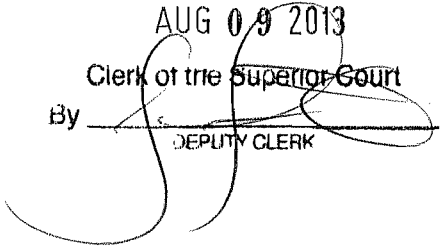


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FILED
SAN MATEO COUNTY

AUG 09 2013
Clerk of the Superior Court
By  DEPUTY CLERK

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF SAN MATEO

**EX PARTE APPLICATION FOR STANDING
ORDER GRANTING AUTHORITY TO
ACCESS JOINT BANK ACCOUNTS OF
CONSERVATEES AND DECLARATION OF
AIMEE B. ARMSBY IN SUPPORT THEREOF**

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14 I, Aimee B. Armsby, declare as follows:

15 1. This ex parte application for a standing order is made on behalf of the San Mateo County
16 Public Guardian in relation to the Probate Conservatorship and LPS Conservatorship cases now pending
17 before the Court.

18 2. I am employed as a Deputy County Counsel for the County of San Mateo, and licensed and
19 authorized to practice law in all Courts of the State of California.

20 3. I represent the Public Guardian in and for the County of San Mateo (the "Public Guardian") in
21 all conservatorship proceedings pending before this Court.

22 4. The Public Guardian has had a recurring problem accessing the funds of conservatees that are
23 on deposit in joint tenancy accounts in banks and other financial institutions. A conservator of the estate
24 has the same legal authority to manage the conservatee's financial affairs as the conservatee would have,
25 but for the disability of the conservatorship. Many banks, however, as a practical matter customarily
26 refuse the Public Guardian access to conservatee bank accounts which are held in joint tenancy,
27 regardless of the relationship or lack of same between the conservatee and the other joint tenants(s) and
28 regardless of the source of funds in the accounts. Some financial institutions go so far as to refuse to turn

1 over to the Public Guardian funds in the nature of Social Security benefit payments received via direct
2 deposit, even though by federal law these funds may be used only for the benefit of the named
3 beneficiary.

4 5. In most cases where access has been a problem, the funds in the accounts in question have
5 been attributable solely to the conservatee, and the joint tenant has been placed on the account for
6 convenience purposes only. In some cases, the joint tenant is a relative or close friend who actually has
7 the best interests of the conservatee in mind. In many cases, unfortunately, the joint tenant is a financial
8 abuser, sometimes related to the conservatee, many times not. The position of the financial institutions is
9 that a joint tenant may withdraw any funds, up to the total amount on deposit, at any time, regardless of
10 the source of the funds in the account, but that a conservator does not have that authority absent a court
11 order.

12 6. The Public Guardian has a compelling need to access funds in conservatees' financial accounts
13 as expeditiously as possible. In many cases, there is ongoing financial abuse of the conservatee and an
14 exigent need exists to stem the financial hemorrhage of the conservatee's assets. If the Public Guardian
15 is not permitted to stand in the shoes of a conservatee and exercise the same authority over a joint
16 account as the conservatee or any other joint tenant, there is nothing to prevent a wrongdoer from
17 wrongfully withdrawing and stealing the conservatee's funds. The Public Guardian has no desire to
18 expropriate the assets of individuals who have legitimately commingled their assets with those of a
19 conservatee. Rather, the Public Guardian requests only to have enforced the same authority over
20 conservatees' joint accounts as any joint tenant would have.

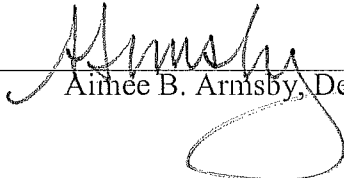
21 7. In order to protect the due process rights of joint tenants, the standing order could include a
22 requirement that the Public Guardian make a reasonable attempt to notify the joint tenant(s) that the
23 Public Guardian has taken control of the account, and that the joint tenant(s) has/have thirty (30) days to
24 provide written evidence of any claimed ownership interest in said account.

25 8. This application supersedes the application made June 16, 1997.

26 WHEREFORE, Petitioner prays for a standing order of the Court that the Public Guardian of San
27 Mateo County, as conservator, whether permanent or temporary, of the estate of a conservatee possessing
28 funds in an account with a financial institution, is specifically authorized to assert the same authority over

1 such joint tenancy account as could any joint tenant, requiring all financial institutions situated in
2 California to allow the San Mateo County Public Guardian full access to and control over joint tenancy
3 accounts of which a conservatee of the Public Guardian, regardless of whether the conservatorship is
4 permanent or temporary, is a joint tenant and for such other relief as the Court may deem proper.

5 I declare under penalty of perjury under the laws of the State of California that the foregoing is
6 true and correct except as to those matters asserted on information and belief and as to those matters, I
7 believe them to be true. Executed this 7th day of August, 2013 at Redwood City, California.

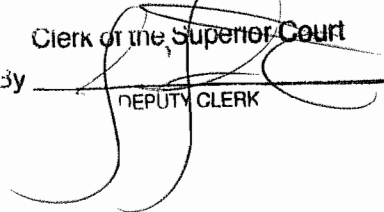
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10 _____
11 Aimee B. Armsby, Deputy
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AUG 09 2013

Clerk of the Superior Court
By  DEPUTY CLERK

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF SAN MATEO

**STANDING ORDER GRANTING
AUTHORITY TO ACCESS JOINT BANK
ACCOUNTS OF CONSERVATEES**

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13 Based upon the Ex Parte Application of Aimee B. Armsby, Deputy County Counsel, as attorney
14 for the Office of the San Mateo County Public Guardian and, for good cause appearing,

15 IT IS HEREBY ORDERED that:

16 1. The San Mateo County Public Guardian (the "Public Guardian") as conservator of the estate
17 of conservatees possessing joint tenancy accounts in banks and other financial institutions, is hereby
18 authorized to exercise control over the assets in those conservatees' joint accounts to the same degree as
19 could a joint tenant;

20 2. All financial institutions in the State of California holding intangible assets for individual
21 depositors are subject to this Standing Order and are required to comply with a demand by the Public
22 Guardian to access funds in a joint tenancy account when such demand is accompanied by a certified
23 copy of this Order and a certified copy of Letters of Conservatorship naming the Public Guardian as
24 conservator of the estate of any person named as a joint tenant in said account;

25 3. The Public Guardian is instructed not to remove, and financial institutions referenced above
26 are instructed not to release, any funds that can positively be identified as belonging to a joint tenant
27 other than a conservatee for whom the Public Guardian is conservator. The Public Guardian is instructed
28 not to disburse any funds of which it takes control pursuant to this Order and whose origin or ownership

1 is uncertain until the fact of ownership is established in a noticed hearing held in this Court or in the
2 context of a separate civil action;

3 4. The Public Guardian is directed to use reasonable efforts to notify any and all joint tenants that
4 the Public Guardian has taken control of the account and the joint tenant(s) has/have thirty (30) days in
5 which to provide written evidence of any claimed ownership interest in said account;

6 5. All financial institutions in California, their officers and employees are ordered to provide the
7 Public Guardian, conservator of the estate of the conservatee in question, information regarding the
8 accounts of conservatees for whom the Public Guardian is appointed conservator of the estate, either
9 individually or in joint tenancy with one or more other persons;

10 6. This Order shall apply with equal effect in cases where the Public Guardian has been
11 appointed temporary conservator as where the Public Guardian has been appointed permanent
12 conservator; and

13 7. The liability of any financial institution for disbursing funds pursuant to this Order shall be the
14 same as the liability it would incur for disbursing funds to a joint tenant of the account in question.

15 8. This Order supersedes Standing Order 97-16.

16 9. This Order shall be a Standing Order of the Court and shall remain in full force and effect until
17 it has been revoked or superseded by order of this Court.

18
19 DATED: 8/9/13



HONORABLE ROBERT D. FOILES
PRESIDING JUDGE OF THE SUPERIOR COURT