PROBATE COURT OF HAMILTON COUNTY, OHIO

GUARDIANSHIP OF KATHARINE W. TAFT

CASE NO. 91-911897

ENTRY DENYING APPLICATION TO MAKE GIFTS

This matter came before Judge Wayne F. Wilke on May 11, 2000 regarding an application to make gifts of $2,000,000 to the children of the ward, Katherine W. Taft. Mrs. Taft had an estate, as of February 28, 1999, of almost $3.6 Million. The ward's guardian, James S. Wachs, applied to the Court for authority to gift $2.0 Million of the ward's assets, including the applicable federal gift taxes, to her children.

Revised Code §2111.50(B)(7) allows a probate court, as superior guardian, to make gifts to relatives of a ward. Revised Code §2111.50(D) requires a probate court to determine whether the gifting would impair the financial ability of the guardian to provide for the ward's foreseeable needs and the court is to also consider any pattern of giving by the ward prior to his or her incompetence. In this case, the Court is not persuaded that gifting over one-half of the ward's estate is in the ward's best interest. The guardian also failed to demonstrate that the ward ever had a gifting pattern prior to her incompetence and that a gift this large would be consistent with her prior intentions.

Accordingly, the Court denies the guardian's application to make gifts of $2.0 Million.

SO ORDERED.

WAYNE F. WILKE, JUDGE

cc: Stuart Susskind