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 Shelby Cnty Judge of Probate, AL  
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**IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA**

**IN THE MATTER OF THE ESTATE** )  
**NICHOLAS JACOB WEIS,** ) **CASE NO. PR-2018-000889**  
**A minor.** )

**ORDER ON FINAL SETTLEMENT AND  
 APPOINTMENT OF SUCCESSOR CONSERVATOR**

This cause came before the Court on November 18, 2025 on the Final Settlement of Kimberly McConnell, Esq., filed on October 24, 2025 and on the Notice of Appearance and Motion For Appointment of Successor Conservator filed on September 29, 2025 by Erin G. Adams, Esq., attorney for Tiffeny Jean Wise, mother of the Respondent.

Due and proper notice of these proceedings has been provided in strict accordance of law to those entitled to same. Present for the hearing were: Kimberly McConnell, Esq., Conservator; Tiffeny Jean Weis, mother of the minor child, along with Erin G. Adams, Esq., her attorney of record; and Jill T. Karle, Esq., the court appointed guardian ad litem. The court notes that the respondent was not present, the guardian ad litem having waived his presence. The case was called and the court proceeded to take ore tenus testimony and to review the Final Settlement.

In her Petition for Final Settlement, the Conservator lists the following as outstanding debts payable to her:

Conservator fee – 1.5% of beginning balance of \$379,034.50	\$5,685.52
Conservator fee – 1% of ending balance of \$289,020.98	\$2,890.21
Service of Process fee – Triennial Accounting	\$62.50
Legal Fee – Triennial Hearing	\$375.00
Court fees – Triennial Hearing	\$285.19
Service of Process fee – Final Accounting	\$0.00

Tiffany Weis (“Ms. Weis” or the “Mother”) voiced objection to the Conservator’s request for a Conservator’s fee due to the following: (1) the fee is duplicative as the Conservator had already been paid a fee for management of the Trust created for the benefit of the minor; (2) the mother, not the Conservator maintained records and made decisions about the disbursement of what have been presented to the Court as funds of the conservatorship account as the mother was/is co-Trustee of the Trust; (3) the Conservator has, at previous settlement hearings, indicated that she was waiving a request for a fee and is only requesting the same due to her being asked to resign and a successor conservator appointed.

In response to the concerns voiced by the Mother, the Conservator testified that she has been paid Trustee’s fee equal to 1% of the conservatorship/trust assets, which is the reason she is

requesting a fee equal to 1.5% of the beginning balance and 1% of the ending balance, rather than 2 ½ % of receipts and 2 ½ % of disbursements. The Conservator reported that the funds which have been reported on the Final Settlement (and had been reported on previous triennial accountings) were the same funds which were transferred into the Trust established in July 2019. The Conservator testified that the Mother, who was also named as a Co-Trustee had access to the Conservatorship funds as they were held in the Trust. As Co-Trustees both the Mother and the Conservator were paid a 1% fee from the Trust each year.

The Mother testified that she was the person responsible for making the disbursements from the Trust to pay for items and services which she deemed necessary for the support and maintenance of the minor child and that after the establishment of the Trust, the Conservator's only role was to prepare and file the triennial accountings with the Court. The Mother testified that the Conservator contacted her a few weeks before the triennial accounting was due and requested receipts for expenditures and questioned some of the purchases, expressing that she believed some of the expenditures may have been things which should have been provided for the child by the Mother using the Mother's funds, not those of the child. The Conservator does not dispute that the Mother had access to and control over conservatorship funds through their placement in the Trust, but stated that the funds were still protected as she would have called for repayment had the Mother mishandled the funds. Neither the Conservator, nor the guardian ad litem, questioned the use of any of the funds during the hearing or at any prior hearings.

The Mother testified that the Conservator had indicated that she was waiving a fee during prior hearings, which she believed was due to the fees charged by and paid to the Conservator as Trustee. The Mother alleges that the claim for Conservator fee at this time is due to the request for the appointment of a successor conservator. The Conservator testified that it was never her intention to waive a Conservator fee entirely but rather to address the fee at the conclusion of the Conservatorship or at a future partial settlement hearing.

The Mother testified and the Conservator confirmed that the Mother did not seek appointment as Conservator at the outset of these proceedings as she was unable to obtain a bond for the amount which was to be held in the Conservatorship account and reported that this remains a barrier to her serving as Conservator, thus the filing of the Motion for Appointment of Successor Conservator by Erin G. Adams, Esq. ("Ms. Adams"), an attorney who has been retained to represent the Mother. It is noted that Ms. Adams has requested appointment by this Court as Conservator but not as Trustee of the Nicholas J. Weis Living Trust which was created by the



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Conservator.

The Conservator reports a balance on hand in the Trust/Conservatorship of \$289,020.98.

Based upon the foregoing, the Court hereby **FINDS** as follows:

1. The Conservator testified that the disbursements made from the Conservatorship funds were solely for the benefit of Nicholas Jacob Weis. There was no evidence presented to dispute this testimony.
2. By placing the conservatorship funds in the Trust with Co-Trustees, the Conservator put the funds at risk for misuse and mismanagement with no safeguard in place for their recovery.
3. The Conservator received a fee as Trustee, notably the same fee as the mother who was responsible for making disbursements from the Trust, and is claiming a separate fee for legal work performed and work performed as Conservator. Aside from the preparation of the Triennial Settlements and Final Settlement for which the Conservator is claiming legal fees, there has been no evidence presented that the Conservator performed work as Conservator for which she has not already been paid as Trustee.
4. The Final Settlement of the Conservator, Kimberly McConnell, Esq., for the period is hereby approved and allowed as filed by the Conservator.

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

1. The resignation of Kimberly McConnell, Esq. as Conservator is accepted by the Court, therefore the Letters of Conservatorship previously issued to her as Conservator are due to be and hereby are **REVOKED**.
2. Erin G. Adams is duly qualified and is hereby appointed conservator over the estate of Nicholas Jacob Weis and is conferred all powers and duties under Ala. Code §26-2A-152 (1975, as amended) and as otherwise provided by law. Having posted good and sufficient surety in the amount of Three Hundred Fifteen Thousand Dollars (\$315,000.00), Successor Letters of Conservatorship shall issue immediately upon the entry of this Order.
3. The Conservator and the Mother shall turn over all funds in their possession or under their control as Conservator and/or Trustee to Erin G. Adams as Successor Conservator.
4. The Successor Conservator shall not be permitted to hold any funds in The Nicholas J. Weis Living Trust, but shall place all funds in Conservatorship accounts.
5. The Conservator shall file an annual accounting in this matter on or before **January**



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15, 2027 for the period of November 21, 2025 through November 30, 2026.

6. The following costs and fees are awarded and due to be paid by the Successor Conservator:

Kimberly McConnell - Service of Process fee – Triennial Accounting	\$62.50
Kimberly McConnell - Legal Fee – Triennial Hearing	\$375.00
Kimberly McConnell - Court fees – Triennial Hearing	\$285.19

7. Costs of court, including a guardian ad litem fee are hereby taxed to the estate of Nicholas Jacob Weis, for which let execution issue.
8. Upon proof of the funds being received by the Successor Conservator, Kimberly McConnell and her Surety shall be discharged and relieved from further duty and obligation to the Court.

**DONE and ORDERED** this the 21<sup>st</sup> day of November, 2025.

ALLISON S. BOYD  
 Judge of Probate

cc: Kimberly McConnell, Esq.  
 Jill T. Karle, Esq.  
 Erin G. Adams, Esq.  
 Nicholas Jacob Weis  
 Travelers Casualty and Surety Company