

**IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS  
PROBATE COURT DEPARTMENT**

**In the Matter of the Guardianship and  
Conservatorship of:**

**THOMAS J. PRICE, JR., an impaired adult.**

**Case No. 22GC00224  
Division 8  
Chapter 59**

**RESPONSE TO PROPOSED WARD AND CONSERVATEE'S RESPONSE TO  
PETITION FOR PAYMENT OF ATTORNEY'S FEES**

Comes Now, Teresa Kuhn, Petitioner and daughter of the proposed Ward and Conservatee, and by and through her attorney, Michelle M. Burge, in response to the Response filed by counsel for the proposed Ward and Conservatee to the Court Appointed attorney for her father, Stacey Janssen's fees in this case states:

As has been duly pled and argued through the course of this pending case, Petitioner filed this case because numerous events, relationship changes and concerns warranting the filing of a guardianship and conservatorship were present, and remain present.

Petitioner attaches hereto this Petition the Medical Exam and Report filed not by Respondent's counsel, but by Jeffery Price's counsel, in which the proposed Ward and Conservatee's doctor indicated he is an impaired adult in need of a guardian.

But far more significantly, for the entirety of her life, prior to the incident at the Edward Jones Office on August 23, 2022 that altered Petitioner's relationship with her father, and that of his relationship with his granddaughters, Petitioner was regularly and consistently involved with her father's life. After the incident in the Edward Jones Office on August 23, 2022, he accused her of stealing \$3.5 million dollars from him and told her he never wanted to see her again. Petitioner did not steal money from the proposed Ward and Conservatee, was not involved in the transaction at the Edward Jones office in any way at all, and has not been able to formally ascertain

where the proposed Ward and Conservatee came up with the idea she stole money or was involved in Edward Jones's decision to freeze his account and call Adult Protective Services on Jeffery Price.

Mr. Price then ceased communicating with and became angry at all three of his granddaughters, including the daughters of Jeffery Price, who have no relationship with their father. Meaning, the proposed Ward and Conservatee has shut out his entire family, with the exception of Jeffery Price, since August of 2022, weeks after being diagnosed with progressive dementia.

Prior to the incident at the Edward Jones office with the proposed Ward and Conservatee and Jeffery Price, which did not involve Petitioner or Petitioner's granddaughters, the proposed Ward and Conservatee was working with the Petitioner as together, they worked to make medical appointments and had openly discussed his memory issues and concerns. Following the incident at the Edward Jones office on August 23, 2022, that did not involve the Petitioner in any way, the proposed Ward cancelled medical appointments and ceased communicating with the Petitioner because he believed she stole \$3.5 million from him.

Last month, the temporary Conservator voiced concerns about "the proposed Ward and Conservatee's understanding of the expenses involved," in a financial transfer because on it's very face, it appears the requested transfer will incur fees that may, in the opinion of the Temporary Conservator, be unnecessary.

Petitioner contends that between: 1) the cancelled medical appointments, 2) the dramatic change in the relationships among this family (Petitioner is 64 years old and in her entire 64 years, the Christmas of 2022 was the second Christmas she spent without her father – he did not see his granddaughters or their children last Christmas either) due to some event that happened at an

Edward Jones office that did not involve Petitioner or the granddaughters, 3) estate planning documents that either were or may have been altered in August and/or September of 2022 just following his diagnosis and the Edward Jones attempted transaction, freezing of the account and hotline of Jeffery Price for elder exploitation and 4) the financial dealings giving rise to concerns by the Temporary Conservator - this case is the text book factual scenario by which desperate and heartbroken families file Guardianship and Conservatorship actions in the state of Kansas seeking help from our Courts, Court appointed attorneys and our legal system to protect and care for the people they love.

Petitioner was advised by Edward Jones to file a Guardianships and Conservatorship, she waited eight weeks to find a solution to avoid a legal proceeding. Five months after filing, she still does not know what gave rise to Edward Jones's concerns, what happened that day, why they froze the account, why they called APS, what APS found, and most of all – why her father blamed her for it and cut her and his granddaughters out of his life.

Petitioner now has no relationship with her father who we have been advised is “rapidly declining.” Petitioner pleads with the Court and the parties to understand that her father did not have volatile relationships with his loved ones until whatever happened at this Edward Jones office with Jeffery Price in August of 2022. This was not a relationship that included fights, periods of noncommunication, or hostility. Nor did Mr. Price's relationships with his granddaughters. All parties and this Court surely understands these could be his final years or months and his family is losing this precious and valuable time with him due to something they do not understand. This guardianship was filed after eight weeks of contemplation, concern, fears, attempts to reach out to Mr. Price and be denied access, attempts to communicate with Edward Jones and APS and many discussions between Petitioner, the granddaughters and undersigned counsel. If this is not the type

of family dynamic that the Kansas statutes for fee assessments and the appointments of Court appointed counsel - (that is counsel appointed by the Court, *of which Respondent's counsel is not*) – than it is hard to surmise a fact pattern where a family is more in need of the Kansas Guardianship statutes.

WHEREFORE, Petitioner prays this Court assess the fees for the attorney this Court duly appointed per law, against the Estate of the proposed Ward and Conservatee and for such other relief as this Court deems just and proper.

Respectfully submitted by:

/s/ Michelle M. Burge  
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Attorneys for Petitioners

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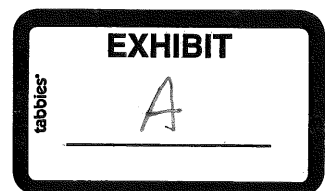
REPORT OF EXAMINATION AND EVALUATION PER K.S.A. 59-3064

COMES NOW Dan C. Sanders, counsel for Thomas J. Price, III (Jeff), and hereby attaches a true copy of the Report of Examination and Evaluation Per K.S.A. 59-3064 of Martin J. Shermoly, M.D., physician for Thomas Price, Jr.

Respectfully submitted,  
**MONACO, SANDERS, RACINE,  
POWELL & REIDY, L.C.**

/s/ Dan Sanders

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**ATTORNEYS FOR DEFENDANT**



**CERTIFICATE OF SERVICE**

The undersigned affirms that a true copy of the foregoing document was emailed on November 25, 2022, to:

Stacey L. Janssen  
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15700 College Blvd, Ste 102  
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**ATTORNEY FOR PETITIONER**

and

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Overland Park, KS 66204  
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**CONSERVATOR**

          /s/ Dan Sanders

REPORT OF EXAMINATION AND EVALUATION

By a  physician  psychologist  social worker  other: \_\_\_\_\_ (In compliance with K.S.A. 59-3064) Attach additional sheets as necessary.

(1) Date/Location of examination: 11/4/22 at office

(2) Name of proposed ward/conservatee: Thomas I Price Jr

(3) Year of Birth: 2/7/1936

(4) Age at time of examination and evaluation: 86

(5) Description of (including the date of) any prior assessments, evaluations or examinations of the proposed ward/conservatee which were reviewed or relied upon in preparation for this examination or evaluation:

office notes

(6) Results of this examination and evaluation:

(a) description of proposed ward's/conservatee's physical condition:

General good but limited by very poor balance

(b) description of proposed ward's/conservatee's mental condition:

mild-moderate dementia

(c) description of the nature and extent of the proposed ward's/conservatee's cognitive and functional abilities and limitations:

Mild to moderate dementia. He is able to manage all of his activities of daily living with minimal assistance. He is able to read & clearly communicate his wishes

(d) description of any adaptive behaviors or skills, or other assistive technologies which the proposed ward/conservatee employs to alleviate his/her limitations:

Uses a walker. No other trained methods indicated

(e) prognosis for improvement of the proposed ward's/conservatee's limitations:

no improvement expected

(f) recommendations for treatment or rehabilitation, or for other measures which may improve or alleviate the proposed ward's/conservatee's limitations (taking into account the proposed ward's/conservatee's education and developmental potentials):

He does well on his current living arrangement & that provides meals. Watch some supervision with medications

(7) Names(s)/qualification of other professional(s) performing this examination and evaluation with you:

\_\_\_\_\_  
(Name) (Title) (Name) (Title)

(8) Certification/opinion. I hereby certify under penalty of perjury that I/we have personally completed an independent examination and evaluation of the proposed ward/conservatee named above, and that this report contains an accurate summary of the results and findings of that examination and evaluation. Further information concerning these findings may be obtained by contacting

MARTIN Schermoly M.D.  
at 913-782-8300. Based upon these findings, it is my/our opinion that the proposed ward/conservatee:

(Check as appropriate)

- has the capacity to meet essential needs for physical health, safety or welfare
- does not have the capacity to meet essential needs for physical health, safety or welfare, and is therefore, in my/our opinion, an adult/minor with an impairment.
- has the capacity to manage the estate - *Can drive & others*
- does not have the capacity to manage the estate and is therefore, in my/our opinion, an adult/minor with an impairment

(9) Participation: It is further my/our opinion that the proposed ward/conservatee:

(Check as appropriate)

- should be able to participate in the court proceedings associated with this guardianship/conservatorship
- could not meaningfully participate in the court proceedings associated with this guardianship/conservatorship
- should not participate in the court proceedings associated with this guardianship/conservatorship because such would be injurious to the proposed ward's/proposed conservatee's health or safety.

11/4/22 \_\_\_\_\_  
(Date) (Signature) (Title)

MARTIN J. SCHERMOLY, M.D.  
20805 W. 151st, Suite 224  
Olathe, KS 66061  
TELEPHONE (913) 782-8300  
FAX (913) 782-1574

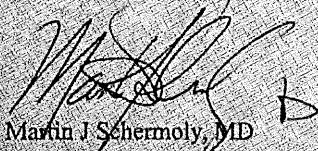


11/25/2022

This letter is regarding Thomas J. Price, Jr., date of birth 2/7/1936. This is an addendum to the report of examination and evaluation form that was completed on 11/4/2022.

I have been caring for Thomas since 2011. His major health issues at this time are related to severe diabetic neuropathy with gait instability. He was no longer able to care for himself independently and now resides in assisted living. He requires the use of a walker to maintain balance and ambulate. Second problem has been progressive onset of dementia. He was evaluated 8/19/2022 by Jennifer Watkins, APRN, who is associated with Olathe Health Neurology Consultants. At the time of that visit she ordered an MRI of the brain and a DAT scan. The patient was seen in my office on 11/4/2022. Neither of these studies had been completed at that time. There was no significant change in his clinical condition. After discussion regarding the potential diagnoses and benefits related to these 2 tests he expressed the wish not to undergo any additional testing at this time. I agreed with his decision as the information obtained is unlikely to change his current treatment or prognosis. The patient was very clear in his wish to avoid any excessive testing or medication. He preferred to emphasize quality of life at this time.

At this time I believe Thomas is capable of directing his care and finances. He requires minimal assistance to set out his medication as well as assistance with ambulation as stated above. He requires assistance with the details of managing his finances. He is capable expressing his wishes and directing such assistance.

  
Martin J. Schermoly, MD