

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
PROBATE/MENTAL HEALTH DIVISION
FOURTH JUDICIAL DISTRICT

Court File No. 27-GC-PR-09-77

In Re: Guardianship of:

Adrian Wesley,

Respondent.

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

I, Grant R. J. Lindquist, being first duly sworn on oath, state that on October 6, 2021, at Minneapolis, MN, I mailed a copy of the attached Order for Hearing and Notice of Rights, and Amended Petition for Appointment of Successor Guardian; to each person or entity named below by mailing a copy in a sealed envelope, postage prepaid, with the U.S. Postal Service as follows:

NAME & MAILING ADDRESS

Alonzo Wesley
5301 France Ave. N.
Brooklyn Center, MN 55429

Adrianna Wesley
1400 Hillsboro Ave. N.
Minneapolis, MN 55427

Jonna Simonson
Aging and Disability Services
A-1500 Government Center
300 South Sixth Street
Minneapolis, MN 55487

Open Roads, LLC
P.O. Box 20499
Bloomington, MN 55420

Michelle Dick
Minnesota Department of Human Services
100 Freeman Drive, Maple Unit
St. Peter, MN 56082

Administrator
Minnesota Security Hospital
100 Freeman Drive
St. Peter, MN 56082

I declare under penalty of perjury that everything I have stated in this document is true and correct.

Dated: October 6, 2021



Grant R. J. Lindquist

MINNESOTA
JUDICIAL
BRANCH

STATE OF MINNESOTA
COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT
DISTRICT COURT
PROBATE DIVISION

Court File No. 27-GC-PR-09-77

In re: Guardianship of and
Conservatorship of
Adrian Wesley.

ORDER FOR HEARING
AND NOTICE OF RIGHTS
SUCCESSOR

The petition of Grant Lindquist, as court appointed attorney for Adrian Wesley (Petitioner(s)) has been filed requesting appointment of "to be determined" (Proposed Successor Guardian(s)) as guardian of the (person) and (Proposed Conservator(s)) of the (estate) of Adrian Wesley (Respondent). A copy of the petition is attached. If the petition is granted, the proposed ward/protected person will be found unable to manage his/her (personal) and (financial) affairs and the proposed guardian/conservator or some other suitable and competent person(s) will be appointed guardian(s)/conservator(s).

Some or all of the Respondent's rights may be given to the guardian/conservator, including the right to manage and control money and other property, and make contracts and determine where the proposed ward shall live. The Court will also make a determination of the proposed ward's capacity to vote, and may remove this right. The proposed ward could petition the Court for restoration of this right and/or any other right removed by the Court. Appointment of a guardian/conservator is not evidence of incompetence.

If a Guardian is appointed by the Court, some or all of the Respondent's rights may be given to the Guardian, including the right to make contracts if there is no conservator of the estate, and to determine where the ward shall live. The Court will also make a determination of the Respondent's capacity to vote, and may remove this right. The Person Subject to Guardianship may subsequently petition the Court for restoration of this right and/or any other right removed by the Court. Appointment of a Guardian is not evidence of incompetence.

The Respondent has a right to attend the hearing, which will be held by telephone or other electronic means, to be represented by an attorney, to oppose the petition and to present evidence. The Respondent must attend the hearing (which will be heard by telephone or other electronic means) unless excused by the Court. If the Respondent does not wish to have a guardian or conservator, the Respondent should attend the hearing, which will be held by telephone or other electronic means. The Court must appoint an attorney to represent the Respondent unless one is hired by the Respondent, provided by another, or unless the right to representation by an attorney is specifically waived in writing by the Respondent in his/her meeting the Court Visitor. If the Respondent has no funds to pay an attorney, the County will pay reasonable attorney's fees.

NOW THEREFORE, IT IS ORDERED that due to the COVID-19 pandemic and pursuant to Minnesota Supreme Court Order ADM20-8001, a hearing on the petition for guardianship/conservatorship of Adrian Wesley will be held by telephone or other remote means at 3:30 p.m. on October 21st, 2021. The court will notify the petitioner (or the petitioner's attorney, if

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applicable). the proposed guardian/conservator and the Respondent's attorney with further information regarding remotely attending this hearing at least two business days prior.

If you are not the petitioner (or the petitioner's attorney, if applicable), the proposed guardian/conservator, the Respondent or the Respondent's attorney and wish to appear at the hearing to object, please contact the court by phone at (612) 348-6000 by 4:30 p.m. on October 20th, 2021 so that arrangements can be made for you to appear by telephone or other remote means.

Additionally, **if you object to the relief sought, you must file a written objection with the court administrator by 4:30 p.m. on October 20th, 2021.** Objections can be mailed with the applicable filing fee to: Hennepin County District Court – Probate/Mental Health Division, 300 South Sixth Street – C4 Govt Ctr., Minneapolis, MN 55487-0340, electronically filed in the electronic filing system or email your Objection as a PDF attachment to HennepinCountyProbateCourt@courts.state.mn.us.

IT IS FURTHER ORDERED that the Respondent be personally served with a copy of this Order for Hearing and Notice of Rights and a copy of the Petition by the petitioner at least fourteen days prior to the deadline for objection stated above; and

IT IS FURTHER ORDERED that notice by mail postmarked not less than fourteen days prior to the deadline for objection stated above be given to the Respondent's spouse, if any; and his/her parents, adult children, brothers and sisters, and if none of these are alive or can be located, then to the Respondent's nearest next of kin; and the administrative head of any hospital or other institution in which the Respondent is a resident or patient. Included with notice shall be a copy of the petition.

If the Respondent is a patient, resident, or client of any hospital, nursing home, home care agency, or other institution, the institution must advise the court of the existence, if known, of a health care directive, as defined in section 145C.01, executed by the Respondent's, a living will executed under section 145B, or any other similar document executed in another state and enforceable under the laws of this state.



Judge of District Court

9/15/2021

Date

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
PROBATE/MENTAL HEALTH DIVISION
FOURTH JUDICIAL DISTRICT

Court File No.: 27-GC-PR-09-77

In Re: Guardianship of the Person of:

Adrian Wesley,

Person Subject to Guardianship.

**AMENDED PETITION FOR APPOINTMENT
OF SUCCESSOR GUARDIAN UNLIMITED IN
POWER AND DURATION AND DISCHARGING
CURRENT GUARDIAN**

TO THE HONORABLE JUDGE OF THE ABOVE-NAMED COURT:

1. The Petitioner, Grant Lindquist, is interested in this matter as the court-appointed attorney for the Person Subject to Guardianship. The Petitioner's address is 3960 Minnehaha Avenue, Minneapolis, MN and phone number is 763-533-5337.
2. The Person Subject to Guardianship resides at Minnesota Security Hospital; 100 Freeman Drive, St. Peter, MN 56082 and phone number is (507) 985-2000. The Person Subject to Guardianship is 30 years of age, having been born on March 15, 1991.

If the petition is granted, the Person Subject to Guardianship will not be moved.

3. The names and addresses of the Person Subject to Guardianship's spouse and kindred are:
 - a) Spouse (include an adult with whom Person Subject to Guardianship has resided for six months or more): None
 - b) Kin (adult children and step-children of a living spouse; if none, list parents and adult brothers and sisters; and if none of these, then list the next kin of the Person Subject to Guardianship. See Minn. Stat. § 524.5-102, subd. 7(iv)):

Parent/Guardian (requesting discharge)	Alonzo Wesley	5301 France Ave. N. Brooklyn Center, MN 55429
Brother	Nathaniel Wesley	address unknown
Brother	Darius Combs	address unknown
Sister	Lacresha Wesley	address unknown
Sister	Adrianna Wesley	1400 Hillsboro Ave. N Minneapolis, MN 55427
Brother	Preston Wesley	address unknown

- | | | |
|--------------------------------------|------------------------------|--|
| Brother | Rapheal Wesley | address unknown |
| Sister | Raquel Wesley | address unknown |
| Sister | Destiny Richmond | address unknown |
| Case Manager | Jonna Simonson | Aging and Disability Services
A-1500 Government Center
300 South Sixth Street
Minneapolis, MN 55487 |
| Proposed Successor
Guardian | Open Roads, LLC | P.O. Box 20499
Bloomington, MN 55420 |
| Facility Social Worker/
Therapist | Michelle Dick,
MSW, LICSW | Minnesota Department of Human
Services
100 Freeman Drive, Maple Unit
St. Peter, MN 56082 |
- c) Administrator (if Person Subject to Guardianship is in a hospital, VA, unit, nursing home, home care agency or other institution):
- Minnesota Security Hospital
100 Freeman Drive
St. Peter, MN 56082
- d) Legal Representative (guardian/conservator, representative payee, trustee or custodian of property):
- Alonzo Wesley (guardian)
- e) Persons nominated, proposed, or confirmed by prior order, as guardian (file applicable document with petition including a prior order, health care directive or related document):
- None

4. A Guardian of the Person Subject to Guardianship's person should be appointed because:

- a) The Person Subject to Guardianship is an incapacitated person in that Person Subject to Guardianship lacks sufficient understanding or capacity to make personal decisions, and is unable to meet their personal needs:

He has been diagnosed with paranoid schizophrenia, fetal alcohol affect, ADD, profound deafness, oppositional defiant disorder, and anxiety disorder. He is profoundly developmentally delayed.

- b) The Person Subject to Guardianship has demonstrated behavioral deficits evidencing an inability to meet Person Subject to Guardianship's needs for medical care,

nutrition, clothing, shelter, and/or safety, even with appropriate technological and supported decision-making assistance:

He has been under guardianship since 2009. He has also been under civil commitment since 2017, and is currently at the Minnesota Security Hospital in St. Peter, Minnesota. Continued Guardianship is necessary to ensure that the Person Subject to Guardianship's personal, medical, and shelter needs are met on an ongoing basis. The current guardian, who is the Person Subject to Guardianship's adoptive parent, has requested to be replaced with a successor guardian due to her deteriorating health and inability to continue to serve as guardian. The Court has appointed Petitioner to assist the Person Subject to Guardianship in finding an appropriate successor guardian.

- c) restrictive means have been attempted and considered, but are not sufficient to meet the Person Subject to Guardianship's identified needs. The description of what has been attempted and considered, how long such less restrictive means have been attempted but not have been sufficient to meet Person Subject to Guardianship's needs are listed below:

Less restrictive options are not appropriate given his needs and the gravity of his deficits and need for supervision.

5. The following powers are needed for a Guardian to protect and supervise the person of the Person Subject to Guardianship:

Have custody of the Person Subject to Guardianship and establish the place of abode of the Person Subject to Guardianship within or without the State, Minn. Stat. § 524.5-313(c)(1);

Provide for the care, comfort, and maintenance needs of the Person Subject to Guardianship, Minn. Stat. § 524.5-313(c)(2);

Take reasonable care of the clothing, furniture, vehicles, and other personal effects of the Person Subject to Guardianship, Minn. Stat. § 524.5-313(c)(3);

Give any necessary consent to enable or to withhold consent for the Person Subject to Guardianship to receive necessary medical or other professional care, counsel, treatment or service, Minn. Stat. § 524.5-313(c)(4);

Approve or withhold approval of any contract, except for necessities, which the Person Subject to Guardianship may make or wish to make, Minn. Stat. § 524.5-313(c)(5);

Exercise supervisory authority over the Person Subject to Guardianship, Minn. Stat. § 524.5-313(c)(6);

Apply on behalf of the Person Subject to Guardianship for any assistance, services, or benefits available to the Person Subject to Guardianship through any unit of government, Minn. Stat. § 524.5-313(c)(7);

Establish an Achieving a Better Life Experience Act of 2014 account under section 529A of the Internal Revenue Code (known as an ABLE account) for the Person Subject to Guardianship, Minn. Stat. § 524.5-313(c)(9);

Institute suit on behalf of the Person Subject to Guardianship and represent the Person Subject to Guardianship in expungement proceedings, harassment proceedings, and all civil court proceedings, including but not limited to restraining orders, orders for protection, name changes, conciliation court, housing court, family court, probate court, and juvenile court, provided that the Successor Guardian may not settle or compromise any claim or debt owed to the Person Subject to Guardianship without court approval, Minn. Stat. § 524.5- 313(c)(10);

and to exercise all other powers, duties, and responsibilities conferred on the Successor Guardian under applicable law.

A guardianship limited in power is not appropriate because the Person Subject to Guardianship's impairments and lack of insight render the Person Subject to Guardianship unable to make responsible decisions involving health, safety and well-being.

6. The probable value and the general character of the assets of the Person Subject to Guardianship are:

Homestead:	<u>\$None</u>
Other Real Estate:	<u>\$None</u>
Money:	<u>\$Nominal</u>
Investments:	<u>\$None</u>
Personal Property:	<u>\$Nominal</u>
Other:	<u>\$None</u>
TOTAL:	<u>\$Nominal</u>

7. The probable amount of the debts of the Person Subject to Guardianship is \$None.
8. The Person Subject to Guardianship is in a patient of a State Hospital for persons with mental illness; is not a person with developmental disabilities or dependent and neglected ward of the Commissioner of Human Services; and is not under the temporary custody of the Commissioner of Human Service.
9. The name, age, address, and phone number of the proposed Successor Guardian is:

Open Roads, LLC
PO Box 20499
Bloomington, MN 55420
dhorsman.guardian@gmail.com
952-594-0223

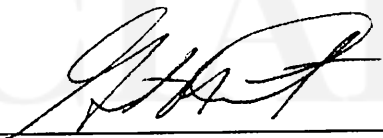
and the proposed Successor Guardian was nominated by Person Subject to Guardianship.

10. The proposed Successor Guardian anticipates charging the county IFP rate for services rendered, or if the case does not qualify for IFP status, the proposed guardian anticipates charging \$30 per hour for services rendered. The proposed guardian is a professional guardian; has never been removed for cause from serving as a guardian or conservator; does not hold a professional license; has not been found civilly liable in an action involving fraud, misrepresentation, material omission, misappropriation, theft or conversion; has not filed for nor received protection under the bankruptcy laws in the last five years; does not have any outstanding civil monetary judgments; has not had an order for protection or harassment restraining order issued; and has never been convicted of a gross misdemeanor or felony.
11. The proposed Successor Guardian is the most suitable and best qualified among those available and willing to discharge the trust and is not excluded from appointment pursuant to Minn. Stat. § 524.5-309(c). The proposed Successor Guardian is a professional who has been appointed by the court in other matters.
12. The Respondent did retain the right to vote in the 2009 order appointing guardian. Nothing has changed in that regard.
13. Pursuant to Minnesota Statute Section 524.5-310(e), Petitioner requests a guardianship for an indefinite period of time.

WHEREFORE, your petitioner respectfully requests the Court schedule a time and place for hearing this petition and, after the hearing, an order discharging Alonzo Wesley as current guardian and appointing Open Roads, LLC as Successor Guardian of the person of Adrian Wesley, with the powers and duties described in allegations numbered 5 above for an indefinite period of time.

FURTHER, under penalties for perjury for deliberate falsification therein, I declare or affirm that I have read the foregoing petition and, to the best of my knowledge or information, its representations are true, correct and complete.

Dated: October 6, 2021


Grant R. J. Lindquist, for Adrian Wesley
Petitioner

Attorney for Person Subject to Guardianship
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Minneapolis, MN 55406
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