

NO. 456,059

GUARDIANSHIP OF	§	IN THE PROBATE COURT
	§	
MURIEL LUBA MINTZ,	§	NUMBER TWO (2) OF
	§	
AN INCAPACITATED PERSON	§	HARRIS COUNTY, TEXAS

APPLICATION FOR GUARDIAN AND ATTORNEY'S FEES

September 19, 2017 through December 1, 2017

MICHELE K. GOLDBERG ("Applicant") files this Application for Guardian and Attorney's Fees under Section 1155.052 of the Texas Estates Code.

I.

Applicant was appointed Temporary Guardian Pending Contest in the Guardianship of the Person and Estate of MURIEL LUBA MINTZ, An Incapacitated Person ("Ward"), by Order of this Court on September 19, 2017, and qualified to act as such in accordance with the laws of the state of Texas on September 25, 2017.

II.

Applicant is billing this Estate at two rates: \$100.00 per hour for fiduciary work; and, \$325.00 per hour for attorney work. Applicant is an attorney duly licensed to practice law in the State of Texas since November, 1995, and has extensive experience in guardianship and probate work. Her requested fees comply with the standards established by the four Probate Court Judges of Harris County, Texas. Applicant presents to this Court that since her appointment as Temporary Guardian Pending Contest (Temporary Guardian), she has expended significant time to care for the Ward and her estate because of the difficulties in obtaining the needed information to take possession of and secure all accounts in financial institutions, to establish a monthly

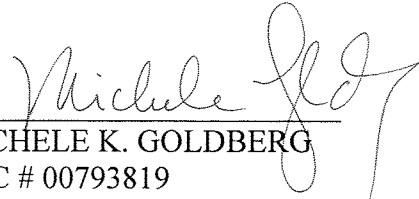
budget, to assess the Ward's need for appropriate residential placement, and to respond to repeated allegations lodged by one of Ward's daughters. Applicant also had to spend more time than usual in attempting to arrange for Ward and her family to have access to each other because the same daughter had sequestered the Ward from such family members, and (during Thanksgiving weekend) for emergency residential placement.

Applicant has performed the attorney services required to defend this guardianship in the amount of \$16,789.80, fiduciary services in the amount of \$1,325.00, and expenses in the amount of \$256.25, and is therefore entitled to the payment of fees and expenses in the total sum of \$18,370.83 for the period of September 19, 2017 through December 1, 2017; a detailed invoice is attached hereto as Exhibit "A" and incorporated herein by reference. Such sum is reasonable, necessary, and incurred in the best interest of the Ward. The Ward's estate has sufficient funds to pay Applicant's requested fiduciary and attorney's fees and expenses.

Since the inception of this Guardianship, Applicant has received no compensation for services rendered or expenses incurred.

WHEREFORE PREMISES CONSIDERED, Applicant asks this Court to enter an Order authorizing the payment of Guardian and Attorney's fees in the total amount of \$18,370.83 to Michele K. Goldberg to be paid from funds belonging to the Estate of MURIEL LUBA MINTZ, an Incapacitated Person.

Respectfully submitted,

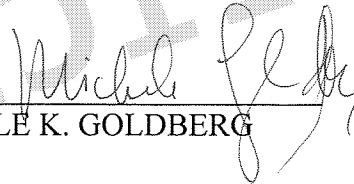


MICHELE K. GOLDBERG
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TEMPORARY GUARDIAN PENDING CONTEST

CERTIFICATE OF SERVICE

I hereby certify that the foregoing notice was served to all parties and counsel of record according to the Texas Rules of Civil Procedure on this the 5th day of December, 2017.




MICHELE K. GOLDBERG

STATE OF TEXAS

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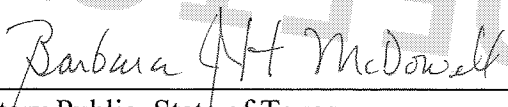
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared MICHELE K. GOLDBERG, Applicant in the foregoing Application for Guardian and Attorney's Fees, known to me to be the person whose name is subscribed to the above and foregoing Application and stated under oath that such Application contains a correct and complete statement of the facts and matters to which it relates and all the contents thereof are true, complete and correct to the best of Applicant's knowledge and that all legal services were performed from September 19, 2017 through December 1, 2017, that all fees submitted are reasonable and were necessary for the proper presentation of the Ward's interests; that all just and legal offsets, payments, and credits known to the Affiant have been allowed and are reflected in the attached invoice; that any work performed by legal assistants was done under the direction and supervision of the attorney; and that Affiant has made and presented this application and affidavit to the court for the purpose of obtaining court review and approval of such fees and expenses and their payment.

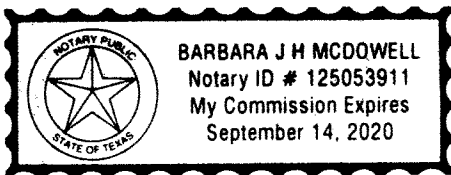


MICHELE K. GOLDBERG

SWORN AND SUBSCRIBED TO BEFORE ME on this the 4th day of December, 2017.



Notary Public, State of Texas



Michele K. Goldberg
Attorney & Counselor at Law
6750 West Loop South, Suite 615
Bellaire, Tx 77401

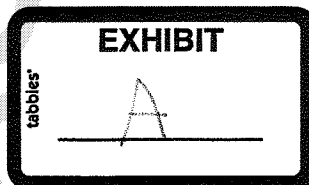
Invoice submitted to:
Muriel Luba Mintz

<i>Invoice Date</i>	<i>Invoice Number</i>	<i>Last Bill Date</i>
December 03, 2017	11449	

In Reference To: Guardianship of Muriel Mintz;
Cause No. 456,059;
In the Probate Court No. Two of Harris County, TX

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
9/19/2017 Receive appointment as Temp G Pending Contest; cursory review of on-line court file, call w. bonding agent; re: arrange for bond, fill out application, trip to bonding agent's office to execute bond	2.00 325.00/hr	650.00
9/20/2017 Send payment to bonding agent; instructions to staff; letter to all counsel; re: introduction & list of questions and requested documentation; call w. Stacy Kelly; re: background of case	1.75 325.00/hr	568.75
9/21/2017 Set up file, prepare bond for filing with court, order certified copies	0.50 100.00/hr	50.00
9/24/2017 Home visit with Ward, her 2 daughters & a son in law, gather details of case; follow up file work	3.00 325.00/hr	975.00
9/28/2017 Call from Donald Mintz; re: he gave his version of problems with family and concerns for mother; file review	0.75 325.00/hr	243.75
9/29/2017 e-mails w. Ward's daughter; call w. AAL; re: background case & concerns; e-mail to all counsel and Barbara Latham; re: set visit w. Ward and son in my office	0.75 325.00/hr	243.75
10/2/2017 E-mails w. Ward's daughter; re: visitation with brother; call w. Ward's grandson; re: concerns	0.50 100.00/hr	50.00
10/3/2017 Call from Mark Liss, Ward's "boyfriend"; re: his perspective and concerns; e-mails with AAL; re: status	0.25 100.00/hr	25.00
Review financial information	1.00 100.00/hr	100.00



	<u>Hrs/Rate</u>	<u>Amount</u>
10/6/2017 Review & organize financial information; meeting with Donald and Scott (son & grandson); re: discuss concerns; meeting w. Ward and son & grandson; correspondence to all counsel; re: needed financial information and make visitation arrangements	2.50 325.00/hr	812.50
10/10/2017 Trip to Clarewood House; re: meet with admissions officer and view possible housing for Ward;	2.50 100.00/hr	250.00
correspondence to Barbara Latham's attorney; re: need for information from client	0.25 325.00/hr	81.25
10/12/2017 Trip to BOA; re: take possession of bank accounts, review account history; call w. clerk's office; re: BOA will not accept Certificate of Appointment without embossed seal; arrange for delivery of copies to clerk's office; review previous years bank statements; correspondence to Barbara Latham & all counsel; re: need to set visitation times next week for Ward to see her son, grandchildren, and companion	2.00 325.00/hr	650.00
10/16/2017 Trip to BOA to open guardianship account & research transactions; still not done	2.00 325.00/hr	650.00
10/17/2017 Prepare Notice of Hearing of a Status Conference, file with court, send copy to all counsel	0.50 100.00/hr	50.00
Set scheduling conference; numerous e-mails with Barbara Latham's attorneys	0.50 325.00/hr	162.50
10/18/2017 Multiple e-mails and phone calls; re: Ward's accounts in financial institutions, visits with family members, administrator of Clarewood House; review Muriel Mintz Family Trust	2.00 325.00/hr	650.00
10/19/2017 Trip to BOA with Donald Mintz, Trustee, to see trust account transactions; review trust; correspondence to Barbara Latham's counsel; re: needed information	2.00 325.00/hr	650.00
10/22/2017 Draft Motion to expand authority to take possession of Ward's trust	1.00 325.00/hr	325.00
10/23/2017 File Motion and Order to Expand Authority, put file in order	0.25 100.00/hr	25.00
10/24/2017 E-mails with counsel, review WF account statements, prepare and file motion & order to extend time for inventory	1.00 325.00/hr	325.00
review and organize financial information from all sources	3.00 100.00/hr	300.00
10/25/2017 continue review and organizing financial data, draft inventory, prepare and file Notice of Hearing	3.00 100.00/hr	300.00
10/27/2017 trip to TDECU -Ward's credit union- to take possession of accounts	2.00 325.00/hr	650.00

	<u>Hrs/Rate</u>	<u>Amount</u>
10/27/2017 Meeting in office with Ward's son & granddaughter, Barbara did not bring Ward as promised; numerous e-mails to Barbara & her counsel; re: meeting she didn't attend	1.00 100.00/hr	100.00
10/28/2017 Review Dr Poa's fee Order & pay	0.25 100.00/hr	25.00
10/30/2017 Review financial information & draft inventory	1.00 250.00/hr	250.00
10/31/2017 Court Appearance -follow up review & organization of financial records	2.00 325.00/hr	650.00
11/1/2017 Review Muriel Mintz Family Trust; re: beneficiary designations & purpose of trust; numerous attempts to communicate with Barbara Latham; re: visits with family and needed financial information	0.50 325.00/hr	162.50
Review Muriel Mintz Trust, research certain provisions, review current matters in case to organize needed documentation	1.00 250.00/hr	250.00
11/2/2017 Call from Pearland Police; Barbara accused me of stealing Ward's money and other allegations; research how to draft show cause to obtain requested financial information; e-mail to Barbara's counsel; re: police investigation & need for detail monthly expense list	1.50 325.00/hr	487.50
11/3/2017 Review and revise inventory	0.25 325.00/hr	81.25
Finalize Inventory and file with court, put file in order	0.50 100.00/hr	50.00
11/6/2017 Research, review financial records, and draft Motion to Show Cause	3.83 250.00/hr	958.33
11/8/2017 Receive and review status conference transcript; work on Motion for Show Cause	2.00 325.00/hr	650.00
11/9/2017 File Motion and Order to Show Cause	0.25 100.00/hr	25.00
Review CPRC sections on requirements for TRO; revise and finalize Motion for Show Cause & TRO, instructions to & work with staff to organize exhibits for filing	1.00 325.00/hr	325.00
11/10/2017 phone calls with clerks office regarding the issuance of citation	0.25 100.00/hr	25.00
Call w. court; re: schedule show cause hearing; call w. process server; re: instructions for personal service of citation & after service call; re: Barbara Latham called Pearland Police after service of citation	0.75 325.00/hr	243.75

	<u>Hrs/Rate</u>	<u>Amount</u>
11/13/2017 Call w. Ward's current CPA; re: inform her of my appointment, of the situation and court requirements	0.25 325.00/hr	81.25
11/17/2017 Numerous e-mails with Barbara Latham and her attorneys; re: schedule visitation with family & explain again which financial records are needed; office visit (unexpected) with Ward's "boyfriend"; re: he asked to see her	0.75 100.00/hr	75.00
11/21/2017 Office visit with Ward's son & grandson; re: wait for Ward to visit; communication with Barbara Latham; re: why she didn't bring Ward to office; correspondence to all counsel; review nursing board regs for licensure (Barbara is RN & took compensation for nursing services); review IRS returns	1.50 325.00/hr	487.50
11/22/2017 trip to Social Security office; re: change representative payee and bank account for direct deposit	3.50 100.00/hr	350.00
11/24/2017 Make emergency pick-up arrangements for Ward; call with The Gardens of Bellaire admissions; re discuss placement; review current medical and financial information; review Motion for Show Cause to prepare for hearing	1.50 325.00/hr	487.50
Numerous phone calls & e-mails; re: need urgent removal of Ward from Barbara Latham's home, make arrangements to get Ward and place her	3.00 100.00/hr	300.00
11/26/2017 Numerous e-mails; re: Ward's status & placement needs; send letter to Donald Mintz; re: authorization and insurance information	0.50 325.00/hr	162.50
11/27/2017 Draft Order for Show Cause; research and draft Reply to Motion for Continuance	4.00 250.00/hr	1,000.00
11/28/2017 Court Appearance- follow up work	2.50 325.00/hr	812.50
11/29/2017 Review and fill out admissions application for The Gardens of Bellaire, deliver same	1.75 325.00/hr	568.75
11/30/2017 Appointment at The Gardens of Bellaire; re: meet with director, fill out and sign various admissions documents (financial forms previously signed), tour facility, see room and approve rental of furniture	1.50 325.00/hr	487.50
12/1/2017 Letter to The Gardens; re: visiting instructions & restrictions; trip to USPS; re: change address; review e-mail correspondence	1.50 100.00/hr	150.00
12/3/2017 Review file and finalize Motion to Expand Authority	0.25 325.00/hr	81.25
For professional services rendered	<u>73.58</u>	<u>\$18,114.58</u>
Additional Charges :		
9/20/2017 Filing fee: File original bond/oath with the court		5.00
9/25/2017 5 Certified copies of Order Appointing Temp Guardian and Certificate of Appointment		50.00

	<u>Amount</u>
10/17/2017 Filing fee: file Notice of Hearing of a Status Conference	5.39
10/20/2017 Filing fee: File Motion and Order to Expand Authority	7.45
10/24/2017 Filing fee: file Application for Extension to file Inventory	7.45
10/25/2017 Filing fee: file Notice of Hearing for Status Conference	5.39
11/3/2017 Filing fee: File Inventory	5.39
11/9/2017 Filing fee: file Motion and Order to Show Cause with request to issue citation	60.18
11/10/2017 Service Fee-citation personally served on Barbara Latham	110.00
Total costs	<u>\$256.25</u>
Total amount of this bill	<u>\$18,370.83</u>
Balance due	<u><u>\$18,370.83</u></u>

Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Barbara McDowell, Legal Assistant	9.25	100.00	\$925.00
Julie M. Dallison, Associate Attorney	9.83	250.00	\$2,458.33
Michele K. Goldberg, Attorney at Law	41.25	325.00	\$13,406.25
Michele K. Goldberg, Attorney at Law	13.25	100.00	\$1,325.00

No. 456,059

IN THE GUARDIANSHIP OF

MURIEL LUBA MINTZ,

AN INCAPACITATED PERSON

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IN THE PROBATE COURT

NO. TWO (2)

HARRIS COUNTY, TEXAS

ORDER APPROVING ATTORNEY'S FEES

On this day, the Court considered the foregoing Application for Guardian and Attorney's Fees and the Court finds that MICHELE K. GOLDBERG, Temporary Guardian Pending Contest of MURIEL LUBA MINTZ, An Incapacitated Person ("Ward"), has rendered necessary services on behalf of the Ward, and that such attorney's fees in the total amount of \$16,789.80, fiduciary fees in the amount of \$1,325.00, and expenses in the amount of \$256.25, totaling \$18,370.83, are reasonable and just, and should be paid.

It is therefore ORDERED, ADJUDGED, AND DECREED that the above fees are approved and taxed as costs in this cause and that payment in the amount of \$18,370.83 shall be paid to MICHELE K. GOLDBERG, Temporary Guardian Pending Contest, out of funds belonging to the Estate of MURIEL LUBA MINTZ.

SIGNED this ____ day of _____, 2017.

JUDGE PRESIDING

SEND CONFORMED COPY TO:

Michele K. Goldberg

TBC# 00793819

6750 West Loop South, Suite 615

Bellaire, TX 77401

lawmkg@sbcglobal.net