

JAN 29 2024

State of Minnesota

District Court

County of:  
Dakota

Judicial District: First  
Court File Number: 19HA-PR-16-658  
Case Type: Guardianship/Conservatorship

In Re:  Guardianship  
 Conservatorship  
of:

Petition for Appointment of:  
 Successor Guardian  
 Successor Conservator

Charles Paul Helmer

TO THE HONORABLE JUDGE OF THE DISTRICT COURT:

1. Petitioner:

Name: Ann Fuller  
Address: 20484 Icefall Trail  
Lakeville, MN 55044  
Telephone number: 612-221-8831  
Interest in this matter: My son

2. Person Subject to Guardianship/Conservatorship:

Name: Charles Helmer  
Address: 3092 Cleveland Ave N  
Roseville, MN 55113  
Telephone number: 952-300-9448

3. If the petition is granted, the person subject to guardianship/conservatorship  will not be moved OR  will be moved to: 20484 Icefall Trail  
Lakeville, MN 55044

4. A  Guardianship  Conservatorship was established by order dated: 3/24/17

5. The names and addresses of the spouse and kin of the person subject to guardianship/conservatorship:

a. Spouse:

Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_

b. Any adult the person has lived with for more than 6 months:

Name: Ann Fuller  
Street Address: 20484 Icefall Trail  
City/State/Zip: Lakeville, MN 55044  
Relationship: my mom

Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Relationship: \_\_\_\_\_

c. Kin [adult children and stepchildren of a living spouse; if none, list parents and adult brothers and sisters; and if none of these, then list the next kin of the Respondent. See Minn. Stat. § 524.5-102, subd. 7(iv)]. Use more paper if you need more space.

Name: Ann Fuller  
Street Address: 20484 Icefall Trail  
City/State/Zip: Lakeville, MN 55044  
Relationship: mom

Name: Dennis Helmer  
Street Address: 2921 Silver Sage Dr.  
City/State/Zip: Pahrump, NV 89060  
Relationship: Dad

Name: Cheryl Marie Fuller  
Street Address: \_\_\_\_\_  
City/State/Zip: Albany, MN  
Relationship: Sister

Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Relationship: \_\_\_\_\_

d. Administrator (if the person is in a hospital, nursing home, VA unit, group home, home care agency, or other institution):

Name of Administrator: Rachael  
Street Address: 2092 Cleveland Ave N  
City/State/Zip: Roseville, MN 55113  
Name of Facility: Nobrate Home

e. Legal representative (guardian/conservator, representative payee, trustee, or custodian of property):

Name: Dakota Conservators

Street Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Relationship: \_\_\_\_\_

- f. Persons nominated, proposed, or confirmed by prior order, as guardian or conservator (file applicable document with petition including prior order, health care directive, or related document):

Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Relationship: \_\_\_\_\_

Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Relationship: \_\_\_\_\_

Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Relationship: \_\_\_\_\_

Use more paper if you need more space.

---

**(Complete paragraphs #6 - #19 only if you want a Successor Guardian appointed.)**

- I am NOT asking the court to appoint a Successor **Guardian** (if checked, skip to paragraph #20)

### SUCCESSOR GUARDIAN

6. Proposed Successor **Guardian**:

a. Name: Ann Fuller  
Street Address: 20484 Foxhill Trail  
City/State/Zip: LaCrosse MN 55244  
Telephone: 6122218831 Age: \_\_\_\_\_

- b. The proposed Successor **Guardian** was:

- Appointed by prior court order;  
 Nominated by the person subject to guardianship;  
 Nominated by the parent of the person subject to guardianship;  
 Nominated by the spouse of the person subject to guardianship; or

Nominated by some other person.

c. The proposed Successor **Guardian** is the most suitable and best qualified among those available and willing to serve as guardian because:

The current guardian doesn't know or do his job. My son wants to live back at home where he belongs

d. The proposed Successor **Guardian** is not excluded from appointment under Minn. Stat. § 524.5-309(c).

7. Proposed Successor **Co-Guardian**

N/A because there is only 1 proposed Successor **Guardian**, OR

a. Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Age: \_\_\_\_\_

b. The proposed Successor **Co-Guardian** was:

- Appointed by prior court order;
- Nominated by the person subject to guardianship;
- Nominated by the parent of the person subject to guardianship;
- Nominated by the spouse of the person subject to guardianship; or
- Nominated by some other person.

c. The proposed Successor **Co-Guardian** is the most suitable and best qualified among those available and willing to serve as successor co-guardian because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

d. The proposed Successor **Co-Guardian** is not excluded from appointment under Minn. Stat. § 524.5-309(c).

*If there are more than 2 co-guardians, add these details about the other co-guardians on another sheet of paper.*

8. The following Guardian is no longer able or willing to serve as Guardian:

\_\_\_\_\_, because:  
\_\_\_\_\_

---

---

---

---

9. A Successor Guardian should be appointed because:

- a. The person subject to guardianship continues to be an incapacitated person in that they lack sufficient understanding or capacity to make personal decisions and is unable to meet their personal needs. (Describe the present general mental condition supporting this statement.)

Charles is Antisocial

- b. The person subject to guardianship continues to be unable to meet their needs for medical care, nutrition, clothing, shelter, safety, even with appropriate technological and supported decision making assistance. (Describe the behavior supporting this statement.)

not showering for a couple days  
he ate better at home  
much more independent & misses my cooking

- c. Less restrictive means have been considered and attempted but are not sufficient to meet the identified needs of the person subject to guardianship.

- i. The following less restrictive means have been considered and attempted:

---

---

- ii. The length of time these less restrictive means were attempted:

---

---

- iii. The less restrictive means have not been successful because:

---

---

10. The following powers are needed for a Successor Guardian to protect and supervise the person subject to guardianship:

All of the rights and powers under Minn. Stat. § 524.5-313(c), paragraphs 1, 2, 3, 4, 5, 6, 7, 9, and 10. A *limited guardianship* is not appropriate because:

---

---

---

---

---

***(If the Successor Guardian is granted limited powers and duties, specify which powers and duties are vested in the Successor Guardian by this Order.)***

- (1) Have custody and establish the place of abode of the person subject to guardianship within or outside the State. Minn. Stat. § 524.5-313(c)(1).
- (2) Provide for the care, comfort, and maintenance needs of the person subject to guardianship. Minn. Stat. § 524.5-313(c)(2).
- (3) Take reasonable care of the clothing, furniture, vehicles, and other personal effects of the person subject to guardianship. Minn. Stat. § 524.5-313(c)(3).
- (4) Give any necessary consent to enable, or to withhold consent for, the person subject to guardianship to receive necessary medical or other professional care, counsel, treatment, or service. Minn. Stat. § 524.5-313(c)(4).
- (5) Approve or withhold approval of any contract, except for necessities, which the person subject to guardianship may make or wish to make (***only given if no conservator is appointed***). Minn. Stat. § 524.5-313(c)(5).
- (6) Exercise supervision authority over the person subject to guardianship, but may not restrict the ability of the person subject to guardianship to communicate, visit, or interact with others unless the guardian has good cause to believe the restriction is necessary to prevent significant harm to the person subject to guardianship. Minn. Stat. § 524.5-313(c)(6).
- (7) Apply on behalf of the person subject to guardianship for any assistance, services, or benefits available to the person through any unit of government (***only given if no conservator is appointed***). Minn. Stat. § 524.5-313(c)(7).
- (8) Establish an Achieving a Better Life Experience Act of 2014 account under section 529A of the Internal Revenue code (known as an ABLÉ account) for the person subject to guardianship. Minn. Stat. § 524.5-313(c)(9).

(9) Start a lawsuit on behalf of the person subject to guardianship, represent the person in noncriminal court proceedings, and settle claims with court approval (*only given if no conservator is appointed*). Minn. Stat. § 524.5-313(c)(10).

(10) Other: \_\_\_\_\_  
\_\_\_\_\_

and all other powers, duties, and responsibilities given to the Successor Guardian under applicable law.

Is there a Successor Co-Guardian?  Yes  No

If Yes:

The Successor Co-Guardian should have the same powers as the Successor Guardian.

OR

The Successor Co-Guardian should have the following powers:

- |                              |  |
|------------------------------|--|
| <input type="checkbox"/> (1) | <input type="checkbox"/> (6)               |
| <input type="checkbox"/> (2) | <input type="checkbox"/> (7)               |
| <input type="checkbox"/> (3) | <input type="checkbox"/> (8)               |
| <input type="checkbox"/> (4) | <input type="checkbox"/> (9)               |
| <input type="checkbox"/> (5) | <input type="checkbox"/> (10) Other: _____ |

The information in paragraphs #11 - #19 applies to the proposed Successor Guardian and any Co-Guardian. You will need to fill out the *Attachment to Petition for Appointment of Successor Guardian and/or Conservator* (GAC403) to answer these questions about co-guardians.

11. The proposed Successor **Guardian**, Ann Fuller (name),

Has never been removed for cause from serving as a guardian or conservator.

OR

Has been removed for cause from serving as a guardian or conservator:

Location: \_\_\_\_\_

Court File Number: \_\_\_\_\_

12. The proposed Successor **Guardian** anticipates charging the following rate for the performance of guardian services:

\$ 0  hourly /  monthly /  flat rate /  other: \_\_\_\_\_

13.  The proposed Successor **Guardian** is a professional guardian.
- a. A summary of the proposed Successor Guardian's educational background, relevant work, and other experience is as follows: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- b. The professional guardian's current customary rate per hour is \$\_\_\_\_\_

14. The proposed Successor **Guardian**:
- Has not applied for or held any professional licenses.

**OR**

Has applied for or held the following professional licenses:

Type of License	Agency	License Number	Status (for example, active, revoked, etc.)
PCA			

If the status of any license has been denied, conditioned, suspended, revoked, or cancelled, please explain why: \_\_\_\_\_

\_\_\_\_\_

15. The proposed Successor **Guardian**:
- Has not been found civilly liable in an action involving fraud, misrepresentation, material omission, misappropriation, theft, or conversion.

**OR**

Has been found civilly liable in an action involving fraud, misrepresentation, material omission, misappropriation, theft, or conversion:

Court Location: \_\_\_\_\_

Court File Number: \_\_\_\_\_



16. The proposed Successor **Guardian**:

Has not filed for nor has received protection under the bankruptcy laws within the last 5 years.

**OR**

Has filed for or has received protection under the bankruptcy laws within the last 5 years:

Court Location: \_\_\_\_\_

Court File Number: \_\_\_\_\_

17. The proposed Successor **Guardian**:

Does not have any outstanding civil money judgments against them.

**OR**

Has outstanding civil money judgments against them:

Court location: unknown

Court File Number: \_\_\_\_\_

Amount still owed: \$ 3500.00

18. The proposed Successor **Guardian**:

Does not have, and has not had, an order for protection or harassment restraining order issued against them.

**OR**

Currently has, or has had in the past, an order for protection or harassment restraining order issued against them:

Court Location: \_\_\_\_\_

Court File Number: \_\_\_\_\_

19. The proposed Successor **Guardian**:

Has not been convicted of a gross misdemeanor or felony crime.

**OR**

Has been convicted of a gross misdemeanor or felony crime:

Court Location: \_\_\_\_\_

Court File Number: \_\_\_\_\_

NOTE: Do not include petty misdemeanors or traffic offenses.

*(Complete paragraphs #20 - #34 only if you want a Successor Conservator appointed.)*

I am NOT asking the court to appoint a Successor **Conservator** (if checked, skip to the **Request** section)

### SUCCESSOR CONSERVATOR

20. Proposed Successor **Conservator**:

a. Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Age: \_\_\_\_\_

b. The proposed Successor **Conservator** was:

- Appointed by prior court order;
- Nominated by the person subject to conservatorship;
- Nominated by the parent of the person subject to conservatorship;
- Nominated by the spouse of the person subject to conservatorship; or
- Nominated by some other person.

c. The proposed Successor **Conservator** is the most suitable and best qualified among those available and willing to serve as conservator because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

d. The proposed Successor **Conservator** is not excluded from appointment under Minn. Stat. § 524.5-413(d).

21. Proposed Successor **Co-Conservator**:

N/A because there is only 1 proposed Successor **Conservator**, OR

a. Name of Co-Conservator: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Age: \_\_\_\_\_

b. The proposed Successor **Co-Conservator** was:

- Appointed by prior court order;

- Nominated by the person subject to conservatorship;
- Nominated by the parent of the person subject to conservatorship;
- Nominated by the spouse of the person subject to conservatorship; or
- Nominated by some other person.

c. The proposed Successor **Co-Conservator** is the most suitable and best qualified among those available and willing to serve as conservator because:

---



---



---

d. The proposed Successor **Co-Conservator** is not excluded from appointment under Minn. Stat. § 524.5-309(c).

*If there are more than 2 co-conservators, add these details about the other co-conservators on another sheet of paper.*

22. The following Conservator is no longer able or willing to serve as Conservator: \_\_\_\_\_, because:

---



---



---

23. A Successor **Conservator** is needed because:

a. The person subject to conservatorship continues to be unable to manage property and business affairs because of an impairment in the ability to receive and evaluate information or make decisions, even with the use of appropriate technological assistance. (Describe present general mental condition supporting this statement.)

---



---



---



---

b. The person subject to conservatorship continues to demonstrate behavioral deficits showing an inability to manage their estate. (Describe behavior supporting this statement.) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c. Less restrictive means have been attempted and considered but are not sufficient to meet the identified needs of the person subject to conservatorship.

i. The following less restrictive means have been considered and attempted:

\_\_\_\_\_  
\_\_\_\_\_

ii. The length of time these less restrictive means were attempted:

\_\_\_\_\_  
\_\_\_\_\_

iii. The less restrictive means have not been successful because:

\_\_\_\_\_  
\_\_\_\_\_

d. The person subject to conservatorship has property that will be dissipated without proper management; or funds are needed for the support, care, education, health, and welfare of the person subject to conservatorship and/or those entitled to the support of the person subject to conservatorship.

24. The following powers are needed for a Successor **Conservator/Co-Conservator** to protect and supervise the estate of the person subject to conservatorship:

All of the rights and powers under Minn. Stat. § 524.5-417(c), paragraphs 1, 2, 3, 4, 5, 6, and 7. A *limited* conservatorship is not appropriate because: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

*(If the Conservator is granted limited powers and duties, specify which powers and duties are vested in the Conservator by this Order.)*

- (1) Pay reasonable charges for the support, maintenance, and education of the person subject to conservatorship in a manner suitable to their station in life and the value of their estate. Minn. Stat. § 524.5-417(c)(1).
- (2) Pay out of the estate of the person subject to conservatorship all lawful debts of the person. Minn. Stat. § 524.5-417(c)(2).
- (3) Possess and manage the estate of the person subject to conservatorship, collect all debts and claims in favor of the person subject to conservatorship, or settle them with court approval, start a lawsuit on behalf of the person subject to conservatorship and represent the person in non-criminal court proceedings, and invest all funds not currently needed for debts, charges, and management of the estate pursuant to Minn. Stat. §§ 48A.07, subd. 6; 501C.0901; and 524.5-423; or as otherwise ordered by the court. Minn. Stat. § 524.5-417(c)(3).
- (4) Exchange or sell an undivided interest in real property. Minn. Stat. § 524.5-417(c)(4).
- (5) Approve or withhold approval of any contract, except for necessities, which the person subject to conservatorship may make or wish to make. Minn. Stat. § 524.5-417(c)(5).
- (6) Apply on behalf of the person subject to conservatorship for any assistance, services, or benefits available to them through any unit of government. Minn. Stat. § 524.5-417(c)(6).
- (7) Establish and exercise all powers over an Achieving a Better Life Experience Act of 2014 account under section 529A of the Internal Revenue code (known as an ABLE account). Minn. Stat. § 524.5-417(c)(7).
- (8) Other: \_\_\_\_\_  
\_\_\_\_\_

and all other powers, duties, and responsibilities given to the Successor Conservator under applicable law.

Is there a Successor Co-Conservator?  Yes  No

If Yes:

The Successor Co-Conservator should have the same powers as the Successor Conservator.

OR

The Successor Co-Conservator should have the following powers:

- (1)
- (2)
- (3)
- (4)
- (5)
- (6)
- (7)
- (8) Other: \_\_\_\_\_

25. Wages or salary from the employment of the person subject to conservatorship [Minn. Stat. § 524.5-417(g)]:

Any wages or salary the person subject to conservatorship earns from employment during the conservatorship will be paid to and controlled by them. The Successor **Conservator** does not account for the wages and salary of the person subject to conservatorship in the annual reporting.

**OR**

Any wages or salary the person subject to conservatorship earns from employment during the conservatorship will be part of the conservatorship estate. The Successor **Conservator** must include the wages and salary of the person subject to conservatorship in the annual reporting.

The information in paragraphs #26 - #34 applies to the proposed Successor Conservator and any Co-Conservator. You will need to fill out the *Attachment to Petition for Appointment of Successor Guardian and/or Conservator* (GAC403) to answer these questions about co-conservators.

26. The proposed Successor **Conservator**, \_\_\_\_\_ (name),

Has never been removed for cause from serving as a guardian or conservator.

**OR**

Has been removed for cause from serving as a guardian or conservator:

Location: \_\_\_\_\_

Court File Number: \_\_\_\_\_

27. The proposed Successor **Conservator** anticipates charging the following rate for the performance of conservator services:

\$ \_\_\_\_\_  hourly /  monthly /  flat rate /  other: \_\_\_\_\_

28.  The proposed Successor **Conservator** is a professional guardian.

a. A summary of the proposed Successor Conservator's educational background, relevant work and other experience is as follows: \_\_\_\_\_

---



---



---



---



---

b. The professional conservator's current customary rate per hour is \$ \_\_\_\_\_

29. The proposed Successor **Conservator**:

Has not applied for or held any professional licenses.

**OR**

Has applied for or held the following professional licenses:

Type of License	Agency	License Number	Status (for example, active, revoked, etc.)

If the status of any license has been denied, conditioned, suspended, revoked, or cancelled, please explain why: \_\_\_\_\_

---



---

30. The proposed Successor **Conservator**:

Has not been found civilly liable in an action involving fraud, misrepresentation, material omission, misappropriation, theft, or conversion.

**OR**

Has been found civilly liable in an action involving fraud, misrepresentation, material omission, misappropriation, theft, or conversion:

Court Location: \_\_\_\_\_

Court File Number: \_\_\_\_\_

31. The proposed Successor **Conservator**:

Has not filed for nor has received protection under the bankruptcy laws within the last 5 years.

**OR**

- Has filed for or has received protection under the bankruptcy laws within the last 5 years:

Court Location: \_\_\_\_\_

Court File Number: \_\_\_\_\_

32. The proposed Successor **Conservator**:

- Does not have any outstanding civil money judgments.

**OR**

- Has outstanding civil money judgments:

Court Location: \_\_\_\_\_

Court File Number: \_\_\_\_\_

Amount still owed: \_\_\_\_\_

33. The proposed Successor **Conservator**:

- Does not have, and has not had, an order for protection or harassment restraining order issued against them.

**OR**

- Currently has, or has had in the past, an order for protection or harassment restraining order issued against them:

Court Location: \_\_\_\_\_

Court File Number: \_\_\_\_\_

34. The proposed Successor **Conservator**:

- Has not been convicted of a gross misdemeanor or felony crime.

**OR**

- Has been convicted of a gross misdemeanor or felony crime:

Court Location: \_\_\_\_\_

Court File Number: \_\_\_\_\_

NOTE: Do not include petty misdemeanors or traffic offenses.

---

## REQUESTS



The Petitioner asks the court to schedule a hearing on this petition and, after the hearing, issue an order:

- Discharging Steven Jankel, the **Guardian**.
- Terminating \_\_\_\_\_, the **Conservator**.
- Appointing Ann Fuller as Successor **Guardian** of the person subject to guardianship with the powers and duties described in the statements at number #10 above. AK
- Appointing \_\_\_\_\_ as Successor **Co-Guardian** of the person subject to guardianship with the powers and duties described in the statements at number #10 above.
- Appointing \_\_\_\_\_ as Successor **Conservator** of the person subject to guardianship with the powers and duties described in the statements at number #24 above.
- Appointing \_\_\_\_\_ as Successor **Co-Conservator** of the person subject to guardianship with the powers and duties described in the statements at number #24 above.

I declare or affirm that I have read this petition and, to the best of my knowledge or information, its contents are true, correct and complete.

Dated: 1/26/21

[Signature]  
Signature of Petitioner

Name: Ann Fuller  
Address: 20484 Icefall Trail  
City/State/Zip: Lakeville, MN 55044  
Telephone: 612-221-8831  
Email: gemstar696@gmail.com