

Supporting Documents from Dorothy Luck - In Her Request for Assistance

Exhibit / Attachment	Date	Description	Notes / Comments	EXHIBIT	Pg
Order Appointing Guardian Ad Litem	09/10/2010	Attorney Ross G. is appointed as GAL pursuant to §683 of the Texas Probate Code.	This is the first thing on the docket in the guardianship matter. There is no Letter of need on file. Note this Order says that Dorothy is an incapacitated person in advance of any finding	A	1
Motion for Independent Medical Exam	09/14/2010	Motion for Ind. Medical Exam filed by the Guardian Ad Litem. Note this motion was scheduled to be heard on 09/20/2010. A copy of the Motion is sent to Lisa Jaimeson of Shannon and Gracey and Barrie Allen.	Note: At this time Lisa Jaimeson was not the attorney ad litem but was the attorney of record in the Trust litigation matter for Dorothy Luck independently and as Trustee and Executor of Mr. Leskie Luck's Estate. Dorothy says she did not hire Shannon and Gracey to represent her and does not know how they got appointed as her attorney	A	2-3
Order Appointing Attorney Ad Litem	09/20/2010	Lisa Jaimeson of Shannon and Gracey is appointed as ad litem pursuant to §646 of the Texas Probate Code.	Note: Dorothy already has an attorney, Dan Tartaglia whom she did hire.	A	4
Order Granting Motion for Temporary Injunction in Trust Litigation Matter	09/20/2010	A temporary injunction is place on Dorothy in the Trust Case to prohibit her from accessing her money.	A hearing is scheduled for November 10, 2010 per this order for Dorothy for show cause for why this injunction should be removed. There is no record of this hearing taking place.	A	5-6
Receipt of Proof of Service on Motion for Medical Examination from Attorney Ad Litem	09/21/2010	Return Receipt showing proof of delivery of motion for Medical Exam from Attorney Ad Litem	There is no record to show that Dorothy Luck ever received this notice and no return receipt.	A	7-9
Order Granting Independent Medical Exam	09/29/2010	Medical Examination Ordered by the Court from a physical with UNT HSC		A	10
Certificate of Medical Exam and report of Dr. Amy Moss, DO. (UNT)	10/18/2010	Dr. Moss attaches her report and finds Dorothy is not incapacitated Should not drive	This report included a copy of Dr. Halls findings.	B	1-10
Report of Medical Exam and Report Dr. James Hall, MD (UNT)	10/18/2010	Finds Dorothy could use help with Complex Financial Matters, and some problems with executive functioning ? Attached to Certificate submitted by Dr. Amy Moss.	Dorothy already had a CPA who is still the CPA at the time. Dorothy was ill at the time and had pneumonia Note: Dr. Hall noted results may be exacerbated by anxiety observed during the evaluation.	B	11-15
Psychiatric Evaluation by Dr. Mary Bret of Parkland Behavioral Health Center	11/30/2010	Find Dorothy is NOT incapacitated		B	16-25

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– Geriatric Psychiatrist Order Requesting Closed Hearing	01/19/2011	Attorney Lisa Jaimeson, Attorney Ad Litem for Dorothy Luck submits Motion for the hearing on the Guardianship Matter to be a Closed Hearing		B	26
Notice of Intention to Take the Oral and Videotaped Deposition of Mary Bret, M.D.	01/27/2011	Attorney Monica Kooper send Proposed Ward's notice of intent to take Deposition of Dr. Mary Bret to the Risk Management Department of Parkland	Note: Monica Kooper is with Shannon and Gracey Law Firm and is the law partner of Lisa Jaimeson, the attorney ad litem, and is also the attorney of record for Dorothy's Bank in the Trust Litigation Matter	B	27-28
Letter from Amy Moss, DO Changing Findings and Physician's Certificate	01/31/2011	Letter from Dr. Moss stating clarification of her report is in order. New certificate now shows Dorothy is partially incapacitated.	Note: Dr. Amy Moss did not reevaluate Dorothy but changed her report of the evaluation she originally did on 10/18/2012 where she found that Dorothy was not incapacitated.	B	29-31
Notice of Appearance of Attorney	02/08/2011	Dorothy's Attorney Dan Tartaglia submitted his entry of appearance as co-counsel		Docket	
Initial Hearing on the Guardianship of Dorothy Luck	02/08/2011	Initial Hearing on the Guardianship of Dorothy Luck	Note: the Docket show this was a Jury trial but according to Dorothy Luck it was not a Jury trial and no Jury was present.	Docket	
Status Conference Hearing	03/30/2011	Court held Status Conference Hearing	Per the Docket	Docket	
Motion Hearing	05/16/2011	Guardianship Hearing Continued	Decision Rendered	Docket	
Application for a Guardian of the Person and the Estate	12/14/2010	Guardian Ad Litem files application for guardianship of the Person and the Estate	This was filed after the GAL had completed his investigation and had reviewed the medical findings	C1	1-9
Order Appointing Guardian of Estate	05/16/2011	The Order Appointing Guardian of the Estate – Frost Bank (Dorothy's Bank and Party to the Trust Litigation Matter) is appointed as guardian of the estate Findings: 1. "The Ward lacks the capacity to do some, but not all, of the tasks necessary to manage her property" 2. "The Ward lacks the capacity to act as a fiduciary, including, but not limited to acting as independent Executor of the Leskie Luther Luck Deceased, the trustee	Notes: There was already a trust litigation matter underway, if the court felt that Dorothy was not an appropriate trustee or executor, couldn't the Court have removed her in that matter without the need for a guardianship? Furthermore Dorothy had been removed as Trustee and a receiver appointed on 09/09/2010 and had been barred access to her funds since 09/09/2010 so what events	C2	1-7

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		of the Dorothy Luck Marital Trust or the Dorothy Luck Credit Trust" 3. "The incapacity is evidenced by recurring acts of occurrences within the preceding six month period and not by isolated instances of negligence or bad judgment". 4. "FROST NATIONAL BANK is eligible to be appointed as Guardian of the Estate and is entitled to be appointed Guardian of the Estate of DOROTHY LUCK, the ward" 5. The ward is incapacitated <u>See the guardianship order for full details of all rights removed.</u>	could have transpired the 6 month period prior to the 05/16/2011 date? Note: Frost National Bank was Dorothy's bank and also a third party defendant in the Trust Litigation matter. Among other things, Dorothy is stripped of most all right to her property and the right to counsel with the exception of an account that is set up for her with \$7600.00 per month and to pay certain expenses. She is also stripped of right to represent herself in trust litigation matter. ACCORDING TO THE ORDER DOROTHY CANNOT ASK FOR HER RIGHTS TO BE RESTORED FOR ONE YEAR ! <u>She cannot contract, she cannot hire an attorney, she cannot execute any legal documents.</u> See order for more details		
Oath of the Guardian and Guardianship Letters	06/01/2011	Frost Bank submits Oath of Guardian and Letters.		C2	8-12
NOTICE OF APPEAL to the Second District Court of Appeals	06/06/2011	Attorney Ad Litem files Notice of Appeal in accordance with and at the request of Dorothy Luck		D	1-8
Letter from Appeals Court regarding non-payment of fee	06/16/2011	Letter from Appeals Court regarding non-payment of fee and intent to dismiss if payment not received by 06/27/2011		D	9-10
Letter from Attorney Ad Litem to parties	06/27/2012	Attorney Ad Litem send letter to Parties (presumably the same day that the motion was dismissed for non-payment of fees) stating that Dorothy has authorized her not to pursue the	Note: Dorothy insists she never agreed to have the appeal reviews and in fact she has written to numerous agencies requesting assistance with getting this matter overturned. There is nothing on the record and not written confirmation that Dorothy requested that the	D	11

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		guardianship matter	appeal be withdrawn. It appears the Court of Appeals did not get this in time and the letter is stamped on the 28 th .		
Final Memorandum Opinion and Judgment from the Court of Appeals – Appeal Dismissed for non-payment of fee	09/12/2011	Memorandum from the Appeals Court that the Notice of Appeal was Dismissed for non-payment of the \$175.00 fee		D	12-13
Mandate from Court of Appeals	09/12/2011	Mandate from Court of Appeals on Dismissal of Notice of Appeal and order to pay costs		D	14-15
Guardian's Inventory, Appraisement and List of Claims for Luck Guardianship	08/30/2011	Inventory, Appraisement and List of Claims for the Dorothy Luck Guardianship	Assets listed at \$2,413,983.65. No Claims listed ! No Claims by any parties	E	
Physician Statement of Patient's Capability to Manage Benefits for SSA	04/26/2012	Physician Statement of Patient's Capability to Manage Benefits sent to SSA		F	1
Evaluation by Dr. Conner – Neurologist for Dorothy Luck	04/05/2012	Dorothy Luck visits Dr. Conner (her neurologist) for a competency evaluation so she can get her rights back and her Social Security Monies.		F	2
Letter for SSA to Dorothy Luck restoring her rights to her Social Security monies	05/31/2012	SSA sends letter to Dorothy Luck indicating no need for a rep payee (the guardian) and will now send her Social Security Benefits to her.	Note: According to Dorothy the guardian (Frost Bank) is deducting the social security amount from her monthly allowance. And she also says the bank has never sent her the amount she is entitled to perk the guardianship order.	F	3
Receipt for payment of \$75.00 to Court by Dorothy Luck to request case be overturned and rights restored	11/19/2012	Dorothy approached the Court and asked to have the matter over turned. The Court Clerk instructed her to pay the \$75.00 fee to contest the guardianship		G	1
Order Appointing the Guardian Ad Litem	11/23/2012	The court re-appoints the original guardian ad litem Ross Griffith to the case pursuant to Dorothy's request that the case be overturned and her rights be restored		See Docket	

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Notice of Appearance by Attorney Virginia Hammerle for Dorothy Luck	12/10/2012	Dorothy attempts to hire attorney Virginia Hammerle who files a letter of appearance.	The Court does not acknowledge her as Dorothy's attorney.	See Docket	
Approval of Compromise Settlement Agreement and Release regarding the estate of Dorothy Luck	12/10/2012	The parties to the Trust Litigation matter and the Guardian Frost Bank sign settlement turning over control of Dorothy's estate to others and assessing all attorney fees against the estate of Dorothy Luck.	Dorothy was not present and was not notified of this settlement. She had no legal counsel to represent her. The former attorney ad litem for Dorothy signed the settlement in her new capacity as the attorney for the guardian Frost Bank ! This was done after Dorothy had approached court asking for the matter to be overturned and to get her rights back	G	2-14
Dorothy Luck – Profit and Loss Statement – January – October 2012	11/13/2012	Profit and Loss Statement for Dorothy Luck Jan 2012 to Oct 2012 from CPA	Shows Total Income of \$122,593.00 with no record of gas leases income. Shows Expense of \$294,272.48 and a net income (loss) of – (\$171,678.60). Note: \$125,441.29 paid out in Attorney and Professional Fees and \$1960.00 in Accounting fees.	G	15-16
Letter from Dorothy Luck to the Court regarding Request to Overturn Guardianship	03/04/2013	Dorothy writes letter to court regarding her request that the case be overturned and her rights be restored on November 17 th when she paid the \$75.00 to the court.	Note: First the clerk refused to accept the letter unless it was notarized. Dorothy got the letter notarized and the court still said they would not accept the letter and put it on file because she is incapacitated. The following day the court clerk called Dorothy and informed her that as an incapacitated person she is not allowed to contact the court! How is she supposed to ask for her rights back	H	1
Letter from Dorothy Luck to the Court regarding Objection to the Settlement Agreement reached in the Court regarding her estate	03/04/2013	Dorothy writes letter to court regarding her objection to the settlement reached in the court on December 10 th by parties adverse to her in the Trust Litigation Matter.	Note: First the clerk refused to accept the letter unless it was notarized. Dorothy got the letter notarized and the court still said they would not accept the letter and put it on file because she is incapacitated. The following day the court clerk called Dorothy and informed her that as an incapacitated person she is not allowed to contact the court! This is later confirmed to her in a call from the Attorney General's Office.	H	2

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Bill of Review filed	03/01/2013	Attorney Virginia Hammerle filed Bill of Review to send matter back to the Appeals Court.	At this time the court is not recognizing the attorney.	J	1
Status Conference on the Bill of Review		The Court held a Status Conference regarding the Bill of Review	<u>Note: According to the attorney, the Court (in conference) said Dorothy is not allowed to hire an attorney and the Court ask the GAL to file a motion to show authority and the attorney will have to prove her authority to represent the ward.</u> A motion to show authority to represent the ward has been filed by the GAL with a hearing on the motion is scheduled to be heard on 04/30/2013.	See Docket	
Rule 12 - Motion to Show Authority filed by the Guardian Ad Litem	03/11/2013	GAL, Ross Griffith, files Rule 12 - Motion to Show Authority for Attorney to Appear before the court and to prove she has authority to represent Dorothy Luck	The argument is that Dorothy does not have the right to hire an attorney. Dorothy wants to hire her own attorney to represent her in the appeal. It is the court who initiated the guardianship and she does not want to use a Court appointed attorney for the appeal. The Texas Statutes allow a ward to file a Bill of Review. The Court is saying she is not entitled to an attorney. At this time the former attorney ad litem is representing the guardian not Dorothy	K	1
Attorney Virginia Hammerle submits a motion for Restoration of Rights	03/13/2013	Attorney Virginia Hammerle files a motion for restoration of rights.	<u>Note: this would require a new hearing to determine capacity by the same Court and would not address the wrong done to Dorothy. This did not preclude the motion for the Bill of review</u>	L	1
Letter from Dorothy Luck to Attorney Hammerle	03/31/2013	Letter from Dorothy Luck to Attorney Hammerle regarding concerns about motion for Restoration of Rights and desire to pursue Appeal to overturn the guardianship matter	Dorothy expresses concern that she does not believe she would get a fair hearing from the same Judge who put her in the guardianship is he is asked to once again determine if she is incapacitated and fears it could even worsen her situation.	M	1
Motion to Withdraw by Attorney Ad Litem	03/20/2013	Attorney Ad Litem files Motion to Withdraw from the case	Attorney ad litem files motion to withdraw. Says she has not communicated with Dorothy after a guardian was appointed. Refers to	See Docket	

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Letter from Kevin E. Conner, M.D. (Neurologist)	03/28/2013	Dr. Conner evaluated Dorothy on 03/21/2013 and she scored 30/30 on the Folstein Mini mental status exam.	Dorothy having hired an attorney (although the court has not recognized her yet)	N	
Hearing Scheduled by the Court to hear the Motion to Show Authority		Hearing Scheduled by the Court to hear the Motion to Show Authority on April 30, 2013 at 11:00 am		See Docket	
		Dorothy wants an independent attorney to help her file the appeal. She has hired an attorney who the Court has not recognized after four months.	Note: Dorothy wants to exercise her right to appeal with an independent attorney of her own choosing for an action that is adverse to the court appealing the courts order. The last Ad Litem dropped the ball on her appeal.		
			Note: It is understandable that Dorothy would want to use her own attorney for the Bill of Review appealing the guardianship that was pursued by the court absent a letter of need. The petition was filed by the GAL who is an agent of the Court.		
Docket		Copy of Docket in Guardianship Litigation Matter		O	Docket

Party		Role in Trust Litigation Matter	Role in the Guardianship of Dorothy Luck	
William Luck		Plaintiff	Interested Party	
Heidi Luck	David Bakutis	Plaintiff		
Cody Luck	David Bakutis	Plaintiff		
William Luck, Jr.	David Bakutis	Plaintiff		
Dorothy Luck		Defendant (individually and s Trustee of the Dorothy Luck Credit Trust and the Dorothy Luck Marital Trust)	Alleged Incapacitated Person (09/10/10 to (05/16/11) Declared Incapacitated (05/16/11) - Present	
The Frost National Bank	Monika Cooper	Counter Plaintiff		
The Frost National Bank	Monika Cooper	Defendant		
William Luck, II	Robert N. Lemay	Interested Person		
Will J. Luck, Sr.	James Ravsten	Third Party Defendant		
Steve Katten		Receiver – Dorothy Luck Credit Trust and Dorothy Luck Marital Trust Appointed 09/09/2010		
Lisa Jaimison	Shannon and Gracy	Attorney of Record for Dorothy Luck and Trusts	Attorney Ad Litem Appointed 09/20/10 Attorney for the Guardian Frost Bank	Dorothy says she never hired Shannon and Gracey
Monica Cooper	Shannon and Gracy	Attorney of Record for Frost Bank	Law Partner for Attorney Ad Litem	Most of the communications to Dorothy Luck were sent by Monica Cooper ?
Ross Griffeth			Guardian Ad Litem Appointed 09/10/10 Filed Application for Guardianship on 12/23/10	
David Bakutis	Walt Hatter	Accountant - CPA		
Jack Larson		Original Trust Attorney for Dorothy Luck		Dorothy Luck claims Jack Larson brought Shannon and Gracy into the Trust litigation matter somehow
Dan Tartaglia		Attorney hired by Dorothy Luck		