

IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE  
AT NASHVILLE

2010 JUN -7 PM 3: 04

IN RE: CONSERVATORSHIP OF JOHN )  
DANIEL TATE, )  
RESPONDENT, )  
DAVID E. TATE, )  
TEMPORARY CONSERVATOR. )

DOCKET NO. 07P-1654  
NOTICE OF ENTRY IS  
REQUESTED.

*K. Lemmers*

FINAL ORDER

THIS CAUSE came on to be heard on the 24<sup>th</sup> day of May, 2010, before the Honorable Judge Randy Kennedy, Judge of the Seventh Circuit Court for Davidson County, Tennessee, (Probate Division) upon the Final Hearing on the Petition to Appoint a Conservator to determine whether the Temporary Conservatorship of John Daniel Tate should be made permanent or whether, alternatively, it should be modified or terminated. Upon consideration of the evidence presented in open court, including the Forensic And Psychiatric Neuropsychological Evaluation Report submitted by Dr. David M. Street, M.D., and Dr. James S. Walker, Ph.D., admitted into evidence by stipulation, the Report of the Psychological Evaluation submitted by Dr. Evelyn M. Frye, Ph.D., admitted into evidence by stipulation; and sworn testimony of Katerina Tate in open court; sworn testimony of **RESPONDENT JOHN DANIEL TATE** in open court; numerous drug screens or toxicology reports of **RESPONDENT** admitted into evidence, and all other documents admitted into evidence; and consideration thereof, and consideration of the Temporary Conservatorship established in this cause, and the findings made by the Court for the establishment of the Temporary Conservatorship and based on the orders previously entered by the Court in this cause; and based upon the reasons and findings by the Court announced in open court and as reflected in the transcript of the Court's Ruling affixed hereto as Exhibit "A", and incorporated herein by reference, and based upon the entire record as a whole, from all of which

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the Court finds:

1. That the **RESPONDENT JOHN DANIEL TATE** now has the capacity to manage his own affairs, including but not limited to business, personal, financial and health care;

2. The **RESPONDENT JOHN DANIEL TATE** is no longer a “disabled person” as defined under T.C.A. § 34-1-101(7); and is no longer in need of Court supervision to protect or supervise **RESPONDENT DANIEL TATE** in any regard;

3. All rights and privileges divested from the **RESPONDENT JOHN DANIEL TATE** under the **TEMPORARY CONSERVATOR** shall be restored <sup>*NAME PROTECTIVE ACT*</sup> to **RESPONDENT**, effective May 24, 2010.

4. The Temporary Conservatorship previously established in this cause is hereby terminated since there is no longer a present need for the Temporary Conservatorship to continue.

5. The **TEMPORARY CONSERVATOR, DAVID E. TATE**, is hereby given sixty (60) days to wind down the affairs of the Conservatorship, and to do all things necessary as **TEMPORARY CONSERVATOR**, to return any and all property to the **RESPONDENT JOHN DANIEL TATE** which is in the possession of the **TEMPORARY CONSERVATOR** or under his control.

6. The **TEMPORARY CONSERVATOR** shall continue to pay any and all expenses of the Conservatorship necessary to wind down the affairs of the Temporary Conservatorship within the sixty (60) day period.

7. The **TEMPORARY CONSERVATOR** shall have sixty (60) days to file a Final Accounting with the Probate Court, together with service of a copy upon the **RESPONDENT JOHN DANIEL TATE** and his counsel, Michael Hoskins, Attorney, which the Probate Master

shall review in due course according to law, and report to the Court.

8. The **RESPONDENT JOHN DANIEL TATE** shall be permitted thirty (30) days to raise any objections to the Final Accounting submitted by the **TEMPORARY CONSERVATOR**.

9. Upon the review of the Final Accounting by the Probate Master and the adjudication of any objections to the Final Accounting timely raised by the **RESPONDENT JOHN DANIEL TATE**, the **TEMPORARY CONSERVATOR** shall be discharged upon the Court's approval of said Final Accounting.

**BASED UPON THESE FINDINGS OF THE COURT**, it is hereby **ORDERED, ADJUDGED AND DECREED** that:

1. The Temporary Conservatorship is hereby terminated in accordance with T.C.A. § 34-3-108 (d);

2. The Letters of Temporary Conservatorship shall remain in effect pending the winding down of the affairs of the Temporary Conservatorship at which time the Temporary Letters of Conservatorship shall be terminated.

3. The **RESPONDENT JOHN DANIEL TATE** is hereby restored and vested with all his rights of his person removed under the Order Appointing Temporary Conservatorship entered on November 14, 2007;

4. The **TEMPORARY CONSERVATOR** shall proceed to surrender to the **RESPONDENT JOHN DANIEL TATE** all property, which he now holds or has possession or in control of, which is the property of the **RESPONDENT JOHN DANIEL TATE**, except for sufficient funds in the Conservatorship Account or funds approved by the Court to be utilized by the **TEMPORARY CONSERVATOR** in winding down the affairs of the Conservatorship.

5. The **TEMPORARY CONSERVATOR** is hereby authorized to pay the obligations of the Conservatorship and/or on behalf of the **RESPONDENT JOHN DANIEL TATE** in winding down the affairs of the Temporary Conservatorship, or to which the **TEMPORARY CONSERVATOR** seeks permission to pay by the Court.

6. The **TEMPORARY CONSERVATOR** shall make a Final Accounting in this cause and shall file the Final Accounting with the Probate Clerk, together with service of a copy upon the **RESPONDENT JOHN DANIEL TATE** and his counsel, Michael Hoskins, Attorney, on or before July 23, 2010.

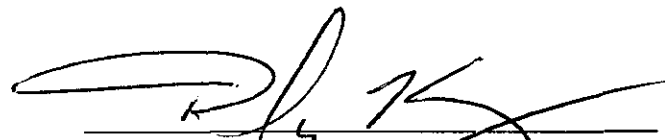
7. The **RESPONDENT JOHN DANIEL TATE** shall file any objections to the Final Accounting within thirty (30) days of receipt of said accounting; and

8. The **TEMPORARY CONSERVATOR** shall be discharged upon the acceptance and approval of the Final Accounting by the Court.

9. The Bond of the **TEMPORARY CONSERVATOR** shall be discharged upon acceptance and approval of the Final Accounting by the Court.

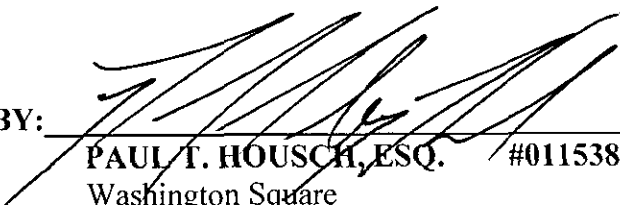
10. This Order shall be entered *nuc pro tunc*, effective May 24, 2010.

It is so **ORDERED** this the 4<sup>th</sup> day of ~~May~~ <sup>June</sup>, 2010.

  
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JUDGE RANDALL KENNEDY, SR.  
SEVENTH CIRCUIT JUDGE FOR  
DAVIDSON COUNTY, TENNESSEE

**SUBMITTED FOR ENTRY:**

**PAUL T. HOUSCH, ESQ.**

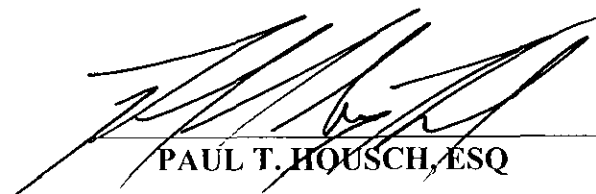
BY:   
\_\_\_\_\_  
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**ATTORNEY FOR TEMPORARY CONSERVATOR  
DAVID E. TATE**

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that a true and exact copy of the foregoing has been forwarded, postage prepaid, U.S. Mail, to. **Michael G. Hoskins, Esq., Law Office of Michael G. Hoskins, P.C., 3200 West End Avenue, Suite 500, Nashville, TN 37203;** and **Mr. David E. Tate, Temporary Conservator, 4827 Fleet Grove Ave., Memphis, TN 38117** on this the 27<sup>th</sup> day of May, 2010.

  
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**PAUL T. HOUSCH, ESQ**