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IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
PROBATE DIVISION

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RICHARD V. ROOKER, CLERK

IN THE MATTER OF THE CONSERVATORSHIP OF ALFONSO B. PATTON,

Respondent.

Case No. 10P-191

D.C.

FINAL ORDER APPOINTING CONSERVATOR

This matter came on to be heard in the Seventh Circuit Court for Davidson County, Tennessee before Circuit Judge Randy Kennedy, without a jury, on April 18 and April 25, 2011 for the second part of a bifurcated hearing to determine who should be appointed to serve as the conservator or conservators of Alfonso B. Patton.

On March 31, 2011, the Court entered an order establishing a permanent conservatorship for Alfonso B. Patton following a hearing on February 28, 2011. The order of March 31, 2011 states that the Court found, in part, that the revocation of all powers of attorney on March 11, 2010 was appropriate and warranted by the evidence, that Alfonso B. Patton was disabled and in need of a conservator as required by *T.C.A.* § 34-1-126, and that the previously appointed temporary conservators should remain in place pending further orders of the Court.

On April 18 and April 25, 2011 the Court heard the testimony of Gloria Walker, the temporary conservator of the property of Alfonso B. Patton, and the testimony of Patricia Richmond, the temporary conservator of the person of Alfonso B. Patton. The Court further heard the testimony of all witnesses called to testify, considered the exhibits offered at trial, considered statements of counsel for Gloria Walker and Patricia Richmond and of the attorney ad litem for Alfonso B. Patton and the entire record in this cause. Based on this evidence the Court finds as follows:

1. The request of Patricia Richmond that she be appointed to serve as the conservator of the person and/or property of Alfonso B. Patton is denied.

2. The Court finds that the pending claims brought by the conservators of the property of Alfonso B. Patton against Patricia Richmond concerning her actions as attorney in fact for Alfonso B. Patton prior to the filing of this conservatorship action create an

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insurmountable conflict of interest that prevents Patricia Richmond from serving as conservator of the property of Alfonso B. Patton. If appointed to serve in this position Patricia Richmond would literally be charged with the responsibility of prosecuting a claim, as conservator, against herself, individually.

3. The Court finds that Patricia Richmond has established a history of violating orders of this Court and refusing to follow Court orders. The Court further finds that Patricia Richmond has engaged in self-dealing to the detriment of Alfonso B. Patton while serving as attorney in fact for Alfonso B. Patton and has exercised poor judgment in the management of Alfonso B. Patton's affairs while acting as his attorney in fact. Just one example of this poor judgment was the use of $137,000 of Alfonso B. Patton's money to purchase a home at 901 Vantrease Avenue in Nashville, Tennessee, titling that property in the name of Patricia Richmond and husband, Ronnie Richmond, spending approximately $130,000 of Alfonso B. Patton's money to renovate this home, and then listing the home for sale for $154,000 within a relatively short period of time.

4. The Court finds that in regard to the care of the person of Alfonso B. Patton, there is no question but that the living conditions of Alfonso B. Patton have been enhanced by the actions of Patricia Richmond. The testimony is undisputed that Alfonso B. Patton lived in a home that was dirty and not well kept before Patricia Richmond became involved in providing assistance to him and that his circumstances have substantially improved with her assistance.

5. The Court further finds that Patricia Richmond may serve as caretaker for Alfonso B. Patton without being the conservator of his person. The Court finds that it would be appropriate for Patricia Richmond to continue as the caretaker of Alfonso B. Patton and may be paid under the terms currently in place, pending further orders of the Court, but it would not be in the best interest of Alfonso B. Patton for Patricia Richmond to serve as the conservator of his person.

6. Gloria Walker has also asked to be appointed to serve as the conservator of the property only or the person and property of Alfonso B. Patton. This request is also denied.

7. The Court finds no evidence of wrongdoing on the part of Gloria Walker while serving as temporary conservator for the property of Alfonso B. Patton but does find that she failed to scrutinize the conduct of her son, John Walker, who served as co-conservator of the property of Alfonso B. Patton with Gloria Walker.

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8. The Court further finds that there is the potential for a conflict between the interest of Gloria Walker and Alfonso B. Patton in regard to the ownership of the property on which Patton Brothers Funeral Home is located on South Street in Nashville, Tennessee. Gloria Walker, Mary Katherine Patton and Alfonso B. Patton are co-owners of the property on which this funeral home is located. Alfonso B. Patton and Mary Katherine Patton own Patton Brothers Funeral Home as partners. Patton Brothers Funeral Home leases the property owned jointly by Gloria Walker, Alfonso B. Patton and Mary Katherine Patton.

9. Moreover, the Court finds that the personal conflict existing between Gloria Walker and Patricia Richmond will likely prevent Mrs. Walker and Mrs. Richmond from effectively communicating or working together if Gloria Walker is appointed to serve as conservator of the person and/or property of Alfonso B. Patton.

THEREFORE, the Court finds that it is in the paramount best interest of Alfonso B. Patton that the temporary conservators be replaced by a third party to serve as conservator of the person and property of Alfonso B. Patton. The Court appoints Guardianship and Trusts Corporation, 501 Union Street, Suite 404, Nashville, Tennessee 37219 to act as the conservator of Alfonso B. Patton.

Guardianship and Trusts Corporation is not required to make a bond in this conservatorship.

The attorney ad litem for Alfonso B. Patton shall remain in this action to assist Guardianship and Trusts Corporation in taking over the responsibilities of the conservatorship of Alfonso B. Patton, pending further orders of the Court.

Gloria Walker shall file a complete conservatorship accounting by the close of business on May 20, 2011 and provide copies to Guardianship and Trusts Corporation and all interested parties.

This order is designated a final order pursuant to Rule 54 of the *Tennessee Rules of Civil Procedure* there being no just reason for the delay in the entry of this final order.

IT IS SO ORDERED, ADJUDGED and DECREED this the 6 day of May, 2011.

Randy Kennedy, Judge

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APPROVED FOR ENTRY:

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been mailed on the 26 day of April, 2011 to:

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501 Union Street, Suite 404
Nashville, TN 37219

Michael M. Castellarin

STATE OF TENNESSEE

I, **RICHARD R. ROOKER,** Clerk of the Circuit Court for Davidson County, in the State aforesaid, do hereby certify that the foregoing is a true and correct copy of the PETITION ORDER- INV. REQUIRED heretofore entered in the SEVENTH Circuit Court for Davidson County, Tennessee, on the 06 day of MAY , 2011 , in Case Number 10P191 between WALKER, GLORIA E. ET.AL Petitioner, and PATTON, ALFONSO B. ET.AL Respondent, as same remains in the records of said Court.

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 23 day of JUNE 2011

RICHARD R. ROOKER, Clerk,

By _____
Deputy Clerk

SEAL

