

70909-7

70909-7

CASE NO. 709097

COURT OF APPEALS
STATE OF WASHINGTON
DIVISION ONE

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2014 MAR 11 PM 1:17

IN RE THE GUARDIANSHIP OF
DOROTHY MAY KERTIS
AN INCAPACITATED PERSON

AMENDMENT TO
MOTION ON THE MERITS

DEWEY W. WEDDLE, WSBA 29157
Attorney for Dianna Parish, Guardian

Law Office of Dewey W. Weddle, PLLC
909 Seventh Street
Anacortes, WA 98221
360-293-3600
Fax: 360-293-3700
dwweddle@msn.com

On August 15, 2013, the Skagit County Superior Court denied appellant Terry Kertis's Motion to Terminate Restraining Orders Regarding Dorothy May Kertis. On August 23, 2013 Terry filed a Motion to Reconsider Order on Motion to Terminate Restraining Order. In his Motion for Reconsideration, Terry again asked the Court to terminate the restraining order, or, in the alternative, to "modify these orders so that he may visit his mother without supervision during the week from Monday through Friday and from 2 pm until 8 pm [*sic*] which is the time that visitation is over at the Fidalgo Center." On September 11, 2013 the Court denied Mr. Kertis's Motion to Reconsider Order on Motion to Terminate Restraining Order. On September 12, 2013 Terry filed his Notice of Appeal of both of those decisions.

Without waiting for this Court to decide whether the Superior Court abused its discretion or otherwise erred in the numerous ways that he alleges, Terry has now filed yet another motion (Ex 18) in Superior Court asking for the same relief he requested in his Motion for Reconsideration; that is, he is again requesting that the Superior Court modify the restraining order so that he can visit his mother "between noon and 6 pm [*sic*] on Monday, Wednesday and Friday"; that "the visits be unsupervised"; and that he be allowed to "visit his mother in her room

where she is more comfortable.” Terry has scheduled a hearing before Judge Meyer on March 26, 2014.

The filing of this motion exemplifies why it is imperative that the restraining order not be terminated. When Terry wants something, he will not take “No” for an answer, from anyone—not from the guardian, not from the staff at Fidalgo, and not from the Superior Court. This is reminiscent of Terry’s conduct in 2009 and 2010, when he kept coming to court asking for the same thing over and over again. In fact, the Court sanctioned him for doing it. On February 5, 2010 Judge Cook found that “because Mr. Kertis’s Motion to Compel essentially asks for the same relief that this court has twice denied him, it was not made in good faith and it is not unreasonable to conclude that the motion was filed to harass the guardian and therefore it has needlessly increased the cost of litigation.” Judge Cook ordered Terry to pay \$500 in attorney’s fees and entered a judgment accruing interest at the rate of 12% per annum, which Terry still has not paid.

The reason that it was necessary to request a restraining order is that Terry was engaging in conduct that put his mother and other residents of Fidalgo at substantial risk of harm, and attempts by staff members to correct the problem proved futile. That is what prompted Laura

Willingham, the Resident Services Coordinator, to write a letter to Dianna expressing their concerns:

“We feel strongly that Terry’s visits are putting her (Dorothy) and the other memory care residents at a safety risk.”

“Terry Kertis has a history of visiting his mother spontaneously. Recently his visits have appeared to cause emotional distress for Dottie and most recently, caused our facility staff great concern for her safety and that of others. Initially, when concerns arose, the facility and the Resident Services Coordinator attempted to work with Terry to schedule visits to ensure positive outcomes. The goal was to encourage visitation in public areas where the visits could be monitored to ensure Dottie has a pleasant and safe experience. This arrangement was the result of activity such as defacement of Dottie’s family pictures in her room following one of Terry’s visits as well as multiple episodes of Dottie demonstrating increased agitation and behavior following his visits. The terms were that Terry would contact us prior to every visit and that the visits would be arranged in public. Terry was not cooperative with this arrangement. Terry has subsequently stopped visiting during the day at the per-approved times and has attempted more frequently to visit at night or on weekends without announcement. Ex 3

We are constantly told by Terry’s attorney that that all Terry wants is to visit his mother more often. This assertion is simply untrue. Dianna’s attorney sent Terry’s attorney an email on November 25, 2013 that contained the following two sentences:

1. At this time my client is working with the staff at Rosario to add another hour of supervised visitation for Mr. Kertis.

2. If Mr. Kertis has a preference as to when he might visit for an additional hour each week, please advise, and if his preference can be met the guardian is willing to accommodate him. Ex 19

Terry did not respond by simply expressing a “preference for when he might visit for an additional hour each week.” Instead, his attorney responded by requesting that in addition to the hour offered, he have an additional unsupervised hour, despite the fact that Dianna had repeatedly denied that request based upon the concerns of the staff at Fidalgo, as expressed in their letter dated July 20, 2013:

Due to Mr. Kertis’s extensive history of demonstrated poor decision making which both directly and indirectly threatened the wellbeing of other elders living with us, and because his behavior had been reported by our facility under the “Mandated Reporting” obligations to the Washington State Residential Complaint Department, which resulted in investigations into our safety measures and emergency response management; and our obligations for resident rights for each elder—***we cannot in good conscience at this time permit a situation where elders could be exposed to a previously identified risk which unfortunately Mr. Kertis continues to pose to our community.*** (emphasis added)

We value the rights of families to visit, and reconnect when bridges have been broken. We are often honored to be a part of that journey. ***In this case uniquely, there are simply too many examples of Terry Kerti’s actions which place our elders at risk that we cannot support and strongly advise against any changes at this time.*** (emphasis added) Ex 17

As recently as last week, by means of letters addressed to his attorney, Terry was once again given the opportunity to visit his mother more often. Ex 19 and Ex 20 Enclosed with the second letter was a proposed Order Modifying Restraining Order that would have given Terry an additional one hour visit each week, commencing on March 13. Ex 21

The only thing that Terry and his attorney had to do was sign the order and return it by today (March 10, 2013). Although Terry took the time to draft a document entitled Additional Objections to Annual Report and Accounting and Declaration of Tina and Terry Kertis, (Ex 22) and personally deliver it Dianna's attorney today, it was not accompanied by the signed Order. (The document contains essentially the long litany of grievances that he presents at every hearing.)

We are constantly told by Terry's attorney that Terry is a "changed man," and that his nearly four month incarceration for multiple violations of restraining orders was the catalyst for this transformation, and that he is apologetic about his past conduct. Yet, Ms. Preg studiously avoids discussing how this assertion can be reconciled with the last document that Terry authored, his Petition for Review (Ex 8), which he filed on March 29, 2013, less than two months before Ms. Preg appeared for him and began her attempts to whitewash history. Again, this document clearly refutes the assertion that Terry has changed. Terry fought the guardianship from the beginning, and even now he refuses to accept the legitimacy of the guardianship or the authority of the guardian:

I can't believe that this has happened. My mother is the woman I have loved all my life and she was ILLEGALLY taken from me. Gary Ross (my brother-in-law) was driving the car in 1962 that killed my brother. My parents had taught me that GOD had a purpose and in Dianna and Ricks' own words "there was never any problem until this

GUARDIANSHIP was filed ILLEGALLY by them. I understand that this will take time, the only thing I want today, is the right to see MY MOTHER! She is not doing well and I am not informed of anything that happens to her. They have taken her last child from her. All because of GREED and to cover-up [*sic*] what Sandi had done for a living with other elders.

Clearly, what is motivating Terry is not his desire to visit his mother more often, but his desire to be released from any restrictions governing his visits, that is, termination of the restraining order. Why? Because he hates the guardian, the standby guardian, and Laura Willingham beyond all measure. That any of these individuals are empowered to set rules that he must follow is anathema to him.

We are constantly told by Terry's attorney that Terry's nine months of visits without incident is proof that he has changed. She ignores the fact that Terry's visits have been supervised to ensure that his visits are without incident.

Finally, Fidalgo has identified Terry as a "known risk" to Dorothy's safety and the safety of other residents. Fidalgo is under no obligation to keep Dorothy as a resident if it means that they cannot prevent Terry from coming and going as he pleases without supervision, and the Superior Court has no authority to order them to do so. Moving Dorothy from Fidalgo at this stage in her life would be catastrophic for her.

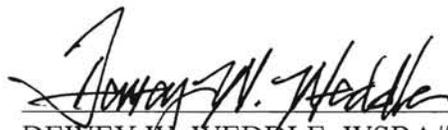
CONCLUSION

Here is the unassailable fact: all of those who have been acquainted with Terry for much longer than his attorney, and who are charged with looking after Dorothy—the guardian, the standby guardian, the staff at Fidalgo, and the Superior Court—oppose terminating the restraining order or granting Terry’s request for unsupervised visits (the equivalent of terminating the restraining order). Although the guardian is empowered to restrict Terry’s visits even without a restraining order, ***if the restraining order is terminated, the guardian and the staff at Fidalgo will have no practical means of enforcing any rules governing Terry’s conduct, because the only thing that ensures Terry’s good conduct is the fear of arrest and incarceration.*** Again, when Terry wants something, he will not take “No” as an answer, from anyone—not from the guardian, not from the staff at Fidalgo, and not from the Superior Court.

For the reasons set forth above, the guardian again respectfully asks the court to affirm the lower court’s decision denying Mr. Kertis’s motion to terminate the restraining order.

Dated this 10th day of March, 2014.

Respectfully submitted by:


DEWEY W. WEDDLE, WSBA# 29157
Attorney for Dianna Parish

CASE NO. 709097

COURT OF APPEALS
STATE OF WASHINGTON
DIVISION ONE

FILED
COURT OF APPEALS DIV. I
STATE OF WASHINGTON
2011 MAR 11 PM 1:17

IN RE THE GUARDIANSHIP OF
DOROTHY MAY KERTIS
AN INCAPACITATED PERSON

APPENDIX
AMENDMENT TO
MOTION ON THE MERITS

DEWEY W. WEDDLE, WSBA 29157
Attorney for Dianna Parish, Guardian

Law Office of Dewey W. Weddle, PLLC
909 Seventh Street
Anacortes, WA 98221
360-293-3600
Fax: 360-293-3700
dwweddle@msn.com

APPENDIX
AMENDMENT TO MOTION ON THE MERITS
TABLE OF CONTENTS

- EX 18 MOTION TO ALLOW TERRY KERTIS ADDITIONAL VISITS WITH DOROTHY MAY KERTIS AND DECLARATION OF NANCY PREG IN SUPPORT OF MOTION FOR ADDITIONAL VISITS (FILED JANUARY 30, 2014)
- EX 19 LETTER FROM MR. WEDDLE TO MS. PREG (FEBRUARY 27, 2014)
- EX 20 LETTER FROM MR. WEDDLE TO MS. PREG (MARCH 5, 2014)
- EX 21 ORDER MODIFYING RESTRAINING ORDER (*proposed*)
- EX 22 ADDITIONAL OBJECTIONS TO ANNUAL REPORT AND DECLARATION OF TERRY AND TINA KERTIS (March 10, 2014)

EXHIBIT 18

RECEIVED

JAN 30 2014

LAW OFFICE OF
DEWEY W WEDDLF

Judge Meyer
9 am. February 26, 2014

IN THE SUPERIOR COURT OF WASHINGTON FOR SKAGIT COUNTY

)	:
)	
In re the Guardianship of:	)	No.: 09-4-00260-6
)	
DOROTHY MAY KERTIS	)	MOTION TO ALLOW TERRY
	)	KERTIS ADDITIONAL VISITS WITH
	)	DOROTHY MAY KERTIS
An Incapacitated Person)	
)	
)	
)	
)	

Terry L. Kertis requests that this court grant Terry additional visits by Terry with his mother Dorothy Kertis.

Statement of the Facts

In 2010, the Guardian petitioned for and was granted a temporary Domestic Violence Protection Order (hereafter "DVPO") restraining Terry from any contact with his mother for a year. A year later in 2011 the Guardian petitioned for extension of the DVPO for 5 more years. During the hearing on the the petition to extend the DVPO, The guardian's counsel promised to allow Mr. Kertis to see his mother when she begins to decline so that he is not deprived from contact with his mom for the rest of her life. Rp 6/11/2011 p.12.

1 Between April 2010 and May 2013, In May, 2013, Dorothy's health
2 declined considerably. Compare photos attached to Tina Kertis declaration. Yet
3 the guardian did not keep her promise to contact Terry to allow him to see his
4 mother. It took the filing of Terry's Motion to Terminate Restraining Orders
5 Regarding Dorothy May Kertis (hereafter "Motion to Terminate"), before she
6 would act. Before the hearing on that motion, Terry and the guardian reached
7 an agreement to modify the restraining order so that he could visit his mother
8 with supervision once a week on Tuesday from 3 to 4 pm. After 8 weeks, if there
9 were no problems, upon request by Mr. Kertis and agreement by the guardian
10 and Fidalgo/Rosario, the Order may be further modified to increase the
11 frequency of the visits, change the scheduled time of the visits or increase the
12 time allotted for each visit." The order continued the DVPO entered in 2011
13 except for one hour of visitation. During negotiation, counsel for the guardian
14 told Terry's counsel

15
16 Essentially, my client agrees to extend the visit from one half hour to one hour,
17 that is, from 3:00 p.m. to 4:00 p.m. every Wednesday, for eight consecutive
18 weeks (not every two weeks), and if there are no problems then we can modify
19 the order again (see provision 10). Again, my client has no problem with Ms.
20 Penzaro accompanying Mr. Kertis, but at least initially, we think visits should be
21 supervised by Fidalgo/Rosario staff.

22 Given his rather lengthy history, which is well documented in the court file, we
23 simply cannot accept at face value Mr. Kertis's assertion that he has taken care
24 of his alcohol problem, or that he will not behave as he has in the past. In fact, it
25 would be foolish to do so. We have seen no evidence that he completed an
alcohol treatment program. Actions speak louder than words. If Mr. Kertis can
visit his mother for two months without incident, then his assertions will have
some credibility. He must demonstrate that he can follow the rules at
Fidalgo/Rosario and not engage in the kind of behavior that led to the restraining
order in the first place. Again, this is not unreasonable, and I am confident that
the court will agree. P. 16 EXHIBIT A TO PREG DEC

Before the agreed order was entered Terry had requested that Laura Willingham not supervise his visits because three years earlier, she had filed a declaration on behalf of Fidalgo in support of restraining Terry from having contact with Dorothy. p.17 Ex.A Preg dec. In the email dated June 4, 2013, counsel for the guardian stated 'I very much doubt that Laura Willingham will be supervising the visits, but that is all the more reason to give Fidalgo time to review the Order, get an appropriate person and made sure all of the staff are aware of the modifications to the restraining order. " p.16 Ex.A Preg dec. In fact Laura Willingham did supervise several of the visits. When that was brought to the guardian's attention, the response was as follows:

"neither my client nor Mr. Kertis can dictate Fidalgo's staffing decisions. I would also point out that Mr. Kertis and no one else is responsible for his reaction to whatever he encounters in the world. He can close to be uncomfortable when Ms. Willingham supervises or he can choose to be fine with it. Either way, it his decision. I am quite certain that Ms. Willingham is not hovering around on a broom and glowering at him when he visits, and even if she were, he could simply choose to ignore it." P.12, Ex.A Preg dec.

Terry made two other reasonable requests. The first was that Terry be allowed to visit Tina's mother with Tina for the hour before his visit with Dorothy. That request was made on June 26, 2013. The guardian responded that "he is free to do so, but those visits must be made within the time he is permitted to visit his mother; that is, between 3:00 and 4:00 pm." P. 14 Ex.A Preg dec. That request was renewed when Tina's mother was dying but the guardian did not respond. P.7 Ex A to Preg dec.. The second request was that his visit either be moved to a time when Dorothy was more awake or that he be permitted to visit in

1 her room so that she does not have moved into a wheelchair. P.15,12,6, 2-4 Ex.
2 A Preg dec. Both of those requests were refused.

3 Terry noted his Motion to Terminate for hearing because the guardian had
4 not shown that she would be reasonable or try to accommodate Terry's
5 concerns. Terry had done his part-he had demonstrated that he could follow the
6 rules at Fidalgo and not engage in the kind of behavior that led to the restraining
7 order in the first place. On the other hand, the guardian was unwilling to consider
8 reasonable requests for changes to the visits. Thereafter at several points,
9 Terry's counsel requested counter offers on July 25, 26 and 29. p. 8-10 Ex.A
10 Preg dec. None were forthcoming and the response by the Guardian to the
11 Motion to Terminate demonstrated that she was opposed to anything the one
12 supervised visit per week. See page 3 of Declaration in Response to Petition to
13 Terminate Restraining Order attached to Preg dec.

14
15 On August 15, 2013, Judge Meyer denied Terry's Motion to Terminate but
16 added the following statement: "Nonetheless the Court Sympathizes with Mr.
17 Kertis' situation and encourages the guardian to endeavor to expand visitation as
18 justified." On September 12, 2013, Terry appealed the denial of the Motion to
19 Terminate to the Court of Appeals, Division One.

20 In an email dated November 7, 2013, Terry's counsel proposed discussing
21 a settlement to this case. Pp.7, Ex.A Preg dec. And by letter dated November
22 11, 2013, Terry requested that he be allowed three one hour visits per week
23 between the hours of noon and 6 pm, Monday, Wednesday and Friday. Ex.B to
24 Preg dec. He also requested that the visits not be supervised because "his
25

mother is uncomfortable spending an hour in a wheelchair.” He added If Mr. Kertis and Ms Parish can reach an agreement that will ultimately result in his being able to visit his mother when he can during the week when the Guardian is not visiting and during regular visiting hours, there would be no need to pursue the appeal.

In the last email dated November 25, 2013, counsel for the guardian made the following statement:

With respect to your appeal of the court’s decisions regarding the restraining order, even in the unlikely event that you are successful in your appeal, the guardian still will be empowered to restrict Mr. Kertis’s visitation without the restraining order, so it will be a Pyrrhic victory. Or course, your advocacy costs Mr. Kertis nothing, so he has nothing to lose by continuing to harass the guardian. At this point it is difficult to see how this ongoing litigation is anything other than a campaign of harassment intended to cudgel the guardian into acquiescing to his demands. That is not going to happen. P.4, Ex.A Preg dec.

Also, in that email dated November 25, 2013, the guardian stated, “As Dorothy’s health continues to slowly decline, we are willing to offer a second visit per week to Mr. Kertis so that he may enjoy additional supervised time with his mother....We are currently working with Rosario to get this scheduled.” P.3, Ex.A Preg dec.

By email dated December 10, 2013, Terry’s counsel referred to a conversation she had with Guardian’s counsel about the offer of a second visit. Terry’s counsel had suggested that the one hour visit not be supervised because Terry had been visiting every Tuesday since June 11, 2013 and the visits had gone well. Counsel asked for a response to this counteroffer and to date has received no response. P.1 Ex.A Preg dec.

1 ARGUMENT

2 **1. This court must grant additional visitation because if Dorothy**
3 **were competent, she would want to visit with Terry.**

4 "Although governed by statute, guardianships are equitable creations of
5 the courts and **it is the court that retains ultimate responsibility for**
6 **protecting the ward's person and estate.**" In re Guardianship of Hallauer, 44
7 Wn.App 795, 797, 723 P.2d 1161(1986). **The court having jurisdiction of a**
8 **guardianship matter is said to be the superior guardian of the ward**, while
9 the person appointed guardian is deemed to be an officer of the court. SeaFirst v.
10 Brommers, 89 Wn. 2nd 190, 200, 570 P.2d 1035 (1977).

11 "Thus, while the guardian has the authority to "assert the incapacitated
12 person's rights and best interests," RCW .043(4), it remains at all times the
13 responsibility of the court to make the decision as to the ward's best interest.
14 Ingram, 102 Wn.2d 827,842 689 P.2d 1363 (1984). **The goal of a guardianship**
15 **is to do what the ward would do, if the ward were competent to make the**
16 **decision in question. *Id.* at 838."** In re Guardianship of Lamb, 173 Wn. 2d 173,
17 191 (footnote 13) 265 P2d 876 (2011)(emphasis added).

18
19 Every Tuesday since June 11, 2013, Terry and his wife Tina have walked
20 the 3½ miles from their home to Fidalgo Care Center and Rosario Assisted Living
21 (hereafter "Fidalgo") and back for a one hour visit with Dorothy. Terry's
22 commitment to these visits and to his mother demonstrate that he loves his
23 mother and is sincere in wanting to have more visits and contact with her. These
24 eight months of visits without any disruption shows that the goal of the Agreed
25

Order as voiced by the guardian's counsel has been accomplished: demonstrating that Terry has changed, "that he can follow the rules at Fidalgo/Rosario and not engage in the kind of behavior that led to the restraining order in the first place." The declarations of Joyce Panzero, Tina Kertis and Terry Kertis, which were filed in connection with the Motion to Terminate, show that Dorothy enjoys visits from Terry.

What is clear from the current photographs of Dorothy is that she is very near the end of her life. It is very sad to see the present day photographs of Dorothy. Why is it so difficult for the guardian to allow Terry to visit her at dinnertime when she is more awake? This is a reasonable request. Also, isn't his request that he visit her when she is in bed in her room also reasonable to avoid having her disrupted and put in the wheelchair in awkward positions? It would break anyone's heart to see his or her mother in that wheelchair. The guardian points out that Dorothy is put in the chair for therapeutic reasons. Terry does not have to be present when this occurs.

2. Actions speak louder than words and the guardian's actions show that court intervention is necessary.

This court and guardian have: the duty to restrict Dorothy's "liberty and autonomy only to the minimum extent necessary to adequately provide for her health and safety, or to adequately manage her financial affairs." (emphasis added) RCW 11.88.005. In particular RCW 11.92.043(4) states a guardian's duties include the responsibility "to care for and maintain the incapacitated person in the setting **least restrictive to the incapacitated person's freedom**

1 **and appropriate to the incapacitated person's personal care needs, [and to]**
2 **assert the incapacitated person's rights and best interests...".**

3 The Guardian states with impunity that "with respect to your appeal of the
4 court's decisions regarding the restraining order, even in the unlikely event that
5 you are successful in your appeal, the guardian still will be empowered to restrict
6 Mr. Kertis's visitation without the restraining order, so it will be a Pyrrhic victory."

7 The Guardian is wrong-she does not have such power. She may restrict
8 Dorothy's "liberty and autonomy only to the "minimum extent necessary to
9 adequately provide for her health and safety. RCW 11.88.005. Without a
10 showing that abuse or exploitation is occurring, she may not unnecessarily or
11 unreasonably restrict Dorothy's social life, by, for instance, imposing conditions
12 on movement or access to friends or relatives of the Protected Person. The King
13 County Bar Association "Family and Volunteer Guardian's Handbook at pp. 25-
14 26. With regard to choosing the least restrictive environment for the protected
15 person, the Handbook gives the guardian the affirmative duty to **ensure that the**
16 **Protected Person is able to receive visitors and communicate with friends**
17 **and family.** Handbook at page 35.

18
19 The guardian has said she would allow Terry more visits on three
20 occasions: during the hearing before Judge Cook in June, 2011 (see ex D Preg
21 dec); in the Agreed Order and in the email dated November 25, 2013. In fact,
22 she has acted only once when confronted with Terry's Motion to Terminate. The
23 guardian has shown no ability or desire to take into account Terry's concerns
24
25

about the visits or his mother. Most importantly she has stated no tenable grounds to continue to restrict visits by Terry.

3. There are no barriers to this court granting Terry additional visits.

This court may be concerned that it may be prevented from ordering additional visitation by the Rules of Appellate Procedure. First of all, Terry appealed from the decision on his Motion to Terminate. That appeal does not affect other actions in the guardianship and this motion is essentially a new action asking for additional visits for Terry and modification of the Agreed Order. RAP 7.2 (c) provides that any person may take action premised on the validity of a trial court judgment until the decision is stayed as provided in the rules of appellate procedure. RAP 7.2 (e) allows this court to change or modify its decision.

Also, restraining orders are injunctions and can always be modified. See RCW 7.40.180 and RCW 26.50.130.

“A court of equity has inherent power to modify or vacate a permanent preventive injunction where a change in circumstances demonstrates that continuance of the injunction will be unjust or inequitable or no longer necessary...A preventive injunction is fundamentally different from another other judgment or decree.” State ex rel Bradford, 36 Wn.2d 664, 675-76, 220 P.2d 305 (1950).

“A court of equitable jurisdiction has the intrinsic or inherent power to dissolve, vacate or modify its injunctions.” 42 AmJur2nd §283 at 865.

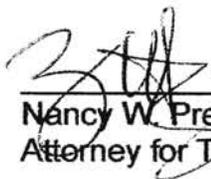
“Generally a court may modify or dissolve an injunction, whether permanent or preliminary or issued on the consent of the parties based upon changed circumstances.

1 A change in circumstances includes both a change in the applicable law,
2 whether statutory or decisional, and a change in the facts of the case.

3 The courts have generally held that the change in circumstances must be
4 sufficiently significant or compelling to make modification of the injunctions just
5 and equitable or to make the injunction in its original form inequitable; or no
6 longer justified; or wrong, inequitable or unjust." (emphasis added) 42 AmJur 2d
7 §287 at 869. See also, Restatement of Judgments 2d, "Changed Conditions" §
8 73, p. 197, 198.

9 Terry requests that this Court enter an order conforming to his request set
10 out in the letter of November 11, 2013 for three one hour visits per week.
11 Because he has to walk to Fidalgo to visit Dorothy and the weather is
12 unpredictable, he is asking for flexibility so that the visits can occur between noon
13 and 6 pm on Monday, Wednesday and Friday. He is also asking that the visits
14 be unsupervised and that he may visit his mother in her room where she is more
15 comfortable.

16 Respectfully submitted this 29th day of January, 2014.

17 
18 _____
19 Nancy W. Preg WSBA # 7009
20 Attorney for Terry L. Kertis
21
22
23
24
25

RECEIVED

JAN 3 2014

LAW OFFICE OF
DEWEY W. WEDDLE

Judge Meyer
9 am February 26, 2014

IN THE SUPERIOR COURT OF WASHINGTON FOR SKAGIT COUNTY

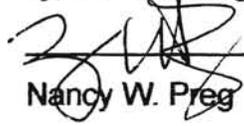
In re the Guardianship of	)	No.: 09-4-00260-6
)	
)	
DOROTHY MAY KERTIS	)	DECLARATION OF NANCY PREG
	)	IN SUPPORT OF MOTION FOR
An Incapacitated Person	)	ADDITIONAL VISITS
)	
)	
)	
)	

NANCY PREG states that I am over the age of eighteen and am competent to testify in a court of law to the following statements.

1. Attached as Exhibit A are true and correct copies of several emails I received from Dewey Weddle and of several I sent to Dewey Weddle from May 31, 2013 to December 10, 2013 numbered sequentially from 1 to 19.
2. Attached as Exhibit B is a true and correct copy of a letter date November 11, 2013 from Nancy Preg to Dewey Weddle.
3. Attached as Exhibit C is a true and correct copy of page 12 of the transcript of the June 10, 2011 hearing before Judge Susan Cook.
4. Attached as Exhibit D is a true and correct copy of page 3 of the guardian's Response to Petition to Terminate Restraining Order.

I certify and declare under penalty of perjury under the laws of the State of Washington that the statements contained in this declaration are true and correct.

Dated this 29th day of January, 2014 and signed in Seattle, WA



Nancy W. Preg

From: Nancy Preg <nan1949@earthlink.net>
Subject: **Kertis**
Date: December 10, 2013 11:30:25 PM PST
To: Dewey Weddle <DWWeddle@msn.com>

Hi Dewey,

I filed the appellant's brief today and put your copy in the mail. Let me know if you don't get it in a few days. I also wanted to touch bases with you after our telephone conversation several days ago. During that conversation you reviewed Ms. Parish's concerns and intentions. I heard from you that she will only agree to one more hour of visitation for Terry. During that conversation I proposed that the one hour be unsupervised. I have not heard from you about my proposal. Could you please let me know whether that is acceptable to the guardian? I understand the burden of being the guardian for someone, as I was the caretaker for my husband. On the other hand, isn't it time for the guardian to put aside her animosity toward Terry and let Dorothy visit with him more often? Terry is still open to trying to settle this so long as there is a path to more unsupervised visits.

Sincerely,

Nancy

E&A 1

From: Nancy Preg <nan1949@earthlink.net>
Subject: **Re: Dorothy Kertis**
Date: November 25, 2013 5:22:11 PM PST
To: "Dewey Weddle" <dwweddle@msn.com>

Dewey,

The ongoing litigation is not a cudgel or harassment nor is it meant to unnecessarily complicate things. I wish you would quit characterizing it this way. Mr. Kertis wants to see his mother more often. That is all that is going on. He has demonstrated that he will abide by the rules that apply to all visitors. He loves his mother and is very gentle and kind to her. All that he is asking is for a way to make the visits more comfortable for Dorothy. I appreciate this response and I will communicate with Mr. Kertis about the option for another visit.

Sincerely,

Nancy Preg

On Nov 25, 2013, at 4:51 PM, Dewey Weddle wrote:

Nancy,

I am copying relevant sections of the guardian's reply and the standby guardian's reply.

From the guardian:

Rick and I spent hours with Dorothy this weekend and discussed her ongoing care and comfort with the nursing staff this weekend, as well as the "incident" described by Ms. Preg's email last Tuesday. Briefly:

- It is important for her ongoing health that she be placed in different positions to avoid bed sores, increase circulation, etc.
- When she is placed in bed, she naps. The bed is not for visitation or socialization. Nursing staff felt conducting a visit with her in bed would be confusing and upsetting to her. Her routine is very important as other kinds of cognition are less and less available to her. Dorothy is very social and being up and with people, and engaged in her environment, to the extent that she is able, is critical to her ongoing health and well-being, not to mention her mental/emotional state.
- She is not uncomfortable in her wheel chair per se. The chair has been professionally adjusted and fitted to her. At times she needs to be repositioned in the chair to maintain comfort, this is because she can slide down the chair. The chair is also adjustable so it can tilt back to keep some pressure off her bottom and provide more support to her back.
- The fact that Dorothy is not completely bed-ridden is a good thing and we are thankful she is able to be up and with people and engaged with her environment for much of her day.
- She does take regular naps after breakfast and after lunch. At times she is slow to waken. This is not unusual. She usually wakes on her own shortly before 3:00 which is part of the reason the 3:00 visitation was suggested. The fact that she will, on occasion, have a slight variance to her schedule is completely normal.

With regard to last Tuesday's visit, there was no "screaming" or any display of discomfort by Dorothy. Especially because they work with people like Dorothy that have difficulty communicating verbally, the care staff are trained and become very good at reading non-verbal communications with the residents. I confirmed with several people present that day. They all confirmed that Dorothy was not displaying signs of pain.

Like Mr. Kertis, Mrs. Kertis is not allowed in Dorothy's room. There is no reason for any visitor to be in her private area. Mrs. Kertis was engaged in loud fighting matches with her sisters at Fidalgo earlier in the day last

Tuesday. She came in to Dorothy's unit visibly agitated. We understand that her own mother, who has been at Fidalgo Care Center, has very recently passed on. We are sorry for her loss. Our responsibility though, is for the care and well-being of Dorothy and if (any) visits are disrupting to Dorothy, or the other residents, they will be asked to end the visit. Maintaining a calm, loving atmosphere is what is best for Dorothy.

Visitation will need to be in the socializing area, not in her room. Rosario completely agrees with this.

As Dorothy's health continues to slowly decline, we are willing to offer a second visit per week to Mr. Kertis so that he may enjoy additional supervised time with his mother. This may take some pressure off if Mr. Kertis' regular visit is impacted by Dorothy not being up for a visit at the regularly schedule day/time (sleeping, not feeling well, having a headache, having a toileting issue, etc.). We are currently working with Rosario to get this scheduled. I believe it will require an amendment to the current agreement be filed in court. Mr. Kertis and Ms. Preg will have to have some patience as we work through the details.

From the standby guardian:

Sunday Dianna and I had long discussion with Laura Willingham. Laura was supervisor on last Tuesday's visit and present the entire visit. We also interviewed one of the caregivers who prepared Grandma for this visit. The short of it is this:

Our grandmother was not asleep when Terry arrived; she just wasn't promptly ready for the visit this one time. If grandma is sleeping on Tuesday afternoons (she frequently has a nap after lunch), the staff carefully and gently wake her at approx 2:30 pm to give plenty of time to wake and prepare for meeting calmly. This is what happened last Tuesday. However, before the visit, staff had to divert to attend to other residents unexpectedly and were slightly delayed in finishing preparing Grandma. Terry and Tina had to wait approximately 5 minutes; no more than 10.

To be 100% clear: Grandma was not in pain or crying out in pain at any point during the visit. We asked several times. She is not placed in an "uncomfortable chair"; as is so often characterized by Ms. Preg. As you have personally witnessed, it is a highly configurable \$6K+ wheelchair specifically designed for the comfort of persons who are indefinitely physically incapacitated. It is set for our grandmother's comfort; She is adjusted in the chair regularly. Further, staff members and supervisor are acutely aware of Grandma's signals for discomfort. There were none that Tuesday. One purpose of the supervisor & staff is to continually monitor Grandma before, during and after the visit for any signs of distress. Laura underscored if Grandma were in pain she would have ended the visit. That is Fidalgo's mandate.

As FYI, confirmed again: Tina is NOT allowed in grandma's room. Terry is not singled out on this topic. All visits with Grandma are conducted in the common area (as evidenced by Terry and Tina's daughter visiting recently and being told she could not visit in the bedroom). In fact, it's worth noting, on this particular visit in question, Tina attempted to get into our grandmother's room while staff went to finish preparing Grandma for the visit. Tina was stopped by staff and asked to return to the visiting area. This is not the first time Tina has attempted this.

Nancy,

While I realize it is your duty to be a zealous advocate for your client, I would hope that you would realize (1) that there are two sides to every story, and (2) that it is my client's *duty* to act upon what she believes to be in her grandmother's best interests. At this time my client is working with the staff at Rosario to add another hour of supervised visitation for Mr. Kertis. Given his desire for unsupervised visits and unfettered access to his mother's room, I know that Mr. Kertis will be unhappy about this, but his mother's well-being is the paramount consideration of the guardian.

With respect to your appeal of the court's decisions regarding the restraining order, even in the unlikely event that you are successful in your appeal, the guardian still will be empowered to restrict Mr. Kertis's visitation without the restraining order, so it will be a Pyrrhic victory. Of course, your advocacy costs Mr. Kertis nothing, so he has nothing to lose by continuing to harass the guardian. At this point it is difficult to see how this ongoing litigation is anything other than a campaign of harassment intended to cudgel the guardian into acquiescing to his demands. That is not going to happen.

If Mr. Kertis has a preference as to when he might visit for an additional hour each week, please advise and if his preference can be met the guardian is willing to accommodate him.

Best regards,

Dewey

Law Office of Dewey W. Weddle, PLLC
909 7th Street
Anacortes, WA 98221

Telephone 360-293-3600
Fax 360-293-3700

CONFIDENTIALITY NOTICE: The receipt of this e-mail does not create an attorney-client relationship. You are not a client of this law office unless you have paid an advance against fees and signed an attorney/client agreement for representation. The information contained in this e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, and have received this communication in error, please contact the sender by reply e-mail and destroy all copies of the original message. Thank you.

----- Original Message -----

From: [Nancy Preg](#)
To: [Dewey Weddle](#)
Sent: Monday, November 25, 2013 12:22 PM
Subject: Re: Dorothy Kertis

thank you.

On Nov 25, 2013, at 12:18 PM, Dewey Weddle wrote:

Hello Nancy,

I will get back to you later today with my client's response to your email.

Best regards,

Dewey

Law Office of Dewey W. Weddle, PLLC
909 7th Street
Anacortes, WA 98221

Telephone 360-293-3600
Fax 360-293-3700

----- Original Message -----

From: Nancy Preg

To: Dewey Weddle

Sent: Monday, November 25, 2013 9:13 AM

Subject: Dorothy Kertis

Hi Dewey,

Tomorrow is Mr. Kertis's visit and he needs to know if the guardian has agreed to allow him to visit his mother in her room so that she can be more comfortable. Dorothy's comfort and access to her son are important. He has been visiting for five months without incident. Please let me know so that I don't have to file another motion. Under RAP 7.2 the trial court retains the authority to modify a decision that is subject to modification as restraining orders are. **We are trying to work with you and the guardian so please try to allow Mr. Kertis to visit his mother in her room.**

Thank you.

Nancy Preg

206-525-0453

206-605-1460

From: Nancy Preg <nan1949@earthlink.net>
Subject: **Dorothy Kertis**
Date: November 20, 2013 8:02:52 PM PST
To: Dewey Weddle <DWWeddle@msn.com>

Hi Dewey,

I left you a telephone message earlier today about Dorothy. Apparently, when Terry arrived for his visit, his mother was still in her room asleep. The staff had to wake her, get her ready and put her in the wheelchair. When she was brought out to the visiting room she was yelling loudly and was in pain. The staff was concerned enough to ask a superior about visiting in her room where she would be much more comfortable. Mr. Kertis has been visiting for more than five months and there have been no problems. There is no reason to continue to cause Dorothy pain by having her awakened and put in a wheel chair to be taken to another place to see Mr Kertis. This makes absolutely no sense since Mr. Kertis's wife is allowed back in her room to visit. If you check the transcript from the hearing before Judge Cook, at page 12 you more or less promised that when Dorothy begins to decline, the guardian would ask for a lifting of the restraining order so that he could visit her. Instead, Mr. Kertis had to ask for the restraining order to be lifted. Now, he is asking for some kindness to be shown to his mother and to allow him to visit her where she is most comfortable.

Please get back to me about this as soon as possible to spare Dorothy more unnecessary pain.

Sincerely,

Nancy Preg

E

From: Nancy Preg <nan1949@earthlink.net>
Subject: **Kertis**
Date: November 7, 2013 12:51:51 PM PST
To: Dewey Weddle <DWWeddle@msn.com>

Hi Dewey,

Mr. Kertis has been visiting his mother for 5 months now without incident. His wife's (Tina's) mother is very sick and has taken a turn for the worse. Tina is distraught and has asked if Mr. Kertis could come with her to visit her mother to help her through this time. I want to talk with you also about working out a settlement to Terry's case but this has come up just within the last two days. Could you please check with the Guardian and see if it would be okay for Terry to accompany Tina for her visits to her mother while her mother is in this medical crisis?

Sincerely,

Nancy Preg

Exhibit B

From: Nancy Preg <nan1949@earthlink.net>
Subject: **Re: Kertis**
Date: July 29, 2013 1:12:36 PM PDT
To: Dewey Weddle <DWWeddle@msn.com>

thank you for the update.
On Jul 29, 2013, at 12:26 PM, Dewey Weddle wrote:

Hello Nancy,

I will be sending the responses to you via email this afternoon. My client has no offers. As I indicated in my previous email, she will not engage in a guessing game as to what would satisfy Mr. Kertis short of termination of the restraining order.

Best regards,

Dewey

----- Original Message -----

From: Nancy Preg
To: Dewey Weddle
Sent: Monday, July 29, 2013 12:06 PM
Subject: Kertis

Hi Dewey,

I emailed you earlier about sending the response to the Motion to Terminate Restraining Orders by email to me. I will be up in Skagit County later today and tomorrow at 11614 Scott Road, Bow, WA 98232. I prefer that you send the response to me by email since I will be between Seattle and Samish Island, I will have my computer with me. As I told you earlier I will take any offers by your client to Mr. Kertis. I will have my cell phone with me and that number is 206-605-1460. Thank you.

Sincerely,

Nancy Preg
nan1949@earthlink.net
206-605-1460

From: Nancy Preg <nan1949@earthlink.net>
Subject: **Kertis**
Date: July 26, 2013 3:31:50 PM PDT
To: Dewey Weddle <DWWeddle@msn.com>

Hi Dewey,

To save time and cost, you can email me your response to Mr. Kertis's motion. I called you today to see what your proposal is but I haven't heard from you. I also left a message for Laura Willingham and the person taking calls for her at Fidaigo to get information about their expectations for visitors at the facility but haven't heard back from anyone yet. Mr. Kertis wants to accommodate Fidaigo's concerns and expectations. Please give me a call at 206-605-1460.

Sincerely,

Nancy Preg

From: "Dewey Weddle" <dwweddle@msn.com>
Subject: **Re: Kertis**
Date: July 25, 2013 4:02:35 PM PDT
To: "Nancy Preg" <nan1949@earthlink.net>
Cc: "Dianna Parish" <diannaparish@gmail.com>, "rick ross" <r.g.ross@comcast.net>

Nancy,

First, I have no recollection of assuring you that "Mr. Kertis's right to pursue his motion to terminate was not taken away by the agreed order." I cannot think of a reason to make such an assurance since Mr. Kertis can file any motion he wants to file at any time and there is nothing I can do about it, as the filing of the motion to terminate proves.

Second, to consider the motion to terminate as a request that "all conditions for his visiting his mother be removed" is to conclude that Mr. Kertis is not requesting modification of the order, but termination of the order. Again, my client is not in agreement with that. And she will not attempt to guess at what modifications short of termination would satisfy Mr. Kertis. That is a waste of time. If Mr. Kertis would like to

"increase the frequency of the visits, change the scheduled time of the visits, or increase the time allotted for each visit,"

then why does he not simply request the specific changes he would like? That is what he agreed to do, is it not? Why does he now not want to follow the agreement he made instead of going to court?

Sincerely,

Dewey

----- Original Message -----

From: Nancy Preg
To: Dewey Weddle
Sent: Thursday, July 25, 2013 2:37 PM
Subject: Re: Kertis

Dewey,

You are quite mistaken about my contact with Rosario. My clients had been told by a staff member Joe that he suggested changing the time to dinnertime and that Laura Willingham was going to email the guardian about changing the time of the visit. I called Ms. Willingham to find out whether the visit time was changed. She informed me that Joe had spoken out of turn and that the time for the visit could not be changed because of staffing issues. I did not request the change. Mr. Kertis had asked that the visit be at dinner time during the negotiation of the agreed order. That request was denied. Also you must remember that you assured me that Mr. Kertis's right to pursue his motion to terminate was not taken away by the agreed order. Mr. Kertis is not violating the terms of the agreed order. He has abided by the order and will continue to abide by it. Consider the motion a request that all conditions for his visiting his mother be removed. Now, do you have a counter proposal?

Sincerely,

Nancy Preg

On Jul 25, 2013, at 1:46 PM, Dewey Weddle wrote:

From: Nancy Preg <nan1949@earthlink.net>
Date: September 18, 2013 12:08:33 PM PDT
To: Dewey Weddle <DWWeddle@msn.com>
Subject: **Kertis**

Dewey,

I have stricken the CR 60 motion that is set for September 27th at 9 am. When I set it for that date I had not yet received Judge Meyer's decision on the Motion for Reconsideration. Given his decision on that motion, I decided to save time and money and strike the CR 60 motion. As you know I have appealed his decision on the Motion to Terminate Restraining Orders and I will amend that notice to include his decision on the Motion for Reconsideration.

As I have told you many times, my client is very open to discussing settlement that would increase his time with Dorothy, remove the condition of supervision and be somewhat flexible about times because of inclement weather and other circumstances that would interfere with a scheduled visitation. Please let me know if there is some flexibility on the Guardian's position. Certainly, it is in Dorothy's interest to have more time with her son.

Sincerely,

Nancy Preg

From: "Dewey Weddle" <dwweddle@msn.com>
Date: June 27, 2013 4:42:13 PM PDT
To: "Nancy Preg" <nan1949@earthlink.net>
Cc: "Dianna Parish" <diannaparish@gmail.com>, "rick ross"
<r.g.ross@comcast.net>
Subject: **Re: Terry's visits**

Dear Nancy,

What is happening now is the very reason the Agreed Order is so specific in its terms. Mr. Kertis now wants additional time at Fidalgo so that he may visit his mother-in-law. For him to have additional time requires a written modification of the Agreed Order, and we are only three weeks into it. (I do not know with certainty that Mr. Kertis and his wife are walking 3 to 4 miles every time they visit, and I am reasonably sure that you do not know that with certainty either.) Again, if Mr. Kertis wants to visit his mother-in-law during his regularly scheduled time with Dorothy, and the staff can make the arrangements, there is no problem.

As to Mr. Kertis's concern that his mother is seated in an uncomfortable chair during his visits, I would think that the staff at the care center, who supervise the visits and look after Dorothy 24 hours a day, would take some sort of corrective action if that were the case. If Mr. Kertis thinks Dorothy is uncomfortable, he can always ask the staff if there is a more comfortable chair, a pillow, a blanket, or whatever he thinks might help. But Mr. Kertis does not get to dictate where the visits take place; that is up to the staff at Fidalgo.

With respect to Ms. Willingham supervising the visits, again, neither my client nor Mr. Kertis can dictate Fidalgo's staffing decisions. I would also point out that Mr. Kertis, and no one else, is responsible for his reaction to whatever he encounters in this world. He can choose to be uncomfortable when Ms. Willingham supervises, or he can choose to be fine with it. Either way, it is his decision. I am quite certain that Ms. Willingham is not hovering around on a broom and glowering at him when he visits, and even if she were, he could simply choose to ignore it.

By following the Agreed Order, the staff at Fidalgo and my client are indeed cooperating with Mr. Kertis. Please let me know if you are apprised of any violations of the Agreed Order, and I will do whatever I can to swiftly address those violations.

Finally, perhaps it would be helpful to remind Mr. Kertis that every time I have to deal with his issues, including reading and responding to your emails, the amount of money in his mother's estate is reduced. As a beneficiary of her estate, he might want to keep that in mind.

Best regards,

Dewey

----- Original Message -----

From: Nancy Preg

To: Dewey Weddle

Sent: Thursday, June 27, 2013 1:02 PM

Subject: Re: Terry's visits

Hi Dewey,

Contrary to your information, Ms. Willingham has only supervised one of Mr. Kertis's visits last Tuesday. Certainly you and your client do not run Fidalgo. But I expected that your client at least would request that someone besides Ms. Willingham supervise the visits, especially since with good reason, Mr. Kertis asked for that courtesy before the order was entered. Also I appreciate your explanation that the visits take place in an area that is better for Mr. Kertis and that the Fidalgo staff have gone out of their way to provide a comfortable environment for the visits and I will pass that information on to my client. Mr. Kertis has told me that Dorothy is taken out of bed and put in an uncomfortable chair for his visits. He is concerned that his mother is uncomfortable and questions whether she would be more comfortable in her own bed. I also understand that you and your client want to control Mr. Kertis's access to Fidalgo. You and your client know that Mr. Kertis walks 3-4 miles for a one hour visit with Dorothy and that he has not gotten to see his mother-in-law for three years also. Rather than making up scenerarios of what might occur, maybe it would be appropriate for your client to ask Fidalgo if it is okay for Mr. Kertis to visit Tina's mother after he visits his mother. That seems to be more of their decision than yours or your client's. After all they have the right to ask him to leave.

As you know, whether the visits go well depends on the cooperation of Mr. Kertis, your client and Fidalgo. And I hope your client and Fidalgo will respond to Mr. Kertis's concerns in a cooperative way.

Sincerely,

Nancy

On Jun 27, 2013, at 12:13 PM, Dewey Weddle wrote:

Hello Nancy,

First, it is good to hear that the first three visits have gone well. So it is puzzling

that Mr. Kertis would have an objection to Ms. Willingham supervising the visits, given that she has supervised two of the three visits. Why does he care that she is the supervisor when the visits have been pleasant thus far? He doesn't have to like Ms. Willingham; he's not visiting her. Please help Mr. Kertis understand that his comfort does not take priority over the care home's practical needs. It is likely that Ms. Willingham supervises the visits because she is the manager responsible for all residents and is available to do it. I am sure you would agree that neither Mr. Kertis nor my client has the ability to dictate Fidalgo's staffing decisions.

With respect to the visits taking place in an area other than in Dorothy's room, the reference to Dorothy's "room" in the Agreed Order does not specify that visits must take place in her room. Rather, it restricts Mr. Kertis from going alone directly to her room (or anywhere else, for that matter, other than to the administrative offices) without an escort. That is, he must check in on his arrival and be escorted to his visits with his mother. Moreover, the staff at Fidalgo have gone out of their way to create a nice, comfortable environment for Terry's visits with his mother. Visits take place in an area that the staff can oversee, but also be at a distance and out of the way for Mr. Kertis's comfort. Why is this a problem? Does Mr. Kertis want to visit his mother or her room?

As regards Mr. Kertis's wish to visit his mother-in-law, certainly he is free to do so, but those visits must be made within the time he is permitted to visit his mother; that is, between 3:00 and 4:00 p.m. If does want to visit his mother-in-law, then upon his arrival he should mention it to the supervisor so that arrangements can be made. What we want to avoid is having Mr. Kertis stretch the time envelope by visiting Dorothy for an hour and then going to visit his mother-in-law and then forgetting something in Dorothy's room and going back there to retrieve it and then forgetting to tell his mother-in-law something and going back there and so on and before you know it the one hour visit has become two hours because he is just seeing his mother-in-law, what is the problem, why are you hassling me, the restraining order is only about my mother, and so forth. We do not want to invite such conflict, which could result in a violation of the restraining order, which would have very negative consequences for Mr. Kertis.

Again, it is heartening to hear that the visits are going well. Everyone hopes that future visits will also meet that description. Whether they do or not is up to Mr. Kertis.

Best regards,

Dewey

Law Office Of Dewey W. Weddle, PLLC
909 7th Street
Anacortes, Washington 98221

Telephone: 360-293-3600
Fax: 360-293-3700

CONFIDENTIALITY NOTICE: The receipt of this e-mail does not create an attorney-client relationship. You are not a client of this law office unless you have paid an advance against fees and signed an attorney/client agreement for representation. The information contained in this e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, and have received this communication in error, please contact the sender by reply e-mail and destroy all copies of the original message. Thank you.

----- Original Message -----

From: Nancy Preg
To: Dewey Weddle
Sent: Wednesday, June 26, 2013 1:05 PM
Subject: Terry's visits

Hi Dewey,

I wanted to catch you before you are out of the office in July. I understand that the three visits that Mr. Kertis has had with his mother have gone well. As I noted in my email to you dated June 4th, Mr. Kertis is uncomfortable having Laura Willingham serve as the supervisor of his visits. Yesterday, she supervised his visit with his mother. Since it is in everyone's best interest that these visits go well, I am asking you and your client again to make sure that Ms. Willingham does not supervise any of Mr. Kertis's visits with his mother. Also, Mr. Kertis's three visits with his mother have not taken place in her room. The wording of the agreed order refers to visiting in her room. Can you and your client explain why the visits are not taking place in her room? Also Mr. and Mrs. Kertis come to the care center together and Mrs. Kertis (Tina) visits Dorothy with Terry. Is it possible for Terry to visit Tina's mother along with Tina after he visits Dorothy?

Please get back to me as soon as you can so that these questions and details can be taken care of before you are out of your office.

Sincerely,

Nancy Preg
206-605-1460

From: "Dewey Weddle" <dwweddle@msn.com>
Date: June 4, 2013 10:01:20 AM PDT
To: "Nancy Preg" <nan1949@earthlink.net>
Cc: "Dianna Parish" <diannaparish@gmail.com>, "rick ross"
<r.g.ross@comcast.net>
Subject: **Re: Agreed Order**

Nancy,

I will meet you at the courthouse at 1:15 this afternoon for presentation of the Order.

I realize that Mr. Kertis is anxious to see his mother, but it is unlikely that we can get everything pulled together for a visit this afternoon. It is just too short a notice for Fidalgo/Rosario. I very much doubt that Laura Willingham will be supervising the visits, but that is all the more reason to give Fidalgo time to review the Order, get an appropriate person, and make sure all of the staff are aware of the modifications to the restraining order. Just as important, we need to make sure that Anacortes Police Department is notified too. We do not want any problems, especially on the very first visit. As I said, the last thing we need is for Mr. Kertis to get arrested, nor do we want to cause a bunch of confusion and upset at Fidalgo by springing this on them at the last minute. I hope Mr. Kertis can accept this with some degree of equanimity.

Again, thank you for helping settle this matter. Mr. Kertis has benefited from your efforts, and I know you devoted a good deal of time to helping him.

Best regards,

Dewey

----- Original Message -----

fls

From: Nancy Preg <nan1949@earthlink.net>
Date: June 4, 2013 7:49:24 AM PDT
To: Dewey Weddle <DWWeddle@msn.com>
Subject: **Re: Agreed Order**

Hi Dewey,

I read this version to Mr. Kertis and he is going to sign it. He will meet me at the courthouse at 1:15 pm today. We spoke about getting the order entered this afternoon at 1:15 ex parte and I will meet you there today. I have always assumed that a staff person would be supervising Mr. Kertis's visits. Mr. Kertis is adamantly opposed to his visits being supervised by Laura Willingham for obvious reasons. I do not think we need a revision to the order to add this unless the guardian was anticipating having her be the supervisor.

I have an appointment this morning and plan on heading to Mr. Vernon around 11 am to account for possible traffic problems. I will call you later this morning to confirm that you will be presenting the order this afternoon at ex parte at 1:15 pm and that the guardian will not be using Laura Willingham as the supervisor.

Because Mr. Kertis and his mother have not seen each other for three, I ask you and the guardian to try to arrange for him to visit this afternoon. He will have a certified copy of the agreed order with him and I hope that you and the guardian can continue to show good faith and try to arrange for the visit this afternoon.

Sincerely,

Nancy Preg

From: "Dewey Weddle" <dwweddle@msn.com>
Date: May 31, 2013 7:01:41 PM PDT
To: "Nancy Preg" <nan1949@earthlink.net>
Cc: "Dianna Parish" <diannaparish@gmail.com>, "rick ross" <r.g.ross@comcast.net>
Subject: **Re: Terry Kertis**

Hello Nancy,

Attached you will find a revised proposed agreed order, subject to ER 408.

Essentially, my client agrees to extend the visit from one half hour to one hour, that is, from 3:00 p.m. to 4:00 p.m. every Wednesday, for eight consecutive weeks (not every two weeks), and if there are no problems then we can modify the order again (see provision 10). Again, my client has no problem with Ms. Penzaro accompanying Mr. Kertis, but at least initially, we think visits should be supervised by Fidalgo/Rosario staff.

Given his rather lengthy history, which is well documented in the court file, we simply cannot accept at face value Mr. Kertis's assertion that he has taken care of his alcohol problem, or that he will not behave as he has in the past. In fact, it would be foolish to do so. We have seen no evidence that he completed an alcohol treatment program. Actions speak louder than words. If Mr. Kertis can visit his mother for two months without incident, then his assertions will have some credibility. He must demonstrate that he can follow the rules at Fidalgo/Rosario and not engage in the kind of behavior that led to the restraining order in the first place. Again, this is not unreasonable, and I am confident that the court will agree.

I want to emphasize that my client is not opposed to Mr. Kertis visiting his mother. As is stated in the Order, she believes it is the appropriate and compassionate thing to do.

But his expectations at this point are simply unrealistic.

My client will not agree to any other modifications of this Order. If Mr. Kertis insists on going to court, our position will be different from what we have offered.

Best regards,

Dewey

Law Office Of Dewey W. Weddle, PLLC
909 7th Street
Anacortes, Washington 98221

Telephone: 360-293-3600
Fax: 360-293-3700

CONFIDENTIALITY NOTICE: The receipt of this e-mail does not create an attorney-client relationship. You are not a client of this law office unless you have paid an advance against fees and signed an attorney/client agreement for representation. The information contained in this e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, and have received this communication in error, please contact the sender by reply e-mail and destroy all copies of the original message. Thank you.

----- Original Message -----

From: Nancy Preg

To: Dewey Weddle

Sent: Thursday, May 30, 2013 10:00 PM

Subject: Re: Terry Kertis

Hi Dewey,

Exhibit B

Nancy Preg, attorney at law
4233 N.E. 88th Street
Seattle, WA 98115
206-525-0453
nan1949@earthlink.net

November 11, 2013

Mr. Dewey Weddle
909 7th Street
Anacortes, WA 98221

Dear Mr. Weddle,

For five months Mr. Kertis has been visiting his mother on Mondays for an hour in compliance with the agreed order without any problems. His conduct during these visits demonstrates that he has changed and will follow the rules for visitors at Fidalgo Care Center and Rosario Assisted Living ("Fidalgo"). As you know, his position is that he loves his mother and has never and will never harm her. My job as his lawyer is to explore all avenues for Mr. Kertis client to visit his mother more frequently.

The agreed order is in effect and Paragraph 13 applies. Mr. Kertis is requesting three one hour visits per week. Because he has to walk to Fidalgo to visit his mother and the weather is unpredictable, he is asking for flexibility so that the visits can occur between noon and 6 pm Monday, Wednesday and Friday. He is also requesting that the visits not be supervised as it is now because his mother is uncomfortable spending an hour in a wheelchair. He and his wife can help feed his mother at dinnertime and make things easier for Fidalgo staff.

If Mr. Kertis and Ms. Parish can reach an agreement that will ultimately result in his being able to visit his mother when he can during the week when the Guardian is not visiting and during regular visiting hours, there may be no need to pursue the appeal.

Sincerely,

Nancy Preg

Exhibit 1

1 you could sign that as well and I'll just go ahead and
2 give that to him today and that constitutes service.
3 Oh, one other thing, Your Honor, the duration of the
4 order. Your Honor, Mr. Kertis' argument is well taken.
5 His mom is in a nursing facility and when she begins to
6 decline he should be able to see his mom, we don't want
7 to preclude that from happening. So what we want to do
8 is ask for a five year duration or until a further order
9 of The Court, so that when she does begin to decline we
10 could come in ourselves and ask for a lifting of that
11 order so Mr. Kertis could visit his mom. This is not
12 about depriving him from contact with his mom for the
13 rest of her life.

14 MR. KERTIS: Five years, I don't believe
15 she is going to live that long.

16 MR. WEDDLE: She may not.

17 MR. KERTIS: Your Honor, I have a CD on the
18 first court case, which had Judge Rickert ordering
19 Dianna to come up with a paper trail of my dad's
20 letter, which shows all of the assets they had at that
21 time and that has never been met.

22 THE COURT: Well, that is not an issue that
23 is before me this morning. What is before me is the
24 issue of a protection order, Mr. Kertis, and it is
25 pretty clear to me that one is needed. Alright, I have

1 needs and to do everything possible to maintain a peaceful quality of life. Giving a past abuser
2 unrestricted access is not the way to achieve this. While I can appreciate that a son wants to have
3 time with his mother, we have offered time and the care-staff have done everything possible to
4 ensure a meaningful, special visit between mother and son, without running the risk of upset
5 which could have very detrimental effects on Dorothy's health and mental state. I also recognize
6 that the care-staff are responsible for many other seniors with differing needs and states of
7 health. It is a burden to ask the management staff to supervise the visits one hour a week, but
8 they have been willing to accommodate this in efforts to give mother and son time together
9 without undo risk. Asking them for even more supervised time would perhaps be possible but
10 not necessarily fair to other seniors and their families. As guardian and granddaughter to
11 Dorothy, and a regular visitor to the home, I want their focus to be as it should be, on the
12 compassionate care for Dorothy and the other residents.

14 Mr. Kertis wants what he wants when he wants it. Before the death of my mother (Mr.
15 Kertis' sister and POA for Dorothy), Mr. Kertis rarely visited his mother, even when begged to
16 come visit or help with her care. This is why it is hard to have full confidence that there are not
17 other motives playing in. He seems to take great satisfaction in trouble-making for others. He
18 does not appear to recognize the same rules apply to him as everyone else. He does not appear to
19 have learned that there are consequences for poor behavior.

21 Mr. Kertis mentions he has a very close relationship with his mother, as he did with his
22 father. As a member of the same family, I would like to clarify. No doubt Mr. Kertis has love
23 for his parents, wife and children. But to at all imply that he is a doting son is simply untrue.
24 Rarely would he help his aging parents, even when asked, with chores or repairs. Rarely would
25 he visit or even attend family functions such as holiday and birthday celebrations. When

EXHIBIT 19

LAW OFFICE OF DEWEY W. WEDDLE
A Professional Limited Liability Company
Telephone: 360-293-3600

909 7th Street
Anacortes, WA 98221

Fax: 360-293-3700
dwweddle@msn.com

February 27, 2014

Ms. Nancy Preg
4233 Northeast 88th Street
Seattle, WA 98115

Re: Guardianship of Dorothy May Kertis
Cause Number 09-4-00260-6

Dear Ms. Preg:

This letter is in response to your letter dated February 24, 2014.

First, I never agreed that there is a good chance that Dorothy would not survive the appeals process. In fact, I distinctly remember saying that the Court of Appeals could issue a ruling on my Motion on the Merits within a matter of weeks. (You replied that I was certain to lose.) I also did not say that my client would oppose additional visits even if your client wins his appeal. My client does not oppose additional visits. In fact, on November 25, 2013 I sent you an email that contained the following two sentences:

1. At this time my client is working with the staff at Rosario to add another hour of supervised visitation for Mr. Kertis.
2. If Mr. Kertis has a preference as to when he might visit for an additional hour each week, please advise and if his preference can be met the guardian is willing to accommodate him.

My client's position remains unchanged. Please advise as to whether Mr. Kertis is interested in another hour of supervised visitation each week, and if so, when he would like that to occur, and if his preference can be met the guardian is willing to accommodate him.

Cordially,



Dewey W. Weddle

Cc: client
Rick Ross

cc: Kertis
2/27/14

EXHIBIT 20

LAW OFFICE OF DEWEY W. WEDDLE
A Professional Limited Liability Company
Telephone: 360-293-3600

909 7th Street
Anacortes, WA 98221

Fax: 360-293-3700
dwweddle@msn.com

March 5, 2014

Ms. Nancy Preg
4233 Northeast 88th Street
Seattle, WA 98115

Re: Guardianship of Dorothy May Kertis
Cause Number 09-4-00260-6

Dear Ms. Preg:

This letter is a follow up to my last letter to you dated last Thursday, February 27, 2014, wherein I reiterated my client's position with respect to an additional hour of supervised visitation. By means of an email on February 28, 2014, you informed me that Mr. Kertis would like the visit to occur from 4:30 to 5:30 pm in the dining area during Dorothy's dinner on Thursday or Friday.

My client contacted Fidalgo to inquire as to their thoughts regarding Mr. Kertis's preferences. Unfortunately, their reply was that, in consideration of everything that goes into the afternoon care of all the residents, the preparations for dinner, and so on, and in consideration of Dorothy's current natural biorhythmic routine, they cannot support Mr. Kertis's request. They are, however, happy to support an additional hour on Thursday at the same time and place that visits occur on Tuesday, which I believe is 3:00 to 4:00 p.m.

I have drafted an *Order Modifying Restraining Order* that includes the additional hour of supervised visitation for Mr. Kertis. If you and Mr. Kertis will sign the Order and return it to me (scan and email or fax) by Monday, March 10, 2014, I will present it on the *ex parte* calendar and send you a conformed copy. Visits can then begin next Thursday, March 13, 2014.

Cordially,



Dewey W. Weddle

Cc: client
Rick Ross

EXHIBIT 21

1
2
3
4
5
6 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
7 FOR SKAGIT COUNTY

8 In the Matter of the Guardianship of:

9 DOROTHY MAY KERTIS,

10 An Incapacitated Person.

NO. 09-4-00260-6

**ORDER MODIFYING
RESTRAINING ORDER**

**CLERK'S ACTION REQUIRED
(LAW ENFORCEMENT
NOTIFICATION)**

11
12
13 THIS MATTER came before the Court on the *ex parte* calendar by agreement of the
14 parties for entry of this order that modifies the *Agreed Order Modifying Restraining Order*
15 *Entered on June 10, 2011*. In conformity with the provisions of that Order, which allow the
16 guardian to increase the number of visits Terry Kertis has with his mother, Dorothy May Kertis,
17 and by agreement of the parties, the Court hereby ORDERS:

18 1. In addition to the one hour supervised visit that Mr. Kertis has with his mother
19 every Tuesday from 3:00 p.m. until 4:00 p.m., he shall have an additional one hour supervised
20 visit every Thursday from 3:00 p.m. until 4:00 p.m.

21 2. All of the remaining provisions of the *Agreed Order Modifying Restraining Order*
22 *Entered on June 10, 2011* remain in effect.

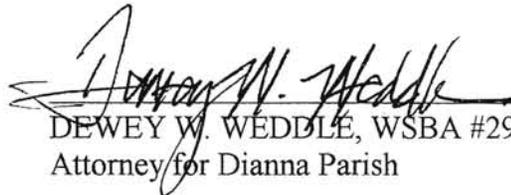
23 3. The clerk of the court shall forward a copy of this order on or before the next
24 judicial day to the Anacortes Police Department.
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Dated this _____ day of March 2014

JUDGE / COMMISSIONER

Presented by:



DEWEY W. WEDDLE, WSBA #29157
Attorney for Dianna Parish

Approved for entry:

NANCY PREG, WSBA #7009
Attorney for Terry Kertis

Terry Kertis

EXHIBIT 22

IN THE SUPERIOR COURT OF WASHINGTON FOR SKAGIT COUNTY

In re the Guardianship of:)	
)	
)	
DOROTHY MAE KERTIS	)	No.: 09-4-00260-6
)	
	)	ADDITIONAL OBJECTIONS TO
	)	ANNUAL REPORT AND DECLARATION
An Incapacitated Person	)	OF TERRY AND TINA KERTIS
)	
)	
)	
)	

Terry and Tina Kertis hereby present additional objections to the Guardians Fourth Annual Report and Accounting and other objections from 3/10/04 through 12/31/13.

1.

a. George and Dorothy Kertis made out a will, together with Sandi Ross, at the office of Terrance Froese on 3/10/04. His parents and Sandi Ross had come to Terry and Tina Kertis' home, after their meeting about their will and his father handed him a letter of what they owned. This letter was produced to this court on 8/28/09. There has either been a right of Terry Kertis, that was not granted or an order of this court, that has not been followed.

b. Judge Michael Rickert had stated that Terry had every right to see documents from the appointment of the first POA, Sandi Ross. Dianna Parish was the daughter of Sandi Ross and had full access to all of Dorothy Kertis' assets and home, since the death of Sandi Ross on 7/11/09. To this date, Terry has received no actual documents or copies of actual documents.

2.

a. It states in the GAL reports that there were two envelopes in the safety deposit box, with \$1,000 in each one, having to do with Texaco/Chevron Stock. George and Dorothy had 335 shares of stock and that is more than \$2,000. They have received no true documents of any stock.

b. There was a Texaco Federal Credit Union (the name has been changed) account that is never mentioned to the courts. Texaco Incorporated is where Terry Kertis' father worked for 25 years. He received a lump sum retirement in 1982 and invested into several IRAs, left untouched until sometime between 3/10/04 and the death of Sandi Ross on 7/11/09. George and Dorothy Kertis had two IRAs at US Bank in Anacortes. George Kertis, also had one IRA at Morgan

Stanley at 2211 Rimland Drive Suite 116 in Bellingham.

c. George and Dorothy Kertis had two Saving Accounts at Washington First Federal Bank in Anacortes. Terry has not received any true documents about these IRAs or Saving Accounts. Terry would like a signed statement from these banks, that these accounts did not exist.

3.

a. It states in the GAL reports that there was a boat valued at \$50. This is the boat that Dianna Parish and Richard Ross by and through Attorney Dewey Weddle, continue to accuse Terry Kertis of theft and owing \$250 to Dianna Parish. Terry offered \$50 and was told that \$250 was wanted. He asked for a jury trial on 5/17/10, when the Anacortes Police charged him for theft of the boat. The theft charge, as well as violations of protection orders against the care facility and his mother, were dismissed in the Anacortes Municipal Court on 12/2/10. The Skagit County Superior Court ruled a one year protection order for Dorothy Kertis on 6/11/10, before the allegations went to trial and were dismissed. HOW and WHY can this happen? Terry is Dorothy's only remaining child. He has never harmed her in any way and has never stole from her.

b. The Skagit County Superior Court on 6/10/11 then added five years to that order, without any charge against Dorothy Kertis by Terry Kertis.

Terry and Tina Kertis have argued and will continue to argue, with how this Guardianship has legally been dealt with, by and through attorneys with miscommunication.

4.

a. The GAL states that she was appointed on 7/7/09. That is four days prior to the death of Sandi Ross. The GAL states that she could not remember the exact date that she had seen the incapacitated person but she had the documents with her. The GAL had her first meeting with Dorothy Kertis, the incapacitated person, on 8/28/09 after court, the GAL was already appointed.

b. The Skagit Superior Court states that the GAL was appointed on 7/30/09.

c. Dianna Parish , by and through, Attorney Dewey Weddle state that she was assigned on 8/14/09, on their response to motion on 8/24/09.

d. Terry Kertis was given his first notice of a guardianship being filed on 8/8/09. Terry first seen the GAL on 8/28/09 at the courthouse and was first able to speak with her on 9/4/09. The GAL was supposed to be a neutral party, she had talked with Dianna Parish since 7/7/09. Terry was given no notice that a GAL had already been appointed, therefore making it impossible to get any information on his mothers assets, except through Dianna Parish, whom would not give him any information. As Dianna has stated herself, "there were never any problems before this guardianship" yet she would not allow Terry to enter the house that he had continuously entered, without question, for 54 years.

5.

a. Throughout this entire guardianship, Gary Ross, Ronald Ross, Richard Ross and Dianna Parish by and through Attorney Dewey Weddle, have made **FALSE** allegations since the death of Terry's sister Sandi Ross. Terry and Tina Kertis believe this is slander and has caused a lot of problems that will take along time to recover from and Dorothy Kertis will never recover.

b. Dewey Weddle states on the Court of Appeals paperwork, that Terry was arrested in 2001 for a DUI and the case number was from 1986. He also states that Terry was arrested numerous times in 2006 for DUIs and this is false. Terry Kertis was arrested several times in 2005 for DUIs during the death of his father on 9/4/05 and his emotions were not able to be controlled. He served his time in 2006 for the crime in 2005. Terry was, from that time on, not charged with any **TRUE** crime until 8/8/10. Terry had put up with **FALSE** allegations and charges for over one year and lost control of his emotions. He threw a rock at Dianna Parish' car window and she or her family were not in any danger. He has paid the debt that was owed.

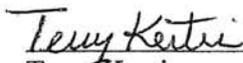
Dianna Parrish, Ronald Ross, Richard Ross and Gary Ross have no blood relation to the Kertis blood. They continue to deny Terry, Terina and Bradley Kertis antique oval picture frames with George Kertis' parents and also George Kertis' guns. Bradley Kertis called Richard Ross and wanted those guns, he has a gun license and these are heirlooms. Dianna states that these are Dorothy's property. Dorothy will never see family heirlooms again and all heirlooms should be given to Terry Kertis unless Dianna Parish can show written proof that the heirlooms were given to her. They have sold all of George Kertis' WWII heirlooms and that hurt Terina and Bradley Kertis deeply.

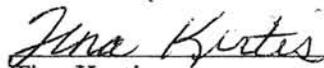
Terry has been told by every Judge, Lawyer and Legal Representative that a reconsideration or appeal should have been filed after the judgement on 12/11/09. Enclosed are letters from Dewey Weddle and Gerald Osborne, which the court has not seen. These letters show that Terry had no chance of filing a motion because of miscommunication of Dewey Weddle and Gerald Osborne.

Terry Kertis and Tina Kertis are over the age of 18, are competent to testify and both have personal knowledge of the matters in this case.

Terry Kertis and Tina Kertis certify and declare under penalty of perjury under the laws of the State of Washington that the statements contained in these objections are true and correct.

Dated this 10th day of March, 2014 and signed in Anacortes, WA.


Terry Kertis


Tina Kertis



ANACORTES MUNICIPAL COURT

1218-24TH STREET, ANACORTES, WA 98221

(360) 293-1913

FAX (360) 293-4224

March 5, 2014

To Whom It May Concern:

RE: Terry Kertis
AC12643/AC12495

Terry Kertis pled guilty to malicious mischief 3rd degree and violation of a no contact order on December 2, 2010. He was to pay \$250.00 court fine and serve 10 days jail and pay restitution of \$100.00 for the malicious mischief charge to Diana Parish.

As part of that plea; AC12432 theft; AC12495, AC12339, AC12643 violation of the no contact orders were dismissed on December 2, 2010.

If you have any questions regarding this court order please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Donna Ferrario".

Donna Ferrario
Court Administrator

received
12/17/09 7a

1 SUPERIOR COURT OF WASHINGTON
2 COUNTY OF SKAGIT

3 In re the Guardianship of:)
4 DOROTHY MAY KERTIS,)
5 An alleged incapacitated person.)
6)
7)

NO. 09 4 00260 6

REQUEST FOR PRODUCTION
OF DOCUMENTS AND THINGS
AND FOR ENTRY UPON LAND AND
INTO BUILDINGS

8 Pursuant to CR 34, Respondent Terry Kertis, the son of the alleged incapacitant, requests
9 that the Petitioner produce for inspection the following documents and things:

- 10 1. Banking and Financial Institution records of Dorothy May Kertis for the past 12 months and
- 11 through the return date of this request.
- 12 2. All documents and things listed in the Sealed Confidential Reports (copy attached)
- 13 3. All documents and things listed in page 7, 8 and 9 of the Report of Guardian Ad Litem (copy
- 14 attached)

15 He requests the following date and time for this:

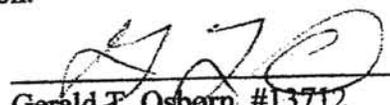
16 January 14, 2010, from 10 a.m. to noon, at the Law Office of Gerald T. Osborn

- 17 4. He further requests entry upon land and into buildings at 3103 "L" Avenue, Anacortes,
- 18 Washington, for purposes of inspecting, photographing, appraising, and other purposes within
- 19 the scope of CR 26(b).

20 He requests the following date and time for this:

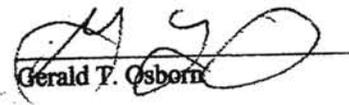
21 January 15, 2010 from 10 a.m. to noon.

22 Dated: December 9, 2009


Gerald T. Osborn, #13712
Attorney for Terry Kertis

23 Certificate of Mailing, or Faxing or Delivering

24 I certify that on this date that I or my agent mailed or faxed or delivered a copy of this to the Petitioner's
25 attorney at his address of record, and that I also faxed a copy to them at their fax number:

26 
Gerald T. Osborn

27
28
REQUEST FOR ENTRY UPON LAND

Gerald T. Osborn
Attorney at Law
1009 8th Street, P.O. Box 1216
Anacortes, Washington 98221
360-293-1157

January 8, 2010

Dewey W. Weddle, Attorney
802 7th St.
Anacortes, WA 98221

In re Guardianship of Dorothy May Kertis

Dear Mr. Weddle:

Last month you told me that your client Dianne Parish would allow my client Terry Kertis access to Dorothy Kertis's home. On December 9, 2009 I sent you a Request for Production etc. (copy enclosed). You haven't told me when Ms. Parish would allow entry into the home, nor have you replied to the request.

Please therefore advise whether your client agrees with the dates and times requested on the Notice.

Enclosed for clarification is my Notice of Appearance, effective date August 14, 2009.

Yours truly,


Gerald T. Osborn

RECEIVED

JAN 11 2010
LAW OFFICE OF
DEWEY W. WEDDLE

received
1/22/2010 9b
from @1500 meeting
with Osborn

LAW OFFICE OF DEWEY W. WEDDLE
A Professional Limited Liability Company
Telephone: 360-293-3600

802 7th Street
Anacortes, WA 98221

Fax: 360-293-3700
dwweddle@msn.com

January 20, 2010

Mr. Gerald T. Osborn
Attorney at Law
Post Office Box 1216
Anacortes, WA 98221

Re: Guardianship of Dorothy May Kertis
Skagit County Superior Court Cause No. 09-4-00260-6

Dear Mr. Osborn:

This letter is in response to your letter dated January 8, 2010 (copy attached). It also addresses some other issues that your client needs to attend to within the next few weeks.

First, I very much regret that there is a misunderstanding regarding our last telephone conversation (December 17, 2009). As I recall, I did not tell you that Ms. Parish would allow your client access to Dorothy Kertis's home. Rather, I said that I would speak with Ms. Parish about it and get back to you. Now that I have spoken with Ms. Parish, I can say unequivocally that she is not inclined to grant your client's request at this time. At present, aside from attending to her own affairs, she is very much occupied with compiling an Inventory and formulating a Personal Care Plan, both of which are subject to court imposed deadlines. She is also busy preparing the house so that it can be rented to generate some income to the estate. If your client would exercise a modicum of patience, as an interested party he will get a copy of the Inventory, which will include the contents of the home. (Has Mr. Kertis filed his Request for Notice of Proceedings?)

As I mentioned, Dianna is preparing the house so that it can be rented. In furtherance of that effort, she intends to dispose of her grandmother's vehicles, a car and truck. A professional mechanic has advised her that the cost of repairing the automobile to make it ready for sale would likely exceed the selling price. He suggested that donating the car to charity and getting a tax credit for the donation would make more sense financially. As regards the truck, Dianna was advised that the selling price would likely exceed the cost of repair. Once the truck has been made ready for sale and Dianna has an asking price, if your client is interested in purchasing the truck at that price he certainly is welcome to do so.

Cleaning up the premises will also require the removal of your client's truck. Please advise Mr. Kertis that his truck must be removed by Wednesday, February 10, 2010. If the truck is not removed by that time, Dianna will have it towed. Your client will be responsible for any impound fees that may result.

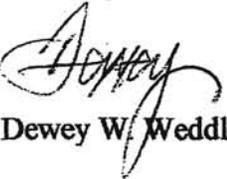
Apparently your client is also using his mother's residence as a way of disposing of his trash; that is, he takes his trash there for pickup by the City of Anacortes. Mr. Kertis will need to make alternate arrangements for trash disposal as soon as possible. I hope you will agree that no tenant will acquiesce to Mr. Kertis's present method of trash disposal.

Mr. Kertis also apparently believes he has some personal property in the house. Please advise your client to provide a list of the property to Dianna by Wednesday, February 10, 2010 so that she may separate that property from Dorothy's property. Otherwise any and all property in the house will be inventoried as Dorothy's property.

At some point Dianna intends to conduct a sale of some her grandmother's personal property in order to clear the premises and to generate some income to the estate. Your client will be advised as to when the sale will occur, and is welcome to attend the sale and purchase any items he might want either at the asking price or by bidding if the sale is by auction.

Finally, it is unfortunate and regrettable that the entire guardianship process has been a source of conflict between your client and mine. This conflict has resulted in much higher costs, all of which are borne by Dorothy's estate. Because your client is a beneficiary of her estate, theoretically a portion of every dollar spent to meet the costs of the guardianship (including my fees) comes out of his pocket (as well as Dianna's). Viewed from that perspective, I would hope that your client would trust Dianna to properly manage her grandmother's affairs, especially since there is no reason to mistrust her. Although it is understandable that Mr. Kertis would be angry about the Court removing him as his mother's attorney-in-fact (thus depriving him of unfettered access to his mother's home and finances) his anger toward Dianna is misplaced. The Court had legitimate concerns about Mr. Kertis's ability to manage his mother's estate. Those concerns were rooted in Mr. Kertis's past conduct. Dianna had absolutely nothing to do with that conduct. Making Dianna's job as guardian more difficult out of spite or anger is counterproductive and is indeed detrimental to your client's own financial interests.

In order to avoid any further unnecessary expense, please advise your client to adhere to the schedule set forth above for the removal of his truck, *et cetera*.

Sincerely,

Dewey W. Weddle

cc: client

TRANSMISSION VERIFICATION REPORT

TIME : 01/11/2007 02:05
NAME :
FAX :
TEL :
SER.# : 000K7J971861

DATE, TIME 01/11 02:05
FAX NO./NAME 2933700
DURATION 00:00:16
PAGE(S) 01
RESULT OK
MODE STANDARD
ECM

Gerald T. Osborn
Attorney at Law
1009 8th Street, P.O. Box 1216
Anacortes, Washington 98221
360-293-1157

January 25, 2010

Dewey W. Weddle, Attorney
802 7th St.
Anacortes, WA 98221

via fax to 293-3700

In re Guardianship of Dorothy May Kertis

Dear Mr. Weddle:

I am requesting a discovery conference with you to discuss your client's refusal to agree to his requests for Production and Request for Entry. I propose to call you today at 4 p.m. to do this, or if for some reason that time is inconvenient, then I will call you tomorrow morning at 10.

Yours truly,


Gerald T. Osborn

FILED
COURT OF APPEALS DIV I
STATE OF WASHINGTON
2014 MAR 11 PM 1:17

COURT OF APPEALS
STATE OF WASHINGTON
DIVISION ONE

In the Matter of the Guardianship of:

CASE NO. 709097

DOROTHY MAY KERTIS,

DECLARATION OF MAILING

An Incapacitated Person.

I, Dewey W. Weddle, attorney for Dianna L. Parish, Guardian of Dorothy M. Kertis, on the 10th day of March, 2014, caused true and correct copies of the following documents:

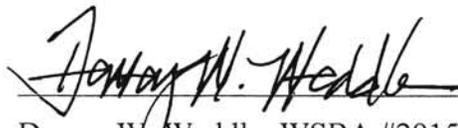
1. AMENDMENT TO MOTION ON THE MERITS
2. APPENDIX TO AMENDMENT TO MOTION ON THE MERITS

to be mailed, with postage prepaid thereon, from Anacortes, Washington, to the individuals named below:

Nancy Preg, Attorney for Terry L. Kertis, Appellant
4233 N.E. 88th Street
Seattle, WA 98115

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

DATED this 10th day of March, 2014, at Anacortes, Washington.



Dewey W. Weddle, WSBA #29157
Attorney for Dianna Parish, Guardian