

FILED

DEC 20 1999

TRIBAL COURT OF THE  
SHAKOPEE MDEWAKANTON SIOUX (DAKOTA) COMMUNITY  
JEXANNE A. SZULIM  
CLERK OF COURT

COUNTY OF SCOTT

STATE OF MINNESOTA

In Re: Conservatorship of:

Court File Number 401-99

Dean Brooks,

Proposed Conservatee.

**ORDER APPOINTING CONSERVATOR  
OVER THE FINANCIAL ESTATE  
OF DEAN BROOKS**

This matter came duly on for hearing before Henry M. Buffalo, Jr., Judge of the above-named Court on December 13, 1999, on the Petition of Larry Nerison, seeking appointment of Larry Nerison as conservator over the financial estate of his son, the Conservatee, Dean Brooks. The Petitioner, Larry Nerison, appeared personally and through his attorney, Thomas J. Hunziker, Esq.; the Conservatee Dean Brooks appeared personally and through his attorney F. Clayton Tyler; the Shakopee Mdewakanton Sioux (Dakota) Community through its Business Council appeared by and through their attorneys, Andrew M. Small and William J. Hardacker; also present was the Conservatee's mother, Mary Brooks, and Dr. R. Owen Nelsen. The Court having considered the evidence and being fully advised in the premises herein now makes the following:

1. That the hearing on the Petition for Conservatorship of the Estate of Dean Brooks was held at a special term of this Court at the Stillwater Prison, at Minnesota State Correctional Facility Stillwater, 970 Pickett Street North, Bayport, MN 55003.



2. The Shakopee Mdewakanton Sioux (Dakota) Community, through its Business Council, filed a Motion to Intervene in this matter on December 3, 1999. The Motion was filed pursuant to the Courts Rules of Civil Procedure 19(a) and 19(b). That the Conservatee, Dean Brooks, nor the Conservator, Larry Nerison, objected to the Motion on the part of the Community to Intervene.

3. The Conservatee, Dean Brooks, is the adult son of Petitioner, Larry Nerison and Mary Brooks.

4. The Conservatee, Dean Brooks, suffers from a major mental illness, schizophrenia, with mixed paranoid and disorganized features and suffers the effects of long term chronic alcohol and drug abuse; and is therefore lacking sufficient understanding or capacity to make or communicate responsible decisions concerning his financial estate or financial needs.

5. The Conservatee, Dean Brooks, has money and property which are being dissipated and expended for purposes other than the proper needs of the Conservatee for his care, treatment, support and welfare.

6. The Conservatee, Dean Brooks, is incapable of exercising his rights and powers to possess and manage his estate, collect all debts and claims in his favor or compromise them, to invest all funds not needed for current debts and charges.

7. The Conservatee is in need of a Conservator to protect his financial estate.

8. The Conservator, Larry Nerison, and Mary Brooks, the alternate Conservator, are among those available and willing to discharge the trust as the Conservator.



9. That the Conservator, Larry Nerison, and Conservatee's mother, Mary Brooks, together with advice of counsel, have determined that the sum of \$25,000.00 is the minimal amount of funds needed on a monthly basis to take care of the legal, medical and other necessities of the Conservatee. That the balance of funds that Conservatee, Dean Brooks, is entitled to as a member of the Mdewakanton Community shall be held in trust by the Shakopee Mdewakanton Sioux (Dakota) Community, by and through its Business Council until such time as proper demand is made by the Conservator for additional funds needed on behalf of the Conservatee.

10. That the Conservator has not sought the right to exercise dominion or control of the real estate owned the Conservatee.

#### **CONCLUSIONS OF LAW**

1. The Conservatee, Dean Brooks, is an incapacitated person lacking sufficient abilities to properly possess and manage his financial affairs.

2. A Conservator of the estate of Dean Brooks should be appointed with limitations on the amount of funds actually received by the Conservator from the Community.

#### **NOW THEREFORE, IS ORDERED:**

1. The Motion to Intervene by the Shakopee Mdewakanton Sioux (Dakota) Community by and through its Business Council is hereby granted.

2. That Larry Nerison be and hereby is appointed as Conservator of the estate of Dean Brooks.



3. That Mary Brooks is appointed as the alternate Conservator should Larry Nerison become incapacitated or is otherwise unwilling to carry on his responsibilities as Conservator over the estate of Dean Brooks.

4. The Letter of Conservatorship issue to Larry Nerison upon the filing of an Oath, without bond.


5. That the Conservator have the power and duty to:

- a. Possess and manage the estate, collect all debts and claims in favor of the Conservatee, or with the approval of the Court, compromise them, institute suit on behalf of the conservatee and represent the Conservatee in court proceedings, and invest all funds not currently needed for debts and charges and management of the estate.
- b. Pay out of the Conservatee's estate all just and lawful debts of the Conservatee.
- c. Pay the reasonable charges for the support, maintenance and legal and medical needs of the Conservatee in a manner suitable to the Conservatee's station in life and the value of his estate.

6. That the balance of the Conservatee's estate in excess of an allowance of \$25,000.00 per month paid by the Tribe to the Conservator shall remain in trust with the Shakopee Mdewakanton Sioux (Dakota) Community by and through kits Business Council.

Date: December 20, 1999

BY THE COURT,

  
Henry M. Buffalo, Jr., Judge