

Please insert the tabs into the case materials as follows:

Insert Tournament Format Tab after page xiii.

Insert Rules of the Competition Tab after page 4.

Insert Federal Rules of Evidence Tab after page 20.

Insert Trial Procedures Tab after page 28.

Insert Student Guidelines Tab after page 32.

Insert Teacher-Coach Guidelines Tab after page 44.

Insert Attorney-Coach Guidelines Tab after page 50.

Insert Judge Guidelines Tab after page 52.

Insert Coordinator Guidelines Tab after page 70.

Insert Mock Trial Case Tab after page 108.



STATE BAR OF WISCONSIN
Your Practice. Our Purpose.™

IMPORTANT CHANGES TO MOCK TRIAL!!

PLEASE READ

- 1) **All teacher coaches will automatically be signed up for the Mock Trial listserv when the registration materials are received.** Attorney coaches are strongly encouraged to sign up as well. All updates, changes and information pertinent to the Mock Trial case and tournaments will be posted on the listserv to ensure that everyone has access to the same information at the same time. It will be the responsibility of the team coaches to access this information from the listserv – we will not be mailing or emailing additional materials or information.
- 2) **The “Unfair Extrapolation” Rule 2.3, has been removed.** Please try your cases accordingly.

We hope these changes will not cause undue burden to any team. As always, our goal is to continue to provide the best possible experience for everyone participating.

Best of luck to all your teams!

2011 Wisconsin High School Mock Trial Case Materials

Jordan Nelson v. Alex Nelson

WITNESSES

Petitioner Witnesses

Jordan Nelson, Plaintiff
Robin Adams, C.S.W.
Gerry Blackburn

Defense Witnesses

Pat Nelson
Dr. Avery Hudson
Alex Nelson, Defendant

STIPULATIONS FOR TRIAL

- 1) The authenticity of exhibits is not at issue.
- 2) There is no recollection of the specific expenditures on the bank statements.

DISCLAIMER

The 2011 mock trial case is a hypothetical case. All names used in the mock trial case are fictitious and were created to be gender neutral. Any similarity to an actual event or to the name of an actual person is strictly coincidental.

IN THE MATTER OF

PAT A. NELSON

**Amended
Petition for Review of
Conduct of Agent under
Durable Power of Attorney**

Case No. 10 PR 213

UNDER OATH, I STATE THAT:

1. I, Jordan Nelson, am the child of Pat A. Nelson.

2. Alex Nelson has been acting as agent for Pat A. Nelson under the Durable Power of Attorney dated April 8, 2005, a copy of which is attached hereto as Exhibit "A".

3. I petition for a review of the conduct of the agent, Alex Nelson, because the agent has:

- a. failed to act in the best interest of the principal (244.14(1)(a));
- b. acted outside of the scope of authority granted in the power of attorney (244.14(1)(c));
- c. failed to keep a record of all receipts, disbursement, and transactions made on behalf of the principal (244.14(2)(d)).

4. The specific factual basis for review of the conduct of the agent is as follows:

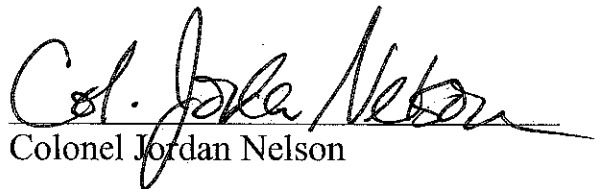
The principal, Pat Nelson, is no longer able to maintain, repair or manage her home and her finances. Alex Nelson has taken control of the principal's funds and used the funds for unnecessary and expensive repairs and remodeling to principal's home. Alex Nelson has manipulated and coerced the principal into spending funds for the benefit of Alex Nelson. Alex Nelson has further used the principal's funds for the sole personal use of Alex Nelson without the permission of the principal. The agent has no authority to make gifts of the principal's assets. So, any gifts

from the principal to Alex Nelson are in violation of the terms of the Power of Attorney. Alex Nelson has failed to provide an accounting of all funds spent. Further, without Court intervention and supervision, Alex Nelson will most likely spend all of the principal's assets and she will be unable to support herself.


5. Pat Nelson, as Principal of the Durable Power of Attorney, has moved for dismissal of this Petition pursuant to §244.16(2). However, Pat Nelson lacks capacity to revoke agent's authority or the power of attorney. Information regarding the capacity of Pat Nelson is contained in the Affidavit of Robin Adams, Certified Social Worker.

I REQUEST THAT THE COURT:

1. Find cause for court action against the agent and provide a remedy as follows:
 - a. Rescind all powers of Alex Nelson to act as agent for Pat A. Nelson under the durable power of attorney.
 - b. Designate that Jordan Nelson act as agent for Pat A. Nelson under the durable power of attorney.
 - c. Enter an order requiring Alex Nelson to reimburse Jordan Nelson for the attorney's fees and costs paid on Alex Nelson's behalf. (244.17(2)).
 - d. Enter any other order that may be necessary or appropriate to compel the agent to act in the best interests of the ward or to otherwise carry out the duties of an agent.
2. A determination that Pat Nelson lacks capacity to revoke agent's authority.


Colonel Jordan Nelson

Subscribed and sworn to before me
on October 7, 2010.



Notary Public, State of Wisconsin
My commission is permanent

WISCONSIN BASIC POWER OF ATTORNEY FOR FINANCES AND PROPERTY

NOTICE: THIS IS AN IMPORTANT DOCUMENT. BEFORE SIGNING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS. BY SIGNING THIS DOCUMENT, YOU ARE NOT GIVING UP ANY POWERS OR RIGHTS TO CONTROL YOUR FINANCES AND PROPERTY YOURSELF. IN ADDITION TO YOUR OWN POWERS AND RIGHTS, YOU ARE GIVING ANOTHER PERSON, YOUR AGENT, BROAD POWERS TO HANDLE YOUR FINANCES AND PROPERTY. THIS BASIC POWER OF ATTORNEY FOR FINANCES AND PROPERTY MAY GIVE THE PERSON WHOM YOU DESIGNATE (YOUR "AGENT") BROAD POWERS TO HANDLE YOUR FINANCES AND PROPERTY, WHICH MAY INCLUDE POWERS TO ENCUMBER, SELL OR OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE NOTICE TO YOU OR APPROVAL BY YOU. THE POWERS WILL EXIST AFTER YOU BECOME DISABLED, OR INCAPACITATED, IF YOU CHOOSE THAT PROVISION. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL OR OTHER HEALTH CARE DECISIONS FOR YOU. IF YOU OWN COMPLEX OR SPECIAL ASSETS SUCH AS A BUSINESS, OR IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN THIS FORM TO YOU BEFORE YOU SIGN IT.

IF YOU WISH TO CHANGE YOUR BASIC POWER OF ATTORNEY FOR FINANCES AND PROPERTY, YOU MUST COMPLETE A NEW DOCUMENT AND REVOKE THIS ONE. YOU MAY REVOKE THIS DOCUMENT AT ANY TIME BY DESTROYING IT, BY DIRECTING ANOTHER PERSON TO DESTROY IT IN YOUR PRESENCE OR BY SIGNING A WRITTEN AND DATED STATEMENT EXPRESSING YOUR INTENT TO REVOKE THIS DOCUMENT. IF YOU REVOKE THIS DOCUMENT, YOU SHOULD NOTIFY YOUR AGENT AND ANY OTHER PERSON TO WHOM YOU HAVE GIVEN A COPY OF THE FORM. YOU ALSO SHOULD NOTIFY ALL PARTIES HAVING CUSTODY OF YOUR ASSETS. THESE PARTIES HAVE NO RESPONSIBILITY TO YOU UNLESS YOU ACTUALLY NOTIFY THEM OF THE REVOCATION. IF YOUR AGENT IS YOUR SPOUSE OR YOUR DOMESTIC PARTNER AND YOUR MARRIAGE IS ANNULLED OR YOU ARE DIVORCED OR YOUR DOMESTIC PARTNERSHIP IS TERMINATED AFTER SIGNING THIS DOCUMENT, THE DOCUMENT IS INVALID.

SINCE SOME 3RD PARTIES OR SOME TRANSACTIONS MAY NOT PERMIT USE OF THIS DOCUMENT, IT IS ADVISABLE TO CHECK IN ADVANCE, IF POSSIBLE, FOR ANY SPECIAL REQUIREMENTS THAT MAY BE IMPOSED.

YOU SHOULD SIGN THIS FORM ONLY IF THE AGENT YOU NAME IS RELIABLE, TRUSTWORTHY AND COMPETENT TO MANAGE YOUR AFFAIRS.

I Pat A. Nelson, 1335 Park St., Clearwater,
WI (insert your name and address) appoint Alex

Nelson, 1213 Park St., Clearwater WI (insert the name and address of the person appointed) as my agent to act for me in any lawful way with respect to the powers initialed below.

If the person appointed is unable or unwilling to act as my agent, I appoint Jordan Nelson,
U.S. Army (insert name and address of alternate person appointed) to act for me in any lawful way with respect to the powers initialed below.

TO GRANT ONE OR MORE OF THE FOLLOWING POWERS, INITIAL THE LINE IN FRONT OF EACH POWER YOU ARE GRANTING.

TO WITHHOLD A POWER, DO NOT INITIAL THE LINE IN FRONT OF IT. YOU MAY, BUT NEED NOT, CROSS OUT EACH POWER WITHHELD.

HANDLING MY MONEY AND PROPERTY

Initials

- 1. **PAYMENT OF BILLS:** My agent may make payments that are necessary or appropriate in connection with the administration of my affairs.
- 2. **BANKING:** My agent may conduct business with financial institutions, including endorsing all checks and drafts made payable to my order and collecting the proceeds; signing in my name checks or orders on all accounts in my name or for my benefit; withdrawing funds from accounts in my name; opening accounts in my name; and entering into and removing articles from my safe deposit box.
- 3. **INSURANCE:** My agent may obtain insurance of all types, as considered necessary or appropriate, settle and adjust insurance claims and borrow from insurers and 3rd parties using insurance policies as collateral.
- 4. **ACCOUNTS:** My agent may ask for, collect and receive money, dividends, interest, legacies and property due or that may become due and owing to me and give receipt for those payments.
- 5. **REAL ESTATE:** My agent may manage real property; sell, convey and mortgage realty for prices and on terms as considered advisable; foreclose mortgages and take title to property in my name; and execute deeds, mortgages, releases, satisfactions and other instruments relating to realty.
- 6. **BORROWING:** My agent may borrow money and encumber my assets for loans as considered necessary.
- 7. **SECURITIES:** My agent may buy, sell, pledge and exchange securities of all kinds in my name; sign and deliver in my name transfers and assignments of securities; and consent in my name to reorganizations, mergers or exchange of securities for new securities.
- 8. **INCOME TAXES:** My agent may make and sign tax returns; represent me in all income tax matters before any federal, state, or local tax collecting agency; and receive confidential information and perform any acts that I may perform, including receiving refund checks and the signing of returns.
- 9. **TRUSTS:** My agent may transfer at any time any of my property to a living trust that has been established by me before the execution of this document.

PROFESSIONAL AND TECHNICAL ASSISTANCE

Initials

- 10. **LEGAL ACTIONS:** My agent may retain attorneys on my behalf; appear for me in all actions and proceedings to which I may be a party; commence actions and proceedings in my name; and sign in my name all documents or pleadings of every description.
- 11. **PROFESSIONAL ASSISTANCE:** My agent may hire accountants, attorneys, clerks, workers and others for the management, preservation and protection of my property and estate.

GENERAL AUTHORITY

Initials

- 12. **GENERAL:** My agent may do any act or thing that I could do in my own proper person if personally present, including managing or selling tangible assets, disclaiming a probate or nonprobate inheritance and providing support for a minor child or dependent adult. The specifically enumerated powers of the basic power of attorney for finances and property are not a limitation of this intended broad general power except that my agent may not take any action prohibited by law and my agent under this document may not:
 - a. Make medical or health care decisions for me.
 - b. Make, modify or revoke a will for me.
 - c. Other than a burial trust agreement under section 445.125, Wisconsin Statutes, enter into a trust agreement on my behalf or amend or revoke a trust agreement, entered into by me.

- d. Change any beneficiary designation of any life insurance policy, qualified retirement plan, individual retirement account or payable on death account of the like whether directly or by canceling and replacing the policy or rollover to another plan or account.
- e. Forgive debts owed to me or disclaim or waive benefits payable to me, except a probate or nonprobate inheritance.
- f. Appoint a substitute or successor agent for me.
- g. Make gifts.

COMPENSATION TO AGENT FROM PRINCIPAL'S FUNDS

Initials

13. *COMPENSATION*: My agent may receive compensation only in an amount not greater than that usual for the services to be performed if expressly authorized in the special instructions portion of this document.

ACCOUNTING

Initials

14. *ACCOUNTING*: My agent shall render an accounting (monthly) (quarterly) (annually) (CIRCLE ONE) to me or to _____

_____ (insert name and address) during my lifetime and a final accounting to the personal representative of my estate, if any is appointed, after my death.

NOMINATION OF GUARDIAN

Initials

15. *GUARDIAN*: If necessary, I nominate Alex Nelson (name) of Clearwater, WI (address) as guardian of my person and I nominate Jordan Nelson (name) of U.S. Army (address) as guardian of my estate.

SPECIAL INSTRUCTIONS

Initials

___ 16. *SPECIAL INSTRUCTIONS*:
ON THE FOLLOWING LINES YOU MAY GIVE SPECIAL INSTRUCTIONS REGARDING THE POWERS GRANTED TO YOUR AGENT.

TO ESTABLISH WHEN, AND FOR HOW LONG, THE BASIC POWER OF ATTORNEY FOR FINANCES AND PROPERTY IS IN EFFECT, YOU MUST INITIAL ONLY ONE OF THE FOLLOWING 3 OPTIONS. IF YOU DO NOT INITIAL ONE, OR IF YOU INITIAL MORE THAN ONE, THIS BASIC POWER OF ATTORNEY FOR FINANCES AND PROPERTY WILL NOT TAKE EFFECT.

Initials

This basic power of attorney for finances and property becomes effective when I sign it and will continue in effect as a durable power of attorney under section 243.07, Wisconsin Statutes, if I become disabled or incapacitated.

___ This basic power of attorney for finances and property becomes effective only when both of the following apply:

- a. I have signed it; and
- b. I become disabled or incapacitated.

This basic power of attorney for finances and property becomes effective when I sign it BUT WILL CEASE TO BE EFFECTIVE IF I BECOME DISABLED OR INCAPACITATED.

I agree that any 3rd party who receives a copy of this document may act under it. Revocation of this basic power of attorney is not effective as to a 3rd party until the 3rd party learns of the revocation. I agree to reimburse the 3rd party for any loss resulting from claims that arise against the 3rd party because of reliance on this basic power of attorney.

Signed this 8 day of April, (year) 2005
Pat A. Nelson (Your Signature)
XXX-XX-8377 (Your Social Security Number)

By signing as a witness, I am acknowledging this signature of the principal who signed in my presence and the presence of the other witness, and the fact that he or she has stated that this power of attorney reflects his or her wishes and is being executed voluntarily. I believe him or her to be of sound mind and capable of creating this power of attorney. I am not related to him or her by blood, marriage or adoption and, to the best of my knowledge, I am not entitled to any portion of his or her estate under his or her will.

Witness

Dated: 4/8/05
Signature: Avery Hudson
Print Name: Avery Hudson
Address: 110 Main St. Clearwater, WI

Witness

Dated: 4/8/05
Signature: Gerby Blackburn
Print Name: Gerby Blackburn
Address: 1333 Park St Clearwater, WI

State of Wisconsin
County of Clifton

This document was acknowledged before me on April 8, 2005 (date) by Pat A. Nelson (name of principal). James Brown (Signature of Notarial Officer)

(Seal, if any)

Attorney (Title)
[My commission is permanent or expires: Permanent]

BY ACCEPTING OR ACTING UNDER THE APPOINTMENT, THE AGENT ASSUMES THE FIDUCIARY AND OTHER LEGAL RESPONSIBILITIES AND LIABILITIES OF AN AGENT.

(Name of Agent)
(Signature of Agent)

This document was drafted by Avery Hudson, Financial Services, Clearwater, WI (signature of person preparing the document).

STATE OF WISCONSIN

CIRCUIT COURT

CLEARWATER COUNTY

IN THE MATTER OF

PAT A. NELSON

**Motion to Dismiss Petition for
Review of Conduct of Agent
under Durable Power of Attorney**

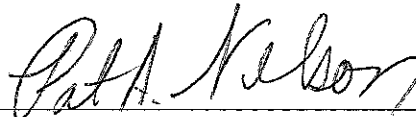
Case No. 10 PR 213

TO: Jordan Nelson, Columbia, South Carolina

PLEASE TAKE NOTICE that at a date and time to be set by the Court, the undersigned will move the Court for an order dismissing the above Petition for Review of Conduct of Agent Under Durable Power of Attorney pursuant to Wis. Stats. §244.16(2). Grounds for this motion are that the undersigned is the Principal under the Durable Power of Attorney. Further grounds are contained in the affidavit of Pat Nelson.

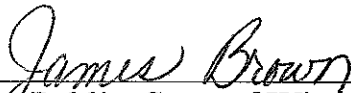
Dated this 7th day of September, 2010.

BY



Pat A. Nelson

Subscribed and sworn to before me
on September 7, 2010.



Notary Public, State of Wisconsin
My commission is permanent

STATE OF WISCONSIN, CIRCUIT COURT, CLEARWATER COUNTY

For Official Use

IN THE MATTER OF THE ESTATE OF

JAN A. NELSON

Inventory

Informal
 Formal

Case No. 05 PR 116

As personal representative, I certify to the best of my knowledge that this Inventory with schedules includes:

1. All property subject to administration.
2. A statement of any encumbrance, lien or other charge upon each item.
3. Identification of marital property, if any.

I further certify that I shall furnish a copy of this inventory to all persons interested as required by law.

Pat A. Nelson
Signature of Personal Representative

Subscribed and sworn to before me
on March 22, 2005

James Brown
Notary Public/Court Official

My commission expires: is permanent

Signature of Co-personal Representative

Subscribed and sworn to before me
on _____

Notary Public/Court Official

My commission expires: _____

SUMMARY OF PROPERTY
(Value of Decedent's Interest at date of Death)

Date of Death
January 17, 2005

PROPERTY SUBJECT TO ADMINISTRATION

Total value of property Subject to Administration \$ 482,715.00

Minus total value of encumbrances, liens or other charges upon each item (\$ 0.00)

Net Value of Property Subject to Administration \$ 482,715.00

On attached schedules indicate marital property with an *.

Note: A statutory filing fee shall accompany this form.

Name of Attorney	
Address	
Telephone Number	Bar Number

Number	Supporting Inventory Schedules (Description of property, legal description of real estate, related encumbrances, liens or other charges upon each item. Indicate marital property with an *.)	Value of Decedent's Interest at Date of Death on:
		January 17, 2005
1.	* One-half interest in homestead property located at 1335 Park Street, Clearwater, Wisconsin	220,500.00
2.	* One-half interest in Investment Account #xxxxx 315, Avery Hudson Financial Services, Clearwater, Wisconsin	235,400.00
3.	* One-half interest in 2002 Chrysler LeBaron automobile	10,000.00
4.	*One-half interest in Money Market Checking Account #xxxx221, Clearwater State Bank, Clearwater, Wisconsin	16,815.00

RELEVANT PORTIONS OF WISCONSIN STATUTES § 244.14

(2) Except as otherwise provided in the power of attorney, an agent who has accepted an appointment shall do all of the following:

(a) Act loyally for the principal's benefit.

(b) Act so as not to create a conflict of interest that impairs the agent's ability to act impartially in the principal's best interest.

(c) Act with the care, competence, and diligence ordinarily exercised by agents in similar circumstances.

(d) Keep a record of all receipts, disbursements, and transactions made on behalf of the principal.

(4) An agent who acts with care, competence, and diligence for the best interest of the principal is not liable solely because the agent also benefits from the act or has an individual or conflicting interest in relation to the property or affairs of the principal.

(6) Absent a breach of duty to the principal, an agent is not liable if the value of the principal's property declines.

(8) Except as otherwise provided in the power of attorney, an agent is not required to disclose receipts, disbursements, or transactions conducted on behalf of the principal unless ordered by a court or requested by one of the following:

(a) The principal.

(b) A guardian, a conservator, or another fiduciary acting for the principal.

(c) A governmental agency having regulatory authority to protect the welfare of the principal.

(d) Upon the death of the principal, by the personal representative or successor in interest of the principal's estate.

RELEVANT PORTIONS OF WISCONSIN STATUTES § 244.16 (AS ADAPTED

(2) Upon motion by the principal, the court shall dismiss a petition [for review of conduct of an agent], unless the court finds that the principal lacks capacity to revoke the agent's authority or the power of attorney.

**DEFINITION OF LACK OF CAPACITY—ADAPTED FROM JURY INSTRUCTION
WIS JI-CIVIL 7060**

(Please note that this case is not a jury case. Nevertheless, please bear in mind that the judge will be considering the following:)

The fact that a petition has been filed is not evidence that Pat Nelson [lacks capacity to revoke the agent's authority or the power of attorney]. Every person is presumed to [have this capacity]. The burden of proving [the lack of this capacity] is placed upon the petitioner. The evidence must show the [lack of capacity] exists at the time of this hearing

A person [lacks capacity] if he or she is substantially incapable of managing his or her property or caring for himself or herself because of “infirmities of aging,” “developmental disabilities,” or “other like incapacities.” Proof of [lack of capacity] requires mental incapacity, not just physical disability.

“Infirmities of aging” means organic brain damage or senility caused by advanced age or other physical degeneration so that the afflicted person is substantially impaired in his or her ability to adequately provide for his or her own care or custody.

A “developmentally disabled” person means any person disabled by mental retardation, cerebral palsy, epilepsy, or autism or other neurological conditions loosely related to mental retardation or requiring treatment similar to that required for mentally retarded individuals if that conditions has continued or can be expected to continue indefinitely. The condition must substantially impair the individual so that he or she cannot adequately provide for his or her own care or custody; it must constitute a substantial handicap to the afflicted individual.

“Other like incapacities” means those conditions incurred at any age which are the result of accident, organic brain damage, mental or physical disability, continued consumption or absorption of substances, which substantially impairs an individual's ability to provide for his or her own care or custody.

STATEMENT OF JORDAN NELSON


1. My name is Jordan Nelson and I am the oldest child of Jan and Pat Nelson. I am currently 56 years old. I was married for 18 years, but have been divorced for 10 years. I have two adult children, Horatio and Abigail. They are both grown and on their own, but I try to see them regularly.
2. I am the Petitioner in this matter. I brought the Petition against Alex Nelson because I want to protect Pat from being financially abused and impoverished by my sibling, Alex. Alex is just not capable, and maybe even worse. My parents should have just made me in charge in the first place, and we could have avoided all of this. You would think that after all these years my parents would have realized what a unreliable and deceptive person Alex is, but they never caught on. Perhaps that's why despite my superior intelligence, sense of duty, and reliability they always seemed to like Alex better. They just always seemed to pamper Alex, especially Pat.
3. I live in Columbia, South Carolina. I'm a Colonel in the Army at Fort Jackson. Fort Jackson is the largest initial training facility in the Army and I'm responsible for traveling to other training bases to assure that they are up to Army standards. Thus, my job requires a great deal of travel and I can only get home to visit once a year. When I'm home, I have so much to do and so many people I have to go see that I never get a chance to spend more than a few hours alone with Pat. Usually we talk about what s/he has been up to. We used to have longer conversations about Pat's activities, but it seems that the last few years all Pat does is talk about Alex and everything that they do together. It's as if Pat has no life outside of Alex any more, no other friends. It's just not healthy.
4. When Jan died six years ago, I promised Pat I would make an effort to visit more often. But, of course, I was promoted a few months later and my new rank and position required even more time and travel, so I haven't been able to do as much as I would like. But, I call Pat every week and we talk for about ten or fifteen minutes each time. We talk about little stuff, like work on the house. Every time I call, I learn that Alex is spending more of Pat's money on one thing or another. Now Alex has Pat going to casinos and wasting money on gambling. The money is half gone already and I'm afraid Pat will go to the poor house. I need to step in right now or there won't be anything left.
5. Pat is suffering from memory loss and mild dementia. She also had a mild stroke a few years ago and she never recovered 100%. We don't have a doctor's diagnosis on the dementia, but I know this is just the beginning and things will continue to get worse. Even the stories from Pat's neighbor, Gerry, confirm that Pat has gotten to the point where s/he cannot be responsible for herself/himself. I hate to admit it, but I believe Alex is preying on Pat.

6. If things were really bad, I would have hoped that Alex would ask me for help. But every time I call, Alex says everything is fine. I suppose I should not have expected anything else from Alex. Alex never did like to admit that I was better at anything and ask for help, but I would have thought where our parent's well-being was at stake that Alex would put her/his petty childhood jealousies aside. I guess only one of us ever really grew up and took responsibility for our life. Pat also tells me that everything is fine, but that just shows that s/he no longer has a grasp on reality and is incapable of managing her/his affairs.
7. When I think back, it really started right after Jan died. Jan was a great guy/gal, worked hard all her/his life, and saved money. S/he left enough money for Pat to be comfortable. I've seen the inventories from the estate. Jan would roll over in his/her grave if s/he knew what was going on now.
8. I was shocked and really suspicious when Pat bought the new car after Jan died. Out of the blue s/he bought a brand new, bright red convertible. S/he never wanted anything like that when we were growing up because it was a waste of money. It was Alex as a kid who always wanted a sleek red car. S/he always said that it impressed her/his dates. Pat hardly ever drove anyway, even when s/he was younger and now does not drive at all. Alex drives it almost everywhere, including of course to the casinos so s/he looks like a big shot.
9. Alex has always been able to manipulate Pat. Even when we were kids, Alex was always the favorite. Pat said it was because Alex was younger, but I know Pat always felt closer to Alex. But Alex and I are both adults now. I support myself and I supported my kids while they were growing up. Now they're old enough to support themselves. But Pat is still supporting Alex and I don't think its right. Alex should have grown up and supported himself/herself.
10. The house is another money pit. My parents took great care of the house and yard. I don't see how Pat would need to put so much money into it now. I think Alex just needs something to do and a reason to spend time around Pat. At her/his age, Pat sure didn't need the hot tub or fountain in the back yard, or the entertainment room in the basement with the big screen TV (it's almost as big as a movie theater) and surround sound stereo system. It's very clear to me that all the improvements are all for Alex's benefit. Alex seems to stay there more than any place else from what I understand. Alex didn't even have a house of her/his own—not surprising since s/he has never been able to save a dime and probably couldn't get a loan. Alex was unemployed and living at some girl/boy friend's cheap apartment.
11. The last time I came home, I looked at Pat's bank statements and I was shocked at how much money Pat and Alex are spending. Three of the statements are attached as Exhibits 1-3. I really got worried when I saw all the withdrawals at the casinos. Our parents don't know it, but Alex has had a gambling problem since s/he was in her/his 20s. It used to be card games and betting on football

games. Alex even begged me a couple of times for money to pay off illegal gambling debts. I helped her/him once, but told her/him that was it. Then the casinos started proliferating. The casinos just suck Alex in. And now Alex has dragged Pat into that wasteful and sinful habit. Jan would just be sick if s/he knew that Alex was blowing all of her/his hard-earned money on blackjack, slot machines, and liquor.

12. I asked Pat about her/his last visit to the casino with Alex, but s/he pretended s/he didn't remember. I don't know if Pat is just covering for Alex or if s/he truly doesn't remember. Then I asked Alex and didn't get much more information. Alex claims all the spending is on the house and groceries. But I don't believe it. I think Alex is taking advantage of Pat and I'm putting a stop to this nonsense. I hate to step in and create this family controversy, but someone has to take responsibility and do the right thing. It's all for Pat's own good. Alex must be stopped.

13. This is a true and complete statement.


Colonel Jordan Nelson

Signed and sworn to before me this
30th Day of October, 2010



Notary Public, State of Wisconsin
My commission is permanent

Exhibit 1

First State Bank of Clearwater
137 Main Street
Clearwater, WI 54913

Financial Statement of Accounts

Primary Account: 945003482
 Statement 3/21/2010 - 4/20/2010
 Activity:

Pat Nelson
 123 Fifth Street
 Clearwater WI 54913

Regulatory Notice: First State Bank of Clearwater reserves the right to prohibit and/or reject transactions involving Internet gambling.

FINANCIAL SUMMARY	ACCOUNT #	BALANCE
DEPOSIT ACCOUNTS		
Checking	945003482	68453.57
Savings	2389932	112122.22

DEPOSIT ACCOUNTS

CHECKING	945003482	
Beginning Balance		77237.44
Plus Deposits and other additions		2003.44
Minus Withdrawals and other subtractions		7239.97
Minus Checks paid		459.54
ENDING BALANCE ON	4/20/2010	68453.57

Deposits and other additions

3/25/2010	SS Deposit	359.22
3/27/2010	RR Retirement	252.22
4/12/2010	Transfer from savings	1200.00
4/19/2010	Customer Deposit	192.00
	Total	2003.44

Withdrawals and other subtractions

3/26/2010	DDA PUR RICK'S FRESHE MARKET	34.52
3/27/2010	DDA Lowes	392.67
3/30/2010	DDA PUR RICK'S FRESHE MARKET	42.46
3/30/2010	Clearwater Electric	172.00

3/30/2010	ATM – Gold Nugget Casino	180.00
3/30/2010	DDA Marcus Home Electronics	952.73
4/1/2010	ATM – Quick Mart	200.00
4/4/2010	J&B Liqour	15.64
4/4/2010	Joe’s Hardware	75.00
4/4/2010	Johnson Lumber Co.	421.98
4/6/2010	Marshfield Home Furnishings	2394.88
4/8/2010	Johnson Lumber Co.	421.98
4/9/2010	Jacobson Food and Gas	56.99
4/9/2010	DDA PUR RICK’S FRESHE MARKET	98.56
4/9/2010	ATM – Gold Nugget Casino	200.00
4/10/2010	GNB Gas ‘n Go	56.33
4/10/2010	ATM – Gold Nugget Casino	180.00
4/12/2010	EPAY – FNBC Master Card	1200.00
4/15/2010	Clearwater Gas	121.00
4/20/2010	DDA – Gold Nugget Lounge	23.23
	Total	7239.97

Date	Check #	Amount
4/5/2010	1235	12.99
4/6/2010	1237	98.56
4/9/2010	1236	122
4/15/2010	1238	225.99

SAVINGS

2389932	
Beginning Balance	114122.22
Plus Deposits and other additions	100.00
Minus Withdrawals and other subtractions	2100.00
ENDINGBALANCE ON 4/20/2010	112122.22

Deposits and other additions

3/30/2010	Cash	100.00
	Total	100.00

Withdrawals and other subtractions

3/30/2010	Withdrawal	200.00
4/1/2010	ATM – Quick Mart	200.00
4/6/2010	Withdrawal	200.00
4/12/2010	Transfer to Checking	1200.00
4/12/2010	Withdrawal	300.00
	Total	2100.00

Exhibit 2

First State Bank of Clearwater
137 Main
Street
Clearwater, WI 54913

Financial Statement of Accounts

Primary Account: 945003482
 Statement
 Activity: 4/21/2010 – 5/20/2010

Pat Nelson
 123 Fifth Street
 Clearwater WI 54913

Regulatory Notice: First State Bank of Clearwater reserves the right to prohibit and/or reject transactions involving Internet gambling.

FINANCIAL SUMMARY	ACCOUNT #	BALANCE
DEPOSIT ACCOUNTS		
Checking	945003482	63293.11
Savings	2389932	110222.22

DEPOSIT ACCOUNTS		
CHECKING	945003482	
Beginning Balance		68453.57
Plus Deposits and other additions		1811.44
Minus Withdrawals and other subtractions		3644.54
Minus Checks paid		295.52
ENDING BALANCE ON	5/20/2010	63293.11
Deposits and other additions		
4/25/2010	SS Deposit	359.22
4/27/2010	RR Retirement	252.22
5/12/2010	Transfer from checking	1200.00
	Total	1811.44
Withdrawals and other subtractions		
4/21/2010	DDA - Gold Nugget Lounge	23.23
4/21/2010	DDA PUR RICK'S FRESH MARKET	34.52
4/25/2010	GNB Gas 'n Go	56.33
4/25/2010	Clearwater Electric	172.00

4/25/2010	Marshfield Home Furnishings	987.00
4/27/2010	J&B Liquor	15.64
4/27/2010	Quick Mart	35.96
4/27/2010	ATM - Quick Mart	200.00
4/28/2010	ATM - Gold Nugget Casino	180.00
5/1/2010	Joe's Hardware	14.32
5/6/2010	ATM - Gold Nugget Casino	180.00
5/8/2010	Jacson Food and Gas	56.99
5/8/2010	DDA PUR RICK'S FRESH MARKET	98.56
5/9/2010	ATM - Gold Nugget Casino	200.00
5/12/2010	EPAY - FNBC Master Card	1200.00
5/15/2010	Dave's Fixit	68.99
5/15/2010	Clearwater Gas	121.00
	Total	3644.54

Date	Check #	Amount
5/5/2010	1239	5.99
5/6/2010	1242	65.33
5/9/2010	1243	98.22
5/15/2010	1246	125.98

SAVINGS	2389932	
Beginning Balance		112122.22
Plus Deposits and other additions		0.00
Minus Withdrawals and other subtractions		1900.00
ENDING BALANCE ON	5/20/2010	110222.22

Deposits and other additions

Total 0.00

Withdrawals and other subtractions

4/21/2010	Withdrawal	200.00
4/27/2010	ATM - Quick Mart	200.00
5/6/2010	Withdrawal	300.00
5/12/2010	Transfer to Checking	1200.00
	Total	1900.00

Exhibit 3

First State Bank of Clearwater
137 Main Street
Clearwater, WI 54913

Financial Statement of Accounts

Primary Account: 945003482
 Statement
 Activity: 5/21/2010 - 6/20/2010

Pat Nelson
 123 Fifth Street
 Clearwater WI 54913

Regulatory Notice: First State Bank of Clearwater reserves the right to prohibit and/or reject transactions involving Internet gambling.

FINANCIAL SUMMARY	ACCOUNT #	BALANCE
DEPOSIT ACCOUNTS		
Checking	945003482	58,695.30
Savings	2389932	12918.61

DEPOSIT ACCOUNTS

CHECKING	945003482	
	Beginning Balance	63293.11
	Plus Deposits and other additions	1811.44
	Minus Withdrawals and other subtractions	3081.89
	Minus Checks paid	295.52
	ENDING BALANCE ON 6/20/2010	58695.30

Deposits and other additions

5/25/2010	SS Deposit	359.22
5/27/2010	RR Retirement	252.22
6/12/2010	Transfer from checking	1200.00
	Total	1811.44

Withdrawals and other subtractions

5/21/2010	Best Deal	688.23
5/22/2010	DDA PUR RICK'S FRESH MARKET	34.52
5/25/2010	GNB Gas 'n Go	42.33
5/25/2010	Clearwater Electric	172.00
5/27/2010	DDA - Quick Mart	35.96

5/27/2010	ATM - Gold Nugget Casino	180.00
5/29/2010	DDA PUR RICK'S FRESH MARKET	14.32
5/29/2010	ATM - Gold Nugget Casino	200.00
5/30/2010	J&B Liqour	15.64
6/05/2010	Bluephies	42.34
6/12/2010	ATM - Gold Nugget Casino	180.00
6/12/2010	EPAY - FNBC Master Card	1200.00
6/15/2010	Clearwater Gas	121.00
6/17/2010	DDA PUR RICK'S FRESH MARKET	98.56
6/20/2010	Jacson Food and Gas	56.99
	Total	3081.89

Date	Check #	Amount
5/05/2010	1239	5.99
5/06/2010	1242	65.33
5/09/2010	1243	98.22
5/15/2010	1246	125.98

SAVINGS

2389932	
Beginning Balance	110222.22
Plus Deposits and other additions	0.00
Minus Withdrawals and other subtractions	1900.00
ENDING BALANCE ON 6/20/2010	108322.22

Deposits and other additions

Total 0.00

Withdrawals and other subtractions

5/21/2010	ATM - Quick Mart	200.00
5/27/2010	Withdrawal	200.00
6/12/2010	Transfer to Checking	1200.00
6/12/2010	Withdrawal	300.00
	Total	1900.00

AFFIDAVIT OF ROBIN ADAMS, C.S.W.

STATE OF WISCONSIN)
) ss.
COUNTY OF CLEARWATER)

Robin Adams, being first duly sworn, states as follows:

- 1. My name is Robin Adams. I am a Certified Social Worker and am employed by the Clearwater Alternative Management Company or CAMC. We are professional fiduciaries and are hired by individuals to manage their finances when they are not able to. We also can assist individuals with home health care and general healthcare decisions. We often describe ourselves as “children for hire.”

- 2. I am one of the owners and the Chief Social Worker at CAMC. It is my responsibility to interview each new client to determine which of our services will most appropriately fit their needs. Each client is different and we take pride in identifying exactly what each individual needs to be able to continue to live a safe, happy and fulfilled life.

- 3. I am a 1995 graduate of the University of Wisconsin at Madison with a Bachelor of Science in Social Work. I received my Masters in Social Work from the University of Minnesota in 1997. I am currently working on my doctorate in Geriatric Social Work with a focus on dysfunctional family dynamics. I am a member of the National Association of Social Workers. My curriculum vitae is attached to this affidavit.

- 4. I was employed by the County of Clearwater from 1997 through 2005 in the Department of Human Services. My last job at the county was in the adult protection department where I routinely took calls from concerned family and community members about vulnerable adults. I screened the reports and then went out into the community to meet with the adults in question and investigate the veracity of the report.

- 5. Through my work at Clearwater County, I recognized a need for professional fiduciary services. A “fiduciary” is someone with the legal authority to act on behalf of another. An agent is a fiduciary for the principal under a power of attorney. A bank is a fiduciary on behalf of its depositors and shareholders.

- 6. I recognized that our elderly population does not have the same support structure it used to have. Grandmothers and grandfathers used to die at a younger age. If they lived, they often resided with their extended family. But now families are smaller and the children may not live close by. I recognized the need in the community and also a business opportunity.

- 7. I was hired by Colonel Jordan Nelson, the Petitioner in this matter, because of concerns about Mr./Ms. Nelson’s parent, Pat Nelson. Colonel Nelson has cause to believe his/her younger sibling, Alex Nelson, is financially abusing Pat Nelson. Colonel Nelson wanted to


maintain the family's privacy, so I was hired because my company has a reputation for discretion.

8. Because of the nature of this case, I began by interviewing Colonel Nelson thoroughly. The Colonel explained that Jan died in 2005 and that Pat had never had much experience with financial affairs. More significantly, the Colonel shared concerns about the parent's current level of functioning. The conversations with Colonel Nelson are becoming shorter and shorter and Pat is becoming more evasive and suspicious. Pat is less willing and able to answer questions about those activities. Colonel Nelson believes that Pat's activities are becoming fewer and Pat increasingly is relating only to Alex. The Colonel also believes that Pat is having increasing difficulty remembering daily events.
9. Colonel Nelson provided several bank statements which were obtained during the last visit with Pat Nelson. I have reviewed the bank statements and found much evidence of financial abuse.
10. One example is a regular credit card payment even though Pat Nelson has never had a credit card. Further, it is my understanding Pat Nelson no longer drives. Therefore, Alex Nelson is always present when Pat Nelson goes out into the community and does any sort of shopping. One elderly individual cannot spend as much money as I saw on the bank statement, so Alex Nelson must be spending money without the permission of Pat.
11. I also interviewed Pat Nelson's neighbor, Gerry Blackburn, as part of my investigation. Mr./Mrs. Blackburn was very informative. I was particularly interested to learn that Alex Nelson has been spending so much time at Pat's home since the death of Jan. The fact that Colonel Nelson lives far away only makes it easier for Alex Nelson to isolate and control Pat. In addition, I was concerned to hear that the neighbor was aware of increasing forgetfulness and that the neighbor believed that Pat's demeanor with the children had changed.
12. The fact that Pat no longer drives but must rely on Alex also gives Alex unusually strong control over Pat. Not only does it provide repeated opportunities for Alex to exploit Pat financially when they are at stores or visiting the bank, it also gives Alex more ammunition to use to threaten Pat. After all, if Alex refused to drive Pat, Pat will be stuck at home.
13. Finally, I was able to review many years of letters Pat Nelson wrote to Colonel Nelson. In the past three years, the letters have become increasingly short and sporadic. Pat Nelson used to write regularly, including much detail of the family's life in Clearwater. However, Pat seldom writes anymore and any correspondence is very short and general in nature.
14. I tried to interview Pat Nelson prior to preparing this Affidavit but was unable to do so. I called and set an appointment to meet with Mr./Mrs. Nelson but, when I got to the house, no one was there. I called and set a second appointment but again Mr./Mrs. Nelson was not at the house when I arrived. Finally, I attempted to interview Pat Nelson on the telephone but Mr./Mrs. Nelson would not talk to me, saying that Alex was there to drive him/her to a doctor's appointment.

early dementia. Dementia and other processes of aging can, at times, render someone incapable and incompetent to handle some tasks of daily living.

16. Based on my many years of investigating elder financial abuse, it is my expert opinion that Pat Nelson is not capable of managing his/her own financial affairs. It is my further opinion that Alex Nelson has conducted a long-term effort to isolate Pat for the purpose of abusing Pat financially.

17. This is a true and complete statement.


Robin Adams, C.S.W.

Signed and sworn to before me this
30th Day of October, 2010


Notary Public, State of Wisconsin
My commission is permanent

CURRICULUM VITAE OF ROBIN ADAMS

Experience

Clearwater Alternative Management Company
Clearwater, Wisconsin

Chief Social Worker, 2005-present. Interview new clients, determine appropriate level of services, prepare plan for services, implement service plans.

Clearwater County Department of Human Services
Clearwater, Wisconsin

Adult protection services worker, 2001-2005. Took telephone calls from concerned family members and community members about vulnerable adults, screened reports of abuse, investigated reports of abuse, including meeting with subjects of reports.

Clearwater County Department of Human Services
Clearwater, Wisconsin

Child protective services worker, 1997-2000. Took telephone calls from concerned family members and community members about possibly abused children, screened reports of abuse, investigated reports of abuse, including meeting with subjects of reports.

Education

University of Minnesota
Masters of Social Work, 1997

University of Wisconsin—Madison
Bachelors of Social Work, 1995

Publications

Applying Social Work Approaches to Help Older Adults Remain Safe, 8 Journal of Social Work 260 (July 2008).

Professional Organizations

National Association of Social Workers

STATEMENT OF GERRY BLACKBURN

1. My name is Gerry Blackburn. I'm 75 years old. I've been married for 51 years and I have 3 children and 7 grand-children. I have been a long-time neighbor of the Nelsons. Jan and Pat moved into their house about the same time we moved into our house.
2. I can remember when Alex and Jordan were little and used to run around the neighborhood until it got dark out. Jordan is older and always made sure Alex knew it. Poor little Alex always had to do whatever Jordan said. If Jordan said they were riding bikes, they rode bikes. If Jordan said they were having popsicles, they had popsicles. But Alex has always been such a calm, happy person; I don't think it was ever a problem.
3. I always thought Jordan took after Jan, because they're both very smart, but a bit bossy and stand-offish. Alex and Pat are both fun and warm. Don't get me wrong, they've always been a nice family, but it's easy to see where the kids got their personalities.
4. Now that all the kids have grown up, it's nice to see Alex helping Pat so much. I don't see Jordan often, but we still say hello when Jordan comes home to visit Pat. When Jordan is home, I can still picture them when they were little. Jordan is still a little bossy and Alex is still easy-going.
5. Pat and I have been friends since the Nelsons moved in next door. Our children were friends and often spent time playing together while they were growing up. In the last few years, since Jan died, Pat has needed more help. We're getting older ourselves and are busy with our kids and grandkids. So Pat has really come to rely on Alex. Alex will often come by just to visit or do work around the house to help out Pat. It is clear that s/he appreciates all the help Alex gives. S/He speaks very highly of her children and always comments on how grateful s/he is to Alex.
6. I am a little concerned about some of Pat's recent behavior. I know s/he had a health scare a few years ago. I think it may have been a heart attack because Alex suddenly started spending more time over there. Pat is also forgetful of small things. For example, a few weeks ago she missed our card club. When I called to ask if s/he was feeling all right (s/he never misses), Pat said that s/he had forgotten the club was going to meet that night. Also, Pat recently left the water on in her laundry room while filling up the sink, the sink overflowed and caused damage to the floor and walls. Pat was embarrassed about the whole thing and later told me s/he had forgotten that s/he'd ever turned it on. I've wanted to talk to Alex about it, but I didn't want to pry.
7. In addition, Pat's demeanor with her children has changed. S/he lets both of them influence him/her so much more. S/he has always admitted that Jordan is the conservative, straight-laced child. S/he always heard Jordan out on any issue, then did what s/he wanted. Pat recently told me s/he often agrees with Jordan because it is too difficult to disagree. Jordan calls and tells Pat to do this or that, and s/he just agrees. Pat told me that Jordan told him/her to make sure Alex doesn't use the checkbook. Pat told Jordan s/he'd get the checkbook back from Alex, but Pat never did. And, since is now a

lives so far away and isn't home very often, Pat just lets Jordan think s/he's doing whatever Jordan recommends.

8. I wonder if it would be the same if Jan was still alive. Jan was always such a strong person. S/He made all the big family decisions. I guess Pat just went along with him/her, just like s/he goes along with Jordan now.
9. I remember a few weeks after Jan died, when Pat first drove the convertible home. I was outside in the yard when s/he pulled up. You could've knocked me down with a feather! I couldn't believe Pat Nelson was driving a brand, new car! Especially a bright red convertible! Both Pat and Alex were really excited about the car. They sat in the car that evening talking for a long while. Pat was so proud! Come to think of it, I don't remember the last time I saw Pat driving it though.
10. Jan wouldn't approve of the work on the house either. Jan was pretty handy and did a good job, but I knew s/he liked to save money whenever s/he could. S/He would've never spent the money to do what Pat and Alex have been doing to that house. Alex can do things around Pat's house too, but there have been a lot of contractors around too. Pat had new windows and siding put on the house a couple years ago. Then s/he remodeled the kitchen. S/He also had all the old bushes pulled out and new landscaping installed. Alex even dug a pond in the backyard and put in a fountain. I have to admit, it's nice to look across the yard and see that tidy house. And I like listening to the water in the fountain at night. I will tell you I am not so happy listening to some of the commotion that goes on around the hot tub they installed. Mostly naked people, drinking and carrying on, Jan would have never stood for that at 2:00 in the morning!
11. I know that there are many things I may not know about Pat and the family. After all these years, I can say that in the interactions we have had, there has been a noticeable difference in Pat, especially in the past 3 years. I believe Pat is declining; s/he is becoming more frail and much more forgetful. I worry about him/her and I hope the kids can sort out their differences and just take good care of Pat, s/he certainly deserves it!
12. This is a true and complete statement.


Gerry Blackburn

Signed and sworn to before me this
30th Day of October, 2010



Edward Senn
Notary Public, State of Wisconsin
My commission is permanent

IN THE MATTER OF

Case No. 10 PR 213

PAT A. NELSON

AFFIDAVIT OF PAT A NELSON

STATE OF WISCONSIN:)
) SS:
COUNTY OF CLEARWATER:)

Pat A. Nelson, being duly sworn, deposes and says:

1. I was born on May 3, 1928 and married Jan on June 6, 1948, while we were both in college. We had a very happy marriage until Jan died on January 17, 2005. We ran an art gallery together. I concentrated on the artists and Jan concentrated on the marketing and finance. Jan liked things orderly and I was more of a free spirit.
2. We had two children: Jordan and then Alex. Jordan is like Jan and Alex is like me. When Jordan was little, I privately nicknamed Jordan “the general” because Jordan liked to command everyone around, especially Alex. Jordan believes in rules and discipline and loves to keep things neat and tidy. I privately nicknamed Alex “the artist” because Alex is sensitive, a bit messy, and creative, although Alex lacks my talent for painting.
3. We bought our current house in 1963. Jan and I played cards with our neighbor, Gerry, and some others every Wednesday. I have continued to be part of that group after Jan’s death. Gerry thinks that I sometimes forget our Wednesday card-playing, but, since my stroke, if I am having a bad day, it is just too hard to keep track of the cards so I don’t go. Besides, some of those people have begun cheating. I know they talk about me behind my back.
4. The years before Jan died, when Jan required constant care, were some of the hardest of my life. I did not realize then that it would be even harder after Jan died. Often, even now, I find it difficult to get out of bed. All I want to do is pull the covers over my head and cry. I miss Jan terribly. Getting old is not for sissies.
5. Jordan loves me and tries to take care of me in Jordan’s way but Jordan only shows up once a year. When Jordan is in town, he/she runs around doing important things. If I get an hour or so to just sit and chat with Jordan, I feel lucky. I don’t think Jordan realizes how sad and lonely I am. Or maybe Jordan doesn’t know what to do about it. Jordan, like Jan, is very businesslike. Jordan has offered to have me come and live near Jordan and I appreciate it but I would have to leave Alex, my home, and Gerry and my friends to start over in a strange place. Besides, I doubt I would see all that much of Jordan, even if I were there.

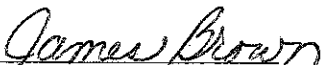
6. Jordan calls almost every Sunday at exactly 7:00 p.m. but our calls have gotten shorter and shorter because Jordan quizzes me about what I ate for lunch, when I showered last, and other silly things and I feel stupid when I can't remember. I don't think Jordan means to make me feel that way. Recently, Jordan has begun to ask a lot of questions about Alex and I don't want to get in the middle between those two. Sometimes, Jordan instructs me on what Jordan thinks is the best way to do things. I don't want any arguments so sometimes I just agree with Jordan when I am on the phone.
7. Alex loves me too and I don't know what I would do without my Alex. Alex, like me, has no gift for managing financial affairs, but, after Jan died, Alex stepped up and began helping me with financial decisions. Alex tried to get me to go to some seminars soon after Jan died. I knew I should care but I just didn't. Alex suggested I sign a Power of Attorney after learning about them at one of those seminars. I signed a Power of Attorney on April 8, 2005. When I told Jordan about it, Jordan was disappointed in my choice of guardian.
8. Alex comes over frequently, even though Alex lives with Leslie now. Alex understands my low moods and tries to get me up and doing things. Just after Jan died, when I was particularly low, Alex reminded me that I once said to Jan that I would look great behind the wheel of a little red convertible. Alex talked about that red convertible for a while until it actually began to sound exciting. So Alex went with me and I bought one. Even though I don't drive any more and I really don't like getting the sunburns when the top is down, thinking about buying that convertible makes me feel young. Besides, it's fun to see how much pleasure Alex gets from driving that convertible all over town.
9. Alex is good about making repairs on the house. A house this old needs more repairs than Jordan realizes. In addition, Alex had the wonderful idea of putting a pond and fountain in at the house. I love sitting outside and eating my lunch by them in the summer. The new hot tub did not work out as I had hoped, but Alex works so hard for me that I am glad it gives Alex pleasure. When I agreed to buy that hot tub, neither Alex or I realized that it would not be a good idea for me to get into the hot tub because of the medications I take. But I like having the people around that Alex brings to the tub. I can close my eyes and pretend that I have Jan, my children, and their teenage friends over. Gerry told me once that he/she thinks that the visitors were smoking pot in that hot tub but I know Alex would not allow them to disrespect my house like that.
10. Alex took me to a casino once for my birthday and showed me how to play the nickel slot machines. I won \$17.50. I had so much fun even though I felt guilty and I never went back. I let Jordan think I went back because sometimes I like to shock Jordan. Jordan needs to loosen up. I know Alex gambles occasionally but Alex assures me that Alex does not have a real gambling problem.
11. I don't like to disappoint or anger Alex. I know Alex is under a lot of stress. After all, Alex shops for me, makes repairs on the house, and drives me where I need to go. It can't be easy for Alex to spend so much time with me when Alex could be looking for a job or spending time with Leslie instead. I know money is tight for Alex and that Leslie is

losing patience and may throw Alex out. Part of me hopes Leslie does throw Alex out and Alex comes to live here. I don't mind helping Alex out with small amounts of money from time-to-time but Alex always refuses the money so I pay when we go out and I buy Alex groceries sometimes.

12. I worry all the time these days. I worry what would happen to me if Alex were not around. I do not want to end up in a nursing home somewhere. I do not want to end up alone and lonely, waiting for an occasional telephone call. I worry because I can't do the things for myself that I used to do, especially since the stroke. I can no longer paint. I was never very good at balancing a checkbook but now I can't do it at all. I lose things, like my glasses and keys. I have to write myself notes to remember things, even though it is hard for me to write now. Once, I forgot to turn off the sink and caused a flood. Just yesterday, I found the Cheerios in the refrigerator and a jug of spoiled milk in the cupboard. I know I am not a morning person but that's ridiculous. I hide some of my forgetfulness from Alex and Jordan so that they won't worry too.
13. I know that social worker thinks that I can't care for myself but that social worker has never met me. The social worker called but, like Jordan, started asking me stupid questions so I ended the call. Alex said that the social worker was just a busybody and it was okay. That social worker says I missed an appointment but I don't remember making any appointment.
14. I know that things are not as good with me as they once were but I still can run my own life with Alex's help. I wish Jordan would drop this whole case.
15. This is a true and complete statement.


PAT A. NELSON

Sworn to before me this 30th
day of October, 2010


Notary Public

My commission expires: _____

STATEMENT OF DR. AVERY HUDSON

1. My name is Dr. Avery Hudson. I have practiced Family Medicine in Clearwater, Wisconsin for 17 years. I make this statement to give an opinion on the competency of my patient, Pat Nelson, date of birth 05/03/1928.
2. As a primary care physician, I work with patients of all ages, but I have a special interest in geriatric patients and have focused much of my continuing education on medical issues common in the aging population.
3. Due to the location and nature of my practice, I routinely treat several members of the same family, including spouses and their children. I have treated both Pat and Jan Nelson since I opened my practice in Clearwater in 1993. I have also treated both of their children. As a result, I have a broad background to evaluate Pat's medical history and current condition.
4. I reviewed Pat Nelson's chart in preparation for making this statement.
5. Pat is generally in very good health. Pat is 82 and has no history of heart disease, high blood pressure, or diabetes. All recommended screening procedures, such as colonoscopy, have been normal. Pat has struggled with arthritis in the upper back area and both knees. Daily stretching exercises have lessened its impact on Pat's activities. Pat does not smoke cigarettes and drinks very moderately. Pat suffered a minor stroke 3 years ago. With speech and physical therapy, he/she has recovered very well. I have commended Pat many times for his/her hard work after the stroke. I have noticed only mild effects in Pat's cognitive function.
6. Pat is beginning to experience some short term memory loss; however, nothing I would consider alarming. Pat suffers from depression. Depression is very common in older patients, especially after the loss of a spouse. In Pat's case, his/her spouse was severely ill for almost a year before death. Pat was the main caregiver, which was very difficult for Pat. Caregivers often suffer physically and emotionally. After the death, Pat did experience severe depression, which was difficult for Pat for many months. With ongoing drug therapy, I would classify the depression as mild and under control.
7. Pat has discussed some concerns about his/her older child, Colonel Jordan Nelson. I met Colonel Nelson only once when I treated him/her for a sprained ankle during a visit to Clearwater to visit the family several years ago. I recall that Colonel Nelson reminded me much more of his/her mother/father than Pat. I know the two siblings do not get along and this causes a great deal of anxiety for Pat. The anxiety has increased over the last 12 months and I have discussed treatment options with Pat.
8. I have observed Pat has lost some personal confidence since the stroke and with the onset of the depression, and has begun to rely on his/her youngest child, Alex Nelson, for

support and companionship. Before the stroke, Alex would rarely accompany Pat and would always sit in my waiting area while I met with Pat. In the past few years, Alex joins Pat after the examination and often actively participates in the discussion and decision-making.

9. I do not routinely discuss financial issues with my patients. I have observed that individuals in Pat's generation generally have very simple financial needs and often express concern about supporting themselves and maintaining their independence. It is my understanding Pat did not manage the family funds before his/her spouse's death and finds it somewhat difficult to make financial decisions. I believe Pat relies on Alex for help with finances.
10. I encourage my patients to enjoy their lives to the fullest, as their health allows. Mortality in Wisconsin remains 100%.
11. Since Pat's spouse died, I am aware Pat has modified his/her lifestyle. Pat has taken up gardening and spends a great deal of time outside tending a new garden. I encourage my patients to stay active and focus on pleasurable activities.
12. Also, Pat did not travel, but since his/her spouse died Pat has taken a few trips, including a week in Mexico. I treated Pat for digestive issues upon his/her return from Mexico. I also know he/she purchased a convertible shortly after his/her spouse died. Pat suffered a sunburn while driving with top down, which I treated with prescription strength ointment.
13. I know Pat and Alex have also done a significant amount of work on Pat's home. Older homes are seldom accessible for people as they age and small modifications can have great impact. Alex Nelson has contacted me several times to discuss which home improvements and modifications will help Pat remain in the home as long as possible. For example, Alex has installed grab bars in all of the bathrooms. As people age, their joints can become weak or stiff. This is especially true for arthritis sufferers like Pat. Balance issues also occur. These conditions make it more difficult to transition between standing and sitting. Grab bars near each toilet and in showers and tubs allow older individuals to continue to use the facilities independently. Pat also had Alex replace much of the carpet in the home with smooth vinyl or hardwood floors. This will help Pat avoid tripping on carpet.
14. Pat has made good progress dealing with the stroke and the depression issues and the happiness and enjoyment he/she is getting out of life. Based on my long-time interaction with Pat and other members of the Nelson family, it is my professional opinion that Pat

Nelson is competent and has the capacity to determine who serves as agent under the financial power of attorney.

15. This is a true and complete statement.

BY Dr. Avery Nelson
Dr. Avery Nelson

Signed and sworn to before me this
30th Day of October, 2010

Lincoln Stanley
Notary Public, State of Wisconsin
My commission is permanent

Statement of Alex Nelson

1. My name is Alex Nelson and I am the younger child of Jan and Pat Nelson. I am the Respondent in this matter. I am currently 53 years old. I was married when I was 20, but that marriage didn't work out and we were divorced 3 years later. I have never remarried and I have no children.
2. Jordan Nelson is my older sibling and we've always had that classic sibling rivalry that you see between the oldest and youngest siblings in a family. Jordan considers me to be a spoiled brat because I'm younger and I've never been as driven as Jordan is. Jordan, however, has always been bossy and a know-it-all. S/he has always thought I was worthless, constantly criticizing me, telling me how to do things, and taking over something I started. Even when we were little and went to the Clearwater Lake Beach, when I started to build a sand castle, Jordan would come along and say that it wasn't right. Jordan would start adding walls, ramparts, and cannons. I'm surprised s/he didn't have the ants marching in formation.
3. Pat named me first agent on the Power of Attorney for Finance because I live close by. Jordan went off to serve and protect the country, and I was left to take care of our parents. I don't know why s/he would expect that Pat would make her/him the agent. S/he barely has time to stop by once a year. Also, I have always been closer to Pat than anyone else in the family. Jordan was close to Jan. They used to tease Pat and me by saying we had fluff for brains. Pat and I always laughed it off. Jordan also doesn't like my care-free attitude and lifestyle. I'd rather enjoy myself than be the stilted bore that Jordan is.
4. I am known as the "softy" in the family because I'm always willing to help. I've always been the one everyone calls when they're sick, or need a ride somewhere, or need help around the house. Even when Jordan lived in the area, he was always too busy with something to help out. First it was Boy Scouts, Eagle Scouts, then Explorers, the young Republicans club, John Birch Society, and lots of other extra-curricular activities. Even when Jan got sick, Jordan couldn't even get back here until the funeral, and even then s/he could only stay one day.
5. Jordan says Pat is suffering from memory loss and mild dementia. But, I think Jordan is making excuses to get Pat to feel like s/he can't do anything by herself/himself and for Jordan to take control as s/he always does. There has never been a doctor's diagnosis. I think Pat is just getting older and slowing down.
6. Jordan lives in South Carolina and only gets home about once a year. The visits are always very short, just a couple of days. Between visits, Jordan calls about once every few months to say hello and ask how things are going. Jordan isn't very talkative on the phone, so the calls are usually short and I don't get a

chance to talk about all the things going on with Pat. There are things Jordan is not aware of.

7. I don't ever remember Jordan asking me if I needed help taking care of Pat. Sometimes I get really frustrated that I have to do all of the work myself. The truth is, I'm not working right now and I live close by. Realistically, I know Jordan can't help, but it would be nice if Jordan seemed to appreciate all the time and energy I put into helping Pat rather than criticizing me for caring.
8. For the record, I help Pat with everything. I help with shopping, paying the bills, doctor's appointments, and running errands. I take care of Pat's investments and make sure s/he always has money in the checking account. I also take her/him to the hair stylist and to church. I'm happy I can be here with Pat and I try to not complain. But it's hard work. Sometimes, however, we also have fun, like the time I took Pat to the casino. Pat had a gas even if s/he didn't bet that much. Pat really liked the chocolate martinis they had at the bar.
9. I also oversee maintenance and repairs at Pat's house. Things were really falling apart and we've done a lot of work in the last few years. If I can't do the repairs or other work myself, I'm in charge of hiring the right person for the job and making sure the work gets done properly. When I hire someone, I pay them out of the Pat's checkbook. Some of the contractors prefer cash, so I take money out of Pat's account from an ATM to pay them (Pat gave me a debit card). It's easier than me paying the worker and then getting reimbursed by Pat. Jordan seems to think it's the same house that s/he grew up in, but time takes its toll on older houses. Things need to be replaced, plus it needs to be kept up to sell in the future. The windows were old and leaky, carpeting was worn and was giving Pat problems with her/his advancing age (plus the green shag carpeting just had to go), and the basement was a dated mildewy disaster. And Pat really does like the hot tub, it helps her/his arthritis.
10. Pat has been kind of lost since Jan died almost six years ago. Jan was the strong one and in charge of everything. Jan did all the home repair and maintenance and took care of things around the yard, or else hired someone to do repairs. S/he also paid the bills and handled the money. Now that Jan is gone, Pat needs my help with the house and the finances. The first thing I helped with was the purchase of a new convertible after Jan died. It turns out Pat always wanted a convertible, but Jan thought it was silly. Pat and I both love that car. It's kind of sad that I drive it more than s/he does these days.
11. Pat has offered to pay me for all the help many times, but I always refuse. Pat insists on paying for everything when we go out. S/he pays for gas, meals at restaurants, and even insists on buying me groceries and things when we're shopping. I consider it to be part gift, part payment. Given I'm between jobs at the moment, it is very helpful.

12. I do accept money from Pat sometimes, but only when I really need it. For example, I took a trip to Vegas last year with a friend. Pat wanted me to really live it up while I was there, so s/he gave me \$2,000.00 before I left. I spent some on the trip, won some while I was gone, and saved the rest.
13. I'm sorry I took the money now, because Jordan thinks I'm stealing from Pat. But Jordan has no idea how much work I do and how often I've refused money. If I took money every time Pat offered, there might be a problem. But I only accept money every once in awhile to make Pat feel better. I know Jordan and his hired social worker are claiming that I am stealing money from Pat and make a big deal about all the ATM withdrawals at the casino, but if they just asked I would have explained. I'm at the casino every so often and the ATM is convenient, so if Pat needs money, I will get it there. As I said, some contractors want cash. Sometimes, I also get cash for myself and pay Pat back when I get my unemployment check. I wish now I had kept the receipts and written on them what the money was for, but how was I to know that Jordan was going to be like this?
14. I'm a computer technician and IT professional. Computer jobs are always changing, so I've worked in several companies throughout my career. I was laid off from my last job at a large retail corporation 2 years ago. I've been looking for a new job ever since, but it seems like there are a hundred applicants for every job listing I find. My unemployment compensation will be running out soon. I'm worried about how I'll be able to support myself. On the bright side, I have time to help Pat.
15. I don't know why Jordan is doing this. I think Jordan is worried that Pat is spending the money and there won't be anything left when s/he dies. So what! It's her/his money! Jordan is a Colonel in the Army and does fine without Pat's help. I don't need much, so I know I'll be fine too. Jordan hasn't shown any interest in helping Pat before. Now Jordan shows up out of the blue and sues me. All I've ever done is help Pat. Except for Jordan, all my relatives tell me I've been a great help to Pat and, without me, s/he would've moved into an assisted living facility long ago. This is just another in a long line of times of Jordan needing to control everything and everyone.
16. As far as I'm concerned, I want Pat to stay in the house as long as possible. I want her/him to have fun and enjoy life as much as possible. If that means s/he spends her/his money, that's OK with me. Then I want her/him to die quietly in her/his sleep. I'm sure Jordan wants Pat to keep saving, and then die quickly while there is still plenty of money left. It would be nice if Jordan really cared about family.
17. This is a true and complete statement.

ALEX NELSON

Alex Nelson

Signed and sworn to before me this
30th Day of October, 2010

Robert Kelley

Notary Public, State of Wisconsin

My commission is permanent