

TEMPORARY CONSERVATORSHIP OF (Name): ELIJAH BLUE ALLMAN CONSERVATEE	CASE NUMBER:
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4. **Temporary conservatorship is required**

- a. pending the hearing on the petition for appointment of a general conservator,
b. pending the appeal under Probate Code section 1301.
c. during the suspension of powers of the conservator.

5. **Character and estimated value of the property of the estate** (complete if a temporary conservatorship of the estate or the person and estate is requested):

- | | | |
|---|----|-------------------|
| a. Personal property: | \$ | 0.00 |
| b. Annual gross income from all sources, including real and personal property, wages, pensions, and public benefits: | \$ | 120,000.00 |
| c. Additional amount for cost of recovery on the bond, calculated as required under Cal. Rules of Court, rule 7.207(c): | \$ | <u>12,000.00</u> |
| d. Total: | \$ | <u>132,000.00</u> |

6. **Petitioner requests authority to change the proposed conservatee's residence during the temporary conservatorship**

- a. Petitioner proposes to change the residence of the proposed conservatee to (address):

The proposed conservatee will suffer irreparable harm if his or her residence is not changed as requested and no means less restrictive of the proposed conservatee's liberty will suffice to prevent the harm because (reasons are specified in attachment 6a as follows):

- b. The proposed conservatee must be removed from the State of California to permit the performance of the following nonpsychiatric medical treatment essential to the proposed conservatee's physical survival. The proposed conservatee consents to this medical treatment. (Facts and place of treatment are specified in attachment 6b as follows):

7. **Petitioner is a professional fiduciary**

- a. Petitioner holds license no. (specify): _____ from the Professional Fiduciaries Bureau of the Department of Consumer Affairs issued or last renewed on (specify later date of initial issuance or renewal): _____.
- b. Petitioner was requested to file this petition by (name): _____.
- c. The circumstances leading to petitioner's engagement to file this petition are described in attachment 7c.
- d. Petitioner had: (1) No relationship to the proposed conservatee, his or her family, or his or her friends before engagement to file this petition.
(2) A relationship to the proposed conservatee, his or her family, or his or her friends before engagement to file this petition. That relationship is described in attachment 7d. the *Petition for Appointment of Probate Conservator (form GC-310)* filed with this petition or an attachment to that petition (specify attachment to general petition): _____.

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CONSERVATEE	

8. **Petitioner's contact with persons named in *Petition for Appointment of Probate Conservator***

- a. Petitioner is the proposed conservatee. (If this item is selected, go to item 9.)
- b. Petitioner is not the proposed conservatee. All persons other than the proposed conservatee named in the *Petition for Appointment of Probate Conservator* filed with this petition:
 - (1) Have been found and contacted. All will be given notice of the hearing on this petition.
 - (2) Have not been found or have not been contacted. Efforts to find the persons who have not been found and the reasons why any person cannot be contacted are described in one or more declarations under penalty of perjury attached to this petition as attachment 8b. (Attachment 8b is not a request for a good cause exception to notice. See Prob. Code, § 2250(e) and rule 7.1062 of the Cal. Rules of Court.)
- c. Petitioner is not the proposed conservatee. Facts showing the preferences of the proposed conservatee concerning the appointment of any temporary conservator, and the appointment of the temporary conservator proposed in this petition, or why it was not feasible to ascertain those preferences, are specified in one or more declarations attached to this petition as attachment 8c.

9. **Petitioner is informed and believes that the proposed conservatee SEE ATTACHMENT 9**

- a. will attend the hearing.
- b. is able but unwilling to attend the hearing, does not wish to contest the establishment of a conservatorship, does not object to the proposed conservator, and does not prefer that another person act as conservator.
- c. is unable to attend the hearing because of medical inability. An affidavit or certificate of a licensed medical practitioner or an accredited religious practitioner is affixed as attachment 9c.
- d. is not the petitioner, is out of state, and will not attend the hearing.

10. Filed with this petition is a proposed *Order Appointing Court Investigator* (form GC-330).

11. All attachments to this form are incorporated by this reference as though placed here in this form. There are 3 pages attached to this form.

Date: December 26, 2023



(SIGNATURE OF ATTORNEY*)

Gabrielle A. Vidal

* (Signature of all petitioners also required (Prob. Code, § 1020).)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 26, 2023

Cher _____

(TYPE OR PRINT NAME)



(SIGNATURE OF PETITIONER)

(TYPE OR PRINT NAME)



(SIGNATURE OF PETITIONER)

CONSERVATORSHIP OF THE ESTATE OF ELIJAH BLUE ALLMAN

ATTACHMENT TO PETITION FOR APPOINTMENT OF TEMPORARY CONSERVATOR

Attachment 1e

Petitioner seeks an order from the Court appointing her as temporary conservator of the estate of Elijah Blue Allman (“Elijah”), and granting her the power, pursuant to Probate Code section 2252 to:

- Receive distributions owed to Elijah from the G.A. Robbins Descendants Revocable Trust u/a dated July 11, 2014 (“Trust”);
- Establish an account in the name of the conservatorship estate on behalf of Elijah at a financial institution of her choosing; and
- Deposit all distributions received from the Trust for Elijah’s benefit into the conservatorship account where they will remain available for Elijah’s benefit pending the hearing on the Petition for Appointment of Probate Conservatorship

Attachment 2

In an effort to maintain Elijah’s privacy, his address is provided in the concurrently submitted Confidential Supplemental Information (item 4).

Attachment 3

A Temporary Conservator of Elijah’s Estate Is Necessary to Protect Elijah’s Property From Loss Pending the Hearing on the Petition for Appointment of Probate Conservator

Probate Code section 2250(b) provides that a petition for appointment of a temporary conservator, “shall state facts that establish **good cause** for appointment of the temporary guardian or temporary conservator.” (*See also, Guardianship of Stephen. G.* (1995) 40 Cal.App.4th 1418, 1429, fn. 7 [the only substantive requirement for an order under Probate Code section 2250 is good cause.]) Here, for the reasons discussed below, and in the concurrently filed Confidential Supplemental Information, there is good cause to appoint Petitioner as temporary conservator of Elijah’s estate pending the hearing on the concurrently filed Petition for Appointment of Probate Conservator.

A temporary conservator of Elijah’s estate, is urgently needed to protect Elijah’s property from loss or injury because there are assets that must be distributed to Elijah, or his conservator, by December 31, 2023 and Elijah is currently unable to manage his assets due to severe mental health and substance abuse issues.

Elijah is entitled to regular distributions from the Trust, but given his ongoing mental health and substance abuse issues, Petitioner is concerned that any funds distributed to Elijah will be immediately spent on drugs, leaving Elijah with no assets to provide for himself and putting Elijah’s life at risk. Critically, the Trustee of the Trust is currently holding a distribution owed to Elijah that is required under the terms of the Trust to be distributed to Elijah no later than December 31, 2023. However, due to Elijah’s struggles with severe mental health and addiction issues, detailed in the concurrently

CONSERVATORSHIP OF THE ESTATE OF ELIJAH BLUE ALLMAN

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filed Confidential Supplemental Information, Elijah is currently unable to manage his finances and the distribution of funds directly to Elijah would not be in his best interests.

The Trust expressly authorizes the Trustee to pay required distributions to a beneficiary's conservator, if one has been appointed. As such, a temporary conservator of Elijah's estate is needed urgently so that they can receive distributions from the Trust on Elijah's behalf. Absent the appointment of a temporary conservator of Elijah's estate, the Trust funds will be distributed directly to Elijah, which will undoubtedly result in the loss of such assets.

Additional facts and details supporting the need for a temporary conservator of the estate of the Elijah are set forth in the concurrently filed Confidential Supplemental Information.

The Appointment of Petitioner as Temporary Conservator of Elijah's Estate Is in Elijah's Best Interest

In making the selection of conservator of Elijah's estate, "the court is to be guided by what appears to be for the best interests of" Elijah. (Prob. C. § 1812 (a). Here, the appointment of Petitioner as temporary conservator of Elijah's estate is in his best interest. Not only is Petitioner, as Elijah's mother, entitled to priority of appointment as conservator for Elijah's estate (see Prob. C. § 1812(b)), but two of Elijah's siblings have nominated Petitioner to act as temporary conservator. (See declarations and nominations attached as **Exhibit 2** to the concurrently filed Confidential Supplemental Information.) As explained in the concurrently filed Confidential Supplemental Information, Petitioner has worked tirelessly to get Elijah into treatment and get him the help he needs. Petitioner loves Elijah immensely and has always acted with his best interests in mind.

On or about November 15, 2021, Elijah filed for divorce from his wife, Marieangela King ("Angela"). As detailed more fully in the concurrently filed Confidential Supplemental Information, Petitioner is informed and believes that, until recently, Elijah and Angela were estranged and their tumultuous relationship has been marked by a cycle of drug addiction and mental health crises. Petitioner is informed and believes that Angela is not supportive of Elijah's recovery and that Angela actively works to keep Elijah from getting clean and sober or receiving mental health treatment that he desperately needs. Most recently, Petitioner is informed and believes that Angela took steps to check him out of the treatment center where he was receiving much needed medical care. Petitioner notes that because Angela and Elijah are currently in the midst of dissolution proceedings, Angela is not entitled to appointment as temporary conservator of Elijah's estate unless the court finds, by clear and convincing evidence, that such appointment would be in Elijah's best interest. (Prob. C. § 1813.) It is not. Indeed, it would be unsafe for Elijah and his estate because Petitioner is informed and believes that the appointment of Angela as temporary conservator of Elijah's estate would result in the immediate loss or dissipation of Elijah's assets for self-destructive purposes.

CONSERVATORSHIP OF THE ESTATE OF ELIJAH BLUE ALLMAN

ATTACHMENT TO PETITION FOR APPOINTMENT OF TEMPORARY CONSERVATOR

Attachment 8c

Petitioner has been unable to discuss Elijah's preferences concerning the appointment of a temporary conservator because given Elijah's current mental and physical health issues, discussed in detail in the concurrently filed Confidential Supplemental Information, he is unable to form or express a preference concerning the appointment of a temporary conservator for his estate.

Attachment 9

Petitioner does not know if Elijah will attend the hearing on this Petition. Petitioner will serve Elijah with a copy of the Petition and notice of hearing as required under Probate Code section 2250(e).