NO. 456059

IN RE: ESTATE OF	$\mathbb S$	IN THE PROBATE COURT
	\mathbb{S}	
MURIEL LUBA MINTZ,	\mathbb{S}	NUMBER TWO (2) OF
	$\mathbb S$	
AN INCAPACITATED PERSON	$\mathbb S$	HARRIS COUNTY, TEXAS

Account for Final Settlement of Temporary Guardian

MICHELE K. GOLDBERG ("Temporary Guardian"), Temporary Guardian Pending Contest of the Person and Estate of MURIEL LUBA MINTZ, Ward, an incapacitated person, files this Account for Final Settlement in accordance with Sections 1203.001 of the Texas Estates Code. This Final Account incorporates all past accountings, inventories, pleadings, and exhibits previously filed in this estate and made part of this Final Account and shows the Court the following:

- 1. MICHELE K. GOLDBERG was appointed Temporary Guardian Pending Contest of the Person and Estate of Ward on September 19, 2017 and qualified as such on September 25, 2017. Since that time, Temporary Guardian has administered this guardianship in accordance with the provisions of the Texas Estates Code.
- 2. The Temporary Guardianship of the Estate should be settled and closed because Ward died on December 24, 2017.
- 3. This Account for Final Settlement covers the period from September 25, 2017 through December 24, 2017, (the date of death of Ward), and is

accompanied with proper vouchers in support of each item not previously reported to the Court. The cash value of the estate at the beginning of this accounting period was \$105,381.48, and the total value of personal property was \$2,000.00 for a total Estate Value of \$107,381.48, as shown on the Inventory, Appraisement and List of Claims filed by Temporary Guardian on November 3, 2017 and approved by this Court on November 6, 2017.

- 4. Notice and Citation. Ward is deceased. No personal service of citation is necessary. An Application for Temporary Administration is pending before this Court subject to appointing a third-party Administrator of the Estate. The personal representative appointed as a Third-Party Administrator is a person other than Temporary Guardian and it is expected that he/she will sign a waiver of citation and notice after receiving a copy of this account.
- 5. No claims against the estate have been presented to Temporary Guardian during this accounting period.
- 6. All property belonging to the estate that has come into possession or to the attention of Temporary Guardian has previously been listed and inventoried in the pleadings, accounts, and reports filed with this Court, to which reference is hereby made for all purposes.
- 7. The following are changes in the property belonging to this estate that have not been previously reported to the Court:

- a. On October 23, 2017, Temporary Guardian closed Bank of America Act.#: xxx9183 and transferred the balance of \$8,777.65 into new Bank of America Act.#: 2977.
- b. On or about January 30, 2018, Barbara Latham, Ward's daughter, went to the TDECU Credit Union and improperly removed the balance of the funds in Act.#: xxx4752, xxx4794 and Act.#: 3972, with full knowledge that the funds were guardianship assets and under the jurisdiction of the Probate Court. Attached are copies of the final Statement of Accounts showing that Barbara Latham intentionally changed the style and address of the accounts, with TDECU's complicity, and withdrew the balance of the funds leaving a zero balance.
- c. Temporary Guardian listed personal effects belonging to the Estate in the amount of \$2,000.00. Temporary Guardian never took possession of the personal effects. Barbara Latham, Ward's Daughter, improperly removed Ward's personal belongings from her care home and put them in storage under her sole control.

Change in Inventory Value: (\$2,000.00)

8. The following is a List of Claims Owing to the Estate by TDECU:

Description of Claim	Value
Funds improperly removed from TDECU Credit Union Act.#: xxx4752 by Barbara Latham	\$5,049.30
Funds improperly removed from TDECU Credit Union Act.#: xxx4794 by Barbara Latham	\$15,171.11

Funds improperly removed from Guardianship TDECU Credit Union Act.#: xxx3972 By Barbara Latham	\$52,319.07
Total Funds Owed to the Estate by TDECU	\$72,539.48

Temporary Guardian avers to this Court that TDECU should be held responsible for the total amount of the improper withdrawals made by Barbara Latham, or in the alternative, that Barbara Latham, be ORDERED to reimburse the Ward's estate for the total amount that she improperly withdrew from the TDECU accounts, and in support thereof presents the following to the Court:

- a. On October 27, 2017, Temporary Guardian took possession of the above three referenced accounts by presenting her Certificate of Appointment as Third Party Temporary Guardian Pending Contest to TDECU. Temporary Guardian signed a signature card and changed the address of all accounts to her office address; TDECU would not allow the accounts to be styled with the word, "Guardianship Account", although the local TDECU branch manager and Temporary Guardian had lengthy conversations about the style of the account with TDECU's corporate office in Lake Jackson, TX.
- b. On October 24, 2017, after the appointment and qualification of Temporary Guardian, Barbara Latham improperly took the Ward to a

to a different local TDECU branch and had the Ward sign new beneficiary designation forms and name Barbara Latham as the primary beneficiary, except on the IRA account which named Barbara Latham and her sister, Estelle Nelson, as equal beneficiaries.

- c. In January, 2018, soon after the Ward's death, Barbara Latham and Estelle Nelson went to a branch TDECU, with a copy of the death certificate and the beneficiary designation forms and withdrew the total amounts remaining in the above referenced TDECU accounts.
- d. TDECU improperly released funds to Barbara Latham and Estelle Nelson that were subject to this Court's guardianship Orders;
- e. TDECU failed to properly protect the Ward's accounts that were in the name of the guardianship;
- f. TDECU may have improperly issued signature cards to Temporary Guardian, but allowed her to issue checks from all accounts without adequate signature cards.

Based on the foregoing, Temporary Guardian states that the total amount of funds that TDECU owes the Ward's estate is \$72,539.48. Should the Court find that TDECU does not bear responsibility for the improper withdrawals, Temporary Guardian asks this Court to find that Barbara Latham and Estelle Nelson are responsible for removing said assets and to Order both to reimburse the Ward's estate all funds that they withdrew from the Ward's three accounts with TDECU.

Temporary Guardian believes it is in the best interest of the Ward's estate to

assign said claim to the administrator of the estate.

9. The following is a complete list, including bank statements, of all revenue and income received by the Temporary Guardian for the benefit of the Ward during the time period from September 25, 2017 through December 24, 2017, and a complete list of all disbursements paid by the Temporary Guardian during the time period from September 25, 2017 through December 24, 2017:

I. TDECU Checking Act.#: ending..4752

DATE	Check#:	DESCRIPTION	Receipts	Disbursements
		Beginning Balance (per Inventory) \$80,548.82	0	0
	ACH	Houston Municipal Pension (Act.#: 4752)	\$1,579.33	0
	ACH	Social Security Benefits (Act.#: xx4752)	\$1,407.20	0
	ACH	Interest Earned on Act.#: xxx4752	\$6.65	0
October 1, 2017	Trans	Transfer from Act.#: xxx4786 – IRA distribution	\$320.00	0
October 24, 2017	Trans	Transferred \$83,852.00 to new TDECU Savings Act.#: 3972	0	0
October 30, 2017	ACH	Houston Municipal Pension (Act.#: 4752)	\$1,579.33	0
October 31, 2017	ACH	Interest Earned on Act.#: xx4752	\$5.29	0
November 1, 2017	ACH	Social Security Benefits (Act.#: xx4752)	\$1,407.20	0
November 1, 2017	Trans	Transfer from Act.#: xxx4786 – IRA distribution	\$320.00	0
November 28, 2017	ACH	Social Security Benefits (Act.#: xx4752)	\$1,407.20	0
November 30, 2017	ACH	Interest Earned on Act.#: xx4752	\$.28	0
December 1, 2017	Trans	Transfer from Act.#: xxx4786 - IRA distribution	\$320.00	0
		TOTAL RECEIPTS	\$8,352.48	0

	TOTAL DISBURSEMENTS		0
	Beginning Balance:	\$80,548.82	
	Total Receipts	\$8,352.48	
	Total Transfers	(\$83,852.00)	
Balance Withdrawn by Barbara Latham:		(\$5,049.30)	

II. TDECU IRA Act.#: ending..4794

DATE	Check#:	DESCRIPTION		Receipts	Disbursements
		Beginning Balance (Per Inventory) \$16,367.12			
	ACH	Interest Earned on Ac	count	\$1.35	0
October 1, 2017	Debit	Retirement Withdrawa	ıl	0	\$400.00
October 31, 2017	ACH	Interest Earned on Ac	count	\$1.36	0
November 1, 2017	Debit	Retirement Withdrawa	al	0	\$400.00
November 30, 2017	ACH	Interest Earned on Account		\$1.28	0
December 1, 2017	Debit	Retirement Withdrawa	ıl	0	\$400.00
		Total Receipts		\$3.99	0
		Total Disbursements		0	\$1200.00
		Beginning Balance	\$16,367.12		
		Total Receipts	\$3.99		
		Total Disbursements (\$1,200.00)			
Balance \	Withdra	wn by Barbara Latham:	(\$15,171.11)		

III. TDECU Checking Act.#: ending..3972

DATE	Check#:	DESCRIPTION	Receipts	Disbursements
		Beginning Balance: \$83,852.00	0	0
October 31, 2017	ACH	Interest Earned on Account	\$1.84	0
November 2, 2017	100	Higdon Compton – Bond Premium	0	\$1,460.00
November 30, 2017	ACH	Interest Earned on Account	\$6.78	0
December 21, 2017	101	Michele K. Goldberg, Temporary Guardian's Fees – PCO of 12/18/17	0	\$18,370.83
December 27, 2017	103	Houston Jewish Funerals - Funeral	0	0

	Arrangements – Check cleared after the date of the VOF \$11,717.00 Interest Earned after date of VOF \$6.28			
ACH			0	0
	Total Receipts		\$8.62	0
	Total Disbursements	Total Disbursements		\$19,830.83
	Balance as of 12/24/17 (per VOF):			\$64,029.79
	Beginning Balance	\$83,852.00		
	Total Receipts	\$8.62		
	Total disbursements	(\$19,830.83)		
	Less Ck.#: 103	(\$11,717.00)		
	Plus Interest	\$6.28		
Balance Withdra	Balance Withdrawn by Barbara Latham:			

IV. Bank of America Checking Act.#: xxx2977 (formerly Act.#: xxx9183)

DATE	Check#:	DESCRIPTION	Receipts	Disbursements
		Beginning Balance (Inventory Value) \$8,465.54	0	0
September 29, 2017	Dep	Interest on Account	\$.07	0
October 3, 2017	Dep	IRA Distribution	\$312.00	0
October 23, 2017	Dep	Interest on Account	\$.05	0
November 2, 2017	Debit	Check Order	0	\$15.00
November 7, 2017	101	Dr. Edward Poa – PCO of 9/12/17	0	\$1,400.00
December 1, 2017	102	The Gardens of Bellaire – Community Fee	0	\$6,133.00
January 3, 2018	ACH	Social Security Benefits	\$1,402.50	0
January 12, 2018	Dep	Houston Municipal Pension	\$1,579.33	0
January 16, 2018	Debit	Social Security Reclamation	0	\$1,402.50
		Total Receipts	\$3,293.95	0
		Total Disbursements		\$8,950.50

10. The following is a description of all property, other than cash assets, remaining in the hands of Temporary Guardian:

None.

11. The cash remaining in the hands of Temporary Guardian on the date of death of the Ward is located in the following deposit accounts as evidenced by an official letter from each depository attached to this account:

	NAME OF DEPOSITORY	BALANCE
1.	TDECU Credit Union Lake Jackson, Texas Checking Act.#: xxx4752 Balance per VOF \$5,049.30 Balance Withdrawn by Barbara Latham	
2.	TDECU Credit Union Lake Jackson, Texas IRA Act.#: xxx4794 Balance per VOF: \$15,171.11 Balance Withdrawn by Barbara Latham	1
3.	TDECU Credit Union Lake Jackson, Texas Checking Act.#: xx3972 Balance per VOF: Less Ck.#: 103 Plus Interest: Balance Withdrawn by Barbara Latham: \$52,319.07	\$64,029.79
4.	Bank of America Checking Act.#: xxx2977	\$2,808.99
	TOTAL CASH ASSETS PER VOF'S:	\$87,059.19

12. The following is a summary and reconciliation of the foregoing paragraphs of this account:

CHANGES IN	AMOUNT	
Paragraph 3:	Total Cash Value of Estate (per Inventory)	\$105,381.48
Paragraph 5:	Total Claims paid:	\$0
Paragraph 6:	Property not previously reported:	\$0
	TOTAL RECEIPTS:	\$11,659.04
	SUB-TOTAL	\$117,040.52
	TOTAL DISBURSEMENTS:	(\$ 29,981.33)
	TOTAL NET VALUE OF THE ESTATE:	\$87,059.19
	Plus Additional Interest Earned on TDECU Act.#: xx3972	\$6.28
	Less Additional Disbursements made from TDECU Act.#: xx3972	(\$11,717.00)
	Less Balance Withdrawn by Barbara Latham:	(\$72,539.48)
	Remaining Cash Value of the Estate:	\$2,808.99
ASSETS REMA		
	TOTAL NON-CASH ASSETS BEING ADMINISTERED:	\$0
	TOTAL CASH ON HAND:	\$2,808.99
	TOTAL NET VALUE OF THE ESTATE:	\$2,808.99

- 13. The following debts and expenses of the estate have not been paid due to the misappropriation of funds by Barbara Latham and Estelle Nelson, and are currently owed by the estate:
- A. The estate is indebted to Michele K. Goldberg for Attorney's Fees and Expenses in the amount of \$14,783.34 Per Court Order of April 10, 2018. There are no funds to pay this debt.

- B. The estate is indebted to Michele K. Goldberg for ongoing attorney's fees and expenses in accordance with Section 1155.054 and Section 1155.101 of the Texas Estates Code Fiduciary Fees and are being filed under separate application.
- C. The estate is indebted to Ostrom Morris, PLLC for the amount of \$41,341.20 pursuant to the Court Order of April 10, 2018. There are no available funds to pay this debt.
- D. The estate is indebted to Teresa K. Pitre, Attorney Ad Litem, of the Pitre Law Group for the amount of \$3,420.00 pursuant to the Court Order of April 10, 2018. There are no available funds to pay this debt.
- 14. There are insufficient cash assets to pay the above-described debts until the misappropriated funds are paid as a Claim Owing to the Estate to the Third-Party Administrator of the Estate as an asset of the estate.

Temporary Guardian requests that citation and notice be issued and served as required by law; that after consideration, the Court audit, settle, and approve this account and report in its entirety; ratify all expenditures and order Temporary Guardian to deliver the property remaining on hand, to the person(s) legally entitled to receive it; that Temporary Guardian requests that this court assign and transfer the Claims Owing to the Estate by TDECU or, in the alternative, by Barbara Latham and Estelle Nelson to the duly appointed Third-Party Administrator of the Estate pending before this court; and that on distribution of the property as ordered and the filing of proper receipts therefor, the Court enter an order discharging MICHELE K. GOLDBERG, Temporary Guardian, from her trust as Temporary Guardian Pending

Contest of the Person and Estate of Ward and releasing the surety on Temporary Guardian's bond from further liability.

Respectfully submitted,

Michele K. Goldberg

TBC #00793819

6750 West Loop South, Suite 615

Bellaire, Texas 77401

713.218-8800

713.839-0142 Fax

Temporary Guardian Pending Contest

lawmkg@sbcglobal.net

Certified pursuant to TEC §1054.201

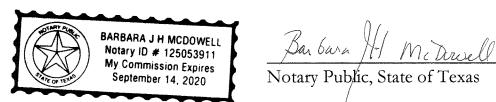
Temporary Guardian's Affidavit

BEFORE ME, the undersigned authority, on this day personally appeared MICHELE K. GOLDBERG, who swore on oath that the following facts are true:

"I am the Temporary Guardian Pending Contest in the foregoing Account for Final Settlement and Application to Discharge Temporary Guardian and Close Estate as Insolvent. I have personal knowledge of the allegations and facts stated in it, and the contents and exhibits are true, complete, and correct to the best of my knowledge.

"This account contains a correct and complete statement of the matters pertaining to the estate of Ward. The bond premium on this estate has been paid."

SIGNED under oath before me on ______27th_



CERTIFICATE OF ELECTRONIC SERVICE

Teresa K. Pitre, TBN#: 24034044 Stacy Kelly, SBN#: 24010153 Attorney Ad Litem Stacy.Kelly@hklaw.com Jason B. Ostrom, SBN#: 24027710 12808 W. Airport, Suite 255C Sugar Land, Texas 77478 Jason.Ostrom@hklaw.com 1100 Louisiana Street, Suite 4300 tpitre@pitrelawgroup.com Telephone: (281) 972-9676 Houston, Texas 77002 Facsimile: (512) 582-8495 Telephone: 713-821-7000 Fax: (713) 821-7001 Attorneys for Donald Mintz Candice L. Schwager, SBN#: 24005603 Schwager Law Firm 1417 Ramada Drive. Houston, Texas 77062 Telephone: (832) 315-8489 Facsimile: (713) 456-2453 Candiceschwager@icloud.com Attorney for Barbara Latham and Estelle Nelson

Michele K. Goldberg

Higdon Compton Insurance Agency

2510 Sunset Blvd, Houston Texas 77005; Tel: 713-529-3044 P.O. Box 27272, Houston, Texas 77227; Fax: 713-529-3047

1-888-806-2211 www.higdoncomptonagency.com

Invoice

Men of

To: Michele K. Goldberg

6750 West Loop South #615

Bellaire, TEXAS 77401

Date:

19/19/2017 Orig:

9/19/2017

Docket Number:

456059

Tel: (713) 218-8800 Fax: (713) 839-0142

Bond Term

Bond Number

Company

Bond Amount

Premium

From: To: 9/19/2017 9/19/2018 3390760

SURETEC

\$250,000.00

\$1,460.00

Description:

Termporary Third-Party Guardian of the Person and Estate Pending Contest of Muriel Luba Mintz, Incapacitated Person

Full payment for all years due. The bond term is 1 and the yearly premium is \$1,460.00

Principal

Michele Goldberg

6750 West Loop South #615 Bellaire, TEXAS 77401

Tel: (713) 218-8800 Fax: (713) 839-0142

Note: For probate bonds, please send a copy of Annual Account. If closed, please send the order approving final accounting and discharge of the principal. This invoice does not constitute proof of payment, if proof of payment is needed, please contact us.

VOF FOR TDECU Checking Act.#: xxx4752, IRA Share Act.#: xxx4794 and Checking Act.#: xxx3972

CA	USE NO. 450	5059
GUARDIANSHIP OF	<i>\$</i>	IN PROBATE COURT
MURIEL LUBA MINTZ,		NUMBER TWO (2) OF
AN INCAPACITATED PERSON	8	HARRIS COUNTY, TEXAS
VERIFICATION	OF FUNI	DS ON DEPOSIT
certifies that Michele K. Goldberg,	Temporary	cial institution named below, hereby y Guardian Pending Contest of the
		Z, An Incapacitated Person, has on
		g Act.#: \$30004752, funds belonging
		017, the balance in such account is: and in IRA Share Act.#: \$4794,
		cember 24, 2017, the balance in such
account is: \$ /5, /7/.//		; and in Checking Act.#:
	hand as	of December 24, 2017, is:
\$ 64,029.79		•
SIGNED this 14th	day of _	<u>May</u> , 2018.
	BY: 74	iaumu Willia
PRINTEI	O NAME:_	Faoumu Willis
	POSITIO	ON: Settlement Services Specialis
	TDECU	
		CRYSTAL RANDON MY COMMISSION EXPIRES March 15, 2019

Cuitad Zardon

VOF for Bank of America Checking Act. # 2977

CAUSE NO. 456059

GUARDIANSHIP OF MURIEL LUBA MINTZ, AN INCAPACITATED PERSON	\$\tag{\tau} \tau \tau \tau \tau \tau \tau \tau \tau	IN PROBATE COURT NUMBER TWO (2) OF HARRIS COUNTY, TEXAS
VERIFICATION	N OF FUNI	DS ON DEPOSIT
certifies that Michele K. Goldberg Person and Estate of MURIEL LU	Temporar UBA MINT	y Guardian Pending Contest of the Z, An Incapacitated Person, has on #: **29 **2977 the amount of mber 24, 2017.
SIGNED this	BY: F	June, 2018. RANGSCO J. Salgado Francisco J. Salgado
	POSITIO	ON: Financial Center Manager

BANK OF AMERICA

NO. 456059

IN RE: ESTATE OF	\mathbb{S}	IN THE PROBATE COURT
	S	
MURIEL LUBA MINTZ,	S	NUMBER TWO (2) OF
	S	
AN INCAPACITATED PERSON	\mathbb{S}	HARRIS COUNTY, TEXAS

Order Approving Account for Final Settlement of Temporary Guardian

On this day, the Court considered the Account for Final Settlement of this guardianship filed by MICHELE K. GOLDBERG, Temporary Guardian Pending Contest of the Person and Estate of MURIEL LUBA MINTZ, an incapacitated person. After examining the account and the vouchers accompanying the account and hearing the evidence in support of the account, the Court finds as follows:

- 1. Citation has been duly served on all persons interested in this estate.
- 2. This Court has jurisdiction of the proceeding and of the subject matter as required by law.
- 3. The account has been audited and settled by the Court, complies with the law in every respect, and should be approved as filed.
- 4. All claims, debts, and expenses of this estate are approved and should be paid, including unpaid attorney's fees filed under separate applications. There are no funds for the payment of the unpaid debts of this guardianship.
- 5. That the following claims are owed to the Estate by TDECU, or in the alternative, by Barbara Latham and Estelle Nelson, and that TDECU, or in the alternative, Barbara Latham and Estelle Nelson, are indebted to the estate in the amount of \$72,539.48, plus interest:

Description of Claim	Value
Funds removed from TDECU Credit Union Act.#: xxx4752 by Barbara Latham	\$5,049.30
Funds removed from TDECU Credit Union Act.#: xxx4794 by Barbara Latham	\$15,171.11
Funds removed from Guardianship TDECU Credit Union Act.#: xxx3972 By Barbara Latham	\$52,319.07

	o the Estate by TDECU, or in	
the alternative, by	Barbara Latham and Estelle	
Nelson		

- 6. That this court assign and transfer the Claims Owing to the Estate by TDECU, or in the alternative, by Barbara Latham and Estelle Nelson in the amount of \$72,539.48, plus interest, to the duly appointed Third-Party Administrator of the Estate as an asset of the Estate.
 - 7. That all expenditures are hereby ratified and approved.
 - 8. There is no further need for a guardianship. Ward is deceased.
 - 9. This final account should be approved.

IT IS ORDERED that the Account for Final Settlement is hereby approved; that all expenditures are hereby ratified and approved; and that all the property belonging to the estate and still remaining in the hands of MICHELE K. GOLDBERG be delivered to the Third-Party Administrator, pending appointment as Administrator of the Estate, in exchange for a Receipt of all assets remaining in this estate;

IT IS FURTHER ORDERED that that this court assign and transfer the Claims Owing to the Estate by TDECU, or in the alternative by Barbara Latham and Estelle Nelson, in the amount of \$72,539.48, plus interest, to the duly appointed Third-Party Administrator of the Estate as an asset of the estate and for further payment of unpaid debts, including attorney's fees and expenses, pursuant to previously signed court orders;

IT IS FURTHER ORDERED that when the remaining property is distributed to the Third-Party Administrator and proper receipts are filed with this Court, MICHELE K. GOLDBERG shall be discharged and the surety on her bond shall be discharged of any further liability.

SIGNED on	18	8	
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JUDGE PRESIDING

APPROVED:

Michele K. Goldberg

State Bar No.: 00793819

6750 West Loop South, Suite 615

Bellaire, Texas 77401

713.218-8800

713.839-0142 Fax

lawmkg@sbcglobal.net

Certified pursuant to TEC §1054.201