

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

IN THE MATTER OF THE ESTATE

JOHNNY L. COX,

An incapacitated person.

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CASE NO. PR-2016-000354

ORDER ON FINAL SETTLEMENT OF CONSERVATORSHIP BY SURETY

This cause having come before the Court on September 14, 2021 on the Petition For Final Settlement filed by Western Surety Company, as surety for James Ira Robertson the Conservator for the estate of Johnny L. Cox filed on May 27, 2021. Notice of the hearing was given as required by law. Present in Court for the hearing were: Brian A. Dodd, Esq., attorney for Western Surety Company ("Western"), and Ann S. Derzis, Esq., court appointed guardian ad litem. The Conservator was not present for the hearing. The Court notes that notices of the hearings and the Court's previous Orders referenced herein have been mailed to the Conservator at his last known address. Attempts at service by Certified Mail have been unsuccessful. The case was called and the court proceeded to review the court file and consider the arguments of counsel present for the hearing.

On or about September 20, 2016 Letters of Conservatorship were issued by this Court to James Ira Robertson ("Conservator") upon the posting of a Bond in the amount of Ninety Thousand Dollars (\$90,000.00). The Conservator filed an Inventory on December 15, 2016 showing the estate to consist of real property in the amount of Fifty Nine Thousand Dollars (\$59,000.00) and a Regions Bank Account valued at Eleven Thousand Seventy Four Dollars and Forty Four Cents (\$11,074.44). Simultaneously with the Inventory the Conservator filed an Accounting of the actions of the Conservator showed total income in the amount of Eleven Thousand Seventy Four Dollars and Forty Four Cents (\$11,074.44) and disbursements in the amount of Five Thousand Five Hundred Forty Dollars (\$5,540.00) and a balance on hand in the amount of Five Thousand Five Hundred Thirty Four Dollars and Forty Four Cents (\$5,534.44). The case was set on the Court's Noncompliance Docket on April 6, 2021 for failure to file a Triennial Accounting. The Conservator's attorney of record filed a Motion to Withdraw and informed the Court that he had been unable to locate his client. The Motion to Withdraw was granted prior to the hearing date. The Conservator did not file a Triennial Accounting nor did he appear for the hearing. The Court entered an Order on April 6, 2021 for Western to file a Triennial Accounting.

Western filed a Petition for Final Settlement on May 27, 2021. In gathering information



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for the preparation of the Final Settlement, counsel for Western had contact with the facility administrator where Johnny L. Cox resides. He notified the Court that the facility has not been able to make contact with the Conservator to inform him of the needs of Johnny L. Cox. Upon examination of the allegations set forth in the petition and of the record, the Court FINDS as follows:

1. The estate appears to be comprised of a parcel of real property (Parcel Nos.: 13 5 22 3 001 002.004, 13 5 22 3 001 002.001 and 13 5 22 3 001 002.003) located in Shelby County and an account with Regions Bank.
2. It appears based upon the evidence presented that the real property remains titled in the name of Johnny L. Cox and/or Johnny L. Cox and Doris Tate Cox.
3. The Conservator has failed or refused to comply with the Court's Orders, in that he has failed to file a Triennial Accounting or appear for scheduled hearings in this matter and appears not to be managing the business or financial affairs of Johnny L. Cox.

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

1. The Conservator has failed or refused to comply with the Orders of this Court.
2. The Conservator's Letters of Conservatorship are REVOKED pending further Order of this Court.
3. Johnny L. Cox remains an incapacitated person in need of protection.
4. Kasey M. Carter, Esq., an attorney in good standing, is duly qualified and is hereby appointed as Court Representative in this matter.
5. As Court Representative, Kasey M. Carter, Esq., shall have the authority to make inquiries with and access records from Regions Bank, VA Medical Center and any other institution that she determines may be holding assets of the estate of Johnny L. Cox to determine the current assets and liabilities of the estate and to make a written report of her findings to the Court.
6. The hearing on Final Settlement by Surety and on the Issue of the Removal of James Ira Robertson as Conservator are continued to 10:00 a.m. on December 7, 2021.

DONE and ORDERED this the 30th day of September, 2021.

Allison S. Boyd

ALLISON S. BOYD
Judge of Probate

cc: Brian A. Dodd, Esq.
Johnny L. Cox c/o Renea D. Motte, LMSW, CCDVC
Ann S. Derzis, Esq.
Kasey M. Carter, Esq.



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I certify this to be a true and correct copy *Allison S. Boyd*

Probate Judge
Shelby County

Date *10/1/21*

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