

STATE OF INDIANA)
) SS:
COUNTY OF JASPER)

IN THE JASPER SUPERIOR COURT
2002 TERM
FEB - 8 2002
FILED

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

Melina Castagna
Clerk of the Jasper Superior Court I

CAUSE NO. 37D01-0102-GU-048

REQUEST TO REMOVE GUARDIAN

Comes now Martha E. Ham, ward of the court or protected person of the court, by and through her attorney of record, Ned J. Tonner, and in support of her request to remove guardian, states as follows:

1. On February 20, 2001, this Honorable Court appointed Kyle S. Hamilton, natural daughter of Martha E. Ham, as the guardian over the person and estate of Martha E. Ham. Additionally, in said order, the Court ordered said guardian to post a bond in the sum of \$200,000.00.

2. That on March 7, 2001, Kyle S. Hamilton, by and through her attorney of record, Richard O'Brien, filed her petition to modify court order, wherein this court modified its order holding it was unnecessary to appoint Kyle S. Hamilton as the guardian over the estate of Martha E. Ham, as a previous power of attorney had been issued by Martha E. Ham to her daughter, Kyle S. Hamilton, which power of attorney was in full force and effect. As such, the Court affirmed its order appointing Kyle S. Hamilton over the person of Martha E. Ham, and vacated its order appointing Kyle S. Hamilton as the guardianship over the estate of Martha E. Ham, and vacated its order requiring a bond as well.

3. That Petitioner herein seeks to have Kyle S. Hamilton removed as her guardian over her person on the following, pursuant to I.C. 29-3-12-4 and pursuant to I.C. 29-1-10-6, for the following reasons:

A. That guardian Kyle S. Hamilton has failed to properly and timely pay outstanding bills on behalf of her mother over a several month period. Said bills have included utility bills, medical bills, homeowners insurance and life insurance.

B. Said guardian Kyle S. Hamilton has failed to provide proper medical care for her mother.

4. Attached hereto is the affidavit of Martha E. Ham, ward of the court, wherein Mrs. Ham states her concern regarding the failure of the guardian herein to properly care for her needs, including payment of bills and medical needs. Additionally, Mrs. Ham has specifically requested that the court appoint another guardian over her person and remove Kyle S. Hamilton as her legal guardian herein.

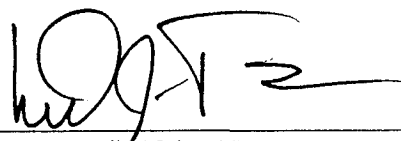
5. Additionally, attached hereto is the Affidavit of Tonjua I. Gray, personal caretaker of Martha E. Ham, whose statements support the allegations as contained herein.

6. That Petitioner is also concerned that her full-time caretaker, Tonjua I. Gray, may be terminated by Kyle S. Hamilton pending a hearing herein. As such, Petitioner requests that the court order Kyle S. Hamilton herein to refrain from terminating caretaker, Tonjua I. Gray, who provides over 40 hours of care to Petitioner herein per week, until such time that a full hearing may be held herein.

7. Additionally, Petitioner requests that the court order guardian Kyle S. Hamilton to refrain from refusing any and all necessary medical treatment as to the care of Martha E. Ham, order guardian Kyle S. Hamilton to refrain from transferring any estate assets of Martha E. Ham until such time that a full hearing may be held herein, and order guardian Kyle S. Hamilton not to remove Martha E. Ham from her residence in Rensselaer, Indiana until such time that hearing may be held.

WHEREFORE, Petitioner, Martha E. Ham, respectfully requests that the court set this matter for hearing and grant her petition to remove guardian herein, over her person, that the court appoint a new guardian, that the court order Tonjua I. Gray to continue to provide care for Martha E. Ham, that the court order Kyle S. Hamilton to provide proper medical care, refrain from transferring assets and require Martha E. Ham to remain in Jasper County, and all other just and proper relief in the premises.

Respectfully submitted,



Ned J. Tonner, #11345-45
Attorney for Petitioner, Martha E. Ham
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Rensselaer, IN 47978
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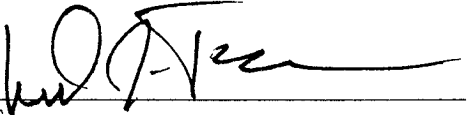
CERTIFICATE OF SERVICE

I certify that on the 8 day of February, 2002, a true and complete copy of the above and foregoing paper or document was forwarded to:

Richard M. O'Brien
122 West Washington Street
Rensselaer, IN 47978

Kyle S. Hamilton Orlemann
5237 Wiseburn Avenue
Hollyglen, CA 90250

as attorney of record herein by depositing the same in the United States Mail in envelopes properly addressed and with sufficient first class postage affixed.



Ned J. Tonner