

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 February 4, 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, 19HA-PR-16-658. This hearing is
3 being conducted remotely. Appearances starting with
4 Ms. Nystrom.

5 MS. NYSTROM: Jenny Nystrom, Assistant Dakota
6 County Attorney, appearing on behalf of the petitioner of
7 the successor petition, Patricia Benson, B-E-N-S-O-N, who is
8 also present.

9 MS. RICHARDSON: Karissa Richardson. I represent
10 Charles Helmer.

11 THE COURT: Ms. Benson, do you want to tell us who
12 you are.

13 MS. BENSON: Hi, I'm Patricia Benson from Dakota
14 County.

15 THE COURT: This matter is before the Court for an
16 evidentiary hearing on the petition for successor. I was
17 told earlier today that the parties have reached an
18 agreement. Who would like to recite the agreement?

19 MS. GUZMAN: Your Honor, Lori Guzman appearing on
20 behalf of Ann Fuller, the current guardian and objector.

21 THE COURT: I apologize. I didn't know you were
22 on this one as well. I know you're on the other one. My
23 bad.

24 MS. GUZMAN: Not a problem.

25 THE COURT: Who would like to put the agreement on

1 the record?

2 MS. NYSTROM: I certainly can, your Honor.

3 THE COURT: Go ahead.

4 MS. NYSTROM: It's my understanding Ms. Fuller,
5 the current guardian, who's also present, is willing to give
6 her resignation as guardian. She is not acknowledging or
7 admitting to any wrongdoing as guardian, but she wants to
8 resign at this time as it will be in Mr. Helmer's best
9 interests to be mom, I think. So she is willing to resign.

10 We are relying on the need for -- Mr. Helmer's
11 continued need for a guardian as evidenced in the
12 commitment, which we ask the Court take judicial notice of.
13 Those are the commitment files laid out in the petition.

14 And I believe all parties then -- or there's no
15 objection remaining to Ms. Benson's petition to name Dakota
16 Conservators, Inc. as the successor guardian.

17 THE COURT: Mr. Vitek, any objection on behalf of
18 your client?

19 MR. VITEK: I'm not in the case, your Honor. I
20 think it's Karissa.

21 THE COURT: Sorry, Karissa.

22 MR. VITEK: Sorry, I probably shouldn't be here.

23 THE COURT: Ms. Richardson.

24 MS. RICHARDSON: Thank you, your Honor. For the
25 Court's information, I have made at least four attempts to

1 reach Mr. Helmer by phone this week. One call he was off
2 the unit. The other calls he declined to speak with me. So
3 I don't know what Mr. Helmer's position is. The one time I
4 was able to speak with him prior to the first hearing in
5 this matter he indicated to me that he had no position as to
6 who should --

7 THE COURT: You cut out at the end there. The one
8 time you talked to him he said he had no position --

9 MS. RICHARDSON: He had no position as to who
10 should be his guardian.

11 THE COURT: All right. Thank you. Ms. Guzman.

12 MS. GUZMAN: Your Honor, my client is willing to
13 resign. And as accurately reflected by Jennifer Nystrom,
14 she's not claiming wrongdoing. She understands that her son
15 is still in need of a guardian, still needs some assistance.
16 But at this time she's voluntarily resigning in the best
17 interests of her son.

18 THE COURT: Thank you. And for the record, there
19 is a letter in the file. Let me find it here. It was filed
20 on January 19th, 2021. It's a letter that purports to be
21 from Dennis Helmer, the father, and he wanted to make sure
22 the Court read, and I'm stating for the record the Court did
23 read that letter.

24 I am going to adopt the agreement of the parties.
25 I am going to appoint Dakota Conservators, Incorporated as

1 the successor guardian with all of the authority guardians
2 have under Minnesota law. I will discharge Ms. Fuller as
3 guardian. There is no finding of wrongdoing, it is just a
4 straight successor appointment. Ms. Nystrom, anything
5 further?

6 MS. NYSTROM: Just for the record, your Honor, I
7 wanted to note that we did make -- Ms. Benson did make
8 arrangements with the hospital to have Charles Helmer
9 present if he chose to, and it appears that he chose not to
10 and that he's not present. Nothing further, your Honor.

11 THE COURT: Ms. Richardson.

12 MS. RICHARDSON: I have nothing else. Thank you.

13 THE COURT: Ms. Guzman.

14 MS. GUZMAN: Nothing further, your Honor.

15 THE COURT: All right. Thank you, Ms. Benson.
16 Thank you everyone. I'll get that order signed if I have
17 time.

18 MS. NYSTROM: Thank you, your Honor. I have a
19 proposed order that all parties have reviewed that I will
20 forward.

21 THE COURT: Ms. Nystrom, why don't you just send
22 it to Duane directly.

23 MS. NYSTROM: Okay.

24 THE COURT: I'll try to get that signed right
25 away. Thank you.

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(Whereupon, this matter was
adjourned.)

1 STATE OF MINNESOTA)

2) ss.

3 COUNTY OF DAKOTA)

4
5 BE IT KNOWN that, I took the foregoing Transcript
6 of Proceedings on February 4, 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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