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IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

In re: Guardianship of Hamza Mkroume,
an unemancipated minor
Fiduciary No: FI-2000-0065285

Commissioner's Report

To the Honorable Judges of the Circuit Court of Fairfax County, Virginia:

Pursuant to Virginia Code § 31-8.2, a hearing was held on November 8, 2010 at 2:00 P.M. at your commissioner's office in Fairfax, Virginia, to receive evidence concerning the propriety of certain disbursements from the above minor's estate. The minor was born May 12, 1998, and is under fourteen years of age, therefore no notice of the hearing was provided to the minor pursuant to Virginia Code § 31-8.2. At the said time and place, Meryem Mkroume, guardian of the above minor, did not appear to explain or support the expenditures from the minor's estate. No other person appeared at the hearing.

On July 6, 2000, Meryem Mkroume qualified as guardian to receive inheritance funds estimated to be in the amount of \$7,000.00 for Hamza Mkroume. Pursuant to records provided with the first account filed in this matter on June 18, 2002, Meryem Mkroume received \$6,557.91 as guardian for Hamza Mkroume on August 18, 2000. The first account reports as its sole disbursement payment to your commissioner of \$113.00 as filing fees for the account. The remaining balance on hand is shown as \$6,444.91. The account remains unapproved due to unresolved exceptions.

The fiduciary failed to file any further accounts with your commissioner. On January 22, 2010 your commissioner issued a summons to the fiduciary for the filing of proper accounts. On May 21, 2010 this Court entered an Order for a rule to show cause, directing the fiduciary to show cause why she should not be held in contempt for her failure to file proper accounts. At the initial return date for the rule on September 24, 2010, the fiduciary informed your commissioner that she had expended all of the guardianship monies on activities for the minor. On October 27, 2010, your commissioner gave notice as required by Virginia Code § 31-8.2 that a hearing had been scheduled for November 8, 2010 in order to review the guardianship expenditures. Prior to the hearing, the fiduciary submitted documentation listing purported yearly expenditures for sports activities and travel to Morocco. The fiduciary did not provide any supporting vouchers or

of Pages 5
WILL BK 00907 PG 0503
Fiduciary # FI-2000-0065285
Date 11/29/2010
Estate MKROUME, HAMZA
Recorded in
FAIRFAX COUNTY CIRCUIT COURT
TESTE JOHN T. FREY



explanation of the necessity to expend the minor's funds. The fiduciary did not appear at the hearing.

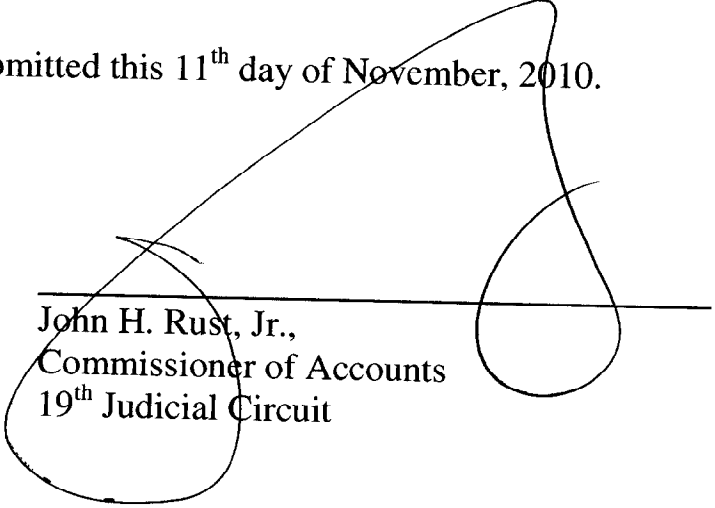
In the instant case, the fiduciary provided by electronic mail a statement of expenditures totaling \$22,345 over an eight year period, a copy of which is attached. The cover letter which accompanied the statement indicated that the expenses were "beyond normal and out of my budget." No vouchers or other supporting documents were provided with the statement and the fiduciary made no accounting of the actual disposition of the minor's funds. The reported expenses, which cannot be verified, are largely transportation costs and activity fees associated with traveling soccer activities for the minor. Virginia Code § 31-8.2 authorizes your commissioner to approve up to \$3,000 in annual expenditures from a minor's account "upon a finding that (a) the parent is unable to completely fulfill the parental duty of supporting the child, (b) the parent cannot for some reason be required to provide such support, or (c) a proposed distribution is beyond the scope of parental duty of support in the circumstances of a specific case." It is the opinion of your commissioner that the expenditures in question, if otherwise sustained by appropriate vouchers, were not a part of a parent's normal duty of support. Therefore, neither subsection (a) nor (b) are applicable in this case. The issue presented is whether the expenditures may be approved as "beyond the scope of parental duty of support in the circumstances" of this case.

As the expenditures are not necessary for the support of the child, your commissioner is of the opinion that the threshold question for approval of such optional expenditures is whether the expenditures are in the best interest of the child. The costs included at least 3 trips to Morocco and traveling expenses and lodging for soccer participation amounting to more than \$3,000 annually in most years. At least two of the trips to Morocco occurred prior to the child reaching six years of age. There is no evidence before your commissioner of any compelling reason to use the child's funds for such trips. While competitive soccer and foreign travel can broaden a child's experience, there is nothing in the record which indicates that the benefits of such expenditures were sufficiently compelling to require depletion of the minor's account. Therefore, your commissioner is of the opinion that the reported expenditures, even if supported by vouchers, were not in the best interest of the minor's estate.

While such a determination would normally determine whether the expenditure may be approved, in the interest of providing a complete analysis, your commissioner will also examine the remaining issue in the evaluation of such expenditures. Your commissioner is of the opinion that after determination whether the optional expenditures were in the best interest of the minor ward, the remaining issue is whether it is appropriate that the ward's estate bear such costs rather than the living parent. The fiduciary provided no evidence of her financial capacity or income. It is apparent from her statement that she expended far more than the amount available in the minor's account on such optional activities. Based upon the expenditure of \$22,345 on soccer activities over an eight year period, your commissioner finds that Ms. Mkroume had ample independent resources as the living parent of the ward to pay such expenses if she chose to incur such costs. Therefore, it is the opinion of your commissioner that the parent and guardian was able to pay the costs of the expenditures from her own resources, without resort to the minor's funds. It is also the opinion of your commissioner that the expenditures otherwise placed a disproportionate burden on the funds available to the minor ward effectively exhausting the funds of the ward on optional activities before the ward's tenth birthday.

Based upon the foregoing, pursuant to Virginia Code 31-8.2, your commissioner declines to approve the expenditures of \$6,444.91 from the minor ward's estate. The fiduciary is directed to restore the funds to the account of the minor ward, together with interest at the legal rate from August 18, 2000, until paid.

Respectfully submitted this 11th day of November, 2010.



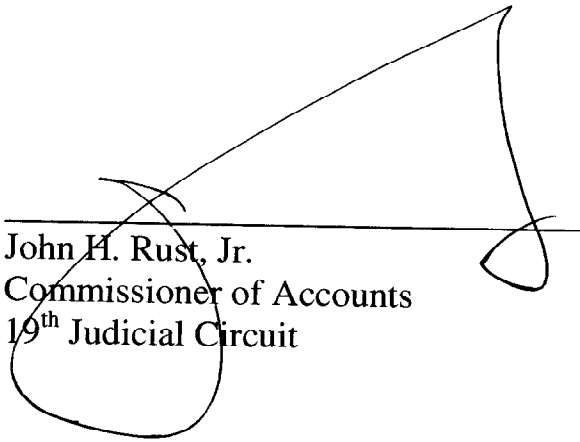
John H. Rust, Jr.,
Commissioner of Accounts
19th Judicial Circuit

Commissioner's Fee for this Report \$ 100.00 – UNPAID

CERTIFICATE OF MAILING

I hereby certify that on this 11th day of November, 2010, a true and correct copy of the above Commissioner's Report was mailed, first-class mail, postage prepaid, to the following persons at the addresses shown below:

Meryem Mkroume
22001 Manning Sq.
Sterling VA 20166



John H. Rust, Jr.
Commissioner of Accounts
19th Judicial Circuit

In the Clerk's Office of the Circuit Court of
Fairfax County, Virginia 11/29 2010
the foregoing document(s) was/were received
and admitted to record.

Teste: JOHN T. FREY, Clerk

By: James Z. Brown
Deputy Clerk

Expense Description		
	Year 2001	Subtotal
Fees for Soccer Travel Team Participation		
Transportation Expenses		
Hotel Lodging for Travel team		
Basketball House League		
Travel to Morocco	\$1,500	\$1,500 00
	Year 2004	
Fees for Soccer Travel Team Participation		
Transportation Expenses		
Hotel Lodging for Travel team		
Basketball House League	\$200/Year	\$200 00
Travel to Morocco	\$1,600	\$1,600 00
	Year 2005	
Fees for Soccer Travel Team Participation		
Transportation Expenses		
Hotel Lodging for Travel team		
Basketball House League	\$200/Year	\$200 00
Travel to Morocco	No Travel	
	Year 2006	
Fees for Soccer Travel Team Participation	300 Per Quarter = \$1200/Yr	\$1,200.00
Transportation Expenses	No Travel House League	
Hotel Lodging for Travel team	No Travel & Lodging	
Basketball House League	\$200/Year	\$200.00
Travel to Morocco	No Travel	
	Year 2007	
Fees for Soccer Travel Team Participation	\$350 Per Quarter = \$1400/Year	\$1,400 00
Transportation Expenses	\$10 Per Trip (16 Trips/Month) = \$1920/Yr	\$1,920 00
Hotel Lodging for Travel team	5 Trips/Year (Average 100 Per Trip = \$500 /Yr	\$500.00
Basketball House League	\$275/Year	\$275.00
Travel to Morocco	No Travel	
	Year 2008	
Fees for Soccer Travel Team Participation	\$375 Per Quarter = \$1500/Year	\$1,500.00
Transportation Expenses	\$10 Per Trip (16 Trips/Month) = \$1920/Yr	\$1,920.00
Hotel Lodging for Travel team	5 Trnps/Year (Average 100 Per Trip = \$500 /Yr	\$500.00
Basketball House League	\$300/Year	\$300 00
Travel to Morocco	\$1,800	\$1,800.00
	Year 2009	
Fees for Soccer Travel Team Participation		
Transportation Expenses	\$375 Per Quarter = 1500/Year	\$1,500.00
Hotel Lodging for Travel team	\$10 Per Trip (16 Trnps/Month) = \$1920/Yr	\$1,920 00
Basketball House League	5 Trnps/Year (Average 100 Per Trip = \$500 /Yr	\$500.00
Travel to Morocco	\$325/Year	\$325.00
	Year 2010	
Fees for Soccer Travel Team Participation	\$375 Per Quarter = 1500/Year	\$1,500 00
Transportation Expenses	\$10 Per Trip (16 Trips/Month) = \$1920/Yr	1360
Hotel Lodging for Travel team	5 Trnps/Year (Average 100 Per Trip = \$500 /Yr	400
Basketball House League	\$325/Year	\$325 00
Travel to Morocco	No Travel	
Total		\$22,345.00