

NOTICE-. This slip must be filed with the papers in the case.

OFFICE OF THE REGISTER OF WILLS

Clerk of the Probate Division

Washington, D.C. 20001

Date: FEB 27 1998

In re: Charlie Mae Morton

No. Intvp. 54-95

JUDGE LONG:

TRANSMITTAL OF THE REGISTER OF WILLS ON THE CONSERVATOR'S COMBINED
FIRST, SECOND AND FINAL ACCOUNT

The first, second and final accounting filed by the conservator is pending in the Probate Division; and apparent irregularities in this intervention proceeding have been realized at the time of the audit on the account. The pertinent background information is as follows:

The first, second and final account of the conservator, Rozan, E. Cater, Esq., was filed on January 26, 1998, after the Court issued a summary hearing for failure of the fiduciary in filing her first, second and final account on December 10, 1997, returnable on January 6, 1998, but continued until January 27, 1998. The account covers the period from date of appointment, May 3, 1995, through December 31, 1996. A review of the Court jacket reveals that a Suggestion of Death was filed on September 18, 1996, which noted that the subject died September 13, 1996. Therefore, the account should have been filed some fifteen months earlier, and should have cut off as of date of death the subject. In fact, approximately \$8,593.82 in disbursements were made subsequent to the death of the subject, \$6,231.50 of which was expended for funeral related services, all of which should not be reported in the conservatorship, but rather, in the decedent's probate estate.

Further, the account reports a loss on Schedule "G" captioned as, "Lena Summers - Forged Checks", in the sum of \$42,003.69. A review of the cancelled checks alleged to be forgeries reveals that a total of thirty three (33) checks totaling \$41,318.19 were made payable to Lena Summers, and one (1) was made payable to Nordstroms in the amount of \$685.00. A review of the bank statements further reveals that these checks were written over a period of nine months (September 12, 1995 through June 5, 1996) and that the majority of the time the check was not in sequential

order as that of legitimate checks. The conservator has not provided any explanation as to who forged these checks, and as to what action has been or will be taken in connection with same. Additionally, it does not appear that the conservator brought this matter to the attention of the Court immediately upon her discovery; and one may ask why this matter occurred for over a period of nine (9) months and was not discovered by the fiduciary who is charged with the responsibility of safeguarding the assets. The first, second and final account, along with an itemized list of all checks made payable to Lena Summers, and to Nordstrom, along with the date, check number and amount are attached hereto.

Another irregularity has been noted, in that attorney fees and expenses in the amount of \$713.50 (pursuant to Court order dated April 4, 1996) were authorized to Lewis Franke, Esq., counsel to the subject, however, the conservator's accounting does not report the payment of this fee. In addition, it is noted that the probate estate has been opened (Admin. 1825-96), and Rosita Bunting is the appointed personal representative of the unsupervised probate estate administration. The time period for claims to be filed expired on June 12, 1997, and the docket reflects that no claims were filed.

Probate Rule 309(b) provides in part that the Court *sua sponte* or at the request of the Register of Wills may order a summary hearing without giving the fiduciary prior notice or the opportunity to correct an irregularity or default. In addition, Probate Rule 309(c) provide in part that the Court may issue an order to show cause why any action, including removal, should not be taken. We question whether the Court may wish to hold a show cause hearing why judgment should not be entered against the fiduciary and her surety for the amount of the alleged forged checks, plus interest, due to the apparent lack of due diligence exercised by the conservator in not safeguarding the assets. Accordingly, this matter is submitted to the Court for such action as it deems appropriate.

Respectfully submitted,

Constance G. Evans

Register of Wills

SRP



**IN RE: CHARLIE M. MORTON
NO. INTVP. 54-95**

Checks to:

Lena Summers: Denoted as "Forged Checks" on schedule "G" of the First, Second and Final Account

DATE	CHECK #	AMOUNT
09/12/95	159	\$ 225.00
09/29/95	160	\$ 85.00
10/01/95	181	\$ 450.00
10/10/95	156	\$ 125.00
10/16/95	174	\$ 475.00
10/20/95	175	\$ 500.00
10/25/95	158	\$ 200.00
11/03/95	179	\$ 650.00
11/07/95	157	\$ 875.00
11/16/95	184	\$ 800.00
11/22/95	235	\$ 500.00
11/28/95	234	\$ 500.00
12/01/95	218	\$ 850.00
12/12/95	201	\$ 905.00
12/20/95	207	\$ 350.00
12/22/95	210	\$ 295.00
12/26/95	182	\$ 500.00
01/08/96	183	\$ 625.00
01/19/96	204	\$ 650.57
02/02/96	209	\$ 625.57
02/15/96	206	\$ 800.00
02/21/96	228	\$ 500.00
02/21/96	227	\$ 685.00 *
02/26/96	177	\$ 925.62
03/01/96	170	\$ 1,561.43
03/09/96	232	\$ 4,500.00
03/11/96	205	\$ 1,750.00
04/01/96	180	\$ 855.00
04/15/96	231	\$ 875.00
04/17/96	259	\$ 9,565.00
05/01/96	258	\$ 4,500.00
05/16/96	230	\$ 550.00
05/31/96	257	\$ 2,350.00
06/05/96	251	\$ 2,400.00
34 Checks Total:		\$42,003.19

* Check made to Nordstroms