

FOR COURT USE ONLY

FILED
Clerk of the Superior Court
FEB 18 2011
By: K. Corral, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego
STREET ADDRESS: 1409 Fourth Avenue
MAILING ADDRESS: San Diego CA 92101
CITY AND ZIP CODE: Madge Bradley Building
BRANCH NAME: Probate Division

CONSERVATORSHIP OF
(Name): DAVID E. RECTOR
CONSERVATEE

ORDER APPOINTING SUCCESSOR PROBATE CONSERVATOR OF THE
 PERSON ESTATE Limited Conservatorship

CASE NUMBER:
37-2009-152179

WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.

1. The petition for appointment of successor conservator came on for hearing as follows (check boxes c, d, e, and f or g to indicate personal presence):
 - a. Judicial officer (name): Judge Julia Craig Kelety
 - b. Hearing date: Feb. 16, 2011 Time: 11:00 a.m. Dept.: PC-2 Room:
 - c. Petitioner (name): Rosalind Alexander-Kasparik
 - d. Attorney for petitioner (name):
 - e. Attorney for person cited the conservatee on petition to appoint successor conservator.
(Name): Nancy Ewin (Telephone): 619-6981788
(Address): 8166 La Mesa Boulevard, La Mesa CA 91942
 - f. Person cited was present. unable to attend. able but unwilling to attend. out of state.
 - g. The conservatee on petition to appoint successor conservator was present. not present.

THE COURT FINDS

2. All notices required by law have been given.
3. Granting the conservatorship is the least restrictive alternative needed for the protection of the conservatee.
4. (Name): DAVID E. RECTOR
 - a. is unable properly to provide for his or her personal needs for physical health, food, clothing, or shelter.
 - b. is substantially unable to manage his or her financial resources or to resist fraud or undue influence.
 - c. has voluntarily requested appointment of a conservator and good cause has been shown for the appointment.
5. The conservatee
 - a. is an adult.
 - b. will be an adult on the effective date of this order.
 - c. is a married minor.
 - d. is a minor whose marriage has been dissolved.
6. There is no form of medical treatment for which the conservatee has the capacity to give an informed consent. The conservatee is an adherent of a religion defined in Probate Code section 2355(b).
7. Granting the successor conservator powers to be exercised independently under Probate Code section 2590 is to the advantage and benefit and in the best interest of the conservatorship estate.
8. The conservatee is not capable of completing an affidavit of voter registration.

Do NOT use this form for a temporary conservatorship.

CONSERVATORSHIP OF (Name): DAVID E. RECTOR	CASE NUMBER: 37-2009-152179
CONSERVATEE	

9. The conservatee has dementia as defined in Probate Code section 2356.5, and the court finds all other facts required to make the orders specified in item 28.
10. Attorney (name): **NANCY EWING** has been appointed by the court as legal counsel to represent the conservatee in these proceedings. The cost for representation is: \$
The conservatee has the ability to pay all none a portion of this sum (specify): \$
11. The conservatee need not attend the hearing.
12. The appointed court investigator is (name): **HECTOR LANZA**
(Address and telephone):
13. (For limited conservatorship only) The limited conservatee is developmentally disabled as defined in Probate Code section 1420.
14. The successor conservator is a professional fiduciary as defined by Business and Professions Code section 6501(f).
15. The successor conservator holds a valid, unexpired, unsuspended license as a professional fiduciary issued by the Professional Fiduciaries Bureau of the California Department of Consumer Affairs under chapter 6 (commencing with section 6500) of division 3 of the Business and Professions Code.
License no.: Issuance or last renewal date: Expiration date:
16. (Either a, b, or c must be checked):
- a. The successor conservator is not the spouse of the conservatee.
- b. The successor conservator is the spouse of the conservatee and is not a party to an action or proceeding against the conservatee for legal separation, dissolution, annulment, or adjudication of nullity of their marriage.
- c. The successor conservator is the spouse of the conservatee and is a party to an action or proceeding against the conservatee for legal separation, dissolution, annulment, or adjudication of nullity of their marriage. It is in the best interest of the conservatee to appoint the spouse as successor conservator.
17. (Either a, b, or c must be checked):
- a. The successor conservator is not the domestic partner or former domestic partner of the conservatee.
- b. The successor conservator is the domestic partner of the conservatee and has neither terminated nor intends to terminate their domestic partnership.
- c. The successor conservator is the domestic partner or former domestic partner of the conservatee and intends to terminate or has terminated their domestic partnership. It is in the best interest of the conservatee to appoint the domestic partner or former domestic partner as successor conservator.

THE COURT ORDERS

18. a. (Name): **ROSALIND ALEXANDER-KASPARIK** (Telephone):
(Address):
- is appointed successor conservator limited conservator of the PERSON of (name):
DAVID E. RECTOR and Letters of Conservatorship shall issue upon qualification.
- b. (Name): (Telephone):
(Address):
- is appointed successor conservator limited conservator of the ESTATE of (name):
and Letters of Conservatorship shall issue upon qualification.
19. The conservatee need not attend the hearing.
20. a. Bond is not required.
- b. Bond is fixed at: \$ to be furnished by an authorized surety company or as otherwise provided by law.
- c. Deposits of: \$ are ordered to be placed in a blocked account at (specify institution and location):

and receipts shall be filed. No withdrawals shall be made without a court order.

Additional orders in attachment 20c.

CONSERVATORSHIP OF (Name):

DAVID E. RECTOR

CASE NUMBER:

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CONSERVATEE

20. (cont.) d. The successor conservator is not authorized to take possession of money or any other property without a specific court order.
21. For legal services rendered, conservatee conservatee's estate shall pay the sum of: \$
to (name):
 forthwith as follows (specify terms, including any combination of payors):
- Continued in attachment 21.
22. The conservatee is disqualified from voting.
23. The conservatee lacks the capacity to give informed consent for medical treatment and the successor conservator of the person is granted the powers specified in Probate Code section 2355.
 The treatment shall be performed by an accredited practitioner of a religion as defined in Probate Code section 2355(b).
24. The successor conservator of the estate is granted authorization under Probate Code section 2590 to exercise independently the powers specified in attachment 24 subject to the conditions provided.
25. Orders relating to the capacity of the conservatee under Probate Code sections 1873 or 1901 as specified in attachment 25 are granted.
26. Orders relating to the powers and duties of the successor conservator of the person under Probate Code sections 2351–2358 as specified in attachment 26 are granted. (Do not include orders under Probate Code section 2356.5 relating to dementia.)
27. Orders relating to the conditions imposed under Probate Code section 2402 on the successor conservator of the estate as specified in attachment 27 are granted.
28. a. The successor conservator of the person is granted authority to place the conservatee in a care or nursing facility described in Probate Code section 2356.5(b).
b. The successor conservator of the person is granted authority to authorize the administration of medications appropriate for the care and treatment of dementia described in Probate Code section 2356.5(c).
29. Other orders as specified in attachment 29 are granted.
30. The probate referee appointed is (name and address):
31. (For limited conservatorship only) Orders relating to the powers and duties of the successor limited conservator of the person under Probate Code section 2351.5 as specified in attachment 31 are granted.
32. (For limited conservatorship only) Orders relating to the powers and duties of the successor limited conservator of the estate under Probate Code section 1830(b) as specified in attachment 32 are granted.
33. (For limited conservatorship only) Orders limiting the civil and legal rights of the limited conservatee as specified in attachment 33 are granted.
34. This order is effective on the date signed date minor attains majority (specify):
35. Number of boxes checked in items 18–34: 7
36. Number of pages attached: 2

Date:

JUDICIAL OFFICER

 SIGNATURE FOLLOWS LAST ATTACHMENT

Conservatorship of the Person of DAVID RECTOR
Case No. 37-2009-00152179-PR-CP-CTL
San Diego Superior Court

Attachment 29 to Order Appointing Probate Conservator of the Person

As Conservator of the Person of David Rector, ROSALIND

ALEXANDER-KASPARIK is ordered as follows:

1. Ms. Alexander-Kasparik shall not change the placement of David Rector without first obtaining an order of this court. Such order may be sought by *ex parte* stipulation if Court-Appointed Counsel Nancy Ewin agrees in advance with the proposed change of placement. This order does not restrict emergency hospitalization or other emergency placement if deemed necessary by Mr. Rector's physicians.

2. Ms. Alexander-Kasparik shall not make substantive changes in the level and type of medical care that Mr. Rector has been receiving at the time of appointment without a court order authorizing such changes in advance pursuant to PC 2357. Such order may be sought by *ex parte* stipulation if Court-Appointed Counsel Nancy Ewin agrees in advance with the proposed changes. This order does not restrict emergency care if deemed necessary by Mr. Rector's physicians.

3. Ms. Alexander-Kasparik shall inform facilities, care providers and medical professionals of any concerns in writing and shall refrain from filing a complaint to a licensing authority until a reasonable time for response has elapsed.

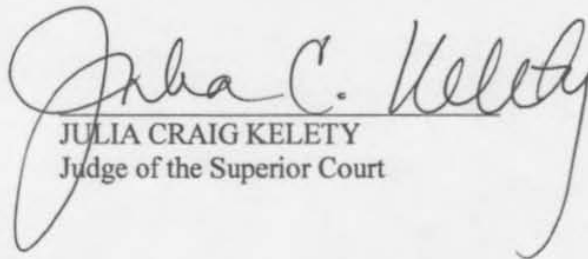
4. Ms. Alexander-Kasparik shall provide brief weekly written summaries of Mr. Rector's status and progress to Andrew Laurie for dissemination to the family members; and she shall provide further specific information to any family member upon reasonable request.

5. Ms. Alexander-Kasparik must follow the requirements of HIPAA and shall otherwise ensure that Mr. Rector's right to medical privacy is preserved.

6. Nothing in this order or in the appointment of Ms. Alexander-Kasparik is intended to negate or affect in any way the rules, policies and directives of any facility, entity or person. Ms. Alexander-Kasparik must continue to comply with the directions, restrictions and policies of the facilities, care providers and medical personnel involved in Mr. Rector's care.

IT IS SO ORDERED.

Date: 2/16/11


JULIA CRAIG KELETY
Judge of the Superior Court