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SUPERIOR COURT OF WA.
SHARON K. FOZO

BY AP4 DEPUTY;

- EXPEDITE
- No hearing set
- Hearing is set

Date: _____
 Time: _____
 Judge/Calendar: _____

21-4-00040-23
 MTAF 62
 Motion and Affidavit Declaration
 10834096



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

In Re the Guardianship of

No. 21-4-00040-23

VIRGINIA L. JACKSON,

SECOND MOTION FOR ORDER TO
 WITHDRAW AS COURT-APPOINTED
 COUNSEL AND APPROVE ATTORNEYS'
 FEES

Incapacitated Person/Respondent.

CR 71(b); RCW 11.92.180

COMES NOW, attorney Heidi Raedel Magaro of LIFETIME LEGAL, PLLC, court-appointed attorney for Virginia L. Jackson (Respondent) and states as follows:

1. **Relief Requested.** Entry of an Order granting leave to withdraw as court-appointed counsel as required under CR 71(b) and approving attorney's fees as authorized under RCW 11.92.180.

2. **Statement of Facts.**

2.1 On February 19, 2021, a *Petition for the Appointment of Guardian of Person and Estate* was filed with the court.

2.2 On April 2, 2021, a *Petition and Declaration to Appoint Independent Counsel at Respondent Expense* was filed with the court and an *Order to Appoint Independent Counsel at Respondent's Expense* was entered.

Second Motion for Order to Withdraw as Court-Appointed Counsel and Approve Attorneys' Fees

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1 2.3 On April 28, 2021, the court appointed Carolee Pailca as limited guardian of the person
2 and full guardian of the estate of Virginia L. Jackson.

3 2.4 The undersigned court-appointed attorney was not discharged at the hearing on April 28,
4 2021, though attorney's fees were approved.

5 2.5 The undersigned court-appointed attorney filed a motion for withdrawal and the matter
6 was scheduled for hearing on June 16, 2021.

7 2.6 On June 16, 2021, the court continued the undersigned attorney's motion for withdrawal
8 for one week as the guardian did not provide notice of various pleadings to the undersigned court-
9 appointed attorney.

10 2.7 On June 23, 2021, the court denied the undersigned attorney's motion for withdrawal and
11 encouraged the guardian to seek legal counsel.

12 2.8 On or around July 8, 2021, attorney Renee Stein filed a Notice of Appearance on behalf
13 of the guardian.

14 2.9 On or around July 22, 2021, the guardian, by and through her attorney, filed her initial
15 report pleadings.

16 2.10 On August 4, 2021, the undersigned court-appointed attorney reviewed the substance of
17 the guardian's initial report pleadings with Ms. Jackson and she did not object to the guardian's request
18 to (i) sell tangible personal property, and (ii) pay guardian's fees. The undersigned-court appointed
19 attorney also inquired with the guardian's attorney regarding the need for bond.

20 2.11 Additionally, the undersigned court-appointed attorney also explained to Ms. Jackson the
21 decreased need for her continued involvement now that the guardian had legal counsel; Ms. Jackson
22 agreed that the motion for withdrawal be re-filed.

1 4. **Issues.** Whether there is good cause shown to withdraw as court-appointed counsel and approve
2 attorney's fees?

3 5. **Evidence Relied Upon.** The statements in this petition, the records contained in the Court file,
4 and the presentation offered herewith.

5 6. **Authority for Withdrawal.** CR 71(b) states:

6 (b) Withdrawal by Order. A court appointed attorney may not withdraw
7 without an order of the court. The client of the withdrawing attorney must
8 be given notice of the motion to withdraw and the date and place the motion
9 will be heard.

10 7. **Authority for Approval of Attorneys' Fees.** RCW 11.92.180 provides in part:

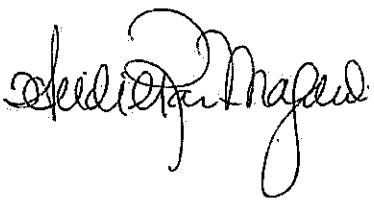
11 A guardian or limited guardian shall be allowed such compensation for his
12 or her services as guardian or limited guardian as the court shall deem just
13 and reasonable. Guardians and limited guardians shall not be compensated
14 at county or state expense. Additional compensation may be allowed for
15 other administrative costs, including services of an attorney and for other
16 services not provided by the guardian or limited guardian. Where a guardian
17 or limited guardian is an attorney, the guardian or limited guardian shall
18 separately account for time for which compensation is requested for services
19 as a guardian or limited guardian as contrasted to time for which
20 compensation for legal services provided to the guardianship is requested. In
21 all cases, compensation of the guardian or limited guardian and his or her
22 expenses including attorney's fees shall be fixed by the court and may be
23 allowed at any annual or final accounting; but at any time during the
administration of the estate, the guardian or limited guardian or his or her
attorney may apply to the court for an allowance upon the compensation or
necessary expenses of the guardian or limited guardian and for attorney's fees
for services already performed.

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I certify or declare under penalty of perjury under the laws of the State of Washington that to the best of my knowledge the above statements are true and correct.

Signed at Olympia, Washington on August 10, 2021.



Heidi Raedel Magaro, WSBA #41499
Court-Appointed Counsel for Virginia L. Jackson