



incapacitated person is represented by counsel and the issues raised were settled by written stipulation entered into before Justice Martin Ritholtz on December 2, 2002. The stipulation was executed by both respondent and her counsel and provides for the sale of the subject premises with an approximate equal division of the sale proceeds. This strikes the Court as hardly indicative of the actions of a woman with a severe disability.

On the return date of this application the respondent failed to attend and the attorney for the petitioner requested an adjournment in order to await the outcome of the finalization of the partition action. This is unacceptable. The Court will not permit Guardianship proceedings to be used as leverage for other litigations.

The petition is dismissed. The fees of the Court Evaluator and Court Attorney shall be borne by the petitioner.

On or before the date noticed for settlement, all attorneys and the Court Evaluator shall submit affidavits of services, with copies to all parties. The affidavits shall include a description or copy of all retainer agreements, fees received or other fee arrangements, if any.

All persons or firms who have been appointed by the Court or are seeking fees shall affirm that they have complied with the provisions of Part 36 of the Rules of the Chief Judge and are eligible to receive compensation thereunder.

Settle order within twenty (20) days of this date.

Dated: January 13, 2003

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J.S.C.