

1 STATE OF ILLINOIS )  
 ) SS:  
2 COUNTY OF C O O K )

3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
4 COUNTY DEPARTMENT, PROBATE DIVISION

5 IN THE ESTATE OF: )  
6 MARY SYKES, )  
 )  
7 a disabled person.) No. 09 P 04585  
 )

8 REPORT OF PROCEEDINGS had at the  
9 matter of the above-entitled cause, before the  
10 HONORABLE JANE STUART, Judge of said Court, on  
11 the 11th day of May, A.D., 2012.

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14 APPEARANCES:

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16 MR. PETER SCHMIEDEL and MS. AMANDA BYRNE,  
17 appeared on behalf of Guardian of the  
18 person, Carolyn Toerpe;

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21 MR. ADAM STERN,  
22 appeared as Guardian ad Litem.

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28 Sharon M. Rodrigo, CSR # 084-002233  
29 Official Court Reporter  
30 Circuit Court of Cook County  
31 County Department, Probate Division

1 THE CLERK: Sykes.

2 MR STERN: I apologize, your Honor. I was  
3 stuck at the bench for over an hour.

4 THE COURT: And who are you?

5 MR STERN: Adam Stern, one of the two guardians  
6 ad litem assigned to the case.

7 MS BYRNE: Amanda Byrne, B-y-r-n-e, attorney  
8 for the guardian, Carolyn Toerpe.

9 MR SCHMIEDEL: Peter Schmiedel,  
10 S-c-h-m-i-e-d-e-l, on behalf of Carolyn Toerpe as  
11 well.

12 THE COURT: All right. I, of course, don't  
13 have the file, and I didn't bring the order out  
14 with me. Who has the last order entered?

15 MR SCHMIEDEL: I can tell you why we are here.  
16 We are here for a status on the partition of the  
17 apportionment to set another date for the hearing  
18 on the apportionment and have the attorney testify  
19 and to hear the objections on the accounting that  
20 we presented in March.

21 We presented the accounting in March,  
22 rather, but you gave Ms Gloria Sykes an opportunity  
23 to file objections to the --

24 THE COURT: I did receive something.

1           MR SCHMIEDEL: We gave you a courtesy copy of  
2 the whole packet of her objections and our  
3 responses.

4           THE COURT: Here it is.

5           Now, I will note something. You have  
6 filed an amended second current account?

7           MS BYRNE: Correct, your Honor. There was just  
8 one small change from the initial second current  
9 account.

10          THE COURT: Her objections are to the amended  
11 third current account.

12          MR SCHMIEDEL: No, she's just wrong.

13          THE COURT: I don't doubt that, but I have to  
14 take note that that's how she has edited this. And  
15 that creates a problem.

16          MR SCHMIEDEL: Well, we haven't filed an  
17 amended third because we haven't filed a third.

18          THE COURT: Exactly.

19          MR SCHMIEDEL: So she responded to what she  
20 received, which was the amended second account.

21          THE COURT: All right.

22                 And assuming that this is mislabeled and  
23 these are the objections of the second amended  
24 current account, as I read this-- I wish she were

1 here.

2 MR SCHMIEDEL: We did respond to it.

3 THE COURT: Pardon?

4 MR SCHMIEDEL: We did file a response.

5 MS BYRNE: It's included in the packet.

6 THE COURT: Yes, you did.

7 Mr Stern, what position do you take on all  
8 this?

9 MR STERN: Judge, I have no objection to the  
10 second amended account, nor does Ms Farenga.

11 THE COURT: Here's the thing, she's not here.  
12 I can't believe this was set for argument today.

13 MR SCHMIEDEL: Absolutely, Judge. It was set  
14 in March when you gave her the opportunity to file  
15 the objections.

16 THE COURT: I mean for argument -- this was  
17 set for argument.

18 MR SCHMIEDEL: It was set to deal with the  
19 objections on the accounting.

20 THE COURT: Okay. She is not here.

21 MR SCHMIEDEL: She knows about the court date.

22 THE COURT: The matter was set for 10 o'clock.

23 MR SCHMIEDEL: Yes, it was.

24 THE COURT: The fact that she filed a response

1 indicates that she knew that today was the date for  
2 this matter to be considered.

3 MR SCHMIEDEL: She did. And she sent an e-mail  
4 to us. I don't know whether or not she sent an  
5 e-mail to you.

6 THE COURT: Yes.

7 MR SCHMIEDEL: She sent an e-mail to us  
8 indicating that she had some other pressing matters  
9 to attend to and would not be here today.

10 We don't know of any other court  
11 appearance she has. She does have a filing that is  
12 due in the Bankruptcy Court, but there are no other  
13 pending court dates that we are aware of.

14 But she sent us an e-mail saying she would  
15 not be here today and was requesting a continuance.  
16 But I don't think she deserves a continuance. The  
17 objections are frivolous and baseless. There's no  
18 reason for us to delay these proceedings because  
19 Ms Sykes voluntarily does not wish to attend to the  
20 matters before this Court.

21 THE COURT: Counsel?

22 MR STERN: Your Honor, today's court date was  
23 set by court order.

24 THE COURT: Long ago.

1           MR STERN:  Gloria Sykes was present when the  
2           court order was set.  I believe the e-mail that  
3           counsel is referring to mentions that there is a  
4           court date in Bankruptcy which, again, no one else  
5           is aware of any other court date.  There was no  
6           written motion for a continuance filed on her  
7           behalf.  Nothing was presented to the Court asking  
8           for a formal continuance.

9           We keep delaying matters over and over  
10          again on various issues on this case where we  
11          have -- We are in this Court almost monthly on  
12          different issues.  At some point it needs to stop,  
13          and there needs to be rulings and things moved  
14          ahead and start to -- we keep getting -- What  
15          happens is we enter into this; and then we get too  
16          many things on one court date, and we don't get to  
17          everything.

18          And it does Mary Sykes her estate --

19          THE COURT:  Does nothing.

20          MR STERN:  No justice.  It doesn't help.  So  
21          I--

22          THE COURT:  Let me go through her objections,  
23          if I may.

24          The objections are to, quote, to continue

1 her ongoing objections to the Court proceeding as  
2 to the appointment of the guardian. Noted, and I  
3 have found them to be without merit in the past.

4 The first objection is that she objects to  
5 the guardian being able to file everything because  
6 of some pending verified petition. I will note  
7 that on the Court's -- I need to check this. I  
8 would like for you to pull up 09 P 4885.

9 There was a petition at 555 West Harrison.  
10 When you look under the name of Mary Sykes, there  
11 is a case, this case, 09 P 4585 assigned to  
12 calendar 15, this calendar. I do not see any  
13 transfer of any other case, namely, the petition  
14 for the order of protection, being assigned to now  
15 the probate division as part of this case. I feel  
16 it's important to make that observation because  
17 that case has not been transferred to me and is  
18 not therefore on my call and available for this  
19 court to consider.

20 I note that in her objection she speaks  
21 of -- this is in paragraph two on page 2. She  
22 speaks of some DVDs, letters in caps, that are  
23 posted on the Internet. I don't know what that is;  
24 and I certainly don't go to the Internet. It would

1 be improper for me to go to the Internet and other  
2 sources to try and find information about this  
3 case.

4 She objects again that the estate is  
5 larger -- is mischaracterized in the inventory and  
6 has continued to be mischaracterized. It is her--  
7 and we spent many sessions trying to figure out  
8 what she was speaking of because she speaks of  
9 certain cash, jewelry, collectibles, gold and  
10 silver coins, et cetera.

11 As I read this, I remembered that I had  
12 asked her many times to please advise the guardian  
13 where these items were so that they could be found  
14 and then properly inventoried.

15 It later turned out that this was a  
16 supposition on her part and an assumption that they  
17 existed and that they were just not being included.

18 She mentions that to her mind no cost  
19 should be paid for drugs and medical care for Mary  
20 Sykes.

21 To your knowledge, does the medical care  
22 that -- insurance, I should say, that's available  
23 and rights to any Medicare payments, would they  
24 completely pay for all monies due?



1           MR SCHMIEDEL: No, Judge, that's not my  
2 understanding. But the expenditures on the  
3 accounting were necessary to pay for Mary Sykes.

4           In fact, my client and her husband have  
5 come out of pocket to pay much of her expenses  
6 because her estate is dwindling down to nothing.

7           THE COURT: Yes. And we have a chart -- She  
8 mentioned the dental work. And she thinks that  
9 there was a payment for \$4,000.

10          MS BYRNE: That came out of pocket of Karen  
11 Toerpe, your Honor. She did have that work  
12 performed, but there were insufficient assets.

13          THE COURT: Thank you.

14          Mr Stern had filed a fee petition which  
15 was allowed.

16          MR STERN: Actually, it wasn't even a fee  
17 petition. It was just reimbursement for some costs  
18 that were expended. It was not even for legal  
19 fees.

20          THE COURT: And earnings from assets believed  
21 to be \$1 million. I have no idea where that is.

22          MR SCHMIEDEL: That is fiction, Judge.

23          THE COURT: I think it's her -- She says that  
24 Ms Sykes owns real estate at 6014 North Avondale.

1 Is that the house that's owned in trust?

2 MR SCHMIEDEL: Yes.

3 THE COURT: So that would not be part of this  
4 accounting.

5 In four now, the first full paragraph, it  
6 indicates that the guardian often double paid the  
7 mortgage; did not report half the mortgage paid  
8 directly to Bank of America was paid by Gloria Jean  
9 Sykes.

10 That is not what the accounting is for.  
11 The accounting is not what other people did; but  
12 rather, what has come out of the estate of the  
13 ward.

14 I don't know what she's trying to  
15 accomplish with this next to last paragraph. And  
16 then she speaks of a care plan which is not  
17 appropriate here. There's a writing addressed to  
18 me where there's some expenses that were paid out  
19 of Ms Sykes', the ward's estate, for the property  
20 at 6014.

21 MR SCHMIEDEL: I don't know what she's  
22 referring to, Judge. The only thing my client is  
23 trying to do is stay above water here.

24 THE COURT: I am going to approve the second --

1 the amended second accounting over the objections  
2 of Gloria Sykes.

3 I find her objections to be without  
4 validity and that the accounting is properly  
5 prepared.

6 MR SCHMIEDEL: Thank you, Judge.

7 There's two other issues. We need to set  
8 another date for the continued hearing on the  
9 apportionment.

10 THE COURT: I thought we had.

11 MR SCHMIEDEL: No. We were going to do that  
12 today. We needed Dr Shaw's dates.

13 THE COURT: I took in the report on the ward  
14 previously?

15 MR SCHMIEDEL: Yes.

16 THE COURT: Go ahead.

17 MR SCHMIEDEL: He's available any time after  
18 the 28th of June.

19 (Discussion had off the record.)

20 MR SCHMIEDEL: I'm sure if you give him a date  
21 in July, that will be fine.

22 THE COURT: Okay, 6th of July at 2 o'clock.

23 MR SCHMIEDEL: There is one other issue on the  
24 apportionment. I have been trying to get consent

1 of Chase who holds the mortgage on the house at  
2 6016 to come in. The lawyer is trying to get them  
3 to consent to come in. It's really in their  
4 benefit to come in because if there is  
5 apportionment -- to get their money.

6 I would like to ask leave to amend the  
7 petition action to include them and then to serve  
8 them to get them in so we don't have to waste any  
9 more time.

10 THE COURT: I think that would be appropriate,  
11 and it would be inappropriate not to include them.

12 MR SCHMIEDEL: That's fine, Judge.

13 MR STERN: Thank you, your Honor.

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1 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
2 COUNTY DEPARTMENT - PROBATE DIVISION  
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5 I, Sharon Rodrigo, an Official Court Reporter for  
6 the Circuit Court of Cook County, County  
7 Department/Probate Division, do hereby certify that  
8 I reported in shorthand the proceedings had at the  
9 hearing in the above-entitled cause; that I  
10 thereafter caused the foregoing to be transcribed  
11 into typewriting, which I hereby certify to be a  
12 true and accurate transcript of the proceedings had  
13 before the Honorable Jane Stuart, Judge of said  
14 Court.  
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18

19 Sharon M. Rodrigo  
Official Court Reporter

20 C.S.R. No. 84-2233  
21  
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23 Dated this 10th day  
24 of July 2012.