

**COURT OF COMMON PLEAS
PROBATE DIVISION
HAMILTON COUNTY, OHIO**

GUARDIANSHIP OF	:	CASE NO. 963214
CHARLOTTE BARKER HALL	:	
	:	ENTRY DENYING APPLICATION
	:	TO MAKE GIFTS
	:	
	:	

This matter came before Judge Wayne F. Wilke on September 4, 1996, and was continued in progress until October 3, 1996, concerning Guardian Richard B. Easley, Jr.'s application for authority to make gifts. Present were Richard B. Easley, Jr., Guardian of the Estate of the ward herein, Charlotte Barker Hall, and Trustee of the Charlotte Barker Hall revocable trust, and Bonnie G. Camden.

On August 19, 1996, Richard B. Easley, Jr. was appointed Guardian of the Person and of the Estate of his grandmother, Charlotte Barker Hall. On that same day, the Guardian brought an application for authority to make gifts of \$10,000.00 to each of nine individuals and to two charitable organizations under R.C. §2111.50. Revised Code §2111.50(B)(7) bestows upon a probate court the power to make gifts "to relatives of the person and, consistent with any prior pattern of the person of giving to charities or of providing support for friends, to charities and friends of the person."

When considering whether to allow gifts to be made, R.C. §2111.50(D) requires a court to consider various factors, such as whether making such gifts would impair the financial ability of the estate to provide for the ward's foreseeable needs for maintenance and care; tax advantages with respect to making gifts; any pattern of giving by the ward prior to her incompetence; and the disposition of property made by the will of the ward.

Applying these considerations to the case *sub judice* requires the Guardian's application to be denied.

First, the Guardian did not clearly show that gifting nearly ten per cent (10%) of the ward's estate would not impair the ward's financial ability to provide for her needs for maintenance and care. The ward's annual living expenses, exclusive of legal fees and administrative expenses, are approximately \$51,000.00. This amount is certain to increase in proportion to increasing health care costs. Making sizable gifts immediately after the establishment of this guardianship would be rash and impetuous.

Second, with respect to the two charities, the Court finds there was no meaningful evidence that supports a pattern of giving between Charlotte Barker Hall and the Church of the Redeemer and the Marjorie P. Lee Retirement Home. The evidence presented by the Applicant was not persuasive and certainly did not indicate that allowing these gifts would be in the ward's best interest.

It is not disputed that the Court has the power to grant the Guardian's application to make gifts. However, due to the factual considerations involved in this case, the Court will not allow such a sizable incursion into the ward's estate so shortly after the guardianship's inception. Consequently, Richard B. Easley, Jr.'s application to make eleven gifts totaling \$110,000.00 from the Estate of Charlotte Barker Hall is hereby denied.

WAYNE F. WILKE, JUDGE

cc: Bonnie Camden

