

IN THE CIRCUIT COURT OF PULASKI COUNTY, MISSOURI - PROBATE DIVISION

IN THE MATTER OF)
SHIRLEY M. BUTLER,) Case No. 19PU-PR00129
Incapacitated & Disabled.)

OBJECTIONS TO THE CONSERVATOR'S FINAL SETTLEMENT

(Sec. 473.590, 475.020, 475.130, 475.132 and 475.290 RSMo)

COMES NOW Gregory Lee and for his objections to the settlements of Loretta Rouse filed November 30, 2020, November 8, 2022, November 16, 2023 and her final settlement filed on December 26, 2023 of the conservator of the estate of Shirley M. Butler, in the above captioned matter, states, alleges and avers as follows:

1. On November 25, 2019, Loretta Rouse was appointed as the conservator of the estate of Shirley M. Butler, in the above captioned matter and continued to serve as such through January 4, 2024.

2. Gregory Lee is a child, adult members of the Shirley M. Butler's family, having a property right or claim against the estate of Shirley M. Butler being administered, a trustee of a trust of which the Shirley M. Butler is a beneficiary, having possessed a durable power of attorney for Shirley M. Butler, and therefore is an "interested person" in Shirley M. Butler's conservatorship.

3. Loretta Rouse filed inventories of Shirley Butler's estate on:

- a. January 30, 2020;
- b. February 6, 2020
- c. March 20, 2020;
- d. July 30, 2020; and
- e. March 15, 2021;

4. Loretta Rouse filed four annual settlements on November 30, 2020, November 4, 2021, November 8, 2022, and November 16, 2023 and her final settlement was filed on December 26, 2023.

4. Loretta Rouse failed to perform her fiduciary duties as conservator in that her annual settlements and final settlement are deficient and she failed to fully account for the administration of Shirley M. Butler's estate in the following particulars:

a. On or about November 16, 2023 Loretta Rouse cashed in Shirley Butler's CFL irrevocable funeral plan Greg Lee purchased. The estate received \$9,479.53 from a \$13,523.13 plan resulting in a loss to Shirley Butler's estate of \$4,043.60, and, she needs to account for the loss;

b. January 1, 2020 to Carrie B. Williamson in the amount of \$3,558.00. Ms. Williamson rendered ineffective assistance of counsel (Motion filed in the above captioned case on August 24, 2023, pgs. 8-17 and incorporated herein by this reference) Loretta Rouse needs to get that money back;

c. Shirley's Thrift Savings Plan ("TSP") on the annual settlement filed November 30, 2020 said as of December 19, 2019 Shirley's TSP had a value of \$36,497.90, and the inventory filed July 30, 2020, said the TSP had a value of \$36,497.90. Loretta Rouse cashed in the TSP on October 28, 2020 and only received \$28,445.17, a loss of \$8,250.73 for which Loretta Rouse failed to account;

d. January 13, 2020 Check No. 4059 to Ralph Muxlow in the amount of \$7,212.50 is for Loretta Rouse's personal attorney's fees. Loretta Rouse needs repay those to Shirley;

e. On July 10, 2020 Loretta Rouse took out an insurance policy on a real estate parcel in the trust located at 11200 Cypress Rd through Brinktown Farmer Mutual Policy at a cost of \$165.00 paid for with Check No. 4027. Then on September 28, 2020 Loretta Rouse cancelled the Brinktown Farmers Mutual Ins Policy receiving a refund of only \$150.97, a loss of \$14.03 for which she must account;

f. On March 17, 2021 Loretta Rouse filed a Petition For Sale of Personal Property. \$5,000.00 of the personal property belonged to the trust and was not returned to trust. Loretta Rouse needs to account for the missing personal property;

g. On June 22, 2021 Loretta Rouse paid to her own personal attorney John Farris \$23,255.00, Check No. 4087 for her attorney fees for work he performed for Loretta Rouse. Loretta Rouse needs to account for that money;

h. On June 22, 2021, check number 4088, Loretta Rouse paid Brad York \$9,361.50 for attorney's fees for representing Shirley Butler when Brad York is not and was not Shirley Butler's attorney and she needs to account for that money;

i. On October 5, 2021, Check No. 4103, Loretta Rouse paid her personal attorney, John Farris, \$6,000.00, for legal work he performed for Loretta Rouse and she needs to account for that money;

j. The following items of personal property are missing:

- (1) Mossberg Model 715T .22 Caliber Rifle - Serial No ELH3470036 - Value \$299.00
- (2) Glock 19 9mm Handgun - Serial No BHV298 - Value \$450.00
- (3) 7 gold coins - value \$13,000.00
- (4) Silver coins - value \$500.00 - \$700.00

(5) 2007 Ford Five Hundred - Value \$3,800.00

Loretta Rouse must account for the loss of these items and pay for them;

k. January 25 , 2022 Check No. 4113 to John Farris in the amount of \$5,283.54 for Loretta Rouse's personal attorney fees must be reimbursed by her;

l. March 14, 2022 Check No. 4122 to Brad York in the amount of \$825.00 who is not and was not Shirley Butler's attorney and Loretta Rouse needs to account for that money;

m. March 14, 2022 Check No. 4123 to John Farris in the amount of \$2,562.50 for Loretta Rouse's personal attorney fees must be reimbursed by her;

n. May 16, 2022 Check No. 4130 to John Farris in the amount of \$1,400.00 for Loretta Rouse's personal attorney fees must be reimbursed by her;

o. June 7, 2022 Check No. 4136 to John Farris in the amount of \$587.50 for Loretta Rouse's personal attorney fees must be reimbursed by her;

p. July 19, 2022 Check No. 4142 to John Farris in the amount of \$5,000.00 for Loretta Rouse's personal attorney fees must be reimbursed by her;

q. July 19, 2022 Check No. 4143 to Brad York in the amount of \$3,575.00 who is not and was not Shirley Butler's attorney and Loretta Rouse needs to account for that money;

r. September 8, 2022 Check No. 4151 to Ed Warden in the amount of \$155.00 to store the Mossberg Model 715T .22 Caliber Rifle - Serial No ELH3470036 - Value \$299.00 that belonged to the trust and was apparently lost Loretta Rouse needs to account for that money;

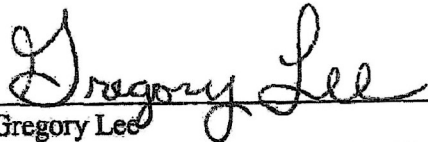
s. Rebecca Allen, an employee of Loretta Rouse removed a truckload of items of Personal Property valued at \$5,000.00 from Shirley Butler's home on February 20, 2021 and have not been inventoried or accounted for;

t. The guardianship and conservatorship are void for lack of service of process on Shirley M. Butler of the notice of hearing and violating Shirley M. Butler's due process rights (see Motion to Set Aside Judgment filed August 24, 2023 in the above captioned matter explaining why the judgment declaring Shirley M. Butler to be incapacitated and disabled) thereby invalidating each and every action taken by Loretta Rouse the guardian and conservator.

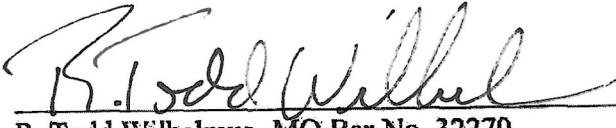
WHEREFORE Gregory Lee prays the court to not approve Loretta Rouse's final settlement, for Loretta Rouse and her surety or sureties be surcharged for the sums determined to be due Shirley M. Butler's estate and for such other and further relief as the court deems just and proper.

The undersigned swears that the matters set forth in the foregoing pleading are true and correct according to the undersigned's best knowledge and belief and subject to penalty for making a false affidavit or declaration.

RESPECTFULLY SUBMITTED,



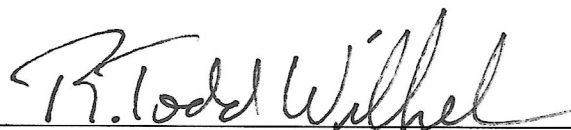
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ATTORNEY FOR GREGORY LEE

Certificate of Service

I hereby certify on January 13, 2024 I served the foregoing Objections, electronically, pursuant to Rule 103.08, by uploading it to the electronic case file, on John Young, 4560 S National Ave Suite A2 Springfield, MO 65810, Brad York, 135 Harwood Lebanon, MO 65536, Patrick Platter, 2144 E Republic RD Suite F302 PO Box 10327 Springfield, MO 65808, attorney for Kimberly Clark, John Farris, Box 10 A, 220 Marshall Drive Hidden Valley Plaza Saint Roberts, MO 65584 attorney for Loretta Rouse, the guardian and conservator, pursuant to Rule 103.08, by uploading it to the electronic case file.



R. Todd Wilhelmus, attorney for Gregory Lee and
Shirley M. Butler