

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SHASTA**

Conservatorship of Alice McKinna

SUMMARY:

It is apparent there is a significant level of conflict between the conservatee's husband, co-conservator Robert Nelson, and the conservatee's daughter, Nancy Pace, and sister Lois Sweeney. The conservatee has consistently made her wishes clear. She is happy residing with her husband, Robert Nelson, and she is happy having Mr. Nelson continue to provide for her care. The conservatee has also stated she does not wish to have the conservatorship of her person or estate terminated.

Co-conservators, Robert Nelson and Ray Nicol, established visitation guidelines due to the level of conflict and animosity amongst certain family members. The conservatee is also elderly. She requires an appropriate level of care and has a routine that is important to maintain due to her cognitive deficits and health related issues. The majority of individuals appear to feel Mr. Nelson does a wonderful job caring for the conservatee.

The petitioner in this action, Nancy Pace, does not appear to take any responsibility for her own behaviors or choices. In a separate action, case #190238 the Court found cause to extend Temporary Restraining Orders against Mrs. Pace from June 2018 through April of 2019. Mrs. Pace still appears to lack insight into her own conduct which has caused a significant level of stress and anxiety on the conservatee. Additionally, Mrs. Pace continues to berate the conservator, Robert Nelson, with court filings.

Nancy Pace and Lois Sweeney, both admit they have not attempted to work within the visitation guidelines. They have continued to combat the conservators and appear to be more interested in fighting and trying to control the situation than they are in what is in the best interests of the conservatee. Co-conservator Robert Nelson has attempted to work with Lois Sweeney in establishing more consistent visitation with Mrs. McKinna. Mrs. Sweeney has declined these invitations due to her personal issues with Mr. Nelson.

Mrs. Pace fails to acknowledge the recent debt incurred by Mr. Nelson and Mrs. McKinna is due to her constant filings and litigation. It would appear appropriate for Mrs. Pace to be responsible for the court costs incurred in these proceedings. It is the court investigator's understanding Adult Protective Services and Redding Police Department have flagged Mrs. Pace in their systems due to her numerous false claims. Mrs. Pace's allegations have led to the conservator and conservatee being inundated with multiple visits by APS and RPD. Each time it was found Mrs. Pace's allegations were false and unfounded.

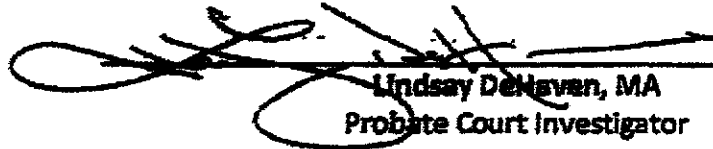
The court investigator is concerned Mrs. Pace has become a vexatious litigant due to her personal issues and vendetta against Robert Nelson. The court investigator respectfully requests the Court consider restricting Mrs. Pace's ability to continue filing with regard to these proceedings. It is further recommended Mrs. Pace be held responsible for legal fees incurred by Mr. Nelson and Mrs. McKinna due to these filings.

It is the court investigator's finding the conservatee continues to benefit from the safeguards of the conservatorship. The conservators are acting in the best interests of the conservatee. The conservatee clearly states she does not want the conservatorship terminated and she is happy residing with her husband in her home. It is recommended the conservatorship continue.

RECOMMENDATIONS

1. Conservatorship proceedings be ☒ continued ☐ terminated.
2. Court Investigator's fees to be ☒ paid ☐ deferred ☐ waived.
3. ☐ This matter be set for an Annual Status Review report to be filed in
4. ☐ This matter be calendared for a Biennial Review hearing
5. ☐ Conservatee had previously been determined by court order as disqualified from voting. At this review conservatee can now communicate a desire to participate in the voting process, with or without reasonable accommodations. The County Clerk and Secretary of State should be notified that his/her right to vote should be restored (Elections Code § 2209).
6. ☒ This matter remain as set for April 22, 2019
7. ☐ A hearing be set to discuss:

Dated: 12/7/2018


Lindsay DeHaven, MA
Probate Court Investigator

cc:

Alice McKinna, Conservatee
Robert Nelson, Co-Conservator/Spouse
Ray Nicol, Co-Conservator/Son
Judy Burgess, Daughter
Nancy Pace, Daughter
Paul Meidus, Reese, Smalley, Wiseman & Schweitzer