

COCHISE COUNTY SAMPLE INVESTIGATOR REPORT NO 2

**IN THE SUPERIOR COURT OF ARIZONA,
COUNTY OF COCHISE**

In the Matter of the
Conservatorship of:

██████████

An Adult Protected Person

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Case No. ██████████

REPORT OF COURT
INVESTIGATOR

Judge ██████████

Gene Manring, having been appointed Court Investigator herein on October 10, 1995, submits the following report based on a review of various financial records and interview with ██████████, Proposed Protected Person; ██████████, son and petitioner; ██████████, son and ██████████, friend and part time employee. ██████████ was interviewed in her residence ██████████. The other individuals were interviewed by telephone.

I. SOCIAL HISTORY AND RELEVANT INFORMATION

██████████ is a seventy-eight year old woman (Born February 11, 1917) who lives alone at ██████████. She worked for the Federal Aviation Agency in Oklahoma City, Oklahoma for 15 years and received a medical retirement based on a respiratory problem. She moved to Arizona for her health in 1967 and invested in a real estate business in Tombstone, Arizona. ██████████ moved to Tombstone from Oklahoma City later and joined her in the real estate business. They later divorced and ██████████ married ██████████, now deceased. She now lives by herself. She retired from the real estate business and sold out to ██████████ in 1991. The business retained the name of

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[REDACTED]. She has two sons, [REDACTED] (47 years old) who lives in Fort Lauderdale, Florida and [REDACTED] (45 years old) who lives in Dansville, Georgia. The family became concerned over her loss of memory and wanted to take action to help their mother. [REDACTED], the eldest son petitioned the court for appointment as conservator of her estate.

INTERVIEW WITH [REDACTED], PROPOSED PROTECTED PERSON

I interviewed [REDACTED] at her home, [REDACTED], Tombstone, Arizona. I explained the definition of conservatorship and my purpose for the interview. She said she understood what conservatorship meant but did not want anyone appointed. The home is well maintained with many antique pieces of furniture and collector items placed throughout the house. She lives alone and is able to take care of her own needs. She appears to be well nourished and well groomed. She appears to be physically healthy. She uses an inhaler for her respiratory problem. She has a lady come to the house to help her with some housekeeping and help with the checking account and bills. She said she writes all the checks for payment of bills and maintains a checking account but her eyesight is getting bad and wants someone to double check her figures. She acknowledged that she forgets where she put things and who she talks to but "I don't forget when it comes to money." She said her son [REDACTED] told her that he was going to declare her incompetent after an evaluation at the Cleveland Clinic Florida in Fort Lauderdale, Florida. When she returned to Tombstone, she cried for two days wondering why he was doing it. She said that the person who bought the real estate business from her in 1991, leased her property, fell behind in rent but did eventually pay. She talked about her real estate holdings which include 3 rental

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parcels (Totals about \$1250.00 per month), her home and 5 vacant parcels of land. All the property is free and clear of any mortgage or liens. Her other monthly income is Social Security \$652.00, Federal Aviation Agency Retirement \$800.00 and \$191.00 from [REDACTED] entitlement. She said I've worked hard and established a very respected business as [REDACTED] in Tombstone. She said all her problems started because [REDACTED] who used to work for her called her son [REDACTED] to tell him everything about her business and activities.

INTERVIEW WITH [REDACTED], FRIEND AND PART TIME EMPLOYEE

[REDACTED] lives at [REDACTED], Tombstone, Arizona. She has known [REDACTED] for about 4 years and became acquainted as a business neighbor. She now assists [REDACTED] with her house and bookkeeping on a part time basis. She said she contacts [REDACTED] on a daily basis, but [REDACTED] is a very private lady especially with bills and money. She knows where her money is going and is capable of spending money and paying bills but sometimes misplaces the bill when it arrives and it becomes delinquent. She will not give money away. She has never overdrawn her bank account. She thinks [REDACTED] needs someone to work for her on a more routine basis to help with the house and daily needs. Even though she manages very well, she forgets where she put things. She should not drive her vehicle because of failing eye-sight and short term memory loss such as where the car is parked. She said that [REDACTED] is a very companionate, gentle and nice lady who likes to take care of her own needs. She said the biggest problem for [REDACTED] is controlling the real estate investments. When the rents are due, she does not enforce payment and as a result [REDACTED] who purchased

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[REDACTED] still owes her \$11,000.000 for rent, \$1000.00 for sign rental and \$2000.00 on a promissory note for a private loan. [REDACTED] needs someone to manage her investments.

INTERVIEW WITH [REDACTED]

I interviewed [REDACTED] by telephone. I introduced myself and explained the definition of conservatorship. He understood and indicated that his mother needed [REDACTED] appointed to help her because of memory loss. He said he has noticed a big difference in his mother's memory especially in the last few months. She would call his family and talk to them for extended periods of time and she could not remember talking to them. He is very concerned about her receiving necessary care and protecting her financial investments. He knows that she does not want a conservator appointed, but based on her mental condition, he feels that it should be done now. He said [REDACTED] would do nothing to hurt his mother and the appointment of a conservator was necessary.

INTERVIEW WITH [REDACTED], ELDEST SON AND PETITIONER

I interviewed [REDACTED] by telephone. I introduced myself and explained to him the definition of conservatorship. He understood the responsibilities of conservatorship and indicated the appointment was about two years too late. He said that he and [REDACTED] (his brother) had discussed many options for the future care of their mother and that the petition for conservatorship was the last resort. He is concerned that the State might take action if the family did not. He has the best interests of his mother at heart and would do nothing to hurt her. He heard that she loaned \$25,000 to someone by verbal agreement. He also said that bills due at an apartment he owns in Tombstone that she was to

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pay were not paid. He feels very strongly that the only solution is to be appointed as conservator so he can protect her assets. He definitely feels that due to the Alzheimer diagnosis on his mother that the condition will only get worse and he has already waited too long.

OBSERVATIONS AND RECOMMENDATIONS

[REDACTED] presents herself very well when interviewed. She lives alone in a nice, well maintained home, takes care of her own personal needs and pays her bills and maintains a checking account with assistance. She has a definite short term memory loss which is identified when you talk to her over a period of time. I spent about two hours with the interview and some of the information that I gave to her, she forgot and I had to give her the information again. She seems to be very upset over the petition to have her declared incompetent. She continually stated that she did not know why [REDACTED] was doing this to her. Her long term memory is excellent. She can give dates, time, places and events that have happened to her in her lifetime. She still likes to maintain control over her money. Her income is adequate to support her needs as long as she can remain in her home. Possibly a plan can be designed to allow her to maintain sufficient money under her control to pay her bills, provide her personal needs and maintain her residence. All other income and assets could be managed by the conservator. [REDACTED] has good communicative ability, good eye contact and is very convincing about her abilities to manage her finances. She seems to know and understand her financial status. The expressed wishes of the proposed protected person is to maintain her own independence. Some compromise should allow this to happen.

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IT IS RECOMMENDED THAT THE PETITION FOR CONSERVATORSHIP BE LIMITED TO ALLOW [REDACTED] TO CONTROL PART OF HER MONEY AND HER RESIDENCE WITHOUT THE CONSENT OR SUPERVISION OF THE CONSERVATOR. RECOMMEND APPROVAL OF [REDACTED] AS CONSERVATOR FOR ALL INCOME PROPERTY AND MONIES IN EXCESS OF HER PERSONAL NEEDS.

II. APPROPRIATENESS OF PETITIONER AND PETITIONER'S PLAN

Her eldest son [REDACTED] is the most suitable and proper person to serve as conservator. He has the best interests of his mother at heart and would do nothing to hurt her. [REDACTED] endorses the appointment of [REDACTED] as conservator for their mother.

RESPECTFULLY SUBMITTED THIS 9TH DAY OF NOVEMBER 1995.

GENE MANRING, COURT INVESTIGATOR

cc. [REDACTED], Attorney for [REDACTED] Petitioner

[REDACTED], Attorney for [REDACTED], Proposed Protected Person