

1 CHRISTOPHER E. OVERGAARD, SB# 114330
CHRISTOPHER E. OVERGAARD

2 A Law Corporation
3 411 North Central Avenue
4 Suite 510
5 Glendale, California 91203-2020
6 (818) 545-9881; FAX (818) 247-6828

7 Attorney for: Petitioner SYLVIA SCHMIDT

FILED
LOS ANGELES SUPERIOR COURT

DEC 08 2006

JOHN A. CLARKE, CLERK
Amanda M. Caballero
BY AMANDA CABALLERO, DEPUTY

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES

10
11 In Re The Conservatorship of)
12 GERTRUDE GETTINGER,)
13)
14)
15 Conservatee)
16)
17)

Case No GP 012634

**FIRST SUPPLEMENT TO PETITION
FOR APPOINTMENT OF
TEMPORARY CONSERVATOR OF
THE PERSON AND ESTATE**

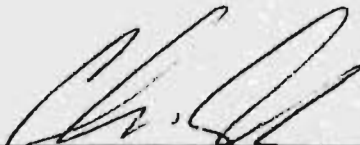
Date: December 8, 2006
Time: 10:00 a.m.
Dept.: A

18 Petitioner, Sylvia Schmidt, submits the following First Supplement to her Petition
19 for Appointment as Temporary Conservator of the Person and Estate of Gertrude
20 Gettinger:

21 1. With respect to Probate Note 1, attached hereto as Exhibit "A" is the Proof of
22 Personal Service on Gertrude Gettinger. I am informed and believe that Christopher
23 Overgaard attempted to serve the conservatorship Notices, Citation, and Petitions on
24 Gertrude Gettinger on December 3, 2006, but that he was unable to personally serve her
25 and gave the documents to Liane Swope, the charge nurse at Little Company of Mary San
26 Pedro Hospital. I spoke with Dr. Lawrence Tucker on December 4, 2006, and he stated
27 that on December 3, 2006 he gave Gertrude Gettinger the conservatorship Petitions,
28 Notices of Hearing, and Citation.

1 2. With regard to Probate Note 3, upon her discharge from Little Company of
2 Mary San Pedro Hospital, Gertrude Gettinger will be placed at Regency Park – Oak Knoll,
3 located at 255 So. Oak Knoll Avenue, Pasadena, California 91101. Regency Park – Oak
4 Knoll is a secured facility for Alzheimer’s and dementia patients.

5
6
7 Dated: December 6, 2006


CHRISTOPHER E. OVERGAARD,
Attorney for Petitioner, Sylvia Schmidt

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23 GERTRUDE NEVER PERSONALLY SERVED BY OVERGAARD
24
25
26
27
28

1 **CHRISTOPHER E. OVERGAARD, SB# 114330**
2 **CHRISTOPHER E. OVERGAARD**
3 **A Law Corporation**
4 411 North Central Avenue
5 Suite 510
6 Glendale, California 91203-2020
7 (818) 545-9881; FAX (818) 247-6828

ORIGINAL FILED

DEC 04 2006
LOS ANGELES
SUPERIOR COURT
NORTHEAST DISTRICT

8 Attorney for: Petitioner SYLVIA SCHMIDT

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES**

11 In Re The Conservatorship of

12 GERTRUDE GETTINGER,

13
14 Conservatee

Case No GP 012634

15 **PROOF OF PERSONAL**
16 **SERVICE**

Date: December 8, 2006
Time: 10:00 a.m.
Dept.: A

17 I, Christopher E. Overgaard, declare as follows:

18 1. On December 3, 2006, at approximately 9:00 a.m., I was present at the Little
19 Company of Mary San Pedro Hospital, where Gertrude Gettinger is a patient in the locked
20 psychiatric unit. I spoke with the charge nurse, Liane Swope, and explained that I was
21 present to serve conservatorship documents on Gertrude Gettinger. Ms. Swope stated that
22 no one was allowed to see Gertrude Gettinger without the consent of her doctor. I
23 explained to Ms. Swope that one of the requirements for a conservatorship was that certain
24 conservatorship documents be personally served on the proposed conservatee. Ms. Swope
25 still refused to allow me to see Gertrude Gettinger. Ms. Swope stated that Ms. Gettinger's
26 doctor, Lawrence Tucker, M.D., would be present in the afternoon. I gave Ms. Swope the
27 Citation, Conservatorship Petitions, and Notices of Hearing, and asked her to either give
28 them to Gertrude Gettinger, or to give them to Dr. Tucker and to ask him to give them to

1 Ms. Gettinger. Ms. Swope stated that she would give the documents to Dr. Tucker and ask
2 him to give them to Ms. Gettinger. I gave the following documents to Liane Swope:

- 3 (a) Citation for Conservatorship.
- 4 (b) Petition for Appointment of Temporary Conservator.
- 5 (c) Petition for Appointment of Probate Conservator of the Person and
6 Estate.
- 7 (d) Notice of Hearing on Petition for Appointment of Temporary
8 Conservator.
- 9 (e) Notice of Hearing on Petition for Appointment of Probate Conservator
10 of the Person and Estate.

11 A true and correct copy of the Notice of Hearing on the Temporary Conservatorship
12 which I gave to Liane Swope is attached hereto as Exhibit "A." A true and correct copy of
13 the Notice of Hearing on the Petition for Appointment of Probate Conservator of the
14 Person and Estate which I gave to Liane Swope is attached hereto as Exhibit "B."

15 I declare under penalty of perjury under the laws of the State of California that the
16 foregoing is true and correct, and that this document was executed on December 4, 2006,
17 at Glendale, California.

18
19
20 
CHRISTOPHERE. OVERGAARD

NARRATIVE OF ATTORNEY SERVICES

I, Christopher E. Overgaard, declare as follows:

1. This narrative of attorney services is made pursuant to California Rules of Court, Rules 7.751 and 7.702.

2. I am the attorney for Sylvia Schmidt, conservator of the person and estate of Gertrude Gettinger, and the following is a summary of the attorney services I have performed.

3. I conferred with Sylvia Schmidt regarding the necessity of a conservatorship for Gertrude Gettinger, the alternatives to a conservatorship, and the status of Gertrude Gettinger's assets. I also discussed with Sylvia Schmidt the relatives of Gertrude Gettinger, through and including the third degree relatives.

4. I prepared the Petition for Appointment of Temporary Conservator of the Person and Estate, Petition for Appointment of Conservator of the Person and Estate, Confidential Supplemental Information Form, Confidential Conservator Screening Form, Form E-319, Citation, Order Appointing Court Investigator, Probate Case Cover Sheet, Letters of Temporary Conservatorship, Letters of Conservatorship, and Duties of Conservator. I had several conversations with Sylvia Schmidt regarding the necessity for locked placement and administration of dementia medications. I spoke with Dr. Tucker regarding the necessity for medical consent power, and dementia powers.

5. I conferred on several occasions with Violet Boskovich, the court-appointed counsel for Gertrude Gettinger. We discussed the necessity for a temporary conservator, general conservator, powers regarding medical consent, administration of dementia medication, and locked or secured placement.

6. I appeared at the hearing on appointment of temporary conservator, and had Violet Boskovich approve the Order Appointing Temporary Conservator. I walked through the Order Appointing Temporary Conservator on the day of the hearing on the temporary conservatorship, and obtained a signed copy of the Order Appointing

Temporary Conservator, and certified copies of Letters of Temporary Conservatorship. In conjunction with the Letters of Temporary Conservatorship I arranged for the bond documents to be drafted and executed.

7. I provided Sylvia Schmidt with the Handbook for Conservators, and personally reviewed the situation of the conservatee and drafted a letter to the conservator regarding her duties and responsibilities as conservator. Prior to the hearing on the permanent conservatorship, I drafted supplements to the Petition for Appointment of Conservator, and conferred with Violet Boskovich regarding the Order Appointing Probate Conservator. I appeared at the hearing on the appointment of general conservator of the person and estate, and had Violet Boskovich sign the Order Appointing Conservator. I drafted, filed and served the Order Appointing Conservator, and had Letters of Conservatorship issued.

8. I conferred with the conservator regarding the placement of the conservatee, and issues regarding her medication. I checked an internet search site to locate the conservatee's son, Robert Gettinger, and when that was unsuccessful I spoke by phone with investigator Michael Jay to assist with locating Robert Gettinger. Michael Jay was unable to locate any current address for Robert Gettinger, and the last address for Robert Gettinger was stated as 1259 Bronson Avenue, Los Angeles, California, which was the address for Gertrude Gettinger and not the address for Robert Gettinger. According to Michael Jay, the last address shown for Robert Gettinger was in 2001. Michael Jay was able to provide a social security number for Robert Gettinger, but stated that Robert Gettinger may be using a different name.

9. I reviewed documents from Sylvia Schmidt regarding the assets of the conservatee, drafted the Inventory and Appraisal, and filed the Inventory and Appraisal with the court.

10. After it became apparent that the conservatee could not continue to reside in her personal residence, I reviewed the new Code sections regarding the Care Plan for the

Claimed to hire private investigator

