

**FILED**

STATE OF INDIANA )  
 ) SS:  
COUNTY OF JASPER )

IN THE JASPER SUPERIOR COURT  
DIVISION NO. 1  
2001 TERM

FEB 5 2001

IN THE MATTER OF THE )  
GUARDIANSHIP OF )  
MARTHA E. HAM, )  
AN ADULT. )

CAUSE NO. 37D01-0101-GU-

*Delene Castongia*  
Clerk of the Jasper Superior Court I

37D01- 0102-GU-048

**PETITION FOR THE APPOINTMENT OF GUARDIAN  
OVER THE PERSON AND ESTATE OF INCAPACITATED PERSON**

Comes now Kyle S. Hamilton, who being duly sworn and petitions the Court as follows:

1. That the alleged incapacitated person is a female eighty-two (82) years of age, presently residing at 529 Pheasant Run, in the City of Rensselaer, County of Jasper, State of Indiana.

2. That Martha E. Ham is unable to maintain and care for her financial affairs and person because she suffers the following incapacities: multiple myeloma, general infirmity due to old age.

3. That the alleged incapacitated person owns personal property somewhere in the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00).

4. That the alleged incapacitated person owns real estate property located at 529 Pheasant Run, in the City of Rensselaer, State of Indiana, valued at approximately One Hundred Twenty Thousand Dollars (\$120,000.00).

5. That the alleged incapacitated person has monthly income of approximately One Thousand Seven Hundred Fifty Dollars (\$1,750.00). This income includes social security and pension benefits.

6. That the Petitioner does not seek any limitations on the guardianship appointment.

7. That there is no guardian of the person and estate appointed for the alleged incapacitated person in this state or in any other state, and no proceedings pending to the Petitioner's knowledge.

8. That the Petitioner is an adult person who resides at 5237 Wiseburne Ave., Hollyglen, California, 90250, who is the daughter of the alleged incapacitated person.

9. That the names and addresses of the persons most closely related by blood or marriage to the alleged incapacitated person are as follows:

MARY KOBEK, Sister  
211 N. WESTON STREET  
RENSSELAER, IN 47978

KYLE S. HAMILTON - Daughter  
5237 WISEBURNE AVE.  
HOLLYGLEN, CA 90250

10. That the Petitioner herein, Kyle Hamilton, is not the legally court appointed guardian of any other person in this or any other state.

11. That the need exists for the appointment of a guardian of the person and estate of Martha E. Ham in that she cannot handle her financial affairs, and the assets of said Martha E. Ham need to be preserved for her support, maintenance, care, and proper medical treatment for Martha E. Ham. That the Petitioner is interested in this appointment because she is one of the alleged incapacitated person's closest relative, to-wit: a daughter.

12. That the Petitioner believes that a hearing on this matter would be advisable as soon as adequate notice can be given pursuant to I.C. §29-3-6-1 and I.C. §29-3-6-2 to all parties and persons directed by the Court to receive notice, and the Petitioner requests the Court to set a hearing on this matter as soon as possible, consistent with providing the alleged incapacitated person and other interested persons with adequate notice.

13. That the name and address of the attorney representing said Petitioner is:

Richard M. O'Brien  
Attorney at Law  
122 West Washington Street  
Rensselaer, Indiana 47978  
(219) 866-0241

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

1. Setting a hearing on this Petition at the Court's earliest convenience consistent with the preservation of the rights of the alleged incapacitated person.
2. Requiring that all necessary parties and persons be given adequate notice of the guardianship proceedings.
3. After hearing adjudicate that Martha E. Ham is an incapacitated person.
4. Finding that a guardian of the person and estate of Martha E. Ham needs to be appointed.
5. Finding that the Petitioner, Kyle S. Hamilton, is a suitable person to be appointed Guardian of the Person and Estate of Martha E. Ham.
6. Appointing Kyle S. Hamilton as the Guardian of the Person and Estate of Martha E. Ham setting out the duties and powers of the Guardian;
7. And for all other relief which is just and proper in the premises.

  
\_\_\_\_\_  
Kyle S. Hamilton

I affirm under the penalties of perjury that the foregoing representations are true, as I verily believe.

  
\_\_\_\_\_  
Kyle S. Hamilton