

# Interim and Limited Guardianships

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GREENSBORO, NC

MICHELLE C. BALL, JOHNSTON COUNTY CLERK OF SUPERIOR COURT  
SMITHFIELD, NC

THURSDAY, JANUARY 24, 2019

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## Filing of Petition for Adjudication of Incompetency and Application for Appointment of Guardian or Limited Guardian

When filing the Petition for Adjudication and for Appointment of a Guardian, some petitioners believe there are situations that require immediate intervention.

For these situations, the Petitioner and/or the Guardian Ad Litem may move the Court for appointment of an Interim Guardian.

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## Interim Guardianship § 35A-1114

Appointment of interim guardian.

§ 35A-1114(a) At the time of or subsequent to the filing of a petition under this Article, the petitioner or guardian ad litem may also file a verified motion with the clerk seeking the appointment of an interim guardian.

*Effective March, 2018*, the new form AOC-SP-198, is a separate, stand alone form used to apply for an interim guardian. It can be used at the time of filing the Petition or by the Guardian Ad Litem or Respondent's attorney upon investigation or closer examination into the Respondent's situation.

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What should be in the Motion? § 35A-1114(b)

Facts that tend to show:

1. That there is **reasonable cause to believe that the respondent is incompetent**, and
2. One or both of the following:
  - a. That the respondent is in a condition that constitutes or reasonably appears to constitute an **imminent or foreseeable risk of harm to his physical well-being** and that requires immediate intervention;
  - b. That there is or reasonably appears to be an **imminent or foreseeable risk of harm to the respondent's estate** that requires immediate intervention in order to protect the respondent's interest, and
3. That the respondent **needs an interim guardian to be appointed immediately to intervene** on his behalf prior to the adjudication hearing.

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What facts might tend to show "reasonable cause to believe that the respondent is incompetent?"

§ 35A-1101(7) defines an Incompetent adult as:

An adult or emancipated minor **who lacks sufficient capacity to manage** the adult's own affairs or to make or **communicate important decisions** concerning the adult's person, family, or property whether the lack of capacity is due to mental illness, intellectual disability, epilepsy, cerebral palsy, autism, inebriety, senility, disease, injury, or similar cause or condition.

*But you can't just say it, you have to back it up! Bring on the evidence or testimony.*

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What facts might tend to show "an imminent or foreseeable risk of harm to his physical well-being?"

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What facts might tend to show “an imminent or foreseeable risk of harm to his physical well-being?”

A few examples:

- A medical diagnosis and unwillingness or inability to take medication
- Inability to get food or care for nutrition needs appropriately
- Alcoholism or substance abuse that is life threatening
- Inability to communicate with healthcare providers (i.e., coma, TBI)
- Mental health condition (often because of non-compliance with meds)
- Suicidal tendencies or self-injurious behaviors
- Need for placement for assisted living, or skilled nursing care but provider “requires guardianship”

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What facts might tend to show “imminent or foreseeable risk of harm to the respondent’s estate?”

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What facts might tend to show “imminent or foreseeable risk of harm to the respondent’s estate?”

A few examples:

- Respondent is misusing their money as they are vulnerable to phone calls to extort money (jury scams, grandchildren in jail)
- Respondent has sufficient assets, but can not pay his bills for various reasons (memory issues, illness)
- Home is in foreclosure and Respondent has not respond appropriately
- Respondent’s money is being misused or stolen
- Family may be using Respondent’s home or vehicles for criminal activity
- Bouncing checks or having utilities turned off for failure to pay

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What facts might tend to show “respondent needs an interim guardian to be appointed immediately to intervene?”

See two previous slides.

Most likely, the ability to counteract any of the above risks and reasons listed that the person or their estate is in imminent risk of harm.

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How quickly can you have an Interim Hearing?

The motion and notice setting the date, time, and place for the hearing shall be served promptly on **the petitioner, the respondent** and on **his counsel or guardian ad litem**, and other persons the clerk may designate.

The hearing shall be held as soon as possible but not later than 15 days after the motion has been served on the respondent.

*How quickly can you get these three persons served?*

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### Practice Notes

**Johnston County** will hold the hearing the same day if the Sheriff can serve the Respondent and can reach a Guardian Ad Litem to represent the Respondent. In most cases, there are 2 or 3 days between the filing and the interim hearing. A formal GAL Report is not required for the Interim Hearing.

**Guilford County** holds interim hearings several days out from filing of the Petition; it is difficult to get a same-week hearing unless the moving party can show a life-or-death situation. Personally, I try to have an Interim GAL Report, even if I email it to the Hearing Officer the morning of the hearing. Always check your hearing dates as at one point, an inexperienced SP Clerk insisted that interim hearings had to be at least 10 days past the service date.

Experiences from your Counties...

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### Order for Appointment of Interim Guardian

§ 35A-1114(e) The clerk's order appointing an interim guardian shall include specific findings of fact to support the clerk's conclusions, and shall set forth the interim guardian's powers and duties. Such powers and duties shall be limited and shall extend only so far and so long as necessary to meet the conditions necessitating the appointment of an interim guardian.

Effective March, 2018, the revised form AOC-SP-900, is the Order on Motion for Appointment of Interim Guardian, and when issued and certified, is the document that Interim Guardians use to provide proof of their authority, as specifically set forth on the Order.

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### Practice Notes

- **Johnston County** We use the Order on Motion for Appointment of Interim Guardian to give the Interim Guardian Authority. Some Counties use Letters AOC E 407, 408 or 43 and add the words "of Interim Guardianship". With the requirement for specifically listing powers and duties, I am unsure what power that gives to the Interim Guardian, other than full powers of guardianship, perhaps only limited by time.
- **Guilford County** We use the Order for Appointment of Interim Guardian. The two Hearing officers try to address the scope of the Interim Guardianship – how broad the interim powers should be. If the powers need to be very broad, they usually say something like "The Interim Guardian shall have all those powers and duties of guardians listed in Chapter 35A-1241 (person) and 35A-1251 (estate), excepting only the power to remove the Respondent from this state." They might also require court approval for any expenditures other than for direct caregiving for the Respondent.
- **Experiences from your Counties...**

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### The Order contains Facts, and most important, the Powers and Duties of the Interim Guardian

Facts:

**What facts support the need for immediate intervention?**

These are the Clerk's conclusions.

Powers and Duties:

**What authority or duty does the interim guardian have or owe to the Respondent to protect the person or the estate from immediate risk of harm?**

These are the Clerk's directives or expectations.

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What Powers and Duties should an Interim Guardian have?

Interim Guardian of the Person?

Interim Guardian of the Estate?

The Guardian Ad Litem, the Petitioner and the Respondent could have input into the Order regarding Powers and Duties.

Handwriting lines for notes.

What Powers and Duties should and Interim Guardian have?

Interim Guardian of the Person

- Make medical decisions and give consent for medical procedures
- Review prior medical records
- Make housing and living arrangement decisions, including placement
- Research and report to the Court any issues with the care previously given to the Respondent, including abuse or neglect.

Handwriting lines for notes.

What Powers and Duties should an Interim Guardian have?

Interim Guardian of the Estate

- Review bank records, including checking, savings, investments
- Collect assets of the Respondent for safeguarding
- Pay bills of the Respondent
- Work with Interim Guardian of the Person to pay for placement, housing
- Research and report to the Court any issues with the Estate of the Respondent, including theft of assets or misuse.

Handwriting lines for notes.

### A Motion for a Multidisciplinary Evaluation may necessitate the need for an Interim Guardian

§ 35A-1111. A multidisciplinary evaluation is to assist in determining the nature and extent of a respondent's disability, or to assist in developing an appropriate guardianship plan and program, the clerk, on his own motion or the motion of any party, may order that a multidisciplinary evaluation of the respondent be performed.

*When there is an imminent risk of harm to the Respondent's person or estate, but facts regarding incompetency are at issue, on the motion of any party, the clerk may order an MDE. The delay for performance of an MDE, may necessitate the need for an Interim Guardian. The Motion and Order for MDE is available as a form, AOC-SP-901M.*

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### Practice Notes - Multidisciplinary Evaluation?

The MDE is an evaluation that looks more closely at the medical, psychological and social pieces of the Respondent's life.

**Johnston County** *The Department of Social Services has recently stepped up in Johnston County to provide a team of qualified individuals that are insulated from APS to provide comprehensive MDEs in guardianship cases. We have only recently allowed Alliance Behavioral Health to integrate into our county's mental health system. We typically receive the MDEs within the 30 day window. Johnston County is also very creative when it comes to paying for the MDEs.*

**Guilford County** *Until recently, our agency often didn't even schedule the appointment for a month. If you don't know, ask around, especially in the Clerk's office, about how long your county's agency takes to schedule and perform the MDE and prepare its written report. The statute allows 30 days from the Court's Order to receive the Report.*

**Experiences from your Counties...**

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### Termination of Interim Order

In any event, the interim guardianship shall terminate on the **earliest** of the following:

- the date specified in the clerk's order;
- 45 days after entry of the clerk's order unless the clerk, for good cause shown, extends that period for up to 45 additional days;
- when any guardians are appointed following an adjudication of incompetence; or
- when the petition is dismissed by the court.

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After an Interim Hearing, the Petition CANNOT be dismissed by the Petitioner.

Remember:

Pursuant to § 35A-1114 (f), when a motion for appointment of an interim guardian has been made, the petitioner may voluntarily dismiss the petition for adjudication of incompetence **only prior** to the hearing on the motion for appointment of an interim guardian.

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Additional Thoughts or Questions?

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LIMITED GUARDIANSHIPS

§ 35A-1212. Hearing before clerk on appointment of guardian.

The clerk shall make such inquiry and receive such evidence as the clerk deems necessary to determine: (1) The nature and extent of the needed guardianship; (2) The assets, liabilities, and needs of the ward; and (3) Who, in the clerk's discretion, can most suitably serve as the guardian or guardians.

**If the clerk determines that the nature and extent of the ward's capacity justifies ordering a limited guardianship, the clerk may do so.**

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Clerk may order that the ward retain certain legal rights and privileges

§ 35A-1215(b)

If the clerk orders a limited guardianship as authorized by G.S. 35A-1212(a), the clerk may order that the ward retain certain legal rights and privileges to which the ward was entitled before the ward was adjudged incompetent.

Any order of limited guardianship shall include findings as to the nature and extent of the ward's incompetence as it relates to the ward's need for a guardian or guardians.

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What rights may someone adjudicated incompetent wish to retain?

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What rights may someone adjudicated incompetent want to retain?

**ALL OF THEM!!**

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What rights may someone adjudicated incompetent want to retain that could work and still protect them?

- Social, religious and community activities
- Living Arrangements
- Employment
- Healthcare
- Handle Money
- Vote
- Drive a car
- Maintaining interpersonal relationships
- Spending Money "Foldin' money"

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After adjudication of incompetency, why allow or not allow a person to retain rights and privileges?

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| <p><b>Not allow retention of some rights</b></p> <ul style="list-style-type: none"> <li>• Inability to make sound decisions</li> <li>• Susceptibility to undue influence</li> <li>• Criminal Activity</li> <li>• Others taking advantage of them</li> <li>• Waste of money instead of using it for needs</li> <li>• Self-abuse or neglect</li> <li>• Need to return to Court if situation changes</li> </ul> | <p><b>Allow retention of some rights</b></p> <ul style="list-style-type: none"> <li>• Ability to make sound decisions with some guidance</li> <li>• Lessened susceptibility to undue influence with guidance</li> <li>• Oversight of Activities</li> <li>• Minimize ability of others to take advantage of them</li> <li>• Learn to manage money with assistance</li> <li>• Make assisted, appropriate self-care choices</li> <li>• Need to return to Court if situation changes</li> </ul> |
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Difficulties for the Guardian when rights are retained

- Accounting for Money
- Living Arrangements (Housing and appropriate care)
- Is a Guardian willing to consult with the Ward when making decisions?
- What if they don't agree?
- NEED MORE HERE

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### Practice Notes - Experiences that have worked

**Johnston County** Often with young persons, I allow them the opportunity to be employed and ask that they receive assistance in getting a job through JCI, or other entities that can offer assistance. I never recommend on a Guardianship that the ward retain their driving privileges, as I believe that is a job of the DMV (\*Except twice). I have allowed older wards to assist with decision making regarding medical treatment and housing. I try to always discuss and consider what rights I can allow people to keep. Voting is always a hot topic.

**Guilford County** Our hearing officers are adamant that Wards retain the right to vote, as long as they were registered before being adjudicated incompetent. I (as GAL or Guardian's counsel) have gotten court approval for a debit card drawn on an account with a small balance. That leaves a paper trail. Some banks will allow the Guardian to place a daily spending limit on the card – e.g. \$20 per day. Even though I am generally in favor of the Ward "having input," at the end of the day, the Guardian is still obligated to act in the Ward's best interest. Our Hearing Officers, even though they consider Limited Guardianship in almost all cases, still usually give the Guardian the ultimate decision on medical treatment decisions, housing/placement, and money. GAL should talk about Driving Privileges with the family because there is no guarantee DMV will honor a Clerk's order regarding driving privileges.

Experiences from your counties...

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### LETTERS OF APPOINTMENT

- LIMITED GUARDIAN OF THE ESTATE - AOC E 417
- LIMITED GUARDIAN OF THE PERSON - AOC E 418
- LIMITED GENERAL GUARDIAN - AOC E 419

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AN  
INTERESTING  
CASE

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Interim and Limited Guardianships  
January 24, 2019

5. The respondent is incompetent in that he/she lacks sufficient capacity to manage his/her own affairs or to make or communicate important decisions concerning his/her person, family, or property, as shown by the following facts: (Set forth the facts which tend to show that the respondent is incompetent. Include cause of incompetence, which may be mental illness, mental retardation, epilepsy, cerebral palsy, autism, inebriety, senility, disease, injury, or other cause and give facts demonstrating lack of capacity. Be specific.)

She is resistant to take medications. She refused to take them starting in June 2017. Also began to refuse to go to Dr. appts. She is schizophrenic and diagnosed with mild cognitive impairment since her psychiatrist noticed the beginnings of dementia. She began to feed the dogs everything she thought they needed, not just extra dog food, but also cereal, cat food, cheese, chips, bread etc. She decided that the vitamins, orange juice and other foods for my autistic son were not good for him or anyone and threw them out. While watching Law + Order where a woman killed another and took the baby she said "she saw a need and took care of it when told it's against the law she said "that doesn't matter". She was hospitalized at Johnston Memorial Smithfield where the psych Dr. had her involuntarily committed. She is at Thomasville Medical Center soon to be discharged, she still takes much coercion to take her meds. She says they are poison. She also wants to call Congress to voice any complaints that she has because they will listen and take action. She also calls 911 to have me taken to the hospital because I won't listen to her.

6. The respondent's next of kin, if any, and other persons known to have an interest in this proceeding are:

Name And Address	Name And Address
Telephone No.	Telephone No.
Relationship To Respondent Or Interest In Proceeding	Relationship To Respondent Or Interest In Proceeding
Name And Address	Name And Address
Telephone No.	Telephone No.
Relationship To Respondent Or Interest In Proceeding	Relationship To Respondent Or Interest In Proceeding

7. General statement of respondent's assets and liabilities, including any income and receivables to which he/she is entitled:

Assets		Liabilities		Income and Receivables	
Real Property	\$ 215,000	Mortgage Loans	\$ 165,000	Wages & Salaries	\$
Tangible Personal Property	\$	Other Secured Loans	\$	Rents	\$
Other Personal Property	\$	Unsecured Loans	\$	Pensions	\$ 3000
				Allowances	\$
				Insurance & Compensation	\$
				Other (including SSI/SSDI)	\$ 1600

There is a representative payee for government benefits.  Yes  No

There is a Durable Power of Attorney in place.  Yes  No

There is a Healthcare Power of Attorney in place.  Yes  No

There is a special needs or other trust in place.  Yes  No

(Over)

house is jointly owned with myself

To: The Honorable Michelle C. Ball, Presiding Judge  
From: Allan C. De Laine, Guardian ad Litem  
Subject: In re  
Date: December 29, 2017

I met with Mrs. \_\_\_\_\_ at the home she shares with her granddaughter. Prior to this meeting I had spoken with the Petitioner, her granddaughter, and with Mrs. \_\_\_\_\_ attorney.

Present for the meeting was Mrs. \_\_\_\_\_ companion and ,her granddaughter, Mrs. \_\_\_\_\_, as within earshot. Mrs. \_\_\_\_\_ as oriented as to the day and time. She was appropriately dressed and groomed. She could identify the President of the United States and while she could not identify his predecessor, she could identify his wife. She was able to perform simple math calculations in her head. She told me what medications she is to take although she did have prompting from her companion as to the fact that she took an aspirin for her heart.

I do not think Mrs. \_\_\_\_\_ needs a guardian. I am not sure she can live on her own but this is much different from being unable to see to her affairs. I am not sure how mobile she is as she was seated and I did not ask her to move around but she indicates she has given up her cane.

FILED  
2017 DEC 29 P 12:46  
JOHNSTON CO., N.C.  
BY *[Signature]*

dk

STATE OF NORTH CAROLINA

File No.

2

JOHNSTON County

FILED

In The General Court Of Justice  
Superior Court Division  
Before the Clerk

IN THE MATTER OF:

2018 JAN -3 11:42

Name Of Respondent

JOHNSTON CO. C.S.C.

REQUEST AND ORDER  
FOR  
MULTIDISCIPLINARY EVALUATION

Social Security No. Of Respondent (Last Four Digits Only)

BY dk

G.S. 35A-1111(a), (b)

Name And Address Of Counsel Or GAL For Respondent

Name And Address Of Petitioner In Incompetency Proceeding

Clayton, North Carolina 27520

Jenson, North Carolina 27504

REQUEST

I, the undersigned, request that the Court order a multidisciplinary evaluation be performed on the respondent named above.

Name And Address Of Party Requesting Evaluation

MICHELLE C. BALL  
Clerk of Superior Court  
PO Box 297  
Smithfield, North Carolina 27577

Date

01/03/2018

Signature

*Michelle C. Ball*

FINDINGS

The Court finds

in accordance with the above request OR  on its own motion  
that a multidisciplinary evaluation  
 should  should not be performed on the respondent.

ORDER

Based on these findings

the request for multidisciplinary evaluation is denied.  
 it is ORDERED that the following agency shall prepare and provide a current multidisciplinary evaluation of the respondent. The agency shall file the evaluation with the Clerk, and send copies to the petitioner and the counsel or guardian ad litem for the respondent not later than thirty (30) days after receipt of this order.

Name And Address Of Designated Agency

Johnston County Mental Health/Alliance Behavioral Health  
PO Box 441  
Smithfield, North Carolina 27577  
Attn: Lori Caviness

Date

01-03-2018

Signature

*Michelle C. Ball*

Assistant CSC

Clerk of Superior Court

# Multidisciplinary Evaluation Information/Request

Specific Evaluations Requested:

Johnston County FILE NO:

**Medical Evaluation**

Physical diagnoses? Severity? Chance of improvement? Projected term of illness?  
Start date of problem, length of problem, any recent medical or social events, ongoing treatment and services?  
Medications/dosage?  
Evaluation of temporary, reversible causes of impairments?  
Level of alertness/arousal, orientation, memory and cognitive abilities, psychiatric and emotional state?  
Are mitigating factors (e.g., hearing loss, vision loss, bereavement) causing appearance of incapacity?  
Expecting improvement with time or treatment?

**Psychological Evaluation**

Mental diagnoses? Severity? Change or improvement? Projected term of illness?  
Level of alertness/arousal, orientation, memory and cognitive abilities, psychiatric and emotional state?  
Medications/dosage?

**Social Work Evaluation**

Does the individual take care of self? Make financial decisions? Make medical decisions?  
Does the individual take care of the home environment and function independently in the community?  
Level of functioning/Ability related to any specific legal matters (e.g., sale of home, move to nursing home)?

- Education Evaluation**
- Vocational Rehabilitation**
- Occupational Therapy**

**The evaluation shall set forth the nature and extent of the disability and recommend a guardianship plan and program.**

Attachments:

- Copy of Petition for Adjudication.

Additional Information:



dk

STATE OF NORTH CAROLINA

File No.

JOHNSTON County

In The General Court Of Justice  
Superior Court Division  
Before The Clerk

FILED

IN THE MATTER OF:

Name Of Respondent(s)

2018 JAN -3 P 2:57

ORDER ON MOTION FOR  
APPOINTMENT OF  
INTERIM GUARDIAN

JOHNSTON CO., NC.  
BY dk

G.S. 35A-1114

A hearing on the petitioner's Motion for the Appointment of an Interim Guardian was held before me on this day. From the evidence presented at the hearing, the Court makes the following specific findings of fact:

(Set forth facts which support conclusion that grounds for immediate intervention exist.)

Respondent is 79 years old and suffers from high blood pressure and issues with mobility due to neck and hip surgeries. Respondent has resided with her granddaughter, Petitioner, for 8 years. Since June of 2017 Respondent has become agitated and argumentative with Petitioner. Petitioner has Power of Attorney for Respondent. It is unclear as to exactly what accounts may be in Respondent's name or balances of said accounts. It is also unclear as to whether the Respondent has outstanding debts or balances on credit cards.

- 1. Based on these specific findings of fact, the Court concludes that there is reasonable cause to believe that the respondent is incompetent, and that:
  - a. the respondent is in a condition that constitutes or reasonably appears to constitute an imminent or foreseeable risk of harm to the respondent's physical well-being, and there is immediate need for a guardian to provide consent or take other steps to protect the respondent.
  - b. there is or reasonably appears to be an imminent or foreseeable risk of harm to the respondent's estate, and immediate intervention is required in order to protect the respondent's interest.
- 2. The Court does not find that grounds exist for the appointment of an interim guardian.

It is ORDERED that:

- 1. the person named below is appointed interim guardian of the  person  estate for the respondent. Upon qualifying, the interim guardian shall have the powers and duties specifically set forth below. These powers and duties shall extend only so long as is necessary to meet the condition necessitating this appointment. In any event, this interim guardianship shall terminate on the earliest of the following: the expiration date specified below, if any; 45 days from the date of this Order; when any guardian is appointed following an adjudication of incompetence; or when the petition in this case is dismissed by the Court.
- 2. the motion for the appointment of an interim guardian is denied.

Name And Address Of Interim Guardian	Relationship To Respondent
	Attorney - Court Appointed Interim Guardian
	Telephone No.

Smithfield, NC 27577

Powers And Duties Of Interim Guardian  
Review and research Respondent's assets, including checking accounts and credit cards. Research details of closing for Respondent's residence located at i. Benson, NC. Financial institutions are to release all financial records to Mr. f as Interim Guardian of the Estate. Mr. is not authorize to collect funds in Respondent's accounts. +

Date Of Order	Signature
01-03-2018	Michelle C. Ball

Expiration Date	<input type="checkbox"/> Assistant CSC	<input checked="" type="checkbox"/> Clerk Of Superior Court
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AOC-SP-900M, Rev. 4/97

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(See reverse side for Order Extending Interim Guardianship)

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ORDER EXTENDING INTERIM GUARDIANSHIP

For good cause shown, it is further ORDERED that the period of interim guardianship set forth in the above Order is extended for as long as continues to be necessary to meet the conditions necessitating this appointment. In any event, this interim guardianship shall terminate on the earliest of the following: the expiration date specified below, if any; 45 days from the date of this Order; when any guardian is appointed following an adjudication of incompetence; or when the petition in this case is dismissed by the Court.

Date Of Order

02-15-2018

Signature

*Dennis J. Crapp*

Expiration Date

Assistant CSC

Clerk Of Superior Court

FILED  
2018 FEB 15 P 2:11  
CLERK OF SUPERIOR COURT  
BY *AC*

2-15-18 G  
✓ cc: Wainwright

Medical - MDE

**MEDICATION LIST:**

hydroxyzine 50mg tid as needed; melatonin 2mg bedtime; miralax 17g daily as needed; risperidone 0.75mg bid; trazodone 50mg at bedtime; gabapentin 300mg tid; aspirin 81mg daily; atenolol 25mg daily; benztropine 0.5mg bid losartan 100mg daily; oxybutynin 5mg bid; pantoprazole 20mg daily

**CURRENT MEDS:**

Ms. reports she is only taking atenolol and aspirin for her blood pressure as she does not feel that she needs any other medications and some of them made her feel "cloudy."

**ROS:**

Ms. reports she is shakier and unsteady on her feet since her granddaughter took her vitamins away. She does not use a cane. She denies headache, visual changes, chest pain, urinary or GI symptoms. Previously she reports she had assistance from a nurse or aide a home but not at this time as she does not currently need this.

**EXAM:**

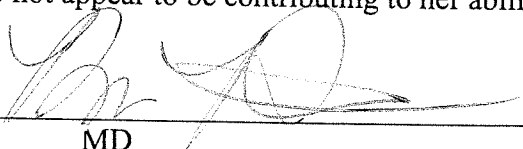
Gen: Alert and oriented x 4. Very clear during exam and able to answer questions appropriately. Unsteady on her feet and walked to rooms with assistance of examiner and son.  
VS: Temp—98.3 Blood pressure—150/88 O2 Sat—97% Pulse—72  
Ht—5'3.5" Wt—122 lb. Waist circ—31.5"  
HEENT: intermittent protrusion of tongue  
Neck: movement of neck with some stiffness and leaning to right side  
Chest: clear to auscultation  
CV: regular rate and rhythm  
Abdomen: soft, nontender  
Ext: able to lift upper and lower extremities; weakness left side  
Neuro: left eyelid droop with mild drooling noted.

**DATA REVIEW: Labs dated 10/30/17 – 11/6/17**

Hgb1c, Tsh, glucose, lipid panel, comprehensive metabolic panel unremarkable.  
TB skin test negative.  
Noted mild anemia.  
Head CT—9/6/16—no acute hemorrhage  
CxR—9/6/16--no acute findings  
Magnesium level wnl.

**RECOMMENDATION:**

Ms. has chronic medical illnesses including high blood pressure and history of stroke with residual effects. She has tardive dyskinesia with abnormal movements noted on exam. She is able to perform her main activities of daily living. She is taking her blood pressure medicine and admits that she will continue to not take other medications as she does not feel that she needs them. Based on the exam and review of records, her medical illnesses do not appear to be contributing to her ability to make decisions.

  
MD

2/1/18  
Date

**Concentration**

Findings: Could spell table forward and backwards

**Registration**

Findings: repeats three word with one trail

**Immediate Memory**

Findings: could recall 2/3 words after three minutes

**Recent Memory**

Findings: she can recall events over the last couple days

**Remote Memory**

Findings: she can recall events from the distant past

**Fund of Knowledge:**

Findings: able to identify the president; able to discuss some recent events

**Estimated Intellect**

Findings: average

**Addition**

Findings:  $8+5 = 13$

**Abstract Thought**

Findings: Cat and dog are animals

**Confrontation Naming**

Findings: can identify a pen and watch

**Repetition:**

Findings: able to correctly repeat "no ifs ands or buts"

**Follow a Written Command**

Findings: able to read a command and follow it

**Follow a Three Step Command**

Findings: able to follow a three step command

**Writing a Sentence**

Findings: able to write a sentence

**Drawing Intersecting Pentagons**

Findings: impaired

**Attention**

Findings: attentive

**Insight**

Findings: fair

**Judgment**

Findings: fair

MMSE 27/30

**Diagnostic Impression:** Ms. [redacted] is a delightful woman. She was attentive, pleasant, cooperative, and engaging during the interview. She displays no clear and convincing evidence of active schizophrenia at this time. She displays no evidence of dementia at this time. She does have firm beliefs about vitamins/herbs/healthy eating that are slightly outside the mainstream but there is literature supporting her views and this is not delusional in nature. Ms. [redacted] not a danger to herself at this time. She was able to discuss her income and her assets. She was able to also discuss her bills and is very

aware of the current court issue at hand regarding application for appointment of guardianship. Currently, I do not find evidence of an active psychiatric illness.

**Recommendation:**

I do NOT feel that Ms. \_\_\_\_\_ requires a guardian at this time. Recent psychiatric admission does not automatically support the need for a guardian. Refusal of psychiatric medications does not automatically support the need for a guardian. At this time, I do not see evidence of symptoms warranting any psychiatric medications.



MD

Social- MDE

PAGE 18

family dynamics, the hospital physicians believed the version that presented and Ms was involuntarily committed to a psychiatric unit.

also requested from assistance with placing Ms. a locked Alzheimer's unit and the ER social worker refused to comply (see attachment 6).

On 11-15-17, Ms. returned to the ER with concerns that she was having a reaction to her blood pressure medication. Ms. was evaluated and treated by hospital staff and assessed as having good insight into illness and clear judgement in regards to her care (see attachment 7).

### OBSERVATIONS AND RECOMMENTATIONS

Based on my interviews with Ms. her family, other collaterals and review of relevant documents and records, I respectfully request that the Petition for Adjudication of Incompetence be denied as it is my professional opinion that Ms. in not incompetent.

During my evaluation of Ms. and her situation, I have found her to be very lucid without exhibiting any symptoms of mental illness. Once provided with information and given the opportunity, she was able to assess what needed to be done and follow through to a resolution such as contacting the tax office and establishing a new primary care physician.

While I do have concerns about Ms. Farris living alone in such a big house, she understands that she needs assistance and has the ability to access the services and make contacts necessary to receive assistance. Ms. has been isolated in her bedroom for such an extended period of time, her mobility and strength will likely improve once she feels comfortable to move freely around her own home.

I further believe that Ms. is able to make financial and medical decisions but having support will be beneficial to her. While Ms. initially appointed to be her POA, I believe that abused the authority that Ms. entrusted to her and used it for her benefit and while being detrimental to Ms. I applaud Ms. for having the ability to recognize the toxicity of that arrangement and taking the appropriate steps to protect herself and her assets.

Thank you for allowing me to assist in this evaluation and the opportunity to meet Ms. It has been my pleasure to get to know and work with her.

Respectfully Yours,

Adult Protective Services

STATE OF NORTH CAROLINA  
COUNTY OF JOHNSTON

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
BEFORE THE CLERK  
FILE NO.

---

IN THE MATTER OF:

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**REPORT OF**  
**INTERIM GUARDIAN**

FILED  
2018 MAR 15 P 1:44  
JOHNSTON COUNTY  
BY *AK*

March 15, 2018

**SCOPE OF REVIEW**

Johnston County Clerk of Superior Court Michelle C. Ball ("the Clerk") appointed me as Interim Guardian for \_\_\_\_\_ by an Order on Motion for Appointment of Interim Guardian ("the Order") entered in this cause on January \_\_\_\_\_. The Order set out the powers and duties of the Interim Guardian as follows:

"Review and research Respondent's assets, including a checking accounts and credit cards. Research details of closing for Respondent's residence located at \_\_\_\_\_, Benson, NC. Financial institutions are to release all financial records to Mr. \_\_\_\_\_ as Interim Guardian of the Estate. Mr. \_\_\_\_\_ is not authorized to collect funds in Respondent's accounts."

Pursuant to the Order, I have reviewed:

- Navy Federal Credit Union checking and savings account records.
- USAA Bank check and savings account records.
- USAA credit card records.
- \_\_\_\_\_ Family Trust annuity statements from Jackson National Life Insurance Company.
- Public registry records of Dunmore Borough, PA, relating to purchase and sale of 2006 \_\_\_\_\_ Dunmore, PA.
- Public registry records of Wake County, NC, relating to purchase and sale of 4404 \_\_\_\_\_ e, Knightdale, NC.
- Public registry records of Johnston County, NC, relating to purchase and sale of \_\_\_\_\_ Benson, NC.

Also, I have spoken with \_\_\_\_\_ on several occasions, and she has provided additional information.



5. The Knightdale property was purchased for \$182,500.00 of which \$146,000.00 came from borrowed funds. This would indicate that [redacted] and [redacted] made a down payment of approximately \$36,500.00. However, this purchase occurred five months before the Pennsylvania property was sold, and that equity was not yet realized. The source of the down payment is not reflected in the records.

6. The Benson property was purchased for \$215,000.00 of which \$171,920.00 came from borrowed funds. This would indicate that the purchasers made a down payment of approximately \$43,080.00. When the Knightdale property was sold, the sellers should have received net proceeds of approximately \$44,000.00. However, the Benson property was purchased two months before the Knightdale property was sold, and that equity was not yet realized. The source of the down payment is not reflected in the records provided.

7. Substantially all of the household income is from of [redacted]'s resources. Substantially all of the household expenses, including [redacted]'s purchases, are paid directly or indirectly by [redacted].

8. [redacted] has made substantial use of [redacted] credit card for her ([redacted]'s) personal expenditures.

9. [redacted] has transferred [redacted] funds in and out of separate and joint accounts for no apparent benefit to [redacted]. [redacted] accesses funds in [redacted] accounts without regard to whether the account is joint or separate.

9. Since this case was filed, financial institutions have denied [redacted] access to and the use of her accounts. In the event a permanent guardian is not appointed, I recommend that the Court order Navy Federal Credit Union, USAA and other financial institutions to reinstate to the full control of all her accounts.

STATE OF NORTH CAROLINA

File No.

*de*

JOHNSTON County

In The General Court Of Justice  
Superior Court Division  
Before The Clerk

IN THE MATTER OF

FILED

ORDER ON  
PETITION FOR ADJUDICATION  
OF INCOMPETENCE

Name And Address Of Respondent

S

2016 MAR 15 P 4:17

JOHNSTON CO. N.C.S.C.

Date Of Birth

Drivers License No. Of Respondent

State

G.S. 35A-1112, -1116, -1120, -1205, 35B-17

This matter is before the Court on a petition for an adjudication of incompetence of the respondent.

This court has jurisdiction of the subject matter of this proceeding and of the person of the respondent in that: (select only one box, 1. or 2. or 3.)

1. Home State (select only box a. or b. immediately below)

North Carolina is the respondent's home state because the respondent was physically present in North Carolina, including any period of temporary absence:

- a. for at least six (6) consecutive months immediately preceding the filing of the petition.
- b. for at least six (6) consecutive months ending within the six (6) months prior to the filing of the petition.

OR

2. Significant-Connection State (select only box a. or b. or c. immediately below)

North Carolina is a significant-connection state because the respondent has a significant connection to North Carolina other than mere physical presence and substantial evidence concerning the respondent is available in North Carolina, and the respondent:

- a. does not have a home state because the respondent was not physically present in any state for at least six (6) consecutive months over the course of the past twelve (12) months.
- b. has a home state that is not North Carolina and that state declined to exercise jurisdiction because North Carolina is a more appropriate forum.
- c. has a home state that is not North Carolina and (1) no other petition for adjudication of incompetence and appointment of a guardian was pending in any other state at the time the underlying petition in this case was filed, (2) no other petition was filed in the respondent's home state after the initiation of this proceeding, (3) no person entitled to notice raised an objection to North Carolina's jurisdiction, and (4) this Court concludes that North Carolina is an appropriate forum.

OR

3. "Other" State

North Carolina is not a home state or a significant-connection state but the respondent's home state and all significant-connection states have declined to exercise jurisdiction because North Carolina is a more appropriate forum, and jurisdiction in North Carolina is consistent with the constitutions of North Carolina and the United States.

A copy of the petition and a notice of this hearing were properly served on all persons entitled thereto and this county is a proper venue.

- A hearing was held before the Court and a jury. After hearing the evidence and the instructions of the Court, and upon deliberation, the jury  did  did not find by clear, cogent, and convincing evidence that the respondent  is incompetent.  is incompetent to a limited extent and may retain some rights and privileges.
- A hearing was held before the Court and, after hearing the evidence, the Court  does  does not find by clear, cogent, and convincing evidence that the respondent  is incompetent.  is incompetent to a limited extent and may retain some rights and privileges.
- No hearing was held due to the death of the respondent.
- The Court finds that the respondent is indigent.

(Over)

ORDER

- The clerk/the jury did not find the respondent to be incompetent by clear, cogent, and convincing evidence and it is ORDERED that the proceeding is dismissed.
- No hearing was held due to the death of the respondent and it is ORDERED that the proceeding is dismissed.

It is adjudged that:


- the respondent is incompetent.
- the respondent is incompetent to a limited extent.
- It is ORDERED that a guardian be appointed by this court.
- For good cause shown, it is ORDERED that the proceeding for the appointment and qualification of a guardian is transferred to \_\_\_\_\_ County.

(NOTE TO CLERK: All original documents from the incompetency file in this matter are to be sent to the county where this case is transferred.)

- The Court recommends that the respondent be allowed to retain his or her driving privileges.

Further, it is ORDERED that pursuant to G.S. 35A-1116: (select from 1 or 2)

- 1. costs are taxed to:  petitioner.  respondent.
- 2. due to respondent's indigency, costs are taxed:  IDS (GAL fees, if any),  NCAOC (witness fees, if any),  NC DHHS (MDE costs, if any), and all other costs are waived.

Date 03/15/2018	Name Of Presiding Clerk (type or print) MICHELLE C. BALL	Signature 	<input type="checkbox"/> Assistant CSC <input checked="" type="checkbox"/> Clerk Of Superior Court
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NOTE TO CLERK:

If the respondent is adjudicated incompetent:

- Send a certified copy of this Order to the Division of Motor Vehicles, 3112 Mail Service Center, Raleigh, NC 27699-3112. G.S. 20-17.1(b).
- If the respondent resides in another county, also send a certified copy of this Order to the Clerk of the county of the respondent's legal residence to be filed and indexed as a special proceeding in that county. G.S. 35A-1112(f). In order to facilitate this filing and indexing in the county of the respondent's legal residence, a copy of the petition for adjudication of incompetence may be sent with the certified copy of this Order.
- If a guardian is appointed, a new estate should be opened and copies of the original petition and of this Order should be placed in the separate "E" file for the new estate.
- See the Rules of Recordkeeping for NICS reporting requirements.

CERTIFICATION

I certify that this Order On Petition For Adjudication Of Incompetence is a true and complete copy of the original on file in this case.

Date	Name Of Clerk (type or print)	Signature	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court
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STATE OF NORTH CAROLINA

Vo.

Johnston County

In The General Court Of Justice  
Superior Court Division  
Before The Clerk

IN THE MATTER OF FILED

Name Of Respondent

ORDER ON MOTION FOR  
APPOINTMENT OF  
INTERIM GUARDIAN

Name Of Movant (if applicable)

2018 DEC 11 A 11

Petitioner For Adjudication of Incompetence

Guardian Ad Litem

G.S. 35A-1114

FINDINGS

I. On Movant's Motion For Appointment Of An Interim Guardian

1. A hearing on the movant's Motion for the Appointment of an Interim Guardian was held on this day.

From the evidence presented at the hearing, the Court makes the following specific findings of fact:

(Set forth facts which support conclusion that grounds for immediate intervention exist.)

Respondent is currently in Behavioral Health at Johnston Health. It is anticipated he will be released today (12/11/2018). Respondent has diagnoses of schizo-affective disorder, bipolar disorder, anxiety, depression, and personality disorder. He is non-compliant with medications. He has no job, bank account, or money and no way to take care of himself once released. Respondent does not understand or appreciate his mental health issues and does not believe he needs further treatment. He is in need of further drug and/or mental health treatment once released from behavioral health.

2. Based on these specific findings of fact, the Court concludes that there is reasonable cause to believe that the respondent is incompetent, and that:

a. the respondent is in a condition that constitutes or reasonably appears to constitute an imminent or foreseeable risk of harm to the respondent's physical well-being, and there is immediate need for a guardian to provide consent or take other steps to protect the respondent.

b. there is or reasonably appears to be an imminent or foreseeable risk of harm to the respondent's estate, and immediate intervention is required in order to protect the respondent's interest.

3. The Court does not find that grounds exist for the appointment of an interim guardian.

II. On Clerk's Own Motion

1. A hearing on a petition for adjudication of incompetence was held on this day and the Court on it's own motion considered the appointment of an interim guardian for the respondent.

From the evidence presented at the hearing, the Court makes the following specific findings of fact:

(Set forth facts which support the determination that appointment of an interim guardian is in the best interests of the respondent.)

(Over)

2. Based on these specific findings of fact, the Court concludes that there is reasonable cause to believe that the respondent is incompetent, and that:
- a. the respondent is in a condition that constitutes or reasonably appears to constitute an imminent or foreseeable risk of harm to the respondent's physical well-being, and there is immediate need for a guardian to provide consent or take other steps to protect the respondent.
  - b. there is or reasonably appears to be an imminent or foreseeable risk of harm to the respondent's estate, and immediate intervention is required in order to protect the respondent's interest.

**ORDER**

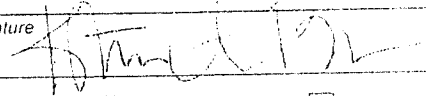
It is ORDERED that:

1. the person named below is appointed interim guardian of the  person  estate for the respondent. Upon qualifying, the interim guardian shall have the powers and duties specifically set forth below. These powers and duties shall extend only so long as is necessary to meet the condition necessitating this appointment. In any event, this interim guardianship shall terminate on the earliest of the following: the expiration date specified below, if any; 45 days from the date of this Order; when any guardian is appointed following an adjudication of incompetence; or when the petition in this case is dismissed by the Court.
2. the motion for the appointment of an interim guardian is denied.

Name And Address Of Interim Guardian	Relationship To Respondent mother
Telephone No.	

*Powers And Duties Of Interim Guardian*

Petitioner may find and obtain appropriate housing for Respondent, obtain mental health and/or drug treatment for Respondent, authorize other medical care as needed, have access to Respondent's medical records including mental health records, discuss medical treatment with doctors and staff of any facility, make decisions about Respondent's medical care, admit Respondent to a drug and/or mental health treatment center, fill any prescriptions, and apply for any benefits on Respondent's behalf.

Date Of Order 12/11/2018	Signature 
Expiration Date	<input checked="" type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court

**ORDER EXTENDING INTERIM GUARDIANSHIP**

- For good cause shown, it is further ORDERED that the period of interim guardianship set forth in the above Order is extended for as long as continues to be necessary to meet the conditions necessitating this appointment. In any event, this interim guardianship shall terminate on the earliest of the following: the expiration date specified below, if any; 45 days from the date of this Order; when any guardian is appointed following an adjudication of incompetence; or when the petition in this case is dismissed by the Court.

Date Of Order	Signature
Expiration Date	<input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court

**CERTIFICATION**

I certify that this Order On Motion For Appointment Of Interim Guardian is a true and complete copy of the original on file in this case

Date	Name Of Clerk (type or print)	Signature	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC
			<input type="checkbox"/> Clerk Of Superior Court

STATE OF NORTH CAROLINA

No.

JOHNSTON County

In The General Court Of Justice  
Superior Court Division  
Before The Clerk

IN THE MATTER OF

Name Of Respondent

Name Of Movant (if applicable)

ORDER ON MOTION FOR  
APPOINTMENT OF  
INTERIM GUARDIAN

G.S. 35A-1114

FINDINGS

I. On Movant's Motion For Appointment Of An Interim Guardian

1. A hearing on the movant's Motion for the Appointment of an Interim Guardian was held on this day. From the evidence presented at the hearing, the Court makes the following specific findings of fact:  
(Set forth facts which support conclusion that grounds for immediate intervention exist.)

- 2. Based on these specific findings of fact, the Court concludes that there is reasonable cause to believe that the respondent is incompetent, and that:
  - a. the respondent is in a condition that constitutes or reasonably appears to constitute an imminent or foreseeable risk of harm to the respondent's physical well-being, and there is immediate need for a guardian to provide consent or take other steps to protect the respondent.
  - b. there is or reasonably appears to be an imminent or foreseeable risk of harm to the respondent's estate, and immediate intervention is required in order to protect the respondent's interest.
- 3. The Court does not find that grounds exist for the appointment of an interim guardian.

II. On Clerk's Own Motion

1. A hearing on a petition for adjudication of incompetence was held on this day and the Court on it's own motion considered the appointment of an interim guardian for the respondent. From the evidence presented at the hearing, the Court makes the following specific findings of fact:  
(Set forth facts which support the determination that appointment of an interim guardian is in the best interests of the respondent.)

, the Respondent, is a 26 year old male who suffers from a traumatic brain injury (TBI), seizure disorder and mental illness. He takes numerous medications to treat these disorders and the medication is necessary for his health. He currently has criminal charges pending including larceny and aid and abet larceny of a minor. He lacks impulse control and may not be able to protect himself from exploitation or understand the consequences of his actions. His seizure disorder is severe in that he stops breathing and often needs emergency medical attention during and after a seizure. It is unclear as to his ability to manage his activities of daily living, and he is a poor manager of money, due to generosity beyond his means.

(Over)

2. Based on these specific findings of fact, the Court concludes that there is reasonable cause to believe that the respondent is incompetent, and that:
- a. the respondent is in a condition that constitutes or reasonably appears to constitute an imminent or foreseeable risk of harm to the respondent's physical well-being, and there is immediate need for a guardian to provide consent or take other steps to protect the respondent.
  - b. there is or reasonably appears to be an imminent or foreseeable risk of harm to the respondent's estate, and immediate intervention is required in order to protect the respondent's interest.

**ORDER**

It is ORDERED that:

- 1. the person named below is appointed interim guardian of the  person  estate for the respondent. Upon qualifying, the interim guardian shall have the powers and duties specifically set forth below. These powers and duties shall extend only so long as is necessary to meet the condition necessitating this appointment. In any event, this interim guardianship shall terminate on the earliest of the following: the expiration date specified below, if any; 45 days from the date of this Order; when any guardian is appointed following an adjudication of incompetence; or when the petition in this case is dismissed by the Court.
- 2. the motion for the appointment of an interim guardian is denied.

Name And Address Of Interim Guardian	Relationship To Respondent <p style="text-align: center;">Mother and Grandmother</p>
	Telephone No.

*Powers And Duties Of Interim Guardian*  
 Make housing and placement decisions for the Respondent; Make medical and healthcare decisions, including management of medications, for the Respondent.

Date Of Order <p style="text-align: center;">11/21/2018</p>	Signature 
Expiration Date	<input type="checkbox"/> Assistant CSC <input checked="" type="checkbox"/> Clerk Of Superior Court

**ORDER EXTENDING INTERIM GUARDIANSHIP**

- For good cause shown, it is further ORDERED that the period of interim guardianship set forth in the above Order is extended for as long as continues to be necessary to meet the conditions necessitating this appointment. In any event, this interim guardianship shall terminate on the earliest of the following: the expiration date specified below, if any; 45 days from the date of this Order; when any guardian is appointed following an adjudication of incompetence; or when the petition in this case is dismissed by the Court.

Date Of Order <p style="text-align: center;">12-27-18</p>	Signature 
Expiration Date	<input checked="" type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court

**CERTIFICATION**

I certify that this Order On Motion For Appointment Of Interim Guardian is a true and complete copy of the original on file in this case.

Date	Name Of Clerk (type or print)	Signature	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC
			<input type="checkbox"/> Clerk Of Superior Court

VB

STATE OF NORTH CAROLINA

File No.

JOHNSTON County

In The General Court Of Justice  
Superior Court Division  
Before The Clerk

FILED

IN THE MATTER OF

Name Of Respondent

Name Of Movant (if applicable)

ORDER ON MOTION FOR  
APPOINTMENT OF  
INTERIM GUARDIAN

2019 JAN -9 P 4: 26

JOHNSTON CO., C.S.C.

Petitioner For Adjudication of Incompetence  Guardian Ad Litem

G.S. 35A-1114

FINDINGS

I. On Movant's Motion For Appointment Of An Interim Guardian

1. A hearing on the movant's Motion for the Appointment of an Interim Guardian was held on this day. From the evidence presented at the hearing, the Court makes the following specific findings of fact: (Set forth facts which support conclusion that grounds for immediate intervention exist.)

The Respondent is an 84 year old female who appears healthy but is quiet and concerned about her daughter, Lisa because of the care she has provided since moving into the Respondent's home, instead of being concerned for herself and her safety. Dr. Shaikh is her primary care physician and has been for some time. He is concerned with her memory loss. She takes two medications for neurocognitive decline and memory loss. Respondent is unable to cook meals for herself and is reliant on someone else cooking for her. She is able to prepare a sandwich or something that does not require using the oven. She dresses herself, but does not remember to take care of her hygiene, like bathing. She is not independently able to remember the amounts of her monthly bills, but knows she has assistance in paying them. Based on her current income of retirement funds and Social Security, she should have enough funds to meet her monthly obligations. In the recent past, she has been 3 months in arrears on her mortgage, has nearly had her power cut off, and other family members have had to pay her bills. Her daughter, has a power of attorney for the Respondent, but is not able to account for all of the funds due to the Respondent. In November of 2018, there were in excess of \$200 in non-sufficient funds charges to her checking account. Recently, the daughter, the existing power of attorney, has pending methamphetamine charges and has begun to lock doors in the Respondent's home with pad locks and has unknown individuals over to visit during all hours of the day and night.

2. Based on these specific findings of fact, the Court concludes that there is reasonable cause to believe that the respondent is incompetent, and that:

a. the respondent is in a condition that constitutes or reasonably appears to constitute an imminent or foreseeable risk of harm to the respondent's physical well-being, and there is immediate need for a guardian to provide consent or take other steps to protect the respondent.

b. there is or reasonably appears to be an imminent or foreseeable risk of harm to the respondent's estate, and immediate intervention is required in order to protect the respondent's interest.

3. The Court does not find that grounds exist for the appointment of an interim guardian.

II. On Clerk's Own Motion

1. A hearing on a petition for adjudication of incompetence was held on this day and the Court on it's own motion considered the appointment of an interim guardian for the respondent.

From the evidence presented at the hearing, the Court makes the following specific findings of fact: (Set forth facts which support the determination that appointment of an interim guardian is in the best interests of the respondent.)

(Over)



2. Based on these specific findings of fact, the Court concludes that there is reasonable cause to believe that the respondent is incompetent, and that:
- a. the respondent is in a condition that constitutes or reasonably appears to constitute an imminent or foreseeable risk of harm to the respondent's physical well-being, and there is immediate need for a guardian to provide consent or take other steps to protect the respondent.
  - b. there is or reasonably appears to be an imminent or foreseeable risk of harm to the respondent's estate, and immediate intervention is required in order to protect the respondent's interest.

**ORDER**

It is ORDERED that:

1. the person named below is appointed interim guardian of the  person  estate for the respondent. Upon qualifying, the interim guardian shall have the powers and duties specifically set forth below. These powers and duties shall extend only so long as is necessary to meet the condition necessitating this appointment. In any event, this interim guardianship shall terminate on the earliest of the following: the expiration date specified below, if any; 45 days from the date of this Order; when any guardian is appointed following an adjudication of incompetence; or when the petition in this case is dismissed by the Court.
2. the motion for the appointment of an interim guardian is denied.

<i>Name And Address Of Interim Guardian</i>	<i>Relationship To Respondent</i> <p style="text-align: center;">Public Administrator/Attorney</p>
	<i>Telephone No.</i>

*Powers And Duties Of Interim Guardian*

The Interim Guardian shall have the power to take possession of, for the Respondent's use, all of the assets of the Respondent, including all bank accounts, and personal property; Interim Guardian shall have the power to discuss and make changes in his discretion to the retirement funds and benefits of the Respondent with \_\_\_\_\_ Company, or its retirement company; Interim Guardian shall have access to bank records, investment records, and DMV records while serving as Interim Guardian, and for the period of up to three years prior to the date of appointment of the Interim Guardian; Interim Guardian shall have the authority to terminate the existing Power of Attorney that has been executed by the Respondent to her daughter, \_\_\_\_\_ in his discretion.

<i>Date Of Order</i> <p style="text-align: center;">01/09/2019</p>	<i>Signature</i> 
<i>Expiration Date</i>	<input type="checkbox"/> Assistant CSC <input checked="" type="checkbox"/> Clerk Of Superior Court

**ORDER EXTENDING INTERIM GUARDIANSHIP**

- For good cause shown, it is further ORDERED that the period of interim guardianship set forth in the above Order is extended for as long as continues to be necessary to meet the conditions necessitating this appointment. In any event, this interim guardianship shall terminate on the earliest of the following: the expiration date specified below, if any; 45 days from the date of this Order; when any guardian is appointed following an adjudication of incompetence; or when the petition in this case is dismissed by the Court.

<i>Date Of Order</i>	<i>Signature</i>
<i>Expiration Date</i>	<input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court

**CERTIFICATION**

I certify that this Order On Motion For Appointment Of Interim Guardian is a true and complete copy of the original on file in this case.

<i>Date</i>	<i>Name Of Clerk (type or print)</i>	<i>Signature</i>	<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC
			<input type="checkbox"/> Clerk Of Superior Court	

STATE OF NORTH CAROLINA

File No.

JOHNSTON County

In The General Court Of Justice  
Superior Court Division  
Before The Clerk

IN THE MATTER OF:

Name Of Respondent(s)

2017 MAY 26

AMENDED

ORDER ON MOTION FOR  
APPOINTMENT OF  
INTERIM GUARDIAN

*dh*

G.S. 35A-1114

A hearing on the petitioner's Motion for the Appointment of an Interim Guardian was held before me on this day. From the evidence presented at the hearing, the Court makes the following specific findings of fact:  
(Set forth facts which support conclusion that grounds for immediate intervention exist.)

The Respondent suffers from advanced dementia according to doctor's notes provided with the petition. There is some evidence of exploitation of her personal funds, bank accounts and credit cards. It is unclear as to who is exploiting the Respondent, but there is evidence of numerous non-sufficient funds to her checking account and charges that she would be unable to make to a credit card and debit card. There are outstanding medical bills and her accounts have been turned over to collection agencies. Further, her ad valorem taxes on her property in Wake County have not been paid.

**THIS ORDER IS AMENDED, EX PARTE, ON THE MOTION IN THE CAUSE, FILED MAY 25, 2017, REGARDING THE POWER OF ATTORNEY RECORDED IN DEED BOOK PAGE OF THE WAKE COUNTY REGISTRY.**

- 1. Based on these specific findings of fact, the Court concludes that there is reasonable cause to believe that the respondent is incompetent, and that:
  - a. the respondent is in a condition that constitutes or reasonably appears to constitute an imminent or foreseeable risk of harm to the respondent's physical well-being, and there is immediate need for a guardian to provide consent or take other steps to protect the respondent.
  - b. there is or reasonably appears to be an imminent or foreseeable risk of harm to the respondent's estate, and immediate intervention is required in order to protect the respondent's interest.
- 2. The Court does not find that grounds exist for the appointment of an interim guardian.

It is ORDERED that:

- 1. the person named below is appointed interim guardian of the  person  estate for the respondent. Upon qualifying, the interim guardian shall have the powers and duties specifically set forth below. These powers and duties shall extend only so long as is necessary to meet the condition necessitating this appointment. In any event, this interim guardianship shall terminate on the earliest of the following: the expiration date specified below, if any; 45 days from the date of this Order; when any guardian is appointed following an adjudication of incompetence; or when the petition in this case is dismissed by the Court.
- 2. the motion for the appointment of an interim guardian is denied.

Name And Address Of Interim Guardian I P	Relationship To Respondent Attorney, Court Ordered Interim Guardian
	Telephone No.

Powers And Duties Of Interim Guardian **ADDITIONALLY, THE INTERIM GUARDIAN IS AUTHORIZED TO REVOKE THE POWER OF ATTORNEY IN BOOK 1 PAGE 1**  
Review, collect and secure, as determined necessary, to protect Respondent's assets, including checking accounts, credit card accounts and other income. Review the status of the real property owned by the Respondent and offer an opinion to the Court regarding said property. Investigate the terms and conditions surrounding the execution of the Power of Attorney to

Date Of Order 05-26-2017	Signature <i>Michelle C Ball</i>
Expiration Date	<input type="checkbox"/> Assistant CSC <input checked="" type="checkbox"/> Clerk Of Superior Court

STATE OF NORTH CAROLINA

File No.

JOHNSTON County

In The General Court Of Justice  
Superior Court Division  
Before The Clerk

IN THE MATTER OF:

Name Of Respondent(s)

ORDER ON MOTION FOR  
APPOINTMENT OF  
INTERIM GUARDIAN

G.S. 35A-1114

A hearing on the petitioner's Motion for the Appointment of an Interim Guardian was held before me on this day. From the evidence presented at the hearing, the Court makes the following specific findings of fact:  
(Set forth facts which support conclusion that grounds for immediate intervention exist.)

The Respondent suffers from advanced dementia according to doctor's notes provided with the petition. There is some evidence of exploitation of her personal funds, bank accounts and credit cards. It is unclear as to who is exploiting the Respondent, but there is evidence of numerous non-sufficient funds to her checking account and charges that she would be unable to make to a credit card and debit card. There are outstanding medical bills and her accounts have been turned over to collection agencies. Further, her ad valorem taxes on her property in Wake County have not been paid.

- 1. Based on these specific findings of fact, the Court concludes that there is reasonable cause to believe that the respondent is incompetent, and that:
  - a. the respondent is in a condition that constitutes or reasonably appears to constitute an imminent or foreseeable risk of harm to the respondent's physical well-being, and there is immediate need for a guardian to provide consent or take other steps to protect the respondent.
  - b. there is or reasonably appears to be an imminent or foreseeable risk of harm to the respondent's estate, and immediate intervention is required in order to protect the respondent's interest.
- 2. The Court does not find that grounds exist for the appointment of an interim guardian.

It is ORDERED that:

- 1. the person named below is appointed interim guardian of the  person  estate for the respondent. Upon qualifying, the interim guardian shall have the powers and duties specifically set forth below. These powers and duties shall extend only so long as is necessary to meet the condition necessitating this appointment. In any event, this interim guardianship shall terminate on the earliest of the following: the expiration date specified below, if any; 45 days from the date of this Order; when any guardian is appointed following an adjudication of incompetence; or when the petition in this case is dismissed by the Court.
- 2. the motion for the appointment of an interim guardian is denied.

Name And Address Of Interim Guardian

Relationship To Respondent

Attorney, Court Ordered Interim Guardian

Telephone No.

Powers And Duties Of Interim Guardian

Review, collect and secure, as determined necessary, to protect Respondent's assets, including checking accounts, credit card accounts and other income. Review the status of the real property owned by the Respondent and offer an opinion to the Court regarding said property. Investigate the terms and conditions surrounding the execution of the Power of Attorney to

Date Of Order

05-24-2017

Signature

*Michelle C. Dade*

Expiration Date

Assistant CSC

Clerk Of Superior Court

54

FILED

2014 DEC 19 PM 4:42

STATE OF NORTH CAROLINA  
COUNTY OF JOHNSTON  
*[Signature]*

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
BEFORE THE CLERK  
FILE NO. \_\_\_\_\_  
and \_\_\_\_\_

IN THE MATTER OF THE ESTATE OF \_\_\_\_\_ )  
\_\_\_\_\_, )  
INCOMPETENT. )

SUPPLEMENTAL ORDER  
MODIFYING GUARDIANSHIP

THIS MATTER came on for hearing on December 16, 2014, before the undersigned Clerk of Superior Court upon Motion of \_\_\_\_\_ ("Guardian"), Guardian of the Person of \_\_\_\_\_ ("Ward"), to Modify the Guardianship by requesting that the Court add to the rights and privileges of the Ward. The Court, having received input from the Guardian, Ward and Guardian ad Litem A. Traynham Dorn, makes the following:

FINDINGS OF FACT

1. \_\_\_\_\_ wishes to pursue a driver's license, seek employment in an appropriate time and manner, and live independently, all if and as approved and determined by the Guardian.
2. \_\_\_\_\_ wishes to be allowed to vote in regularly held elections.
3. \_\_\_\_\_ reports that he has been medically stable for at least eight months. \_\_\_\_\_ psychiatrist has stated by letter that he sees no reason \_\_\_\_\_ cannot pursue a driver's license.
4. \_\_\_\_\_ and the Guardian desire that \_\_\_\_\_ take a drivers class and have substantial driving experience before seeking to obtain an unrestricted drivers license.
5. \_\_\_\_\_ cannot take a drivers class without a learner's permit.

Mailed DMV 1-26-15

6. In order for [redacted] to apply for and receive a learner's permit, this Court must modify the guardianship to provide that [redacted] has the capacity to drive.

7. The Guardian has said that [redacted] will be closely monitored while learning to drive, and thereafter, to insure that he is not a danger to himself or others.

8. Guardian ad Litem A. Traynham Dorn has spoken at length with the Guardian and Adam, and supports the requested modifications of the guardianship.

9. This Court wishes to supplement its findings and Order dated December 16, 2014. Based on the foregoing Findings of Fact, the Court makes the following:

#### CONCLUSIONS OF LAW

Modification of the guardianship as requested by the Guardian will be in Adam's best interest, provided that proper precautions are taken.

IT IS THEREFORE ORDERED THAT,

The Motion of the Guardian to Modify the Order of Guardianship dated October 17, 2014 is granted. This Court's December 16, 2014 Order Modifying the Guardianship is further amended to include the following specific provisions:

1. The Ward, [redacted], is authorized to attend driving school and to engage in driving appropriate to that instruction.

2. [redacted] shall not attempt to drive an automobile unsupervised unless and until the following requirements are met:


(a) he successfully completes driving school; and

(b) an affidavit or similar document has been provided to this Court which confirms that he has demonstrated the ability to drive.

3. \_\_\_\_\_ is only authorized to drive in the time, place and manner determined by the Guardian in her sole discretion.

4. The Guardian shall provide an update to this Court within 90 days of the date hereof regarding the progress of \_\_\_\_\_ s driving, at which time this Court shall consider further Orders.

This the 19<sup>th</sup> day of December, 2014.

  
\_\_\_\_\_  
Michelle C. Ball, Clerk of Superior Court

STATE OF NORTH CAROLINA

File No.

Johnston County

In The General Court Of Justice  
Superior Court Division  
Before the Clerk

IN THE MATTER OF THE ESTATE OF:

Name Of Ward

LETTERS OF APPOINTMENT  
LIMITED GENERAL GUARDIAN

G.S. 35A-1203. -1206. -1212, -1215; -1251

The Court in the exercise of its jurisdiction for the appointment of guardians of incompetent persons, and upon proper application, has appointed the person(s) named below as Limited General Guardian(s) of the ward named above and has ordered that these Letters of Appointment be issued.

Except as set forth below, the Limited General Guardian is fully authorized and entitled under the laws of North Carolina to receive, manage and administer the property, estate and business affairs of the ward and to have custody, care and control of the ward.

The ward retains the following legal rights and privileges:

(Check all that apply)

- Determine his/her degree of participation in interpersonal relationships and social, religious, and community activities.  
Additional Specifications: \_\_\_\_\_
- Make  Assist in decisions regarding living arrangements.  
Additional Specifications: Ward may seek appropriate employment with the assistance of his guardians
- Make  Assist in decisions regarding employment.  
Additional Specifications: \_\_\_\_\_
- Make  Assist in decisions regarding health treatment.  
Additional Specifications: \_\_\_\_\_
- Take care of minor health problems.  
Additional Specifications: \_\_\_\_\_
- Contact service providers as needed.  
Additional Specifications: \_\_\_\_\_
- Handle amounts of money up to \$ 100.00.  
Additional Specifications: Ward may have a savings account and/or checking account
- Maintain personal property other than funds, stocks, bonds, sureties, etc.  
Additional Specifications: \_\_\_\_\_
- Enter into contracts regarding social, religious, and community activities.  
Additional Specifications: \_\_\_\_\_
- Enter into contracts regarding residential arrangements.  
Additional Specifications: \_\_\_\_\_
- Enter into contracts regarding health care, legal and other services.  
Additional Specifications: \_\_\_\_\_
- Consult with guardian regarding financial decisions.  
Additional Specifications: \_\_\_\_\_
- Other. Ward shall retain his right to vote

These Letters are issued to attest to that authority and to certify that it is now in full force and effect.

Witness my hand and the Seal of the Superior Court.

Name And Address Of Limited General Guardian 1

Clayton, NC 27527

Date Of Qualification

11/30/2017

Clerk Of Superior Court

Michelle C. Ball

Name And Address Of Limited General Guardian 2

Clayton, NC 27527

EX OFFICIO JUDGE OF PROBATE

Date Of Issuance

Signature

SEAL

Deputy CSC  Assistant CSC  Clerk Of Superior Court

NOTE: This letter is not valid without the official seal of the Clerk of Superior Court.

STATE OF NORTH CAROLINA

File No.

Johnston County

In The General Court Of Justice  
Superior Court Division  
Before the Clerk

IN THE MATTER OF THE ESTATE OF:

Name Of Ward

*\* Corrected \**  
**LETTERS OF APPOINTMENT  
LIMITED GENERAL GUARDIAN**

G.S. 35A-1203. -1206. -1212, -1215; -1251

The Court in the exercise of its jurisdiction for the appointment of guardians of incompetent persons, and upon proper application, has appointed the person(s) named below as Limited General Guardian(s) of the ward named above and has ordered that these Letters of Appointment be issued.

Except as set forth below, the Limited General Guardian is fully authorized and entitled under the laws of North Carolina to receive, manage and administer the property, estate and business affairs of the ward and to have custody, care and control of the ward.

**The ward retains the following legal rights and privileges:**

(Check all that apply)

- Determine his/her degree of participation in interpersonal relationships and social, religious, and community activities.  
Additional Specifications: \_\_\_\_\_
- Make  Assist in decisions regarding living arrangements.  
Additional Specifications: \_\_\_\_\_
- Make  Assist in decisions regarding employment.  
Additional Specifications: \_\_\_\_\_
- Make  Assist in decisions regarding health treatment.  
Additional Specifications: \_\_\_\_\_
- Take care of minor health problems.  
Additional Specifications: \_\_\_\_\_
- Contact service providers as needed.  
Additional Specifications: \_\_\_\_\_
- Handle amounts of money up to \$ 450.00 *monthly*.  
Additional Specifications: These will be earnings from employment, Ward is entitled to have bank accounts and a debit card.
- Maintain personal property other than funds, stocks, bonds, sureties, etc.  
Additional Specifications: \_\_\_\_\_
- Enter into contracts regarding social, religious, and community activities.  
Additional Specifications: \_\_\_\_\_
- Enter into contracts regarding residential arrangements.  
Additional Specifications: \_\_\_\_\_
- Enter into contracts regarding health care, legal and other services.  
Additional Specifications: \_\_\_\_\_
- Consult with guardian regarding financial decisions.  
Additional Specifications: \_\_\_\_\_
- Other. Ward may retain the right to vote. Co-Guardians may have the ability to manage an ABLÉ account for the ward.

These Letters are issued to attest to that authority and to certify that it is now in full force and effect.

Witness my hand and the Seal of the Superior Court.

Name And Address Of Limited General Guardian 1

Clayton, NC 27527

Date Of Qualification

01/05/2018

Clerk Of Superior Court

Michelle C. Ball

Name And Address Of Limited General Guardian 2

Clayton, NC 27527

**EX OFFICIO JUDGE OF PROBATE**

Date Of Issuance

Signature

**SEAL**

Deputy CSC  Assistant CSC  Clerk Of Superior Court

**NOTE: This letter is not valid without the official seal of the Clerk of Superior Court.**



STATE OF NORTH CAROLINA

File No.

JOHNSTON County

In The General Court Of Justice  
Superior Court Division  
Before the Clerk

IN THE MATTER OF THE ESTATE OF:

Name Of Ward

LETTERS OF APPOINTMENT  
LIMITED GUARDIAN OF THE ESTATE

G.S. 35A-1203, -1206, 1212, -1215; -1251

The Court in the exercise of its jurisdiction for the appointment of guardians of incompetent persons, and upon proper application, has appointed the person(s) named below as Limited Guardian(s) of the Estate of the ward named above and has ordered that these Letters of Appointment be issued.

Except as set forth below, the Limited Guardian of the Estate is fully authorized and entitled under the laws of North Carolina to receive, manage and administer the property, estate and business affairs of the ward.

The ward retains the following legal rights and privileges:

(Check all that apply)

- Handle amounts of money up to \$ 200.00  
Additional Specifications: \$200 PER MONTH AND \$500 FOR THE MONTH OF DECEMBER
- Maintain personal property other than funds, stocks, bonds, sureties, etc.  
Additional Specifications: \_\_\_\_\_
- Enter into contracts regarding social, religious, and community activities.  
Additional Specifications: \_\_\_\_\_
- Enter into contracts regarding residential arrangements.  
Additional Specifications: \_\_\_\_\_
- Enter into contracts regarding health care, legal and other services.  
Additional Specifications: \_\_\_\_\_
- Consult with guardian regarding financial decisions.  
Additional Specifications: \_\_\_\_\_
- Other. MAY SEEK AND MAINTAIN EMPLOYMENT IF DESIRED.

These Letters are issued to attest to that authority and to certify that it is now in full force and effect.

Witness my hand and the Seal of the Superior Court.

Name And Address Of Limited Guardian 1 Of The Estate          NC	Date Of Qualification <u>8-24-18</u>
	Clerk Of Superior Court MICHELLE C. BALL
	EX OFFICIO JUDGE OF PROBATE
Name And Address Of Limited Guardian 2 Of The Estate	Date Of Issuance
	Signature
	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court

SEAL

NOTE: This letter is not valid without the official seal of the Clerk of Superior Court.

STATE OF NORTH CAROLINA

File No.

In The General Court Of Justice  
Superior Court Division  
Before The Clerk

\_\_\_\_\_ County

IN THE MATTER OF

Full Name Of Respondent

Telephone No. Of Respondent

Name And Address Of Movant

MOTION FOR APPOINTMENT OF  
INTERIM GUARDIAN

Petitioner For Adjudication Of Incompetence

Guardian Ad Litem

G.S. 35A-1114

Telephone No. Of Movant

Name And Address Of Attorney For Movant

Name And Address Of Treatment Facility If Respondent Is An Inpatient

Telephone No. Of Movant's Attorney

State Bar No.

MOTION FOR APPOINTMENT OF INTERIM GUARDIAN

**NOTE:** Do not complete unless an emergency requires immediate intervention. Do not complete if basis for the incompetency petition is special jurisdiction as set forth in G.S. 35B-18; interim guardian appointment is not available in cases of special jurisdiction.

- The movant moves that the Court appoint an interim guardian because there is reasonable cause, as shown by the following facts, to believe that the respondent is incompetent and needs an interim guardian to intervene on his/her behalf prior to the adjudication hearing in that: *(Check all that apply)*
  - he/she is in a condition that constitutes or reasonably appears to constitute an imminent or foreseeable risk of harm to his/her physical well-being and requires immediate intervention.
  - there is or reasonably appears to be an imminent or foreseeable risk of harm to his/her estate that requires immediate intervention in order to protect the respondent's interest.

*(Set forth the specific facts which demonstrate the need for immediate intervention. Continue on Side Two if additional space is needed.)*

(Over)

**MOTION FOR APPOINTMENT OF INTERIM GUARDIAN - continued**

**RECOMMENDED INTERIM GUARDIAN(S)**

The undersigned, being duly sworn, requests that the Court, after notice and hearing, appoint the person(s) named below to serve, in the capacity indicated, as interim guardian(s) of the respondent.

<i>Name And Address Of Recommended Interim Guardian</i>  <input type="checkbox"/> <i>Of The Estate</i> <input type="checkbox"/> <i>Of The Person</i>	<i>Name And Address Of Recommended Interim Guardian</i>  <input type="checkbox"/> <i>Of The Estate</i> <input type="checkbox"/> <i>Of The Person</i>
--	--

**VERIFICATION**

I, the undersigned movant, have read this Motion and state that its contents are true to my own knowledge except those matters stated on information and belief, which I believe are true.

<b>SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME</b>		<i>Date</i>
<i>Date</i>	<i>Signature Of Person Authorized To Administer Oaths</i>	<i>Signature Of Movant</i>
<input type="checkbox"/> <i>Deputy CSC</i> <input type="checkbox"/> <i>Assistant CSC</i> <input type="checkbox"/> <i>Clerk Of Superior Court</i>		
<input type="checkbox"/> <i>Notary</i>		
<b>SEAL</b>	<i>Date My Commission Expires</i>	
	<i>County Where Notarized</i>	

\_\_\_\_\_ County

In The General Court Of Justice  
Superior Court Division  
Before The Clerk

**IN THE MATTER OF**

Name Of Respondent

Name Of Movant (if applicable)

**ORDER ON MOTION FOR  
APPOINTMENT OF  
INTERIM GUARDIAN**

G.S. 35A-1114

Petitioner For Adjudication of Incompetence     Guardian Ad Litem

**FINDINGS**

**I. On Movant's Motion For Appointment Of An Interim Guardian**

1. A hearing on the movant's Motion for the Appointment of an Interim Guardian was held on this day. From the evidence presented at the hearing, the Court makes the following specific findings of fact:  
(Set forth facts which support conclusion that grounds for immediate intervention exist.)

- 2. Based on these specific findings of fact, the Court concludes that there is reasonable cause to believe that the respondent is incompetent, and that:
  - a. the respondent is in a condition that constitutes or reasonably appears to constitute an imminent or foreseeable risk of harm to the respondent's physical well-being, and there is immediate need for a guardian to provide consent or take other steps to protect the respondent.
  - b. there is or reasonably appears to be an imminent or foreseeable risk of harm to the respondent's estate, and immediate intervention is required in order to protect the respondent's interest.
- 3. The Court does not find that grounds exist for the appointment of an interim guardian.

**II. On Clerk's Own Motion**

1. A hearing on a petition for adjudication of incompetence was held on this day and the Court on it's own motion considered the appointment of an interim guardian for the respondent. From the evidence presented at the hearing, the Court makes the following specific findings of fact:  
(Set forth facts which support the determination that appointment of an interim guardian is in the best interests of the respondent.)

(Over)

2. Based on these specific findings of fact, the Court concludes that there is reasonable cause to believe that the respondent is incompetent, and that:
- a. the respondent is in a condition that constitutes or reasonably appears to constitute an imminent or foreseeable risk of harm to the respondent's physical well-being, and there is immediate need for a guardian to provide consent or take other steps to protect the respondent.
  - b. there is or reasonably appears to be an imminent or foreseeable risk of harm to the respondent's estate, and immediate intervention is required in order to protect the respondent's interest.

**ORDER**

It is ORDERED that:

1. the person named below is appointed interim guardian of the  person  estate for the respondent. Upon qualifying, the interim guardian shall have the powers and duties specifically set forth below. These powers and duties shall extend only so long as is necessary to meet the condition necessitating this appointment. In any event, this interim guardianship shall terminate on the earliest of the following: the expiration date specified below, if any; 45 days from the date of this Order; when any guardian is appointed following an adjudication of incompetence; or when the petition in this case is dismissed by the Court.
2. the motion for the appointment of an interim guardian is denied.

<i>Name And Address Of Interim Guardian</i>	<i>Relationship To Respondent</i>
	<i>Telephone No.</i>

*Powers And Duties Of Interim Guardian*

<i>Date Of Order</i>	<i>Signature</i>
<i>Expiration Date</i>	<input type="checkbox"/> <i>Assistant CSC</i> <input type="checkbox"/> <i>Clerk Of Superior Court</i>

**ORDER EXTENDING INTERIM GUARDIANSHIP**

- For good cause shown, it is further ORDERED that the period of interim guardianship set forth in the above Order is extended for as long as continues to be necessary to meet the conditions necessitating this appointment. In any event, this interim guardianship shall terminate on the earliest of the following: the expiration date specified below, if any; 45 days from the date of this Order; when any guardian is appointed following an adjudication of incompetence; or when the petition in this case is dismissed by the Court.

<i>Date Of Order</i>	<i>Signature</i>
<i>Expiration Date</i>	<input type="checkbox"/> <i>Assistant CSC</i> <input type="checkbox"/> <i>Clerk Of Superior Court</i>

**CERTIFICATION**

I certify that this Order On Motion For Appointment Of Interim Guardian is a true and complete copy of the original on file in this case.

<i>Date</i>	<i>Name Of Clerk (type or print)</i>	<i>Signature</i>	<input type="checkbox"/> <i>Deputy CSC</i> <input type="checkbox"/> <i>Assistant CSC</i> <input type="checkbox"/> <i>Clerk Of Superior Court</i>
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STATE OF NORTH CAROLINA

File No.

In The General Court Of Justice  
Superior Court Division  
Before the Clerk

\_\_\_\_\_ County

IN THE MATTER OF:

Name Of Respondent

Social Security No. Of Respondent (Last Four Digits Only)

Name And Address Of Counsel Or GAL For Respondent

REQUEST AND ORDER  
FOR  
MULTIDISCIPLINARY EVALUATION

G.S. 35A-1111(a), (b)

Name And Address Of Petitioner In Incompetency Proceeding

REQUEST

I, the undersigned, request that the Court order a multidisciplinary evaluation be performed on the respondent named above.

Name And Address Of Party Requesting Evaluation

Date

Signature

FINDINGS

The Court finds

- in accordance with the above request    OR     on its own motion  
that a multidisciplinary evaluation  
 should     should not    be performed on the respondent.

ORDER

Based on these findings

- the request for multidisciplinary evaluation is denied.
- it is ORDERED that the following agency shall prepare and provide a current multidisciplinary evaluation of the respondent. The agency shall file the evaluation with the Clerk, and send copies to the petitioner and the counsel or guardian ad litem for the respondent not later than thirty (30) days after receipt of this order.

Name And Address Of Designated Agency

Date

Signature

Assistant CSC

Clerk of Superior Court

STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice
Superior Court Division
Before The Clerk

IN THE MATTER OF THE ESTATE OF

Name Of Respondent

ORDER ON APPLICATION
FOR APPOINTMENT OF
GUARDIAN

Incompetent

Date Of Application

Minor

Special Proceedings File No.

G.S. 35A-1213, -1214, -1215, -1226

Name And Address Of Guardian

Name And Address Of Guardian

Of The Estate Of The Person General Guardian

Of The Estate Of The Person General Guardian

FINDINGS

This matter is before the Court on an application for the appointment of a guardian for the respondent named above. This Court has subject matter jurisdiction over this proceeding and personal jurisdiction over the respondent, and this county is a proper venue.

Upon due notice and hearing, or upon waiver of notice and hearing by all parties entitled thereto and upon their consent, the Court determines that a guardian must or should be appointed, and the Court further finds that each person appointed by this Order is entitled, and is not disqualified to serve as guardian, and that it is in the best interest of the respondent that the above named person(s) serve as guardian(s).

ADDITIONAL FINDINGS RE: LIMITED GUARDIANSHIP

NOTE TO CLERK: Complete Findings Re: Limited Guardianship only if ordering limited guardianship, otherwise, proceed to the Conclusion.

Based on the evidence presented, the Court makes the following specific findings of fact as to the nature of the ward's capacity:

A. Language and Communication

Understands conversation and communicates personal needs.

Needs assistance

Has capacity to communicate important decisions.

Needs assistance

Other:

B. Nutrition

Makes decisions about when and what to eat.

Needs assistance

Knows which foods he/she is unable to tolerate.

Needs assistance

Can maintain proper diet.

Needs assistance

Can follow a prescribed diet if needed.

Needs assistance

Other:

C. Personal Hygiene

Understands the need to bathe and maintain personal hygiene.

Needs assistance

Understands the need to maintain dental care.

Needs assistance

Is able to maintain personal hygiene and dental care.

Needs assistance

Uses proper hygiene when toileting.

Needs assistance

Other:

FINDINGS RE: LIMITED GUARDIANSHIP (Continued)

D. Health Care

- Can make and communicate decisions regarding health treatment.  Needs assistance
- Can take care of minor health problems.  Needs assistance
- Can follow prescribed routines and take prescribed medicines.  Needs assistance
- Can alert others and seek medical help for serious health problems.  Needs assistance
- Has capacity to keep a sanitary living environment.  Needs assistance
- Other: \_\_\_\_\_

E. Personal Safety

- Has capacity to identify and avoid life-threatening behaviors.  Needs assistance
- Is able to recognize and avoid hazards in home.  Needs assistance
- Can handle or seek help in emergencies.  Needs assistance
- Can recognize when others present a danger and avoid that danger.  Needs assistance
- Other: \_\_\_\_\_

F. Residential

- Has capacity to live alone.  Needs assistance
- Has capacity to maintain private residence.  Needs assistance
- Can recognize and communicate need for maintenance of private residence.  Needs assistance
- Can make and communicate decisions about residential options.  Needs assistance
- Other: \_\_\_\_\_

G. Employment

- Can make and communicate choice in regard to employment.  Needs assistance
- Demonstrates skills required to work.  Needs assistance
- Can look for and find a job.  Needs assistance
- Other: \_\_\_\_\_

H. Independent Living

- Has capacity to appropriately relate to friends and family members.  Needs assistance
- Has capacity to make decisions without undue influence from others.  Needs assistance
- Has capacity to make decisions concerning social activities.  Needs assistance
- Has capacity to determine degree of participation in religious activities.  Needs assistance
- Can utilize familiar community resources.  Needs assistance
- Can identify his or her address and return home or seek assistance.  Needs assistance
- Other: \_\_\_\_\_

I. Civil

- Can communicate wishes regarding legal documents or services.  Needs assistance
- Can contact lawyer, police, advocates, etc. if being exploited or treated unfairly.  Needs assistance
- Demonstrates willingness to vote and can acquire information accordingly.  Needs assistance
- Has capacity to drive a car.  Needs assistance
- Other: \_\_\_\_\_



IN THE MATTER OF

File No.

Name Of Ward

FINDINGS RE: LIMITED GUARDIANSHIP (Continued)

J. Financial

- Can spend small amounts of money.  Needs assistance
- Can manage a weekly or monthly budget.  Needs assistance
- Is able to seek out and apply for governmental benefits.  Needs assistance
- Has capacity to pay routine bills.  Needs assistance
- Is able to maintain checking account and/or ATM card.  Needs assistance
- Is able to make and carry out major financial decisions.  Needs assistance
- Other: \_\_\_\_\_

CONCLUSION

Based on the above findings, the Court concludes that it  is  is not in the best interest of the respondent that he/she retain certain rights and privileges as set forth below.

ORDER

It is ORDERED that:

- each person named above is appointed as guardian of the respondent or minor to serve in the capacity designated, and letters of appointment shall be issued to each such person when he/she properly qualifies to serve.
- It is further ordered that the ward shall retain the following legal rights and privileges: *(check all that apply)*
  - Determine his/her degree of participation in interpersonal relationships and social, religious, and community activities.  
Additional Specifications: \_\_\_\_\_
  - Make  Assist in decisions regarding living arrangements.  
Additional Specifications: \_\_\_\_\_
  - Make  Assist in decisions regarding employment.  
Additional Specifications: \_\_\_\_\_
  - Make  Assist in decisions regarding health treatment.  
Additional Specifications: \_\_\_\_\_
  - Take care of minor health problems.  
Additional Specifications: \_\_\_\_\_
  - Contact service providers as needed.  
Additional Specifications: \_\_\_\_\_
  - Handle amounts of money up to \$ \_\_\_\_\_.  
Additional Specifications: \_\_\_\_\_
  - Maintain personal property other than funds, stocks, bonds, sureties, etc.  
Additional Specifications: \_\_\_\_\_
  - Enter into contracts regarding social, religious, and community activities.  
Additional Specifications: \_\_\_\_\_
  - Enter into contracts regarding residential arrangements.  
Additional Specifications: \_\_\_\_\_
  - Enter into contracts regarding health care, legal, and other services.  
Additional Specifications: \_\_\_\_\_
  - Consult with guardian regarding financial decisions.  
Additional Specifications: \_\_\_\_\_
  - Other: \_\_\_\_\_

It is further ordered that the individual(s) named as guardian of the person shall file status reports. (NOTE: Pursuant to G.S. 35A-1242(a), any corporation or disinterested public agent that is guardian of the person for an incompetent person is required to submit status reports.)

Date

Signature

- Assistant CSC
- Clerk Of Superior Court

STATE OF NORTH CAROLINA

File No.

In The General Court Of Justice  
Superior Court Division  
Before the Clerk

\_\_\_\_\_ County

IN THE MATTER OF THE ESTATE OF:

LETTERS OF APPOINTMENT  
LIMITED GUARDIAN OF THE ESTATE

Name Of Ward

G.S. 35A-1203, -1206, 1212, -1215; -1251

The Court in the exercise of its jurisdiction for the appointment of guardians of incompetent persons, and upon proper application, has appointed the person(s) named below as Limited Guardian(s) of the Estate of the ward named above and has ordered that these Letters of Appointment be issued.

Except as set forth below, the Limited Guardian of the Estate is fully authorized and entitled under the laws of North Carolina to receive, manage and administer the property, estate and business affairs of the ward.

The ward retains the following legal rights and privileges:

(Check all that apply)

- Handle amounts of money up to \$ \_\_\_\_\_  
Additional Specifications: \_\_\_\_\_
- Maintain personal property other than funds, stocks, bonds, sureties, etc.  
Additional Specifications: \_\_\_\_\_
- Enter into contracts regarding social, religious, and community activities.  
Additional Specifications: \_\_\_\_\_
- Enter into contracts regarding residential arrangements.  
Additional Specifications: \_\_\_\_\_
- Enter into contracts regarding health care, legal and other services.  
Additional Specifications: \_\_\_\_\_
- Consult with guardian regarding financial decisions.  
Additional Specifications: \_\_\_\_\_
- Other. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

These Letters are issued to attest to that authority and to certify that it is now in full force and effect.

Witness my hand and the Seal of the Superior Court.

Name And Address Of Limited Guardian 1 Of The Estate	Date Of Qualification
	Clerk Of Superior Court
<b>EX OFFICIO JUDGE OF PROBATE</b>	
Name And Address Of Limited Guardian 2 Of The Estate	Date Of Issuance
	Signature
<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	

SEAL

NOTE: This letter is not valid without the official seal of the Clerk of Superior Court.

STATE OF NORTH CAROLINA

File No.

In The General Court Of Justice  
Superior Court Division  
Before the Clerk

\_\_\_\_\_ County

IN THE MATTER OF THE ESTATE OF:

Name Of Ward

LETTERS OF APPOINTMENT  
LIMITED GUARDIAN OF THE PERSON

G.S. 35A-1203, -1206, -1212, -1215; -1251

The Court in the exercise of its jurisdiction for the appointment of guardians of incompetent persons, and upon proper application, has appointed the person(s) named below as Limited Guardian(s) of the Person of the ward named above and has ordered that these Letters of Appointment be issued.

Except as set forth below, the Limited Guardian of the Person is fully authorized and entitled under the laws of North Carolina to have custody, care and control of the ward.

The ward retains the following legal rights and privileges:

(Check all that apply)

- Determine his/her degree of participation in interpersonal relationships and social, religious, and community activities.  
Additional Specification: \_\_\_\_\_
- Make  Assist in decisions regarding living arrangements.  
Additional Specification: \_\_\_\_\_
- Make  Assist in decisions regarding employment.  
Additional Specification: \_\_\_\_\_
- Make  Assist in decisions regarding health treatment.  
Additional Specification: \_\_\_\_\_
- Take care of minor health problems.  
Additional Specification: \_\_\_\_\_
- Contact service providers as needed.  
Additional Specification: \_\_\_\_\_
- Make decisions regarding social, religious, and community activities.  
Additional Specification: \_\_\_\_\_
- Other. \_\_\_\_\_

These Letters are issued to attest to that authority and to certify that it is now in full force and effect.

Witness my hand and the Seal of the Superior Court.

Name And Address Of Limited Guardian of The Person 1

Date Of Qualification

Clerk Of Superior Court

EX OFFICIO JUDGE OF PROBATE

Name And Address Of Limited Guardian Of The Person 2

Date Of Issuance

Signature

- Deputy CSC
- Assistant CSC
- Clerk Of Superior Court

SEAL

NOTE: This letter is not valid without the official seal of the Clerk of Superior Court.

STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice
Superior Court Division
Before the Clerk

IN THE MATTER OF THE ESTATE OF:

LETTERS OF APPOINTMENT
LIMITED GENERAL GUARDIAN

Name Of Ward

G.S. 35A-1203, -1206, -1212, -1215; -1251

The Court in the exercise of its jurisdiction for the appointment of guardians of incompetent persons, and upon proper application, has appointed the person(s) named below as Limited General Guardian(s) of the ward named above and has ordered that these Letters of Appointment be issued.

Except as set forth below, the Limited General Guardian is fully authorized and entitled under the laws of North Carolina to receive, manage and administer the property, estate and business affairs of the ward and to have custody, care and control of the ward.

The ward retains the following legal rights and privileges:

(Check all that apply)

- Checkboxes for various legal rights and privileges such as 'Determine his/her degree of participation in interpersonal relationships...', 'Make or assist in decisions regarding living arrangements...', etc.

These Letters are issued to attest to that authority and to certify that it is now in full force and effect.

Witness my hand and the Seal of the Superior Court.

Form containing fields for Name And Address Of Limited General Guardian 1, Date Of Qualification, Clerk Of Superior Court, Name And Address Of Limited General Guardian 2, EX OFFICIO JUDGE OF PROBATE, Date Of Issuance, Signature, and checkboxes for Deputy CSC, Assistant CSC, Clerk Of Superior Court.

SEAL

NOTE: This letter is not valid without the official seal of the Clerk of Superior Court.