

STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
BEFORE THE CLERK

IN THE MATTER OF:

[REDACTED]

[REDACTED] Petitioner )  
)  
)  
[REDACTED] )  
)  
Respondent, by and through, his court )  
appointed Guardian ad Litem, )  
ANDREW D. ATHERTON )

GUARDIAN AD LITEM'S  
RESPONSE TO PETITION

Andrew D. Atherton, duly appointed Guardian Ad Litem for Respondent, [REDACTED] after having made a proper investigation of the allegations contained in the Petition is of the opinion that the Respondent lacks sufficient capacity to make decisions concerning his person or family and has a presumably valid General Durable Power of Attorney appointing an agent to manage his property. Respondent's lack of capacity is due to oxygen deprivation during surgery. Respondent's, LPN providing his day-to-day care at The Oaks at Sweeten Creek, confirmed Respondent's lack of capacity, that Respondent requires 24 hour nursing care and that Petitioner and Respondent's wife are frequent visitors to the facility and are good advocates for his care and well being.

Further, this Guardian Ad Litem spoke with Respondent. Respondent provided this Guardian Ad Litem the names of this daughters, that he was married and the name of his wife. Respondent indicated that he trusted his wife and daughter, [REDACTED] to do what is in his best interest. Respondent was unable to provide this Guardian Ad Litem with his current medical condition, the name of the place where he is residing, the city of his prior homeplace or the city were his daughters are living. Given Respondent's unlikelihood of recovery sufficient to return home, Respondent's wishes expressed in his Power of Attorney, Respondent's wishes expressed in his Will, and the Medicaid rules and regulations, this Guardian Ad Litem has determined it would be in the best interest of the Respondent that the Petition be granted by this court:

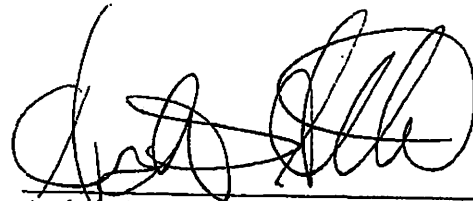
1. The allegations as contained in Paragraphs 1 through 15 of the Petition are admitted;
2. This Guardian Ad Litem is without information and belief as to the allegations contained in Paragraph 16 of the Petition;
3. The allegations as contained in Paragraph 17 of the Petition are admitted;

4. The allegations as contained in Paragraph 18 of the Petition are admitted; and
5. This Guardian Ad Litem is without information and belief as to the allegations contained in Paragraph 19 of the Petition.

WHEREFORE, the undersigned Guardian Ad Litem prays the Court:

1. That the Petition be granted by this court; and
2. For such other and further relief as the Court may deem just and proper.

This the 22 day of January, 2007.



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Andrew D. Atherton, Guardian Ad Litem  
State Bar No. 28236  
Patla, Straus, Robinson & Moore, P.A.  
P.O. Box 7629  
Asheville, NC 28802  
Phone: (828) 255-7641

CERTIFICATE OF SERVICE

I, Andrew D. Atherton, Guardian Ad Litem, do hereby certify that I have served a copy of the foregoing Response to Petition as follows:

Wendy A. Craig  
VIA Hand Delivery

This the 22 day of January, 2007.



Andrew D. Atherton, Guardian Ad Litem  
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