



THE COUNTS LAW FIRM, LLC

September 21, 2023

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Re: Tom Price Guardianship and Conservatorship

Dear Jon, Leslie, David and Dan,

Jon had notified Leslie and David in an email yesterday morning that he believed this case was moving towards a tentative settlement, and that he disagreed with moving forward with the court ordered evaluation of Mr. Price.

I have a number of concerns about this approach. First and foremost, there are no volunteer guardianships in the state of Kansas. Unless Mr. Price is incompetent and in need of a guardian, the Court cannot appoint a guardian. A conservatorship can be voluntary, and entered into with a party still having capacity - there is a process set forth in the statute to do so, but a party cannot simply agree to a guardianship without the court making a finding of incapacity. I very much understand the practical reasons to resolve this case, but I had always thought an evaluation would be an important component. I was unaware no evaluation was a critical element of a resolution for Jon and his client and am a little taken aback by the email yesterday morning. If Mr. Price wants that much control in his medical decision making, consenting to a guardianship seems like an odd choice. Whomever is appointed is going to want Mr. Price to see doctors, have evaluations and it will be them who will decide on what terms and what course of action is followed based on those evaluations and exams. That is what he is giving up, a Guardian is going to want to have Mr. Price assessed so they understand their role and his needs – in fact



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they have to - that is their job. It is the very essence of what he is giving up in what seems to be consenting to a guardian.

Most significantly moving forward as we look to resolve things together, David and Leslie are appointed by the court with distinct roles - and both are charged with solely acting in the best interests of Mr. Price. It's no secret to any of you that I am unsure what Leslie has found via her months of investigations or what David has or has not found in the documents and records he repeatedly asks for in emails because I have asked all of you repeatedly the last few weeks and am left sending this letter trying to ascertain how we got to a point of a sudden resolution. I know there was a meeting between Leslie, Dan and Jeff and within hours Dan called me. I know Jon and his client have changed course since then as well. I don't know if there is information or documents that went to Jon from the meeting at Dan's office or from Leslie's findings, and then from Jon to Tom or not to Tom, that precipitated a decision to resolve this case after so much friction and resolve to fight the capacity issue, and that may not be for me to know. Nonetheless, I am not naïve enough to think the sudden change by Jeff Price and by Tom Price are not linked and have nothing to do with the meeting with Leslie. My client is not going to think the changes in position all happened suddenly and independent of one another either.

I do know Jon has told me repeatedly that Tom absolutely trusts Jeff and would most likely follow his direction. That concerns me as the party in the dark and without the information others may hold.

Leslie and David have roles in this case that have not been finalized. Someone, likely Tom Price by an Order from the Court, is going to pay Leslie and David for their months and months of work, investigations, asking for documents, subpoenas, interviews with third parties and charging forward in a manner that I am confident the Court will determine was in the best interests of Tom Price. If the effort here is to stop or thwart their work by way of a resolution, my client would not be able to agree to that without knowing why, or at least having an incredible assurance that an evaluation was made by someone - Jon, the Court, Leslie, David - someone - looking out for Tom Price's interests first and foremost - that David and Leslie, on behalf of the Court and Tom Price had done their jobs satisfactorily and that those findings had been reviewed and analyzed and it was determined that Tom Price had not been harmed, or that such inquiries had otherwise been resolved. Again, Terri sought the appointments of a conservator, and of a GAL, out of concern that her father had been or was being harmed after an incident that took place in an Edward Jones office in August of 2022. Terri is out of the country right now, but she is looking for the same things she was looking for when we filed this case nearly a year ago. In August and September of 2022, we did not anticipate it taking thousands and thousands of dollars, the need for a GAL, and nearly a year to get here. I think she would like to find out what all that time and money has gone to.



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Leslie was ordered by the Court to arrange an evaluation for Tom Price. David has been asking for months for information, which is the very definition of his job. David's appointment commenced in October, obviously he has to file an inventory and accounting, as well as a final settlement, if he is to be discharged in his role – and if he or another party were to act as conservator moving forward, they need that information as well to take over. There cannot just be a hole in Mr. Price's financial history during the time in which he had a court appointed fiduciary, that is ridiculous and how would David ever be released or his role this past year just negated? He has to report on Mr. Price's assets. Someone has to handle Mr. Price's taxes. If there are records David cannot get for whatever reason (which the emails seem to indicate), including an account that was a co-mingling of Conservatorship assets and Trust assets, I suggest we amend his Order so he can get what he needs to wrap up his role so we can look towards an ending that assures us Mr. Price's taxes are in order, his accounts are in good standing and have been reviewed by the parties appointed by the Court to look out for him.

The quickest and most efficient way for this matter to resolve is for the parties to work together and let Leslie and David finish this out, report their findings and come up with a solid agreement that operates in the best interests of Tom Price so whoever is appointed in the roles of Guardian and Conservator can move forward. But the notion that this Guardianship and Conservatorship concludes without my client having any idea what the last year has been spent either covering up, or uncovering, or both is not a reasonable expectation and most significantly, cannot possibly be in the best interests of Tom Price who at this point, has three attorneys charged with looking out for his interests.

I would be happy to draft something that allows David to complete his job. We still have a trial date on for September 27, have a pending order for Mr. Price to be evaluated and a lot of information that needs to be exchanged before we can resolve this case.

Sincerely,

Michelle Burge