

In the Marion County Superior Court

Cause No. 49D08-0611-GU- _____

IN THE MATTER OF THE GUARDIANSHIP OF)
DOROTHY MAY HORN.)
AN ADULT.)

PENNY BRIEL'S VERIFIED PETITION FOR APPOINTMENT OF TEMPORARY AND PERMANENT GUARDIAN OVER THE PERSON AND ESTATE OF INCAPACITATED PERSON

Comes now Penny A. Briel and petitions the Court as follows:

1. The petitioner is an adult who lives in Indianapolis, Indiana, and the daughter of the alleged incapacitated person.
2. A report from Dorothy Horn's physician, Dr. Linda L. Stropes, is attached.
3. The alleged incapacitated person is elderly and presently resides with the petitioner, at 7651 Oak Grove Drive, Indianapolis, IN 46259. Ms. Horn is suffering from frailty and significant deterioration in cognitive functioning. Pursuant to Indiana Code 29-3-1-7.5, she is an incapacitated person in that she cannot manage her property or provide self care due to infirmity, and mental deficiency. She has recently expressed a desire to withdraw \$40,000 from a bank account to purchase Christmas presents. She has also expressed an interest in spending another \$150,000 for Christmas presents after she receives a check for that amount (which will actually be \$80,000) for her husband's share of a business.

4. The need exists for the appointment of a temporary and permanent guardian in order to protect the assets of the alleged incapacitated person, and to arrange for her continued care.

5. The petitioner does not seek any limitations on her guardianship appointment.

6. There is no guardian of the person or estate appointed for the alleged incapacitated person in this state or in any other state, and no proceedings pending.

7. The names and addresses of the persons most closely related by blood or marriage to the alleged incapacitated person are as follows:

Penny A. Briel
7651 Oak Grove Drive
Indianapolis, IN 46259

Dixie Wilson
506 Lockridge Lane
Lawrenceville, GA 30044

8. The petitioner is interested in this appointment because she is a family member and the respondent lives with her. The petitioner can make the necessary day to day decisions concerning Dorothy's personal needs, and she is qualified to account to the court so as to insure property is used for her care.

9. The name and address of the attorney representing said guardian is:

Mr. Curtis E. Shirley (#15845-49)
Ms. Molly C. Johnson (#24251-21)
156 East Market Street, Suite 600
Indianapolis, IN 46204
(317) 685-6512
(317) 685-6505 (facsimile)
email: curtis@shirleylaw.net
URL: www.shirleylaw.net

WHEREFORE, your petitioner prays the Court to enter an order:

1. Finding that Ms. Horm is incapacitated and in need of a temporary and permanent guardian over her person and estate.

2. Finding that Ms. Briel is a suitable person to be appointed temporary and permanent guardian of the person and estate of Ms. Horn.

3. Setting a hearing on the appointment of a permanent guardian at the Court's earliest convenience.

I affirm, under the penalties for perjury, that the foregoing representations are true, this November 22, 2006.

Penny A. Briel

In the Marion County Superior Court

Cause No. 49D08-0611-GU- _____

IN THE MATTER OF THE GUARDIANSHIP OF)
DOROTHY MAY HORN.)
AN ADULT.)

**ORDER APPOINTING TEMPORARY GUARDIAN OVER THE PERSON
AND ESTATE OF DOROTHY MAY HORN**

Comes now Penny A. Briel who has filed her verified Petition for the Appointment of a Temporary Guardian over the person and estate of Dorothy May Horn, which Petition is on file with the court and is part of the court’s records.

And the court, having examined said petition and the petitioner having appeared in person, hearing evidence thereon, and being fully advised in the premises, now finds that the allegations contained in said petition are true and that a temporary guardian of the person and estate should be appointed.

The Court finds that a guardian has not previously been appointed for Dorothy Horn; that an emergency exists; that the assets of Dorothy Horn require immediate action and that immediate and irreparable harm may result before notice and a hearing can be held.

IT IS THEREFORE ORDERED, ADJUGED AND DECREED by the Court that:

1. Penny A. Briel is appointed as Temporary Guardian of Dorothy Mae Horn for a period not to exceed sixty (60) days from the date of this Order;
2. That the Temporary Guardian shall serve as guardian over his person and estate upon taking an oath.

3. That the Clerk shall issue Letters of Temporary Guardianship to Dorothy May Horn upon due qualification which Letters shall show that the Temporary Guardian's powers shall not exceed sixty (60) days.

4. That the Court sets a hearing on the petition for permanent guardianship for

IT IS SO ORDERED, this November 22, 2006.

Judge Marion Superior Court
Probate Division

DISTRIBUTION:

Dorothy May Horn
7651 Oak Grove Drive
Indianapolis, IN 46259

Penny A. Briel
7651 Oak Grove Drive
Indianapolis, IN 46259

Dixie Wilson
506 Lockridge Lane
Lawrenceville, GA 30044

Dorothy May Horn may attend the hearing and be represented by an attorney. The petition may be heard and determined in the absence of Dorothy May Horn if the Court determines that the presence of Dorothy May Horn is not required. If Dorothy May Horn attends the hearing, opposes the petition, and is not represented by an attorney, the Court may appoint an attorney to represent the alleged incapacitated person. The Court may, where required, appoint a guardian ad litem to represent Dorothy May Horn at the hearing.

The Court may, on its own motion or on request of any interested person, postpone the hearing to another date and time.

Dated this November 22, 2006.

Clerk of the Marion Superior Court
Probate Division

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Dated this November 22, 2006.

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Probate Division