

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF DAKOTA

FIRST JUDICIAL DISTRICT
PROBATE DIVISION

File No. 19HA-PR-16-658

In Re the Guardianship of:

Charles Paul Helmer.

The above-entitled matter came duly on for
Hearing before the Honorable Shawn M. Moynihan, Judge of the
above-named Court, on January 28, 2021 at the Dakota County
Judicial Center, Hastings, Minnesota.

A P P E A R A N C E S

Jenny Nystrom, Assistant Dakota County Attorney,
appeared on behalf of Petitioner Patricia Benson.

Karissa Richardson, Esquire, appeared on behalf of
Charles Helmer.

Lori Guzman, Esquire, appeared on behalf of the Objector
and current Guardian, Ann Marie Fuller.

1 THE COURT: This is the matter of the Guardianship
2 of Charles Paul Helmer, Court File No. 19HA-PR-16-658. This
3 hearing is being conducted remotely. Appearances.

4 MS. NYSTROM: Jenny Nystrom, Assistant Dakota
5 County Attorney, appearing on behalf of Petitioner Patricia
6 Benson, B-E-N-S-O-N, with Dakota County Social Services, who
7 is also present on Zoom.

8 MS. RICHARDSON: Karissa Richardson representing
9 Charles Helmer.

10 MS. GUZMAN: And your Honor, Lori Guzman
11 representing Ann Marie Fuller, who is the current guardian
12 and objector to the petition before the Court, and she is
13 present, your Honor.

14 THE COURT: This is a petition for successor that
15 was filed by Dakota County Social Services. Have the
16 parties reached an agreement on their disagreements?

17 MS. NYSTROM: Your Honor, I think -- we have had
18 some discussions. I do think we need an evidentiary
19 hearing, but we expect that it will be a half day.
20 Ms. Guzman indicated that February 4th may have opened up
21 regarding another matter, and so respectfully we're
22 requesting that the hearing be set for that date if that is
23 available for the Court.

24 MS. GUZMAN: And your Honor, on that matter, there
25 is a Noah Stevens evidentiary hearing. It was on two

1 petitions, one for the appointment of successor and one on a
2 petition to change place of abode to move him out of state.
3 The only petition before the Court now after removal of the
4 successor petition is a petition to request the guardian's
5 request to move his son with him to the state of Texas, and
6 we don't anticipate that being a full-day hearing.

7 THE COURT: So Ms. Guzman, are you saying we can
8 schedule this for that same date and same time and it's not
9 going to cause a problem?

10 MS. GUZMAN: I would put it to either the morning
11 or the afternoon. We already have Mr. Stevens's matter
12 scheduled for 9 a.m. And there should be no reason why that
13 wouldn't be finished by noon, your Honor, and we could
14 schedule this matter for the afternoon.

15 MS. NYSTROM: I wonder if it's possible to flip --
16 would that cause a difficulty -- only because I do have
17 court in the afternoon. I could get backup if needed, but
18 it would be easier for me to do the afternoon.

19 THE COURT: We're off the record.

20 (Whereupon, a discussion was
21 held off the record.)

22 THE COURT: We're back on the record. Off the
23 record we were just picking a date. This matter will be
24 tentatively scheduled for February 4th, 2021 at 1:30. That
25 will be a Zoom hearing. As I explained off the record, the

1 Court had earlier reserved that afternoon for a hearing that
2 starts today in the event that afternoon was needed,
3 additional time was needed. I'll be in touch with the
4 parties one way or the other so you'll know yes or no.

5 The Court will reserve a half day. The question
6 is whether or not the petition for successor should be
7 granted. Zoom information, or connecting information, will
8 be sent to counsel. They need to pass it on to any
9 witnesses or parties who need to appear. And any exhibits
10 that the Court will be expected to receive in evidence must
11 be delivered to the Court three days in advance; hard
12 copies, not electronic copies, and obviously shared with
13 opposing counsel.

14 Ms. Nystrom, anything else?

15 MS. NYSTROM: No, your Honor, I don't believe so.
16 Thank you. Oh, one other thing, just to clarify, I believe
17 the only issue is who will be the guardian and not whether a
18 guardian is needed.

19 THE COURT: Correct. There is a guardianship in
20 place.

21 MS. NYSTROM: Right.

22 THE COURT: There's a petition to remove the
23 guardian so, as I see it, whether or not the petition for
24 successor will be granted.

25 MS. NYSTROM: Thank you, your Honor.

1 THE COURT: Ms. Guzman, anything else?

2 MS. GUZMAN: No, your Honor.

3 THE COURT: All right. Thank you, folks.

4 (Whereupon, this matter was

5 adjourned.)

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1 STATE OF MINNESOTA)

2) ss.

3 COUNTY OF DAKOTA)

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5 BE IT KNOWN that, I took the foregoing Transcript
6 of Proceedings on January 28, 2021 in Hastings, Dakota
7 County, Minnesota;

8 That the foregoing transcript is a true and correct
9 transcript of my stenographic notes in said matter;

10 That I am not related to any of the parties hereto,
11 nor interested in the outcome of the action;

12 WITNESS MY HAND AND SEAL this 21st day of April,
13 2021.

14 /s/ Darla K. Fretheim

15 Darla K. Fretheim, RPR

16 My Commission Expires January 31, 2025
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