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APR 28 2021

Superior Court of WA
Sharon Fogo

AP 11

21-4-00040-23
ORAPGDE 25
Order Appointing Full Guardianship of Estate
10202865



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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR MASON COUNTY

In Re the Guardianship of:

VIRGINIA LEE JACKSON,

An Incapacitated Person.

NO. 21-4-00040-23
Order Appointing
 Limited Guardian of Person (ORAPLGP)
 Full Guardian of Person (ORAPGDP)
 Limited Guardian of Estate (ORAPLGE)
 Full Guardian of Estate (ORAPGDE)
 Full Guardian of Person and Estate (ORAPGD)

[X] Clerk's Action Required, Para 3.2

GUARDIANSHIP SUMMARY

<u>Date Guardian Appointed:</u>	<u>April 28, 2021</u>
<u>Due Date for Report and Accounting:</u>	<u>July 27, 2021</u> <i>lh</i>
<u>Date of Next Review:</u>	<u>By August 26, 2021</u> <i>@ 9:00 AM</i>
<u>Letters Expire On:</u>	<u>August 26, 2022</u>
<u>Bond Amount:</u>	<u>TBD at Review Hearing</u>
<u>Restricted Account</u>	
<u>Agreements Required:</u>	<u>TBD at Review Hearing</u>
<u>Due Date for Inventory:</u>	<u>July 27, 2021</u>
<u>Due Date for Care Plan:</u>	<u>July 27, 2021</u>
<u>Right to Vote Revoked:</u>	<u>No</u>

8/25/21

Incapacitated Person

Virginia Lee Jackson
See GAL Report

Guardian of Person and Estate

Carolee Pailca
PO Box 1215
Hoodsport, WA 98548
(360) 463-2063
pailcacarolee@gmail.com

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Interested Parties	Address	Relation to IP
Marcia Marasco	PO Box 182 High Bridge, NJ 08829	Daughter

THIS MATTER came on regularly for hearing on a petition for the appointment of guardian of the person and estate of Virginia Lee Jackson (hereinafter "Ms. Jackson"). The Court considered the written reports of the guardian ad litem and the physician selected by the guardian ad litem, remarks of counsel, and the papers and pleadings filed herein. Based on the above, the Court makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1.1 All notices required by law have been given. Certificates of service or mailing are on file. Ms. Jackson was personally served with notice of the hearing on April 18, 2021.

1.2 Ms. Jackson ~~[]~~ did [] did not appear for the hearing on the petition. The Guardian ad Litem recommended her presence.

1.3 Shawna Shearer, the court-appointed guardian ad litem, has filed a report with the Court as required by RCW 11.88.090.

~~[]~~ The guardian ad litem should be discharged.

[] The guardian ad litem's appointment should continue until either 90 days from the date of this order; or the day after the bond-review hearing, whichever occurs last. The guardian ad litem should report to the court if the current arrangement is not working, if Ms. Jackson's health and safety are at risk, or if the guardian is not performing her duties. The guardian ad litem should be awarded ten (10) additional hours to complete her duties, to be paid by Ms. Jackson's estate subject to court approval.

1.4 The exact nature of Ms. Jackson's estate is unknown. She has approximately \$68,000 in liquid assets, and owns her home with a mortgage of approximately \$42,000. Ms. Jackson receives \$1,216 per month in social security, and two monthly annuity payments totaling approximately \$530. Her estate has over \$3,000 in assets.

1 1.5 By prior order, prepayment of the filing fee was waived. The filing fee should
2 be paid by the alleged incapacitated person who has over \$3,000 in assets. The issue of the bond
3 should be reserved until the guardian's 90 day hearing.

4 1.6 The Guardian ad Litem, Shawna Shearer, has requested fees and costs of
5 \$2,079.91 for services rendered and costs incurred while acting as Guardian ad Litem. Fees and
6 costs in the amount of \$2,079.91 are reasonable and should be paid by Ms. Jackson's estate.

7 1.7 The attorney for the incapacitated person, Heidi Magaro, has requested fees and
8 costs of \$ 1129 for services rendered and costs incurred while acting as attorney. Fees and
9 costs in the amount of \$ 1129 are reasonable and should be paid by Ms. Jackson's estate.

10 1.8 Ms. Jackson has medical diagnoses that affect her cognitive abilities. Ms.
11 Jackson is dependent upon others to assist her with her activities of daily living and is not able
12 to make independent decisions regarding her health, finances, or person.

13 1.9 Ms. Jackson is at significant risk of personal harm based on a demonstrated
14 inability to adequately provide for her nutrition, health, housing and physical safety. Ms.
15 Jackson is at significant risk of financial harm based on her inability to adequately manage
16 property and financial affairs. Ms. Jackson is also incompetent for purposes of giving informed
17 consent for health care pursuant to RCW 7.70.050 and 7.70.065.

18 1.10 Carolee Pailca, the proposed guardian, is qualified to act as limited guardian of
19 the person and full guardian of the estate of Ms. Jackson. The proposed Guardian's contact
20 information is: PO Box 1215, Hoodspert, WA 98548; (360) 463-2063;
21 pailcacarolee@gmail.com.

22 1.11 A limited guardian of the person and full guardian of the estate should be
23 appointed. The term of the guardianship should be permanent or until terminated pursuant to
24 RCW 11.88.140.

25 1.12 Ms. Jackson's right to vote should not be revoked.
26

1 **CONCLUSIONS OF LAW**

2 2.1 This court has jurisdiction over the parties and the subject matter herein.

3 2.2 Virginia Lee Jackson is an incapacitated person within the meaning of RCW
4 11.88, and a limited guardian of the person and full guardian of the estate should be appointed
5 for her.

6 2.3 Carolee Pailca is qualified under RCW 11.88.020 to act as guardian and should
7 be appointed limited guardian of the person and full guardian of the estate of Virginia Lee
8 Jackson.

9 **ORDER**

10 Now, therefore, it is hereby ordered that:

11 3.1 Carolee Pailca is appointed limited guardian of the person and full guardian of
12 the estate of Virginia Lee Jackson, an incapacitated person. The power and duties of the guardian
13 shall be as required by RCW 11.92, and as set forth in paragraphs 3.3 and 3.4 below.

14 3.2 That the Clerk of Court shall issue letters of limited guardian of the person and
15 full guardian of the estate upon the filing of an oath.

16 3.3 That the guardian of the person, upon the issuance of Letters, shall have the
17 following authority and responsibilities:

18 [X] All of the powers and responsibilities of a guardian of the person pursuant to the
19 provisions of Chapter 11.92 RCW;

20 [X] To review, release, consent to the release of and use as appropriate all medical,
21 dental, mental health, psychological, psychiatric, medication, laboratory, and social services
22 work records, charts, evaluations, and reports concerning the incapacitated person;

23 [X] To monitor the conditions and needs of the incapacitated person;

24 [X] To consent to and arrange for, or refuse to consent to, medical, dental,
25 psychological, or psychiatric treatment and care, including any and all medications, diagnostic
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1 testing, evaluation, examination, placement, and/or transfer to an appropriate health care facility
2 such as, but not limited to, an adult family home, hospital, assisted living facility or nursing home;

3 To select or discharge any health care or medical provider;

4 To decide code status of the ward, including the use of life sustaining measures,
5 including intravenous therapy, tube feedings, hydration, antibiotics, pain medications and
6 comfort care;

7 To provide substitute informed consent (RCW 7.70.065) for medical or dental
8 treatment, medications for the incapacitated person, including surgery, except where contrary
9 to law;

10 To provide for or contract for case or care management services on behalf of the
11 incapacitated person;

12 To provide for such other personal assistance as the incapacitated person
13 requires;

14 To establish a pre-need burial or cremation plan for the incapacitated person;

15 To obtain health information for the incapacitated person; pursuant to 45 CFR
16 164.514, all providers who are covered entities under the Health Insurance Portability and
17 Accountability Act (HIPAA), and/or their business associates shall release any and all health
18 information requested by the guardian, to the guardian, upon receiving a copy of this document.

19 3.4 That the guardian of the estate shall have, upon the issuance of Letters, the
20 following authority and responsibilities:

21 All of the powers of a guardian of the estate pursuant to the provisions of Chapter
22 11.92 RCW, including statutory trust powers;

23 To undertake the management of the financial affairs of the incapacitated person,
24 including but not limited to contracting for and incurring obligations on behalf of the
25 incapacitated person, becoming representative payee of any income from Social Security,
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1 Veteran's Administration, or Civil Service income to which the incapacitated person is entitled,
2 and any other sources of revenue or income;

3 To locate and gather assets;

4 To enter any safe deposit box(es) held in the name of the incapacitated person
5 (individually or with another), and inventory and/or remove any contents there from, and to
6 maintain and/or close said box(es) or to add items thereto, or to drill open the safe deposit
7 box(es) in the event the keys to the box(es) are misplaced or missing, as deemed by the guardian
8 to be in the incapacitated person's best interests;

9 To close any financial accounts, including bank accounts held individually or
10 jointly with another, and to make withdrawals, deposits or transfer of funds into or out of any
11 such accounts, without the necessity of obtaining the written authority of any other person
12 named on any such joint accounts;

13 To establish guardianship account(s);

14 To proceed to expend funds as necessary for the benefit of the incapacitated
15 person subject to review by the Court;

16 To convert all holdings, including but not limited to, savings accounts, money
17 market accounts, Individual Retirement Accounts, mutual funds, stocks, bonds, cash,
18 automobiles, mobile homes, and any other personal property, including pensions, annuities,
19 401Ks, and any other income, into the name of said guardian for the purposes of the
20 guardianship; and all other reasonable duties required of a guardian;

21 Any bank, savings and loan, credit union, stock brokerage, insurance company,
22 or other institution holding assets of the incapacitated person, including but not limited to cash,
23 investments, stocks, bonds, certificates, funds, safe deposit box, or personal property, shall
24 release information or deliver the assets to the guardian as directed by the guardian;

25 The guardian is further authorized to remove the incapacitated person's name
26 from any joint bank account and/or financial account and change the mailing address of any

1 bank and/or financial statement to any address the guardian may request. In the event that an
2 asset has signatories or co-owners in addition to the incapacitated person, the guardian shall
3 have the authority to block all access to such account, safe deposit box, or property until true
4 ownership has been discovered;

5 [X] The guardian is authorized to enter any dwelling, residence, or storage area
6 rented or owned by the incapacitated person, or access the land or property owned or rented
7 (individually or with another) by the incapacitated person without the necessity of obtaining the
8 written authority of any other person named on any such dwelling, land, property, or storage
9 area;

10 [X] If it appears that the sale of real estate will be necessary to pay for the
11 incapacitated person's expenses, the guardian shall have the authority to retain a real estate
12 appraiser to appraise said real estate, in order to petition the court for authority to sell the real
13 property;

14 [X] The guardian is authorized to make disbursements for nursing home care,
15 medical expenses and incidental expenses on behalf of the incapacitated person;

16 [X] The guardian shall also have authority to arrange pre-need cremation or burial
17 arrangements as may be necessary;

18 [X] The guardian shall also have the authority to remove, change, and/or re-key any
19 lock to the incapacitated person's home, apartment, storage unit, rental property, vehicles, or
20 any other locked property that is owned by the incapacitated person;

21 [X] The guardian shall have the authority to obtain any and all information and
22 records from DSHS or other government agencies or entities;

23 [X] The guardian shall have the authority to apply for any government assistance
24 needed by the incapacitated person and to assist the incapacitated person in accordance with
25 statute to accomplish receipt of benefits the incapacitated person is entitled to. The guardian
26 shall have the authority to make arrangements for income tax reporting and making payment of

1 income taxes. The guardian shall have the authority to invest and reinvest guardianship assets
2 as provided in Ch. 11.100 RCW without further order of the court. The guardian shall have the
3 authority of a trustee, as provided in RCW 11.98.070 for a period of time not exceeding one year
4 from the date of this order or until the filing of the next annual report.

5 3.5 The issue of bond should be reserved until the guardian's 90-day hearing.

6 3.6 The guardian shall make out and file within three (3) months after its appointment
7 a verified inventory of the estate of the incapacitated person as required by RCW 11.92.040(1),
8 and file annually an accounting as required by RCW 11.92.040(2). A review hearing upon filing
9 of the inventory is required.

10 3.7 The guardian shall make out and file within three (3) months after its appointment
11 a personal care plan for the incapacitated person which shall comply with the requirements of
12 RCW 11.92.043(1), and file annually a report on the incapacitated person which shall comply with
13 the requirements of RCW 11.92.043(2). A review hearing upon filing of the care plan is required.

14 3.8 The guardian shall report to the court within thirty (30) days any substantial
15 change in the incapacitated person's condition, or any change in residence of the incapacitated
16 person.

17 3.9 The term of review shall be annual.

18 3.10 This guardianship shall continue in effect until terminated pursuant to
19 RCW 11.88.140.

20 3.11 The following persons shall be advised of their right to require special notice of
21 proceedings with respect to the guardianship:

22 Marcia Marasco
23 PO Box 182
24 High Bridge, NJ 08829

25 3.12 Ms. Jackson shall lose the following rights unless exercised by her guardian:

26 a) to marry, divorce, or enter into or end a state registered domestic partnership;

- 1 b) to hold elective office;
- 2 c) to enter into a contract;
- 3 d) to appoint someone to act on her behalf;
- 4 e) to sue or be sued;
- 5 f) to possess a license to drive;
- 6 g) to sell, own, mortgage, or lease property;
- 7 h) to consent to or refuse medical treatment consistent with RCW 7.70.065;
- 8 i) to decide who shall provide care and assistance; and
- 9 j) to make decisions regarding social aspect of her life.

10 3.13 Ms. Jackson shall retain the following rights:

11 a) to execute a will and a health care directive in consultation with a licensed
12 attorney.

13 3.14 Ms. Jackson's right to vote is not revoked.

14 3.15 The guardian ad litem is discharged.

15 The guardian ad litem's appointment [shall continue until either 90 days from
16 the date of this order; or the day after the bond-review hearing, whichever occurs last. The
17 guardian ad litem shall report to the court if the current arrangement is not working, if Ms.
18 Jackson's health and safety are at risk, or if the guardian is not performing her duties. The
19 guardian ad litem is awarded ten (10) additional hours to complete her duties, to be paid by Ms.
20 Jackson's estate.

21 3.16 Any power of attorney of any kind previously executed by Ms. Jackson is canceled
22 in its entirety.

23 3.17 Guardian fees of \$____ per month (approximately 4 hours at \$____ per hour) are
24 approved and the Guardian may advance herself \$____ per month for fees and may reimburse
25 herself for out of pocket expenses from the income/assets of Virginia Lee Jackson for payment of
26 these fees and expenses subject to Court review and approval at the time of the annual accounting.

unf. Review of 8/26/21

1 The Guardian shall petition the Court and wait for approval before receiving payment for any fees
2 in excess of \$ ___ per month.

3 3.18 The fees and costs of Shawna Shearer, the Guardian ad Litem, are approved as
4 reasonable in the total amount of \$2,979.91 and shall be paid by the estate of Ms. Jackson.

5 3.19 The fees and costs of Heidi Magaro, the attorney for the incapacitated person,
6 are approved as reasonable in the amount of \$ 1129 and should be paid by Ms. Jackson's
7 estate.

8 3.20 Pursuant to RCW 11.88.030(3)(b), the statutory filing fee shall be paid by Ms.
9 Jackson's estate.

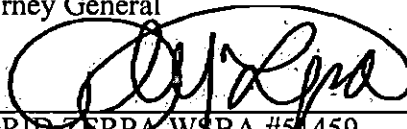
10 DATED this 20th day of April, 2021.

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12 
13 _____
14 JUDGE OF SUPERIOR COURT

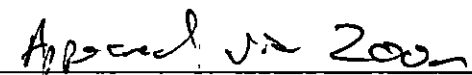
13 Presented By:

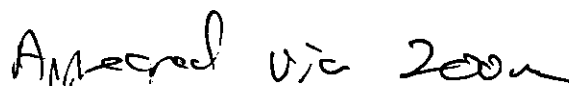
14 ROBERT W. FERGUSON
15 Attorney General

Robert Sauerlender

16 
17 _____
18 INGRID ZERPA WSBA #51459
19 Assistant Attorney General
20 Attorneys for Department of Social and
21 Health Services

19 Approved for Entry:

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21 _____
22 SHAWNA SHEARER, WSBA #51338
23 Guardian ad Litem

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24 _____
25 HEIDI MAGARO, WSBA #41499
26 Attorney for Ms. Jackson

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Appeared via Zoom

CAROLEE PAILCA
Guardian