

**THIS DOCUMENT CONTAINS
SENSITIVE INFORMATION**

CAUSE NO. 504,140

**In re: GUARDIANSHIP OF § IN THE PROBATE COURT
ELVIE LOU CRUZ KINGSTON § NUMBER TWO (2) OF
AN INCAPACITATED PERSON § HARRIS COUNTY, TEXAS**

**Amended Application for
Appointment of Permanent Guardian of Person
and Appointment of Permanent Guardian of the Estate**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, Nubia Devine, an interested person concerning Elvie Lou Cruz Kingston, the “Ward,” and currently appointed as Temporary Guardian of the Person of the Ward and files this *Amended Application for Appointment of Permanent Guardian of the Person and Appointment of Permanent Guardian of the Estate*, (“Amended Application”) and respectfully shows the Court the following:

**I. Amended Application for Appointment of
Guardian of Person and Estate**

1. Applicant adopts and incorporates for all purposes ¶¶ 26–65, *infra*, as applicable to this Amended Application for Permanent Guardian of the Person and Permanent Guardian of the Estate.

2. Applicant would further show that, as set out below, once the temporary guardian of the estate renders a final accounting to the Court of all non-Trust assets located and then deposited into "The Trust," and the Court approves such final accounting, it appears that there will still be a need for a permanent guardian of at least one asset of the Estate of the Ward.

3. **Incapacitated Person.** Elvie Lou Cruz Kingston ("Ward"), the person for whom the appointment of a permanent guardian of the person, and a permanent guardian of the estate is sought, is a seventy-seven (77) year-old, adult female whose date of birth is March 10, 1945, and whose driver's license number is XXXX 9119. Ward is an incapacitated person as defined in Section 1002.017(2), of the Estates Code, and as found by Richard M. Barrett, M.D. See Exhibit I.

4. Ward's permanent residential address is 7514 Moreton Court, Spring, Harris County, Texas. As of the filing of this Application, Ward may be served with process at the residence of Applicant, Nubia Devine, 12208 Montana Springs Drive, Marble Falls, 78654, Travis County, Texas.

5. **Applicant.** Applicant is a long-time, close friend of Ward and is a person interested in the welfare of the Ward and is currently qualified as Temporary Guardian of the Person of Ward. Exhibit N. Applicant's address

is as follows: Nubia Devine, 12208 Montana Springs Drive, Marble Falls, 78654, Travis County, Texas. Applicant would show that it would be in Ward's best interest that Applicant or a suitable person be appointed Permanent Guardian of the Person.

6. **Venue.** This Court has venue over these proceedings because the Ward's permanent address is in Harris County, Texas, or the principal estate of the Ward is located in Harris County, Texas.

7. **Alternatives to Guardianship of Person - None.** As of the date of filing, alternatives to guardianship and available supports and services to avoid guardianship of the person and estate were considered by Applicant. After due consideration of all alternatives to guardianship of the person and estate and available supports and services it was determined that a guardianship of the person is necessary and no supports and services and none are feasible or would avoid the need for a permanent guardianship of the person.

8. **Alternatives to Guardianship of Estate Exist, Except for at Least One, Non-trust Asset.** As of the date of filing of this Application, for at least on Non-Trust asset, there appears to be no viable alternative to permanent guardianship of the estate. Available supports and services to avoid permanent guardianship of the estate were considered by

Applicant, and to the best of Applicant's knowledge, there is a need for a permanent guardian of the Ward's estate at least as to one asset.

9. As set out in below and after due consideration of all alternatives to guardianship of the estate and available supports and services, it was determined that the alternatives to a permanent guardianship of the estate do not exist, at least as to one Non-Trust asset and permanent guardianship of the estate is necessary. Although the "The Trust" established in 2001 by Ward and her [now-deceased] husband constitutes some supports and services which are feasible and were intended to avoid the need for a permanent guardianship of the estate, such preparation is ineffective as to at least one asset.

10. Citation and Notice. The name, addresses and relationships of those persons required to be served by personal citation pursuant to Section 1051.103 of the Texas Estates Code, to the best of the applicant's knowledge, are as follows:

	<u>Name</u>	<u>Relationship to Proposed Ward</u>
a.	Elvie Lou Cruz Kingston 7514 Moreton Ct. Spring, Harris County, Texas	Ward
b.	Deceased	Parents
c.	Deceased	Spouse

d. None Children

11. The name, addresses and relationships of those persons required to be given notice of this proceeding pursuant to §1051.104 of the Texas Estates Code, to the best of the applicant's knowledge, are as follows:

	<u>Name</u>	<u>Relationship to Propose Ward</u>
a.	Ernesto ("Ernest") Cruz, 14351 Hwy. 80 Karnes City, Texas 78118;	Adult sibling
b.	Michele Hartman, 0417 W. 172 nd Overland Park, KS 66221;	Adult niece
c.	Ernest Anthony Cruz 316 W. Dailey St. Kenedy, Texas 78110	Adult nephew
d.	Sally Garcia 135 Lakeshore Dr. Corpus Christi, Texas 78413	Adult cousin
e.	Marie Vela 9327 Lambertson St. San Antonio, Texas 78250-3523	Adult cousin
f.	Arturo Maldonado 4205 Congressional Dr. Corpus Christi, Texas 78413	Adult cousin

c. <i>Assets of the John Lewis Kingston and Elvie Lou Kingston Revocable Living Trust</i>	
i. Real Property in the Trust 7514 Moreton Court, Spring, Texas, See Exhibit L;	\$ 451,000.00
ii. Trust Checking Account	\$ 973,000.00
Total known Trust Assets	\$1,424,000.00
d. Older Ram pickup truck	\$ Undetermined
e. Personal Income	\$ Undetermined

14. **Other Guardianships / Powers of Attorney.** To the best of Applicant's knowledge and belief as of the filing of this Amended Application, other than the Temporary Guardianship existing under this cause number, there are no guardianships existing or pending of any kind for the Ward in the State of Texas or any other state. Ward has executed Statutory Durable and Medical Powers of Attorney appointing Jonna Caswell-Johnson as her primary agent, attached *supra* as Exhibits E and G. The Court has suspended all powers of attorney as of March 25, 2022.

15. **Guardian of the Person.** Applicant requests that the Court appoint Applicant or an eligible and suitable person to serve as Guardian of the person of the Ward, Applicant is eligible, suitable, and not disqualified by

law to serve as permanent guardian of the person, and is currently serving as the temporary guardian of the person.

16. **Duration of Guardianship of the Person.** Applicant requests the Guardianship of the Person be granted for an indefinite term. The term of this guardianship shall be until the Ward is restored to full capacity, dies, or until the Court determines this matter shall be terminated.

17. **A developmental disability is not the basis of the physician's diagnosis of incapacity.**

18. **Nature Of Incapacity.** Ward's current medical condition is more fully set forth in the Physician's Certificate of Medical Examination of Phillip Barrett, M.D., dated February 3, 2022, a copy of which is attached hereto as Exhibit I, *supra*. According to Dr. Barrett, Proposed Ward is mentally incapacitated due to **moderate dementia, although retaining sufficient capacity to have determined whom Ward adamantly refuses to have control over her person or finances, as more fully set out below, and in Exhibits A – I.**

19. Since the Order appointing Applicant as Temporary Guardian of the person, Ward's living arrangements are safe and secure, with Applicant's care and control of Ward. Applicant has good reason to believe Ms. Hartman, Ward's niece, if she regained control of Ward after the cessation of the

temporary guardianship, would again “lock down” Ward in another psychiatric facility, **effectively consenting to in-patient psychiatric commitment of Ward**, and again isolating Ward.¹

20. Based upon the facts alleged below, there exists a need for Ward to continue to have a guardian of her person to provide her with proper medical care, to properly manage her medication, and to provide Ward with a proper level and quality of care, **including not consenting to in-patient psychiatric commitment of Ward in a psychiatric facility**, as well as appointing a third-party fiduciary permanent guardian of Ward’s estate as to non-trust assets to protect Ward from financial abuse.

21. The Ward is impaired in her ability to personally initiate, handle, or make decisions concerning her physical and mental health or to manage complex financial affairs due to her condition, **although Dr. Barrett’s Certificate of Medical Examination, Exhibit I, states that the Ward retains capacity to designate who she does not want to have any control over her person and finances**. The Ward does not have capacity to vote in a public election or be eligible to hold or obtain a license to operate a motor vehicle. Therefore, Applicant requests the appointment of a

¹ Ward’s previously having been locked down with limited access in a psychiatric facility by Ms. Hartman, is insufficient for the proper care of the Ward, and was, in fact, detrimental to the Ward’s physical and mental health.

guardian of the person and the granting of the requested powers listed below.

22. **Specific Areas of Protection And Assistance Requested** .

Applicant requests that the guardian of the person have authority as follows (Elvie Lou Cruz Kingston is referred to as the “Ward” for the purposes of these powers) as Guardian of the Person—full authority, including, but not limited to, the following rights and powers:

- a. The power to review, to take possession of, and to consent to the disclosure of the Ward's medical, dental and healthcare records.
- b. The power to apply for, arrange for, and consent to any and all psychological, psychiatric, medical, or healthcare examinations, tests, treatments, or evaluations for the Ward, but not the power to consent to in-patient psychiatric commitment of the Ward.
- c. The power to consent to or object to medical, dental and health care treatment for the Ward, including, but not limited to surgery, but not the power or authority to consent to a sterilization or abortion for the Ward.
- d. The power to make the final decision, after consultation with the Ward, regarding the Ward's residence, including the power to consent to, and arrange for, 24-hour care in Ward's home, considering Ward's preference and that Ward's independent financial means, to enroll Ward in private or public residential care facilities, including 24-hour, or nursing home facilities.
- e. The power to apply for, and to secure an identification card, social security card, or other identification documents for Ward.

- f. The power to apply for, consent to, and to enroll the Ward in appropriate educational, vocational and recreational services.
- g. The power to apply for, receive and manage funds from governmental sources, including monthly social security income, including, but not limited to, Social Security, Social Security Disability, Medicare, Supplemental Security Income benefits, Medicaid, HUD Section 8 rent subsidies and Veteran's benefits;
- h. The power to make application for payment from the Ward's Trust for expenses necessary to maintain the Ward in the manner which her prior lifestyle and her independent financial means permit, including clothing, recreational activities, memberships in private or social clubs; and other activities as requested by the Ward, with Guardian's approval.
- i. The power to apply for and to consent to governmental services on the Ward's behalf, including, but not limited to, food stamps, Medicaid and vocational rehabilitation programs.
- j. The power to consent to the administration of psychoactive medications for the benefit of the Ward.
- k. The power to transport the Ward to an inpatient mental health facility and file for emergency detention.

23. Although the 2001 Trust referenced below provides some supports and services for the Ward, as set out in "The Trust" shown in Exhibits K, L, and M, there is still a need for the appointment of a permanent guardian of the Ward's estate for any asset(s) which would be detrimental to the Ward by

placement into “The Trust.”

24. **Limitation Of Rights To Be Included In Court's Order.**

Applicant requests that the Proposed Ward's rights be limited as follows:

- a. Elvie Lou Cruz Kingston shall no longer have the right to operate a motor vehicle or hold or obtain a license to operate a motor vehicle under Chapter 521 of the Transportation Code.
- b. Elvie Lou Cruz Kingston shall no longer have the right to vote in a public or private election.
- c. Elvie Lou Cruz Kingston shall no longer have the right to make decisions involving her marital status.
- d. Elvie Lou Cruz Kingston shall no longer have the right to make decisions or give consent concerning her medical, dental and healthcare treatment, tests, examinations or evaluations.
- e. Elvie Lou Cruz Kingston shall no longer have the right to make gifts of real or personal property.
- f. Elvie Lou Cruz Kingston shall no longer have the right to execute a power of attorney.
- g. Elvie Lou Cruz Kingston shall no longer have the right to purchase, use, own, or possess firearms.
- h. Elvie Lou Cruz Kingston shall no longer have the right to enter into contracts.
- i. Elvie Lou Cruz Kingston shall no longer have the right to make decisions regarding her residence which decisions would override the ultimate decision of the guardian of the person.

- j. Elvie Lou Cruz Kingston shall no longer have the right to personally seek employment, obtain government assistance or access government benefits or funds.
- k. Elvie Lou Cruz Kingston shall no longer have the right to exercise the powers and authority over her person that are given to the guardian of the person, other than as relates to her input into decisions regarding her residence, subject to the ultimate decision of the guardian of the person.

25. On June 2, 2022, the Court appointed JoEllen Snow as Guardian ad Litem of the Ward. Exhibit Q.

II. Synopsis of Prior Events Supporting Guardianship

26. On March 25, after taking evidence at the hearing on Temporary Guardianship, this Court made a finding that Elvie Lou Cruz Kingston was an incapacitated person, appointing Nubia Devine as Temporary Guardian of the Person and Catherine N. Wylie as Temporary Guardian of the Estate.

27. In her original Application, Applicant requested that the temporary guardian of the estate serve until all of the Ward's non-trust assets could be identified and placed into the Trust established by Ward and her now-deceased husband in 2001.

28. After the March 25, 2022, Order establishing temporary guardians of the person and estate, Applicant became aware that there is at least one asset belonging to Proposed Ward which cannot be transferred into the trust

without significant adverse tax consequences to the Ward.

29. Applicant's sworn, Amended Application is based on her own personal knowledge as well as is based on the sworn Affidavits from other long-time friends of Ward, Jonna Caswell-Johnson and Kathie Turner, who Applicant knows to be credible persons. See Exhibits A and B, attached hereto. Based on the sworn Affidavits, including Applicant's sworn pleading, Applicant would show that it would be in Ward's best interest that Applicant or a suitable person be appointed Permanent Guardian of the Person.

30. In November 2021, Ward became ill and was admitted into the hospital. At the time, Ward's niece, Ms. Hartman—who lives in Kansas—took control of Ward's life, purportedly using financial and medical powers of attorney granted by Ward. After Ward was released from the hospital, Ms. Hartman approved Ward's placement in one or more rehabilitation and/or psychiatric facilities. Subsequently, Ms. Hartman consented to in-patient placement of Ward in a psychiatric facility, and effectively, "locked down," Ward, intentionally isolating Ward from her long-time friends.

31. In November of 2021, Ms. Caswell-Johnson, a friend of Ward for thirty (30) years, became aware of Ward's hospitalization and attempted to visit her friend, the Ward. Ms. Hartman prevented Ms. Caswell-Johnson from

visiting or speaking to Ward, purportedly based on COVID and/or that Ward would be distressed at speaking to her friend(s).

32. Ms. Caswell-Johnson was later permitted by Ms. Hartman only two, truncated telephone calls, under conditions that highly alarmed Ms. Caswell-Johnson. When Ms. Caswell-Johnson notified Ms. Hartman—in Kansas—that the Ward had made a report in the first telephone call of physical abuse at the psychiatric facility into which Ms. Hartman had placed Ward, Ms. Hartman dismissed Ms. Caswell-Johnson's report as unsubstantiated.

33. Between November 2021 and January 24, 2022, using now-revoked powers of attorney, Ms. Hartman, is believed to have authorized administration of Haloperidol—Haldol—a psychiatric medication specifically contraindicated for use on an elderly person such as Ward.

34. On January 20, 2022, Ms. Caswell-Johnson finally was able to visit Ward for the first time in two and a half months in yet another facility, and found Ward in neglectful, abusive, filthy conditions. Ms. Caswell-Johnson visited Ward four times in five days, beginning January 20, 2022.

35. On January 24, 2022, on Ms. Caswell-Johnson's fourth visit, the neglectful, abusive, filthy conditions under which she originally found Ward on January 20, 2022, were unchanged. Exhibit A, P. 3. As a result, after Ms.

Caswell-Johnson determined that there was no guardianship on file which precluded Ward's leaving the filthy facility, Ward left the abusive conditions with Ms. Caswell-Johnson on January 24, 2022, and did not return.

36. On January 24, 2022, Ms. Caswell-Johnson, in the company of Norma Jeter, another thirty-year-long friend of Ward, brought the Ward to the office of the undersigned counsel.

37. As stated in Ms. Caswell-Johnson's Affidavit, on January 24, 2022, after an extensive interview with the undersigned counsel, in accord with Ward's stated wishes Ward **executed revocations of all financial and medical powers of attorney executed prior to January 24, 2022, as to Michele Cruz Hartman, niece of Ward and Ernesto "Ernest" Cruz, Ward's brother.**

38. In addition, Ward **disqualified both Michele Cruz Hartman and Ernest Cruz, as well as his son, Ernest Cruz, Jr.,** from any appointment as guardian of both Ward's Person and Estate. See Exhibits C – H as set out below:

- a. Exhibit C - Revocation of all prior Medical Powers of Attorney appointing Michele Hartman and/or Ernesto Cruz;
- b. Exhibit D - Revocation all prior Statutory Durable Powers of Attorney appointing Michele Hartman and/or Ernesto Cruz;

- c. Exhibit E - Medical Power of Attorney Appointing Jonna Caswell-Johnson;
- d. Exhibit F - HIPAA Release, refusing authorization to Michele Hartman, Ernesto Cruz, or any child of Ernesto Cruz;
- e. Exhibit G - Statutory Durable Power of Attorney Appointing Jonna Caswell-Johnson; and
- f. Exhibit H - Medical Power of Attorney Appointing Jonna Caswell-Johnson.

39. On January 26, 2022, Ward returned with Ms. Caswell Johnson to Ms. Norman's office for a scheduled telemedicine mental evaluation appointment with Richard Barrett, M.D. During that mental evaluation appointment, Ward reiterated to Dr. Barrett her statements made to Ms. Caswell-Johnson and Ms. Jeter, regarding Ward's care and the preclusion of Ward's niece, Michele Hartman from any control of Ward's person/life or finances. The Ward's preclusion of Ms. Hartman is set out in the Physician's Certificate of Medical Examination. The Ward and Ms. Caswell-Johnson left Ms. Norman's office after Dr. Barrett completed his interview with Ward. See Exhibit I, Feb. 3, 2022, Physician's Certificate of Medical Examination.

40. As also set out in Ms. Caswell Johnson's affidavit, she notified Ms. Hartman by text on January 25, 2022, that any powers of attorney appointing Ms. Hartman were revoked. On January 27, 2022, Ms. Caswell

Johnson sent to Ms. Hartman copies of the executed revocations as to Michele Hartman and Ernesto Cruz, as well as the Ward's appointments of Ms. Caswell-Johnson as agent under Statutory Durable and Medical Powers of Attorney.

41. Ms. Caswell-Johnson's affidavit additionally relates that on January 28, 2022, she and Ms. Kathie Turner along with the Ward, all appeared at Ms. Norman's office for two meetings:

- a. A meeting with the Houston Police Department Missing Persons Unit, to whom Michele Hartman made a false claim that Ward was missing, despite the fact that Ms. Hartman knew from January 24, 2022, forward, where and with whom Ward was located; and
- b. A meeting with Ward's brother, Ernest Cruz, who had not visited Ward in many years, according to Ward.

42. As set out in the Affidavits of Ms. Caswell-Johnson and Ms. Turner, during that meeting, Ward's brother and his son, Ward's nephew, both shed a few tears at the meeting and expressed their love for Ward. Also present by telephone was Ms. Hartman, who ignored Ward's statements to Ms. Hartman that Ward wanted her money back that Ms. Hartman had taken and that Ward wanted nothing to do with Ms. Hartman as being in any control of Ward's life and finances.

43. As set out in the Affidavits of Ms. Caswell-Johnson and Ms. Turner, Ms. Hartman seemed only to be concerned during the telephone call with both describing Ward's alleged mental condition as being violent—not supported by Dr. Barrett's Report—and more urgently, finding out the location of the Trustee of Ward's Revocable Living Trust, who Ms. Hartman described as a "federal judge in Austin." (Actually, the Hon. John Devine, now an Associate Justice of the Texas Supreme Court, was appointed in November 2007 by Ward and her now-deceased husband as successor Trustee of "The Trust.").

44. On January 29, 2022, after the January 28 meeting in which Ward's brother and his son reassured Ward of their love for her, Ward requested to go to her brother's home for a visit and Ms. Caswell-Johnson called Ward's brother, Ernest Cruz. Mr. Cruz assured Ward and Ms. Caswell-Johnson that he had four bedrooms in his home; that Ward could come stay with him. Ernest Cruz promised that Ward could speak to her friends at any and all times, and her friends could visit her. He also agreed he would hire help for Ward.

45. After January 29, 2022, neither Ms. Caswell-Johnson, nor any other friend could reach Ward.

46. On February 8, 2022, after becoming aware in February of the concerns about her friend, the Ward, from Applicant and the Ward's other friends, Genesis Luna, Applicant's daughter and a close friend of Ward who had lived with Ward in Ward's home, attempted to reach Ward by calling Ward's brother. She was unable to reach the Ward and the Ward's brother said the Ward had "lost her mind." See Exhibit J.

47. On February 17, 2022, Applicant was able to reach Ward's brother, who stated to Applicant that Ward was in a [psychiatric] hospital in San Antonio, but that:

"... She [Ward] will be moved to a psychiatric place in Seguin at any moment; waiting for confirmation, the hospital will make the transfer. . . she will be in a place where **they take care of people like her. Everyone will be able to see her there.**"
(Emphasis added.)

48. On February 21, 2022, Applicant again spoke to Ward's brother and requested to know Ward's location so she could visit Ward. Ernest Cruz' response was that: "They just moved her [Elvie] Friday . . . to Columbus in Seguin." When Applicant asked when she could come see Elvie, he said, "I don't know nothin' . . . get with Michele [Ernest's daughter, Ms. Hartman, Ward's niece]."

49. As of the filing of the Original Application on March 15, 2022, Applicant and the long-time close friends of Ward, as set out in their affidavits, had been unable to reach Ward since late January, 2022.

50. On March 17, 2022, the Court appointed Linda Goehrs as Attorney ad Litem of Proposed Ward.

51. Subsequently, Ms. Caswell-Johnson and Ward's other friends found out where Ward had been placed by Ms. Hartman— Guadalupe Valley Nursing Center in Seguin Texas. **Ms. Hartman, yet again, had used her revoked Powers of Attorney to place Ward in an in-patient psychiatric facility—Guadalupe Valley Nursing Center in Seguin, Texas, and limited both access to Ward and gave orders preventing Ward's exit from the facility. The actions of Ms. Hartman essentially committed Ward to the psychiatric facility—an action that even a temporary guardian appointed by the Court is precluded from doing.**

52. Applicant believed that Ms. Hartman was exploiting Ward financially by seeking additional access to Ward's Trust and other funds, and was failing to provide adequate medical care for Ward. Applicant, as well as Ms. Caswell Johnson believed that Ms. Hartman used **Ward's attempts to remove herself from the "locked down" conditions by portraying**

Ward as “dangerous.”

53. On March 20, 2022, the Attorney ad Litem went to Guadalupe Valley Nursing Center in Seguin Texas to interview her client, [Proposed] Ward. Attorney for Applicant and Ms. Caswell-Johnson also went to the facility. Attorney ad Litem was aware that there was no court order precluding Ward from leaving Guadalupe Valley Nursing Center. Attorney ad Litem presented to the facility and Director of Nursing this Court’s Order appointing Attorney ad Litem and met alone with her client. See Exhibit P.

54. The Attorney ad Litem determined that Ward wanted to leave the facility and **did not want to be “locked down” at the facility** as had been ordered by Ms. Hartman. The Attorney ad Litem presented her Order of Appointment to the Director of Nursing at the Nursing Center, along with the Ward’s previously-filed Revocations of Ms. Hartman’s Powers of Attorney and the filed Powers of Attorney appointing Ms. Caswell Johnson.

55. The Ward was permitted to leave Guadalupe Valley Nursing Center with Ms. Caswell-Johnson, holder of Ward’s Statutory Durable and Medical Powers of Attorney. Ward was elated to be out of the “locked down” conditions imposed by Ms. Hartman, including isolation from anyone Ms. Hartman deemed a danger to Ms. Hartman’s purported authority—after the January 24, 2022, Revocations, which Ms. Hartman received Jan. 27, 2022.

III. The Court Found the Necessity for a Temporary Guardianship

56. The Court has jurisdiction and venue over these proceedings pursuant to Section 1023.001 of the Estates Code because Ward's permanent residence is Harris County, Texas.

57. Pursuant to the facts set out above, and the testimony of witnesses on March 25, 2022, the Court found that there was a necessity of the immediate appointment of a temporary guardian of the person of the Ward, appointing Nubia Devine, see Exhibit "N." The Court further found that there was the need for a temporary guardian of the estate of the Ward, and appointed Catherine N. Wylie, CPA, JD as temporary guardian of the Estate.

Exhibit O.

58. Although the appointment for guardian of the estate was made temporary, due to possible alternatives and supports and services available to Ward's Estate as set out above, there is at least one asset that cannot be moved into the Ward's Trust, necessitating a permanent guardian of the Estate.

59. Some of Ward's medical records have been provided to the Attorney ad Litem, although there are more yet to be provided.

60. Based on information from Ward's prior "care"—or lack thereof—as authorized by Ms. Hartman, Applicant believes Ward's vision loss due to glaucoma was accelerated via denial of access to necessary medication by Ms. Hartman.

61. Applicant has reason to believe that Ward's condition was worsened, in part, as a result of prior, unnecessary and dangerous psychiatric medications, such as Haldol, with strong side effects, not suited for elderly patients, authorized by Ms. Hartman to be given to Ward.

62. Further, when Applicant, as Temporary Guardian of the Person took the Ward for medical care, one of the medications found to have been prescribed for Ward with Ms. Hartman's approval was designed to "control patients" in nursing homes.

63. **Further, Ward's independent financial means are more than sufficient for her care**, being available for her use in "The Trust" referenced in Exhibits K, L, and M.

IV. Supports and Services

64. In 2001, Ward and her now-deceased husband provided for an alternative to guardianship—of, at least, each of their estates—by executing the *John Lewis Kingston and Elvie Lou Kingston Revocable Living Trust*,

originally executed on July 17, 2001 (“The Trust”). John Lewis Kingston and Elvie Lou Kingston later twice amended “The Trust” on March 11, 2003, and on November 16, 2007.

- a. On March 11, 2003, Ward and her husband, as Co-Trustees, amended Article I of “The Trust” as to character of property, and Article VII as to necessary signatures regarding stock transactions. See Exhibit K.
- b. On November 16, 2007, Ward and her husband, as Co-Trustees, amended Section 8.02 in Article VIII of “The Trust,” to state that upon the death of either of the original co-Trustee spouses, the other spouse “shall serve as sole Trustee.” John Lewis Kingston died on December 22, 2010, and until March 25, 2022, Ward was serving as sole Trustee of “The Trust.” See Exhibit L.

65. The November 16, 2007, amendment at Section 8.02 in Article VIII of “The Trust” states that, should the remaining Trustee “. . . die, resign, or become incapacitated,” Co-Trustees appointed the Hon. John Devine, (now an Associate Justice of the Texas Supreme Court), as successor Trustee.

66. In response to the uncontested Emergency Application to Appoint Successor Trustee, filed by the Attorney Ad Litem, this Court signed its order on April 7, 2022, *Order Approving Emergency Application to Appoint Successor Trustee* for the benefit of Ward.

67. The Temporary Guardian of the Estate is proceeding with the identification, locating, collection, and securing all non-Trust assets of Ward which exist outside of “The Trust.” It is expected that she will then deposit such non-Trust assets into “The Trust,” so that the already-existing Alternatives, and Supports and Services may benefit Proposed Ward as intended over twenty years ago.

68. Unknown to Applicant at the time of the original Application, there is at least one significant asset belonging to the Ward outside the Trust which, if transferred into the Trust, will cause a significant adverse tax event to the Ward.

69. Applicant also believe there may be other assets belonging to the Ward, the existence of which has been alluded to, but which have not yet been identified.

70. Guardianship of the estate is still necessary to locate and collect all of Ward’s non-Trust assets and remove them from any control by Ms. Hartman and her father, Ward’s brother—persons disqualified by Ward to act on Ward’s behalf.

71. Unless there is notification to the contrary by the temporary guardian of the estate, Applicant believes that there will be a necessity for a permanent guardian of the estate for at least one—if not more—undiscovered

asset(s).

72. Applicant requests that the Court appoint a qualified, third-party fiduciary as permanent guardian of the Ward's estate to maintain and manage any non-trust assets which, according to good financial management principles, should remain outside The Trust.

V. PRAYER

73. WHEREFORE, Applicant prays that notice of this Application be given as required by law and that the Court:

- a. Appoint Applicant or a suitable person as T Guardian of the Person;
- b. Appoint a suitable third-party fiduciary as Guardian of the Estate of Ward to the extent of any asset(s) which would cause adverse consequences to the Ward if placed into "The Trust" , with all of the duties and powers set forth herein;
- c. Appoint Applicant or a suitable person to serve as Guardian of the Person of Ward with all of the duties and powers as set forth herein; and
- d. Order such further relief as the Court may deem appropriate.²

² All exhibits referenced herein are attached and incorporated for all purposes as if fully set forth verbatim herein.

Respectfully submitted,

/s/ Susan C. Norman

Susan C. Norman

State Bar No. 15083020

P. O. Box 55585

Houston, Texas 77255-5585

Tel.: 713-882-2066

Fax: 281-402-3682

SueNorman@SueNormanLaw.com

Attorney for Applicant

Certificate of Service

I certify that on June 10, 2022, I served a copy of this document on the Attorney ad Litem, Temporary Guardian of the Estate, Guardian ad Litem, and on June 11, 2022, on all persons required by T.E.C. §1051.104 by pursuant to Tex. Estates Code provisions and T.R.C.P. 21 and 21a.

/s/ Susan C. Norman

Susan C. Norman

STATE OF TEXAS

§
§
§

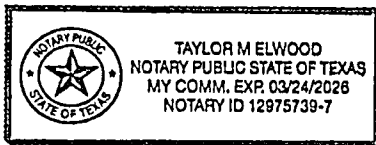
COUNTY OF Burnet

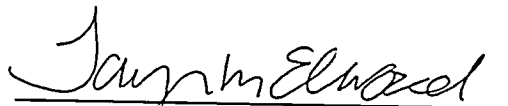
BEFORE ME, the undersigned authority, on this day personally appeared Nubia Devine, Applicant in the foregoing Amended Application for Appointment of Permanent Guardians of the Person, and of the Estate, known to me to be the person whose name is subscribed to the above and foregoing Application, and stated under oath that such Application contains a correct and complete statement of the facts and matters to which it relates, including the Affidavits and Exhibits attached hereto and incorporated for all purposes as if fully set forth verbatim herein, and all the contents thereof are true, complete and correct to the best of Applicant's knowledge.



Nubia Devine, Applicant

SWORN AND SUBSCRIBED TO BEFORE ME on this 10th day of
June, 2022.





Notary Public, State of Texas

UNOFFICIAL COPY

AFFIDAVIT OF JONNA CASWELL-JOHNSON

STATE OF TEXAS §

COUNTY OF HARRIS §

Before me, the undersigned authority, personally appeared, Jonna Caswell-Johnson, who upon being duly sworn by me, upon her oath did depose and testify as follows:

“My name is Jonna Caswell-Johnson. I am a witness in this case for the *Application for Emergency Appointment of Temporary Guardian of Person and Estate* of Elvie Lou Cruz Kingston. I am over the age of eighteen, fully competent, and able to make this affidavit. All statements herein are made from my personal knowledge and are true and correct.

1. “I have known Elvie Kingston since the mid-1990s, when my now-husband and Elvie’s husband, John (now deceased), were in business together, and Elvie and I have been close friends for almost thirty years. I have spent a great deal of time with Elvie during that time, to the extent that I have recently learned in January, 2022, that Elvie appointed my husband and me as contingent beneficiaries of her Will according to her First Codicil, executed in 2007.

2. “In November, 2021, I was unable to get in touch with Elvie Lou Cruz Kingston (hereinafter sometimes “Elvie”), my very close friend for almost thirty (30) years. I reached out to our mutual friend, Norma Jeter—who has also been a close friend of Elvie’s for many years—to ask if she knew where Elvie was. Norma advised me to contact Michelle Hartman, Elvie’s niece in Kansas, to get information on Elvie.

3. “Michelle told me that Elvie had become ill and was taken to the hospital and confirmed to have COVID. I requested Michelle to please let me know when I could see or speak with Elvie.

4. "I kept in touch with Michelle and finally did get to speak to Elvie. I believe it was at the very beginning of December that I found she was at a place called Oceans Behavioral Hospital in Katy, Texas.

5. "When I spoke with Elvie at Oceans she was crying uncontrollably and said she didn't understand why she was there. She begged me to come pick her up. She also said that two men had hurt her; that one had put his hand around her throat and threw her on the bed and another pulled her pony tail.

6. Elvie is a very small, petite woman who can easily be physically overpowered. I immediately called Michelle in Kansas and demanded she contact Oceans about Elvie's statements and Elvie's being hysterical. When Michelle called me back she said none of that had happened and that the nurse did a face time and Elvie was sleeping and no marks on her body.

7. "I found it strange and very disturbing that Michelle in Kansas did not suggest that I go to Oceans and physically verify that Elvie was not being abused, and, instead, just took the word of the facility. I was local and could have checked to ensure Elvie's proper treatment and that she was not being abused.

8. "I was very concerned at Elvie's statements and the fact that she may have been assaulted, and that Michelle seemed to totally discount Elvie's report to me. I sent a member of the clergy, Dr Jana Needham, from a church my family started years ago, to see Elvie at Oceans. Dr. Needham advised me that she was not able to talk to Elvie because Oceans' staff instructed her not to wake Elvie, so she left a prayer cloth and a note on a table next to the bed.

9. "I was able to contact Elvie at Oceans the next day by phone and asked her if she could see the prayer cloth and note. She said no. Elvie then said "that man" (who I assume was an Oceans' employee) was there again and I asked her to hand the phone to him. I asked him if there was a prayer cloth and note next to Elvie's bed. He said there was no cloth but there was a

note. I asked he please put the note in her hand. He said "OK," and disconnected the phone. I immediately called back a few times and the number would not answer.

10. I again reached out to Michelle Hartman—several times—and Michelle told me that Elvie could not see anyone or speak to anyone as it was too upsetting to her. After "the man" disconnected the telephone, I was not able to contact Elvie and I never spoke to her again until I found her on January 20, 2022.

11. "I have been very disturbed since November that Elvie's niece, Michelle Hartman, has isolated Elvie from her friends whom Elvie saw frequently. Elvie has always been a gregarious person, who has many friends with whom she enjoys spending time. Elvie is very Type A, and knows and will tell you what she wants, but she has never been physically aggressive or violent. Elvie's independent financial means afforded her a lifestyle that allowed her to go and do as she wished, with no concerns for cost, generally always with friends such as myself, Norma Jeter, and Kathie Turner.

12. "When I finally found Elvie again on January 20, 2022, she was being held in deplorable conditions, and against her will at Spring Branch Transitional Hospital. I witnessed that Elvie was heavily drugged, in poor physical condition, and was dehydrated. Elvie was dirty, with double diapers which were soiled, as were the clothes in which I saw her. Elvie said her niece was supposed to be taking care of her, and has not, therefore she stated that she wants nothing to do with her niece as she doesn't trust her—a statement Elvie had made many times before November 2021.

13. "I returned to Spring Branch Transitional on January 21, 22, and with Norma Jeter on January 24, 2022. Elvie had on the same clothes on January 24, as she had on when I saw her on January 20, with food stains, and she was still double-diapered, filthy and smelly where the diapers were. Finding out that there was no guardianship over Elvie, I signed her out of the facility and she did not return. Elvie stayed either in my home or with her friend, Kathie Turner from January 24 to January 29, 2022.

EXHIBIT A

14. "I had previously spoken to Susan Norman, an attorney, about Elvie's condition, and she agreed to meet with Elvie at her office. Norma and I and Elvie met with Ms. Norman on January 24, 2022, after leaving Spring Branch Transitional. Ms. Norman interviewed Elvie extensively, including about her wishes as to who Elvie trusted to care for her on a daily basis, as well as to whom she wanted to have charge of her financial affairs.

15. "Elvie repeated to Ms. Norman the same positions she had previously stated to me and others of her friends many times prior to November 2021 regarding her care and her finances: that she did not trust her niece and did not want her niece to have any control over her care, including any authority for her medical care, and no control over any of Elvie's financial affairs.

16. "After the extensive meeting in Ms. Norman's office, Ms. Norman prepared several documents in accord with Elvie's wishes, which were notarized by Elvie's long-time friend, Norma Jeter, including:

- a. Revocations of any prior (to January 24, 2022) powers of attorney, whether Statutory Durable or other powers attorney appointing Elvie's niece, Michelle Hartman and/or appointing Elvie's brother, Ernesto "Ernest" Cruz, as Elvie's agent and/or attorney-in-fact;
- b. Revocation of any prior (to January 24, 2022) medical powers of attorney, appointing Elvie's niece, Michelle Hartman and/or appointing Elvie's brother, Ernesto "Ernest" Cruz, as Elvie's agent to act for Elvie in her medical matters; and
- c. Disqualification in a Declaration of Guardian that disqualified Elvie's niece, Michelle Hartman and Elvie's brother, Ernesto "Ernest" Cruz, as well as any child of Ernesto Cruz, from serving as guardian of Elvie's person or estate.

17. “At the same time, on January 24, 2022, Elvie executed before Norma Jeter, who notarized Elvie’s signature on:

- a. a Statutory Durable Power of Attorney, which designated me and another friend, Kristin Cobb, as Elvie’s attorneys-in-fact;
- b. a Medical Power of Attorney which designated me and Kristin Cobb to act for Elvie in medical matters; and
- c. a HIPAA Release in which Elvie designated me and Kristin Cobb to receive Elvie’s HIPAA Private Medical Information. In the HIPAA Release, Elvie specifically disqualified her niece, Michelle Hartman and Elvie’s brother, Ernesto “Ernest” Cruz from receiving any private medical information covered by HIPAA.

18. “On January 25, 2022, Elvie and I and Norma returned to Ms. Norman’s office. At that time, Ms. Norman asked Elvie if she would be willing to speak with a psychiatrist, Richard Barrett, M.D., who would interview her so he could issue a report regarding her condition. Elvie agreed and an appointment was set for the next morning, January 26, 2022. Ms. Norman further spoke with Elvie whether Elvie’s position regarding her niece and brother was the same as the day before. Elvie reaffirmed that she wanted her niece, her brother, and his children to have nothing to do with controlling her life and her finances.

19. “On January 25, 2022, I notified Michelle Hartman by text message to her cell phone that her powers of attorney had been revoked, and on January 27, 2022, I sent Michelle Hartman a copy of both filed Powers of Attorney, appointing me and Kristin Cobb as Elvie’s agents, as well as sent her the filed Revocations of all her powers of attorney.

20. “On January 26, 2022, Elvie and I returned to Ms. Norman’s office for Elvie’s appointment with Dr. Barrett. I paid my personal funds for Dr. Barrett’s competency evaluation (\$3,000.00), as well as paid Ms. Norman’s fees and expenses to that date (\$4,500.00). After Dr. Barrett completed his interview with Elvie, she and I left.

21. "At all times since January 24, 2022, Michelle Hartman has known that Elvie was with me and was safe.

22. Later on Wednesday, January 26, 2022, while Elvie and I were eating lunch, I received a call from a deputy with the Montgomery County Sheriff's Office telling me that Elvie was a missing person and he was looking for her. I told him that Elvie was eating lunch with me and he asked to speak to her. Elvie spoke to him and invited him to lunch with us. I told him that I would be happy to show him the pictures I took of the abuse Elvie had undergone. His response was, "I'm not getting in the middle of that," and he ended the call.

23. "On January 27, 2022, I received a call from a detective at the Houston Police Department's Missing Persons unit, threatening me with arrest and demanding to see Elvie because she had "been unlawfully removed from a facility."

24. "I immediately called Ms. Norman, who contacted the detective. I heard nothing further from the detective. Ms. Norman advised me that she had made arrangements for the detective to meet with Elvie in Ms. Norman's presence at Kathie Turner's house that afternoon.

25. "Michelle had made arrangements for me to view a high-quality memory care location with Elvie later that afternoon. The detective did not show up for the appointment with Ms. Norman, so I met with Elvie, Norma, Kathie, and Ms. Norman at Auberge on Louetta in Spring.

26. "After the appointment, Elvie left with Kathie Turner from the facility and Ms. Norman said she was returning to her office. I met Elvie and Kathie at a restaurant and took Elvie to eat.

27. "On Friday, Ms. Norman advised me that the HPD detective was coming to her office at 2:00 p.m. to meet with Elvie and Ms. Norman. I brought Elvie to Ms. Norman's office and Kathie Turner met us there. HPD Detective Fort and a fellow officer arrived, met and joked with Elvie, and conducted their missing persons investigation which they concluded by

EXHIBIT A

saying that there was no more for them to do, and left.

28. “Shortly after the HPD detective left, Elvie’s brother (Ernesto Cruz), and her nephew (Antonio Cruz), came into Houston, and met with Elvie, Ms. Norman, with me, and with Kathie Turner at Ms. Norman’s office. At this meeting Elvie advised her family—her brother, nephew, and Michelle, who called in by telephone—that they had stolen from her, and she wanted her things back. I assume Elvie may have been talking about all of her jewelry, furs, and firearms the niece (Michelle) had removed from Elvie’s home while Elvie was locked down in various facilities.

29. “During the meeting the brother, niece, and nephew were the most concerned with where Elvie’s Will was, and with her Living Trust information for which there is a designated successor Trustee, John Devine. Elvie’s brother bragged to her that “she now “has thirty-one (31) wells,” implying that she has an income from “her thirty-one wells.”

30. “Not once did Elvie’s brother, nephew, or niece inquire as to the horror and abuse Elvie had just suffered since November 2021. There was no discussion about what could be done for Elvie going forward to obtain proper care for her which would be consistent with her status in life and her independent financial means. No one mentioned obtaining for Elvie the medical care she needs—including the prescription glaucoma eye drops she was not receiving, which risks vision loss.

31. “The brother stated several times in the meeting that my Powers of Attorney needed to be relinquished, or he would “take it to court.”

32. “The brother and nephew shed a few tears at the meeting, and hugged Elvie, telling her they loved her. Elvie hugged them back and said she loved them, also. After leaving the meeting, that night on January 28, 2022, Elvie said she wanted to talk to her brother because she was touched that he and his son cried and hugged her and they came to see her—as Elvie said it has been decades since she had any visits from him. I called Elvie’s brother for her on my phone.

33. “Elvie’s brother told her that he had four bedrooms, and promised that she could come live with him. The next day Elvie said she would like to go to her brother for a visit, and I spoke with him on the phone and advised him that she still loved him, and was he serious about her living there and he would take care of her?”

34. “Elvie’s brother, Ernest replied, “Yes.” I told him that if he would take proper care of her, and let her live in the house because Elvie doesn’t want to live in a hospital setting—and she has responded so well with love and attention in just a few days with friends, I would decline the appointments under Elvie’s POAs. Elvie’s brother promised that Elvie could speak to her friends at any and all times, and her friends could visit her. He also agreed he would hire help for her.

35. “Elvie’s brother told me he needed to talk to his daughter, Elvie’s niece Michelle, and he would get back with me.

36. “When he called back, he said “you have a deal,” and I could bring Elvie to the ranch. He later called back and said he preferred to meet at Chili’s Restaurant on Interstate 10 near Seguin.

37. “On Sunday, January 30, 2022, when I dropped Elvie off at Chili’s, I asked if he had hired anyone to help take care of her, and he replied he would “in a couple of weeks.”

38. “Since January 30, 2022, I have been unable to talk with Elvie and not been permitted to know where she was so I could visit her. “When I spoke to Ernest on February 3, 2022, he used the past tense when speaking about Elvie, and said they were looking at a place for her “around Seguin so he could see her.”

39. “During the first week of February, Kathie Turner told me that Ernest had advised his and Elvie’s cousin, William Sanchez, that Elvie had gone to San Antonio, and could not be visited.

40. "I called Ernest Cruz February 7, 2022, and left a message, saying that I would like to speak to Elvie, and to please contact me so I may speak to her. As of the date of this Affidavit on February 11, 2022, Ernest has not returned my call. I am very concerned for Elvie.

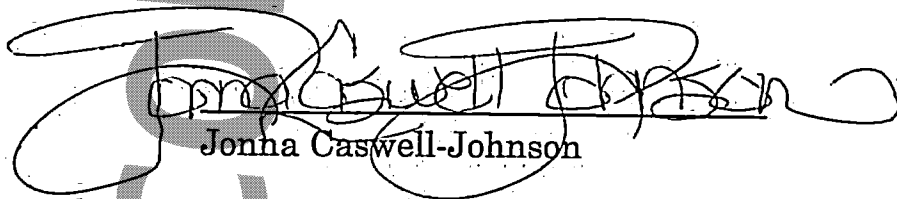
41. "Elvie was locked down and drugged against her will before, apparently at the direction—or neglect—of her niece in Kansas, and I now believe that Ernesto Cruz' offer for Elvie to live with him and hire help for Elvie's benefit, was untruthful. I believe that Elvie may be hurt, or locked in another facility against her will and drugged in order to make her appear to have become totally incapacitated. As of January 25, 2022, she had only moderate dementia, according to Dr. Barrett; she communicated well; knew who she was and who her friends were; and most importantly, knew who she did not want to be in control of her or her finances.

42. "I have never taken money from Elvie, nor permitted her to buy me anything, nor permitted her to pay for anything when she is with me. I have my own independent financial assets and I do not need, and do not want, any of Elvie's money or assets. I accepted the appointments under Powers of Attorney so that I could assist Elvie in all areas in which she needs assistance because she does not trust her niece, brother, or nephew.

43. "Over the almost thirty years of my close friendship with Elvie, I came to know Elvie's thoughts on many areas, particularly her thoughts and wishes concerning her desire to remain in control of her life and her concern that no one be permitted to take her assets against her will. Elvie has stated many times to me and to other friends, including Norma Jeter, that she did not trust her niece, Michelle Hartman, who lives in Kansas.

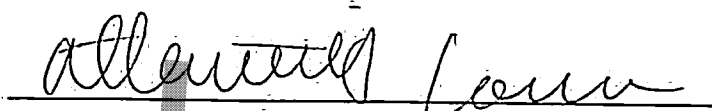
44. "I have never seen any documents giving Michelle Hartman any power of attorney or control over Elvie. Considering Elvie's prior statements regarding her niece and her brother's and niece's primary interest on January 28, 2022, being in Elvie's Will and her Trust, it would not surprise me to find that any documents of this nature appointing the niece were either forgeries or were secured from Elvie by means of deceit.

Signed on February 12, 2022.


Jonna Caswell-Johnson

SUBSCRIBED AND SWORN TO BEFORE ME by the said Jonna Caswell-Johnson on this the 12th day of February, 2022.




Notary Public, State of Texas.

UNOFFICIAL COPY

AFFIDAVIT OF KATHIE TURNER

STATE OF TEXAS §

COUNTY OF HARRIS §

Before me, the undersigned authority, personally appeared, Kathie Turner, who upon being duly sworn by me, upon her oath did depose and testify as follows:

“My name is Kathryn Turner. My date of birth is April 1, 1956, and my address is 14430 Reissen Lane, Houston, Texas 77069. I am a witness in this case for the *Application for Appointment of Temporary Guardian of Person and Estate* of Elvie Lou Cruz Kingston. I am over the age of eighteen, fully competent, and able to make this affidavit. I declare under the penalty of perjury that the following facts are true and correct when I state those of my own knowledge, and to inform myself, I have also relied upon facts I received from other reliable persons, including Elvie Kingston, regarding my close friendship with Elvie Lou Cruz Kingston.

1. “I have known Elvie Lou Cruz Kingston (hereinafter “Elvie”) for over seventeen (17) years. She and I are members of the Texas Tea Party Republican Women’s Club of which Elvie was the president for a number of years. Elvie and I had many interactions related to our shared interests in politics as well as we spent a great deal of time together in leisure activities.

2. Elvie and I traveled together—to Corpus Christi to visit her cousin, Sally Garcia, when we were working for the same skin care company. We both worked for Nerium and Stream Gas and Electric, and routinely held independent representative sales parties at Elvie’s home. Elvie was fun, bossy, engaged, and a good hostess with a lovely home that made her a top choice for that and for political gatherings. She thrived on the activity.

EXHIBIT B

3. I found out that Elvie had been taken to the hospital in November, and then later had been transferred to several mental health facilities. I felt the implications that Elvie was not improving from COVID was being used to keep people away—over time it seemed a farce and I did not trust the information I was getting, I asked Sally Garcia, Elvie's cousin, and she said that NO, I should just go see Elvie. I did not know where Elvie was taken. I was not able to see or speak to Elvie until the week of January 24, 2022, when Jonna Caswell-Johnson rescued her from abusive conditions at a Spring Branch "rehabilitation" center. I have seen the pictures Jonna took and heard Jonna's statements of the very poor condition in which she found Elvie—dirty, drugged, and double-diapered with soiled diapers.

4. Elvie is apparently again isolated by her family and in unfamiliar surroundings. Elvie's isolation seems to have been planned. Elvie had a Verizon cell phone which had all her important contacts—including her friends—programmed into it. Sometime last year Elvie's former lawyer took Elvie to T-Mobile to get a new phone, changing the number, even though the phone was still fine and the old, Verizon phone number was Elvie's lifeline to her only known world.

5. I asked repeatedly why the contacts were not transferred to the new phone, but never received a valid reason to cut Elvie off from all the people she knew and talked to frequently. I personally know the details because I was on the phone trying to help resolve it with Elvie and Verizon for her. Elvie still owed Verizon for the phone so again there was no reason to buy a new one and not pay the existing debt, keep no numbers, and share it with no one but the person involved with the purchase of the new phone.

6. When I heard the Trust discussed on January 28, 2022, that information confirmed what I heard long, long ago: that John Kingston told Sally, Elvie's cousin, that there is nothing to worry about for Elvie's financial security when John passes. He left her very well provided for. I did not know about the specific terms in the paperwork provisions, just that there was a Trust. I have since learned that the Trust has provisions for a

EXHIBIT B

successor Trustee, John Devine, if either spouse died and the remaining spouse became incapacitated or was otherwise unable to serve.

7. Elvie did not like her brother, Ernest Cruz — he owed her money. Elvie always told people she has no family—she disliked her brother that much and they were estranged. Elvie said her brother came around for money and she and her husband trusted and felt sorry for him and then her brother made no attempts to repay the money she and John gave him for a trailer years ago. Elvie's brother was never around Elvie for many years. Elvie was specific and consistent about her brother—did not like him, trust him, or want to have anything to do with him. She loved her cousin Sally and we all had a great time together in years past.

8. Elvie referred to John Devine as her son. He and his family lived in her home for a period of time and Elvie was very close to them. It would be a logical assumption that Elvie and John would make him the Trustee, since he was the closest person with a legal background and a trusted character. I never asked or was told the terminology of the trust.

9. I have known for a long time that Elvie has enough independent financial means, with continuing revenue from a family inheritance which would allow her to live in her own home with twenty-four hour care from a highly-qualified care giver. Elvie's financial means allows her to pay for anything and any level of care to address her needs and desires.

10. My friendship with Elvie spanned any and all topics of current events and circumstances, including needs she had, and at times I played a role in Elvie's life if it made sense to be involved. I visited an attorney with Elvie in Corpus Christi, and at Elvie's request I set up a dinner in Houston with another attorney with oil/gas background when Elvie ran into a problem. I would not have had reason to know or ask at that time, about any personal details of how John or Elvie set up a will/trust.

EXHIBIT B

11. I had agreed to have Elvie as a guest at my home until Jonna and Michelle could sort it all out and we could get a better arrangement set up for Elvie's doctors, needed medical treatment, and a safe environment. Elvie was with me at my house on Thursday, January 27, 2022, when she and I and Ms. Norman waited for the Houston Police Department detective to meet Elvie so as to conduct their Missing Persons investigation as a result of Michelle's making a false claim to law enforcement that Elvie was "missing."

12. The detective never showed up at my home. Jonna asked me to bring Elvie to meet her the Auberge on Louetta Road in Spring to view a facility Michelle had arranged for Jonna to take Elvie to. The interview was an attempt to find a quality residence for Elvie, near her friends and home so she could be social and mobile within her circle of friends and club members.

13. After we finished that meeting at Auberge, Elvie and I and Jonna went to Black Walnut afterwards and Jonna treated us to dinner, Elvie spent the night with me that Thursday night. When she was with me that week, she needed no hands-on help with hygiene and no need to be in diapers. Elvie needed no drugs to change her mood, and she was not combative nor aggressive, just very engaged and happy. Elvie needed friends, conversation, food, and water. Elvie could walk, talk, and sit on a toilet—by herself in the privacy of a bathroom. She never had an accident and when she woke up, she got up and went to the bathroom.

14. Elvie talked at great length about her niece, Michelle Hartman and brother, Ernest Cruz, taking her money and how did this happen? Her niece was supposed to be there to help her and Elvie thought she was. Elvie wanted to trust Michelle with personal matters and then Elvie found herself locked away—scared more than mad- asking what can she do? Who can fix this? Elvie was engaged, happy, and needed no help with hygiene or with dressing/undressing. Elvie expressed her continued intent that Michelle have nothing to do with Elvie's care and particularly with Elvie's finances.

EXHIBIT B

15. Elvie cried when I showed her that night, the pictures of her in the disgusting conditions – the food slop on her tray, the dilapidated bath/shower facilities with holes in the wall, no tank over the toilet, and filth everywhere. Elvie had been drugged and was in soiled diapers. Jonna had bathed her before she brought her to stay with me for a few days.

16. I was with Elvie, Jonna, and Ms. Norman in Ms. Norman's office on Friday, January 28, 2022, prior to and when the Houston Police Department detective came to conduct their Missing Persons investigation originally scheduled for the day before. Elvie was her normal, jocular self, and after speaking with Elvie for a short while, the detectives told me that their investigation was closed, and they left.

17. During the time I was with Elvie in Ms. Norman's office with Jonna, waiting for Elvie's brother and his son to arrive, Elvie expressed clearly, and adamantly, that she wanted nothing to do with her niece—or her brother, who had not visited her in over twenty years. Elvie particularly said multiple times that she did not want Michelle, her niece, to have any control of her life, and her finances, nor did she want her brother to have any control.

18. At the meeting in Ms. Norman's office, Elvie's brother threatened to take Jonna to court if Jonna did not relinquish Elvie's appointment of Jonna in Elvie's Powers of Attorney which Elvie executed on January 24, 2022. Ernest not only threatened to take Jonna to court if she challenged Michelle's power of attorney, he backed it up with boastful comments about his substantial wealth available to fight Jonna in court to prevent her from having/keeping the Powers of Attorney. Elvie's brother's statements were cold, hard-faced, stand-off type of threats.

19. When Michelle called in remotely to the meeting, Michelle had not the slightest interest even to say hello to Elvie or ask how she was. Elvie said it clearly and boldly—both before the meeting and during the meeting, and to Michelle—that she wanted her money and didn't need or want Michelle.

EXHIBIT B

Elvie told Michelle several times that she wanted back everything including the money that Michelle had taken from her.

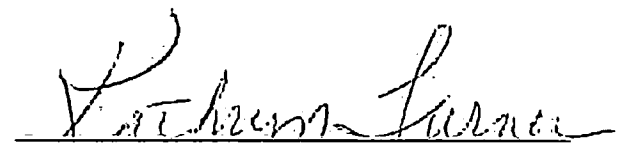
20. Michelle ignored Elvie as if Elvie were not present, and totally discounted Elvie's execution of the Powers of Attorney Elvie executed on January 24, 2022, and the Revocations of Michelle's Powers of Attorney. From Michelle's statements to the rest of us, it appeared to me that Michelle's main focus was to gain control of Elvie's Trust. Michelle was distressed that she was unable to reach the "Trustee," who Michelle described as "a federal judge in Austin."

21. Elvie's brother and his son told Elvie that they "loved her," and shed some tears; hugged Elvie several times. Elvie hugged them back, and told them that she loved them. The brother and his son left, but not without again threatening to go to court if Jonna did not relinquish the Powers of Attorney.

22. After the meeting at Ms. Norman's office, I went to dinner with Elvie and Jonna and we retrieved Elvie's things at my house, and Jonna took Elvie to Jonna's home. did not speak to Elvie after Friday night, January 28, 2022.

23. To do the right thing for Elvie and to protect her, has taken weeks, and now months of my life and the lives of several of Elvie's friends. Elvie has everything she needs to live very well in this chapter of her life. She has a big legacy with the club she started and good it has done. The "JUST" and simple doctrine of 'Do the right thing'" should be applied to Elvie's care and oversight on her life and health, as well as her financial affairs, as set up many years ago in her Trust.

Signed on March/5, 2022.


Kathryn Turner

REVOCATION OF PRIOR ALL MEDICAL POWERS OF ATTORNEY

I, Elvie Cruz Kingston, hereby revoke all prior Medical Powers of Attorney and/or HIPAA Release(s) executed by me prior to January 24, 2022, specifically revoking all Medical Powers of Attorney and/or HIPAA Release(s) executed by me at any time and executed appointing my niece, Michelle Hartmann, daughter of my brother, Ernesto "Ernest" Cruz, as my agent, and designating any other person after Michelle Hartmann, as my alternate agent(s). To the extent any Medical Powers of Attorney and/or HIPAA Release(s) purport(s) to appoint my brother, Ernesto "Ernest" Cruz, as my agent, I revoke any such Power(s) of Attorney executed prior to January 24, 2022, as well.

Signed on January 24, 2022.

Elvie Cruz Kingston
Elvie Cruz Kingston

ACKNOWLEDGMENT

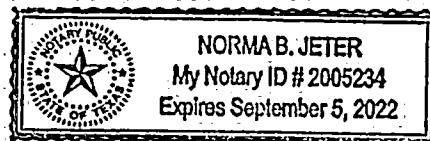
The State of Texas §

County of Harris §

This instrument was acknowledged before me on January 24th, 2022, by Elvie Cruz Kingston.

Norma B. Jeter
Notary Public in and for
The State of Texas

PREPARED IN THE OFFICE OF:
AFTER RECORDING RETURN TO:
Susan C. Norman
Attorney and Counselor at Law
P. O. Box 55585, Houston, Texas 77255
713-882-2066
SueNorman@SueNormanLaw.com



REVOCATION OF ALL STATUTORY DURABLE POWERS OF ATTORNEY

I, Elvie Cruz Kingston, hereby revoke all prior Statutory Durable Powers of Attorney executed by me prior to January 24, 2022, specifically revoking all Statutory Durable Powers and/or any other Power of Attorney made by me at any time and executed appointing my niece, Michelle Hartmann, daughter of my brother, Ernesto "Ernest" Cruz, as my agent, and designating any other person after Michelle Hartmann, as my alternate agent(s). To the extent any Statutory Durable Power of Attorney and/or other Power of Attorney purports to appoint my brother, Ernesto "Ernest" Cruz, as my agent, I revoke any such Power(s) of Attorney executed prior to January 24, 2022, as well.

Signed on January 24, 2022.

Elvie Cruz Kingston
Elvie Cruz Kingston

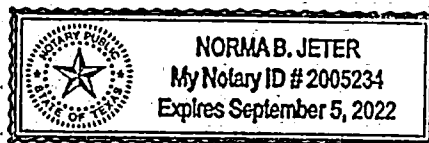
ACKNOWLEDGMENT

The State of Texas §

County of Harris §

This instrument was acknowledged before me on January 24th, 2022, by Elvie Cruz Kingston.

Norma B. Jeter
Notary Public in and for
The State of Texas



PREPARED IN THE OFFICE OF:
AFTER RECORDING RETURN TO:
Susan C. Norman
Attorney and Counselor at Law
P. O. Box 55585, Houston, Texas 77255
713-882-2066
SueNorman@SueNormanLaw.com

MEDICAL POWER OF ATTORNEY

STATE OF TEXAS §
COUNTY OF HARRIS § KNOW ALL MEN BY THESE PRESENTS §

I, Elvie Cruz Kingston, appoint:

Name: Jonna Caswell-Johnson
Address: 26645 Bayou Tesch, Magnolia, Texas 77354
Phone: 832-712-4351

as my agent to make any and all health care decisions for me, except to the extent I state otherwise in this document. This medical power of attorney takes effect immediately.

LIMITATIONS ON THE DECISION MAKING AUTHORITY OF MY AGENT ARE AS FOLLOWS:

None.

The original of this document is kept with:

Name: Jonna Caswell-Johnson
Address: 26645 Bayou Tesch, Magnolia, Texas 77354

The following individual or institution has a signed copy:

Name: Susan C. Norman
Address: P. O. Box 55585, Houston, Texas 77255

DESIGNATION OF ALTERNATE AGENT

If the person designated as my agent is unable, unavailable at the time, or unwilling to make health care decisions for me, I designate the following persons to serve as my agent to make health care decisions for me as authorized by this document, who serve in the following order:

A. First Alternate Agent

Name: Kristin Cobb
Address:
Phone:

DURATION.

I understand that this power of attorney exists indefinitely from the date I execute this document unless I establish a shorter time or revoke the power of attorney. If I am unable to make health care decisions for myself when this power of attorney expires, the authority I have granted my agent continues to exist until the time I become able to make health care decisions for myself.

PRIOR DESIGNATIONS REVOKED.

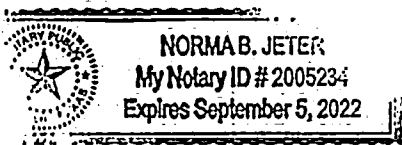
ACKNOWLEDGMENT OF DISCLOSURE STATEMENT.

I have been provided with a disclosure statement explaining the effect of this document. I have read and understand that information contained in the disclosure statement.

I sign my name to this medical power of attorney on the 24 day of January, 2022, at Houston, Harris County, Texas.

Elvie L. Kingston
Elvie Cruz Kingston

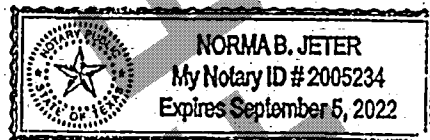
SUBSCRIBED AND SWORN TO BEFORE ME by the said Elvie Cruz Kingston Principal, this the 24th day of January, 2022.



Normab. Jeter

Notary Public, State of Texas

PREPARED IN THE OFFICE OF:
Susan C. Norman
Attorney and Counselor at Law
P O Box 55585
Houston, Texas 77255



INFORMATION CONCERNING THE MEDICAL
POWER OF ATTORNEY

THIS IS AN IMPORTANT LEGAL DOCUMENT. BEFORE SIGNING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS:

Except to the extent you state otherwise, this document gives the person you name as your agent the authority to make any and all health care decisions for you in accordance with your wishes, including your religious and moral beliefs, when you are no longer capable of making them yourself. Because "health care" means any treatment, service, or procedure to maintain, diagnose, or treat your physical or mental condition, your agent has the power to make a broad range of health care decisions for you. Your agent may consent, refuse to consent, or withdraw consent to medical treatment and may make decisions about withdrawing or withholding life-sustaining treatment. Your agent may not consent to voluntary inpatient mental health services, convulsive treatment, psychosurgery, or abortion. A physician must comply with your agent's instructions or allow you to be transferred to another physician.

Your agent's authority begins when your doctor certifies that you lack the competence to make health care decisions.

Your agent is obligated to follow your instructions when making decisions on your behalf. Unless you state otherwise, your agent has the same authority to make decisions about your health care as you would have had.

It is important that you discuss this document with your physician or other health care provider before you sign it to make sure that you understand the nature and range of decisions that may be made on your behalf. If you do not have a physician, you should talk with someone else who is knowledgeable about these issues and can answer your questions. You do not need a lawyer's assistance to complete this document, but if there is anything in this document that you do not understand, you should ask a lawyer to explain it to you.

The person you appoint as agent should be someone you know and trust. The person must be eighteen (18) years of age or older or a person under eighteen (18) years of age who has had the disabilities of minority removed. If you appoint your health or residential care provider (e.g., your physician or an employee of a home health agency, hospital, nursing home, or residential care home, other than a relative), that person has to choose between acting as your agent or as your health or residential care provider; the law does not permit a person to do both at the same time.

You should inform the person you appoint that you want the person to be your health care agent. You should discuss this document with your agent and your physician and give each a signed copy. You should indicate on the document itself the people and institutions who have signed copies. Your agent is not liable for health care decisions

EXHIBIT E

made in good faith on your behalf.

Even after you have signed this document, you have the right to make health care decisions for yourself as long as you are able to do so and treatment cannot be given to you or stopped over your objection. You have the right to revoke the authority granted to your agent by informing your agent or your health or residential care provider orally or in writing, or by your execution of a subsequent medical power of attorney. Unless you state otherwise, your appointment of a spouse dissolves on divorce.

This document may not be changed or modified after it is printed and signed. If you want to make changes in the document, you must make an entirely new one.

You may wish to designate an alternate agent in the event that your agent is unwilling, unable, or ineligible to act as your agent. Any alternate agent you designate has the same authority to make health care decisions for you.

THIS POWER OF ATTORNEY IS NOT VALID UNLESS:


- (1) YOU SIGN IT AND HAVE YOUR SIGNATURE ACKNOWLEDGED BEFORE A NOTARY PUBLIC; OR**
- (2) YOU SIGN IT IN THE PRESENCE OF TWO COMPETENT ADULT WITNESSES.**

THE FOLLOWING PERSONS MAY NOT ACT AS ONE OF THE WITNESSES:

- (1) the person you have designated as your agent;
- (2) a person related to you by blood or marriage;
- (3) a person entitled to any part of your estate after your death under a will or codicil executed by you or by operation of law;
- (4) your attending physician;
- (5) an employee of your attending physician;
- (6) an employee of a health care facility in which you are a patient if the employee is providing direct patient care to you or is an officer, director, partner, or business office employee of the health care facility or of any parent organization of the health care facility; or
- (7) a person who, at the time this power of attorney is executed, has a claim against any part of your estate after your death.

EXHIBIT E

I certify I have received a copy of this "Information Concerning the Medical Power of Attorney."


Elvie Cruz Kingston

COPY UNOFFICIAL

EXHIBIT F
HIPAA RELEASE

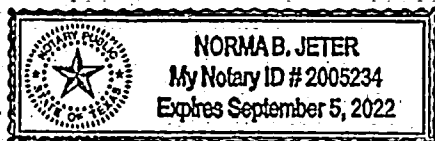
I, Elvie Cruz Kingston, Date of Birth, March 10, 1945, Social Security Number ***-**-****, intend for any agent named in this release to be treated as I would be treated with respect to my rights regarding the use and disclosure of my individually identifiable health information and other medical records. This release authority applies to any information governed by the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), 42 U.S.C. 1320d and 45 C.F.R. 160-164.

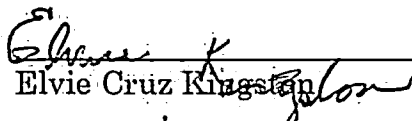
I authorize the disclosure of any information governed by HIPAA to be provided to the following: Jonna Caswell-Johnson and Kristin Cobb.

I specifically disqualify and do not authorize any information governed by HIPAA to be provided to my niece, Michelle Hartman, my brother, Ernesto "Ernest" Cruz, and any child of my brother, Ernesto "Ernest" Cruz.

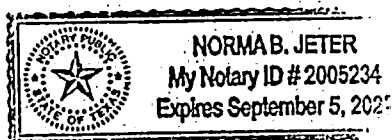
Accordingly, I hereby authorize any physician, health-care professional, dentist, health plan, hospital, clinic, laboratory, pharmacy or other covered health-care provider; any insurance company and the Medical Information Bureau Inc. or other health-care clearinghouse that has provided treatment or services to me, or that has paid for or is seeking payment from me for such services, to give, disclose and release to any person and/or agent who is named herein and who is currently serving as such, without restriction, all of my individually identifiable health information and medical records regarding any past, present or future medical or mental health condition, including all information relating to the diagnosis and treatment of HIV/AIDS, sexually transmitted diseases, mental illness, and drug or alcohol abuse.

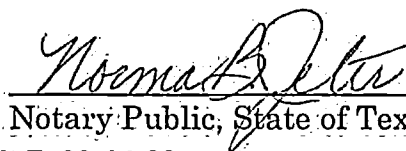
This authority given to any named agent shall supersede any prior agreement that I may have made with my health-care providers to restrict access to or disclosure of my individually identifiable health information. The individually identifiable health information and other medical records given, disclosed, or released to any named agent may be subject to re-disclosure by a named agent and may no longer be protected by HIPAA. The authority given to any named agent herein has no expiration date and shall expire only in the event that I revoke this HIPAA Release in writing and deliver it to my health-care provider. There are no exceptions to my right to revoke this HIPAA Release.




Elvie Cruz Kingston

SUBSCRIBED AND SWORN TO BEFORE ME by the said Elvie Cruz Kingston, Principal this 24th day of January, 2022.




Notary Public, State of Texas

STATUTORY DURABLE POWER OF ATTORNEY

NOTICE: THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. THEY ARE EXPLAINED IN THE DURABLE POWER OF ATTORNEY ACT, SUBTITLE P, TITLE 2, ESTATES CODE. IF YOU HAVE ANY QUESTIONS ABOUT THESE POWERS, OBTAIN COMPETENT LEGAL ADVICE. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL AND OTHER HEALTH-CARE DECISIONS FOR YOU. YOU MAY REVOKE THIS POWER OF ATTORNEY IF YOU LATER WISH TO DO SO.

You should select someone you trust to serve as your agent (attorney-in-fact). Unless you specify otherwise, generally the agent's (attorney-in-fact's) authority will continue until:

- (1) you die or revoke the power of attorney;
- (2) your agent (attorney in fact) resigns or is unable to act for you; or
- (3) a guardian is appointed for your estate.

I, Elvie Cruz-Kingston, of 7514 Moreton Court, Spring, Texas 77379, appoint Jonna Caswell-Johnson, of 26645 Bayou Tesch, Magnolia, Texas 77354, as my agent (attorney-in-fact) to act for me in any lawful way with respect to all the following powers that I have initialed below.

TO GRANT ALL OF THE FOLLOWING POWERS, INITIAL THE LINE IN FRONT OF (N) AND IGNORE THE LINES IN FRONT OF THE OTHER POWERS LISTED IN (A) THROUGH (M).

TO GRANT A POWER, YOU MUST INITIAL THE LINE IN FRONT OF THE POWER YOU ARE GRANTING.

TO WITHHOLD A POWER, DO NOT INITIAL THE LINE IN FRONT OF THE POWER. YOU MAY, BUT DO NOT NEED TO, CROSS OUT EACH POWER WITHHELD.

- (A) Real property transactions;
- (B) Tangible personal property transactions;
- (C) Stock and bond transactions;
- (D) Commodity and option transactions;
- (E) Banking and other financial institution transactions;
- (F) Business operating transactions;
- (G) Insurance and annuity transactions;
- (H) Estate, trust, and other beneficiary transactions;
- (I) Claims and litigation;
- (J) Personal and family maintenance;

EXHIBIT G

See (K)

Benefits from social security, Medicare, Medicaid, or other governmental programs or civil or military service;

See (L)

Retirement plan transactions;

See (M)

Tax matters;

See (N)

ALL OF THE POWERS LISTED IN (A) THROUGH (M). YOU DO NOT HAVE TO INITIAL THE LINE IN FRONT OF ANY OTHER POWER IF YOU INITIAL LINE (N).

SPECIAL INSTRUCTIONS:

Special instructions applicable to gifts (initial in front of the following sentence to have it apply):

____ I grant my agent (attorney-in-fact) the power to apply my property to make gifts outright to or for the benefit of a person, including by the exercise of a presently exercisable general power of appointment held by me, except that the amount of a gift to an individual may not exceed the amount of annual exclusions allowed from the federal gift tax for the calendar year of the gift.

ON THE FOLLOWING LINES YOU MAY GIVE SPECIAL INSTRUCTIONS LIMITING OR EXTENDING THE POWERS GRANTED TO YOUR AGENT.

UNLESS YOU DIRECT OTHERWISE ABOVE, THIS POWER OF ATTORNEY IS EFFECTIVE IMMEDIATELY AND WILL CONTINUE UNTIL IT IS REVOKED.

CHOOSE ONE OF THE FOLLOWING ALTERNATIVES BY CROSSING OUT THE ALTERNATIVE NOT CHOSEN:

(A) This power of attorney is not affected by my subsequent disability or incapacity.

(B) This power of attorney becomes effective upon my disability or incapacity.

YOU SHOULD CHOOSE ALTERNATIVE (A) IF THIS POWER OF ATTORNEY IS TO BECOME EFFECTIVE ON THE DATE IT IS EXECUTED.

IF NEITHER (A) NOR (B) IS CROSSED OUT, IT WILL BE ASSUMED THAT YOU CHOSE ALTERNATIVE (A).

EXHIBIT G

If Alternative (B) is chosen and a definition of my disability or incapacity is not contained in this power of attorney, I shall be considered disabled or incapacitated for purposes of this power of attorney if a physician certifies in writing at a date later than the date this power of attorney is executed that, based on the physician's medical examination of me, I am mentally incapable of managing my financial affairs. I authorize the physician who examines me for this purpose to disclose my physical or mental condition to another person for purposes of this power of attorney. A third party who accepts this power of attorney is fully protected from any action taken under this power of attorney that is based on the determination made by a physician of my disability or incapacity.

I agree that any third party who receives a copy of this document may act under it. Revocation of the durable power of attorney is not effective as to a third party until the third party receives actual notice of the revocation. I agree to indemnify the third party for any claims that arise against the third party because of reliance on this power of attorney.

If any agent named by me dies, becomes legally disabled, resigns, or refuses to act, I name the following (each to act alone and successively, in the order named) as successor(s) to that agent: Kristin Cobb.

Signed this 24 day of January, 2022.

Elvie Cruz Kingston
Elvie Cruz Kingston

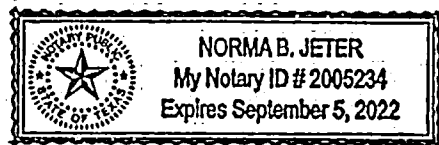
State of Texas §

County of Harris §

This document was acknowledged before me on this 24th day of January 2022, by Elvie Cruz Kingston.

Norma B. Jeter
Notary Public in and for
The State of Texas

PREPARED IN THE OFFICE OF:
AFTER RECORDING RETURN TO:
Susan C. Norman
Attorney and Counselor at Law
P. O. Box 55585, Houston, Texas 77255.
713-882-2066
SueNorman@SueNormanLaw.com



IMPORTANT INFORMATION FOR AGENT (ATTORNEY-IN-FACT)

Agent's Duties

When you accept the authority granted under this power of attorney, you establish a "fiduciary" relationship with the principal. This is a special legal relationship that imposes on you legal duties that continue until you resign or the power of attorney is terminated or revoked by the principal or by operation of law. A fiduciary duty generally includes the duty to:

- (1) act in good faith;
- (2) do nothing beyond the authority granted in this power of attorney;
- (3) act loyally for the principal's benefit;
- (4) avoid conflicts that would impair your ability to act in the principal's best interest; and
- (5) disclose your identity as an agent or attorney in fact when you act for the principal by writing or printing the name of the principal and signing your own name as "agent" or "attorney in fact" in the following manner:

(Elvie Cruz Kingston by Jonna Caswell-Johnson (or as subsequent agent, Kristin Cobb) as Agent (or as Attorney in Fact)).

In addition, the Durable Power of Attorney Act (Subtitle P, Title 2, Estates Code) requires you to:

- (1) maintain records of each action taken or decision made on behalf of the principal;
- (2) maintain all records until delivered to the principal, released by the principal, or discharged by a court; and
- (3) if requested by the principal, provide an accounting to the principal that, unless otherwise directed by the principal or otherwise provided in the Special Instructions, must include:
 - (A) the property belonging to the principal that has come to your knowledge or into your possession;
 - (B) each action taken or decision made by you as agent or attorney in fact;
 - (C) a complete account of receipts, disbursements, and other actions of you as agent or attorney in fact that includes the source and nature of each receipt, disbursement, or action, with receipts of principal and income shown separately;
 - (D) a listing of all property over which you have exercised control that includes an adequate description of each asset and the asset's current value, if known to you;

EXHIBIT G

- (E) the cash balance on hand and the name and location of the depository at which the cash balance is kept;
- (F) each known liability;
- (G) any other information and facts known to you as necessary for a full and definite understanding of the exact condition of the property belonging to the principal; and
- (H) all documentation regarding the principal's property.

Termination of Agent's Authority

You must stop acting on behalf of the principal if you learn of any event that terminates this power of attorney or your authority under this power of attorney. An event that terminates this power of attorney or your authority to act under this power of attorney includes:

- (1) the principal's death;
- (2) the principal's revocation of this power of attorney or your authority;
- (3) the occurrence of a termination event stated in this power of attorney;
- (4) if you are married to the principal, the dissolution of your marriage by court decree of divorce or annulment;
- (5) the appointment and qualification of a permanent guardian of the principal's estate; or
- (6) if ordered by a court, the suspension of this power of attorney on the appointment and qualification of a temporary guardian until the date the term of the temporary guardian expires.

Liability of Agent

The authority granted to you under this power of attorney is specified in the Durable Power of Attorney Act (Subtitle P, Title 2, Estates Code). If you violate the Durable Power of Attorney Act or act beyond the authority granted, you may be liable for any damages caused by the violation or subject to prosecution for misapplication of property by a fiduciary under Chapter 32 of the Texas Penal Code.

THE ATTORNEY IN FACT OR AGENT, BY ACCEPTING OR ACTING UNDER THE APPOINTMENT, ASSUMES THE FIDUCIARY AND OTHER LEGAL RESPONSIBILITIES OF AN AGENT.

EXHIBIT H

DECLARATION OF GUARDIAN IN THE EVENT OF LATER INCAPACITY OR NEED OF GUARDIAN

I, Elvie Cruz Kingston, make this Declaration of Guardian, to operate if the need for a guardian for me later arises.

- 1. I designate Jonna Caswell-Johnson to serve as guardian of my person; and Kristin J. Cobb, to serve as first alternate guardian of my person.
2. I designate Jonna Caswell-Johnson, to serve as guardian of my estate; and Kristin J. Cobb to serve as first alternate guardian of my estate.
3. If any guardian or alternate guardian dies, fails, or refuses to qualify, or resigns, the next named alternate guardian succeeds the prior named guardian and becomes my guardian.

DISQUALIFICATION OF PERSONS AS GUARDIANS

- 4. I specifically disqualify my brother Ernesto "Ernest" Cruz, from serving as guardian of my person and/or from serving a guardian of my estate.
5. I specifically disqualify my brother's daughter, my niece, Michelle Harttman, from serving as guardian of my person and/or from serving a guardian of my estate.
6. I specifically disqualify any child of my brother Ernesto "Ernest" Cruz, from serving as guardian of my person and/or from serving a guardian of my estate.

SIGNED on January 24th, 2022.

Handwritten signature of Elvie Cruz Kingston

Elvie Cruz Kingston Declarant

Handwritten signature of Holly Crampton
Witness

Handwritten signature of Frederick B. Cull
Witness FREDERICK B. CULL

10900 NW Freeway Ste 102
Houston, Texas 77092
Address

P.O. Box 550286
Houston, TX 77255-0286
Address

SELF-PROVING AFFIDAVIT

STATE OF TEXAS

§
§

COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this date personally appeared Elvie Cruz Kingston, the Declarant, and Holly Crampton and Frederick B. Cull, as Witnesses, and all being duly sworn, the Declarant said that the above instrument was her Declaration of Guardian and that she had made and executed it for the purposes therein expressed. The Witnesses declared to me that they are each fourteen years of age or older, and that they saw the Declarant sign the declaration, that they signed the declaration as Witnesses, and that the Declarant appeared to them to be of sound mind.

Elvie

Elvie Cruz Kingston, Declarant

Holly Crampton
Witness, Affiant

Frederick B. Cull
Witness, Affiant

SUBSCRIBED AND SWORN TO BEFORE ME by the said Elvie Kingston, and by the said Holly Crampton and Frederick B. Cull, Affiants, this the 24th day of January, 2022.

Norma B. Jeter
Notary Public, State of Texas

PREPARED IN THE OFFICE OF:
Susan C. Norman
Attorney and Counselor at Law
P O Box 55585
Houston, Texas 77255

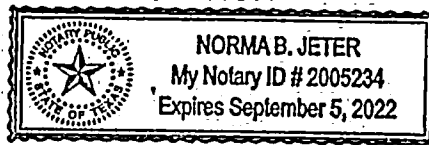


EXHIBIT I

Physician's Certificate of Medical Examination (*Revised)

Revision September 2015

In the Matter of the Guardianship of Elvie Cruz Kingston, an Alleged Incapacitated Person

For Court Use Only Case No. Court Assigned: Two (2)

To the Physician

This form is to enable the Court to determine whether the individual identified above is incapacitated according to the legal definition (on page 3), and whether that person should have a guardian appointed.

1. General Information

Physician's Name: Richard M. Barrett, M.D. Phone: (713) 528-5096
Office Address: 3730 Kirby Dr., #700 Houston, TX 77098-3979

[X] YES [] NO I am a physician currently licensed to practice in the State of Texas.

Proposed Ward's Name: Elvie Cruz Kingston
Date of Birth: 3/20/45 Age: 76 Gender: [] M [X] F
Proposed Ward's Current Residence: Harris County

I last examined the Proposed Ward on January 26, 2022 at:
[] a Medical facility [] the Proposed Ward's residence [X] Other: Telehealth

[] YES [X] NO The Proposed Ward is under my continuing treatment.
[X] YES [] NO Before the examination, I informed the Proposed Ward that communications with me would not be privileged.
[] YES [X] NO A mini-mental status exam was given. If "YES," please attach a copy.

2. Evaluation of the Proposed Ward's Physical Condition

Physical Diagnosis: Not Done
a. Severity: [] Mild [] Moderate [] Severe
b. Prognosis:
c. Treatment/Medical History:

3. Evaluation of the Proposed Ward's Mental Functioning

Mental Diagnosis: Dementia
a. Severity: [] Mild [X] Moderate [] Severe
b. Prognosis: It will get worse.
c. Treatment/Medical History: I was not provided particulars. She was last in a rehab facility.

If the mental diagnosis includes dementia, answer the following:

[] YES [X] NO It would be in the Proposed Ward's best interest to be placed in a secured facility for the elderly or a secured nursing facility that specializes in the care and treatment of people with dementia.
[X] YES [] NO It would be in the Proposed Ward's best interest to be administered medications appropriate for the care and treatment of dementia.
[] YES [X] NO The Proposed Ward currently has sufficient capacity to give informed consent to the administration of dementia medications.

d! Possibility for Improvement:

[] YES [X] NO Is improvement in the Proposed Ward's physical condition and mental functioning possible? If "YES," after what period should the Proposed Ward be reevaluated to determine whether a guardianship continues to be necessary?

4. Cognitive Deficits

- a. The Proposed Ward is oriented to the following (check all that apply):
 Person Time Place Situation

- b. The Proposed Ward has a deficit in the following areas (check all areas in which Proposed Ward has a deficit):
 Short-term memory.
 Long-term memory.
 Immediate recall
 Understanding and communicating (verbally or otherwise)
 Recognizing familiar objects and persons
 Solve problems
 Reasoning logically
 Grasping abstract aspects of his or her situation.
 Interpreting idiomatic expressions or proverbs
 Breaking down complex tasks down into simple steps and carrying them out

- c. YES NO---The Proposed Ward's periods of impairment from the deficits indicated above (if any) vary substantially in frequency, severity, or duration.

5. Ability to Make Responsible Decisions

Is the Proposed Ward able to initiate and make responsible decisions concerning himself or herself regarding the following:

- YES NO---- Make complex business, managerial, and financial decisions
- YES NO---- Manage a personal bank account
 If "YES," should amount deposited in any such bank account be limited? YES NO
- YES NO---- Safely operate a motor vehicle
- YES NO---- Vote in a public election
- YES NO---- Make decisions regarding marriage
- YES NO---- Determine the Proposed Ward's own residence
- YES NO---- Administer own medications on a daily basis
- YES NO---- Attend to basic activities of daily living (ADLs) (e.g., bathing, grooming, dressing, walking, toileting) without supports and services
- YES NO---- Attend to basic activities of daily living (ADLs) (e.g., bathing, grooming, dressing, walking, toileting) with supports and services
- YES NO---- Attend to instrumental activities of daily living (e.g., shopping, cooking, traveling, cleaning)
- YES NO---- Consent to medical and dental treatment at this point going forward
- YES NO---- Consent to psychological and psychiatric treatment at this point going forward

6. Developmental Disability

- YES NO---- Does the Proposed Ward have developmental disability?
 If "NO," skip to number 7 below.
 If "YES," answer the following question and look at the next page.

Is the disability a result of the following? (Check all that apply)

- YES NO---- Intellectual Disability?
- YES NO---- Autism?
- YES NO---- Static Encephalopathy?
- YES NO---- Cerebral Palsy?
- YES NO---- Down Syndrome?
- YES NO---- Other? Please explain _____

Answer the questions in the "Determination of Intellectual Disability" box below only if both of the following are true:

- (1) The basis of a proposed ward's alleged incapacity is intellectual disability;
and

EXHIBIT I

(2) You are making a "Determination of Intellectual Disability" in accordance with rules of the executive commissioner of the Health and Human Services Commission governing examinations of that kind.

If you are not making such a determination, please skip to number 7 below.

"DETERMINATION OF INTELLECTUAL DISABILITY"

Among other requirements, a Determination of Intellectual Disability must be based on an interview with the Proposed Ward and on a professional assessment that includes the following:

- 1) a measure of the Proposed Ward's intellectual functioning;
- 2) a determination of the Proposed Ward's adaptive behavior level; and
- 3) evidence of origination during the Proposed Ward's developmental period.

As a physician, you may use a previous assessment, social history, or relevant record from a school district, another physician, a psychologist, an authorized provider, a public agency, or a private agency if you determine that the previous assessment, social history, or record is valid.

1. Check the appropriate statement below. If neither statement is true, skip to number 7 below.
 - I examined the proposed ward in accordance with rules of the executive commissioner of the Health and Human Services Commission governing Intellectual Disability examinations, and my written findings and recommendations include a determination of an intellectual disability.
 - I am updating or endorsing in writing a prior determination of an intellectual disability for the proposed ward made in accordance with rules of the executive commissioner of the Health and Human Services Commission by a physician or psychologist licensed in this state or an authorized provider certified by the Department of Aging and Disability Services to perform the examination.
2. What is your assessment of the Proposed Ward's level of intellectual functioning and adaptive behavior?
 - Mild (IQ of 50-55 to approx. 70)
 - Moderate (IQ of 35-40 to 50-55)
 - Severe (IQ of 20-25 to 35-40)
 - Profound (IQ below 20-25)
3. Yes No --- Is there evidence that the intellectual disability originated during the Proposed Ward's developmental period?

Note to attorneys: If the above box is filled out because a determination of intellectual disability has been made in accordance with rules of the executive commissioner of the Health and Human Services Commission governing examinations of that kind, a Court may grant a guardianship application if (1) the examination is made not earlier than 24 months before the date of the hearing or (2) a prior determination of an intellectual disability was updated or endorsed in writing not earlier than 24 months before the hearing date. If a physician's diagnosis of intellectual disability is not made in accordance with rules of the executive commissioner — and the above box is not filled out — the court may grant a guardianship application only if the Physician's Certificate of Medical Examination is based on an examination the physician performed within 120 days of the date the application for guardianship was filed. See Texas Estates Code § 1101.104(1).

7. Definition of Incapacity

For purposes of this certificate of medical examination, the following definition of incapacity applies:

An "Incapacitated Person" is an adult who, because of a physical or mental condition, is substantially unable to: (a) provide food, clothing, or shelter for himself or herself; (b) care for the person's own physical health; or (c) manage the person's own financial affairs. Texas Estates Code § 1002.017.

8. Evaluation of Capacity

YES NO --- Based upon my last examination and observations of the Proposed Ward, it is my opinion that the Proposed Ward is incapacitated according to the legal definition in section 1002.017 of the Texas Estates Code, set out in the box above.

If you indicated that the Proposed Ward is incapacitated, indicate the level of incapacity:

- Total ----- The Proposed Ward is totally without capacity (1) to care for himself or herself and (2) to manage his or her property.
- Partial ----- The Proposed Ward lacks the capacity to do some, but not all, of the tasks necessary to care for himself or herself or to manage his or her property.

EXHIBIT I

Evaluation of Capacity (continued)

If you indicated the Proposed Ward's incapacity is partial, what specific powers or duties of the guardian should be limited if the Proposed Ward receives supports and services? Limited from establishing the legal domicile limited contrary to Ms. Kingston's wishes.

If you answered "NO" to all of the questions regarding decision-making in Section 5 (on page 2) and yet still believe the Proposed Ward is partially incapacitated, please explain: See #11 below.

If you answered "YES" to any of the questions regarding decision-making in Section 5 (on page 2) and yet still believe the Proposed Ward is totally incapacitated, please explain: She is not totally incapacitated

9. Ability to Attend Court Hearing

- YES NO---- The Proposed Ward would be able to attend, understand, and participate in the hearing.
- YES NO---- Because of the Proposed Ward's incapacities, I recommend that the Proposed Ward not appear at a Court hearing.

N.A. YES NO---- Does any current medication taken by the Proposed Ward affect the demeanor of the Proposed Ward or his or her ability to participate fully in a court proceeding?
I was not told of the medicines she withdrew from that might have interfered.

10. What is the least restrictive placement that you consider is appropriate for the Proposed Ward:

- Nursing home level of care --- Assisted Living Facility
- Group Home --- Memory care unit
- Own Home or with family --- Other Own home with 24-hour care

11. Additional Information of Benefit to the Court: If you have additional information concerning the Proposed Ward that you believe the Court should be aware of or other concerns about the Proposed Ward that are not included above, please explain on an additional page. That Michele Hartman, her niece, not be permitted to handle her financial affairs. She was adamant about this.

Richard M. Barrett, MD

2/3/22, revised as to No. 5, 5/31/22

Physician's Signature

Date

Richard M. Barrett
Physician's Name Printed

F0831 Texas
License Number

11-b - The Court should follow Ms. Kingston's wishes as to whom she does and does not want to be in control of her person and of her finances. *Revised September 2015*

* Revision due no check mark in 5 "Make complex business, managerial, and financial decisions."
Original finding was "No," but not checked.

AFFIDAVIT OF GENESIS LUNA

STATE OF TEXAS §

COUNTY OF MCLENNAN §

Before me, the undersigned authority, personally appeared Genesis Luna, who upon being duly sworn by me, upon her oath did depose and testify as follows:

“My name is Genesis Luna. My date of birth is July 7, 1990, and my address is 4300 W. Waco Dr., Ste B2-260, Waco, Texas 76710. I am a witness in this case for the *Application for Emergency Appointment of Temporary Guardian of Person and Estate* of Elvie Lou Cruz Kingston. I am over the age of eighteen, fully competent, and able to make this affidavit. I declare under the penalty of perjury that the following facts are true and correct when I state those of my own knowledge, and to inform myself, I have also relied upon facts I received from other reliable persons, including my mother, my father, Jonna Caswell-Johnson.

“My name is Genesis Luna. I am a witness in this case for the *Application for Emergency Appointment of Temporary Guardian of Person and Estate* of Elvie Lou Cruz Kingston. I am over the age of eighteen, fully competent, and able to make this affidavit. All statements herein are made from my personal knowledge and are true and correct.

““My family and I have known Elvie Lou Cruz Kingston (“Elvie” or “Elvie Kingston”) for many years. After graduating from college, I lived with Elvie from the fall of 2011 to the winter of 2012 when I married my husband, Ryan Luna. I call Elvie “Gma,” and I called her deceased husband, John Lewis Kingston, “GJ.”

"Elvie and I attended events together, cooked at the house, and lived harmoniously. We went to garage sales on weekends, attended Champions Forest Baptist Church on Sundays, and enjoyed eating at one of her favorite restaurants, Los Cucos.

"Elvie has a strong personality; she is opinionated, and loves a good debate. She has always been very clear about what she wanted and did not want. I was grateful for the opportunity to live with Elvie in her home and experience so many good times with her, I felt safe. Elvie requested that I help with chores, such as vacuuming the top floor while she did the downstairs. I love Elvie very much; she is my friend, and I want to see that she is safe and happy.

"I have been aware since February 2, 2022, of the concerns my parents and Elvie's friends, including Jonna Caswell-Johnson, have regarding Elvie Kingston. I am aware that my mother, Nubia Devine is an Applicant for an Emergency Temporary Guardianship of Elvie's Person, and that Elvie and her deceased husband appointed my father, John Devine, as the successor Trustee of Elvie's living trust.

"Because no one seemed to be able to get information about Elvie from Elvie's brother, Ernest Cruz, I called him on February 8, 2022, to find out where my friend, Elvie Kingston, was located so that my mother and I could visit her.

"Mr. Cruz said, "We've got her in San Antonio right now," and "Michelle has her in San Antonio." He said Elvie was being re-evaluated for the next two weeks. He said no one could visit her at all. He said Elvie has dementia, that "she's lost her mind," "she's gone," "she's lost it."

"Mr. Cruz said "[he] was the only one Elvie recognized." He said while Elvie was living with them at the ranch, that she "turned on my wife and my son" but said nobody got hurt. Mr. Cruz said her friends in Houston pulled Elvie out of where she was, so she was having to be re-evaluated "for her behavior."

EXHIBIT J

"I called Ernest Cruz again on March 10, 2022, and received only a voice mail, he did not return my call. On March 15, 2022, I called Michelle Hartman, to request her permission to go see Elvie. As I understand it, Ms. Hartman apparently has taken control over Elvie, and has placed her in Guadalupe Valley Nursing Center, 1210 Eastwood Dr., Seguin, Texas 78155, and only those persons Ms. Hartman permits are allowed to see Elvie.. I was unable to reach Ms. Hartman and I had to leave a voice mail.

"After reviewing information provided by Jonna Caswell-Johnson and speaking to Jonna, I am very concerned that Elvie is being drugged again and placed someplace that will lock her down and isolate her as was done from November 2021 to January 24, 2022, when Jonna was able to rescue her.

Signed on March 15, 2022.



Genesis Luna

EXHIBIT K

(B) Article VII is amended by adding subsection (t) to section 7.01 as follows:

“(t) To enter into margin transactions, the buying and selling of stock options, puts and calls, with only one Trustee’s signature if the Grantors are serving as Co-Trustees. “

In every other respect, we hereby confirm and republish the **JOHN LEWIS KINGSTON AND ELVIE LOU KINGSTON REVOCABLE LIVING TRUST**, dated July 17, 2001.

This Instrument is signed and sealed on this the 11th day of March, 2003.

GRANTOR:

TRUSTEE:

John Lewis Kingston
JOHN LEWIS KINGSTON

John Lewis Kingston
JOHN LEWIS KINGSTON

Elvie Lou Kingston
ELVIE LOU KINGSTON

Elvie Lou Kingston
ELVIE LOU KINGSTON

Michael C. Riddle
Witness

10211 Kleppel Rd
Address

Michael C. Riddle
Printed Name of Witness

Tomball, Texas 77375

Eileen Harris
Witness

502 Shady Glade
Address

Eileen Harris
Printed Name of Witness

Houston, Texas 77090

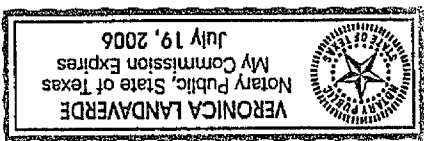
EXHIBIT K

THE STATE OF TEXAS §

COUNTY OF HARRIS §

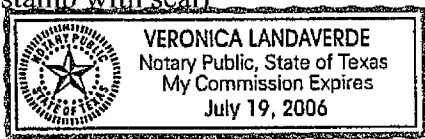
BEFORE ME, the undersigned authority, on this day personally appeared JOHN LEWIS KINGSTON AND ELVIE LOU KINGSTON, known to me to be the persons whose name are subscribed to the foregoing instrument as Grantors and Trustees and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN under my hand and seal of office this 11th day of March, 2003.



Veronica Landaverde
Notary Public, State of Texas

(Notary stamp with seal)



COPY

UNOFFICIAL

EXHIBIT L

- (i) One-half (½) for the benefit of a building endowment fund entitled “The John and Elvie Kingston Endowment Fund”; and
 - (ii) One-half (½) for the benefit of the mission programs.
- (C) The remainder of the trust estate shall continue to be held IN TRUST, in separate, equal shares, for the benefit of the Grantors' following named niece and nephew: **MICHELLE CRUZ HARTMAN and ERNEST ANTHONY CRUZ** (hereinafter referred to individually as “beneficiary” and collectively as “beneficiaries”). If a named beneficiary is not living at the time his or her trust is to be funded, then the trust estate of such deceased beneficiary shall continue to be held IN TRUST for the benefit of the then living descendants of such deceased beneficiary, per stirpes and not per capita (with each such descendant becoming the “beneficiary” of his or her own trust). If a beneficiary is not living at the time his or her trust is to be funded and has failed to leave descendants who are then living, then such deceased beneficiary’s share of the trust estate shall be added to the trust created for the other named beneficiary or for the benefit of the descendants of such other named beneficiary if such other named beneficiary is not then living, per stirpes and not per capita. The trust estates created for the benefit of the beneficiaries shall be administered and distributed as provided herein.”
- (B) Section 8.02 in Article VIII is deleted and replaced with the following:

“8.02 **JOHN LEWIS KINGSTON and ELVIE LOU KINGSTON** shall serve as Co-Trustees of all trusts created herein. If either **JOHN LEWIS KINGSTON or ELVIE LOU KINGSTON** does not qualify, or having qualified, dies, resigns, or becomes incapacitated, then the other shall serve as sole Trustee of all trusts created hereunder. If both Grantors do not qualify, or having qualified, die, resign, or become incapacitated, then **JOHN DEVINE** shall serve as sole Trustee of all trusts created hereunder. If **JOHN DEVINE** does not qualify, or having qualified, dies, resigns, or becomes incapacitated, then **MICHELLE CRUZ HARTMAN** shall serve as sole Trustee of all trusts created hereunder. Notwithstanding anything to the contrary in this Section 8.02, as soon as practicable after the death of both Grantors, **MICHELLE CRUZ HARTMAN and ERNEST ANTHONY CRUZ** shall serve as sole Trustee of the trust created for his or her own benefit. Further, notwithstanding anything to the contrary herein, and after the death of both Grantors, upon attaining the age of twenty-five (25), each beneficiary shall become Co-Trustee of the trust created for his or her benefit, and upon attaining the age of thirty (30), such beneficiary shall become sole Trustee of the trust created for his or her benefit. Each individual Co-Trustee named above can make hire/fire decisions on the corporate Co-Trustee.”

EXHIBIT L

In every other respect, we hereby confirm and republish the **JOHN LEWIS KINGSTON AND ELVIE LOU KINGSTON REVOCABLE LIVING TRUST**, dated July 17, 2001, and amended March 11, 2003.

This Instrument is signed and sealed on this the 16 day of November, 2007.

GRANTOR:

TRUSTEE:

John L. Kingston
JOHN LEWIS KINGSTON

John L. Kingston
JOHN LEWIS KINGSTON

Elvie L. Kingston
ELVIE LOU KINGSTON

Elvie L. Kingston
ELVIE LOU KINGSTON

Michael C. Riddle
Witness

4201 FM 1960 W., Ste. 550
Address

Michael C. Riddle
Printed Name of Witness

Houston, Texas 77068

James Lee
Witness

4201 FM 1960 W., Ste. 550
Address

Spencer Song
Printed Name of Witness

Houston, Texas 77068

EXHIBIT L

THE STATE OF TEXAS §

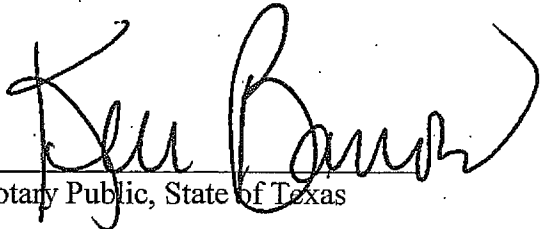
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared JOHN LEWIS KINGSTON AND ELVIE LOU KINGSTON, known to me to be the persons whose name are subscribed to the foregoing instrument as Grantors and Trustees and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN under my hand and seal of office this 16 day of November, 2007.



(Notary stamp with seal)



Notary Public, State of Texas

EXHIBIT M

W503870
03/17/03 200097264 \$11.00

GENERAL WARRANTY DEED

WD
11
F

Date: 11th March, 2003

Grantor: JOHN L. KINGSTON AND WIFE, ELVIE L. KINGSTON

Grantor's Mailing Address (including county):

7514 Moreton Court
Spring, Texas 77379
Harris County

Grantee: JOHN LEWIS KINGSTON AND ELVIE LOU KINGSTON REVOCABLE LIVING TRUST dated July 17, 2001; as amended, John Lewis Kingston and Elvie Lou Kingston, Co-Trustees

Grantee's Mailing Address (including County):

7514 Moreton Court
Spring, Texas 77379
Harris County

Consideration: TEN AND NO/100 DOLLARS and other good and valuable consideration.

Property (including any improvements):

Lot Thirty-six (36), in Block Two (2) of MEMORIAL NORTHWEST, SECTION SIXTEEN (16), an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 332, Page 149 of the Map Records of Harris County, Texas.

Reservations From and Exceptions to Conveyance and Warranty:

Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded instruments, other than liens and conveyances, that affect the property; taxes for the current year, the payment of which Grantee assumes.

Grantor, for the consideration, receipt of which is acknowledged, and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executor, administrators, successors or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors,

FILE FOR RECORD
8:00 AM

MAR 17 2003

David J. Kujawa
County Clerk, Harris County, Texas

UNOFFICIAL COPY

5-2-2003

EXHIBIT M

administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

.When the context requires, singular nouns and pronouns include the plural.

John L. Kingston

JOHN L. KINGSTON

Elvie L. Kingston

ELVIE L. KINGSTON

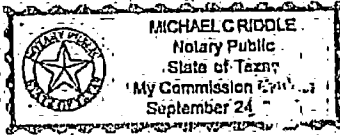
D. J. [unclear]

ACKNOWLEDGMENT

STATE OF TEXAS §

COUNTY OF HARRIS §

This instrument was acknowledged before me on the 11th day of March, 2003, by John L. Kingston and wife, Elvie L. Kingston.



Michael C. Riddle

Notary Public, State of Texas

[Notary Stamp]

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS HEREBY REPEALED AND UNLAWFUL UNDER FEDERAL LAW. THE STATE OF TEXAS COUNTY OF HARRIS. I hereby certify that this instrument was FILED in File Number [unclear] on the date and at the place shown herein by me, and was duly RECORDED in the 05:04 P.M. Search of Real Property of Harris County, Texas on:

PREPARED BY THE OFFICE OF AND RETURN TO:

MICHAEL C. RIDDLE
Riddle & Brazil, L.L.P.
4201 FM 1960 West, Suite 550
Houston, Texas 77068
PH: 281-537-7110
FAX: 281-537-9481

MAR 17 2003



Dorothy B. Kaye

- COUNTY CLERK -
HARRIS COUNTY, TEXAS.

UNOFFICIAL COPY

58-55-155

CAUSE NO. 504140

IN THE GUARDIANSHIP OF
ELVIE LOU CRUZ KINGSTON
AN INCAPACITATED ADULT

§
§
§
§
§

IN THE PROBATE COURT
NUMBER TWO (2) OF
HARRIS COUNTY, TEXAS

**ORDER APPOINTING TEMPORARY GUARDIAN OF THE PERSON
OF ELVIE LOU CRUZ KINGSTON**

On this day, the Court considered the Application for Appointment of Temporary Guardian of the Person of **ELVIE LOU CRUZ KINGSTON**, Proposed Ward, a proposed incapacitated person, by **NUBIA DEVINE**, Applicant. The Court, after considering the application and evidence submitted by Applicant and the attorney ad litem appointed for Proposed Ward and citation having been returned, finds substantial evidence exists that:

1. The Proposed Ward is an incapacitated person;
2. There is imminent danger that the proposed ward's physical health or safety will be seriously impaired;
3. The Proposed Ward's estate will be seriously damaged or dissipated unless immediate action is taken;
4. It is in the best interest of the Proposed Ward to have the Court appoint Temporary Guardians of her person and estate;
5. The rights of the Proposed Ward will be protected by the appointment of Temporary Guardians of her person and estate; and
6. Alternatives to guardianship, supports, and services available to the Proposed Ward have been considered and determined not to be feasible.

The Court, after considering the Application and evidence submitted, the facts of the case, and the arguments of counsel, is of the opinion and finds the following:

- a. The Court has jurisdiction and venue over this matter under the provisions of the Texas Estates Code;
- b. Due notice of the Application for Temporary Guardianship of the Person and Estate

EXHIBIT N

has been given as required by law;

- c. That Applicant is not ineligible to act as temporary guardian of the person and is entitled to be so appointed;
- d. That NUBIA DEVINE has completed the Judicial Branch Certification Commission (JBCC) Guardianship Training;
- e. The Proposed Ward has no legal guardian of her person or her estate in the State of Texas;
- f. Applicants have acted in good faith and with just cause in filing this Application regarding the Proposed Ward in this proceeding; and
- g. The Proposed Ward is without capacity to manage her property and/or herself.

IT IS THEREFORE ORDERED that NUBIA DEVINE is appointed TEMPORARY GUARDIAN OF THE PERSON ONLY OF ELVIE LOU CRUZ KINGSTON, a proposed incapacitated person, until JUNE 21, 2022 and that this order appointing NUBIA DEVINE as temporary guardian of the person be effective and the clerk attach a certificate to the order showing compliance on the taking of her oath or making of their declaration and the giving of a cash bond in the amount of \$1,000.00, which is the proper amount hereby ordered fixed in accordance with law.

IT IS FURTHER ORDERED, that any power of attorney (Durable and/or Medical) previously issued on behalf of **ELVIE LOU CRUZ KINGSTON** is suspended until further orders from this Court.

IT IS FURTHER ORDERED, that all fees and expenses be taxed as costs to be paid out of **ELVIE LOU CRUZ KINGSTON**'s estate on further order of this Court.

IT IS FURTHER ORDERED, that the temporary guardian of the Person shall have the following powers:

- i. The power and authority to make medical, housing, and health decisions and to take whatever action is necessary to provide for the treatment, housing, and care of the Proposed Ward, including the power and authority to apply for, arrange , and consent to any and all psychological, psychiatric, and medical tests, evaluations, and treatment, including surgery, reasonably required and disclosure of the Proposed Ward's records.

- ii. The power and authority to take physical possession of the Proposed Ward.

IT IS FINALLY ORDERED that the temporary guardianship of the person will terminate on JUNE 21, 2022.

NOTICE PURSUANT TO TEC 1101.151(c):

“NOTICE TO ANY PEACE OFFICER OF THE STATE OF TEXAS: YOU MAY USE REASONABLE EFFORTS TO ENFORCE THE RIGHT OF A GUARDIAN OF THE PERSON OF A WARD TO HAVE PHYSICAL POSSESSION OF THE WARD OR TO ESTABLISH THE WARD’S LEGAL DOMICILE AS SPECIFIED IN THIS ORDER. A PEACE OFFICER WHO RELIES ON THE TERMS OF A COURT ORDER AND THE OFFICER’S AGENCY ARE ENTITLED TO THE APPLICABLE IMMUNITY AGAINST ANY CIVIL OR OTHER CLAIM REGARDING THE OFFICER’S GOOD FAITH ACTS PERFORMED IN THE SCOPE OF THE OFFICER’S DUTIES IN ENFORCING THE TERMS OF THIS ORDER THAT RELATE TO THE ABOVE-MENTIONED RIGHTS OF THE COURT-APPOINTED GUARDIAN OF THE PERSON OF THE WARD. ANY PERSON WHO KNOWINGLY PRESENTS FOR ENFORCEMENT AN ORDER THAT IS INVALID OR NO LONGER IN EFFECT COMMITS AN OFFENSE THAT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR AS LONG AS TWO YEARS AND A FINE OF AS MUCH AS \$10,000.”

SIGNED on this the 25 day of March, 2022.

Michael Newman

 JUDGE MICHAEL NEWMAN, PRESIDING

ORDER DRAFTED BY THE COURT – C.W.M.

COPY

CAUSE NO. 504140

**IN THE GUARDIANSHIP OF
ELVIE LOU CRUZ KINGSTON
AN INCAPACITATED ADULT**

§
§
§
§
§

**IN THE PROBATE COURT
NUMBER TWO (2) OF
HARRIS COUNTY, TEXAS**

**ORDER APPOINTING TEMPORARY GUARDIAN OF THE ESTATE
OF ELVIE LOU CRUZ KINGSTON**

On this day, the Court considered the Application for Appointment of Temporary Guardian of the Estate of **ELVIE LOU CRUZ KINGSTON**, Proposed Ward, a proposed incapacitated person, by **NUBIA DEVINE**, Applicant. The Court, after considering the application and evidence submitted by Applicants and the attorney ad litem appointed for Proposed Ward and citation having been returned, finds substantial evidence exists that:

1. The Proposed Ward is an incapacitated person;
2. There is imminent danger that the proposed ward's physical health or safety will be seriously impaired;
3. The Proposed Ward's estate will be seriously damaged or dissipated unless immediate action is taken;
4. It is in the best interest of the Proposed Ward to have the Court appoint Temporary Guardians of her person and estate;
5. The rights of the Proposed Ward will be protected by the appointment of Temporary Guardians of her person and estate; and
6. Alternatives to guardianship, supports, and services available to the Proposed Ward have been considered and determined not to be feasible.

The Court, after considering the Application and evidence submitted, the facts of the case, and the arguments of counsel, is of the opinion and finds the following:

- a. The Court has jurisdiction and venue over this matter under the provisions of the Texas Estates Code;
- b. Due notice of the Application for Temporary Guardianship of the Person and Estate has

EXHIBIT O

- been given as required by law;
- c. That Applicant is not ineligible to act as temporary guardian of the estate and is entitled to be so appointed;
 - d. That Catherine N. Wylie is an attorney duly licensed in the State of Texas and is eligible to serve as temporary guardian of the estate;
 - e. The Proposed Ward has no legal guardian of her person or estate in the State of Texas;
 - f. Applicants have acted in good faith and with just cause in filing this Application regarding the Proposed Ward in this proceeding; and
 - g. The Proposed Ward is without capacity to manage her property and/or herself.

IT IS THEREFORE ORDERED that Attorney, **CATHERINE N. WYLIE is appointed TEMPORARY GUARDIAN OF THE ESTATE of ELVIE LOU CRUZ KINGSTON**, a proposed incapacitated person, until **June 21, 2022** and that this order appointing Catherine Wylie as temporary guardian of the estate be effective and the clerk attach a certificate to the order showing compliance on the taking of her oath or making of her declaration and the giving of a surety bond in the amount of Two million five hundred thousand dollars (**\$2,500,000.00**), which is the proper amount hereby ordered fixed in accordance with law.

IT IS FURTHER ORDERED that any power of attorney (Durable and/or Medical) previously issued on behalf of **ELVIE LOU CRUZ KINGSTON** is suspended until further orders from this Court.

IT IS FURTHER ORDERED that all fees and expenses be taxed as costs to be paid out of **ELVIE LOU CRUZ KINGSTON**'s estate on further order of this Court.

IT IS FURTHER ORDERED that the temporary guardian of the Estate shall have the following powers:

- i. The power and authority to do any act of management or conservation with respect to any tangible personal property or an interest in tangible personal property owned or claimed to be owned by the Proposed Ward.
- ii. The power and authority to do any act of management or conservation with respect to any intangible personal property or an interest in intangible personal property

EXHIBIT O

- owned or claimed to be owned by the Proposed Ward.
- iii. The power and authority to continue, establish, modify, or terminate any account or other banking or financial arrangement with a bank, trust company, savings and loan association, credit union, thrift company, brokerage firm, or other financial institution.
 - iv. The power and authority to withdraw by check, order, or otherwise money or property of the Proposed Ward deposited with or left in the custody of a financial institution.
 - v. The power and authority to receive bank statements, vouchers, notices, or similar documents from a financial institution and act with respect to them.
 - vi. The power and authority to enter a safe deposit box or vault and withdraw or add contents.
 - vii. The power and authority to make, assign, draw, or endorse checks, drafts, or other negotiable or non-negotiable paper of the Proposed Ward, or made payable to the Proposed Ward or to the Proposed Ward's order and otherwise to do all things necessary to take possession of and control all accounts at all financial institutions in which the Proposed Ward has an interest or has the right to withdraw funds.
 - viii. The power and authority to demand, receive, and obtain any business, financial, personal, or medical records or other documents owned, claimed, or held by the Proposed Ward.
 - ix. The power and authority to collect any and all rents due and owing from tenants of any real property owned by Proposed Ward.

IT IS FINALLY ORDERED that the temporary guardianship of the estate will terminate on **JUNE 21, 2022.**

SIGNED this the 25 day of March, 2022.


JUDGE MICHAEL NEWMAN, PRESIDING

ORDER DRAFTED BY THE COURT – C.W.M.

EXHIBIT P

CAUSE NO. 504140

GUARDIANSHIP OF
ELVIE LOU CRUZ KINGSTON
INCAPACITATED

§
§
§

IN THE PROBATE COURT
NUMBER TWO (2) OF
HARRIS COUNTY, TEXAS

ORDER APPOINTING ATTORNEY AD LITEM

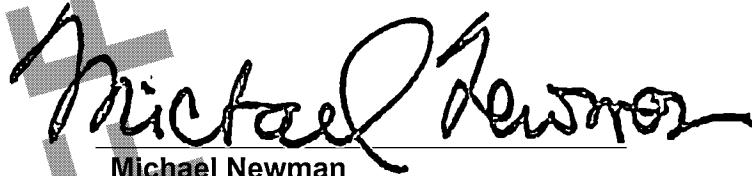
On this day, came on to be considered on the Court's own motion information that it appears that a necessity may exist for appointment of an attorney ad litem for Elvie Lou Cruz Kingston , proposed ward, and the Court finds that an attorney ad litem should be appointed for the **purpose of representing the interest of the proposed ward, Elvie Lou Cruz Kingston .**

It is THEREFORE ORDERED LINDA C. GOEHRS, Bar Number 08059220 with e-mail LINDA@HGPROBATE.COM with telephone numbers: Work: 713-659-4200 Fax: 713-659-3804 , an attorney licensed to practice before this Court, is appointed attorney ad litem to investigate and represent the interest of the proposed ward, Elvie Lou Cruz Kingston , pursuant to Section 1054 of the Texas Estates Code.

IT IS FURTHER ORDERED that the Attorney Ad Litem is to be given access to all of the proposed ward's financial records including, but not limited to, records from all estate planning documents (including trust documents), bank accounts, investment accounts, retirement and employee benefits accounts as well as credit and debt records, medical, psychological and intellectual testing records. This Order is issued pursuant to 45 CFR 164.512(e)(1)(i) Health Insurance Portability and Accountability Act which authorizes covered entities to disclose protected health information in the course of any judicial or administrative proceeding when responding to an order of the Court.

It is FURTHER ORDERED that all costs incident to the filing of this order are hereby waived.

Signed On: 03/17/2022
1:41:07 PM



Michael Newman
Presiding Judge
Probate Court No. 2
Harris County, Texas -C.W.M.

EXHIBIT Q

CAUSE NO. 504140

GUARDIANSHIP OF
ELVIE LOU CRUZ KINGSTON
INCAPACITATED

§
§
§

IN THE PROBATE COURT
NUMBER TWO (2) OF
HARRIS COUNTY, TEXAS

ORDER APPOINTING *GUARDIAN AD LITEM*

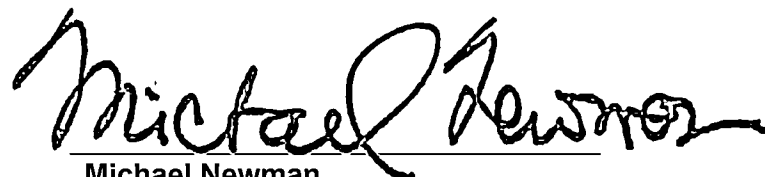
On this day, came on to be considered on the Court's own motion information that it appears that a necessity may exist for appointment of an *GUARDIAN AD LITEM* for Elvie Lou Cruz Kingston , proposed ward, and the Court finds that an *GUARDIAN AD LITEM* should be appointed for the **purpose of representing the best interest of the proposed ward, Elvie Lou Cruz Kingston .**

It is THEREFORE ORDERED JOELLEN SNOW, Bar Number 18809400 with e-mail JSNOW@JOELLENSNOW.COM with telephone numbers: Work: 713-861-2974 Fax: 713-861-0852 , an attorney licensed to practice before this Court, is appointed *GUARDIAN AD LITEM* to investigate and represent the best interest of the proposed ward, Elvie Lou Cruz Kingston , pursuant to Section 1054 of the Texas Estates Code.

IT IS FURTHER ORDERED that the *GUARDIAN AD LITEM* is to be given access to all of the proposed ward's financial records including, but not limited to, records from all estate planning documents (including trust documents), bank accounts, investment accounts, retirement and employee benefits accounts as well as credit and debt records, medical, psychological and intellectual testing records. This Order is issued pursuant to 45 CFR 164.512(e)(1)(i) Health Insurance Portability and Accountability Act which authorizes covered entities to disclose protected health information in the course of any judicial or administrative proceeding when responding to an order of the Court.

It is FURTHER ORDERED that all costs incident to the filing of this order are hereby waived.

Signed On 06/02/2022
4:54:55 PM



Michael Newman
Presiding Judge
Probate Court No. 2
Harris County, Texas -C.W.M.

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Susan Norman on behalf of Susan Norman
Bar No. 15083020
SueNorman@SueNormanLaw.com
Envelope ID: 65350146
Status as of 6/13/2022 12:11 PM CST

Associated Case Party: ElvieLou CruzKingston

Name	BarNumber	Email	TimestampSubmitted	Status
Linda C. Goehrs	8059220	linda@hgprobate.com	6/10/2022 5:09:27 PM	SENT

Associated Case Party: Nubia Devine

Name	BarNumber	Email	TimestampSubmitted	Status
Susan C. Norman		suenorman@suenormanlaw.com	6/10/2022 5:09:27 PM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Catherine N. Wylie		CWylie@WylieLawFirm.com	6/10/2022 5:09:27 PM	SENT

Associated Case Party: Joellen Snow

Name	BarNumber	Email	TimestampSubmitted	Status
Joellen Snow		jsnow@joellensnow.com	6/10/2022 5:09:27 PM	SENT