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

2014 MAR 12 PM 2:30

D.C.

JOE C. SCAIFE, Petitioner, v. LAQUELA SCAIFE BARNETT CUDE, SHERYTHA SCAIFE, LAQUITA SCAIFE, and LARAWN SCAIFE RHEA, Respondents.	Case No. 13P-1147
JOE C. SCAIFE, Petitioner, v. SHERYTHA SCAIFE, Respondent.	Case No. 13P-1212

BILL GARRETT, Davidson County
Trans:T20140029759 ORDER
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20140501-0036663

ORDER APPOINTING EMERGENCY CONSERVATOR

This cause came on to be heard on Monday, March 10, 2014 in the Probate Court for Davidson County, Tennessee before the Honorable David Randall Kennedy, Sr., Judge, upon the following Motion of Petitioner, Joe C. Scaife ["Mr. Scaife"]:

- Motion for Appointment of Emergency Conservator

Upon consideration of the sworn testimony of Respondent, Sherytha Scaife ["Mrs. Scaife"], the report of the Guardian *ad litem* and the supplemental report of the Guardian *ad litem*, statement of counsel, and the entire record, the Court finds that there is clear and convincing evidence for the need to appoint an emergency conservator over the property of Mrs. Scaife and that, because of the

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diminished amount of her assets and the use of her income, substantial harm to her financial welfare will occur if an emergency conservator is not appointed.

The Court further finds that there is no need for an Emergency Conservator over the person of Mrs. Scaife.

A transcript of the ruling of the Court is Exhibit 1 to this order. That transcript is incorporated and made a part of this order.

Pursuant to T. C. A. § 34-1-132, Mr. Scaife is appointed Emergency Conservator of the property of Mrs. Scaife and Letters of Conservatorship shall be issued to evidence this appointment. Mr. Scaife shall take an oath, administered by the Clerk fo this Court, for the faithful performance of his duties.

Except as otherwise specified in this Order, all rights of Mrs. Scaife relating to the management of her property are removed from her and transferred to the Emergency Conservator. Such rights removed and transferred to the Emergency Conservator include, without limitation, any and all rights and powers to do any or all of the following:

- to make gifts,
- to execute instruments of legal significance, except to execute a durable power of attorney for healthcare and to execute a simple will
- to make purchases
- to enter contractual relationships, including the authority to enter a listing agreement for the sale of Mrs. Scaife's home on June Drive
- to borrow money
- to incur debts

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- to apply for benefits, public and private, for which Mrs. Scaife may be eligible
- to dispose of personal property and real property
- to discharge and/or hire caregivers for Mrs. Scaife
- to determine whether or not Mrs. Scaife may utilize a Tennessee driver license for the purpose of driving;
- to pay Mrs. Scaife's bills
- to protect and invest Mrs. Scaife's income and assets;
- to prosecute and defend lawsuits
- to execute, on behalf of Mrs. Scaife, any and all documents to carry out the authority vested above.

Until and unless the Court orders otherwise, no funds from The Scaife Family 1996 Irrevocable Trust will be disbursed or transferred from that Trust, encroached upon, encumbered, or concealed by any party or person other than the Emergency Conservator.

All assets in the accounts for the Sherytha Scaife 2013 Trust shall be transferred and deposited to an account in the name of Joe C. Scaife, Conservator for Sherytha Scaife. All other financial assets of Mrs. Scaife in any account whatsoever, including but not limited to the "Tennessee Music" account at Renasant Bank, shall be transferred and deposited to that same account in the name of Joe C. Scaife, Conservator for Sherytha Scaife.

Except for the Emergency Conservator, all interested parties to this case and other persons acting in concert with them are restrained and enjoined from encumbering, transferring, negotiating, giving away all or any portion of any monies held in any accounts in the name of or for the benefit either Mrs. Scaife or the Sherytha Scaife 2013 Trust.

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Except for the Emergency Conservator, no person, is permitted to transfer or redirect incoming payments for Mrs. Scaife from any source, including but not limited to social security benefits, long term care insurance benefits from UNUM and payments from annuities.

Notwithstanding any other provision of this Order, there shall be no sale of Mrs. Scaife's home on June Drive or any of her tangible property absent prior order from the Court approving such sales.

Until and unless the Court orders otherwise, Mrs. Scaife shall be permitted to remain in her home on June Drive and shall not be removed from her home.

The Emergency Conservator shall immediately begin taking an inventory of the property of Mrs. Scaife. He shall do so with the assistance and participation of Mary Norris, LaRawn Scaife Rhea, and any other interested party who wishes to participate in taking the inventory. He shall file a written inventory with the Court no later than April 9, 2014.

If the Emergency Conservator deems it appropriate to do so, he shall take possession of any items of Mrs. Scaife's personal property having a value in excess of $1,000 and shall store them in a safe and secure location; provided however, that no items shall be stored at the home of any member of Mrs. Scaife's family.

The Sherytha Scaife 2013 Trust is a revocable trust which was created by Mrs. Scaife. In order to accomplish the intent of this Order, that Trust is revoked. The assets from that Trust shall be transferred to the name of the Emergency Conservator for the benefit of Mrs. Scaife.

The Emergency Conservator shall file a property management plan no later than April 9, 2014.

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A review hearing on this matter will be held no later than May 10, 2014. At the review hearing, the Court will consider the issue of the amount of bond, if any, which should be posted. Until that review hearing, the Court reserves the issue of bond.

It is so **ORDERED** this 12 day of March, 2014, effective immediately for 7:00 p.m. on March 10, 2014.

David Randall Kennedy, Sr., Judge

APPROVED FOR ENTRY:

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Guardian Ad Litem

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **ORDER APPOINTING EMERGENCY CONSERVATOR** has been served via **Email, confirmation by Hand-Delivery** upon:

Scott Williams
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and via **Email, confirmation by U.S. Mail, Postage Prepaid** upon:

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this 11th day of March, 2014.

Winston S. Evans

372600.043.sm.Order Appt Emergency Conservator.wpd

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 12 day of MARCH , 2014 , in Case Number 13P1212 between SCAIFE, JOE C. Petitioner, and SCAIFE, SHERYTHA 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 01 day of MAY 2014

RICHARD R. ROOKER, Clerk,

SEAL



By _____

Deputy Clerk