

Boerger, Bertha C	Case #	Date	
	G-82-5	7/19/1982	Petition for appointment of Guardian
Fuelling, Hubert			Guardian
Fuelling, Richard C			
Fuelling, Carlos H			
Saffen, Virginia			
Nelson, Dorothy			
Gresley, Irene			
	G-82-5	8/2/1982	Appointment of Guardian
Fuelling, Hubert			Guardian

BERTHA C. BOERGER, AN INCOMPETENT)

G-82-5

Petition for appointment of guardian of an adult incompetent filed in the following words and figures, to wit:

STATE OF INDIANA

32 JUL 19 1982 IN THE ADAMS CIRCUIT COURT

COUNTY OF ADAMS, SS:

GUARDIANSHIP NO. G-82-5
NANCIE RAY LINN, CLERKIN THE MATTER OF THE
GUARDIANSHIP OF BERTHA
C. BOERGERPETITION FOR APPOINTMENT OF GUARDIAN OF AN ADULT INCOMPETENT

Comes now Hubert Fuelling, your Petitioner herein, who being duly sworn upon his oath, respectfully petitions the Court as follows:

1. That the Petitioner is an adult person and resides at 144 East Washington Street, Monroe, Adams County, Indiana.
2. That the Petitioner is nephew of the prospective ward.
3. That the prospective ward is a female, ninety-seven (97) years of age, and is unable to maintain and care for her financial affairs and person and that said prospective ward is presently residing at the Decatur Community Care Center, 1145 Mercer Avenue, Decatur, Indiana, and is unable to consent to Hubert Fuelling being appointed Guardian of her person and estate, whereby said Petitioner states that notice will be given the prospective ward with regard to this proceedings by personal service by the Sheriff of Adams County, Indiana.
4. That Bertha C. Boerger is unable to maintain and care for her financial affairs and person due to the fact that she suffers the following incapacities: age and advanced senility, as evidenced by the statement of Dr. H. F. Zwick, which is attached to this Petition and marked Exhibit "A", and made a part of this Petition herein.
5. That the prospective ward owns no personal property.
6. That the prospective ward owns an undivided one-half (1/2) interest in real estate located at R. R. #1, Monroeville, Adams County, Indiana, valued at approximately Fifty Thousand Dollars (\$50,000.00).
7. That there is no guardian of the person or estate appointed for the prospective ward in this state or any other state.

8. That the persons most closely related by blood or marriage to the prospective ward are: (See schedule attached)

9. That the institution having the care and custody of said Bertha C. Boerger is Decatur Community Care Center, located at 1145 Mercer Avenue, Decatur, Indiana.

10. That the Petitioner herein, Hubert Fuelling, is not the legally appointed Guardian of any other person in this or any other state.

11. That the need exists for the appointment of a Guardian of the person and estate of Bertha C. Boerger in that she cannot handle her financial affairs and the assets of said Bertha C. Boerger need to be preserved for her support, maintenance and care, and that proper medical and surgical treatment can be authorized on the ward's behalf.

12. That the name and address of the attorney representing said Guardian is Zane R. Zwick, Zwick & Sigler, 227 South Second Street, Decatur, Indiana 46733, telephone (219) 728-9666.

WHEREFORE, your Petitioner prays the Court to enter an Order finding:

1. That the prospective ward, Bertha C. Boerger, is incompetent to take care of her financial affairs and her person.


2. That a Guardian of the estate and person needs to be appointed over Bertha C. Boerger.

3. That the Petitioner herein, Hubert Fuelling, is a suitable person to be appointed Guardian of the estate and person of said Bertha C. Boerger.


4. That all necessary parties to said proceeding have either given their consent or been notified according to the notice provisions under the law as to the appointment of a Guardian of the estate and person over Bertha C. Boerger.

5. That upon the hearing of evidence on said Petition, the Petitioner, pursuant to Indiana Code Sections 29-1-18-11, 29-1-18-14 and 29-1-18-18, be appointed Guardian over Bertha C. Boerger.

6. And for all other relief which is proper in the premises.


Hubert Fuelling

I affirm, under the penalties for perjury, that the foregoing representations are true.


Hubert Fuelling

Richard C. Fuelling, 5305 Billjo Drive, Fort Wayne, Indiana 46815

Carlos H. Fuelling, 1722 Lopshire Drive, New Haven, Indiana 46774

Virginia Saffen, 3434 Kirkland Avenue, Fort Wayne, Indiana 46805

Dorothy Nelson, 645 Norfolk Drive, St. Louis, Missouri 63122

Irene Gresley, R. R. #2, Monroeville, Indiana 46773

Hubert Fuelling, 144 E. Washington, Monroe, Indiana 46772

Summons ordered issued in compliance with the terms of the praecipe.

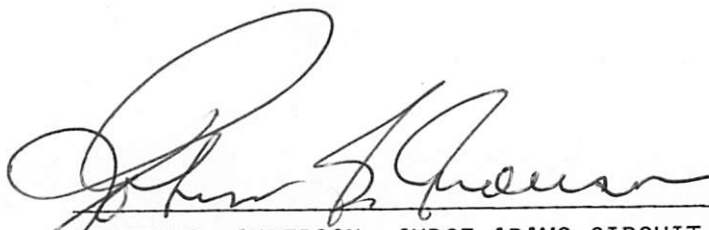
The Court now fixes the 2nd day of August, 1982, at 2:30 p.m., as the time, and the Court Room of the Adams Circuit Court as the place where and when the petition for appointment of guardian will be submitted for hearing and determination.

A notice is hereby ordered issued to the Sheriff of Adams County, Indiana for the respondent, Bertha C. Boerger, a resident of the Decatur Community Care Center, and for the petitioner, Hubert Fuelling, advising said parties that the Court has fixed the 2nd, day of August, 1982, at 2:30 p.m. as the time, and the Court Room of the Adams Circuit Court as the place where and when the petition for appointment of guardian will be submitted for hearing and determination.

The Clerk of the Adams Circuit Court is hereby ordered and directed to advise Zane R. Zwick, attorney for the petitioner, 227 S. 2nd St., Decatur, Indiana 46733; the Administrator of the Decatur Community Care Center, who has the care of said respondent; and the following persons most closely related by blood or marriage to the respondent, Richard C. Fuelling, 5305 Billjo Drive, Fort Wayne, Indiana 46815; Carlos H. Fuelling, 1722 Lopshire Drive, New Haven, Indiana 46774; Virginia Saffen, 3434 Kirkland Avenue, Fort Wayne, Indiana 46805; Dorothy Nelson, 645 Norfolk Drive, St. Louis, Missouri 63122; Irene Gresley, R.R. #2, Monroeville, Indiana 46773, and Hubert Fuelling, 144 E. Washington St., Monroe, Indiana 46772, that a petition for appointment of guardian of an adult incompetent has been filed, and that the Court has fixed the 2nd day of August, 1982, at 2:30 p.m., as the time, and the Court Room of the Adams Circuit Court as the place where and when the petition will be submitted for hearing and determination, by first class United States mail, for their information and appropriate action.

S/ Robert S. Anderson
Robert S. Anderson, Judge Adams Circuit Court

Read and signed.



ROBERT S. ANDERSON, JUDGE ADAMS CIRCUIT COURT

Comes now Hubert Fuelling, in person, and by his attorney Zane R. Zwick, and now submits to this Court for hearing and determination the petition for appointment of guardian heretofore filed with this Court on the 19th day of July, 1982 and the Court finds that due notice was given to all persons interested in the appointment of said Guardian, including Bertha C. Boerger and the Court now finds that the presence of Bertha C. Boerger in Court would impair her health and that therefore the necessity for the appearance of Bertha C. Boerger in court is hereby dispensed with and waived pursuant to the statutes of the state of Indiana. And comes now the petitioner herein and now submits and presents evidence on the appointment of said guardian and the court having seen and inspected said petition and being duly advised in the premises, having heard evidence submitted thereon, now finds that the material allegations of the petition are true, and that the said Bertha C. Boerger is a person incompetent to handle her own affairs because of her advanced age and therefore there is a necessity to appoint a guardian. The Court further finds that at the present time the said Bertha C. Boerger is a person owning an undivided 1/2 interest in an 80 acre farm located in Allen County, Indiana but does not own any personal property but instead is indebted to relatives for her care and maintenance. It is therefore ORDERED, ADJUDGED AND DECREED that Hubert Fuelling is hereby appointed as guardian of the estate and person of Bertha C. Boerger, and that said guardian shall serve without posting bond, but rather upon taking an oath of said guardian and the Clerk of the Adams Circuit Court is hereby ordered and directed to issue letters of guardianship to the said Hubert Fuelling as guardian of the person and of the estate of Bertha C. Boerger. Judgment Accordingly. Order appointing Guardian in the following words and figures, to wit;

FILED ADAMS COUNTY
CIRCUIT COURT
NANCEE KAY LINN, CLERK

STATE OF INDIANA

82 AUG 2 P 2:51

IN THE ADAMS CIRCUIT COURT

COUNTY OF ADAMS, SS:

GUARDIANSHIP NO. G-82-5IN THE MATTER OF THE
GUARDIANSHIP OF BERTHA C.
BOERGERORDER APPOINTING GUARDIAN OVER ADULT INCOMPETENT

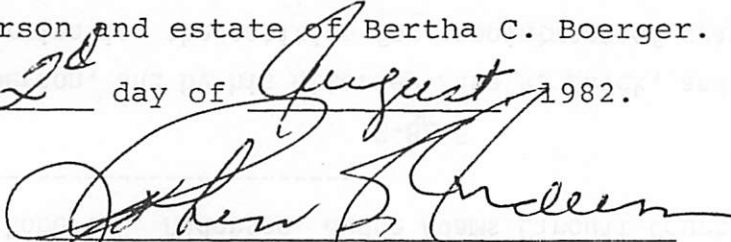
Comes now Hubert Fuelling, who having filed his verified Petition for the appointment of a Guardian over the estate and person of Bertha C. Boerger, which Petition is in the words and figures following, to-wit: (H.I.)

And the Court having examined said Petition, and the Petitioner having appeared in person and by his counsel, Zane R. Zwick, and the Court, having heard evidence thereon and being fully advised in the premises, now finds that the allegations contained in said Petition are true, and that the prospective ward has been personally served with notice of said guardianship proceedings as evidenced by the Sheriff's return on the summons issued to said prospective ward, and that a Guardian of the estate and person of Bertha C. Boerger should be appointed.

The Court further finds that said Bertha C. Boerger is in need of a Guardian by reason of her incapacity in being able to care for her financial affairs and person, and that Hubert Fuelling is a suitable person to serve as said Guardian.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that Hubert Fuelling be and hereby is appointed Guardian of the estate and person of Bertha C. Boerger, and that said Guardian shall serve without posting bond, but rather upon taking an oath as said Guardian, whereby the Clerk shall issue Letters of Guardianship to said Hubert Fuelling as Guardian of the person and estate of Bertha C. Boerger. All of which is ordered this 2nd day of August, 1982.




Robert S. Anderson, Judge
Adams Circuit Court

MONDAY, AUGUST 2, 1982

803

The Clerk of the Adams Circuit Court is hereby ordered and directed to mail a certified copy of this entry to the following persons: Hubert Fuelling, 144 E. Washington Street, Monroe, IN, 46772; to Bertha C. Boerger in care of Decatur Community Care Center, 1145 Mercer Avenue, Decatur, IN 46733; to Richard Fuelling, 5305 Billjo Drive, Fort Wayne, IN 46815; to Mr. Carlos H. Fuelling, 1722 Lopshire Drive, New Haven, Indiana 46774; to Virginia Saffen, 3434 Kirkland Avenue, Fort Wayne, IN 46805; to Dorothy Nelson, 645 Norfolk Drive, St. Louis, Missouri 63122; to Irene Gresley, R.R. #2, Monroeville, IN 46773; and to Zane R. Zwick, Attorney for the Guardian, 227 S. 2nd Street, Decatur, IN 46733; by first class United States mail for their information and appropriate action.

S/ Robert S. Anderson

Robert S. Anderson, Judge Adams Circuit Court
