

JUN 17 2008
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9 Temporary Co-Conservator of the Estate
10

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**
13

14 In re the Conservatorship of the Person and
15 Estate of

16 BRITNEY JEAN SPEARS,
17

18 Temporary Conservatee.
19

Case No. BP-108870

Date:
Time:
20 Dept.: 9
21 Judge: Hon. Reva Goetz, Judge Pro Tem

22 **EX PARTE PETITION FOR ORDER**
23 **GRANTING TEMPORARY CO-**
24 **CONSERVATORS INDEPENDENT**
25 **POWER TO SELL TEMPORARY**
26 **CONSERVATEE'S RESIDENCE; TO**
27 **ENTER EXCLUSIVE RIGHT-TO-SELL**
28 **AGREEMENT; AND TO PURCHASE A**
REPLACEMENT RESIDENCE
(PROBATE CODE §2591(d)(2), § 2591(g))

26 James P. Spears and Andrew Wallet, as the Temporary Co-Conservators of the Estate of
27 Britney Jean Spears, respectfully present this Ex Parte Petition for Order Granting Temporary Co-
28 Conservators Independent Power to Sell Temporary Conservatee's Residence, to Enter Exclusive

EX PARTE PETITION FOR ORDER GRANTING TEMPORARY CO-CONSERVATORS INDEPENDENT
POWER TO SELL TEMPORARY CONSERVATEE'S RESIDENCE; TO ENTER EXCLUSIVE RIGHT-TO-
SELL AGREEMENT; AND TO PURCHASE A REPLACEMENT RESIDENCE

1 Right-To-Sell Agreement, and to Purchase a Replacement Residence, and allege on information
2 and belief as follows:

3 1. Appointment of Temporary Conservator. On February 1, 2008, Jamie P. Spears
4 ("Mr. Spears") was appointed Temporary Conservator of the Person of Britney Jean Spears
5 ("Britney" or "Temporary Conservatee"). On that same date, the Court also appointed Mr. Spears,
6 along with Andrew M. Wallet of Hinojosa & Wallet ("Mr. Wallet"), as the Temporary Co-
7 Conservators of Britney's Estate (the "Estate"). (Mr. Spears and Mr. Wallet are collectively
8 referred to as the Temporary Conservators.) Letters of Temporary Conservatorship were issued
9 the same day. The Court has extended the appointment and the Letters of Temporary
10 Conservators several times since February 1, 2008 and most recently, the Court extended the
11 appointment and the Letters of Temporary Conservatorship to July 31, 2008. Since their
12 appointment, Mr. Spears has been the duly appointed and acting Temporary Conservator of the
13 person of Britney, and Mr. Spears and Mr. Wallet have been the duly appointed and acting
14 Temporary Co-Conservators of Britney's Estate.

15 2. Appointment of PVP Counsel. On February 1, 2008, the Court appointed Samuel
16 D. Ingham III ("Mr. Ingham") as the PVP attorney for Britney. As of the date of the filing of this
17 Petition, Mr. Ingham has not been discharged as the PVP attorney, and he will be served with a
18 copy of this Petition.

19 3. Order Granting Independent Power to Sell Residence and Purchase Replacement
20 Residence is to the Advantage, benefit and Best Interest of the Estate. Among the assets of the
21 Estate is the Temporary Conservatee's personal residence, located in Beverly Hills, California (the
22 "Residence"). Title to the Residence is in the name of a revocable inter vivos trust established by
23 the Conservatee several years before the initiation of the Conservatorship proceedings (the
24 "Residence Trust").¹ The Trustees of the Residence Trust are the Temporary Conservators, Mr.
25 Spears and Mr. Wallet. The Temporary Conservators believe that it is in the best interest of the
26

27 ¹ The address of the Residence and the name of the Residence Trust are not included in this
28 pleading in order to protect the privacy of the Temporary Conservatee. However, both will be
provided to the Court and the interested parties entitled to notice upon request.

**EX PARTE PETITION FOR ORDER GRANTING TEMPORARY CO-CONSERVATORS INDEPENDENT
POWER TO SELL TEMPORARY CONSERVATEE'S RESIDENCE; TO ENTER EXCLUSIVE RIGHT-TO-
SELL AGREEMENT; AND TO PURCHASE A REPLACEMENT RESIDENCE**

1 Temporary Conservatee and the Estate to sell the Residence and purchase a replacement residence
2 for the following reasons, among others: The Temporary Conservators believe that they can find a
3 more suitable residence with a larger backyard that would be more appropriate for the Temporary
4 Conservatee's minor children. In addition, the Temporary Conservators believe that they can find
5 a replacement residence in a lower density, more quiet and less trafficked neighborhood, that is
6 also more accessible to parks and recreation areas suitable for the Conservatee's children. The
7 sale of the Residence and purchase of such a replacement residence is in the best interest of the
8 Conservatee, her Estate and her minor children. Therefore, the Temporary Conservators propose
9 to sell the Residence and purchase a replacement residence for the Temporary Conservatee (the
10 "Proposed Plan").

11 4. Conservatee Consents to Proposed Plan. Mr. Spears has discussed with the
12 Temporary Conservatee the Proposed Plan and she agrees and consents to the Proposed Plan.

13 5. Request for Independent Powers under Probate Code Section 2591. Petitioners
14 believe that it would be to the advantage, benefit and in the best interest of the Conservatee and
15 the Estate under the particular circumstances of this Conservatorship for the Court to grant to the
16 Temporary Conservators the independent power under Probate Code § 2951(d)(2) to (i) sell the
17 Temporary Conservatee's Residence at public or private sale without confirmation by the Court
18 of the sale, and (ii) purchase an appropriate replacement residence. Probate Code Section 2352.5
19 is not applicable as the sale is for the purpose of replacing the Residence with a more appropriate
20 residence and not for the purpose of placing the Conservatee in a facility. The conditions of
21 Probate Code Section 2541 are satisfied as the sale is for the advantage, benefit and best interest of
22 the Conservatee, the Estate and the Conservatee's minor children.

23 6. Exclusive Listing Agreement. In connection with the sale of the Residence, the
24 Temporary Conservators desire to enter into an exclusive right-to-sell agreement with John
25 Johnston and Brett Lawyer of Sotheby's International for a period not to exceed 90 days, for a
26 reasonable commission not to exceed 5% of the selling price the Temporary Conservators request
27 that the Court authorize them to enter into such an agreement. The proposed brokers are
28 experienced in making sales in the area of the Residence. If an exclusive right-to-sell agreement is

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1 entered into with the proposed brokers, the Brokers will place the Residence in the multiple listing
2 service and will exercise diligence and effort in advertising the property in order to make the sale.

3 7. Requests for Special Notice. There are no requests for special notice on file herein.

4 WHEREFORE, the Temporary Conservators request that the Court order that:

5 1. The Temporary Conservators are granted the independent power under Probate
6 Code Section 2591(c)(2) to (a) sell the Conservatee's residence at public or private sale without
7 confirmation by the Court of the sale, and (b) purchase a replacement residence for the Temporary
8 Conservatee;

9 2. The Temporary Conservators are authorized to enter into an exclusive right-to-sell
10 agreement with John Johnston and Brett Lawyer of Sotheby's International for a period not to
11 exceed 90 days, for a reasonable commission not to exceed 5% of the selling price; and

12 3. For other relief the Court considers proper.

13 Dated:

6-16-08

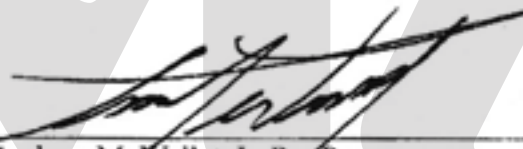
LUCE, FORWARD, HAMILTON & SCRIPPS LLP

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15 By: 

Jeryll S. Cohen
16 Attorneys for James P. Spears, Temporary Co-
17 Conservator of the Estate of Britney Jean Spears and
Conservator of the Person of Britney Jean Spears

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19 Dated:

6-17-08

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22 Andrew M. Wallet, In Pro Per
23 Temporary Co-Conservator of the Estate of Britney
24 Jean Spears

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VERIFICATION

I have read the foregoing ~~EX PARTE PETITION FOR ORDER GRANTING~~
~~TEMPORARY CO-CONSERVATORS INDEPENDENT POWER TO SELL,~~
~~TEMPORARY CONSERVATEE'S RESIDENCE; TO ENTER EXCLUSIVE RIGHT-TO-~~
~~SELL AGREEMENT; AND TO PURCHASE A REPLACEMENT RESIDENCE~~ and know
its contents.

I am a party to this action. The matters stated in the foregoing document are true of my
own knowledge except as to those matters which are stated on information and belief and as to
those matters which I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

Executed on

6/16 2008, at Beverly Hills California.

James P. Spear
James P. Spear

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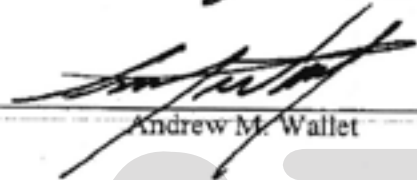
VERIFICATION

I have read the foregoing **EX PARTE PETITION FOR ORDER GRANTING TEMPORARY CO-CONSERVATORS INDEPENDENT POWER TO SELL TEMPORARY CONSERVATEE'S RESIDENCE; TO ENTER EXCLUSIVE RIGHT-TO-SELL AGREEMENT; AND TO PURCHASE A REPLACEMENT RESIDENCE** and know its contents.

I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters which I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 6-17-08, 2008, at La Brea California.



Andrew M. Waller

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EX PARTE PETITION FOR ORDER GRANTING TEMPORARY CO-CONSERVATORS INDEPENDENT POWER TO SELL TEMPORARY CONSERVATEE'S RESIDENCE; TO ENTER EXCLUSIVE RIGHT-TO-SELL AGREEMENT; AND TO PURCHASE A REPLACEMENT RESIDENCE