

1 under the Texas Estate Code. It will last nine months
2 from the date of appointment. And in that period of that
3 time, about two months in, Ms. Mintz had to be put in
4 Hospice and, as we have already stated, she did die on
5 Christmas Eve.

10:37:10

6 THE COURT: So what is your role then at this
7 point in time?

8 MS. GOLDBERG: What I have to do right now, I'm
9 in the process of collecting the last debts of the estate
10 and paying -- there weren't many, but collecting the last
11 debts of the estate and paying those.

10:37:17

12 And then what I need to do in court is file a final
13 accounting and close out the guardianship of the estate.
14 I'm not sure where --

10:37:31

15 THE COURT: So who has control over the body
16 after the -- after her death?

17 MS. GOLDBERG: Well, the medical examiner's
18 office took it from Hospice. And Ms. Mintz, before I was
19 anywhere -- before I was appointed, years ago, had set up
20 -- had done some pre-need burial arrangements through --
21 she was Jewish -- through Temple Emanuel Cemetery. So I
22 had information about the cemetery plot.

10:37:45

23 Her son contacted -- and I agreed with it. And as the
24 guardian, I was the one with -- I was the person with the
25 legal authority to sign all the funeral arrangements. He

10:38:02

1 used Houston Jewish Funerals. I agreed with that. I
2 thought that was a good choice. I was getting --


3 THE COURT: So you signed off on all the funeral
4 arrangements?

10:38:16

5 MS. GOLDBERG: I did and I paid for the funeral
6 arrangements and I will -- I paid for the funeral
7 arrangements from the guardianship account, the money that
8 I have. I paid that.

10:38:28

9 And then what I need to do, Your Honor, is file a
10 motion in my final accounting asking the judge to ratify
11 those expenses. And this is my area of law.

12 THE COURT: So you didn't prevent Ms. Latham from
13 being able to attend her mother's funeral? 

10:38:45

14 MS. GOLDBERG: Heavens no. I told her where the
15 funeral was.

16 THE COURT: Okay. She was not able to see the
17 body after she passed?

10:38:54

18 MS. GOLDBERG: Well, it's a little complicated
19 here. Under Jewish law, we are not -- I happen to be
20 Jewish. Under Jewish law, we have to be buried
21 immediately.

22 THE COURT: 24 hours, right.

10:39:04

23 MS. GOLDBERG: Right. Just not on the Sabbath,
24 which is Saturday. We are not allowed to cremate, and we
25 don't have viewings. It's not allowed in Jewish law. We

1 don't have wakes, and we don't have viewings.

2 So I made it very clear to the son, if you want
3 cremation or anything like that, I'm asking the judge to
4 discharge me. I'll have nothing to do with that.

10:39:19 5 However, if we're following Jewish law and because
6 Ms. Mintz, the deceased, had made some prearranged burial
7 arrangements already before I -- way before this
8 proceeding ever began, I assumed -- I would assume she
9 wanted to follow Jewish law.

10:39:35 10 THE COURT: So nobody saw the body then?

11 MS. GOLDBERG: Nobody saw the body.

12 THE COURT: Other than the funeral home.

13 MS. GOLDBERG: She was not embalmed. That's
14 Jewish law. Because there was no viewing, she was not
10:39:47 15 embalmed.

16 THE COURT: So who gets to see the body to
17 identify and make sure it's the right body that's put in
18 the casket?

19 MS. GOLDBERG: Well, she was at Houston Hospice.
10:39:58 20 She was a patient. She had been a patient at St. Luke's
21 Hospital and transferred directly from St. Luke's to
22 Houston Hospice and she was identified through the
23 hospital, the medical examiner.

24 THE COURT: So what is the answer to my question?
10:40:09 25 Who gets to see the body to identify and make sure it's

1 the right person that has been given to the funeral home
2 and put in the casket?

3 MS. GOLDBERG: I'm assuming it was the medical
4 examiner, hospital personnel. That's a good question. I
10:40:20 5 don't know exactly. I'm assuming hospital personnel. She
6 is identified in the hospital and at Hospice with a band
7 and other means of identification that they use. The body
8 went directly -- it was Christmas Eve. They started
9 calling me almost at midnight.

10:40:36 10 I asked, Well, what are you doing with the body?
11 They said the medical examiner is on the way.

12 THE COURT: Okay. So you are saying somebody
13 from Hospice would have identified her body to the medical
14 examiner?

10:40:45 15 MS. GOLDBERG: That's a good question, Your
16 Honor.

17 THE COURT: We don't know the answer to that
18 question?

19 MS. GOLDBERG: That's a good question. I will
10:40:50 20 find out.

21 THE COURT: We don't know if that was her put in
22 the casket or not at this point?

23 MS. GOLDBERG: Lord have mercy.

24 THE COURT: That's a real question. I'm asking.

10:40:57 25 MS. GOLDBERG: That is a very good question.

1 THE COURT: We don't know then?

2 MS. GOLDBERG: It's not confirmed.

3 THE COURT: Pardon me?

4 MS. GOLDBERG: I don't know.

10:41:00 5 THE COURT: All right. That's all I'm trying to
6 confirm. We don't know?

7 MS. GOLDBERG: We don't know.

8 THE COURT: The only people that would have seen
9 her deceased would have been the people at Hospice and the
10:41:08 10 medical examiner, presumably?

11 MS. GOLDBERG: I don't know if the son or
12 granddaughter saw her. I'll see if I can find out.

13 THE COURT: Okay. That is literally just a
14 question. I'm just curious.

10:41:18 15 MS. GOLDBERG: No. It's a good question. If it
16 happens again, I'll surely ask.

17 THE COURT: Do you think that there is any basis
18 for jurisdiction here?

19 MS. GOLDBERG: Well, Your Honor, I haven't been
10:41:28 20 served and I haven't had the opportunity to object but I
21 don't believe that there is a basis for jurisdiction. I
22 believe that any complaints that Ms. Schwager would be
23 making should be made -- we were in several hearings in
24 Judge Wood's court. She didn't make the objections in
10:41:45 25 Judge Wood's court.