

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): CHRISTOPHER E. OVERGAARD CHRISTOPHER E. OVERGAARD, A LAW CORPORATION SBN 114330 411 North Central Avenue, Suite 510 Glendale, California 91203 TELEPHONE NO.: (818) 545-9881 FAX NO. (Optional): (818) 247-6828 E-MAIL ADDRESS (Optional): ceovergaard@aol.com ATTORNEY FOR (Name): Sylvia Schmidt	FOR COURT USE ONLY FILED LOS ANGELES SUPERIOR COURT DEC 01 2008 JOHN A. ... CLERK BY AMANDA CABALLERO, DEPUTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 300 East Walnut Street MAILING ADDRESS: 300 East Walnut Street CITY AND ZIP CODE: Pasadena, California 91101-1566 BRANCH NAME: NORTHEAST DISTRICT	
CONSERVATORSHIP OF Gertrude Gettinger (Name): (PROPOSED) CONSERVATEE	
PETITION FOR APPOINTMENT OF PROBATE CONSERVATOR OF THE <input type="checkbox"/> Limited Conservatorship <input type="checkbox"/> SUCCESSOR PERSON <input checked="" type="checkbox"/> ESTATE	CASE NUMBER: GP012634 HEARING DATE AND TIME: 1/12 1000 am DEPT.: A

1. Petitioner (name): Sylvia Schmidt

requests that

a. (Name): Sylvia Schmidt
 (Address): 2371 Cumberland Rd.
 San Marino, CA 91108

(Telephone): (626) 395-9737

be appointed successor conservator limited conservator
 of the PERSON of the (proposed) conservatee and Letters issue upon qualification.

b. (Name): Sylvia Schmidt
 (Address): 2371 Cumberland Rd.
 San Marino, CA 91108

(Telephone): (626) 395-9737

be appointed successor conservator limited conservator
 of the ESTATE of the (proposed) conservatee and Letters issue upon qualification.

- c. (1) bond not be required because the proposed successor conservator is a corporate fiduciary or an exempt government agency. for the reasons stated in Attachment 1c.
- (2) bond be fixed at: \$ 83,000.00 to be furnished by an authorized surety company or as otherwise provided by law. (Specify reasons in Attachment 1c if the amount is different from the minimum required by Probate Code section 2320.)
- (3) \$ _____ in deposits in a blocked account be allowed. Receipts will be filed. (Specify institution and location):
- d. orders authorizing independent exercise of powers under Probate Code section 2590 be granted. Granting the proposed successor conservator of the estate powers to be exercised independently under Probate Code section 2590 would be to the advantage and benefit and in the best interest of the conservatorship estate. (Specify orders, powers, and reasons in Attachment 1d.)
- e. orders relating to the capacity of the (proposed) conservatee under Probate Code section 1873 or 1901 be granted. (Specify orders, facts, and reasons in Attachment 1e.)
- f. orders relating to the powers and duties of the proposed successor conservator of the person under Probate Code sections 2351-2358 be granted. (Specify orders, facts, and reasons in Attachment 1f.)
- g. the (proposed) conservatee be adjudged to lack the capacity to give informed consent for medical treatment or healing by prayer and that the proposed successor conservator of the person be granted the powers specified in Probate Code section 2355. (Complete item 9 on page 5.)

Do NOT use this form for a temporary conservatorship.

CONSERVATORSHIP OF (Name): Gertrude Gettinger

CASE NUMBER:

CONSERVATEE

1. h. (for limited conservatorship only) orders relating to the powers and duties of the proposed successor * limited conservator of the person under Probate Code section 2351.5 be granted. (Specify orders, powers, and duties in Attachment 1h and complete item 1j.)
- i. (for limited conservatorship only) orders relating to the powers and duties of the proposed successor * limited conservator of the estate under Probate Code section 1830(b) be granted. (Specify orders, powers, and duties in Attachment 1i and complete item 1j.)
- j. (for limited conservatorship only) orders limiting the civil and legal rights of the (proposed) limited conservatee be granted. (Specify limitations in Attachment 1j.)
- k. orders related to dementia placement or treatment as specified in the Attachment Requesting Special Orders Regarding Dementia (form GC-313) under Probate Code section 2356.5 be granted. A Capacity Declaration—Conservatorship (form GC-335) and Dementia Attachment to Capacity Declaration—Conservatorship (form GC-335A), executed by a licensed physician or by a licensed psychologist acting within the scope of his or her licensure with at least two years experience diagnosing dementia, are filed herewith. will be filed before the hearing. (appointment of successor conservator only) will not be filed because an order relating to dementia placement or treatment was filed on (date): . That order has neither expired by its terms nor been revoked.
- l. other orders be granted. (Specify in Attachment 1l.)

2. (Proposed) conservatee is (name): Gertrude Gettinger
(Present address): Little Company of Mary San Pedro Hospital
1300 W. 7th St.
San Pedro, CA 90732

(Telephone): (310) 832-3311

3. a. Jurisdictional facts (initial appointment only): The proposed conservatee has no conservator in California and is a
- (1) resident of California and
- (a) a resident of this county.
- (b) not a resident of this county, but commencement of the conservatorship in this county is in the best interests of the proposed conservatee. (Specify reasons in Attachment 3a.)
- (2) nonresident of California but
- (a) is temporarily living in this county, or
- (b) has property in this county, or
- (c) commencement of the conservatorship in this county is in the best interests of the proposed conservatee. (Specify reasons in Attachment 3a.)

b. Petitioner

- (1) is is not a creditor or an agent of a creditor of the (proposed) conservatee.
- (2) is is not a debtor or an agent of a debtor of the (proposed) conservatee.

c. Proposed successor conservator is (check all that apply):

- (1) a nominee. (Affix nomination as Attachment 3c.)
- (2) the spouse of the (proposed) conservatee.
- (3) the domestic partner or former domestic partner of the (proposed) conservatee.
- (4) a relative of the (proposed) conservatee as (specify relationship): Daughter
- (5) a bank other entity authorized to conduct the business of a trust company.
- (6) a nonprofit charitable corporation that meets the requirements of Probate Code section 2104.
- (7) a private professional conservator, as defined in Probate Code section 2341, who has filed with the court the information statement required by Probate Code section 2342.
- (8) (a) registered with the Statewide Registry of Private Conservators, Guardians, and Trustees maintained by the California Department of Justice under Probate Code sections 2850–2855. The current registration declaration on file will expire on (date):
- (b) exempt from statewide registration under Probate Code section (specify):
(Explain basis for exemption in Attachment 3c.)
- (9) other (specify):

* See Item 5b on page 3.

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3. d. Petitioner is

- (1) the (proposed) conservatee.
- (2) the spouse of the (proposed) conservatee.
- (3) the domestic partner or former domestic partner of the (proposed) conservatee.
- (4) a relative of the (proposed) conservatee as (specify relationship): Daughter
- (5) a bank other entity authorized to conduct the business of a trust company.
- (6) a state or local public entity, officer, or employee.
- (7) an interested person or friend of the (proposed) conservatee.
- (8) the proposed successor conservator.
- (9) the guardian of the proposed conservatee.

e. Character and estimated value of the property of the estate (complete items (1) or (2) and (3), (4), and (5)):

(1) (For appointment of successor conservator only, where complete Inventory and Appraisal filed by predecessor):
 Personal property: \$ _____, per Inventory and Appraisal filed in this proceeding on
 (specify dates of filing of all inventories and appraisals):

- (2) Estimated value of personal property: \$ 75,000.00
- (3) Annual gross income from
- | | | |
|---------------------------------|----|----------------------------|
| (a) real property: | \$ | 00 |
| (b) personal property: | \$ | 2,000.00 |
| (c) pensions: | \$ | 00 |
| (d) wages: | \$ | 00 |
| (e) public assistance benefits: | \$ | 5,400.00 (Social Security) |
| (f) other: | \$ | 00 |
- (4) Total of (1) or (2) and (3): \$ 82,400.00
- (5) Real property: \$ 1,100,000.00
- (a) per Inventory and Appraisal identified in item (1).
- (b) estimated value.

4. (Proposed) conservatee

a. is is not a patient in or on leave of absence from a state institution under the jurisdiction of the California Department of Mental Health or the California Department of Developmental Services (specify state institution):

b. is receiving or entitled to receive is neither receiving nor entitled to receive benefits from the U.S. Department of Veterans Affairs (estimate amount of monthly benefit payable): \$

c. is is not able to complete an affidavit of voter registration.

5. a. Proposed conservatee (initial appointment of conservator only)

- (1) is an adult.
- (2) will be an adult on the effective date of the order (date):
- (3) is a married minor.
- (4) is a minor whose marriage has been dissolved.

b. Vacancy in office of conservator (appointment of successor conservator only. A petition for appointment of a limited conservator after the death of a predecessor is a petition for initial appointment. (Prob. Code, § 1860.5(a)(1).)

There is a vacancy in the office of conservator of the person estate for the reasons specified in Attachment 5b. specified below.

CONSERVATORSHIP OF (Name): Gertrude Gettinger _____ CONSERVATEE	CASE NUMBER:
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5. c. (Proposed) conservatee requires a conservator and is

(1) unable to properly provide for his or her personal needs for physical health, food, clothing, or shelter.

Supporting facts are specified in Attachment 5c(1) as follows:

(2) substantially unable to manage his or her financial resources or to resist fraud or undue influence.

Supporting facts are specified in Attachment 5c(2) as follows:

The proposed conservatee is incapable of making intelligent and coherent financial decisions. She is confused about her finances, and is substantially unable to understand her bills or the necessity of paying them on a timely basis. The proposed conservatee did not pay the insurance for her apartment building, and Petitioner paid it. The proposed conservatee did not pay her car insurance. She is unable to balance a checkbook, and will need assistance with the preparation and filing of income tax returns.

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5. d. (Proposed) conservatee voluntarily requests the appointment of a successor conservator.
(Specify facts showing good cause in Attachment 5(d).)
- e. Confidential Supplemental Information (form GC-312) is filed with this petition. (Initial appointment of conservator only. All petitioners must file this form except banks and other entities authorized to do business as a trust company.)
- f. (Proposed) conservatee is is not developmentally disabled as defined in Probate Code section 1420. Petitioner is aware of the requirements of Probate Code section 1827.5. (Specify the nature and degree of the alleged disability in Attachment 5f).
6. Petitioner or proposed successor conservator is the spouse of the (proposed) conservatee.
(If this statement is true, you must answer a or b.)
- a. The (proposed) conservatee's spouse is not a party to any action or proceeding against the (proposed) conservatee for legal separation, dissolution of marriage, annulment, or adjudication of nullity of their marriage.
- b. Although the (proposed) conservatee's spouse is a party to an action or proceeding against the (proposed) conservatee for legal separation, dissolution, annulment, or adjudication of nullity of their marriage, or has obtained a judgment in one of these proceedings, it is in the best interest of the (proposed) conservatee that:
- (1) a successor conservator be appointed.
- (2) the spouse be appointed as the successor conservator.
(If you checked item 6b(1) or (2) or both, specify the facts and reasons in Attachment 6b.)
7. Petitioner or proposed successor conservator is the domestic partner or former domestic partner of the (proposed) conservatee. (If this statement is true, you must answer a or b.):
- a. The domestic partner of the (proposed) conservatee has not terminated and does not intend to terminate the domestic partnership.
- b. Although the domestic partner or former domestic partner of the (proposed) conservatee intends to terminate or has terminated the domestic partnership, it is in the best interest of the (proposed) conservatee that:
- (1) a successor conservator be appointed.
- (2) the domestic partner or former domestic partner be appointed as the successor conservator.
(If you checked item 7b(1) or (2) or both, specify the facts and reasons in Attachment 7b.)
8. (Proposed) conservatee (check all that apply):
- a. will attend the hearing AND is the petitioner is not the petitioner AND has has not nominated the proposed successor conservator.
- b. (initial appointment of conservator only): is able but unwilling to attend the hearing AND does does not wish to contest the establishment of a conservatorship, does does not object to the proposed conservator, AND does does not prefer that another person act as conservator.
- c. (initial appointment of conservator only): is unable to attend the hearing because of medical inability. A Capacity Declaration—Conservatorship (form GC-335), executed by a licensed medical practitioner or an accredited religious practitioner is filed with this petition. will be filed before the hearing.
- d. (initial appointment of conservator only): is not the petitioner, is out of state, and will not attend the hearing.
- e. (appointment of successor conservator only): will not attend the hearing.
9. Medical treatment of (proposed) conservatee
- a. There is no form of medical treatment for which the (proposed) conservatee has the capacity to give an informed consent.
- b. A Capacity Declaration—Conservatorship (form GC-335) executed by a licensed physician or by a licensed psychologist acting within the scope of his or her licensure, stating that the (proposed) conservatee lacks the capacity to give informed consent for any form of medical treatment and giving reasons and the factual basis for this conclusion, is filed with this petition. will be filed before the hearing. will not be filed for the reason stated in c.
- c. (appointment of successor conservator only) The conservatee's incapacity to consent to any form of medical treatment was determined by order filed in this matter on (date):
That order has neither expired by its terms nor been revoked.
- d. (Proposed) conservatee is is not an adherent of a religion that relies on prayer alone for healing, as defined in Probate Code section 2355(b).

CONSERVATORSHIP OF (Name): Gertrude Gettinger	CASE NUMBER:
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10. Temporary conservatorship

Filed with this petition is a *Petition for Appointment of Temporary Guardian or Conservator* (form GC-110).

11. (Proposed) conservatee's relatives

The names, residence addresses, and relationships of the spouse or registered domestic partner and the second-degree relatives of the (proposed) conservatee (his or her parents, grandparents, children, grandchildren, and brothers and sisters), so far as known to petitioner, are

- a. listed below.
- b. not known, or none are now living, so the (proposed) conservatee's deemed relatives under Probate Code section 1821(b)(1)-(4) are listed below.

<u>Name and relationship to conservatee</u>	<u>Residence address</u>
(1) No spouse (deceased)	
(2) Sylvia Schmidt (daughter)	2371 Cumberland Rd. San Marino, CA 91108
(3) Robert A. Gettinger (son)	Unknown
(4)	
(5)	
(6)	

Continued on Attachment 11.

12. Confidential conservator screening form

Submitted with this petition is a *Confidential Conservator Screening Form* (form GC-314) completed and signed by the proposed successor conservator. (Required for all proposed conservators except banks and trust companies.)

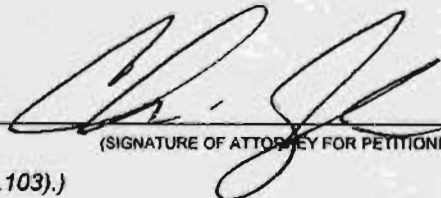
13. Court investigator

Filed with this petition is a proposed *Order Appointing Court Investigator* (form GC-330).

14. Number of pages attached: 2

Date: December 1, 2006

Christopher E. Overgaard
(TYPE OR PRINT NAME OF ATTORNEY FOR PETITIONER)

▶ 
(SIGNATURE OF ATTORNEY FOR PETITIONER)

(All petitioners must also sign (Prob. Code, § 1020; Cal. Rules of Court, rule 7.103).)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 1, 2006

Sylvia Schmidt
(TYPE OR PRINT NAME OF PETITIONER)

▶ 
(SIGNATURE OF PETITIONER)

(TYPE OR PRINT NAME OF PETITIONER)

▶
(SIGNATURE OF PETITIONER)

CONSERVATORSHIP OF (Name): Gertrude Gettinger <div style="text-align: right; margin-top: 10px;">CONSERVATEE</div>	CASE NUMBER:
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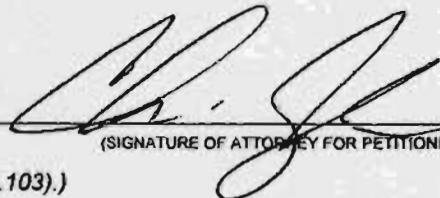
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Decembe 1, 2006

Sylvia Schmidt
(TYPE OR PRINT NAME OF PETITIONER)

▶ 
(SIGNATURE OF PETITIONER)

(TYPE OR PRINT NAME OF PETITIONER)

▶ _____
(SIGNATURE OF PETITIONER)