

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, Jake E. Randall, being first duly sworn on oath, state that on November 4, 2021, at Minneapolis, MN, I mailed a copy of the attached Notice of Entry of Order and Right to Repeal and Order Appointing Successor Guardian and Discharging Current 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

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

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

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

Jonna Simonson, LICSW
Senior Psychiatric Social Worker
Hennepin Forensic Case Management
A1400 Hennepin County Government Center
300 South Sixth Street
Minneapolis, MN 55487-0140

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: 11/4/2021



Jake E. Randall

MINNESOTA
JUDICIAL
BRANCH

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
PROBATE DIVISION
FOURTH JUDICIAL DISTRICT

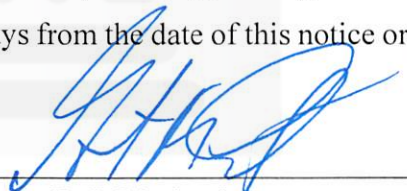
Court File No.: 27-GC-PR-09-77

**In Re: Guardianship of Adrian Wesley,
Person Subject to Guardianship**

**NOTICE OF ENTRY OF ORDER
AND RIGHT TO APPEAL**

To: Adrian Wesley, Person Subject to Guardianship, and his attorney, Grant R. J. Lindquist;
Enclosed is a copy of a Court Order dated November 1, 2021, appointing a Guardian for you.
You have a right to appeal the Order within 60 days from the date of this notice or any other period
that may be allowed under the Minnesota Law.

Dated: 11/4/21



Grant R.J. Lindquist

Attorney for Person Subject to Guardianship
DAVID M. JACOBS, P.A.
3960 Minnehaha Avenue
Minneapolis, MN 55406
Telephone: (763) 533-5337
Fax: (612) 722-3109
glindquist@mrwill.com

cc: Interested Persons

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,
Person Subject to Guardianship.

ORDER APPOINTING
SUCCESSOR GUARDIAN AND
DISCHARGING CURRENT GUARDIAN

This matter came on for hearing before the district court on October 21, 2021, on a petition seeking appointment of a successor guardian for Adrian Wesley ("Person Subject to Guardianship") and discharge of the current co-guardian, Alonzo Wesley, f/k/a Karen Wesley. Due to the COVID-19 pandemic and pursuant to Minnesota Supreme Court Order, the hearing was held remotely using Zoom Video Conferencing. The Petitioner, Grant R. J. Lindquist, who is the court-appointed attorney for the Person Subject to Guardianship, appeared with the Person Subject to Guardianship. Also present were Donald Horsman, president of Open Roads, LLC, the proposed successor guardian; and Barbara Pulscher, court-certified American Sign Language Interpreter who interpreted the proceedings for the Person Subject to Guardianship. The court took judicial notice of the Visitor's Report in the file. The Petition was not contested.

The matter was referred for hearing to the undersigned district court referee, who reports to the court making the following recommended Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Letters of Guardianship were issued to Alonzo Wesley, f/k/a Karen Wesley, on April 21, 2009.
2. The court finds by clear and convincing evidence that the Person Subject to Guardianship remains an incapacitated person because he is an individual who, for reasons other than being a minor, is impaired to the extent of lacking sufficient understanding or capacity to make personal decisions, and who is unable to meet personal needs for medical care,

nutrition, clothing, shelter, or safety, even with appropriate technological and supported decision making assistance. The inability of the Person Subject to Guardianship is reflected by the following facts: He has been diagnosed with paranoid schizophrenia, fetal alcohol affect, ADD, profound deafness, oppositional defiant disorder, and anxiety disorder. He is profoundly developmentally delayed. 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 Guardian'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 deteriorating health and an 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.

3. No appropriate alternative to guardianship exists that is less restrictive of the Person Subject to Guardianship's civil rights and liberties. The following facts indicate why less restrictive alternatives do not work: Less restrictive options are not appropriate given his needs and the gravity of his deficits and need for supervision.
4. The Person Subject to Guardianship is incapable of exercising the following rights and powers:

To establish the place of abode of the Person Subject to Guardianship within or without the State;

To provide for the care, comfort, and maintenance needs of the Person Subject to Guardianship;

To take reasonable care of the clothing, furniture, vehicles, and other personal effects of the Person Subject to Guardianship;

To 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;

To approve or withhold approval of any contract, except for necessities, which the Person Subject to Guardianship may make or wish to make;

To exercise supervisory authority over the Person Subject to guardianship;

To 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;

To establish an Achieving a Better Life Experience Act of 2014 account under section 529A of the Internal Revenue Code (known as a n ABLÉ account) for the Person Subject to Guardianship;

To institute suit and represent the Person Subject to Guardianship in all civil court proceedings.

5. 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 Person Subject to Guardianship is a patient of a state hospital and is under the temporary custody of the Commissioner of Human Services.
7. The Person Subject to Guardianship continues to be in need of a guardian to protect his person.
8. 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 guardian.
9. The Person Subject to Guardianship continues to have the capacity to make a voting decision in a public election.

10. Alonzo Wesley, f/k/a Karen Wesley, has filed a letter requesting resignation as the guardian of Adrian Wesley.

CONCLUSIONS OF LAW

1. Clear and convincing evidence establishes that the Person Subject to Guardianship remains an incapacitated person whose needs cannot be met by less restrictive means.
2. A successor guardian of the Person Subject to Guardianship should be appointed.
3. The Person Subject to Guardianship should retain the right to vote.
4. Alonzo Wesley, f/k/a Karen Wesley, should be discharged as the current guardian for the Person Subject to Guardianship.

NOW THEREFORE, the court makes the following:

ORDER

1. Open Roads, LLC is appointed Successor Guardian Unlimited in Power ("Successor Guardian") of Adrian Wesley.
2. Successor Letters of Guardianship Unlimited in Power shall issue to the Successor Guardian upon the filing of an acceptance of appointment and such Letters shall reflect that the Successor Guardian is appointed by the court.
3. The Successor Guardian shall have the power and duty to:

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 ABLÉ 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.

4. Within fourteen (14) days of the date of this Order, the Successor Guardian shall send or deliver to the Person Subject to Guardianship a copy of this Order of appointment accompanied by a notice advising the Person Subject to Guardianship of the right to appeal the Successor Guardianship appointment in the time and manner provided by the Rules of Appellate Procedure.
5. The Successor Guardian is ordered to file with the court and serve on the Person Subject to Guardianship and all interested persons of record with the court, a personal well-being report and annual notice of rights, including a copy of the bill of rights for persons subject

to guardianship as provided in Minn. Stat. § 524.5-120, every year within thirty (30) days of the date the Successor Letters of Guardianship were issued.

6. The Successor Guardian is ordered to notify the court of any change of address of the Successor Guardian or the Person Subject to Guardianship within thirty (30) days of the change.
7. The Successor Guardian and all individuals employed by the Successor Guardian who are responsible for exercising powers and duties under the guardianship must file a consent to a criminal background check, or an affidavit of prior background study with a current background check, with the court every five (5) years.
8. If the Successor Guardian becomes aware of the death of the Person Subject to Guardianship, the Successor Guardian is ordered to notify all known interested persons and the court within one day of awareness of the death pursuant to Minn. Stat. § 524.5-316(d)(1)(iii).
9. The court-appointed attorney for the Person Subject to Guardianship is discharged following expiration of the time for appeal of this Order.
10. The Person Subject to Guardianship retains the right to vote.
11. Alonzo Wesley, f/k/a Karen Wesley, is discharged as current guardian for Adrian Wesley.

Order Recommended by:



Borer, George
Nov 1 2021 9:35 AM

Referee of District Court

BY THE COURT:



Carruthers, Phil
Nov 1 2021 9:36 AM

Judge of District Court