

STATE OF MICHIGAN

IN THE _____ COUNTY PROBATE COURT

In the Matter Of:

[PERSON IN NEED OF PROTECTION],
An Alleged Person in Need of Protection
_____ /

Case No.
Hon.

Patricia E. Kefalas Dudek (P46408)
Attorney for Petitioner
BEIER HOWLETT, P.C.
200 E. Long Lake Road, Suite 110
Bloomfield Hills, MI 48304
(248) 645-9400

PETITION FOR ORDER TO SEAL RECORDS

PETITIONERS, **[PETITIONER/CLIENT]**, through their attorney, BEIER HOWLETT, P.C., and for their *Petition for an Order to Seal Records*, represent unto this Honorable Court as follows:

1. **[PERSON IN NEED OF PROTECTION]** is a ____ year old man, born on _____.
2. **[PERSON IN NEED OF PROTECTION]** currently resides in _____, Michigan.
3. **[PERSON IN NEED OF PROTECTION]** has one adult son, _____, Petitioner, and one adult daughter, _____.
4. **[PERSON IN NEED OF PROTECTION]** is the sole stockholder, director and officer of _____ Company, Inc., the general partner of the various companies under the umbrella of _____, and retains exclusive management and control of all these businesses within this entity. On information and belief, one hundred (100%) percent of the stocks of _____ Company, Inc. is owned by **[PERSON IN NEED OF PROTECTION]**'s Revocable Trust. **[PERSON IN NEED OF PROTECTION]**'s interests in the businesses are part of the Trust, which he manages as Trustee of his Trust.
5. There are over two hundred individuals employed by _____.
6. **[PERSON IN NEED OF PROTECTION]** is a prominent and a respected business person in the community.

7. In 1999, [PERSON IN NEED OF PROTECTION] began exhibiting signs of decline in his cognitive functioning. [PERSON IN NEED OF PROTECTION] has been evaluated and treated with various medications to address the symptoms of Alzheimer's Dementia ever since.

8. Since his decline, [PERSON IN NEED OF PROTECTION] has engaged in questionable transactions related to his company. He is no longer able to make decisions in the best interest of his company, or for himself. See *Affidavit of [NAME OF WITNESS]*, attached as *Exhibit ____*.

9. Petitions for the appointment of guardian and conservator, have been filed concurrently with this Court.

10. _____ Bank, who oversees all of the company's transactions, has now refused to approve any new lines of credit until the resolution of concerns related to [PERSON IN NEED OF PROTECTION]'s cognitive capacities.

11. MCL § 700.5401 states in pertinent part:

"(3) The court may...make another protective order in relation to an individual's estate and affairs if the court determines both of the following:

(a) The individual is unable to manage property and business affairs effectively for reasons such as mental illness, [and] mental deficiency..."

(b) The individual has property that will be wasted or dissipated unless proper management is provided..."

12. MCR 8.119(F) states:

"(1)...a court may not enter an order that seals court records, in whole or in part, in any action or proceeding, unless

(a) a party has filed a written motion that identifies the specific interest to be protected,

(b) the court has made a finding of good cause, in writing or on the record, which specifies the grounds for the order, and

(c) there is no less restrictive means to adequately and effectively protect the specific interest asserted.

13. Petitioners request that this Court seal the records related to this action, including omission of information regarding the nature of these proceedings in this Court's computer database, in order to protect the interests of [PERSON IN NEED OF PROTECTION] and his company and its business employees.

14. The company and [PERSON IN NEED OF PROTECTION]'s interests are subject to irreparable injury, loss and damage should the employees discover that there is no one who is heading the operations other than [PERSON IN NEED OF PROTECTION] who's mental capacity is in serious question.

15. The company and [PERSON IN NEED OF PROTECTION]'s interests are also subject to irreparable injury, loss and damage should persons engaging in business transactions with [PERSON IN NEED OF PROTECTION] on behalf of the company discover that [PERSON IN NEED OF PROTECTION]'s mental capacity is in serious question. Discovery of this information would open the door for abuse and exploitation, and make it impossible for the business to resolve disputes and negotiate pending necessary transactions.

16. There is no less restrictive means to protect the reputation and interests of [PERSON IN NEED OF PROTECTION] and his company.

17. The interested persons are as follows: [INSERT NAME AND ADDRESSES OF ALL INTERESTED PERSONS]

THEREFORE, Petitioner requests this Court to issue an Order to:

- A. Seal the entirety of this record related to this matter.
- B. Remove from this Court's computer database the exact nature of these proceedings.
- C. Grant any other relief this Court deems equitable and appropriate under the circumstances.

I DECLARE THAT THE ABOVE STATEMENTS ARE TRUE TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF.

PETITIONER:

DATED: _____, 2005

[NAME OF PETITIONER]

By their Counsel:

BEIER HOWLETT, P.C.

By:

Patricia E. Kefalas Dudek (P46408)
Attorney for Petitioner
200 E. Long Lake Road, Suite 110
Bloomfield Hills, MI 48304-2361
(248) 645-9400