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IN THE PROBATE COURT OF FORSYTH COUNTY

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STATE OF GEORGIA

FORSYTH COUNTY, GEORGIA
PROBATE COURT

IN RE: ESTATE OF
JACQUELINE GLADSTONE, Ward

DOCKET NUMBER 2014-GA-0427

ORDER

I. Case Overview

Jacqueline Gladstone suffers from dementia. In October, 2014, her husband Emanuel Gladstone began proceedings to have her powers removed and to be appointed her Conservator. Her estate consisted of real and personal property. Her cash assets were approximately \$13,000.00.

The impetus for the appointment of a Conservator was the imminent receipt of an inheritance by Ms. Gladstone. Her children initially opposed the appointment; however, an agreement was reached that Mr. Gladstone be appointed.

At the inception of this Conservatorship after collection of the inheritance and the insurance proceeds, Ms. Gladstone's estate was anticipated to be more than \$415,000.00.

One year later, her cash assets had decreased to \$157,328.00.

The real property assets have not changed.

It is that decrease of \$258,000.00 in the cash assets in one year's time which requires these proceedings and this order.

II. Facts

Jacqueline Gladstone was diagnosed with dementia in approximately 2009.

On October 9, 2014, her husband, Emanuel Gladstone, filed a Petition to be appointed her Conservator. The Petition indicated that the need for a Conservator arose from an impending

inheritance the proposed ward was to receive. At the time the Petition was filed, the cash assets of the proposed ward were only approximately \$13,000.00.

Ms. Maggie A. Spaulding, Esquire, was appointed as the attorney to represent the proposed ward.

An objection to the Petition was filed by the proposed ward's son, Scott Spector.

A cross Petition was filed by Scott Spector and Mark Spector, seeking to be appointed Guardian and Conservator.

Mr. Gladstone objected to the second Petition and a specially set hearing was ordered for December 18, 2014.

On December 23, 2014, this Court entered an order finding that a Conservator was necessary; however, insufficient evidence existed as to the value of the expected inheritance. (The order incorrectly referred to a Guardian *Ad Litem*. A Guardian *Ad Litem* had not been appointed. Ms. Maggie A. Spaulding, Esquire, was appointed counsel for the proposed ward. That order was amended on December 30, 2014, to correctly refer to Ms. Spaulding as attorney for the proposed ward.)

Ms. Spaulding filed her report on January 13, 2015. As a result of that report, a final order was entered January 21, 2015, setting a surety bond amount of \$430,000.00. The order further removed all powers from the Ward. The order also provided for an interim return to be filed seven months following the date of the Letters of Conservatorship.

The proposed Conservator qualified on February 2, 2015.

On February 3, 2015, Letters of Conservatorship of Adult Ward were issued.

The Letters of Conservatorship of Adult Ward contain the following special instructions:

“1. You must keep your Ward's funds separate from your own. You should put your Ward's funds in a separate checking or savings account, as appropriate, and make all payments by check.

2. You may not sell, mortgage, give away, or otherwise dispose of any of your Ward's property without court order.

3. You may not spend any of your Ward's funds for any purpose except as set forth in the court approved budget without a court order.

4. You must file within two months of your appointment an inventory showing the Ward's property and a plan for managing, expending, and distributing the property. Further, you must file, within sixty (60) days of each anniversary date of these Letters an annual return, showing all receipts and disbursements, accompanied by an affidavit certifying that the original vouchers (checks) have been compared with the items listed on the return, and that the return is correct, together with an updated inventory and plan for managing the property. A copy of said return shall be sent by first class mail to the surety, the Ward, and the guardian, if any."

The Conservator filed an Adult Conservatorship Inventory and Asset Management Plan on April 6, 2015. The Conservator did not file his Asset Management Plan immediately after his appointment so as to secure authorization for expenditures; rather, he waited the full allotted time, 60 days, thereby delaying the time within which this Court could grant permission to expend funds. Of course, it was necessary to collect monies from the Kalish estate; however, an expenditure order could have been issued as the budget would be based upon the Ward's needs.

Objections to the Asset Management Plan were filed by Ms. Maggie A. Spaulding, Esquire, on June 2, 2015. Ms. Spaulding detailed several areas in the Asset Management Plan where information was not present or potential discrepancies existed.

On June 4, 2015, this Court set a hearing for June 18, 2015, on the Asset Management Plan.

An order was entered June 19, 2015, after the hearing on June 18, 2015. As recited in that order, the Conservator was to provide additional information to counsel for the Ward. A written report of counsel was required to be made on or before July 31, 2015. No plan was approved in that order. No permission to expend the Ward's funds had been given.

A specially set hearing was scheduled by order entered July 22, 2015. The hearing was conducted on August 7, 2015, resulting in an order being entered August 17, 2015. At that hearing, Ms. Spaulding stated that she remained unable to consent to the Asset Management Plan because no information had been provided to her by the Conservator's attorney as promised.

In the resulting order, this Court indicated that the expenditures being made by the Conservator were unapproved because an Asset Management Plan had not been approved by the Court. The Court also observed that the delay was caused by the Conservator. The Court noted that the Conservator's interim report was due on or before September 3, 2015, and ordered the Ward's attorney to file her response to that interim report on or before October 3, 2015. The interim report was filed on September 2, 2015. Ms. Spaulding filed her response on September 24, 2015.

Ms. Spaulding again reported that she had received no response from the Conservator's counsel upon inquiry regarding aspects of the Asset Management Plan and the return. Noting that information had been promised, but not received, counsel for the Ward indicated additional concerns with regard to the interim report.

The Ward's attorney's report concluded with a belief that the County Conservator should be appointed as Temporary Conservator to make an evaluation of the financial needs of the Ward together with a review of the unapproved expenditures now exposed by the return. The Ward's attorney noted that her concerns with the original Asset Management Plan remained, although not specifically delineated again in her September 24, 2015, answer.

On September 28, 2015, a hearing was specially set for 1:30 p.m., October 21, 2015.

The hearing did convene at 1:30 p.m., October 21, 2015. The Conservator was given an opportunity to produce the material requested by the attorney for the Ward which had been promised. The Conservator produced no additional material; therefore, at 1:40 p.m., ten minutes

into the hearing, this Court entered an order suspending the Conservator, appointing Mr. Kevin J. Tallant, Esquire, as Temporary Substitute Conservator, ordering Mr. Tallant to make certain inquiries and investigations, and scheduling a hearing to be conducted at 9:00 a.m. on November 16, 2015, regarding an interim asset management plan to authorize expenditures by the Temporary Substitute Conservator.

The Suspended Conservator did not disclose to the Court, on October 21, 2015, that he and his counsel were removing substantial funds from the Ward's estate bank account for their own benefit.

The next hearing was held on November 16, 2015, and the interested parties, and counsel, were able to agree on an interim Asset Management Plan; however, as reflected in the order entered November 23, 2015, an error existed in the proposed order which was received by the Court on November 18, 2015. A report was filed by the Ward's attorney on November 30, 2015.

The focus of this case changed with the REPORT OF TEMPORARY SUBSTITUTE CONSERVATOR AND REQUEST FOR EMERGENCY POWERS TO CONTINUE TO PROVIDE CARE FOR WARD, filed December 4, 2015. The Temporary Substitute Conservator reported that an examination of the bank account showed that approximately \$80,000.00 had been removed from the Ward's funds at or about the time the original Conservator was suspended. The Temporary Substitute Conservator requested issuance of a citation for breach of fiduciary duty, and notice to the Suspended Conservator's surety.

On December 7, 2015, this Court entered an order authorizing the Temporary Substitute Conservator to spend \$7,500.00 per month.

On December 9, 2015, this Court entered an ORDER, RULE NISI, CITATION TO SUSPENDED CONSERVATOR, NOTICE OF RESPONSE DATE, AND NOTICE OF SPECIALLY SET HEARING, requiring the Suspended Conservator and his surety to submit to

a final settlement of accounts, to submit to an examination of the return, to provide books and records, to show cause why the Court should not find a breach of fiduciary duty with damages, and referencing the appropriate substantive and remedial code sections in Title 29, *Official Code of Georgia Annotated*.

An additional return was filed January 13, 2016.

On January 15, 2016, the Suspended Conservator filed in this Court a NOTICE OF COMMENCEMENT OF ACTION, filing therewith a copy of a verified complaint styled Emanuel I. Gladstone, Plaintiff, v. Conservatorship of Jacqueline Gladstone, Defendants, in the State Court of Forsyth County, Civil Action File Number 16SC-0030-B. In that complaint, the Suspended Conservator seeks the sum of \$224,368.00 plus costs and attorney's fees for bad faith, stubborn litigiousness, and causing the Suspended Conservator unnecessary trouble and expense.

III. The January 15, 2016 Hearing, Findings

The scheduled hearing began on January 15, 2016, at 9:00 a.m. All interested parties were present, and were represented by counsel. The surety was present through counsel.

The Temporary Substitute Conservator recounted the earlier approved Interim Asset Management Plan for the Temporary Substitute Conservator as follows: property tax, \$175.00; utilities, lawn care, pest control, \$370.00; food, \$500.00; fuel and repairs, \$100.00; tags, license, insurance, \$125.00; other transportation, \$120.00; laundry and clothing, \$150.00; dental and prescriptions, \$200.00; entertainment, \$25.00; personal caretakers, \$6,100.00. Total approved expenditures from the Ward's personal assets are \$7,865.00 per month. On the other hand, the Ward's income from social security is to be used to pay the following monthly expenses: health and life insurance, \$300.00; Medicaid supplement, \$400.00; homeowners association, \$113.00.

Total approved expenses to be paid by the fiduciary are, therefore, \$8,678.00 per month from all sources. The Ward's inherited assets are to be used to pay only \$7,865.00 of the total approved expenses per month. The Court finds that the Suspended Conservator was in office for nine whole or partial months. He was therefore authorized to expend the total sum of \$78,102.00 during the term of his service, such approval being granted by this Court retroactively with the concurrence of the Ward's attorney and the Temporary Substitute Conservator.

During the hearing, the Suspended Conservator's attorney again referenced his client's claims that the Suspended Conservator was due monies for caring for his wife, for paying for his wife's care, for the payment of attorney's fees, for the payment of home improvements, etc. These claims were for services and payments both before and after his appointment as Conservator.

Despite those various claims being before the Court, in writing on the returns, and orally, and despite the Suspended Conservator's attorney's assertions that the Suspended Conservator would testify, the Suspended Conservator never testified. He was not sworn, he did not take the stand, he did not present any testimony whatsoever regarding the extent of his claims, the necessity of his claims, the nature of his claims, or the basis for his claims.

Although the Suspended Conservator's claims are before this Court, both through statements of counsel, through pleadings, and contained within the returns themselves, no testimony was presented, only colloquy and argument.

One area in which evidence was lacking concerned two checks for legal fees negotiated on the date of the Conservator's suspension, each in the amount of \$5,000.00, for a total reduction in the Ward's estate of \$10,000.00. Upon examination, the Suspended Conservator's attorney could not justify those legal fees. The memorandum on each check did not indicate legal fees. Counsel could not produce his statement for services rendered.

At the request of the surety, counsel for the Suspended Conservator was given until January 22, 2016, to file a copy of his attorney's fees statement with the Court, together with copies to counsel for the surety and the Ward's attorney. No statements justifying the attorney's fees paid in two \$5,000.00 lump sum checks were presented to the Court.

The Suspended Conservator was asserting claims before this Court for expenditures prior to his appointment, and after his appointment, many of which involved credit card statements and invoices. The Suspended Conservator did not have those credit card statements and invoices at the hearing, despite being ordered to produce all records.

The Suspended Conservator was also afforded an opportunity to collect those documents and share them with the Ward's attorney during the interim between the recess of the hearing and the reconvening of the hearing.

When the recessed hearing was reconvened, on February 15, 2016, no documentation supporting the attorney's fees withdrawn from the Ward's estate was produced. No credit card statements, invoices, or other documentation was produced supporting the Suspended Conservator's claims for expenditures prior to his appointment, or subsequent to his appointment, involving care for his wife, improvements to the premises, maintenance and repairs to the premises, or other claims tangential to his service as Conservator.

No request to open the evidence was made.

No credit card statements or other documentary justifications were coupled with testimony which would give this Court grounds to sustain the Suspended Conservator's claims for reimbursement of expenditures prior to his appointment, and during his service, other than set forth in this order.

As stated earlier, the reason for the appointment of a Conservator for Jacqueline Gladstone was the impending receipt of an inheritance by her from the Estate of Paul Nathaniel

Kalish, her brother. On January 13, 2015, the Ward's attorney filed a REPORT OF COURT APPOINTED ATTORNEY FOR JACQUELINE GLADSTONE in which she conveyed to the Court the precise amount of the impending inheritance, to wit: \$404,857.00. Copies of communications from estate counsel were attached to her report filed in this case.

The net amount of the Kalish estate after expenses was \$1,156,735.00. Ms. Gladstone was to receive 35 percent of that amount, to wit: \$404,857.00. A loan had been received from the estate, meaning that Ms. Gladstone would receive the net amount of \$389,857.00. The precise breakdown of the sources of that amount, from which the \$15,000.00 loan was to be deducted, were New York Life, \$169,400.00; Pacific Life, \$33,043.00; and, cash from the estate of \$202,414.00.

The Suspended Conservator has accounted for the funds due from New York Life and from Pacific Life. The New York Life proceeds were shown on the return filed September 2nd, in the amount of \$178,128.30. The Pacific Life proceeds shown on that return were \$32,456.11.

With regard to the 202,414.00 (less \$15,000.00) to be received from the estate in cash, the Suspended Conservator has accounted for only \$11,550.00.

Although the Suspended Conservator's counsel at the hearing on the final settlement of accounts intimated that monies from the estate were used to pay expenses for care, credit card debt, and other items prior to the inception of the Conservatorship, and although he was given an opportunity to present those credit card statements and other evidence, and was ordered to produce that evidence, that evidence was never presented. Furthermore, the Suspended Conservator presented no testimony whatsoever.

Based upon the prior findings of this Court, the amount of the surety bond provided by the Suspended Conservator, and considering his failure to produce evidence when given an opportunity to do so, and when ordered to do so, regarding claims made by him prior to his

appointment, and during his service as Conservator, this Court finds that the Suspended Conservator has failed to account for the sum of \$75,864.00 from the estate of Paul Nathaniel Kalish belonging to his Ward and being an asset of the Ward's estate.

The interim report filed September 2, 2015, together with the final return filed January 13, 2016, indicate that the Suspended Conservator received monies in the amount of \$236,054.60, and \$15,727.94. Therefore, total receipts by the Suspended Conservator as shown on the returns, exclusive of the funds from the Kalish estate not reported, total \$251,782.54.

As stated hereinabove, the Suspended Conservator is authorized, retroactively, to spend \$78,102.00 during the term of his service.

The Court finds, therefore, that the Suspended Conservator should have had remaining in his possession at the time of his suspension the unexpended amount of \$173,680.54 plus \$187,414.00 less any other expenditures authorized by this Court.

The Court finds that an additional amount of \$6,691.02 was authorized to be expended. This represented payments authorized by this Court to Ms. Maggie A. Spaulding, Esquire, and to Scott Spector.

Using this approach, the Suspended Conservator should have remitted the sum of \$354,403.00 to the Temporary Substitute Conservator.

Other expenses may have been proper; however, no evidence was presented, and the Suspended Conservator presented no testimony under oath to this Court whatsoever. He produced no substantiating financial records despite this Court's order to do so.

Although the return of the Suspended Conservator contains data from 2014 concerning income and expenses, none of that information was substantiated, no testimony was presented with regard to that information, and the claims of the Suspended Conservator for pre-

conservatorship expenses and accounting for income are not found to be established although claimed and listed.

The Suspended Conservator's final settlement of accounts can be analyzed using another methodology, beginning with his returns.

At the time of his appointment, he began with \$11,448.02 collected from various accounts. Added to that would be: the New York Life proceeds, \$178,128.30; the estate cash proceeds, \$202,414.00; the Pacific Life Proceeds, \$32,456.11; eight months of social security during the term of the Conservator's appointment prior to his suspension, \$6,478.40; and, two checks collected by him subsequent to his suspension representing social security payments for November and December, \$1,619.60. That total for cash receipts is \$432,544.43, reduced by the \$15,000.00 loan causing a net receipts amount of \$417,544.43.

This analysis ignores *de minimus* interest and similar payments.

The Suspended Conservator has been retroactively authorized to expend \$78,102.00 over nine months together with authorized one time expenditures of \$6,691.02.

At the time of his suspension, the Suspended Conservator should therefore have delivered to the Temporary Substitute Conservator the total sum of \$332,751.41.

What actually was delivered to the Temporary Substitute Conservator was one withdrawal of \$15,144.50 together with transfer of the principal amount of \$150,030.71.

The resulting shortfall or deficit or missing funds is \$167,576.20.

In one analysis, the Suspended Conservator has a debt to his Ward's estate in the amount of \$189,228.31.

In the second analysis, the Suspended Conservator owes a debt to his Ward's estate in the amount of \$167,576.20.

The Court finds, therefore, that the Suspended Conservator is indebted to his Ward's estate in the amount of \$167,000.00.

It is necessary to utilize these two methodologies using the evidence before this Court because the Suspended Conservator utterly failed to produce the evidence he indicated he would be producing. Not only did he fail to produce the documentation, he also failed to testify.

The Court declines to invoke available presumptions arising where a party fails to produce evidence when it is uniquely within his power to do so.

Information in the Court's file, in documents filed in this action, indicate that the \$15,000.00 loan from the Ward's inheritance was made to "Manny Gladstone;" however, sufficient evidence has not been presented to enable this Court to render a judgment against Mr. Gladstone for this additional amount. The reference to a "loan" is indicative of an expectation of repayment; however, the evidence is insufficient.

This Court finds that the Suspended Conservator received the total sum of \$417,544.43 for which he is accountable to this Court and to his Ward. This Court finds that the Suspended Conservator has accounted for the sum of \$78,102.00 in allowable expenses, together with one time expenditures or transfers of \$6,691.02, \$15,144.50, and \$150,030.71.

This Court finds that the Suspended Conservator has not accounted for \$167,000.00 of his Ward's funds for which he is liable.

This Court finds that the Suspended Conservator has presented insufficient evidence to support his claims for reimbursement for expenses prior to his appointment as Conservator.

This Court finds that the Suspended Conservator has presented insufficient evidence to support his claims for reimbursement for expenses subsequent to his appointment as Conservator.

This Court finds that the Suspended Conservator has presented insufficient evidence substantiating his claim for reimbursement for expenses for the care of the Ward either prior to, or subsequent to, his appointment.

This Court finds that insufficient evidence has been presented to support the Suspended Conservator's claims for reimbursement for home improvement or repairs either prior to, or subsequent to, his appointment.

This Court finds that the Suspended Conservator has presented no evidence to support his payment of lump sum amounts, two checks of \$5,000.00 each, to his attorney.

This Court finds that the counsel for the Suspended Conservator has presented no evidence to support his negotiation of two checks, \$5,000.00 each, from the estate of the Ward.

IV. Conclusions of Law

This Court has original and exclusive jurisdiction with regard to decedents' estates and guardians and conservators. This includes the auditing and passing of returns together with all other matters and things appertaining to or relating to the estates of deceased persons and persons who are incompetent. *Official Code of Georgia Annotated*, Section 15-9-30(a)(1)-(11).

This Court sits as the trier of fact when settling a conservator's accounts, and the findings of this Court are analogous to a jury verdict. *In Re: Estate of Haring*, 314 Ga. App. 770 (2012).

A probate court has broad jurisdiction to determine controversies related to fiduciaries. This jurisdiction may extend to all controversies involved, including claims for fraud and breach of contract. *Crowe v. Elder*, 290 Ga. 686 (2012).

Even where concurrent jurisdiction is present in the superior court over fiduciary matters, that jurisdiction is limited and the probate court has primary jurisdiction. *Benefield v. Martin*, 276 Ga. App. 130 (2005).

A. Settlement of Accounts

As found hereinabove, the Suspended Conservator has failed to account for \$167,000.00 of the Ward's funds.

It is the duty of the Court to order remaining funds to be delivered to the Successor Conservator, and this Court must issue a judgment, writ of *feri facias*, and execution thereon, for any sums found to be due from the Conservator. *Official Code of Georgia Annotated*, Section 29-5-81. Judgment should be entered against the Suspended Conservator, and The Ohio Casualty Insurance Company, his surety, in the amount of \$167,000.00, on his settlement of accounts.

The commissions of the Suspended Conservator should be disallowed.

The Suspended Conservator should be removed from office. The Suspended Conservator should not be discharged.

The Suspended Conservator's attorney should immediately return the sum of \$10,000.00 to the Successor Conservator appointed hereinbelow, together with prejudgment interest at the rate of seven percent per annum from October 21, 2015. *In Re: Woodall*, 241 Ga. App. 196 (1999). Upon such remittance, the Suspended Conservator and the surety shall be credited with the sum of \$10,000.00, thereby reducing the total judgment amount by such sum. The prejudgment interest shall not be credited toward the principal owed by the Suspended Conservator.

B. Breach of Fiduciary Duty

This Court has subject matter jurisdiction over a breach of fiduciary duty claim. *Heather v. Sims*, 242 Ga. App. 691 (2000). A breach of fiduciary duty may occur both before and after appointment as a fiduciary. *Greenway v. Hamilton*, 280 Ga. 652 (2006).

If a conservator commits a breach of fiduciary duty, that breach may be redressed by the imposition of damages, the payment of money, or otherwise. *Official Code of Georgia Annotated*, Section 29-5-93.

It is the duty of this Court on its own motion to conduct a judicial inquiry concerning denial of rights or privileges to the Ward. *Official Code of Georgia Annotated*, Section 29-5-70.

It is the duty of a conservator to disclose promptly any conflicts of interest between the conservator and the ward. *Official Code of Georgia Annotated*, Section 29-5-24.

The Suspended Conservator in this case possessed conflicts of interest at the time of his appointment, and during his service. He secretly harbored an intention, and effected that intention, to satisfy adverse claims against his Ward's estate by the payment of money to himself, without disclosure of such to the Court. He further failed to disclose his purported claims against his Ward's estate arising before his appointment.

A conservator is required to exercise reasonable care, diligence, and prudence. *Official Code of Georgia Annotated*, Section 29-5-22(a). This Suspended Conservator did not do so in this case.

A conservator is required to keep accurate records, including adequate supporting data. *Official Code of Georgia Annotated*, Section 29-5-22(b)(9). The Suspended Conservator violated that duty in this case and did not do so.

The Suspended Conservator in this case has indicted himself, under oath, in the VERIFIED COMPLAINT he filed in the State Court of Forsyth County. The Suspended Conservator had been the only fiduciary administering the assets of Jacqueline Gladstone as Conservator at the time that he filed his complaint on January 14, 2016. In that complaint he indicted the administration of the Ward's estate as being administered in bad faith, as being

stubbornly litigious, and as causing unnecessary trouble and expense. This Court accepts the fiduciary's description of his own exercise of his fiduciary duties. He has breached those duties.

The Suspended Conservator further breached his duty to present a plan to this Court based upon the actual needs of the Ward, and further breached his duty by expending funds without a proposed budget being approved by this Court. *Official Code of Georgia Annotated*, Section 29-5-30.

Judgment should be entered against the Suspended Conservator, and The Ohio Casualty Insurance Company, his surety, in the amount of \$167,000.00 for breach of his fiduciary duty.

C. Punitive Damages

The various breaches of his fiduciary duties by the Suspended Conservator, and the existence of his conflicts of interest, both raise the issue of whether punitive damages should be imposed in this case. *Jonas v. Jonas*, 280 Ga. App. 155 (2006). *Home Insurance Company v. Wynn*, 229 Ga. App. 220 (1997).

The actions and omissions of the Suspended Conservator in this case, including, but not limited to, the failure to disclose his conflict of interest, his diversion of Conservatorship assets, the looting of the Conservatorship account by the Suspended Conservator's attorney and the Conservator on the eve of his suspension, all constitute aggravating circumstances sufficient for the imposition of punitive damages to penalize, punish, and deter future similar conduct.

This Court concludes that punitive damages should be imposed against the Suspended Conservator and his surety in the amount of \$150,000.00.

ACCORDINGLY, IT IS ORDERED AND ADJUDGED that the Suspended Conservator's claims relating to the care of the Ward prior to his appointment are DENIED.

IT IS FURTHER ORDERED that the Suspended Conservator's claims relating to the care of the Ward subsequent to his appointment are DENIED.

IT IS FURTHER ORDERED that the Suspended Conservator's claims for improvements to real property are DENIED.

IT IS FURTHER ORDERED that the Suspended Conservator's claims for attorney's fees are DENIED.

IT IS FURTHER ORDERED that judgment is entered against the Suspended Conservator, Emanuel Gladstone, and his surety, The Ohio Casualty Insurance Company, in the amount of \$167,000.00 on the settlement of accounts and as damages for his breach of fiduciary duty.

IT IS FURTHER ORDERED that judgement is entered against the Suspended Conservator, Emanuel Gladstone, and his surety, The Ohio Casualty Insurance Company, for punitive damages in the amount of \$150,000.00.

IT IS FURTHER ORDERED that statutory commissions to the Suspended Conservator, Emanuel Gladstone, are forfeited.

IT IS FURTHER ORDERED that the Suspended Conservator, Emanuel Gladstone, is hereby removed from office; however, he is not discharged.

IT IS FURTHER ORDERED that Emanuel Gladstone, and his attorney, Craig S. Oakes, Esquire, shall no longer have access to the statutorily sealed records of this case.

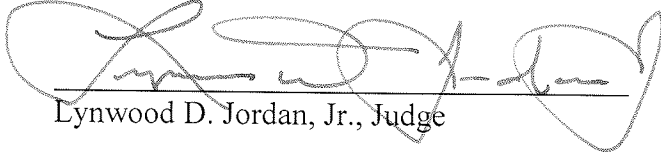
IT IS FURTHER ORDERED that Craig S. Oakes, Esquire, return to the newly appointed Conservator, appointed hereinbelow, the funds belonging to the Ward in the amount of \$10,000.00 plus interest at the judgment rate from October 21, 2014.

IT IS FURTHER ORDERED that Mark Spector is appointed Successor Conservator. Letters of Conservatorship of Adult Ward shall issue to him upon his qualification.

IT IS FURTHER ORDERED that the Temporary Substitute Conservator, Kevin J. Tallant, Esquire, transfer the Ward's assets to the Successor Conservator, Mark Spector, after Letters are issued to the Successor Conservator.

LET JUDGMENT AND WRIT OF FIERI FACIAS ISSUE against Emanuel Gladstone, and his surety, The Ohio Casualty Insurance Company, in the total amount of \$317,000.00 together with costs of this proceeding.

SO ORDERED this 19th day of February, 2016.



Lynwood D. Jordan, Jr., Judge

CERTIFICATE OF MAILING

This is to certify that I have this day mailed a copy of the foregoing Order via Electronic Mail and United States Mail to:

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This, 19th day of February, 2016


Deputy Clerk, Probate Court

IN RE: ESTATE OF
JACQUELINE GLADSTONE, Ward

DOCKET NUMBER 2014-GA-0427