Conservator posting bond in the amount of \$372,000.00. **The appointed Emergency Conservator shall have no authority to act on behalf of the ward until Letters of Emergency Conservatorship have issued.**

IT IS FURTHER ORDERED that the emergency conservator shall have only the following powers and duties determined by the Court to be absolutely necessary to respond to the immediate threatened risk: the authority to make responsible decisions regarding the ward's property and finances.

IT IS FURTHER ORDERED that a copy of this Order shall be hand delivered or mailed by first class mail to the ward, the ward's attorney, the guardian and/or conservator, the Petitioners, and their attorney.

SO ORDERED this 4th day of January, 2016.


KELLEY S. POWELL, Judge
Henry County Probate Court



ESTATE NO.: 2015-GA-905

I have this date mailed a copy of the above Order to the following persons with adequate postage affixed thereon to the addresses listed below:

Mary P. Oliver
50 Guthrie Place
Stockbridge, Georgia 30281

Terri S. Sutton, Esq.
Attorney for Tracy Lowery
and Mike Lowery
50 Guthrie Place
Stockbridge, Georgia 30281

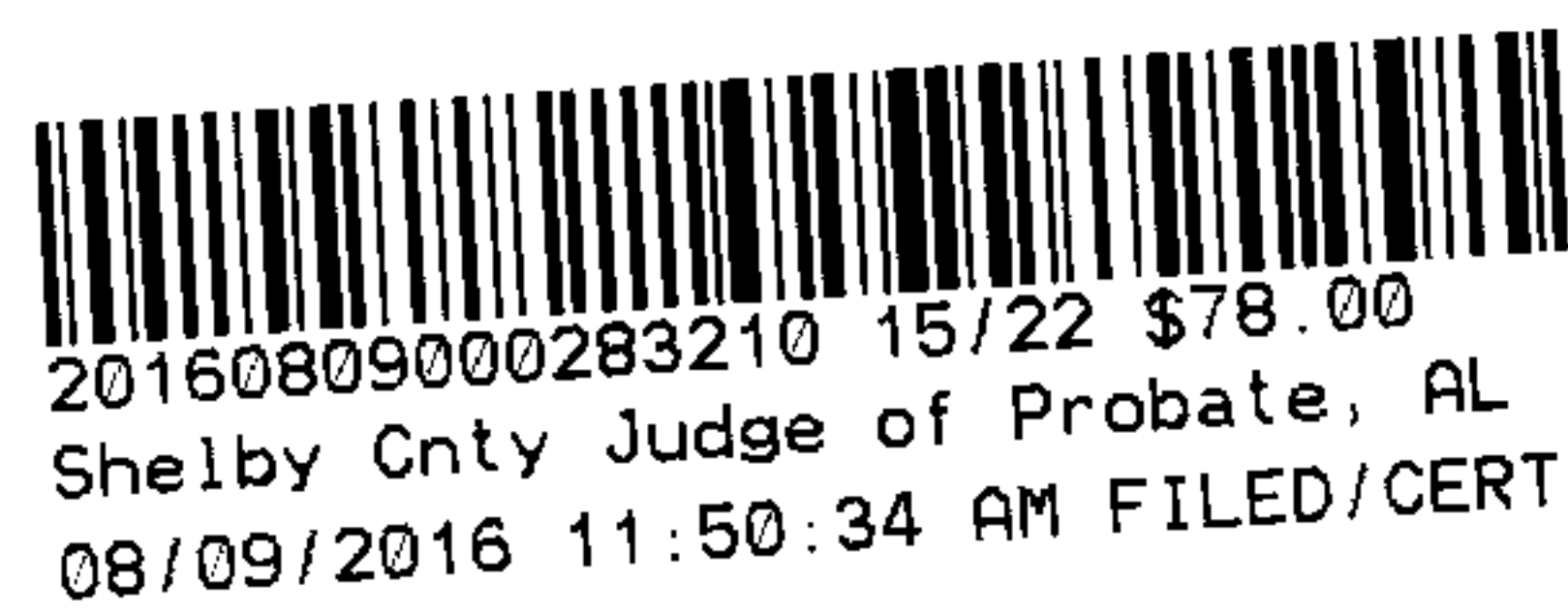
Michael A. O'Quinn, Esq. – via U.S. Mail and e-mail to terri@oqclaw.com
103 Keys Ferry Street
McDonough, Georgia 30253

Michelle T. Smith, Esq. – via email at michelletsmith68@gmail.com

Megan M. Pearson, Esq.
Smith, Welch, Webb & White, LLC
P.O. Box 10
McDonough, Georgia 30253

01/05/16
Date


PROBATE CLERK/DEPUTY CLERK



IN THE PROBATE COURT OF HENRY COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF

MARY P. OLIVER,
WARD.

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)
)
)

ESTATE NO. 2015-GA-905

OATH

I do solemnly swear (or affirm) that I will well and truly perform the duties required of me as the conservator of the ward named above and faithfully account to my ward for my ward's estate.

Sworn to and subscribed before
me this 21st day of January, 2016.



Michael A. O'Quinn
Conservator


CLERK OF PROBATE COURT

Sworn to and subscribed before
me this ____ day of _____, 2015.

Conservator

CLERK OF PROBATE COURT


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IN THE PROBATE COURT OF HENRY COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF

MARY P. OLIVER,
WARD.

ESTATE NO. 2015-GA-905

LETTERS OF CONSERVATORSHIP OF ADULT WARD

From the Judge of the Probate Court of said County.

Ward: Mary P. Oliver

Date of Birth: 07/29/1942

To: Michael A. O'Quinn, Conservator

The above-named adult ward has been found by this Court to be in need of a conservator, and this Court has entered an order designating you as such conservator. You have assented to this appointment by taking your oath and posting a bond. In general, your duties as conservator is to protect and maintain the property of the ward.

Special Instructions:

1. You must keep your ward's funds separate from your own. You should put your ward's funds in a separate checking or savings account, as appropriate, and make all payments by check.
2. You may not sell, mortgage, give away, or otherwise dispose of any of your ward's property without a court order.
3. You may not spend any of your ward's funds for any purpose except as set forth in the court approved budget without a court order.
4. You must file within two months of your appointment an inventory showing the ward's property and a plan for managing, expending, and distributing the property. Further, you must file, within sixty (60) days of each anniversary date of these Letters, an annual return showing all receipts and disbursements, accompanied by an affidavit certifying that the original vouchers (checks) have been compared with the items listed on the return, and that the return is correct, together with an updated inventory and plan for managing the property. A copy of said return shall be sent by first class mail to the surety, the ward, and the guardian, if any.
5. The regular commissions allowed a conservator are 2.5% on all sums of money received, and 2.5% on all sums paid out, as shown by the annual or final return. There are special rules concerning commissions for property delivered in kind, interest earned, extraordinary services, and market value of property held as of the last day of your reporting period.
6. You must keep the Court informed of any change in your name or address and promptly notify the Court of any conflict of interest arising between you and your ward.
7. You should inform the Court of any change of location of your ward.
8. Please consult your attorney if you have any questions.
9. Your authority to act pursuant to these Letters is subject to applicable statutes and to any special orders entered in this case.

Given under my hand and official seal, the 21st day of January, 2016.

Kelley S. Powell

Judge of the Probate Court of Henry County

NOTE: The following must be signed if the
Judge does not sign the original of this document:

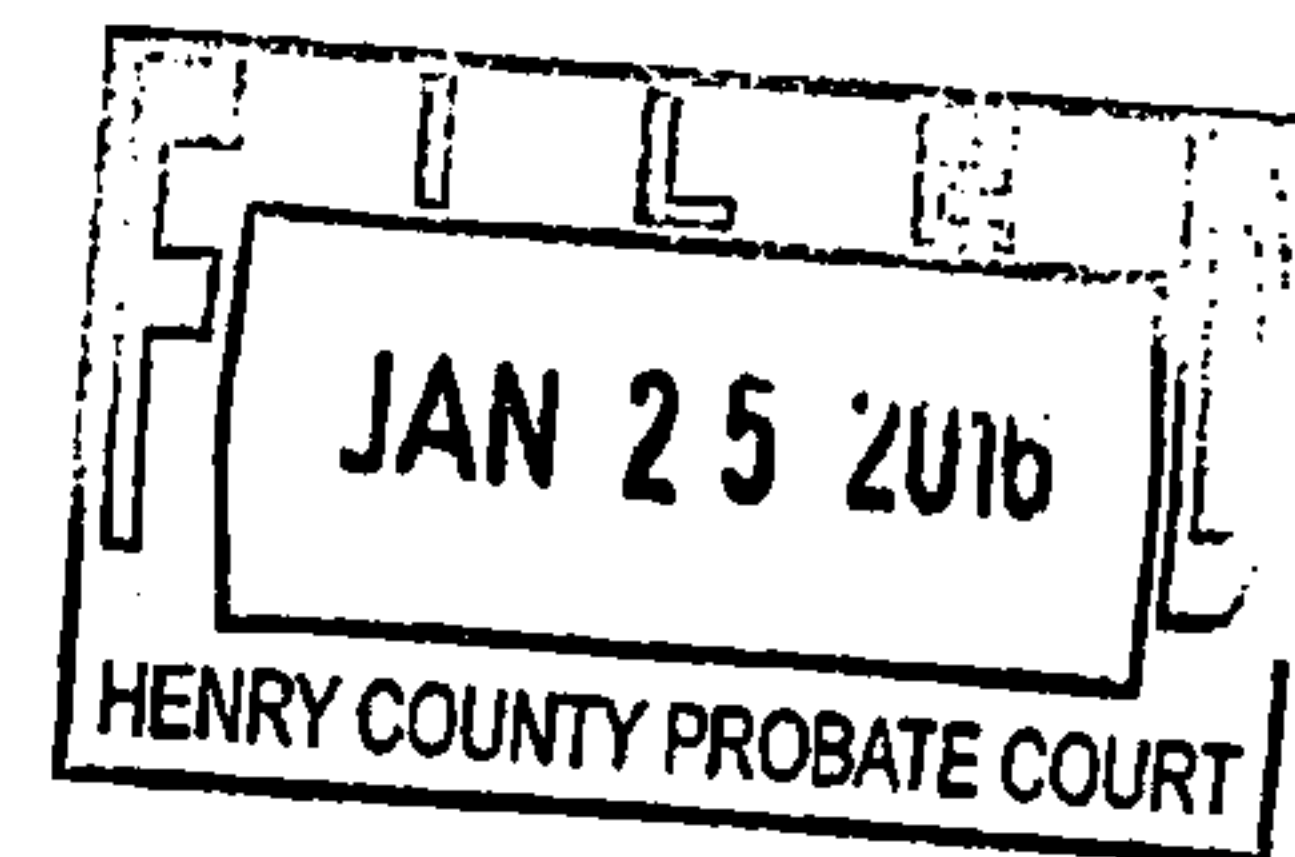
Issued by:

Michael A. O'Quinn
Clerk/Deputy Clerk of the Probate Court

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Shelby Cnty Judge of Probate, AL
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(Seal)

IN THE PROBATE COURT OF HENRY COUNTY
STATE OF GEORGIA



IN RE: ESTATE OF

MARY P. OLIVER,

WARD.

ESTATE NO. 2015-GA-905

FINAL ORDER

A hearing was held on the Petition for the Appointment of a Guardian and/or Conservator for a Proposed Ward on January 21, 2016, for consideration of appointment of an appointment of a guardian and conservator for the above-referenced ward. Those present were: Michelle T. Smith, Esq., as attorney for the proposed ward; Megan M. Pearson, Esq., as guardian ad litem for the ward; Terri Sutton, Esq., as attorney for the Petitioners, the Petitioners Tracy Lowery and Mike Lowery, and Michael A. O'Quinn, Esq., the county conservator. The proposed ward, Mary P. Oliver, was also present. After considering the pleadings, the evaluation report and the evidence taken at the hearing, the Court makes the following:

FINDINGS OF FACT

1.

All procedural requirements of O.C.G.A. §§ 29-4-11 and/or 29-5-11 have been met.

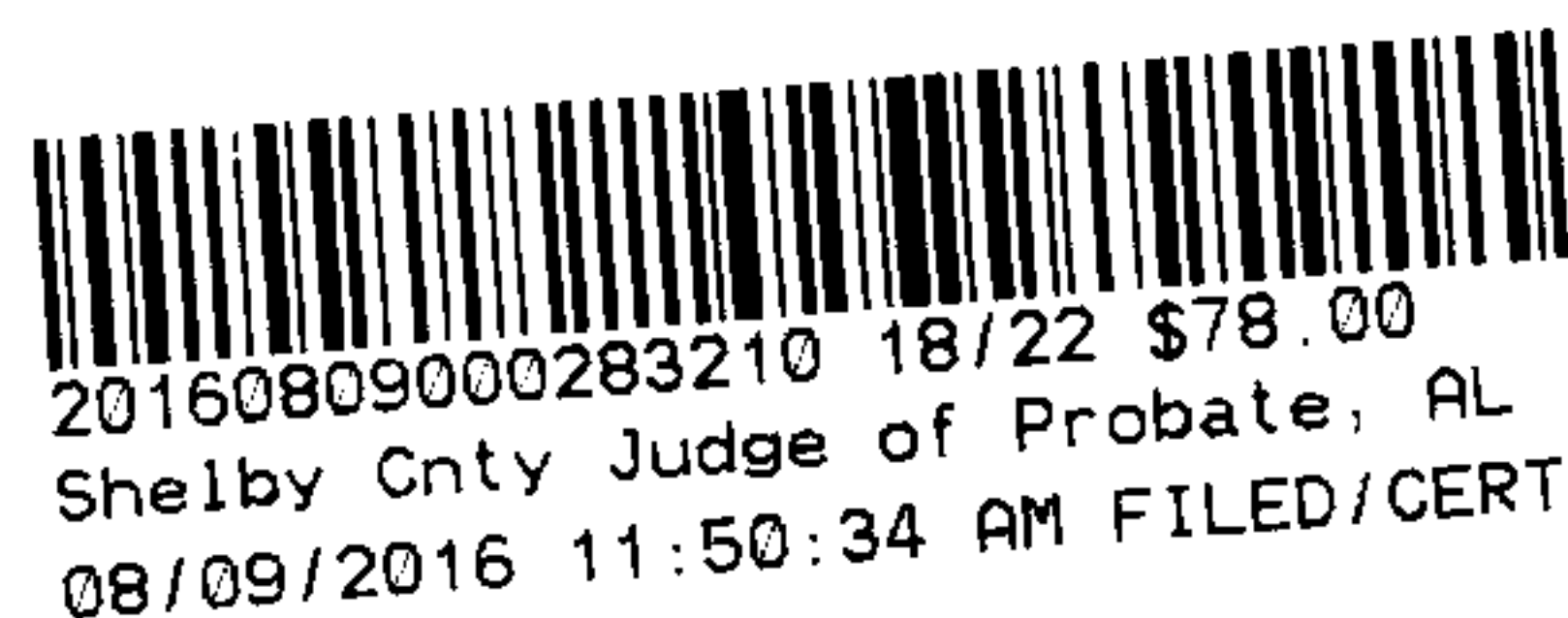
2.

Based upon the evaluation of Karla Redman and her interview of the proposed ward, Mary P. Oliver, Mary P. Oliver is incapacitated by reason of cognitive impairment due to dementia and lacks sufficient capacity to make or communicate significant responsible decisions concerning the management her health, safety and the management of her property. Such incapacity appears to be permanent.

3.

The approximate current value of the personal property of the proposed ward is nominal with regard to clothing and personal effects. The proposed ward receives a monthly social security allocation of \$1,505.00 and other income of an unknown amount. The proposed ward has approximately \$300,000.00 in a Strene-Agee Account. The proposed ward has approximately \$25,609.62 in various Wells Fargo accounts and \$36,743.32 in an Avadian Credit Union account. The proposed ward also owns a 2005 Nissan Altima with an approximate value of \$6,900.00. The ward has an interest in real property located in Helena, Alabama.

The ward has no outstanding debts and average expenditures of approximately \$2,002.24 per month.



CONCLUSION OF LAW

4.

After hearing the evidence, the Court finds by clear and convincing evidence that the above-named proposed ward is in need of guardian because the proposed ward lacks sufficient capacity to make or communicate significant responsible decisions concerning her health or safety. The Court also finds by clear and convincing evidence that the ward is in need of a conservator because the ward lacks sufficient capacity to make or communicate significant responsible decisions concerning the management of her property.

5.

The duration of the guardianship shall be permanent.

JUDGMENT

6.

IT IS THEREFORE ORDERED that Tracy Lowery and Mike Lowery should be, and hereby are, appointed guardians of the ward because the nominated guardians are the proposed ward's niece and nephew-in-law and it is in the ward's best interest that they be appointed. Letters of Guardianship shall be issued to Tracy Lowery and Mike Lowery upon taking the required oath. **The appointed guardians shall have no authority to act on behalf of the ward until Letters of Guardianship have issued.**

7.

IT IS FURTHER ORDERED that Michael A. O'Quinn should be and hereby is, appointed conservator of the ward because it is in the ward's best interest that he be appointed. Letters of Conservatorship shall issue to Michael A. O'Quinn upon taking the required oath and upon the conservator posting bond in the amount of \$372,000.00. **The appointed conservator shall have no authority to act on behalf of the ward until Letters of Conservatorship have issued.**

8.

IT IS FURTHER ORDERED that due to the appointment of a guardian, this Order REMOVES from the ward the power to contract marriage; make, modify, or terminate other contracts; consent to medical treatment; establish a residence or dwelling place; change domicile; revoke a revocable trust established by the ward; and/or bring or defend any action at law or equity, except an action relating to the guardianship.

9.

IT IS FURTHER ORDERED that due to the appointment of a conservator, this Order REMOVES from the ward the power to make, modify, or terminate contracts, other than the power

to contract marriage; buy, sell, or otherwise dispose of or encumber property; enter into or conduct other business or commercial transactions; revoke a revocable trust established by the ward; and/or bring or defend any action at law or equity, except an action relating to the conservatorship.

10.

IT IS FURTHER ORDERED that the following reasonable sums of property shall be provided to the guardians to provide adequately for the ward's support, care, education, health, and welfare until further Order of the Court: **\$0.00 per month.**

11.

IT IS FURTHER ORDERED that the guardians shall file an annual personal status report with the Court as to the ward's physical condition and whereabouts, but no supplemental reports shall be required at this time; provided, however, that the guardians shall inform the Court in a timely manner regarding any change in the ward's residence.

12.

IT IS FURTHER ORDERED that the conservator shall file an Inventory and Asset Management Plan within sixty (60) days and yearly annual returns

13.

IT IS FURTHER ORDERED that a copy of this Order shall be served by first class mail on the ward; the ward's attorney and guardian ad litem, if any; the guardian and/or conservator; the Petitioner or her attorney, if any; and the individuals listed in paragraphs 7, 8, 10, and 13 of the Petition.


14.

IT IS FURTHER ORDERED that the ward's legal counsel shall make reasonable efforts to explain to the ward this Order and the ward's rights under this Order.

15.

IT IS FURTHER ORDERED that, within thirty (30) days of the date hereof, the clerk/deputy clerk shall file the certificate of creation of conservatorship in accordance with O.C.G.A. § 29-5-13(d) with the Clerk of Superior Court of each county in this state in which the ward owns real property.

SO ORDERED this 25th day of January, 2016.



KELLEY S. POWELL, Judge
Probate Court of Henry County

IN THE PROBATE COURT OF HENRY COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF

MARY P. OLIVER,

WARD.

ESTATE NO. 2015-GA-905

CERTIFICATE OF SERVICE OF FINAL ORDER

[NOTE: Notice is required to be mailed to the ward's attorney and guardian ad litem (if any); and the ward's spouse, family, and/or friends as found in paragraphs 7, 8, 10, and 13 of the Petition.]

I certify that I have on this date mailed (unless otherwise noted) in an envelope with proper postage affixed thereto for first-class delivery a copy of the Final Order to the ward and other persons listed below as required by law, and to the following parties at the address listed below:

Mary P. Oliver
50 Guthrie Place
Stockbridge, Georgia 30281

Fayelene P. Godwin
1137 Appling-Harlem Road
Harlem, Georgia 30814

Terri S. Sutton, Esq.
Attorney for Petitioners
101 Eagle's Pointe Parkway
Stockbridge, Georgia 30281

Michelle T. Smith, Esq.
Via email at michelletsmith68@gmail.com

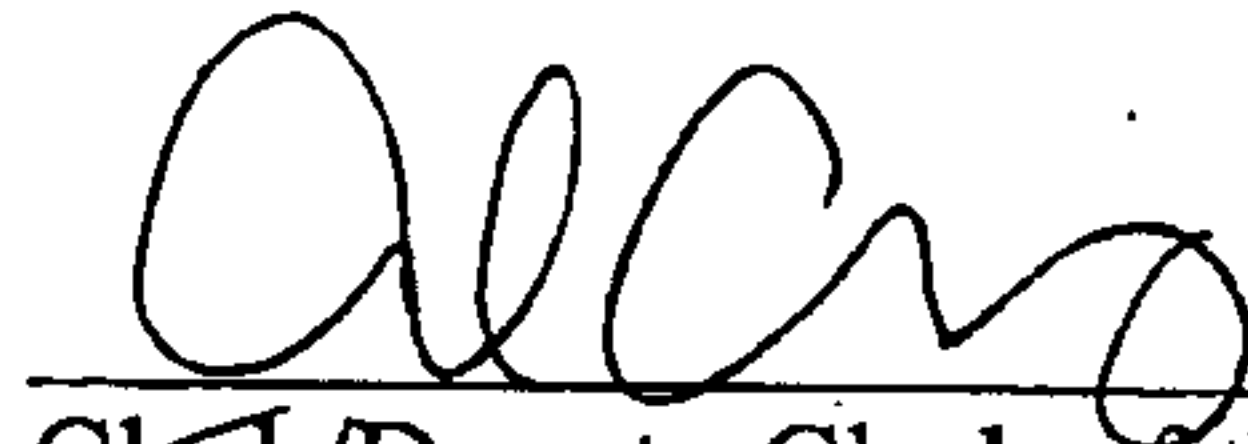
Tommy D. Piggott
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Austin, Texas 78727

Megan M. Pearson, Esq.
Smith, Welch, Webb & White, LLC
P.O. Box 10
McDonough, Georgia 30253

Willodean P. Carpenter
18 Cavalry Charge Road
Spanish Fort, Alabama 36527

Michael A. O'Quinn, Esq. — via email at
terri@oqclaw.com
103 Keys Ferry Street
McDonough, Georgia 30253

This 26th day of January, 2016.



Clerk/Deputy Clerk of the Probate Court

Henry County Probate Court

99 Sims Street

McDonough, Georgia 30253

770-288-7600

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Shelby Cnty Judge of Probate, AL
08/09/2016 11:50:34 AM FILED/CERT



20160809000283210 22/22 \$78.00
Shelby Cnty Judge of Probate, AL
08/09/2016 11:50:34 AM FILED/CERT

**Certificate of Copy State of Georgia,
County of Henry**

As Clerk of the Probate Court of Henry County GA,
I do hereby certify that this document consisting of
20 pages is a true copy of the original document
on file in the Probate Court of Henry County, GA. The
Probate Court is a Court Record.

In testimony whereof, I have hereunto set my name
and affixed the seal of said court this 26 day of

July, 20 16. (SEAL)

Deborah Day
Judge/Clerk, Probate Court, Henry County, Georgia

Dep.