

2011

Jennifer Tempfer v. William (Bill) Peterson II : Brief of Appellant

Utah Court of Appeals

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Bill O. Heder; Macarthur, Heder, and Metler, PLLC.; Counsel for Appellee.

William D. Peterson; Pro Se.

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IN THE UTAH COURT OF APPEALS

JENNIFER TEMPFER, !

Petitioner and Appellee, !

vs. !

Case No. 20110462-CA

WILLIAM (BILL) PETERSON II !

Respondent and Appellant !

BRIEF OF APPELLANT

APPEAL FROM THE FOURTH DISTRICT COURT, MILLARD COUNTY
STATE OF UTAH, FROM A CONVICTION OF BEING A STALKER
BILL WAS ORDERED NOT TO GO TO RUTH'S HOME
RUTH W. STEVENS IS HIS (BILL'S) FIANCEE
BILL & RUTH ARE FRIENDS OF 65+ YEARS
RUTH HAS ASSIGNED POA FOR HER TO BILL

Bill O. Heder, Esq.
Macarthur, Heder, & Metler, PLLC.
3319 North University Ave.
Provo, Utah 84604
Tel 801-377-1900, Fax 801-377-1901

Heder is counsel for appellee Jennifer Tempfer
Jennifer Tempfer asserts Guardianship
for Ruth W. Stevens

William (Bill) D. Peterson
68 W Malvern Ave
Salt Lake City, Utah 84115
Tel 801-487-0786
Email: engineer.peterson@gmail.com

Peterson asserts POA for Ruth W Stevens,
writes for Ruth and himself

January 17, 2012

i or

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TABLE OF CONTENTS

TABLE OF AUTHORITIES	2
CONTRTOLLING STATUTORY PROVISIONS	3
JURISDICTION OF THE UTAH COURT OF APPEALS	4
ISSUES PRESENTED AND STANDARDS OF REVIEW	4
NO CAUSE OF ACTION, DOUBLE JEOPARDY ATTEMPT.....	8
STATEMENT OF THE CASE	14
STATEMENT OF FACTS	16
SUMMARY OF ARGUMENT.....	17
ARGUMENT.....	18
ENTRAPMENT	18
ENTRAPMENT of Bill by Jennifer	20
ENTRAPMENT of Court	26
DOUBLE JEOPORTY of Court	29
CONCLUSION, WHAT IS BEST FOR RUTH, WHAT BILL WANTS	31

TABLE OF AUTHORITIES

- a) Utah Code 2006 Utah Code - 78-38-1 Right of action for - - Judgment 2
- b) Mistrial law, Rights of not trial, damages per **Title 42 U.S.C. ' 1983**
..... 454) pg, 657) pg 25
- c) Racketeering - - **RICO** thievery, 326) pg 14, 641) 641) pg 27
- d) Article I - peaceably assemble, friendship, call me, speech courtship,
engagement 18), 19) pg 4, 31) pg 5, 650) pg 25,
- e) Article IV - probable cause, **U.S. Constitution Article III, Sect 2. (1)**,
82) pg 6, 183) pg 10, 186) pg 10, 347 pg 15, 404) pg 17, 453) pg 19, 656 pg 25).

- f) Article V – **double jeopardy** . . 14) pg 4, 120), 147) pg 8, 426) pg 18, 453) pg, 597) pg 24, 19, 597) pg 19, 760 & 765 pg 31, **entrapment** . .463) pg 19.
- g) Article VI – accusation for criminal prosecution, witnesses, counsel, **Miranda**,
..... 733), 737) pg 30,
- h) Article VII – **Jury trial**, no re-examination, no double jeopardy,
- i) Article VIII, excessive fines, no **cruel excessive**
- j) Article IX – **retained rights**, Article X - people's powers and rights
- k) Article X – powers reserved to the people, (**POA**) 55) pg 5, 63) pg 6, 105), &111) pg 7, 129) pg 8, 131), 136), & 137) pg 8, 153), 155) pg 9, 199) pg 10, 236), 240) pg 11, 244), 251), 253), 257) & 279) pg 12, 282), 284) PG 13. 320), 337) PG 14, 343), 346) pg 15, 383), 385), 387), 388), 394) pg 16, 413 pg 18, 609) 617), 622), 624) pg 24, 646), 648), 650) pg 25, 672), 677), 690), 691), & 703) pg 26, 648), 649) pg 27, 685), **687), 689)** pg 28, 703), 709), 7220 pg 29,
- l) Article XIV **Due Process, Equal Protection**, friendship, call me, courtship, engagement, **marriage** 297) pg 13, 379) pg16, 481) pg 18.

CONTRTOLING STATUTORY PROVISIONS

- m) **Bill's Power of Attorney (POA)** for Ruth, Bill and Ruth's "engagement" to be married status, without controversy per U.S. Constitution Article III,
- n) per U.S. Constitution Article III, Sect 2. (1), **mistrial, double jeopardy, Miranda, rights to counsel and Witnesses**
- o) **MISTRIAL**: a trial that has no legal effect by reason of some error or serious prejudicial
- p) **Entrapment** of Jennifer and Entrapment of the trial courts in Cases 113700001 & 110700059
- q) **Missing trial records**, missing written questions from the Court, missing Bill's written answers.
- R Innocent until proven guilty, Bill was never charged with doing anything wrong Bill was never found guilty of doing anything wrong. **No cause of Action, without controversy per U.S. Constitution Article III, Sect 2. (1),**
- s) **Misconduct** in the proceedings, Peterson Moves to find for a MISTRIAL

IN THE UTAH COURT OF APPEALS

JENNIFER TEMPFER,
Petitioner and Appellee,

vs.

WILLIAM (BILL) PETERSON II
Respondent and Appellant

!

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Case No. 20110462-CA

BRIEF OF APPELLANT

* * * *

JURISDICTION OF THE UTAH COURT OF APPEALS

¹¹⁾In this COA Case No. 20110462-CA, ¹²⁾this Court “NOW” has appellant jurisdiction in this matter pursuant to the provisions of Utah Code Annotated § 78A-4-103(2)(e).

ISSUES PRESENTED AND STANDARDS OF REVIEW

¹³⁾**No cause of action,** ¹⁴⁾**Double Jeopardy attempt,**
¹⁵⁾**In Brief**

¹⁶⁾William (Bill) D. Peterson and Ruth W. Stevens have been close friends for over 65 years. ¹⁷⁾Now Bill and Ruth are “engaged” to be married. ¹⁸⁾Their “engagement” is their relationship.

¹⁹⁾Engaged at Dictionary.com adjective 1. ²⁰⁾busy or occupied; involved: deeply **engaged** in conversation. 2. ²¹⁾pledged to be married; ²²⁾betroted: ²³⁾an **engaged** couple. 3. ²⁴⁾under **engagement;** ²⁵⁾pledged).

26) In other words, 27) Ruth and Bill have an agreement and set terms for seeing each other. 28) Their right to see each other is protected by the 14th Amendment.

29) Ruth's granddaughter Jennifer Temper has been somewhat caring for Ruth for several years. 30) Jennifer objects to Bill and Ruth getting married. 31) She is intent on breaking up Ruth and Bill's current "engagement" relationship.

32) A little over a year ago, 33) Bill began seeing Ruth again, 34) renewing their relationship. 35) They got deep into ****PERSONAL**** areas that before, 36) between them had been only skimpy issues. 37) For ****PERSONAL**** reason[s] Ruth does not sleep at night. 38) This is a serious medical condition. 39) Today, 40) at this time, 41) only Bill knows Ruth's underlying problem, 42) but with Ruth, 43) they have worked out a solution[s], 44) and can fix Ruth's inability to sleep problem.

45) Not very long ago Ruth did extensive traveling in Europe and since then has broken a hip that required a lengthy convalescing recovery. 46) Jennifer took somewhat charge of Ruth's bill paying during these times. 47) Now she does not want to give up overseeing Ruth's money. 48) In Jennifer's overseeing of Ruth's money, 49) Ruth's Social Security payment income is missing. 50) Bill has asked Jennifer to account for Ruth's S.S., 51) but Jennifer has not provided an accounting for Ruth's S.S. income. 52) She has not explained where it is going, 53) or where it has gone. 54) To work on and fix Medical and Money issues, 55) Ruth and Bill agreed to set Bill up with Power of Attorney (POA) for him to be in charge

of Ruth's medical-health and money issues. ⁵⁶⁾They revoked any Trustee status that Jennifer may have. ⁵⁷⁾Ruth and Bill do not know if Jennifer actually had any. ⁵⁸⁾Some time ago, ⁵⁹⁾Jennifer was entrusted to hold \$40,000 for Ruth while Ruth traveled in Europe. ⁶⁰⁾Since Ruth's trim Jennifer has refused to return Ruth's \$40,000. ⁶¹⁾Jennifer is not trustworthy and so cannot be Ruth's guardian. ⁶²⁾Bill has learned and knows how and can fix Ruth's sleep needs. ⁶³⁾So overseeing Ruth for her medial problems and money matters are POA functions that Bill has been doing. ⁶⁴⁾They are two things that only Bill can do for Ruth.

⁶⁵⁾In a ****PRIVATE**** matter filed January 4th, 2011, ⁶⁶⁾in 4th District Court Case No 113700001, ⁶⁷⁾before Judge James M. Brady, ⁶⁸⁾Jennifer filed for a Court ordered guardianship over Ruth, ⁶⁹⁾in spite of the stipulation by Ruth and Bill, ⁷⁰⁾that Jennifer is not to have any position of trustee over Ruth. ⁷¹⁾In the docket of Case No. 11370001 Bill was listed as an "other party", ⁷²⁾but was never served a complaint in the matter. ⁷³⁾Bill would have been the defendant. ⁷⁴⁾However file a petition to intervene not knowing he was apparently listed as the defendant. ⁷⁵⁾The pleadings that Bill did file in the case were stricken March 30, 2011, ⁷⁶⁾on July 8th 2011, ⁷⁷⁾Judge Brady ordered that Peterson was not a party in the case. ⁷⁸⁾June 15, 2011, the docket records ****PRIVATE**** Filed: Guardian and Conservator Certific. (*assume Certificate*) ⁷⁹⁾No record of distribution of the order of a Jennifer assignment of Guardianship is shown on the Docket. ⁸⁰⁾The case matter is permanently flawed with no defendant, ⁸¹⁾and no party of controversy, ⁸²⁾per U.S. Constitution Article III, Sect 2. (1).

⁸³) So done in secret, ⁸⁴) Jennifer has attempted to set herself up with Guardianship for Ruth. ⁸⁵) To do this, ⁸⁶) and at the same time ⁸⁷) keeping her control of Ruth, ⁸⁸) while trying to make herself a legitimate guardian, ⁸⁹) to make her locking up of Ruth in the mean time legitimate, ⁹⁰) Jennifer has forced and kept Ruth into lockdown either at Jennifer's home in Salt Lake City, ⁹¹) or Ruth's home in Fillmore, ⁹²) for the past year. ⁹³) January 4, 2011. ⁹⁴) When Bill tried to obtain Ruth from Jennifer's home Jennifer tried to entrap Bill into a charge of trespass. ⁹⁵) On February 24th 2011, ⁹⁶) Jennifer succeeded to (⁹⁷)unlawfully ?) entrapping Bill, ⁹⁸) at Ruth's home in Fillmore.

⁹⁹) In the Fillmore Justice Court, ¹⁰⁰) in Case No. **111200013 MO** , ¹⁰¹) Bill was charged with Criminal Trespass, ¹⁰²) He was incarcerated in Jail, ¹⁰³) and released after posting bail of about \$600. ¹⁰⁴) On February 25th, 2011, ¹⁰⁵) Bill appeared before Judge Stanley Robison and asserted him self as having Power of Attorney (POA) for Ruth ¹⁰⁶) and asserted that he was at Ruth's the day before in conjunction with her medical issues. ¹⁰⁷) Bill has never seen any proof that Jennifer has Guardianship over Ruth. ¹⁰⁸) If he had he would have objected. ¹⁰⁹) Anyway, ¹¹⁰) POA would trump Ruth's Guardianship. ¹¹¹) Bill was released. ¹¹²) On March 30, 2011, ¹¹³) Judge Robison dismissed Case No. 111200013 MO., ¹¹⁴) on a recommendation of the Prosecuting Attorney.

¹¹⁵) On March 9th, 2011, ¹¹⁶) Bill was requested to attend a hearing in 4th District Court Case **No. 110700059**, ¹¹⁷) before Judge James M. Brady. ¹¹⁸) Apparently Jennifer attempted to charge Bill with stalking Ruth relative to the

February 24th, 2011, ¹¹⁹)incident in which she charge Bill with trespassing.
¹²⁰)With the new charge of Stalking this is/was Double Jeopardy, ¹²¹)and unlawful.

¹²²)Jennifer's Guardianship was never perfected, ¹²³)at least certainly not
perfected by the time of the February 24, 2011 incident. ¹²⁴)Again, ¹²⁵)Bill has
never seen any proof that Jennifer has Guardianship over Ruth. ¹²⁶)Again, ¹²⁷)If
he had he would have objected. ¹²⁸)Anyway, ¹²⁹)POA would trump Ruth's
Guardianship

¹³⁰)Jennifer did not have legal control of Ruth's property. ¹³¹)But would
have with his POA. ¹³²)Here again, ¹³³)Bill has never seen any proof that Jennifer
has Guardianship over Ruth. ¹³⁴)If he had he would have objected, ¹³⁵)stopping it.
Anyway, ¹³⁶)POA would trump Ruth's Guardianship. ¹³⁷)Bill's POA for Ruth would
have trumped Jennifer's Guardianship. ¹³⁸)Bill has never stalked Ruth. ¹³⁹)Their
relationship is defined as "engaged" above. ¹⁴⁰)In the hearing Judge Brady
limited the 4th District Court Case No. 110700059 -- THE COURT: ¹⁴¹)" I think
I've already ruled that **what happened before the guardianship is not
relevant to this hearing**". Ruth on Tape pg 29, lns 16 & 19; pg 40, ln 24

Q ¹⁴²)Okay. ¹⁴³)Bill: ¹⁴⁴)So - - so what you're saying is that everything
you've said about her (her) being upset then is not relevant. ¹⁴⁵)**NO**
GUARDIANSHIP, ¹⁴⁶)**NO CASE by Court's stipulation.**

¹⁴⁷)**No cause of action, Double Jeopardy attempt**
¹⁴⁸)**In Detail**

¹⁴⁹)Bill is not stalking Ruth. ¹⁵⁰)The Justice Court accepted Bill's defense
and dismissed the complaint initiated by Jennifer, ¹⁵¹)that Bill was wrongfully

being at Ruth's and was trespassing. ¹⁵²⁾Still Bill and Ruth are kept from seeing each other.

¹⁵³⁾A year ago in mid December Ruth and Bill designated that Bill have Power of Attorney (POA) for her. ¹⁵⁴⁾When they did this, ¹⁵⁵⁾in the POA designation instrument they wrote in that Jennifer was not no longer had any position of Trustee over Ruth, ¹⁵⁶⁾if she had any, and hence forth she was not to have any Trustee position over Ruth.

¹⁵⁷⁾In a January 2011, ¹⁵⁸⁾Jennifer filed case No.113700001 in the 4th District Court for a Court ordered Guardianship over Ruth. ¹⁵⁹⁾Jennifer listed Bill an "other party". ¹⁶⁰⁾Ruth's daughter Roselyn is also named as "other party". ¹⁶¹⁾Bill was served no pleading[s], ¹⁶²⁾not even the complaint, ¹⁶³⁾nothing. ¹⁶⁴⁾However Bill did learn of the case. ¹⁶⁵⁾And He did file a motion to intervene. ¹⁶⁶⁾He did not know that his name was already in the record as "other party". ¹⁶⁷⁾The motion[s] he made are not in the Record. ¹⁶⁸⁾All the pleadings that Bill filed were stricken from the case files. ¹⁶⁹⁾Bill was deleted as a party. ¹⁷⁰⁾From the Docket it reads:

¹⁷¹⁾03-03-11 *****PRIVATE***** Filed Order appointing Limited Guardian

¹⁷²⁾03-30-11 *****PRIVATE***** Filed Order Striking Pleadings Judge:

¹⁷³⁾Bill believes that it was here that his pleadings were struck from Case No. 113700001.

¹⁷⁴⁾06-15-11 *****PRIVATE***** Filed: Notice of Right to Object – Jenni & - Rosly,

¹⁷⁵⁾*see that there was **NO Bill.*** Rosly – (living adopted daughter of Ruth)

¹⁷⁶⁾06-15-11.*****PRIVATE***** Filed: Guardian and Conservator Certifi.

¹⁷⁷⁾*Certificate?*

¹⁷⁸⁾07-08-11 *****PRIVATE***** "William Peterson deleted, he is not a party to the case"

¹⁷⁹⁾**Bill's being deleted** left 4th District Case No. 113700001 without a defendant. ¹⁸⁰⁾**This left 4th District Case No. 113700001 without a defendant**

and controversy. ¹⁸¹Without a controversy, ¹⁸²no court could lawfully see the matter. ¹⁸³Ref U.S. Constitution Article III, Sect 2. (1). ¹⁸⁴Bill moves that 4th District Case No. 113700001 be declared void and found to be a mistrial. ¹⁸⁵Otherwise it needs to be seen in the U.S. District Court, ¹⁸⁶for unconstitutional treatment of Bill and Ruth per U.S. Constitution Article III, Sect 2. (1). .

¹⁸⁷So Bill's actual first personal and legal involvement in these three cases occurred when he went to Fillmore on February 24, 2011. ¹⁸⁸He was met at Ruth's door by Myka Steven, ¹⁸⁹a 100 pound, ¹⁹⁰19 year old mite, ¹⁹¹granddaughter of Ruth through her deceased (adopted).son Randy ¹⁹²Myka and Jennifer are 1st cousins. ¹⁹³Ruth and Wally Stevens adopted three children, ¹⁹⁴Robin (deceased) was the oldest, ¹⁹⁵Next was Randy (also deceased), ¹⁹⁶his wife and children live in Kamas, Utah, ¹⁹⁷the third child daughter Roslyn lives in Murray, Utah.

¹⁹⁸Bill was told that he could not see Ruth. ¹⁹⁹Bill explained to the Justice Court that he has POA for Ruth, ²⁰⁰and needed to see her in regards to some matters. ²⁰¹Myka told Bill that if he did not leave that she would call in the Police, ²⁰²and Bill agreed that they should be called in. ²⁰³Bill said that if you (Myka) don't call them, ²⁰⁴I will. ²⁰⁵Ruth lives on 3 acres of ground. ²⁰⁶Bill waited beyond the driveway, ²⁰⁷on the corner of Ruth's property. ²⁰⁸He was not told to that he should not be on the property until a Policeman arrived. ²⁰⁹Bill did not know that it was unlawful for him to remain where he was until the police arrived. ²¹⁰After all, ²¹¹when the police are called into the scene of an accident, ²¹²it would not be proper for someone involved in crime of any sort to leave the scene

before the police arrive? 213) He was accused and he denied, 214) and he asked for the police. 215) Wouldn't it be the same for any fight? 216) Is not leaving the scene of a crime unlawful? 217) The same for an argument? 218) So what is the difference when someone objects to your being there? 219) Bill was confronted. 220) Wouldn't it have been improper for him to leave?

221) Probably Myka told the Officer and Bill overheard that Jennifer had Guardianship status over Ruth. 222) That was wrong. 223) Not true. 224) In the hearing, 225) the Court asked when it was the Jennifer had Guardianship. 226) In the hearing Judge Brady said:

227) And towards the bottom, 228) the police report indicates that there was a conversation regarding this matter, 229) and it discusses the guardianship. 230) The officer apparently reported: 231) It was my understanding the guardianship wasn't in place until the 1st of March?, 232) see transcript of trial pg 35, ln 16 – 18

233) See Bill's prior pleadings and there attachments. 234) In writings is says that the date of guardianship for someone is not effective to a person who needs to know until that person is officially informed of the appointment. 235) For example, 236) if Jennifer's Guardianship were to trump Bill's POA (237) but it won't), 238) that change would not be effective to Bill until he is officially notified of the Guardianship appointment of Jennifer. 239) In actuality, 240) It wouldn't make any difference to Bill because his POA trumps Guardianship for things for Ruth. 241) Actually Bill herein now notifies that he and Ruth have objected to Jennifer ever having any trustee position over Ruth, 242) so he hereby notifies Jennifer's that her purported Guardianship is void, 243) if it needs to be done. 244) And if Bill

can do it with his POA? 245) Jennifer was excluded by Bill and Ruth for any position of trustee over Ruth, 248) Jennifer is not trustworthy. 249) so her status as Ruth's Guardian is void. 250) If necessary, 251) made void by Bill with POA for Ruth.

252) At that time, 253) it was Bill's understanding that POA trumped Guardianship. 254) In a writing Bill has found that it does. 255) Still Bill was taken into the Fillmore Jail for "Criminal Trespass". 256) Bill put up bail of about \$600 bond to be released from jail. 257) He attended a hearing the next morning where he explained that he had POA for Ruth, 258) and that he needed to see Ruth for her medical problem of not being able to sleep at night. 259) Bill asked that he have an attorney. 260) An attorney was denied for Bill. 261) Bill ask for a Jury trial, 262) that was denied. 263) In time the Judge Robison did dismissed charges against Bill, 264) and his bail money was eventually returned.

265) Then, 266) almost three months later, 267) Bill was requested to be at a hearing in Fillmore on May 9th, 2011. 268) There Bill was introduced to 4th District Court Case No. 110700059, 269) again before Judge James Brady. 270) Bill does not recall being charged with anything wrong. 271) Bill ask if he had done something wrong and when and what. 272) This question was never answered. 273) He was questioned heavily about the February 24th incident already seen by Judge Robison. 274) At that time, 275) as far as Bill knew, 276) the Fillmore Justice Court matter had not been appealed or transferred to another court, 277) or even if it could have been.

278) To get Bill out of Ruth's life and gain dominance over Ruth, 279) Jennifer has tried to do an end-run around Bill's POA in 4th District Court Case No.

113700001, ²⁸⁰⁾and get that Court to assign Guardianship of Ruth to her-Jennifer.
²⁸¹⁾It's futile, ²⁸²⁾POA trumps guardianship. ²⁸³⁾Judge Brady said that he did not
know if it did.. ²⁸⁴⁾The Court did know that POA trumps Guardianship. ²⁸⁵⁾That is
exactly what 4th District Court Case No. 113700001 was all about. ²⁸⁶⁾Both
matters before Judge Brady. ²⁸⁷⁾The Court is prejudice. ²⁸⁸⁾The Court lied.
²⁸⁹⁾The Court with Jennifer manufactured a Fraud!

²⁹⁰⁾Jennifer does not have a cause of action against Bill. ²⁹¹⁾Jennifer
claims that Bill's courtship of Ruth is upsetting Ruth. ²⁹²⁾That is wrong, ²⁹³⁾Ruth
and Bill like being together. ²⁹⁴⁾They want to be together. ²⁹⁵⁾They are engaged
to be together ²⁹⁶⁾It is Jennifer's taking Ruth away from Bill and locking Ruth up
and controlling the telephone so that Bill and Ruth cannot see each other or talk
is what is upsetting Ruth.

²⁹⁷⁾Courtship and marriage is a U.S. Constitutional right per the 14th
Amendment. ²⁹⁸⁾The right to talk to each other is 7th Amendment issue. ²⁹⁹⁾If
Jennifer is upset about Ruth and Bill's courtship and wants to intervene she will
have to do that in Federal Court, ³⁰⁰⁾and try to get around the 14th Amendment.

³⁰¹⁾At the beginning of the hearing Judge Brady gave a questioner about
stalking to Bill and told him to fill it out, i.e. ³⁰²⁾answer the form. ³⁰³⁾Bill did as the
Court asked. ³⁰⁴⁾Then reading it, ³⁰⁵⁾Bill's answers made it conclusive that Bill
was not a stalker. ³⁰⁶⁾During the trial Bill inquired about the conclusions of the
questioner. ³⁰⁷⁾Judge Brady ignored or dodged Bill's question. ³⁰⁸⁾The
questioner is now missing from the file. ³⁰⁹⁾It was not in the file when it was
delivered to the Court of Appeals from Fillmore. ³¹⁰⁾It is not in the file back in

Fillmore now. 311) The missing evidence requires that Case No 110700059 to be ordered to be a mistrial.

312) No prosecuting attorney conducted the trial. 313) Bill was not afforded an attorney, 314) as he requested. 315) Judge Brady asked meandering questions. 316) The Judge did not answer Peterson's questions, 317) like, 318) what did he (Bill) do wrong? 319) And when did he do something wrong? 320) Does not POA trump Guardianship. 321) Bill was not afforded any witness in his behalf. 322) Bill did have many recorded messages from Ruth that clearly indicated that Ruth wanted Bill to come to her. 323) And Bill had a recorded message from Ruth's Doctor which clearly showed that he did not know what was causing Ruth not to be able to sleep.

324) **Judge Brady was clearly prejudiced against Bill, 325) in both cases 113700001 and 110700059. 326) Bill asserts for RICO. 327) In the trial, 328) Bill should have been afforded a jury, 329) and witnesses in his behalf. 330) He should at least have been allowed to present the evidence that he did have: 331) the tape of phone calls from Ruth and 332) phone message from her Doctor.**

333) STATEMENT OF THE CASE

334) Ruth's Granddaughter has Ruth confined to keep her and Bill from getting married. 335) Jennifer wants' Ruth's money. 336) Ruth and Bill want freedom from Jennifer. 337) Ruth has given Bill Power of Attorney (POA) for her to Bill. 338) Only Bill knows the root of Ruth's 50 year old medical problem that keeps her from sleeping at night. 339) It is very ****PRIVATE**** and Ruth has only shared the problem with Bill. 340) Bill has this problem controlled.

³⁴¹⁾There are a lot of unexplained and uncontrolled funds that have gone out of Ruth's Zion's checking account. ³⁴²⁾Bill initiated switching control from Jennifer back to Ruth. ³⁴³⁾Jennifer has resisted this and has tried to make an end-run around Bill's POA and become assigned to be Ruth's Guardian. ³⁴⁴⁾The 4th District **Court wrongly overstepped Bill's POA.** ³⁴⁵⁾The Court has sided with Jennifer to try to separate Bill and Ruth and destroy their relationship.

³⁴⁶⁾Ruth and Bill's assignment of POA is an issue between only them, ³⁴⁷⁾so per U.S. Constitution Article III, Sect 2. (1) ³⁴⁸⁾it cannot be seen by 4th District Court Judge James Brady. ³⁴⁹⁾To establish a controversy Jennifer is blaming Bill for up-setting Ruth. ³⁵⁰⁾It is **Jennifer that is upsetting Ruth,** ³⁵¹⁾not Bill. ³⁵²⁾With Bill's fix, ³⁵³⁾Ruth upset problem will be gone. ³⁵⁴⁾With Bill, ³⁵⁵⁾Ruth will be sleeping soundly at night.

³⁵⁶⁾Bill and Ruth are "engaged" to be married. ³⁵⁷⁾Accusing Bill of stalking Ruth is a phony excuse to try to separate them. ³⁵⁸⁾"ENGAGED" defines Bill and Ruth's relationship, ³⁵⁹⁾they do not threaten each other.

³⁶⁰⁾For removing Bill's answered questionnaire in the 110700059 case, ³⁶¹⁾and for the Court's striking Peterson's pleadings in the 113700001 Case after the case began with Peterson listed as an "other party", ³⁶²⁾that makes any judgment relative to Bill biased. ³⁶³⁾**Judge Brady shows a clear prejudice against Bill in both case matters,** ³⁶⁴⁾so both of those cases must be **declared a mistrial.**

365) At issue is Bill and Ruth's right to be engaged to be married, 366) which is a 14th Amendment privilege. 367) At issue is Bill and Ruth's rights to court each other, 368) be together, 369) and be able to talk to each other directly in person and on the telephone: 370) At issue is Bill's right to attend to Ruth, 371) to help her with her medical issues, 372) and to help her with anything else Ruth or Bill see or say that Ruth might need or want. 373) Bill and Ruth have always been very good friends. 374) They are very compatible. 375) Put together they are as happy as love birds. 376) Apart they bawl like a couple of new calves lost from their mothers.

377) STATEMENT OF FACTS

378) Bill and Ruth are committed to each other, 379) and committed to have a marriage. 380) Their relationship goes back 65+ years. 381) Bill wants to give Ruth what she needs and wants. 382) They have always had a fondness for each other that was not realizeable before. 383) Bill and Ruth share rightful POA of Bill for Ruth. 384) The U.S. 14th Amendment allows them to be together being married.

385) To fix things Ruth has given POA to Bill. 386) Jennifer wants Ruth's assets and so does not want to yield over control of Ruth's finances. 387) Jennifer is trying to go around Bill's POA with an attempt to get Guardianship of Ruth. 388) Bill has POA, 389) **Jennifer's attempt to get Guardianship is not perfected.** 390) Before coming here, 391) three courts have been trying to see this matter. 392) Feb 24th, 2011, 393) Bill tried to see Ruth at her home.

394) Bill's POA was challenged by Jennifer' unperfected Guardianship. 395) In 4th District Court Cased No. 110700059 the Court has **several fatal issues.**

396) The court declared (see transcript pg 40 In 24) **what happened before**

guardianship is not relevant", ³⁹⁷⁾and the court further said (see transcript pg 52 – ln 9) ³⁹⁸⁾"She (Jennifer) was not the guardian, even though she had filed for it and had requested it and thought it was pending."

³⁹⁹⁾4th Dist. Ct. case No. 113700001 was done as a ****PRIVATE**** matter. ⁴⁰⁰⁾When that Case was filed, ⁴⁰¹⁾Bill was listed as "other party" the defendant ? ? ⁴⁰²⁾But then he was never served a complaint. ⁴⁰³⁾However he did file pleadings but they got stricken and removed. ⁴⁰⁴⁾So even 3 months after the Feb 24 incident no guardianship was yet finalized by the Court. ⁴⁰⁵⁾With Bill not perfected as the defendant in 113700001, ⁴⁰⁶⁾**that case had no defendant** ⁴⁰⁷⁾**so the court activity was not a Constitutional court matter per U.S. Constitution Article III, Sect 2. (1).** ⁴⁰⁸⁾A guardianship does not become effective until affected parties are notified. ⁴⁰⁹⁾According to the docket, no notification of any guardianship was ever made, no notice was made to Peterson. ⁴¹⁰⁾Where its certificate was not recorded in the court matter until mid June of 2011, Jennifer assertion of being Ruth's Guardian back in February was untrue, at best a mistake. ⁴¹¹⁾Their relationship was that they were "engaged" not stalking, ref. Dictionary meaning, the word "engaged" described their relationship,

⁴¹¹⁾SUMMARY OF ARGUMENT

⁴¹²⁾Courtships and marital relationships are protected by the 14th Amendment. ⁴¹³⁾Who has POA for Ruth and who is her Guardian is ultimately Ruth's decision. ⁴¹⁴⁾If Ruth and Bill marry, ⁴¹⁵⁾the decision will be made. ⁴¹⁶⁾A Guardian cannot be someone who has a monetary interest in Ruth. ⁴¹⁷⁾It cannot be someone who wants to be there to protect a monetary interest such as

someone who expects her inheritance. ⁴¹⁸⁾If a court is going to be involved in making a trustee appointment, ⁴¹⁹⁾the **court must know and consider Ruth's wishes.**

⁴²⁰⁾After Bill's attempt to see Ruth Feb 24th, 2011, ⁴²¹⁾after Jennifer had Fillmore City incarcerate Bill, ⁴²²⁾Bill was then put before Justice Stanley Robison, ⁴²³⁾after Bill pleaded rights of being there to see Ruth by reasons of his POA, ⁴²⁴⁾after the Justice Court dismissed its charges, ⁴²⁵⁾**Judge Brady and Jennifer cannot see the matter again in another name "stalking".** ⁴²⁶⁾It's futile as well as being Double Jeopardy, ⁴²⁷⁾Bill's POA trumps Guardianship,

⁴²⁸⁾There is nothing in the law that should keep Ruth and Bill apart. Freedom to court each other, ⁴²⁹⁾communicate, ⁴³⁰⁾fall in love, ⁴³¹⁾and marriage is afforded by the U.S. Constitution 14th Amendment. ⁴³²⁾Anything to discourage it and stop it is Unconstitutional. ⁴³³⁾Ruth and Bill agreed and assigned Power of Attorney (POA) for Bill to initiate and fix two situations:

⁴³⁴⁾Ruth's inability to sleep and night, ⁴³⁵⁾and Jennifer overseeing of Ruth's checking account[s]. ⁴³⁶⁾Ruth has a ****PRIVATE**** situation that has been troubling her for 50 years. ⁴³⁷⁾That will no longer be a problem. ⁴³⁸⁾Bill has a fix for that, ⁴³⁹⁾and Jennifer would not be able to do that.

⁴⁴⁰⁾Too much money is leaving Ruth's Zion's Checking account, ⁴⁴¹⁾\$40,000 in just three months. ⁴⁴²⁾That is a rate of \$160,000 per year and that can't possibly be sustained. ⁴⁴³⁾In the future, ⁴⁴⁴⁾no payments will go out of Ruth's account that she does not sign the check[s] for. ⁴⁴⁵⁾Bill and Ruth will work

together to oversee their expenses. ⁴⁴⁶⁾Ruth and Bill have some very special things they intend to do. ⁴⁴⁷⁾They are in love. ⁴⁴⁸⁾Jennifer is interfering with these arrangements. ⁴⁴⁹⁾She has been trying to go around Ruth and Bill (with POA for Ruth) and ⁴⁵⁰⁾their stipulation that Jennifer is not to have for now and the foreseeable future any position of Trustee over Ruth.

⁴⁵¹⁾ARGUMENT

⁴⁵²⁾POA trumps Guardianship for medical situations. ⁴⁵³⁾Double Jeopardy is a U.S. Constitution Article III, Sect 2. (1) violation, ⁴⁵⁴⁾subject to damages per Title 42 U.S.C. ' 1983

⁴⁵⁵⁾Ruth and Bill have no issues between them. ⁴⁵⁶⁾Neither one has ever threatened the other, ⁴⁵⁷⁾or hurt the other, ⁴⁵⁸⁾There is no fear of each other between them. ⁴⁵⁹⁾A charge that Bill stalks Ruth is a phony invention of a non-existing issue. ⁴⁶⁰⁾The bottom line is Bill and Ruth are in "love" and "engaged" and those two words are the right words that describe their relationship. ⁴⁶¹⁾Not Judge Brady not Jennifer, ⁵⁶²⁾or anyone else including any Court has any standing to come between Ruth and Bill.

⁴⁶³⁾ENTRAPMENT

⁴⁶⁴⁾About a year ago when Jennifer had Ruth confined to Jennifer's home in Salt Lake. ⁴⁶⁵⁾For a while Ruth tried to call Bill and left the following messages: ⁴⁶⁶⁾It was several weeks before Bill saw the messages. ⁴⁶⁷⁾Ruth is a sweet and very feminine loving woman, ⁴⁶⁸⁾enjoy her words.

⁴⁶⁹⁾Thursday 8:01, PM, (Ruth) Bill I am just calling to check on you, to see how you are.
Call me if you get a minute, thank you.

470) Friday 4:21, PM, (Ruth) A, this is Ruth, I will be here the rest of the day, I got stuck getting down, so call me please, thank you.

471) Friday, 9:34, PM, (Ruth), Trying to get a hold of you, can you call me, I'll be home the rest of the day. Sorry, by-by.

472) Monday, 5:20 PM, (Ruth), If you get a minute, call me, good by

473) Tuesday, 6:12, P.M. Ruth Stevens, I am calling you, I don't how to leave a phone no. I'm at Jenny's place, Love, you, Thank you, By-By.

474) Friday, 7:13 PM, (Ruth) I'm just trying to find ya, _____

475) Saturday 4:34:PM (Ruth) O hope you're having a very good day. I'm Just taking it easy, thinking, by-by

476) Monday 2::47 PM This is Ruth I am getting ready to go to dinner, I have been balling all morning longing to see you good by.

477) Tuesday 3:36 PM This is Ruth, I'm having a hard time making connection with ya, so call me, if I can just _____ by-by.

478) Over a period of 13 days Ruth called for Bill leaving 9 messages in part,

479) saying:

480) Thursday, 8:01, PM, Call me if you get a minute,

481) Friday, 4:21, PM, so call me please,

482) Friday, 9:34, PM, can you call me,

483) Monday, 5:20, PM,, call me,

484) Tuesday, 6:12, P.M. Love, you,

485) Friday, 7:13, PM, trying to find ya,

486) Saturday, 4:34, PM, thinking,

487) Monday, 2::47, PM, I have been balling all morning longing to see you

488) Tuesday, 3:36, PM, I'm having a hard time making connection with ya, so

call me,

489) When Bill tried to call back his calls were either intercepted by an answering machine. or Jennifer and Tom would not allow Bill and Ruth to talk to each

other. 491) There is a pattern here in Ruth's calls. 492) In the first four calls over just five days, 493) Ruth asked Bill to call her. 494) Then she gave up on having Bill call her. 495) The next her message was Love, you. 596) Then next, 497) three days latter the next she said, 598) trying to find ya. 499) The next day she called saying thinking, 500) Two day later she said I have been balling all morning longing to see you 501) Then the following in the last call Ruth said I'm having a hard time making connection with ya, so call me,

502) Notice that she did not call on Sunday, 503) likely she did not try to call when the family was around. 504) Tom and Jennifer have "The [Fred] Conley Company" selling plumbing and stuff targeting swimming pool builders and owners. 505) So during the day, 506) both parents work side by side, 427) and the children are in school and care facilities. 507) Bill did not discover the answering machine calls for several weeks after they occurred

508) ENTRAPMENT of Bill by Jennifer

509) A short time after the phone calls above, 509) Ruth got a phone call thru to Bill and told him that it had been along day, 510) that they had been traveling around in Southern Utah. 511) She said that Jennifer and Tom where finally getting some sense and where finally yielding, 512) and that they would allow Bill to come to their home and get her. 513) She told Bill that she was too tired tonight, 514) so come in the morning. 515) Notice that the timing fits with just after when Jennifer filed 4th District Case No. 113700001 for Guardianship.

516) The next morning at 9:00 AM, 517) when Bill went the front door of the Tempfer home, 518) Jennifer answered the door bell. 519) She told Bill that he was

not welcome and that he had to leave. 520) Or else, 521) Jennifer said that she would call the police. 522) Bill said please do call them, 523) or else Bill said that he would call them. 524) Then Bill re-parked at the curb, 525) South of the Tempfer yard, 526) and waited there, 527) in the car, 528) for the Police.

529) If he had waited in the car in the driveway where he first parked, 530) Jennifer would have charged Bill for trespassing. 531) It was just a stroke of luck that Bill was off Jennifer's property. 532) If it had not been as cold as it was, 533) if the ground had not been covered with a foot or so of snow, 534) half that much on the Tempfer driveway, 535) it was very likely that Bill would have been waiting for the police somewhere in the yard. 536) It was just a stroke of luck that he waited in his car, 537) at the curb, 538) probably with the motor running to keep warm.

539) Ruth was Jennifer's bait to get Bill on the Tempfer property to charge Bill with trespassing. 540) Bill had knocked on the door, 541) ask for Ruth, 542) told Jennifer that Ruth had instructed Bill to pick her up there at 9:00 A.M. 543) that morning. 544) Ruth came out of the Tempfer house dressed up to the hilt, 545) expecting to go away with Bill, 546) Jennifer and Tom had waited until Ruth was outside walking to Bill before they interceded, 547) then they told Ruth that they were not going to allow her to leave. 548) They were cruel to Keep Ruth locked up. 549) They have kept Ruth confined, 550) locked-up in the Tempfer home, 551) or locked up in her home in Fillmore for a year now.

NOW LOOKING BACK, 552) It must have been the evening of January 3rd that Ruth called and told Bill that they had been traveling in southern

Utah. ⁵⁵³) They must have been traveling around getting Jennifer's petition for Guardianship filed. ⁵⁵⁴) Whatever they did, ⁵⁵⁵) Jennifer thought that she had acquired Guardianship over Ruth. ⁵⁵⁶) But there were a lot of hoops and hurdles, including informing Bill, ⁵⁵⁷) before Guardianship would have been usable.

⁵⁵⁸) Ruth said that Jennifer and Tom had apparently finally come to their senses, ⁵⁵⁹) that they would allow her to go. ⁵⁶⁰) They were just baiting Ruth to call Bill, and tell him to come and get her. ⁵⁶¹) So Ruth told Bill to come in the morning at 9:00 AM and pick her up. ⁵⁶²) What Bill did not know that Jennifer was listening to Ruth and Bill's conversation. ⁵⁶³) So when Bill came in the morning, ⁵⁶⁴) Jennifer and Tom planned to snare him and it was only luck for dumb Bill that they didn't.

⁵⁶⁵) So Bill now asserts that when Tempfers told Ruth that she was allowed to leave with Bill, ⁵⁶⁷) Ruth was being used as a decoy to set up a snare for Bill, ⁵⁶⁸) as was later done February 24, 2011, ⁵⁶⁹) at Ruth's home in Fillmore. ⁵⁷⁰) On the morning of January 4, 2011, ⁵⁷¹) Ruth was dressed very nice to greet Bill. ⁵⁷²) Tom and Jennifer had both stayed home from work. ⁵⁷³) Bill had already been to the door and asked for Ruth. ⁵⁷⁴) The night before she had been told that she could leave. ⁵⁷⁵) It was probably an hour or so after Bill had been at that door that Ruth came out of the house expecting to leave. ⁵⁷⁶) She was very sharply dressed. ⁵⁷⁷) She looked very nice. ⁵⁷⁸) When Ruth was part way down the front yard concrete walk, ⁵⁷⁹) Tom came out of the house rushed around Ruth and got in front of her, ⁵⁸⁰) spread his arms full wide and waived them to force back into the house. ⁵⁸¹) From the Curb Bill shouted "Ruth" but she did not hear him.

682) For almost a year now they have not seen each other or talked. 583) So from the time of Ruth's phone call the night before, 584) until Ruth was outside leaving the house, 585) leaving to go with Bill, 586) Jennifer and Tom knew that Bill had been called to come for Ruth, 587) but Jennifer and Tom did not tell Ruth that she would not be allowed to leave until she had dressed and prepared to leave, 588) and was on her way, 589) out of Jennifer's house, 590) to be with Bill. 591) If Bill had come back onto the Tempfer property to try to intercede and take Ruth, 592) Jennifer would have charge Bill with Criminal Trespass as he did in Fillmore.

593) Twice Tempfers set Bill up in situations of entrapment. 594) The second time they got him. 596) But it was entrapment, 597) and double jeopardy, 698) each are grounds for dismissal.

599) It's been over a year now that the Tempfers have had Ruth locked away from Bill. 600) They have been depriving both Bill and Ruth of their 14th 601) Amendment rights, 602) and others rights. 603) Their forced confinement of Ruth is deprivation of her freedom and a criminal action against her.

604) Bill did not know that Jennifer had filed for Guardianship of Ruth in the 4th District Court in Fillmore back around the 2nd of January, 2011, 605) until the May 9th, 606) hearing in Case No. 110700059.case. 607) All this time, 608) surely, 609) the Court knew that Bill's POA would trump Jennifer's Guardianship. 610) **The Court was in on the entrapment of Bill.** 611) In January, 612) Jennifer had only applied

for Guardianship. 613) Bill did not know that Jennifer had filed for Guardianship of Ruth in the 4th District Court in Fillmore back around the 2nd of January, 2011, 614) until the May 9th hearing in Case No. 110700059 case. 616) All this time,

surely the Court knew that Bill's POA would trump Jennifer's Guardianship. The Court was in on the entrapment of Bill. In January, Jennifer had only applied for Guardianship. All this time, surely the Court knew that Bill's POA would trump Jennifer's Guardianship. The Court should have not allowed Jennifer Guardianship, where the appointment instrument giving POA for Ruth to Bill contained a stipulation, that Jennifer was not to have any position of Trustee over Ruth.

Also, by law, if Jennifer was in control of Ruth's money, and taking any of it for herself, Jennifer can't be a Guardian. **The fact is that Jennifer has taken \$40,000 from Ruth, up front, that was supposed to be returned to Ruth, but she has kept it, by law, Jennifer is a thief, and has robbed Ruth. Jennifer is still robbing Ruth. Jennifer is not trustworthy. It is not right that the Court allow a person known to have stolen from Ruth to be Ruth's Guardian. Bill and Ruth will not, do not allow Jennifer to be Ruth's Guardian. And they rightfully petition that the Court not allow it. Jennifer can not be Ruth's Guardian.** If Jennifer did not tell the Court that Bill had POA for Ruth, her application for Guardianship was fraudulent. If the Court knew that Bill had POA, then the Court was in on the entrapment and the fraud. The Court had to know of Bill's interest and the situation of Bill's POA and "engagement" with Ruth. Where Bill was listed as the "other party", the defendant, in Case No. 113700001, he would have been the person in controversy with Jennifer; otherwise, Jennifer and the Court were in violation of per U.S. Constitution

Article III, Sect 2. (1), ⁶⁵⁷ (conducting a trial without a controversy) and both would be subject to damages per Title 42 U.S.C. ' 1983

⁶⁵⁸So in January, ⁶⁵⁹when Jennifer tried to get Bill arrested for trespassing at Jennifer's home, ⁶⁷⁰ the Court had told Jennifer that at that time she had control of Ruth, ⁶⁷¹that Jennifer had guardianship of Ruth, ⁶⁷²that her guardianship trumped Bill's POA, ⁶⁷³that would have been a lie ⁶⁷⁴Either was, ⁶⁷⁵the Court was in on the details of entrapping Bill, ⁶⁷⁶without guardianship, ⁶⁷⁷without power of Ruth over Bill's POA, ⁶⁷⁸or both. ⁶⁷⁹No matter what, ⁶⁸⁰it appears that the court had to be orchestrating in illegal procedure.

⁶⁸¹Neither Jennifer nor the Court had any way of knowing, ⁶⁸²and possibly the Court nor Jennifer did not contemplate Bill's going to Fillmore, ⁶⁸³and make a situation, ⁶⁸⁴in the same pattern as the Salt Lake set up. ⁶⁸⁵In the second situation, ⁶⁸⁶this time Bill being arrested, ⁶⁸⁷in Fillmore, ⁶⁸⁸but this time Bill ended up before Judge Stanley Robison in the Fillmore City Justice Court, ⁶⁸⁹where Judge Robison listened to Bill, ⁶⁹⁰and heard Bill make a plea for having POA for Ruth, ⁶⁹¹and heard Bill's assertion that his POA over Ruth trumped Jennifer's Guardianship of Ruth, ⁶⁹²if she had it..

⁶⁹³The Fillmore Justice court matter went to Court first, ⁶⁹⁴before Jennifer charged Bill for Stalking Ruth in the same situation. ⁶⁹⁵The City of Fillmore took on the matter. ⁶⁹⁶Fillmore became the plaintiff. ⁶⁹⁷Fillmore accepted Bill's pleas. ⁶⁹⁸Judge Robison dismissed the complaint for the February 24th situation against Bill, ⁶⁹⁹the complaint situation that Jennifer initiated.

700) That put Jennifer out of any situation for complaining for Ruth,
701) instead Fillmore City was complaining for Ruth. 702) That put Jennifer out of the
matter and left **Jennifer dead in the water without a Cause of Action.** 703) She
never had a cause of action anyway where POA trumps Guardianship. 704) And
actually Jennifer did not have Guardianship on March 9, 2011.

705) The situation was somewhat the same at Ruth's in Fillmore on February
24th, 706) as at Jennifer's house in Salt Lake in January, 707) except Bill not knowing
any better stayed west of the driveway in the corner of Ruth's three acre lot,
708) between the driveway and the street.

709) The second situation, 710) Bill made. 711) That time Jennifer entrapped Bill.
712) Twice Jennifer attempted to entrap Bill, 713) January in Salt Lake and February
in Fillmore. 640) Twice is racketeering, RICO so Peterson complains for RICO.

641) ENTRAPMENT of Court

642) The District Court's Case No. 110700059 screening of Bill from the
111200013 MO matter in the City Court is blaintent double jeopardy,
643) entrapment, and 644) an infringement of Ruth and Bill's Constitutional First
Amendment right of freedom of speech.

645) In 4th District court Case No. 113700001, 646) in the Docket, 647) Bill was
as "other party". 648) It does not make sense for Jennifer to seek Guardianship for
Ruth in ****PRIVATE**** matter, 649) except that Jennifer and the Court did not
want Bill to know what was going on. 650) Bill already had POA for Ruth, 651) and
his POA trumped Guardianship. 652) Both Jennifer and the Court knew this.

653) That is what the 4th Dist Ct. Case 11300001 was all about. 654) So when Judge Brady said that he did not know. 655) He was not being truthful.

656) For Judge Brady to accuse Bill of Stalking Ruth is idiotic. 657) If Bill were in a stalking mode with Ruth, 658) If Ruth feared Bill, 659) Ruth would not have made the Phone calls to Bill that she did. 660) But the Judge would not listen to Bill's tape. 661) He would only allow in his court what would make his case. 662) If Bill had not been as close to Ruth as he has been for the past 60+ years, 663) how would he know more than anyone else knows about Ruth. 664) Ruth very closest friend is "Bill" and he is not stalking her. 665) Bill knows things about Ruth that she does not know about herself. 666) And surely vice-versa too.

667) Ruth's Dad and Governor Maw knew that Ruth was being humiliated 668) but they are now both deceased. 669) But back then those men were mad enough to kill. 670) Very close to Ruth were Bill's Mom and Dad. 671) They were not aware of the problem, 672) if they had been, 673) they would have killed. 674) Ruth has had the biggest problem a woman can ever have. 675) Bar none. 676) And when Bill told the Judge that he needed to talk to him in private, 677) he would not give Bill 10 minutes. 678) Neither Judge Brady or Dr. Wayne Brown knows enough about Ruth and Bill to make any judgment of either of them. 679) Period !

680) Remember, 681) when Bill came before Judge Brady on that day, 682) Bill had not been charged with anything wrong. 683) Bill asked the Court "What am I here for?" 684) The Court did not tell Bill that the court was snooping into the lower court "screening" Case No 111200013 MO seeking to entrap Bill, having Bill in court without a charge to convict him of a crime without him having Miranda.

685)The Court dodged Bill's assertion that POA trumps Guardianship for handling Ruth's medical problem of not sleeping at night. 686)And fixing that problem is the most crucial issue for Ruth's sanity and her life.

687)The Court and Jennifer had to have known that Bill's POA trumps anyone's guardianship of Ruth. 687)That is what the 4th Dist Ct. Case 11300001 was all about. 689)When the Judge The Court should have known this POA v Guardianship is root question in the 4th District Court 11300001 matter. 690)In Case No. 110700059 assertion he Court was in on the entrapment of Bill.

691)For the case, 692)they needed a defendant and Jennifer and the Court knew the defendant had to be Bill. 693)**So they brought a suit against Bill and tried**

to see it through without Bill knowing it. 694)That is a federal offense. 695)But

Bill learned of Case No. 113700001 and tried to intervene. 696)This frustrated Jennifer and the Court. 697)In their frustrations they failed to notify anyone, 698)they particularly failed to notify Bill. 699)They did their case in ****PRIVATE***.

700)What did they expect? 701)So when Bill was arrested for trespassing, 700)it was not a valid complaint, 702)where Bill did not know anything of Jennifer's ****PRIVATE**** attempt to obtain Guardianship. 703)Bill's POA for Ruth could not be refuted, 704)so the charge had to be dismissed.

705)In 4th District court Case No. 113700001, 706)in the Docket, 707)Bill was as "other party". 708)It does not make sense for Jennifer to seek Guardianship for Ruth in ****PRIVATE**** except Jennifer and the Court did not want Bill to know what was going down. 709)Bill already had POA for Ruth and POA trumped Guardianship. 710)**Both Jennifer and the Court knew this.** For the case,

712)they needed a defendant and 712)Jennifer and the Court knew the defendant had to be Bill. 713)So they brought a suit against Bill 714)and tried to see it through without Bill knowing it. 715)But Bill learned of Case No. 113700001 716)and tried to intervene. 717)This frustrated Jennifer and the Court. 718)In their frustrations they failed to notify anyone. 719)In particular, they failed to notify Bill. 720)So when Bill was arrested for trespassing, 721)it was not a valid complaint where Bill did not know anything of Jennifer's attempt to obtain Guardianship. 722)Bill's POA for Ruth could not be refuted, 723)so the charge had to be dismissed.

724)DOUBLE JEPORTRY of Court

725)Still Jennifer continued to try to entrap Bill. 726)May 9th the Fillmore City Court case No. 111200013 MO had not yet been dismissed. 727)Jennifer would not stop. 728)Jennifer was stalking Bill. 729)Between the Court and Jennifer, a charge of Bill Stalking Ruth was concocted. 731)To start, 732)for the crime of stalking, 733)the Court failed to provide Bill with a Miranda opportunity. 734)In the Court, 735)some unidentified person was at the trial screening for a criminal case. 736)**Bill was in court being grilled for possible criminal activity, 737)without being given a Miranda.** 738)See pg 38 In 10 of the transcript. 739)**There Bill was in trial, 740)with no attorney, 741)no jury hearing the matter, 742)Bill had never even been served with a complaint.** 743)It was clearly an unlawful trial situation. 744)Bill is entitled to be released from judgment for the situation per U.S. Constitutional rights.

745)Judge Brady tried to snare Bill with a written confession, 746)in the form of an in Court Session written test 747)When that did not work, 748)the Court

shredded the test. 749) That was evidence for proving Bill's innocence that the Court destroyed. 750) The bottom line is, 751) this whole thing was about Ruth, 752) but Jennifer and the Court intended that the guardianship thing be all done without Ruth's knowledge, 753) done without a plaintiff.

754) It was wrong to conduct the trial without a Public Prosecutor. 755) Bill asked but the Court refused to see the little bit of evidence that Bill had with him. 756) It consisted of a tape recording and a transcript of the recording of nearly a dozen messages from Ruth to Bill, 757) and the written profile Bill had just made. 568) The Court failed to tell or explain anything when Bill ask about what and when he did something wrong. 759) The Court was inadequately informed about the subject and laws and not qualified to conduct the trial. 760) The court was in a situation of Double Jeopardy, 761) and was still proceeded helter-skelter.

762) Twice Tempfers set Bill up in situations of entrapment. 763) The second time they got him. 764) But it was entrapment, 765) and double jeopardy, 766) each are grounds for dismissal.

767) Bill herein references the transcript of Case No. 110700059 and all his pleadings previously filed in this case No. Case No. 20110462-CA as supportive to this pleading. 768) Jennifer has answered nothing, 769) everything is admitted.

770) CONCLUSION,
771) WHAT IS BEST FOR RUTH,
772) WHAT BILL WANTS

773) Bill and Ruth have a very long time relationship and a great understanding and knowledge of each other and do love each other, 774) very

much. 775) It's a deep rooted trusting love, 776) with a good foundation, 777) that neither have experienced with anyone else. 778) Bill wants the responsibility for Ruth. 779) Until last fall, Bill did not know that Ruth has had a sleeping issue for the past 50 years. 780) It's understandable. 781) It's fixable. 782) And with the short time Bill had with her sleeping could now be not so much of a problem. 783) It's a very private matter and was explained in an initial pleading, 784) limited to the Court's eyes only.

785) Maybe Ruth will need some special care. 786) Bill gladly accepts that responsibility. 787) For now with a normal sleep pattern, 788) Ruth had things together well. 789) Ruth is a brilliant person. 790) Her mind works just as well and is not much different than some of Bill's professor buddies at the University of Utah. 791) What Bill sees is that brilliant minds focus intently and deeply and extraneous matters get little attention. 792) Ruth is still like that, 793) as is Bill.

794) Ruth is a very gregarious person. 795) She is very much at ease and comfortably communicates with most anyone. 786) It's wrong to put her in a place without people. 787) She is a busy person, 788) she has projects and will make projects. 780) At this point in her life, 800) it is not fair to her to try to make judgments of her behavior and her mental activity. 801) Ruth has a huge issue to overcome and unless one knows about that and can empathize with her, 802) they have no business making judgments of her and for her.

803) Bill objects to the confinement and restraints Jennifer puts upon Ruth. 804) Jennifer has kidnapped Ruth. 805) Ruth and Bill's companionship is good. 806) Ruth and Jennifer don't have a companionship, 807) they are not together

where Jennifer has family, ⁸⁰⁸work, and a life in Salt Lake. ⁸⁰⁹Ruth and Bill had started a life together, ⁸¹⁰24 hours per day as they both wanted.

⁸¹¹Jennifer wants control of Ruth for Ruth money, ⁸¹²homes, and assets. ⁸¹³What Bill cares about is Ruth, ⁸¹⁴her comfort and happiness, ⁸¹⁵24 hours per day, together.

⁸¹⁶Ruth and Bill were making plans and did not fit with Jennifer's plans for her use of Ruth. ⁸¹⁷It was wrong for Jennifer to come between Ruth and Bill. ⁸¹⁸It was wrong for Jennifer to ignore Ruth's desires and go around Ruth into a court and try to gain legal custody of Ruth over Ruth's objections and wishes. ⁸¹⁹Ruth still has rights. ⁸²⁰And Bill has POA rights to represent Ruth.

⁸²¹It has been wrong for the three Courts to be involved. ⁸²²There are three parties here, ⁸²³Ruth, ⁸²⁴Bill, and ⁸²⁵Jennifer. ⁸²⁶Jennifer has no cause of action against Bill and just cannot go out and invent one. ⁸²⁷Jennifer has no more rights in Ruth's home than does Bill. ⁸²⁸It is wrong for Jennifer to seek guardianship of Ruth behind Ruth's back and over Ruth's objections. ⁸²⁹Ruth does not trust Jennifer. ⁸³⁰Ruth is still upset with Jennifer for not returning the \$40,000 Ruth entrusted Jennifer with when Ruth last traveled in Europe.

⁸³¹Ruth likes to travel. ⁸³²Her former husband Wally did not. ⁸³³So Ruth has spent a life time of basically traveling alone. ⁸³⁴She and Wally would go somewhere, ⁸³⁵but Wally always complained of health issues and would only stay in the hotels as Ruth went out on her own. ⁸³⁶So when they traveled, ⁸³⁷Ruth was basically on her own.

838) Judge Brady in Case No. 113700001 has shown no regards for Ruth's situation, 839) needs, and 840) rights. 841) Ruth's mind has not slowed down. 842) Ruth's mind hungers to be challenged, 843) not boxed up. 844) Ruth wants to travel more. 845) She wants go on some cruses. 846) She seeks projects. 847) Just because she buys another pound of bacon at Duane's market when she has two at home in the refrigerator does not mean that she is handicapped. 848) Bill does the same thing with sausage.

849) **Dementia** isn't a specific disease. Instead, 850) dementia describes a group of symptoms affecting intellectual and social abilities severely enough to interfere with daily functioning. 851) **Dementia indicates problems with at least two brain functions, 852) such as memory loss and 853) impaired judgment or 854) language.** 855) Dementia can make you confused and unable to remember people and names. 856) You also may experience changes in personality and 857) social behavior. However, 858) some causes of dementia are treatable and even reversible.

859) Dementia symptoms vary depending on the cause, 860) common signs and symptoms include:

- 861) Memory loss
- 862) Difficulty communicating
- 863) Inability to learn or remember new information
- 864) Difficulty with planning and organizing
- 865) Difficulty with coordination and motor functions
- 866) Personality changes
- 867) Inability to reason
- 868) Inappropriate behavior
- 869) Paranoia
- 870) Agitation

- ⁸⁷¹)Hallucinations

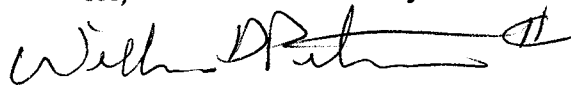
⁸⁷²)Bill argues, ⁸⁷³)that Ruth does not have dementia. ⁸⁷⁴)She does forget some names. ⁸⁷⁵)From the list above, ⁸⁷⁶)Bill has seen only occasional loss for a name. ⁸⁷⁷)She certainly has none of the other misbehaviors. ⁸⁷⁸)And she does not have two short fallings. ⁸⁷⁹)Ruth does not have “symptoms affecting intellectual and social abilities severely enough to interfere with daily functioning.”

⁸⁸⁰)Its wrong for Jennifer to blame Ruth’s inability to sleep as dementia, ⁸⁸¹)when Jennifer does not know, and does not have an understanding of the difficult and humiliating situation that Ruth has had to live with for most of her life. ⁸⁸²)And its wrong for any court to make judgment of Ruth when then don’t personally know and talk with her.

⁸⁸³)When Bill went to Fillmore on February 24th to see Ruth he had every right to see her. ⁸⁸⁴)Jennifer did not have perfected guardianship over Ruth, ⁸⁸⁵)and still does not. ⁸⁸⁶)Bill was not informed of any Guardianship over Ruth. ⁸⁸⁷)Even so Bill’s Power of Attorney would trump any Guardianship. ⁸⁸⁸)Bill did nothing wrong going to see Ruth. ⁸⁸⁹)The Fillmore City Justice Court did not have a complaint from Ruth against Bill. ⁸⁹⁰)And Myka Stevens at Ruth’s had no directive from Ruth that Bill was not allowed to see Ruth. ⁸⁹¹)And so the 111200013 MO complaint was dismissed. ⁸⁹²)In 4th District Court case No. 110700059 Jennifer and the Court had no cause of action or reason in the law for “screening” the 111200013 MO matter originally before the City Court. ⁸⁹³)Ruth was fully capable of directing such an issue and was not confronted to do it.

⁸⁹⁴)The issues in this matter are all Ruth's issues and she talked to about them. ⁸⁹⁵)Second in authority about these matters is Bill himself with POA for Ruth. ⁸⁹⁶)If the Court is to look into the matters in this case as they are. ⁸⁹⁷)The Court should be dealing with Bill, ⁸⁹⁸)who has POA for Ruth, ⁸⁹⁹)not Jennifer who is barred by Ruth and Bill from being a trustee over Ruth.


⁹⁰⁰)Dated this 17th Day of January, 2012.



William D. Peterson II
Respondent and Appellant
In Utah Court of Appeals
Case No. 20110462-CA

⁹⁰¹)Certificate of Service

⁹⁰²)On this 17th day of January, 2012, a copy of this Pleading is sent by Email, FAX, and 2 copies U.S. Mail, first Class to Jennifer's attorney Bill O. Heder.



William (Bill) D. Peterson II

⁹⁰³)SUPPLEMENTARY INFORMATION EXHIBITS

- A -- See: ⁹⁰⁴)Fillmore City Justice Court **ORDER TO DISMISS** the citation of Case No. 111200013 relative to the February 24, 2011 incident where William (Bill) D. Peterson, ⁹⁰⁵)having Power of Attorney for Ruth, ⁹⁰⁶)was charged with criminal trespass when he went to Ruth W. Stevens home at 475 South 700 East in Fillmore, Utah. ⁹⁰⁷)The order reading: *"The citation on file in the above entitled action is hereby dismissed without prejudice on motion of plaintiff,"* ⁹⁰⁸)Bill was charged for unlawfully occupying Ruth's property. ⁹⁰⁹)Ruth had requested that Bill come to her. Pg 38
- B -- ⁹¹⁰)See Attorney for Plaintiff Fillmore City - - Kaela Jackson's, ⁹¹¹)MOTION FOR ORDER DISMISSING CITATION dated 29th March, 2011. ⁹¹²)The motion stated that the *"basis for this dismissal is that the case is being screened for charges in District Court."* Pg 39

- C -- ⁹¹³See Page 38 line 10: UNIDENTIFIED SPEAKER: ⁹¹⁴*“When Mr. Peterson is testifying from table as he just did, is he considered to be under oath for purposes of screening criminal cases?”* Note, ⁹¹⁵Bill was apparently being interrogated in a court for criminal charges, ⁹¹⁶this double jeopardy, ⁹¹⁷without Miranda, ⁹¹⁸without being charged, ⁹¹⁹without the assistance of an attorney, ⁹²⁰without witnesses in his behalf, ⁹²¹which violates Bill’s Constitutional Amendment VI rights.
- D -- ⁹²²See in the transcript of Case No. No 110700059 page 40 line 24 saying: ⁹²³**nothing before Guardianship was relevant to the hearing**, ⁹²⁴Court also ordered Ruth messages to Bill on tape to Bill were irrelevant to the hearing. ⁹²⁵See transcript pg 29, ln 16 & 19.
- E -- ⁹²⁶Jennifer thought that she had Guardianship, ⁹²⁷when she didn’t. ⁹²⁸See in the transcript of Case No. No 113700001 page 52 line 9, ⁹²⁹The Court said about Jennifer: ⁹³⁰*“She was not the Guardian, ⁹³¹even though she had filed for it and had requested it and thought it was pending. ⁹³²On February - -*
- F -- ⁹³³See Docket in 4th District Court Case No 113700001 , ⁹³⁴Jennifer Tempfer v Ruth Stevens, William Peterson, and Roselyn Neilson suing for Guardianship of Ruth. ⁹³⁵The month before Ruth and Bill considered and objected to Jennifer being in any position of Trustee over Ruth. ⁹³⁶They did file pleadings in the matter but they were ignored by the Court. ⁹³⁷Bill was not, ⁹³⁸and does not know of Ruth being served complaints and pleadings in the matter. ⁹³⁹The Court hearing was unlawful per U.S. Constitution Article III, Sect 2. (1). ⁹⁴⁰This was a matter for a hearing, not a trial. ⁹⁴¹Note that a Certificate of Guardianship was not filed until June 15, 11. ⁹⁴²The matter was done in - - PRIVATE - - where no notices were ever made of “Guardianship”. ⁹⁴³So it was never perfected.
- G -- ⁹⁴⁴See publication saying Guardianship is not perfected until notice is made to persons affected. ⁹⁴⁵*“you must inform the court o any pwer of attorney of which you are aware.” Pg 47*
⁹⁴⁶*“if your relative disqualified you from becoming guardian, ⁹⁴⁷then your attempt to become guardian should be denied by the court in favor of the person designated by your relative.” Pg 47*
- H -- ⁹⁴⁸See Power of Attorney (POA) trumps Guardianship. ⁹⁴⁹*“If you have appointed a person as your agent under enduring power of attorney, ⁹⁵⁰their decision about your medical treatment will have priority over the decision of your guardian.” pg 48*
- J -- ⁹⁵¹See Docket in Fillmore City Justice Court, Case No. 111200013:
⁹⁵²FILLMORE CITY vs. WILLIAM DONALD PETERSON, February 24th, 2011 Bill with POA for Ruth went to see Ruth. ⁹⁵³It was timely and right for Bill to see Ruth about her sleeping at night and discuss financial issues previously delved into.
3-23-11 ⁹⁵³Charge 1 Disposition is Dismissed.
3-25-11 ⁹⁵⁴Advised his case is transferred to District Court pg 52

A

RECEIVED
3-22-11

KAELA P. JACKSON #8895
FILLMORE CITY ATTORNEY
Attorney for Plaintiff
362 West Main
Delta, Utah 84624
(435) 864-2748

IN THE JUSTICE COURT, IN AND FOR
FILLMORE CITY PRECINCT, MILLARD COUNTY, STATE OF UTAH

FILLMORE CITY, STATE OF UTAH,

Plaintiff,

-vs-

WILLIAM DONALD PETERSON,

Defendant.

ORDER TO DISMISS

Case No. 111200013

Honorable Stanley K. Robison

The citation on file in the above-entitled action is hereby dismissed without prejudice on motion of plaintiff.

DATED this 23rd day of Mar, 2011.

BY THE COURT:

Stanley K. Robison
JUSTICE COURT JUDGE

B

RECEIVED
3-22-11

KAELA P. JACKSON #8895
FILLMORE CITY ATTORNEY
Attorney for Plaintiff
362 West Main
Delta, Utah 84624
(435) 864-2748

IN THE JUSTICE COURT, IN AND FOR
FILLMORE CITY PRECINCT, MILLARD COUNTY, STATE OF UTAH

FILLMORE CITY, STATE OF UTAH,

Plaintiff,

-vs-

WILLIAM DONALD PETERSON,

Defendant.

**MOTION FOR ORDER DISMISSING
CITATION**

Case No. 111200013

Honorable Stanley K. Robison

Plaintiff, by and through its attorney, KAELA P. JACKSON, hereby moves to dismiss without prejudice Citation No. 67916 issued in the above-entitled action containing charges against the above-named defendant for violating UCA § 76-6-206(2)(i) **TRESPASS**, a class "B" misdemeanor, in that defendant, knowing his entry or presence was unlawful, did enter or remain on property as to which notice against entering was given by personal communication to the defendant at approximately 475 South 700 East in Fillmore, Utah on or about February 24, 2011.

The basis for this dismissal is that the case is being screened for charges in District Court.

DATED this 20th day of March, 2011.


KAELA P. JACKSON
Attorney for Plaintiff

1 looking at file number 113700001. This is an order on ex
2 parte petition for appointment of temporary guardian, and
3 it's dated and entered in the Court January 12th, 2011.

4 **MS. TEMPFER:** That would be correct.

5 **UNIDENTIFIED SPEAKER:** Your Honor, could I as a friend
6 of the Court make one inquiry?

7 **THE COURT:** Sure.

8 **UNIDENTIFIED SPEAKER:** When Mr. Peterson is testifying
9 from table as he just did, is he considered to be under oath
10 for purposes of screening criminal cases?

11 **THE COURT:** He's under oath at all times.

12 **UNIDENTIFIED SPEAKER:** Thank you.

13 **MS. TEMPFER:** Thank you.

14 **THE COURT:** I don't have any more questions for you.

15 **MS. TEMPFER:** Oh, good.

16 **THE COURT:** Mr. Peterson may have a question, but I'm
17 going to indicate, Mr. Peterson, I will make certain that
18 your questions are relevant because I -- we do have other
19 matters to hear today, but I wanna give everybody plenty of
20 time. I just don't want to wander off of what's at issue
21 today. So if you have questions for Ms. Tempfer that are
22 relevant to the stalking injunction, feel free to ask the
23 question.

24 **MR. PETERSON:** She talked about how Ruth was upset.
25 This is the period after. Ruth was upset when she went to

D

1 for her?

2 Q. The evening before she called me up, she said that you
3 and your husband had agreed to -- that I could come get her
4 in the morning. Then when I came up there, then you told me
5 I'm not welcome. What happened? What changed it so that you
6 wouldn't let Ruth come out?

7 THE COURT: What day are you talking about, sir?

8 MR. PETERSON: I'm talking about the day that I went up
9 there to get her and then they called the police.

10 A. This would be in December, and I think --

11 THE COURT: That would be the Christmas period.

12 A. -- it's irrelevant at this point.

13 THE COURT: We're talking about things that happened
14 after her January appointment.

15 A. Those -- those were things that were relevant for
16 getting my guardianship and the reason why I had to get
17 guardianship.

18 Q. In other words, that was before -- that was before you
19 got guardianship.

20 THE COURT: Correct.

21 A. Yes.

22 MR. PETERSON: Is -- is that time -- is what happened on
23 that day, was that relevant?

24 THE COURT: I think I've already ruled that what

25 happened before the guardianship is not relevant to this

happening.

E

1 guardianship. I'm not finding that those are relevant to my
2 determination that I'm making today. However, in her
3 application for the stalking injunction, she cites three
4 specific events, and then as has been noted, there's an awful
5 lot of material that was provided with that. The specific
6 events that she refers to, first stalking event was on
7 January 4th, 2011, at the residence of Jennifer Tempfer. For
8 the reasons I previously stated, I'm going to disregard the
9 January 4th event. She was not the guardian, even though she
10 had filed for it and had requested it and thought it was
11 pending. On February --

12 **MS. TEMPFER:** Your Honor, I'm not sure you want these --
13 this general durable power of attorney that's been placed
14 (unintelligible) --

15 **THE COURT:** I don't think that --

16 **MS. TEMPFER:** -- says about guardian in it?

17 **THE COURT:** -- even an issue.

18 **MS. TEMPFER:** Okay.

19 **THE COURT:** I don't think anybody's disputed that except
20 for as to --

21 **MS. TEMPFER:** The guardian.

22 **THE COURT:** -- which one trumps which one, and that's --
23 that's not going to be my decision.

24 The second stalking event was February 24th when he
25 showed up at the house of Ruth Stevens claiming he didn't

~~1~~ 1 of 3

4TH DISTRICT COURT - MILLARD
MILLARD COUNTY, STATE OF UTAH

IN THE MATTER OF THE GUARDIANSHIP OF RUTH STEVENS

CASE NUMBER 113700001 Guardianship

**** PRIVATE ****

CURRENT ASSIGNED JUDGE
JAMES BRADY

PARTIES

Petitioner - JENNIFER TEMPFER
Represented by: BILL O HEDER

Other Party - WILLIAM PETERSON

Other Party - ROSLYN NEILSON

Incomp/Incap Person - RUTH STEVENS

ACCOUNT SUMMARY

TOTAL REVENUE	Amount Due:	562.00
	Amount Paid:	562.00
	Credit:	0.00
	Balance:	0.00

REVENUE DETAIL - TYPE: COMPLNT-NO AMT PROBA

Amount Due:	360.00
Amount Paid:	360.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: CERTIFIED COPIES

Amount Due:	1.00
Amount Paid:	1.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: COPY FEE

Amount Due:	0.50
Amount Paid:	0.50
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: CERTIFICATION

Amount Due:	4.00
-------------	------

~~Peterson~~

← Ruth's Daughter
Robin, oldest child is deceased
she is Jennifer's mother

Randy - Ruth's Son
is deceased

Randy is Myka's
father

F ~~D~~
2 of 3

Amount Paid: 4.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: COPY FEE

Amount Due: 18.50
Amount Paid: 18.50
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: POSTAGE-COPIES

Amount Due: 3.00
Amount Paid: 3.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: ACCTING 168K-MORE

Amount Due: 175.00
Amount Paid: 175.00
Amount Credit: 0.00
Balance: 0.00

CASE NOTE

PROCEEDINGS

01-07-11 **** PRIVATE **** Filed: Complaint No Amount Probate
01-07-11 Fee Account created
01-07-11 Fee Payment
01-07-11 **** PRIVATE **** Filed: Verified Petition For Appointment
01-07-11 NOTICE for Case 113700001 ID 13500411
01-07-11 GUARDIANSHIP MATTER set on 02/02/2011
01-07-11 Judge JAMES BRADY assigned.
01-07-11 Case filed
01-12-11 **** PRIVATE **** Filed: Ex Parte Petition for Appointment
01-12-11 **** PRIVATE **** Filed: Order on Ex Parte Petition for Ap
01-20-11 GUARDIANSHIP MATTER resched to 03/02/2011
01-26-11 **** PRIVATE **** Filed: Notice Of Continuance
03-02-11 Fee Account created
03-02-11 Fee Account created
03-02-11 Fee Account created
03-02-11 Fee Payment
03-02-11 Fee Payment
03-02-11 Fee Payment
03-02-11 **** PRIVATE **** Minute Entry - Minutes for Guardianship
03-03-11 **** PRIVATE **** Filed: Declaration Of Completion Of Test
03-03-11 **** PRIVATE **** Filed: Findings Of Fact And Conclusions
03-03-11 **** PRIVATE **** Filed: Order Appointing Limited Guardian

Petition

Petition
Petition rescheduled to Mar 2

Minutes for Guardianship

~~3~~ 3 of 3

CASE NUMBER 113700001 Guardianship

**** PRIVATE ****

03-03-11 **** PRIVATE **** Filed: Letters Of Guardianship and Appoi
03-03-11 **** PRIVATE **** Filed: Acceptance Of Appointment As Limi
03-03-11 Case Disposition is Granted
03-07-11 **** PRIVATE **** Filed: Motion
03-14-11 Fee Account created
03-14-11 Fee Account created
03-14-11 Fee Payment
03-14-11 Fee Payment
03-14-11 **** PRIVATE **** Filed: Motion
03-15-11 Filed: Motion to Quash Subpoena and Stri
03-16-11 **** PRIVATE **** Filed: Motion
03-30-11 **** PRIVATE **** Filed: Order Striking Pleadings Judge:
03-30-11 **** PRIVATE **** Filed: Complaint
06-15-11 **** PRIVATE **** Filed: Accounting 168K-MORE
06-15-11 Fee Account created
06-15-11 Fee Payment
06-15-11 **** PRIVATE **** Filed: Declaration Of Completion of Test
06-15-11 **** PRIVATE **** Filed: Report On Status Of The Ward (Sec
06-15-11 **** PRIVATE **** Filed: Inventory Section 75-5-418
06-15-11 **** PRIVATE **** Filed: Conservator's Financial Accountin
06-15-11 **** PRIVATE **** Filed: Notice Of Right to Object - Jenni
06-15-11 **** PRIVATE **** Filed: Notice Of Right To Object - Rosly
06-15-11 **** PRIVATE **** Filed: Guardian and Conservator Certific
06-15-11 **** PRIVATE **** Filed: Copy - The Ruth W Stevens Family
06-15-11 NOTICE for Case 113700001 ID 13844473
06-15-11 ACCOUNTING set on 07/06/2011
06-15-11 **** PRIVATE **** Filed: Notice Of Accounting
06-20-11 ACCOUNTING resched to 07/20/2011
06-20-11 JENNIFER TEMPFER requested hearing date change.
07-08-11 WILLIAM PETERSON called and requested personal information
regarding Roslyn Neilson. He was told the case was PRIVATE and
the information would not be given out.
07-08-11 William Peterson deleted, he is not a party to the case.
07-19-11 ACCOUNTING calendar modified.
07-20-11 **** PRIVATE **** Minute Entry - Probate Minutes
07-20-11 **** PRIVATE **** Filed: Probate Minutes Judge: jmbrady
11-01-11 **** PRIVATE **** Filed: Motion To Strike "Motion To Find

Striking Peterson's pleadings!

Tests of Ruth?

req for appointment

← No Peterson, no Ruth

Peterson's request for
Roslyn's address

Peterson POE papers removed

http://www.mysanantonio.com/life/life_columnists/paul_premack/article/How-does-a-power-of-attorney-fare-when-2276640.php

How does a power of attorney fare when guardianship is filed?

By Paul Premack, Express-News Guest Columnist, Published 03:13 p.m., Friday, November 18, 2011

Read more: http://www.mysanantonio.com/life/life_columnists/paul_premack/article/How-does-a-power-of-attorney-fare-when-2276640.php#ixzz1fpObYNFV

Dear Mr. Premack: I am currently seeking guardianship of a relative with severe dementia who is currently in a nursing home. Will a guardianship supersede any previous durable power of attorney given by my relative to someone else, which was verbally rescinded (with witnesses) but never actually rescinded in writing? – TTR

Texas law defines two ways that the financial and personal issues for a person (like your relative with dementia) can legally be managed by a second person. The first approach is voluntary: the person, while fully capable, signs power of attorney voluntarily granting authority to an agent. The second approach is involuntary: someone (like you), interested in caring for the person who has now become incapacitated, seeks guardianship in court.

Your relative anticipated that he might need assistance in the future and chose the voluntary route of executing a durable power of attorney. He authorized an agent to provide that assistance. Later, according to you, he changed his mind and desired to revoke the durable power of attorney. He did so only verbally. So question #1 is: can a durable power of attorney be revoked verbally?

The answer is not a simple yes or no. Texas law requires two steps to revoke an agent's authority. Step one is the principal (the person who created the power of attorney) expressing intent to revoke. The durable power of attorney itself can set out the method by which it must be revoked, and that method must legally be followed. If the power of attorney recites "this may only be revoked in writing" then a verbal revocation is not effective. If the power of attorney is silent about the method, then a verbal statement of revocation could be used as the first step (but should be followed up with a written statement and physical destruction of the original power of attorney).

Step two is communicating the revocation to the agent and other parties. Even if the principal signs a document revoking a power of attorney, if the agent does not have actual knowledge that it was revoked then any action the agent takes is still legally valid. Hence, your friend is required to inform the agent that all powers are removed before they are in fact removed. Your friend should also tell his bank, broker and anyone else who may have seen the power of attorney.

Question #2 is about the relation of a guardian to an agent. Can your relative's durable power of attorney survive even after you file to become Guardian? The answer here, under Texas law, is also in two parts. First, if you apply to the court for a temporary guardianship,

you must inform the court of any power of attorney of which you are aware. The court can then decide whether to leave the agent in charge during the temporary guardianship, or whether to void it and give that authority to the guardian. It is up to the Judge on a case by case basis.

Second, if you apply to the court for a permanent guardianship, you must inform the court of any power of attorney of which you are aware. The agent's authority continues until the date the court appoints a permanent guardian, and then the power of attorney is legally void. The agent is legally required to give to the guardian all of the assets and records of the ward, along with an accounting for activities performed while acting as agent.

You should also find out whether your relative ever signed a "declaration of guardian". This is a legal document in which your relative would have anticipated that, although a power of attorney exists, someone else (like you) might try to void it by filing for guardianship. Your relative may have specified his own choice for guardian. If you are not on the top of his list, or if your relative disqualified you from becoming guardian, then your attempt to become guardian should be denied by the court in favor of the person designated by your relative.

Paul Premack is a Certified Elder Law Attorney practicing estate planning and probate law in San Antonio. View the archive of his past San Antonio Express-News legal columns (1989 forward) or address Elder Law questions to him by clicking "submit a question" at www.premack.com.

Read more: http://www.mysanantonio.com/life/life_columnists/paul_premack/article/How-does-a-power-of-attorney-fare-when-2276640.php#ixzz1fpOPTLI8

A Durable Power of Attorney is a written document executed by a competent adult authorizing another person or a corporation to act on her behalf. The document is durable because it survives the principal's future legal incapacity. Third parties accepting the document may rely that the decisions of the agent will be legally binding on the principal.

Read more: [The Definition of a Durable Power of Attorney | eHow.com](http://www.ehow.com/facts_4886029_definition-durable-power-attorney.html#ixzz1jgceOWLy)
http://www.ehow.com/facts_4886029_definition-durable-power-attorney.html#ixzz1jgceOWLy

H

Power of Attorney trumps guardianship see Top of 2nd page

Guardianship after POA.doc

Enduring power of guardianship <http://www.legalaid.vic.gov.au/1639.htm>

An enduring power of guardianship is a legal document appointing someone to make personal or lifestyle decisions on your behalf. The appointment begins when you **(Ruth)** are unable to make your own decisions.

When making decisions on your behalf, your guardian must:

- take into account any wishes you **(Ruth)** have expressed
- act in your best interests
- wherever possible, make the same decision that you **(Ruth)** would have made.

You cannot appoint a person who is providing you with professional care, treatment or accommodation.

Deciding your guardian's powers

It is up to you **(Ruth)** to specify what sorts of decisions you want your guardian to make. These will generally be decisions around practical issues that affect your daily life, such as where you live or what sorts of activities you do.

The enduring power of guardianship form (see 'Powers of attorney & guardianship forms', link below) allows you to choose what powers you want your guardian to have. You can limit how your guardian uses these powers. If you do not specify any limits to the powers of an enduring guardian, then they will have the same decision-making powers that a parent would have over a child.

You should discuss these with them before making the appointment.

Medical decisions

If you have appointed a person as your agent under **enduring power of attorney** (medical treatment), their **(Bill's)** decision about your **(Ruth's)** medical treatment will have priority over the decision of your guardian.

If your guardian withholds consent to proposed medical or dental treatment, a practitioner may only provide treatment after notifying your guardian and giving them an opportunity to apply to the Guardianship List of the Victorian Civil and Administrative Tribunal (VCAT) about the treatment.

A guardian does not have the authority to consent to medical procedures that are likely to lead to:

- infertility
- termination of pregnancy
- removal of tissue for transplants.

Your guardian must apply to the Guardianship List of VCAT for a decision about whether these procedures can be carried out. (See 'Protecting your best interests', link below, for more information about the Guardianship List.)

If you **(Ruth)** wish to appoint a person who can refuse medical treatment in all circumstances, it is best to make an enduring power of attorney (medical treatment).

Appointing decision-makers

You can only appoint one guardian. However, you can also appoint an alternative decision-maker, so that if your guardian is unable to carry out the role there is someone who can step in. An alternative guardian can only act if your guardian loses capacity, dies or if they are absent for a period of time, such as if they are travelling overseas.

If you have capacity, but are reluctant to appoint a guardian, your family and friends should still know what you want in relation to health care, financial decisions, palliative care, resuscitation and accommodation choices. Your family should record what you want and the date when you made these statements, so they can carry out your wishes if you are unable to do so. Eventually you may wish to appoint a guardian, but remember you can only make this decision if you have capacity.

What happens if I don't have a guardian and I lose capacity?

If everyone agrees about the treatment or care you need or where you should live it is likely that your family and health care professionals can make decisions about your welfare without an enduring power of guardianship in place.

If your family does not agree with health professionals about what is best for you, they can apply to the Guardianship List of VCAT to appoint a guardian. Contact the Office of the Public Advocate (link below) to get information about making an application.

The Guardianship List will appoint a guardian if this is appropriate. Any statements you made while you had capacity about what you wanted will be very important to guide the decision-maker.

The Guardianship List may appoint the Public Advocate as your guardian as a last resort, such as if you have no family or there is a need for an independent person to make decisions.

FILLMORE CITY JUSTICE COURT
MILLARD COUNTY, STATE OF UTAH

J
1 of 4

FILLMORE CITY vs. WILLIAM DONALD PETERSON

CASE NUMBER 111200013 Other Misdemeanor

CHARGES

Charge 1 - 76-6-206 - CRIMINAL TRESPASS Class B Misdemeanor
Offense Date: February 24, 2011
Disposition: March 23, 2011 Dismissed w/ Prejudi

CURRENT ASSIGNED JUDGE

STANLEY K ROBISON

PARTIES

Defendant - WILLIAM DONALD PETERSON

Plaintiff - FILLMORE CITY

DEFENDANT INFORMATION

Defendant Name: WILLIAM DONALD PETERSON
Offense tracking number: 11683836
Date of Birth: August 24, 1937
Law Enforcement Agency: MILLARD CO SHERIFF
Prosecuting Agency: FILLMORE CITY
Citation Number: 67916

ACCOUNT SUMMARY

BAIL/CASH BONDS	Posted:	578.64
	Forfeited:	0.00
	Refunded:	578.64
	Balance:	0.00

TRUST TOTALS	Trust Due:	578.64
	Amount Paid:	578.64
	Credit:	0.00
	Trust Balance Due:	0.00
	Balance Payable:	0.00

BAIL/CASH BOND DETAIL - TYPE: BAIL

Posted By: WILLIAM DONALD PETERSON
Posted: 578.64
Forfeited: 0.00
Refunded: 578.64

J 2 of 4

CASE NUMBER 111200013 Other Misdemeanor

Balance: 0.00

TRUST DETAIL

Trust Description: Bail/Bond Refund

Recipient: WILLIAM DONALD PETERSON

Amount Due: 578.64

Paid In: 578.64

Paid Out: 578.64

PROCEEDINGS

02-24-11 Case filed

02-24-11 Judge STANLEY K ROBISON assigned.

02-24-11 Notice - NOTICE for Case 111200013 ID 5843610

ARRAIGNMENT is scheduled.

Date: 02/25/2011

Time: 09:00 a.m.

Before Judge: STANLEY K ROBISON

The above-entitled matter represents charges of Criminal Trespass.

Your case will be heard at 75 West Center, Fillmore, UT 84631

Telephone: (435) 743-5233.

02-24-11 ARRAIGNMENT scheduled on February 25, 2011 at 09:00 AM with Judge ROBISON.

02-24-11 Note: WILLIAM DONALD PETERSON came to court office and requested court appearance tomorrow as he does not live here.

02-25-11 Minute Entry - Minutes for Arraignment

Judge: STANLEY K ROBISON

PRESENT

Clerk: teresaa

Defendant

ARRAIGNMENT

The court will not require jail time for defendant. The court does not have to appointment legal defender.

CONTINUANCE

Whose Motion:

The Court.

For defendant to talk with prosector.

The motion is granted.

ARRAIGNMENT.

Date: 03/25/2011

Time: 09:00 a.m.

Location: FILLMORE JUSTICE CRT

75 W CENTER STREET

J
3 of 4

FILLMORE, UT 84631

Before Judge: STANLEY K ROBISON

02-25-11 ARRAIGNMENT Continued.

02-25-11 ARRAIGNMENT scheduled on March 25, 2011 at 09:00 AM in FILLMORE JUSTICE CRT with Judge ROBISON.

02-28-11 Filed: Promise to Appear and Request for Payment

02-28-11 Note: WILLIAM DONALD PETERSON called, posted bail with credit card, needs money to make house payment. Referred him to call MCSO.

03-07-11 Bail Account created Total Due: 578.64

03-07-11 Note: Defendant paid by credit card, MC Treasurer.

03-07-11 Bail Posted Payment Received: 578.64

Note: Defendant paid by credit card, MC Treasurer., Mail Payment;

03-08-11 Note: WILLIAM DONALD PETERSON - Bill Heeder - attorney will file motion on guardianship - it is within rules. bail hearing - object to supeena. Wait for court to validate it.

03-10-11 Note: WILLIAM DONALD PETERSON called and requested a copy of the Affidavit for Indigency be emailed.

03-10-11 Note: Copy of Affidavit for Indigency emailed to defendant.

03-17-11 Filed: Motion to Quash Subpoena and Strike "Motion to Revoke Guardianship and Marriage"

03-18-11 Filed: Motion to Find Guardianship Invalid

03-22-11 Filed: Motion for Order Dismissing Citation

Filed by: FILLMORE CITY,

03-23-11 Charge 1 Disposition is Dismissed w/ Pr

03-23-11 Filed order: Order to Dismiss without prejudice on motion of plaintiff.

Judge STANLEY K ROBISON

Signed March 23, 2011

03-23-11 Charge 1 Disposition is Dismissed

03-23-11 Trust Account created Total Due: 578.64

03-23-11 Bail Refunded Payment Received: -578.64

03-23-11 Bail/Bond Refund Payment Received: 578.64

03-24-11 Filed: Motion for Summary Disposition

03-24-11 Filed: Motion to find guardianship invalid

Filed by: PETERSON, WILLIAM DONALD

03-24-11 Filed: Subpoena

03-24-11 ARRAIGNMENT Cancelled.

Reason: Case was Dismissed

03-25-11 Note: WILLIAM DONALD PETERSON regarding Court appearance today.

Advised his case has been transferred to the District Court and the bail will be refunded.

03-29-11 Case Closed

Disposition Judge is STANLEY K ROBISON

03-30-11 Note: WILLIAM DONALD PETERSON would like a copy of the Motion for order dismissing citation and Order to dismiss.

03-30-11 Note: Copy of motion and order mailed to defendant.

04-05-11 Bail/Bond Refund Check # 29736 Trust Payout: 578.64

*Fillmore City v W^m Peterson
transferred to
Jennifer Tempfer v W^m Peterson
it is Ruths property
WDP has POA over Ruth
Jennifer Tempfer has
no cause of action*

J 4 of 4

CASE NUMBER 111200013 Other Misdemeanor

04-18-11 Note: WILLIAM DONALD PETERSON wants to send more documents for case. Told him case was closed and has been referred to Distict Court. Wanted phone number and mailing address for city atty.

Requested that he contact county atty, provided number.

09-30-11 Note: Mailed copy of case history as requested by defendant.