

CAUSE NO. 2017-GD00236-2

IN THE GUARDIANSHIP OF	§	IN THE PROBATE COURT
RUBY CAGLE JO WHITE,	§	NUMBER TWO
AN ALLEGED INCAPACITATED	§	
PERSON	§	TARRANT COUNTY, TEXAS

FIRST AMENDED MOTION TO DISGORGE APPLICANT'S ATTORNEY'S FEES

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, WILLIAM L. CAMPBELL, Attorney Ad Litem (hereinafter "AAL"), appointed by Order of this Court dated August 2, 2017, and complains of the attorney's fees paid out of funds belonging to RUBY CAGLE JO WHITE ("Respondent") to or for the benefit of attorney, RASHELLE D. FETTY, and/or the FAMILY LAW FIRM OF DONNA J. SMIEDT, PLLC (hereinafter the "SMIEDT FIRM"), attorneys of record for TERRI WHITE TAYLOR (hereinafter "Applicant"), and would respectfully show the Court as follows:

1. The Court appointed WILLIAM L. CAMPBELL to be Attorney Ad Litem by order signed on August 2, 2017.
2. The SMIEDT FIRM filed an *Application for the Appointment of a Temporary and Permanent Guardian of the Estate* in this cause on July 25, 2017.
3. The *Application for the Appointment of a Temporary and Permanent Guardian of the Estate* was denied following a contested hearing on the Application held August 4, 2017, with an order denying such Application signed on August 7, 2017.
4. Applicant is the daughter of Respondent. Applicant was a party to a joint account at Texas Trust Credit Union with Respondent. Applicant is a fiduciary to Respondent as a result of the

family relationship and as a party to Respondent's account at Texas Trust Credit Union. Applicant made no contributions to Respondent's account at Texas Trust Credit Union. Applicant withdrew \$30,000.00 from Respondent's Texas Trust Credit Union account prior to the filing of the *Application for the Appointment of a Temporary and Permanent Guardian of the Estate*. Respondent has reason to believe that Applicant used Respondent's funds as withdrawn by Applicant from Respondent's Texas Trust Credit Union account to pay attorney's fees to Applicant's attorneys for prosecution of the *Application for the Appointment of a Temporary and Permanent Guardian of the Estate*. Applicant has failed and refused to return to Respondent the funds withdrawn from Respondent's account at Texas Trust Credit Union and has breached her fiduciary duties to Respondent by such self-dealing conduct. Respondent has been damaged by the conduct of Applicant.

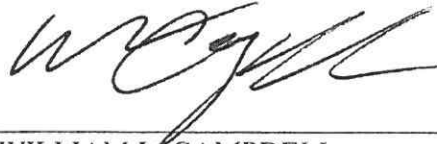
5. AAL has reason to believe that funds withdrawn by Applicant from Respondent's Texas Trust Credit Union account were used by Applicant, without court authority, to pay attorney's fees to the SMIEDT FIRM, court costs, and other fees required in these proceedings. The exact amount of the fees is unknown to AAL.

6. Attorney FETTY and the attorneys in the SMIEDT FIRM are officers of this Court and appeared before this Court in this case representing Applicant, TERRI WHITE TAYLOR. AAL has reason to believe that Attorney FETTY and the SMIEDT FIRM inappropriately received funds that belonged to Respondent and knew or should have known, upon reasonable inquiry, that such funds belonged to Respondent. Attorney FETTY and the SMIEDT FIRM did not apply to the Court for payment of such fees. Attorney FETTY and the SMIEDT FIRM are or were in possession of funds belonging to Respondent and have failed to return or restore the funds to Respondent.

7. AAL requests that the Court order the SMIEDT FIRM to account for and restore to Respondent all fees, costs, and expenses paid to such firm by Applicant from funds belonging to Respondent. Attorney FETTY and the SMIEDT FIRM should be ordered to disgorge all fees paid to such attorney by Applicant from Respondent's funds and return all such funds directly to Respondent, RUBY CAGLE JO WHITE. Applicant, Attorney FETTY, and/or the SMIEDT FIRM should be assessed with all costs and fees for this proceeding.

WHEREFORE, PREMISES CONSIDERED, AAL prays that this *First Amended Motion to Disgorge Attorney's Fees* come on for immediate hearing and that the Court enter orders granting disgorgement of all fees paid to Attorney FETTY and the SMIEDT FIRM, and ordering the return of all such funds to Respondent, RUBY CAGLE JO WHITE, immediately. AAL further prays for general relief and all other appropriate orders to which AAL and Respondent may be justly entitled.

Respectfully submitted,



WILLIAM L. CAMPBELL
State Bar No. 03719400
1101 West Randol Mill Road
Arlington, Texas 76012
817/861-9116
Fax: 817/277-6424
email: wlcmbll@flash.net

ATTORNEY AD LITEM

CERTIFICATE OF SERVICE

I, WILLIAM L. CAMPBELL, certify that the foregoing instrument was served on the following parties on September 21, 2017, in accordance with the Texas Rules of Civil Procedure:

DONNA J. SMIEDT (via e-service)
FAMILY LAW FIRM OF DONNA J. SMIEDT, PLLC
3216 West Arkansas Lane
Arlington, Texas 76016



WILLIAM L. CAMPBELL

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SUPPLEMENT TO REPORT OF WILLIAM L. CAMPBELL
PURSUANT TO SEPTEMBER 28, 2017 ORDER

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, WILLIAM L. CAMPBELL, and makes and files the following *Supplement to Report of William L. Campbell Pursuant to September 28, 2017 Order* and for such *Supplement to Report* would show unto the Court the following:

The undersigned attorney, WILLIAM L. CAMPBELL, has received payments as follows:

1. Check No. 2035 dated "10-17-17" from TERRI WHITE TAYLOR in the amount of \$1,315.31, received by the undersigned on October 19, 2017.
2. Check No. 2036 dated "10-20-17" from TERRI WHITE TAYLOR in the amount of \$1,033.57, received by the undersigned on October 23, 2017.
3. Check No. 4558 dated "Oct. 24, 2017" from THE FAMILY LAW FIRM OF DONNA J. SMIEDT PLLC, in the amount of \$1,100.00, received by the undersigned on October 24, 2017.

All three checks in the total amount of \$3,448.88 were deposited to the Attorney Trust Account of WILLIAM L. CAMPBELL on October 25, 2017.

Respectfully submitted,



WILLIAM L. CAMPBELL, Attorney
State Bar No. 03719400
1101 West Randol Mill Road
Arlington, Texas 76012
817/861-9116
Fax: 817/277-6424
email: wlcmbll@flash.net

CERTIFICATE OF SERVICE

I, WILLIAM L. CAMPBELL, certify that the foregoing instrument was served on the following parties on October 25, 2017, in accordance with the Texas Rules of Civil Procedure:

DONNA J. SMIEDT (via e-service)
THE FAMILY LAW FIRM OF DONNA J. SMIEDT, PLLC
3216 West Arkansas Lane
Arlington, Texas 76016



WILLIAM L. CAMPBELL