

No. 269426

COURT OF APPEALS
DIVISION III
OF THE STATE OF WASHINGTON

IN RE: THE GUARDIANSHIP OF:
DORIS JEAN HOOGSTAD

JENON LAURENE,

Appellant

v.

LORIE PETERSON,

Respondent

BRIEF OF APPELLANT
Jenon Laurene

Jenon Laurene
Pro se
PO Box 66004
Burien, WA 98166
(206) 433-1400

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Introduction

Prior to the August 15, 2007 capacities hearing Doris Jean Hoogstad gained a basic understanding of the guardianship proceedings. She spoke with Joseph P. Delay, CP 98 -100, several times thinking she had hired him to represent her; and gave him permission to talk with Jenon Laurene, her eldest child, so she could help assist her. After thinking about it for 3 weeks Mrs. Hoogstad decide to move to Burien to live with her retired R.N. daughter so she could be assisted as needed in a home environment. On Mr. Delay's advice we found attorney John Strohmaier, the current Lincoln County Superior Court Judge, to assist with her major concerns. He spoke with her privately on 3 different occasions to determine her competency and consistency to make important decisions for herself. He also conducted interviews with Ms. Laurene on these occasions prior to executing a Durable General Power of Attorney to her on August 8, 2007, revoking the POA previously made out to Sherene Nelson in March 2006, **Appendix 1**. It names Jenon Laurene Doris Jean Hoogstad's choice for guardian **RCW 11.88.010 (4)** which **RCW 11.94.010** states is to be honored except for just cause. The property deed was filed after there was no other option to retain it per her wishes.

On the opinioned and hearsay character defamation allegations against Ms Laurene by Lin O'Dell, the guardian ad litem for this case, the

Court acted as just cause to hold the capacities hearing in the absence of the principle **RCW 11.88.040** even though both the court and GAL had received an Unavailable Court Date Request.

A Motion for Reconsideration was scheduled for October 25, 2007. To support her right to autonomy of her life **RCW 11.88.005** and the honoring of the decisions she made to support her remaining life; Mrs. Hoogstad underwent a full forensic psychology examination over a one month period by Dr. Bruce Olson, SCP 7- 23; and personally wrote her testimony on relevant issues which were filed in the court, **Mom CP** . With the assistance of Ms Laurene declarations were obtained from the family and friends familiar with her relationship with the relationship between Jenon and her mother, and other family dynamics. Additional professional support documents filed for the October 25, 2007 hearing are: Dr. Starkebaum, MDR CP 78-80; Dr. Mark Chalem, CP 55-58; and Dr. Abrahamson, CP 61-62, and Joan Lopez-Stuit, CP 59-60.

After the Court refused to let Mrs. Hoogstad speak on her own behalf, or to hear the motion on October 25, 2007 both Doris Jean Hoogstad and Jenon Laurene wrote letters to Judge Borst requesting modification of the guardianship CP 252-266, **RCW 11.88.120**. The clerk did not file Mrs. Hoogstad's letter as requested; and the Court did not

schedule a hearing. Mrs. Hoogstad also tried to speak and be heard during the May and December 2008 hearings and was not allowed to.

ASSIGNMENTS OF ERROR

A. Assignments of Error Regarding Court of Origin

1. The trial court erred August 15, 2007 by admitting as facts the guardian ad litem's opinions and underlying hearsay multiple allegations against Jenon Laurene, as cause **RCW 11.88.040** for Mrs. Hoogstad to be absent during the capacities hearing.
2. The trial court erred in the failure to make personal contact with Doris Jean Hoogstad as required by **RCW 11.88.040 (4)** prior to finding that she was incapacitated as to her person and estate.
3. The trial court erred when it voided Mrs. Hoogstad's most recent Durable Power of Attorney **RCW 11.88.010 (4)** designating Jenon Laurene her guardian of choice as provided in **RCW 11.94.010**.
4. The trial court erred in admitting the MDR signed by Dr. Chow in August 2007 stating he last saw her in May 2007, **RCW 11.88.045(4)**
5. The trial court erred when it failed to use its judicial discretionary power to hear the October 25, 2007 Motion for Reconsideration.

6. The trial court erred when it failed to enter into the record of documents the letter from Mrs. Hoogstad requesting the guardian be changed per **RCW 11.88.120 (2)**, and to set a date for a hearing.

7. The trial court erred by not performing responsibilities of the superior guardian and require guardian follow **RCW 11.88; 11.92; SOP 400. .**

B. Assignments of Error Regarding Guardian ad Litem.

8. Error is assigned to attorney Lin O'Dell the guardian ad litem for failure to conduct an unbiased investigation on behalf of Doris Jean Hoogstad **RCW11.88.090 (3) (a) (b)(g); GALR 2 (a) (b)**

9. Error is assigned to Lin O'Dell for failure to act with integrity fair play and full disclosure **RCW 11.88.090 (3) (a)** prior to and when presenting her allegations in court as fact.

10. Error is assigned to Ms O'Dell for her misrepresentation of the relationship between Mrs. Hoogstad and Ms Laurene **GALR 2 (f) (g)**.

11. Error is assigned to Lin O'Dell for misrepresenting the time line and events leading up to Mrs. Hoogstad's move to Burien **GALR 2 (f)**.

12. Error is assigned to GAL for not filing for finale fee approval **GALR 2 (q)** paid for her false work product out of Mrs. Hoogstad's funds.

C. Assignments of Error Regarding Guardianship Actions

13. The trial court erred in retaining Lori Petersen as the guardian in this case, based on facts that show a track record of failure to be in any way carrying out the fiduciary responsibilities of a guardian, **SOP 406**.

14. The trial court erred in allowing the real property to be sold, where the ward, Doris Jean Hoogstad, expressly wished that the property would not be sold, insisted the property not be sold; and had otherwise means to live via her social security proceeds, with the assistance of her daughter Jenon Laurene, if these had been forwarded to her in the expected manner without improper interference and conversion by the purported guardian.

15. The trial court erred by permitting Lori Petersen, the purported guardian in this case, under relevant laws of guardianship, the agency and fiduciary responsibility to carry out the duties of guardianship, when all of the track record showed decisive and total failure to implement fiduciary responsibilities, in any phase of guardianship; **RCW 11.88.090 (13)**

16. Error is assigned to guardian Lori Petersen for failure to interview Mrs. Hoogstad at any time regarding her feelings regarding her family, opinions and personal desires for her life choices **SOP 401.12**.

17. Error is assigned to guardian for emotional trauma to ward when failed to ask her wishes regarding disposition of personal property, and inform her prior to her return on October 24, 2007 **RCW 74.34.020 (2) (c)**

18. Error is assigned to guardian for management of estate. **SOP 406.5.1**

19. Error is assigned to Ms. Petersen for falsely reporting to APS Jenon Laurene was exploiting, neglecting her mother, **RCW RCW74.34.053 (2)**

20. The trial court erred by not reprimanding and imposing sanctions on Lori Petersen for her proven false declarations filed with her Annual Report November 2008; with intent to procure a court order to move **RCW 9A.72.010 (2) (a)** perjury.

Mrs. Hoogstad to Eastern Washington and a skilled nursing facility, away from the daughter she loves and has been caring for her, **SOP 404.2, 404.4**

21. The trial court erred in allowing Lori Petersen the right to deposit and take for her own account the entire proceeds of the social security checks which are the property of Doris Jean Hoogstad. **Sec 207 [42 U.S.C. 407] (a) (b).**

22. The trial court erred in not appointing Jenon Laurene the guardian in this case, as she has in fact been providing and implementing guardianship responsibility to her mother, Doris Jean Hoogstad. The court should make

the appointment founded on the record that care and assistance for Doris Jean Hoogstad has been provided on the basis of a daughter's relationship to her mother, as well as with agency principles involving fiduciary responsibility, as defined in law.

D. Assignments of Error Regarding Visiting Court

23. The visiting court by granting return of car for sell; and not protecting the autonomy of Mrs. Hoogstad's ability to be assisted to conduct her activities of daily living, **RCW 11.88.005**.

24. The visiting court erred by engaging in exparte communication with guardian counsel prior to enjoining Ms. Laurene to the hearing on October 23, 2009, **Canon 3 (4)**; granting opening comments to guardian's attorney, when the moving party shall deliver opening.

25. The visiting court erred when it asked "are you telling me you pre spent the money?" in the absence of any previous dialogue with this court on the matters of Doris Jean Hoogstad's expenses.

26. The visiting court erred in filing a judicial affidavit and order ruling Jenon Laurene guilty of "manipulating assets for personal gain", without a hearing, or a single example of specific exploitive or manipulative deed.

27. The visiting court erred in denying Ms Laurene, an interested party

with a defensible position, the right to standing and reimbursement for living expenses for the support of Mrs. Hoogstad ICP.

ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

1. What is the appropriate standard to be applied when ensuring that an alleged incapacitated person has an opportunity to be personally heard and evaluated by the court in a proceeding seeking to remove rights to personal autonomy and decision making? **RCW 11.88.040** Error: 1, 5

2. What standard should be applied in appointing a guardian of the person and estate of an incapacitated person, when a preference has been stated by the incapacitated person in a power of attorney as permitted by statute **RCW 11.88.010 (4)** and **RCW 11.94.010** Error: 6

3. Whether Ms O'Dell GAL presented clear and substantial documented evidence to support significant urgency or danger to Mrs. Hoogstad sufficient to warrant holding the capacities hearing in her absence?

Errors: 1

4. Whether as a matter of law the capacities hearing should have been rescheduled to accommodate Doris Jean Hoogstad's right to testify per **RCW 11.88.045 (3)**; and to present the medical/psychological evaluation of her choice? **RCW 11.88.045 (4)**; Error: 6

5. Whether statements such as:” we think/believe, I think/ believe” are in fact admissible in place of factual evidence in a court of law? Error: 2
6. Whether Ms. O’Dell abused and misused the power of GAL when she chose to support the allegations of Mrs. Hoogstad's other two children, without a conversation with Jenon Laurene to determine if they may in fact be false. Errors: 2, 3, 7, 8, 9, 10
7. Whether the body of evidence substantially supports Lin O’Dell GAL failed to maintain independence of the petitioner’s allegations **GARL 2 (b) (g)**; objectivity while gathering information **GARL 2 (e) RCW 11.88.090 (3) (b) (iii)** be free of conflict of interest with the appearance of fairness in dealings with parties and professionals, both in and out of the courtroom **GARL (2) (b) (f) (g)** for the best interests of Doris Jean Hoogstad **GARL 2 (a)**, and subject to **GARL 2 (c)** Errors: 10
8. Whether intentionally giving the court misleading testimony regarding events and timeline, with mendacious statements about the principals and events, clearly illustrates perjury under **RCW 9A.72.020 (1) (2) (3) RCW 9A.72.040 (1) (2)** Errors: 11
9. Whether declaration statements made under penalty of perjury **RCW 9A.72.085 (1) (2) (3)** and filed with the court, for the purpose of

supporting a position by a written declaration statement as sworn verification of oath, are held as that sacred oath and punishable under **RCW 9A.72.020 (1) (2) (3)**? Errors: 7, 8, 9, 10, 11

10. Whether Lin O'Dell's GAL investigation illustrates a contemptuous disregard for the legal process of the court. **RCW 7.21.010 (1)(2)(b) (4) (6)** and is in fact failure to perform the duties of a guardian ad litem? Errors: 7, 8, 9, 10, 11, 13

11. Should GAL Lin O'Dell who purposefully witnessed her investigation with the false work product of fraud and misrepresentation be ordered to return the fees she was paid to Doris Jean Hoogstad, the temporary ward she did not serve? Errors: 13, 14

12. Whether Lin O'Dell, a guardian ad litem who purposefully prevented her temporary ward from receiving a fair and impartial hearing, should be allowed to function in that same capacity to another vulnerable person of any age in the future?

13. Whether converting personal property of sentimental and valuable collections belonging to the ward's deceased husband, out of her

possession against her expressed wishes, is emotional trauma, **SOP 406.6, 406.9**

14. Whether converting valuable collections and not accounting for such in estate assets **SOP 406** Lori Petersen financially mismanaged the estate, and assisted Doris Jean Hoogstad to be exploited by Sherene Nelson and Rennard Hoogstad? Errors: 20

15. Whether Lori Petersen's actions were without regard or concern for the emotional-mental-physical harm they were inflicting on Doris Jean Hoogstad? **SOP** Errors: 17, 18

16. Whether by false reporting to **APS, RCW 74.34.053(2)** Lori Petersen committed a crime punishable under **RCW9A 20.010 (2)** Error: 20

17. Whether phone conversations with the petitioner, former GAL, ADT Security to circumvent the service, production of false statements in court documents to support false allegations, false reports to APS, and false billing entries provide service, or value, to the benefit of the ward? **SOP** Errors: 20

18. Whether not paying Doris Jean Hoogstad's living expenses with her Social Security income is a Federal crime punishable under **Sec. 207**

[42 U.S.C. 407] (a) (b) Errors: 21

19. Whether a purported guardian and her attorney who purposefully publish false statements in filed court documents for the purpose of obtaining a court order mandating the ward to a skilled care facility, on the opposite side of the state from the daughter providing care and life value, against the best interest of the ward, be allowed to continue being the guardian?

20. Whether the order imposing a professional court appointed guardian should be **vacated** where there is no evidence the guardian nominated in the last Durable Power of Attorney (Appendix)executed by Doris Jean Hoogstad is **unworthy of** the position?

21. Whether Lori Petersen should be required to return all guardian fees collected by her for her false guardianship work product to Doris Jean Hoogstad per **RCW 11.92.056**

22. Whether Lori Petersen should be held personally responsible for, and ordered to pay all attorney fees, court costs, and other related legal expenses incurred due to the fraudulent actions of her purported guardianship? **RCW 11.92.056**

23. Should the ward, Doris Jean Hoogstad, who has been caused to endure the multiple thefts of her: personal property monthly Social Security checks and rental property incomes in full, thus suffering undue emotional pain, mental stresses and functional damages as the result of the false fiduciary actions of purported guardian Lori Petersen, be awarded monetary damages **RCW 11.92.056** from Lori Petersen?

24. Whether ordering Ms Laurene could not file for reimbursement of Doris Jean Hoogstad's costs of living is in fact converting her Social Security Disability Income into money to provide for Lori Petersen's and James Woodard's personal gain?

25. Whether Jenon Laurene is in fact a party to this case with a defensible position as well as an interested party?

Statutory Provisions

RCW 11.92.185 "The Court shall have authority to bring before it ... any persons suspected of having in his or her possession ... or having concealed ... conveyed, or disposed of any of the property of the Estate or incapacitated person, subject, to administration under this title."

RCW 11.88.095. Disposition of Guardianship Petition

- (1) In determining the disposition of a petition for guardianship, the court's order shall be based upon findings as to the capacities, condition, and needs of the alleged incapacitated person
- (2) Every order appointing a full or limited guardian of the person or estate shall include:
 - (a) Findings as to the capacities, condition, and needs of the alleged incapacitated person.

RCW 11.88.020 Qualifications (1)(f)(2)

“No person is qualified to serve as a guardian ... [if it is] a person the court finds unsuitable.”

RCW 11.92.090. Sale, Exchange, Lease or Mortgage of Property

“Whenever it shall appear to the satisfaction of a court by the petition of any guardian ... that it is necessary or proper to sell ... any of the real property of the estate ... for the care, support ... of the incapacitated person ... the Court may make an order directing such sale.”

Constitutional and Other Provisions

- A. The **Universal Declaration of Human Rights: United Nations;**
Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind.
Article 3: Everyone has the right to life, liberty and security of person.
Article 6: Everyone has the right to recognition everywhere as a person

before the law.

Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law.

Article 8: Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 10: Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11-1: Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense

Article 12: No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks

Article 25-1: Everyone has the right to an standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Article 3: Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein. **Appendix A-3**

B. The United States Bill of Rights: Amendment XIV Section 1.

..... no State shall deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. **Appendix A-4**

C. Washington State Constitution Article I Declaration Of Rights:

Section 22 Rights Of The Accused: In criminal prosecutions the accused shall have the right to appear and defend in person, or by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county in which the offense is charged to have been committed and the right to appeal in all cases. **Appendix A-5**

III. Statement of the Case

Substantive Facts

1. Doris Jean Hoogstad wrote her personal court statements on her own behalf. Her work drafts are available. The Filed: qualified professional evaluation, MDRs, other medical reports, Affidavits, and Declarations testify to her wishes and deserve to be read and honored.

2. Sherene and Rennard are from Mrs. Hoogstad's second marriage. She (and her husband) refer(ed) to their children as "the kids", **CP 254 L 9, October 2007 statement Jenon**. Jenon was from her first marriage, older, and was always called by name.

3. Documents were not filed as intended due to Ms Laurene's packaging. The **Petition to Deny Accounting** was over looked in the rush to get the document support filed to dispute Ms Petersen's declarations, and was not filed. It was meant to be filed with the Objection to Orders as Filed and Request to Revise as its support documents; as well the documents attached to it.

Preface

This is a guardianship case per **RCW 11.88.005**. the **appellants** are:

Doris Jean Hoogstad: who in 2007 was partially incapacitated, primarily due to short term memory loss. **Jenon Laurene:** the eldest of her 3 children with whom Mrs. Hoogstad chose to live in Burien, WA since July

23, 2007. Jenon is a retired 30 year multi specialty Intensive Care RN, with several inter-dispersed long term care work experiences.

The **respondent** is the court appointed professional guardian, **Lori Petersen**. The **petitioner** Mrs. Nelson is Mrs. Hoogstad's youngest child; and the **guardian ad litem** was attorney Linda O'Dell.

The following four issues are on appeal as the direct result of the GAL's testimony and Guardianship Actions: (1) Ms Laurene's Standing to defend allegations, and court ordered judgments made against herself conjunctive to her right as Mrs. Hoogstad's eldest child and choice of guardian to assist her mother to advocate her life choices. (2) The guardian ad litem's pay for false work product. (3) Petition for Orders to Issue Citation Removing Guardian and Appointing Successor Guardian; and (4) Budget, Accounting and Inventory by guardian. All guardian actions, April 2008 thru present, are updates to section # (2): Wrongful Actions by Guardian of the petition to remove guardian and appoint successor guardian. The facts in this case do not support the allegation and actions of the court appointed officers of this purported guardianship.

Pre-Hearing Background

1. Mrs. Hoogstad did not adjust to assisted living and being around “sick seniors” CP 25 L 29-36, and was insisting on returning to her mobile alone
2. Ms. Laurene was advised guardianship She spoke with Mrs. Nelson about filing a family guardianship. Against agreement Sherene Nelson filed singularly for a professional guardian; saying over my dead body will I allow you to be the guardian”, Ms. Laurene CP 31 L 27-38, calling her ‘the Golden Child’ CP 32 L 8-12.
3. Doris Jean Hoogstad thought she had hired an attorney, when she called attorney Joseph Delay. Ms Laurene called him for advice CP 98 L 7-10; he spoke to her with permission, CP 98 L 10-3 P 99.
4. Ms O’Dell spoke only once with Ms Laurene and stated: Assisted living would not be able to handle her much longer, next an Adult Home trial; probably a nursing home, Jenon CP 24 L 11-14; they would sell her property. Jenon explained selling her home was not the agreement when she agreed to try assisted living, Jenon CP 24 L 1-5; 24 L 24-30.
5. Ms. Laurene explained to Mrs. Hoogstad the proposed guardianship’s plan, and offered to take care of her in a rental home keeping her out of a nursing home and eliminating need for a court guardianship.

Guardian ad Litem: Capacities Hearing August 15, 2007

Ms. O'Dell Prior to Being Sworn In: "I have grave concerns and oppose any continuance. I believe the property is being dissipated as we speak, RP 4 L21-24. Her daughter Jenon lost her apartment, came on a Wednesday, picked up her mother, took her to sign a contract, making three trips x-country in a week; brought her back, packed and moved her, converted bank property, and is trying to convert the real property. I believe a guardian is needed and would like to go ahead", RP 5 L 4-15. "I have no phone number for her. She was in daily communication until moving Doris Jean. Now I haven't heard anything but this Unavailable Court Date Request. RP 5 L 15-25; CP 13. The AIP doesn't have to be here. I'd say appear by phone if we had a phone, RP 6 L 3-6.

Court agrees to the hearing Precluding Doris Jean Hoogstad, her right to speak on her own behalf and be observed and questioned by the Court RCW 11.88.040 (4).

Ms O'Dell Swears to Testify to the "Whole Truth and Nothing But the Truth", RP 6 L 10-21. RCW

Creates a Time Line: to allege Ms Laurene rushed Mrs. Hoogstad about:

"I talked to Jenon on the last Friday in June", RP 9 L 24-25.

Monday morning she called, said her apartment was sold and she was going to move her mother to Burien, RP 10 L 6-9. She came over just two days after I talked to her; used her mother car to drive her back and sign a lease; came back in about three days and started packing her mother, RP 10 L 19-25. Mrs. Hoogstad told me I'm going with Jenon because somebody's going to steal my money and take my home; she'll keep me safe, RP 11 L 1-9; to keep that O'Dell from getting my money, CP 8 L 10-12. She has no idea if she signed a contract RP 11 L 4. She is scared, easy to exploit, confused, and agitated, RP 12 L 13-21. I almost filed a restraining order, CP 8 L 3-5; RP 12 L 15-17.

Facts Filed For October 25, 2007 for the Reconsideration Hearing:

1. Communications to Ms O'Dell Time frame after the June 29, 2007 single conversation with her **began on** July 12, 2007 when Ms Laurene e-mailed Ms. O'Dell her concerns since their only conversation, stating her apartment complex was sold, the moving date was August 15th, and the possibility of mother and daughter renting a house together. They continued thru Friday July 21, 2007, and ended July 25th when Ms O'Dell

called Mrs. Hoogstad at Maple Wood Gardens and tried to change her mind about moving with her daughter; then hung up on Ms Laurene when she tried to speak to her, CP 27 L 3-17.

a. The July 17 e-mail, stated: Mrs. Hoogstad's mental status was deteriorating CP 43 L 6-7; proof of 3 documents in response to her post July 12th question "What does Mom Say" and rental house, CP 44.

b. The July 20th e-mail, CP 45; by lines discusses: Ms O'Dell's lack of response to emails and concerns, L 1-4; cervical injuries (and lumbar-sacral bulging discs) do not tolerate computer work, L 5-8; Ms Laurene's repeated request she be honest with her mother about the guardian plan living options are, L 9-11; the request she inform her of support or not L 13-14; notification of her arrival time and route L17; stated intent to have a conversation to assist her to make the decision that will support her, L 23-24; request to meet L 28.

2. Ms Laurene has had the same phone/Fax number since February 2000, and **Cell number** since 2003.

Ms. O'Dell Presents Her Evidence to Degree of Capacity

1. Ms. O'Dell documents Mrs. Hoogstad as oriented. "She states she has short term memory loss, was pleasant, moved to Maplewood Gardens

on her own to have her teeth fixed, CP 80 L 6 -10. She moved on her own RP 7 L 15-19; knows her children, how long in Maplewood Garden Apt., her bank and provided the phone number CP 80 L 12 -17; and where her home is, CP 80 L 31. Long term memory was intact CP 81 L4.”

2. Ms. O’Dell makes a case for disoriented. She does not have the capability and problem solving skills to know what is happening, CP 8 L 6; called very confused; had my name and number on a piece of paper but could not remember who I was or about a guardianship. CP 82 L 9-15.

Facts Filed For October 25, 2007 for the Reconsideration Hearing:

a. Dr. Olson’s Report: “I’m having trouble with a woman named O’Dell from the state who wants to take over my life; is taking me to court”, **CORRECT PAGES: CP 3 L 23-35.** “Woman named O’Dell gave me a hard time; was hired to find me incompetent”, **CP 4 L 7-10.**

b. Attorney/Judge John Strohmaier: She was generally aware of nature of the guardianship proceedings CP 63 L 12-13.

3. Ms O’Dell: Degree of Incapacity is mild with intermittent moderate dementia, CP 88 L 13. I believe Doris Jean is incapacitated as

to person and estate CP 88 L 26; extremely confused; very poor problem solving skills CP 82 L 20-22, CP 88 L 35.

Facts Filed For October 25, 2007 for the Reconsideration Hearing:

1. Attorney/Judge John Strohmaier Lincoln County Superior Court:

Met first with Doris Jean 45; short term memory was somewhat impaired CP 63 L 8-12; convinced competent to execute documents on her behalf such as POA, deed, and will, CP 64 L 17-19. **Appendix**

2. Attorney Joseph P. Delay; past WSBA President: stated he did not believe even on her worst days it would be possible to rule Doris Jean sufficiently incompetent to assign a guardian of her person CP 99 L 10-11.

3. Dr. Ward Chow M.D was Mrs. Hoogstad's doctor spring 1998- June 2003 and December '06 -July '07. He signed the MDR filed August 15, 2007, CP 9-12. He had last seen her in May'07. At which time Mental Status Exam: **Judgment/ insight: intact**; Orientation: oriented to time, place, and person; Memory: poor recent recall, within **SCP 7 - 23**; and counseled patient to discuss moving plans with her children.

4. Dr. Bruce Olson, Forensic Psychologist, referred and unknown to us: "Can communicate wishes adequately, SCP 7-23 (5 L 3); Mini-Mental was 25 (higher then at NW Hospital sedated with Ativan) median MMSE

would be 26; CP 5 L 8-12. Tests high average on the GAMA for reasoning and problem solving; score 115 ..quite high for age and education CP 5 L 31-34; very strong opinions, CP 7 L 25-26; significant strengths to contribute to money and residential decisions with right person,” CP 7 L 23-39.

5. Dr. Mary Starkebaum M.D from September 2007 – January 2009:

Her thought process seems to be logical and coherent, CP 79 L 29 (F).

Ms O’Dell: Jenon Wants Her Mother to Move to a House in Burien

O’Dell: I asked Doris Jean about living with Jenon; she stated “I would have no life of my own”. She refused to live with any of her children, CP 82 L 16-18. **I asked Sherene:** It would be a living hell for both of them, CP 83 L 24-25. **Patricia Burgen,** sister-in-law, states: Doris Jean would be happy with Jenon who wants her mother to be there. CP 86 L 10-14. **Jenon** acknowledges her mother doesn’t want to live with her; wants to move back to her mobile then decide. She needs a place to live; believes benefits all, CP 84 L 15-25. After her apartments were sold she wanted her mother to move with her, CP 8 L 15-17. **explore alternatives.**

Facts Filed For October 25, 2007 for Reconsideration Hearing:

1. Ms Laurene: told Ms O'Dell her mother liked the idea, CP 26 L 8-17; and included her concerns, and core desire to be in her own home.

Ms. O'Dell states she reviewed multiple emails from Ms Laurene, CP 87 L 30, and Letters from Jenon's family and friends in support of Jenon as Guardian, CP 5 L 28-L 3 pg 5; CP 88 L 1-4 .

Ms. O'Dell Asserts Ms Laurene and Mother Do Not Get Along:

Sherene and Rennard state Jenon and her mother do not get along and believe she is verbally abusive and brow beats her mother, Sealed CP 85 L16-18; have never gotten along, VP 11 L 21-22, in their life, VP 13 L 1-3.

Facts Filed For October Motion for Reconsideration Hearing:

1. Doris Jean Hoogstad: Jenon wants me, asked me to live with her CP 87 L 2-4. Jenon offered me a home. It was a wonderful gift, great surprise, happy she wanted me. I moved shortly after, CSCP in 547-549.

Jenon phoned me often when I was in Creston; Summary of phone calls, CP 227-229; came home to see us, CP 85 last 3 sentences. I trust her completely; she shows me her love of me; I do what I want, spend for

what I want, CP 87 1st section; Jenon takes me places; doesn't leave me alone, CSCP in 547-549. L 7-14.

2. Judge John Strohmaier: Jenon cares spends time, CP 64 L 3-4; Plans to rent a house together with Jenon, CP 64 L 7-9.

3. Joseph Delay: I was impressed with Jenon's genuine love and concern for her mother, CP 99 L 12-13. It was clear to me Doris Jean would be well cared for and could adjust well to loving with Jenon, CP 99 L 16-17.

4. Dr. Chris Abrahamson: Met Jenon March 24, 2004; she talk about her mom in kind and loving fashion; would cancel appointments to make unexpected trips to assist her CP 61 L 3-6. On a visit in 2006 Jenon explained and answered questions CP 61 L 7-9. When I've seen them Jenon is always attentive and helpful; over years Jenon has never said a harsh word and always shows concern CP 61 L 12- 8 P 62.

5. Joan Lopez-Stuit MS CRC: I have known Jenon for 10 years. Jenon loves her mother and is dedicated to her, CP 60 L 3-8.

6. Patricia Burgen, sister-in-law: Jenon supported her parents frequently by phone, talked with doctors, visited and cooked meals to freeze, CP 69 L 29-31. DJ tells me she likes living in Burien CP 70 L 14-15

7. Dr. Mark Chalem, senior partner Spokane Psychiatric: Over the years Jenon has been the one who stayed in contact with her mother; I have always been impressed Jenon truly loves Doris Jean and has her best interests in mind, CP 56 L 14-17 (#1 and #2).

8. Kroydan Chalem, grandson: I have observed a close relationship; by grandmother's account more so than with her other children, CP 67 L 1-5.

8. Zady Evans, friend: Jenon spends hours chatting with her several times a week; have a close companionship; checks on her CP 73 L 3-11.

9. Stephen Croston, friend: Jenon assisted with her father and mother at her own cost until she couldn't; provided a cell phone to be on the spot; worked with her sister; will continue to assist her mom, CP 77 L 11-21.

Ms O'Dell Testifies to Choice of Guardian:

1. Ms O'Dell: "Sherene is asking to be appointed guardian of the person; is that OK with you? No I don't want that" RP 10 L 1-5.

2. Jenon wishes to be appointed guardian believes Sherene is not a good choice ... only checks messages every two to three days., CP 84 L 10-14. She revoked the POA to Sherene her mother executed several years ago RP 11 L 10-13. See John Strohmaier below for correct year.

3. Sherene and Rennard recognize if one of them were appointed guardian it would be an ugly battle; they want to enjoy their mother CP 88 L 29-33. **Sherene states:** None of them get along with their mother; but they all love her, CP 83 L 18-19. **Rennard states** he doesn't see his mother very often because he doesn't need the verbal abuse, CP 85 L 23.

Facts Filed For October 25th Motion for Reconsideration Hearing:

Ms Laurene: I am the first responder to mother's issues, CP 24 L 14-23.

a. **Sherene** has no regard for her mother's welfare; assisted to keep her in Spokane under duress; did not visit or help her, CP 32 L 27-2 P 33.

b. **Rennard** saw her in January'07 holds grudge CP 33 L 3-16.

Professional Testimony:

1. Judge John Strohmaier: Executed POA to Jenon naming her guardian revoking the March 6, 2006, POA CP 64 L 20-24.

2. Dr. Olson: Mrs. Hoogstad stated "If I want help I want Jenon to help me. You want someone helping you who cares" and indicate your other children "they don't want me" Jenon will act in best interest, in SCP 778-92 P 3 L 39-1 P 4. Mrs. Hoogstad indicates she can manage finances with assistance from Ms. Laurene, in SCP 4 L 18-19. You indicate you can live on your own with assistance from your daughter CP 4 L 34-35, 40-41. It is

clear that you wish Jenon Laurene to be your guardian for a variety of reasons CP 7 L 36-39.

Declarations from the above people previously listed by Ms. O'Dell with noted additions, CP 21 L13 – L 20 CP 22:

1. Joan Lopez-Stuit MS CRC: As a Voc-Rehab Counselor I assess work competency. Jenon is competent to care for and genuinely interested in her mother's highest quality of life; was attentive to her father, CP 60 L 3-14.

2. Dr. Mark Chalem: I feel Jenon has sufficient time and energy CP 56 L 20-21 (last 2 sentences); I feel Jenon is in an excellent position to be a competent and compassionate guardian CP 57 L 1-11.

3. Zady Evans: Has been role of guardian for many year CP 72 L 12-2 P 73. Tried to keep her mother on her own; responded to her needs with mental/emotional improvement, CP 73 L 14-21.

Sherene and Rennard Do Not Have the Relationship with Their Mother Ms O'Dell Claimed:

1. Mrs. Hoogstad states their relationship: tells Ms O'Dell: "the kids don't like me; say I'm a lousy mother", CP 81 L 24-34. "I don't have a relationship with Rennard; doesn't call or come to see me", CP 86 1st sect.

My relationship with Sherene is very little I only see her at holidays; I don't fit in; they really don't spend time with me CP 86 sections 2 and 3.

They never offered me any help all the time I lived in Creston, or actually came to visit/stop by on their way thru town, except if Megan stayed after school. After Megan graduated .. only saw family when invited for holidays etc., in SCP 546-549 L 7-14.

2. Judge Strohmaier: Doris Jean was upset with how Sherene treated her, CP 64 L 3-4; after 2 wks upset with Sherene and Rennard CP 64 L 27-28.

3. Patricia Burgen: Neither Sherene or Rennard would take DJ in. Both Sherene and Rennard refer to Jenon as their mother's Golden Child. Sherene told me several times "over my dead body will I allow Jenon to be Mom's guardian", CP 69 L 20-25. I'm stunned at Sherene's anger; she said if DJ would not adjust to MWG she may have to spend her remaining days in a locked unit. CP 69 L 32-36.

The GAL Makes Allegations of Exploitation by Ms Laurene:

1. **Sherene:** She needs money and charges her mother for everything she does. CP 82 L 26-28. **Rennard:** Jenon has always been about the money CP 84 L 14.

2. She has switched the safety deposit box to both their names; CP 7 L 22-23 exerted ownership of her mother's funds, CP 7 L 27-L 1 P 8; Just her name RP 11 L 9; RP 16 L 15-17.
3. We've also seen what we believe is an appraiser appraising the property in Creston, RP 11 L 13-15. Definitely a guardian of the estate; she's already having the property appraised, and she's the POA, RP 13 L 16-19. "I would ask to tie up with a lis pendens the property RP 14 L 6-9. If the property has .. guardian would do a quiet title. RP 17 L 6-10.
4. Jenon is unemployed on SSD; if she has more the \$2,000.00 per month she won't receive these funds, so they will both be living on Doris Jean's money CP 7 L 19-2 P 8. She is a disabled nurse and gets \$800 a month. Her mother gets \$1200 on S.S. Together under \$2000 income. She rented a house for \$1675 RP 10 L 18.
5. There's no way they can live on their income. They have to tap what her mother has, RP 11 L 15-17.

Facts Filed For October 25th Motion for Reconsideration Hearing:

1. **Ms. Laurene:** (1) has never been about money, CP 30 L 20-28. Never charged her mother for things she does, CP 30 L 30-19 P 31. **Sherene** thinks it is OK to charge her mother commercial rate to put in fence CP 31

L 20-22; 32 L 20-26. **Rennard** took \$200 for helping 12 hours to move, CP 31 L 22-26; **(2)** did not claim or personally use Mrs. Hoogstad's funds, CP: 23 L 1-6, 28 L 3-4; **Mrs. Hoogstad** listened to the assisted living residents, and removed her own funds, CP 28 L 5-7; **(3) No Appraiser:** Nothing is farther from the truth; CP 29 L 1-6. **(4)** Ms Laurene's rent portion is \$20 less than before; food electricity cable car and gas are shared; other expenses unchanged, CP 28 L 16-27; assets of one do not belong to the other, CP 28 L 28- 34. **(5) Proof of Personal Financial Responsibility** CP 89-97 plus Accounting was filed through September; but only July was filed by the Clerk's Office. John Strohmaier said the format was difficult to follow. Revised Accounting July-November 2007 CP 65-197, was filed in April 2008.

2. John Strohmaier attorney/Judge: I feel she was not under any undue influence from Jenon; who made sure her mother understood the issues; but would go along with what her mother wanted. I do not believe Jenon was attempting to manipulate to receive the assets, CP 65 L 2-6.

2. Joseph P. Delay attorney had several communications Ms Laurene: I am satisfied Jenon's only motive has been to assist Doris Jean; nothing to indicate Jenon was attempting to gain financially CP 100 L 8-11.

3. **Kroydan Chalem** son/grandson: Mom acts with compassion; I have never known money to be my mother's motivating factor, CP 67 L 16-18.

4. **Zady Evans**: a cell phone; bought health equipment; CP 73 9-11

5. **Stephen Croston**: nurturing, patient, no charge, CP 76 L 8-10 P 77.

Ms. O'Dell Has Several Beliefs:

(1) "**Jenon is so controlling**. She did everything in her power to control my investigation", RP 11 L 23-25. (2) There is **nothing she won't do** to get her own way and meet her own needs, RP 12 L 1-4. **Doris Jean** (3) will not have control of her own life CP 8 L 19; (4) there will be massive shouting matches, CP 8 L 20; (5) will not be happy, CP 8 L 21; (6a) she is being financially exploited by her daughter, CP 8 L 22. (6b) I believe she has demonstrated she has exploited her mother. You don't convert the money to your personal. RP 15 L 22-24. (7) "Jenon will not make decisions for her mother's best interest; she will make decisions on what is best for Jenon, RP 12 L 22-25. (8) I believe Jenon will dump her mother; because there is no money there", RP 13 L 1-7.

I don't believe she is a capacitated. But until you she's not; Court:
I understand what you are saying, CP 14 L 1-4; and recommends Lori

Petersen as guardian: She is a very strong person and not going to let anybody run over her. She'll stick up for the ward, RP 14 L 17-24

Post Hearing Communication:

Ms Laurene's phone number/Fax has existed since February 2000 and **Cell number** since 2003. Ms Laurene's computer was not set up until until approx the 23rd. **Ms O'Dell** e-mailed on August 16, 2007 notifying us of the guardianship, CP 36. **Ms Petersen** called using one of these numbers on August 22'07, CP 18 L 26-29 (6a), to inform us she was the Court appointed full guardian, CP 37. On the bottom of each page is the Filed Fact Response. The address was in the forwarded house pics.

Summary

As GAL Ms O'Dell was to act in good faith and full disclosure, maintaining unbiased objectively and exploring all possible alternatives to a court appointed guardian, working for the best interest and situation for the incapacitated person needing assistance. She was to realize there can be a variety of different sibling and parent issues for possibly many perceived good reasons by the family members. She was sworn not to take sides and to remain open to the experiences and opinions of other family and friends. Instead she was not receptive to any testimony that did

not support the viewpoint of the younger children who pushed for a professional guardian. Her comment about the list of those who contacted her was that they were all Jenon's friends and that the sister-in-law Patricia Burge admitted she was closer to Jenon than the other two. There are usually reason's family members are not close to others.

Throughout the daily communications from Ms Laurene explaining her mother's issues and requesting her assistance to explain to Mrs. Hoogstad the proposed guardianships intentions and the option Ms Laurene was offering; Ms O'Dell did not say she would not support a move, say Ms Laurene should not move her, or in any way indicate a personal concern regarding Ms Laurene or the proposed care option; including verify with Ms Laurene if the information she thought she had was true.

Conclusion

Ms O'Dell did not fulfill the mandates of the intent of her position and purpose to serve by the standards of the rules and RCW's governing her position.

Requested Remedy

Return of the fee she was paid to Mrs. Hoogstad.

Guardian

Petition for Orders to Issue Citation, Removing Guardian, & Appointing Successor Guardian **RCW 11.88.120(2)**, per section 2: “Wrongful Acts & Omissions of Guardian following her appointment”, grouped by category from commencement to present:

- 1. From Ms Petersen’s first contact with us she has failed to act in good faith SOP/RCW. By law she was to Consider the opinions of and work with care giver. SOP/RCW;** but she has never made any request of paperwork to fill out; or asked for any information, apart from the May 23, 2008 court questioning. Her only communications have been in the form of documents filed in the minimum allotted time informing of a new court action and date which have contained multiple falsehoods to respond to.
- 2. Guardian Petersen has caused multiple emotional stress abuses to the ward by law she is owes extreme loyalty to, RCW 74.34.020 (2) (c)**
 - a. September 2007** Ms Petersen entered Mrs. Hoogstad’s home in Creston, WA without forewarning or a key CP **Petition to Remove** setting off the alarm system, causing ward extreme stress .
 - b. September 2007** without regard to the stress and trauma she would be causing her ward to suffer, as the result of further violation when Ms. Petersen went to the bank to pick up her check; with no prior warning Ms

Petersen withdrew the proceeds and closed the joint bank accounts Mrs. Hoogstad had opened with Ms. Laurene **CP Pet Remove**), while Mrs. Hoogstad was waiting for her checks to come so she could pay her bills.

c. October 24, 2007 Mrs. Hoogstad found her Creston, WA personal property converted out of her ownership, without prior warning. Ms Petersen failed to determine her wards wishes, emotional attachments, preference for her own retention, desired disposal of or preferred recipients; and without acknowledging her ability to state her wishes and make decisions, **SOP's: 401, 401.7, 403 and (2007 Pf. Gd. Man. Unit 3 52/129 - 54/129; TR 135 -138)**; before authorizing Mrs. Hoogstad's two children, she specifically wanted kept out of her mobile and would have named as undesired recipients **SOP 406.6**, to "clean her mobile out. The docket shows she also did not get a prior court order **RCW 11.92.090**.

d. October 25, 2007: Was separated from Ms Laurene by a court officer just hours after finding her mobile empty and immediately following being denied to speak at a hearing about herself; and taken to a conference room with Ms O'Dell, Mrs. Nelsen and Ms Petersen, here they questioned her for an hour attempting to get her to say Ms Laurene had forced her to move to Burien, **RCW 74.34.020 (2) (c)**. This caused Mrs. Hoogstad the stress of worrying she would be unable to stay with Ms Laurene **CP Pet**

Remove Guard pg 4H, SOP 401.7.

e. November 2007 Mrs. Hoogstad hired a plumber to winterize her mobile and learned her locks had been changed so she no longer had access to her home and few remaining belongings, **CP Pet remove.**

f. December 2007 Ms. Petersen rerouted ICP mail (**CP Pet Remove Guard**) causing further emotional trauma to ward instead of sending the paperwork she had said she had for Ms. Laurene to fill out regarding what she wanted to know **CP Pet remove.**

g. December 2007 Made a false claim to APS **RCW74.34.053 (2)** reporting Ms Laurene was exploiting, neglecting her mother. APS visited Mrs. Hoogstad at her Elder Health program and questioned her for 2 hours, ignoring her multiple requests to call Ms Laurene to be with her, caused her Elder Health program to never be a safe place for her again and she refused to attend. **CP Jenon Dec'08**

h. Without a conversation with her ward, RCW/SOP guardian filed to sell the real property against the known wishes of Mrs. Hoogstad whose living arrangements and financial position did not warrant it

i. Converting the full value of the social security check without sending a single dollar to Mrs. Hoogstad for her personal use, has caused extreme stress to Mrs. Hoogstad, CP Mom refusal pay rent, and December '08;

Woodard in CP 199-206,; Mrs. Hoogstad Ms Laurene CP 199-2002; VP 117 L8-14)

4. This Guardianship is the only entity which makes statements such as “It is my understanding Mrs. Hoogstad is sufficiently demented ...” VP April’8; VP October ‘09 to rationalize their actions against her welfare, with the intent to convey she is unable to process the affect of emotional and physical reactions to their deeds.

Facts Filed: Expert Medical testimonies, CP ; Judge Strohmaier, CP ; attorney Joe Delay CP ; October 23’09 letters;

5. Guardian works to turn Court(s) against Jenon Laurene:

- a. “She flies in the face of the guardianship” **VP in court March 2008.**
“Takes her mother to doctor’s appointments; her doctor didn’t even know about me, **(VP March ’08)**
- b. Told the court she calls every month to talk with Mrs. Hoogstad, but her calls aren’t returned so she faxes to set up a time to visit. **VP L March ’08.**
- c. Told Court I have requested information several times **via: May VP L**
- d. Mr. Woodard told the Court “Mrs. Hoogstad is so demented; we don’t know how much control/influence Ms Laurene has over her; she doesn’t want her here/would be bad for her, **VP L April’08.**

e. May 23, 2008 had Ms Laurene sworn into the witness stand to give the impression they had been unable to get cooperation and answers regarding Mrs. Hoogstad from her. **VP L May'08.**

f. Mr. Woodard: "If my client turned in an accounting like this you'd have her thrown in jail" **VP L May'08.**

Facts filed: The copier- fax is only on if in use or a fax is expected.

Ms Petersen has sent 1 fax. Her record of billed services does not reflect phone attempts or faxes, **Petersen CP Annual Report '08)** Please ask for her phone records. ? **CP Jenon resp. Dec O8;** The Court asked if she had copies of those request she could give to Ms Laurene, **May VP L .** Ms Petersen asked "You mean the one from August? She then gave a modified letter form of a copy of the only fax she ever sent.

6. Ms. Petersen avows Ms. Laurene is sequestering Mrs. Hoogstad:

Stating Mrs. Hoogstad was a "lifelong resident of Creston" Petersen CP May 2008 Guardian Response to Various Motions of Jenon Laurene VP 24 L , VP 30 L 10-14, VP 31 L 1-25, VP 32 L 1-8. October 23, 2009 Mr. Woodard again made a point of telling the Court "we continue to have the issue of the other children not being allowed to see their mother" **VP**

Filed Facts and Court Statements:

Mrs. Hoogstad is not a lifelong resident of Creston; which implies the existence of attachments and friends, **Jenon CP May 2008 Response to Guardian R ; VP 115**

7. Guardianship claims relationships between Mrs. Hoogstad and

her younger children Mr. Woodard: “Her children are trying to reach her” April VP ; “Mrs. Hoogstad is apparently mad at her children for

something that happened when they were children April VP L .

They’re here today because they want their mother to know they love her and are not mad at her, **April 11, 2008 VP 32 L 5-7**

Filed Facts and Court Statements:

Doris Jean Hoogstad has testified to her relationship with Sherene Nelson and Rennard Hoogstad that she rarely saw them **Mom’s original Oct’07 CP Pg 85, 86, 87; SCP 546-549**. Mrs. Burgen confirmed Mrs. Hoogstad’s testimony, **CP 226, 228, 229, 230, 236**. She is upset with them because they told her she was a lousy mother **letter to Judge CP May 2008 Motion to Hear Letters to Judge P 3-7; and affidavit of J. Strohmaier**.

Mrs. Nelsen rarely visited and last called her mother in December 2007. Mr. Hoogstad has not called her since long before the capacities

hearing, saw his mother in 2003 when he finally fixed the heating vents since approximately 1995 thus the mice problem, November 2006 to move her, and Jan to search her apartment and remove money (**CP Jenon May R to R and mom's letters**) Neither have responded to the 2 letters their mother wrote to them, **CP Jenon May'08; Dec. 08**. Neither has made any gesture of visiting her, nor sent her cards or gifts for special occasions **VP Dec. 08**

8. Guardian has attempted to obtain a court order to move Mrs. Hoogstad to a skilled nursing facility in Eastern Washington, RCW 11.92.043 (4); RCW 11.92.190. RCW 11.88.005; SOP least restrictive environment; RW 74.34.020 (2) (c); RCW Guardian cannot force a move. In November 2008 Guardian filed sworn declarations **RCW 9A.72.010 (2) (a)** claiming neglect of Mrs. Hoogstad by Ms. Laurene With claims of:

a. "The house felt cool and damp; Jenon states they heat with the fireplace and doesn't start until evening" CP 271-276, 287-28.

Fact Filed: CP Jenon 12'08 We do not heat with wood.

b. "Leaves Mrs. Hoogstad alone for hours/long periods/doesn't take her anywhere" CP Nov 2008.

Fact's Filed: CP 344-385 Petition to Deny Change of Residence proof of activities;

c. Claimed financial “reckless disregard” by CP L ;

Fact Filed Ms Laurene's at a glance Accounting Summary CP 389

d. “Mrs. Hoogstad would not be interested in the kind of activities Jenon would be interested in”

Facts Filed: December 2008 Dr. Chalem: Mrs. Hoogstad states “Jenon thinks like her; is most like her” CP 313-316; and Declarations of friends

9. Accounting by Ms Petersen has been inaccurate and incomplete:

On May 23, 2008 Judge Borst stated “This information has to be given to her. Nobody's saying yet that anything wrong's been done” TR pg 57 L 4 – 6. When there is a guardianship you have to report all of her assets, how they're spent and where they went, and what was done with them, because the public once it becomes involved in a guardianship requires that be done, and that it all be spent on the ward in a reasonable and proper manner. That is what the guardian is charged with. It needs to all be reported and verified, so that everybody knows that it is being spent on the mother” TR pg 57 L 20 – L 11 pg 58.

a. March 2008: Failed from beginning to present to account for very valuable Match Box Car and miniature train collections which belonged to Mr. Hoogstad and many other items **CP March 2008**, which came into her possession September –October 2007.

b1. November 2008: (1) In a comparison of guardian Petersen's November '08 recreation, CP 290- 291, of Ms Laurene's accountings filed May 22, 2008, plus April 2008 accounting of how large expenses were shared, she lists the amount paid for wood by Mrs. Hoogstad as \$2000.00 (to support her declaration we heat with wood) and omits the >\$2000.00+ to pay off and cancel Ms. Hoogstad's charge card in September 2007.

b2. She failed to account for the \$1000.00+ refund for cancellation of wards supplemental medical insurance paid by Sherene Nelson, which she caused to be cancelled the refund address changed to our street address, and then forwarded to herself, **CP Dec '08 Objection to orders.**

c. **October 23, 2009 Mr. Woodard stated "Your Honor it is just the same old same old. We have been having hearings on a Pontiac Bonneville, when in fact it is a Honda. Ms. Laurene is just wasting the courts time again."** In March 2008 accounting Ms Petersen reports the car is a Buick; and again in November 2008 she reports a Buick ; both times at an inflated value **CP Objection to orders blue book values Pontiac vs Buick.** In the accounting for both 2009 and 2010 she reports Buick even

though she claims to have sold the Therefore Ms Laurene could have no idea the brand of car was significant, and the Court didn't ask.

10. False Billing: The first entry on Ms Petersen's 2008 fee schedule states Ms Laurene called on August 17, 2007 to enquire about her POA. That entry is entirely false **CP Dec Objection to orders**. The phone bills are available. It notes multiple conversations in service of Ms Nelson and Ms O'Dell; but no services to Doris Jean Hoogstad's personal welfare and wishes **Petersen CP November '08, SOP/RCW ward will receive extreme value for service**. At paralegal rates Mrs. Petersen charged ward twice for extensive time to review 2 simple standard forms for special notice. **Petersen CP November'08; CP Dec '08 Objection to orders**.

11. Misrepresentation of Jenon Laurene's accounting. Petition for Verification of Jenon Laurene's Accounting was submitted to this Court of Appeals Div. III. Summary of pages 1 - 12:

- a. It documents with reference to the documents and verbal proceedings Mr. Woodard's many direct false claims about the accounting submitted, and prevarications in response to direct questions by the Court of origin, C of A above document, P 3 – 5.
- b. After failing with the Court of origin Mr. Woodard conducted exparte communication with the visiting Court, also documented in this petition,

to obtain orders to sanction the guardianship's conversion of Mrs. Hoogstad's social security income, property rental income; thereby succeeding in also converting Ms. Laurene's social security disability income's when the visiting Court issued orders November 2, 2009 denying Ms Laurene the right to request/file for compensation for her mother's total support since June 2008, **Order CP**

12. Social Security Fraud; Failure to Support Ward: Conversion to own use of wards social security check April 2008 thru present, had a budget for living expenses approved twice: February 2008 (more than 100 days after allotted 3 month grace period) and December 2008. Guardian Petersen has sent zero dollars for wards support, May 2008 **Refusal to Pay Rent, CP ; RCW 11.92.040 (6).**

13. Mismanagement of Estate:

- a. Caused an early termination fee for the security system **Pet. Remove ;**
- b. Disposed of many household and personal care safety items needed by Mrs. Hoogstad; several replaced and other's still pending;
- c. Ran up an exorbitant heating bill In an empty and winterized mobile, **Pet. Remove** which she has not paid;
- d. Failed to account for Mr. Hoogstad's valuable car, train, and stamp collections **Jenon March 2008 CP L;**
- e. Left the mobile home skirting opened, which had not been re-secured

by Ms. Nelson after she let the pipes freeze in November 2006, letting rodents re-damage the heating vents.

f. Let the real property sit idle while she tried to gain clearing to sell, instead of renting it **SOP shall not leave assets idle**;

g. Had been told in a letter November 2007, not to remove any of the few remaining personal items in the mobile. In November 2008 Ms Petersen stated the mobile was completely empty. If that is true she has totally negated the value of Mrs. Hoogstad's extensive collectable Sawarski collection which she had purchased as a resale investment.

h. She reposed a \$5300 car **CP 10-23-09**, Mrs. Hoogstad had the right to retain to support her ability to be out of the home participating in life, in the manner she has always lived her life, **RCW/SOP** and claims she sold it for under **\$10** , **CP Annual Report 2010** accounting.

i. Guardian hired an agency in September 2010 to visit Mrs. Hoogstad every other week for 2 hours at a cost of \$110.00/mos to Mrs. Hoogstad, "because we need to establish a baseline", on her 3rd visit to Mrs. Hoogstad in 3 years.

14. Other False Actions: In March 2008, without prior notification, Ms Petersen made her first visit disguised in a padded body suite under her clothes and a blonde brown old perm wig. **SOP Candor Open and fair disclosure** followed by declarations of conversations that did not

occur **CP Motion for Citation & response to April 2008**) She made her second visit, again unannounced, in November 2008; and again followed by false/fraudulent declarations (**Ibid p L intent to remove ward.**

15. Fraud and Misrepresentation by Guardianship Attorney:

- a. Failed to assure his client was doing her job as intended by the laws. Rule 3.3 Candor toward the Tribunal (a) (1) (3) (b) (d), A ; Preamble Rules of Professional Conduct[2] [3] [5], A ; Assisted to convert Social Security by refusal to Pay Rent. Appendix A-8**
- b. Misrepresentation of guardianship's intentions regarding conversion of Jenon Laurene's social security disability income, thru retention of social security income belonging to the life support of Mrs. Hoogstad. He acknowledges to the Court his knowledge that disability payments are exempt from garnishment or execution. "The problem is if it's gone it's gone; I don't know that we can do much about it, that seems like kind of a dry hole to us" VP pg 106 L 9-17 "If it's gone we can't do anything" VP pg 118 L 11- 12 "I don't know what the court can do about it. She's on disability we can't recover the money. So we just have to move on I think" VP pg 123 L 21-25 Rule 3.3 (a) (1) (3) (b) A 4.**
- c. October 23, 2009, assisted guardian to convert Mrs. Hoogstad's social security income to the personal financial gain of the guardianship CP L "My client is not paying any money of Mrs. Hoogstad's for care or**

anything Rule 3.3 (a) (1) (3) (b). My client has an issue with an accounting that Ms Laurene was supposed to do, **Rule 3.3 (a) (1) (3) A 4**, and doesn't trust her with the money" **Supplemental VP pg 3 L 24 – pg 4 L 2.**

d. Mr. Woodard Has Conflicting Dates of Involvement: July 2008 in answer to a complaint Ms. Laurene filed with the WSBA regarding experience of his lack of professional ethics his response included a statement he had not put an appearance in the case until "late in the proceeding April 1, 2008", CP 417. But on the bill he submitted in November 2008 he stated: he opened the Hoogstad file October 1, 2007 and makes entries of reviewing documents, CP 221. In fact Ms. Petersen makes several entries in her billing, CP 293, of document faxes to Mr. Woodard and phone calls; but took Ms. O'Dell to the hearings on October 25, 2007 (**Court Note A 23**) and March 12, 2008 (**Court Note A 24**) apparently with no prior preparation.

e. October 23, 2009 Mr. Woodard denied in court the taking of the car is to procure fees. However on page 3 of his Response to Motion to Stay Proceeding it states "an amount should be designated for the guardian's attorney fees." ? **SCP '3' L 23** He also made it a point to tell the Court 3 times (**Court Notes being arranged**) there had been no attorney fees awarded since May 2008. That is totally untrue because no

fee's were awarded to him or anyone else then, Order CP 269-270. The last time was on December 4, 2008 when he repeatedly asked Judge Borst if he had the prepared order in front of him. (VP 134 L 10-18, VP 141 L 22, VP 142 L 10-13) It was signed even though the order had specifically not been approved in court

f. Made many Misrepresentations in his questioning of Ms Laurene during the May 23, 2008 hearing: He tried to establish that the \$ 32 K lump sum "settlement" back pay from Social Security Disability Insurance, SCP 568, deposited into Ms Laurene's new savings account in January 2008 VP 67 L 7-10, to be Mrs. Hoogstad's original safety deposit cash and proof of exploitation. He also attempted to establish items on Ms Laurene's monthly expense sheets paid by debit card from her checking account to be a charge card for Mrs. Hoogstad, VP 82 L 15-17; because the transaction started with "MC"; possibly an attempt to claim we could have rented a car to attend the March and April hearings.

g. On December 4, 2008 Mr. Woodard directly testified falsely when: He said "she admits all the figures add and that's what the accounting says" (VP 134 L 19). All paperwork filed and the entire hearing was about the accounting being incorrect. False and Double Billing, False Reports to APS, CP 292-296, VP 119 L 5, VP 130 L25 – VP 131 L 2)

h. Mr. Woodard frequently states he is “asking the court for direction” (VP 105 L 15 – 106 L 4, VP 107 L5) while throughout he is purposefully misguiding the court with prevarications, statements and arguments he knows to be false in general.

STANDING

D. RCW 11.88.005 Legislative intent: It is the intent of the legislature to protect the liberty and autonomy of all people of this state, and to enable them to exercise their rights under the law to the maximum extent, consistent with the capacity of each person. The legislature recognizes that people with incapacities have unique abilities and needs, and that some people with incapacities cannot exercise their rights or provide for their basic needs without the help of a guardian. However, their liberty and autonomy should be restricted through the guardianship process only to the minimum extent necessary to adequately provide for their own health or safety, or to adequately manage their financial affairs.

E. Canon 3: Judges shall perform the duties of their office impartially and diligently. (4) Judges should accord to every person who is legally interested in a proceeding, or that person's lawyer, full right to be heard according to law, and, except as authorized by law, neither initiate nor consider ex parte or other communications concerning a pending or impending proceeding.

F. Standing, Black’s Law Dictionary (8th ed. 2004): A parties right to make legal claim or seek judicial enforcement of a duty or right. To have standing in a federal court, a plaintiff must show (1) that the challenged

conduct has caused plaintiff actual injury, and (2) that the interest sought to be protected is within the zone of interests meant to be regulated by the statutory or constitutional guarantee in question. **Appendix**

Hearing October 23, 2009

The visiting court filed its Judicial Affidavit and Order titled “Finding of Facts, and Conclusions of Law”, SCP 55-58; in which it ruled Jenon Laurene guilty of “manipulating assets for personal gain”, without a hearing giving both parties the opportunity to respond and specifically submit clear and relevant factual evidence and without a single example of any specific exploitive manipulative deed by Jenon Laurene. During an opening dissertation by Mr. Woodard on problems the guardianship claimed they were having, he claimed there was money in the guardianship estate to pay a purported independent GAL to investigate their concerns, VP 2 L 12 – L 23 P 6. During a discussion regarding the guardian collecting and keeping all of Mrs. Hoogstad income, VP 13 L 2- L 6 P 14; the visiting Court asked “are you telling me you pre-spent the money?”; a position taken in the absence of any previous dialogue with this court on the matters of Doris Jean Hoogstad’s expenses. The Court followed by asking several questions about the rental home and its

neighborhood, Ms Laurene's age and whether she had ever taken a bus, VP 24 L 18 – L 18 P 27, all irrelevant to the hearings purpose of retaining Mrs. Hoogstad's personal transportation for her mobility, comfort and physical safety; again with no previous documents or open court dialogue on living arrangement.

Of relevant Note: Ms Laurene has never said we will be foregoing; and she was not asking for the living expenses of Mrs. Hoogstad to be paid from her mother's income, VP 14 L 6 -8.

Prior to the capacities hearing Jenon Laurene was an interested party as the eldest child of Doris Jean Hoogstad and a very active participant in her life. Since the August 15, 2007 hearing Ms Laurene has been a co-defendant in these proceedings as the result of Ms. O'Dell's published case findings, and false cogent case of allegations against her. All subsequent guardianship activity has been in support of Ms O'Dell's many false statements; and the existence and financial gain of the guardianship.

Mrs. Hoogstad speaks thru her daughter and chosen spokesperson, her closest living relative and eldest child Jenon Laurene; who is the only party in these proceedings whom has and does speak for and in her best

interest. She knows what the spokesperson is saying; cannot speak to the court herself because she is elderly, and cannot afford an attorney.

Lori Petersen nor her attorney James Woodard speak for Mrs. Hoogstad, as they have at no time made any attempt to ascertain her thoughts, opinions, wishes, feelings or needs **SOP 401.12, 401.17**. They have dishonored and disrespected Doris Jean Hoogstad on all levels by bringing actions against the best interest of the “ward” their legal job is to protect and serve, per all relevant laws and statutes of the State of Washington.

The results of defamations of Jenon Laurene’s character and all actions of these three officers of the court have caused:

- (1) Mrs. Hoogstad’s constitutional right to autonomy of her life by her POA and choice of guardian being honored, RCW 11.88.010 (4)
- (2) Resulting traumas of extreme mental and emotional pain and suffering, with resulting accelerated physical brain decline as the result of the many guardianship actions against her wishes and wellbeing, RW 74.34.020 (2)
- (c); without a single conversation to determine her needs. (3) Both Mrs. Hoogstad and Ms Laurene to be forced into financial destitution through the federal offence of converting their social security incomes, **Sec.207. [42 U.S.C.407] (a) (b) (c), Appendix** ; to the personal monetary gain of

the court officer's for work product against the wishes and welfare of their ward. (3) Mrs. Hoogstad has been robbed of the companionship of her daughter during her valuable remaining cognoscente period; during which time both of their rights have had to be fought for in the courts. (4) Additionally Ms Laurene has been caused exacerbations of previously healing physical injury symptoms by being caused to spend enormous time in the activities of prolonged sitting and computer work her body does not tolerate for extensive periods of time, CP 564-568.

We believe and submit all of the above provides basis and meets the requirements of Jenon Laurene's Standing; and specifically in view of other Washington and U.S. Constitutional rights; and the U.N.'s Universal Declaration of Human Rights, **Appendix** in full text.

SUMMARY OF THE ARGUMENT

The primary argument in this case may be established in the direct line pointed to by the errors presented and pertaining issues. That is:

Foremost, The guardian should not now be and never should have been the guardian in this case, because the guardian has not honored the wishes of the ward, Doris Jean Hoogstad regarding selection of a guardian. The ward Doris Jean Hoogstad's selection of a guardian is that her daughter should be the guardian. The guardian should not be the guardian for the reason of her actions to

sell the real property owned by Mrs. Hoogstad, where Mrs. Hoogstad wishes to retain ownership and **rent it**.

In developments in the later part of the case, the extent of the purported guardian's modus operandi became yet more apparent as she began to take for her own use the entire value of the social security checks designated for Ms. Hoogstad. No portion of the checks have been forwarded to Mrs. Hoogstad, creating a situation moving toward direct impoverishment.

Secondly, the guardian, based on the evidence of her conduct as guardian (and misconduct) should not have had the authority to sell the relevant real property in Creston. **The guardian Lori Petersen failed to follow the rules of guardianship by her failure to consult Mrs. Hoogstad regarding disposal of her personal property. The guardian Petersen failed to take in to consideration Doris Jean Hoogstad is only partially incapacitated as evidenced by expert testimony.**

Thirdly, a property sale, if any basis exists for a sale should not be conducted by this specific guardian.

Fourthly, in the later stages of this case to date, the guardian in 2008, commencing in the month of April, began a series of actions to convert to her use the entire social security checks of the elderly, vulnerable, partially disabled,

dependent, ward Mrs. Hoogstad. No evidence exists of any care to the ward by the guardian, Peter.

Fifthly, on all facts relevant to this controversy, it is clear that the daily concerned provider of care and assistance to Mrs. Hoogstad is her daughter, Jenon Laurene, who should be appointed legal guardian, and in terms of replacement of the guardian, Lori Petersen.

ARGUMENT

1. IN THIS MATTER, THE GUARDIAN SHOULD NO LONGER BE LORI PETERSON, BECAUSE GUARDIAN PETERSEN HAS SHOWN A TRACK RECORD IN WHICH SHE HAS FAILED TO CARRY OUT THE DUTIES AND FIDUCIARY DUTIES OF A GUARDIAN.

The duties of a guardian and the duties of a guardian as a fiduciary are axiomatic and fundamental in the law. **BLACK'S LAW DICTIONARY.**

(6th Ed., 1990), pp. 706, (guardian), and 625 (fiduciary).

The non delivery of care, combined with the taking of the ward's personal **property and real** property without justice by the guardian, demonstrate self-evidently and unequivocally the complete failure of guardianship track record.

A Guardian (**BLACK'S, P. 706**) is: "A person lawfully invested with the power and charged with the duty, of taking care of the person and managing the

property and rights of another person, who, for defect of age, understanding, or self-control, is considered incapable of administering his own affairs.”

Here, the Guardian in question did not honor the wards wishes regarding **the disposal of personal property or if it should have been disposed of**, or sale of property in Creston WA; and ultimately the Guardian took for her own use 100% of the value of social security checks legally earned and owned by by the ward, pushing ward toward destitution. No facts exist contradicting this clear path of pushing ward toward destitution. No facts exist contradicting this clear path of pushing ward toward economic ruin; and no facts exists supporting any, even the vaguest, notion of adequacy of guardianship performed.

In fact this guardian has caused her ward, Doris Jean Hoogstad, to experience extreme emotional and mental stresses fundamentally known to advance the symptoms and progression of dementia. By her failure to take in to consideration, by evidence of her persistent actions against the emotional mental wellbeing of her ward, the fact Mrs. Hoogstad is only partially incapacitated as the result of short term memory loss, Dr. Chow in CP 78-92 ; as evidenced by the expert forensic psychology report of Dr. Olsen CP 78-92, and the affidavits of attorneys John Strohmaier; and Joseph Delay CP 98 -100.

Simply put, the massive case law and meaningful statutory contributions to the substance of guardianship are an outline of moral duties. None of these are met here.

The Fiduciary concept, (In the words of Justice Cardozo: “Utmost good faith, fair dealing and full disclosure.”) is well known, and inform the meaning of guardianship; but THIS RESPONSIBILITY WAS NEVER PUT IN PRACTICE HERE. (“Fiduciary” is defined in Black’s Law Dictionary, p. 625).

Case law defines unequivocally what a guardian is and what general principles must be followed as the guardian implements the fiduciary duties of a guardian.

Some examples of case law which unequivocally tell the reader what a guardian is, and is to do, (and which indicate the matter simply, so that it could be said that the ward having a right to care may readily understand that they are to be cared for by those with a responsibility- i.e. none of this is abstruse) are as follows.

A compelling case for the purpose of sober reminder as to what is, in the law, and must do is *Scott v. Goldman*, 1996, 82 Wash. App. 917 P.2d 131, (review denied). The Court stated, “A guardian is appointed by the Superior Court and must abide by the laws and perform the duties set forth in RCW 11.92.”

In: *In re Dodson’s Guardianship*, 1925, 238 P. 610, 135 Wash, 625, the Court considered (in essence) “good and sufficient reasons ... to remove a guardian.”

Specifically, in the Dodson case, the reason for removal was that the ward was ‘disturbed and unhappy by reason of appellant’s guardianship over her, that she is suspicious of him and that she will not have any business transactions with him.’”

As applied here, and on any conceivable view of a guardian who provides no care, **is publishing false testimony for the purpose of removing the ward from the home she shares with her daughter**, and is rendering (and in fact even pushing) the ward to be destitute, has then, by that guardian’s conduct, provided a “good and sufficient reason’ for the removal of the guardian.

In Willet v. Warren, 1904, 76 P. 273, 34 Wash. 647, it is clear that when a guardianship appointment comes down to a choice between two applicants, the stronger applicant will be the one with whom the ward has already been living.

In Willet, at 649, the decisive and relevant point was that “The undisputed testimony is that a great attachment had grown up between the Willets and Mildred [a minor in school years]. There even an Aunt’s “consanguinity” could not trump the factual nexus of the growth of attachment which created meaningful life conditions, overall, for the ward.

Here, an elderly, vulnerable, person, Doris Jean Hoogstad has the factual nexus of attachment and meaningful life conditions in the household with her daughter, Ms. Laurene, who by the record of provision of care from daughter to

mother is in fact the de facto guardian and only valid guardian. In contrast, Ms. Petersen provides no valuable care **or service**, and should not be the guardian.

In: Re Guardianship of Harp, 1972, 495 P.2d 1059, 6 Wash. App.701, an appointment of a guardian must be ‘necessary and reasonable.’ Here no facts show the conduct of Ms. Petersen has been reasonable since appointment.

To the contrary:

Point of fact: Doris Jean Hoogstad upon accepting/conceding she no longer could manage her affairs without assistance, could not live in her home in Creston alone, and not desiring a professional guardian, took the steps necessary to assure the future she wanted for herself. Mrs. Hoogstad, over a three week period, considered the pros and cons of moving to Burin WA to live with her daughter Jenon Laurene; she decided she wanted Jenon to take care of her, made arrangements to move, and made Ms. Laurene her POA after 3 private conversations with John Strohmaier CP 63-65 making the need for a court appointed professional guardian neither ‘necessary or reasonable’.

In: re Anderson, 1917. 167 P. 71, 97 Wash. 688, the time-honored evaluation, of what is expected and fair in guardianship law, is applied by the Court to a situation involving proper accounting in and through a guardianship. The Court stated, “We have reviewed the record and found that the charge of misappropriation and conversion of the fund id sustained.”

The facts there and the facts here are similar, when it comes to a guardian taking advantage of the ward's estate and financial property. Anderson at 690.

In: Re Barnes, 1904, 78 P. 783, 36 Wash. 130, the problem considered was that if a certain person was appointed temporary guardian the result would likely be "waste of the estate [of the minor] ... [via] the payment of fees."

Here, the same kind of wastage has been ongoing under the guardianship procedures and conduct of Ms. Petersen. That is because and in the sense that Mrs. Hoogstad has been compelled to expend wasted time and resources to meet the arguments and interference of the guardian, Petersen.

Fees have arisen through the cumulative and encumbering legal procedures brought upon and against Doris Jean Hoogstad. Since the care of Mrs. Hoogstad's person and management of her household were properly implemented by her daughter, Jenon Laurene, no legal procedure or interference of any kind was necessary.

Fairness to the ward requires removal of Lori Petersen as guardian.

STATUTES

Statutes have become a dominant governing factor in guardianship law, bringing great clarity to the matter of what should be done, and what must be done if a guardian is to remain as guardian.

As applied to this case, the statutes sustain the theory that the guardian is not providing any function of guardianship, but serves her own interests, without more.

In the Revised Code of Washington, extensive materials underscore and remind as to the sobering message of what a guardian is and must do.

RCW 11.92.160 refers, in general, to the topic of a guardian's failure to account.

Here, the ongoing failure of the guardian to:

- (1) Account for funds removed from Mrs. Hoogstad's checking accounts with her daughter.**
- (2) Get a Court order to dispose of (or confer with ward about her wants and preferences), or to account for the substantial personal property converted from Mrs. Hoogstad's home by the guardian.**
- (3) Forward any social security proceeds, or to give reason for this failure (combined with deposit of the funds into an account available only to the guardian).**
- (4) Failure to acknowledge sources of funds and the designation of funds on the yearly Report of Accounting is a set of facts indicating a guardian who has failed to account.

Remedies requested here would include, at the least, removal this guardian, as related to the concepts and content of RCW 11.92.185: "the Court shall have authority to bring before it ... any person or persons suspected of

having in his or her possession ... or having concealed ... conveyed, or disposed of any of the property of the Estate of incapacitated person, subject to administration under this title.”

As applied to this case, withholding and converting social security proceeds; and **disposing of personal property without the wards knowledge and consent, plus not filing an accounting of the property**, are wrongful dispositions.

The baseline for appointment of a guardian appears in: **RCW 11.88.095.**

Disposition of Guardianship Petition.

- (1) In determining the disposition of a petition for guardianship, the court’s order shall be based upon findings as to the capacities, condition, and needs of the alleged incapacitated person ...
- (2) Every order appointing a full or limited guardian of the person or estate shall include:
 - (a) Findings as to the capacities, conditions, and needs of the alleged incapacitated person.
 - (b) ...

Here, the condition and needs of the ward, Doris Jean Hoogstad, involve the sufficient household condition under leadership of her daughter, Ms. Laurene. The best interests of Mrs. Hoogstad are to continue this arrangement, with care provided by her daughter. No facts show a condition which would be better met

by a party outside the existing care and attachments between daughter and mother.

The condition and needs of the ward, accordingly, point to best care according to best interests through Ms. Laurene. Rather than Ms. Petersen.

RCW 11.88.020. Qualifications. (1)(f)(2). In this statute, guardianship dis-qualifications require a finding that:

“No person is qualified to serve as a guardian .. [if it is] a person the court finds unsuitable.”

Here, no facts exist to show suitability of the guardian, Lori Petersen.

This assertion is validated by the following points:

1. The taking of social security proceeds;
2. The intrusive instigation of a legal battle whose effects has been to disrupt care of mother by daughter which has been adequate, and which has met commonsense standards for constructive family arrangements;
3. The manipulation of real-estate transaction;
4. The inaccurate representations of the guardian about what have been in fact the disciplined handling of household finances;
5. Doris Jean Hoogstad’s discomfort and suspicions about the guardian.

6. (A point referenced above at 238 P. 610, In re: Dodson)

11. IN THIS MATTER, THE REAL PROPERTY IN CRESTON WA OWNED BY DORIS JEAN HOOGSTAD, SHOULD NOT HAVE BEEN MOVED FORWARD TOWARD BEING SOLD. THIS IS BECAUSE THE WARD INSISTED THAT IT NOT BE SOLD, AND BECAUSE IF SOCIAL SECURITY HAD BEEN PAID HER, HER FINANCES AND ESTATE PERMITTED MRS. HOOGSTAD TO MAINTAIN LIVING CIRCUMSTANCES WITHOUT SALE OF REAL PROPERTY.

Case law, as referred to above, exhibits the principles which show that the property should not be offered for sale by the guardian, or otherwise prepared for a status moving toward an offering for sale.

In: In re Guardianship of Harp, 1972, 495 P.2d 1059, 6 Wash. App.701, the standard and norm for guardians is clearly conveyed in that appointment of guardian must be “necessary and reasonable.” This would clearly mean necessary and reasonable at the time of appointment and in terms of what the guardian is actually doing.

Here the dominant plans and deeds of the guardian pertained to sale of real property, owned by Ms. Hoogstad; to be sold against the will of Mrs. Hoogstad. **This for the express purpose of providing funds to pay for the ‘services’ of the purported guardian, Lori Petersen.**

And, with the plan to include and result in the taking for the guardian's use of the social security income in its entirety, as earned and owned by Doris Jean Hoogstad. None of this meets the "necessary and reasonable standard." Instructively, none of this involves any honoring of the plan of the social security laws and process in the United States, nor the fair and reasonable expectation of a social security recipient to receive what they have earned.

With social security funds intact, Mrs. Hoogstad has means to live, and has no need to sell real property as described.

In contradiction to the economic reality of these facts, the Guardian, by depriving Mrs. Hoogstad of social security proceeds, sought to create a situation where Mrs. Hoogstad appeared to be in need of sale of the real property.

Similarly, the facts of **In re Anderson, 1917, 167 P. 71, 97 Wash. 688**, may be compared with the facts in this case. In **Anderson**, it was clear that the finding was one of "misappropriation and conversion." Here, social security has been converted. Here, there has been an attempt to force through a property sale as part of an overall procedure by the guardian to engage transaction from which she will personally benefit.

Here, fundamental responsibility which defines the institution of guardianship (in principle) was turned upside down. Attempt to sell real property pertained only to what was good for the guardian, Ms. Petersen, to provide the funding for her salary and other charges. (R. Woody's argument "the poor G has

not been paid”) A sale of real property was at no time an action validly benefiting the ward, Doris Jean Hoogstad.

STATUTES

The Revised Code of Washington, furthermore, contains specific statutory authority directed to situations where a guardian develops a plan to sell real property in the relevant estate.

RCW 11.92.090. Sale, Exchange, Lease or Mortgage of Property.

“Whenever it shall appear to the satisfaction of a court by the petition of any guardian ... for the care, support ... of the incapacitated person ... the Court may make an order directing such a sale.”

Here, no evidence exists to show that the sale was necessary in order to secure care and support for the ward, Mrs. Hoogstad. In fact, social security funds, earned and owned by Ms. Hoogstad, have existed and now exist to secure support. These funds have been either put into guardian’s account for an unproved and unprovable use; or at worst have been converted by Ms. Petersen to her own use.

The funds have not been accounted for. The funds have not been forwarded or returned upon complaint. The superficial appearance of a necessity to sell real property remains superficial and is a groundless notion. No real reason

exists. The sale of real property should never have been commenced by Ms. Petersen.

III. THE GUARDIAN, LORI PETERSEN, SHOULD NOT HAVE BEEN PERMITTED TO CARRY OUT THE REAL PROPERTY SALE, WHEN ALL OF THE TRACK RECORD OF GUARDIAN PETERSEN SHOWED TOTAL FAILURE TO IMPLEMENT FIDUCIARY RESPONSIBILITIES.

The cases and statutes cited above show the axiomatic principles which must guide the conduct of a guardian. This section reiterates what has been stated above---That a guardian who consistently shows disregard for the ward should not be permitted to carry out transactions, such as this one for sale of real property.

IV. THE GUARDIAN, LORI PETERSEN, SHOULD NOT HAVE BEEN PERMITTED TO DEPOSIT IN GUARDIANSHIP ACCOUNTS THE ENTIRE PROCEEDS OF THE SOCIAL SECURITY EARNED AND OWNED BY AN ELDERLY, AND PARTIALLY DISABLED PERSON, DORIS JEAN HOOGSTAD, A PERSON ENTIRELY DEPENDENT ON THESE FUNDS.

The cases and statutes cited above show that it is manifest in the law that a guardian is to guard and care in good faith. **How can any of this be thought to have occurred via the laws and statutes as they were intended, by anyone**

hearing this story? When the guardian has, from the inception of this guardianship, acted in all ways but in “Utmost good faith, fair dealing and full disclosure”, in each and every one of her guardianship actions. And when the guardian has since April 2008 removed for her guardian’s account, and apparently personal use (it would seem on the facts) the entire social security proceeds.

V. Jenon Laurene Should Be Appointed Guardian In This Case.

The cases and statutes cited above show that it is manifest in the law that a guardian is to guard and care in good faith. There is in fact in this case a definite and solid track record of a person caring in good faith for her own mother, i.e. Jenon Laurene providing care (and the tasks of guardianship) to her mother Mrs. Hoogstad. It is Jenon Laurene that is the person who should be appointed as guardian for her mother. **As Doris Jean Hoogstad has expressed many times is her specific wish and choice.**

To reiterate, as an example, in **Willet v. Warren, 1904, 76 P. 273, 34 Wash. 647**, it is clear that when a guardianship appointment comes down to a choice between two applicants, the stronger applicant will be the one who has an ongoing relationship of care with the ward, and the one with whom the ward has already been living.

All facts show the complete track record over many years of Ms. Laurene’s care provided to her mother, Doris Jean Hoogstad, in all phases of

basic living and provision of extra activities for Mrs. Hoogstad. Ms. Laurene should be appointed legal guardian consistent with the ongoing life situation, as it is being lived out in fact, in the household of Ms. Laurene and Mrs. Hoogstad.

To underscore, provision of care and assistance to Mrs. Hoogstad exists on the clear basis of a daughter's relationship to her mother, as well as with reference to the fiduciary responsibility, defined in law.

It may be added that assertions contrariwise are groundless. Seeing the inaccuracy of those assertions adds a meaningful component toward understanding what has occurred here: That is, a situation of:

A guardian-for-hire, Doing nothing to advance, But important things to deprive,
The ward of her rights to life and peace in these years.

ARGUMENT – SUPPLEMENTARY

Finally, two supplemental points ought to be presented in the argument section of this brief:

First, no validity attaches to the allegation presented by Ms. Petersen that Jenon Laurene, in the management of her mother's affairs, "ran through the

money”. Money expended during the recent years of care for Mrs. Hoogstad by Ms. Laurene included **three** basic types of necessary items:

- A. Living expenses,
- B. Moving expenses,
- C. Legal expenses, **(first the responsible legal life planning followed by obtaining expert medical evaluations to establish mental competencies as well as limitations)**; then those that continued to arise (arising) out of the aggressive attempt of Ms. Petersen to unfairly assert and implement the guardianship, which is the subject of these proceedings.

No evidence exists of detours, frolics, wastage or extra money which could have been “run through”. The allegations are false, and indeed, are perhaps false in a context and to a degree which may be offensive to the conscience of this court. These allegations are unconscionable.

Secondly, in establishing an overall view of the allegations brought concerning the household management accomplished by Ms. Laurene, it should also be noted that the spoken presentations (in Court, on August 15, 2007) of Lin O’Dell, (the former Guardian Ad Litem in this case) consisted in a series of falsifications, intended to validate the investigations relevant to guardianship, as pursued by Lin O’Dell.

CONCLUSION

To conclude, no facts exist showing validity of appointment as guardian, or validity of deeds while having the status of guardian, as the term guardian may be applied to Apellee, Lori Petersen.

No facts show it has been the wish or intent of Mrs. Hoogstad that Lori Petersen be the guardian, or advance the real property toward sale. No facts have been shown demonstrating any necessity to sell said real property, except for an artificial situation of economic stress, created by Ms. Petersen.

No facts exists, or could possibly exist to justify the conversion of social security proceeds; Nor could any hide the deprivation and distress which this has caused Mrs. Hoogstad.

Because of these deprivations, in which no care of fiduciary concern or reasonable or necessary guardianship occurred in favor of Mrs. Hoogstad (through Ms. Petersen), Ms. Petersen should be removed as guardian immediately.

The genuine guardian has at all times been Ms. Hoogstad's daughter who has provided household and care for her mother.

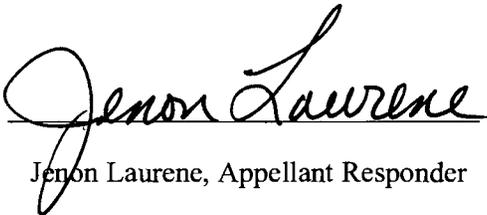
REMEDY REQUESTED

Accordingly, the Appellant Doris Jean Hoogstad requests that this Court Order that:

1. The guardian in this matter shall no longer be Laurie Petersen.
2. [The real property owned in Lincoln County by Ms. Hoogstad shall not be sold.]
3. The real property, as described, shall not be sold by Lori Petersen.
4. Social Security proceeds shall be forwarded every month in their entirety to Mrs. Hoogstad, by Ms. Petersen, and funds withheld, deposited or converted by Ms. Petersen's guardianship since April, 2008, shall be forwarded to Mrs. Hoogstad.
5. Jenon Laurene shall be appointed guardian in this case.

SIGNED

On: January 12, 2011; City of: Burien; State of: WA; County of: King

Signature: 
Jenon Laurene, Appellant Responder

Rule 3.3 Candor toward the Tribunal

(a) A lawyer shall not knowingly:

(1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;

(3) offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.

(b) A lawyer who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.

(d) In an ex parte proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse.

**DURABLE GENERAL POWER OF ATTORNEY
EFFECTIVE IMMEDIATELY**

I, the undersigned principal, **DORIS JEAN HOOGSTAD**, now domiciled in King County, Washington, as authorized by R.C.W. 11.94.010, designate the following named person to serve as my attorney-in-fact:

I. DESIGNATION

Appointment of Attorney In Fact. My daughter **JENON LAURENE** is designated to serve as my attorney-in-fact.

Proper Endorsement. All business transacted for me or for my account shall be transacted in my name for the purpose of carrying out any of these powers, shall contain my name, followed by that of my attorney-in-fact and designation "attorney in fact."

II. GRANTING OF POWERS

The attorney in fact, as fiduciary, shall have full power and authority and is hereby authorized to do and to perform any and all acts for me and in my name, place, and stead (except as provided to the contrary herein) as fully as I could perform if personally present and not disabled, incapacitated, or incompetent, including (but not limited in any way by the following specific grants) the power and authority:

1. Real and Personal Property Transactions. To transfer, sell, purchase, lease, encumber, assign, exchange and convey, or exercise any option, election, privilege, or power with respect to any or all property, real and personal, tangible and intangible, within or without the State of Washington (including specifically my homestead interest in any real property), as my attorney in fact may determine, to transfer any of my property to the Trustee of any trust established by myself alone or by myself and my spouse (if applicable), if such trust is in existence at the time of such transfer;

2. Right to Disclaim. To disclaim any interest as defined in RCW 11.86 and any successor sections thereto, in any property to which I would otherwise succeed and to agree with my spouse (if applicable) to the partial or total revocation or termination of any community property agreement or property status agreement; and to release in whole or in part any power of appointment I may possess as defined in RCW 11.95 (or otherwise);

3. Banking Transaction. To withdraw any or all funds from and deposit funds in any savings or checking account in my name alone, in joint names, or in my name as Trustee and to endorse checks for deposit in any account in my name alone or in joint names; and to enter, and to remove any property from, any safe-deposit box in my name or in joint names;

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4. Collections and Settlements. To ask, demand, sue for, settle, compromise or otherwise discharge any and all claims of liability or indebtedness and receive all sums of money which are or shall become due, owing, or payable to me, or which belong or shall belong to me, whether social security benefits, pension payments, dividends, interest, annuities, debts, or any other receivables, and to use all lawful ways and means in my name for the recovery thereof;

5. Litigation. To participate in any legal action in my name or otherwise, either as Plaintiff, Defendant or other capacity.

6. Investment Accounts. With respect to any account with any brokerage firm: (a) to buy, sell (including short sales), trade in, receive, and deliver securities or commodities and to order their receipt from and delivery to others, in accordance with such firm's terms and conditions; (b) to receive and make payments for my account and to order payments to and the receipt of payments from, others for my account; and (c) to receive, approve, and confirm any and all notices and demands of every nature intended for me. I hereby consent to the supervision by such firm of any or all transactions with respect to my account, but neither this consent nor any act of supervision by such firm shall obligate it to, or imply that it should, supervise each and every transaction;

7. Tax Matters. To receive confidential information and to represent me in all tax matters, including, without limitation, the authority to prepare, sign and file federal, state, and local income, gift and other tax returns of all kinds, including, where appropriate, joint returns, FICA returns, payroll tax returns, claims for refunds, requests for extensions of time to file returns and/or pay taxes, extensions and waivers of applicable periods of limitation, protests and petitions to all administrative agencies or courts regarding tax matters, and any and all other tax-related documents. The authority herein granted shall include the authority generally to represent me in all tax matters and proceedings of all kinds and for all periods before all officers of the Internal Revenue Service and all other federal, state and local taxing agencies.

8. Appointment of Agents and Employees. With respect to all or any of the matters or things herein mentioned and upon such terms as the attorney in fact shall deem proper, to engage and dismiss agents, counsel and employees, and to appoint and rename substitutes.

9. Personal Transactions. To do anything which such attorney in fact could do under the laws of the State of Washington if JENON LAURENE had been appointed the guardian of my person, including the power to provide for my support, maintenance, health, housing, and emergencies, to give an informed consent on my behalf to the conduct of medical tests, surgery, or the like on recommendation of my attending physician or physicians, and shall to the extent permitted by law; have full authority to order the withholding or withdrawal of life-sustaining procedures such as life-sustaining drugs, mechanical ventilation or cardiopulmonary resuscitation provided this is not to imply the withholding of pain medication, if at any time I should have an incurable injury, disease or illness certified to be a terminal condition by two physicians, and where the application of such life-sustaining procedures would serve only to artificially prolong the moment of my death and my physician determines that death is imminent whether

DURABLE POWER OF ATTORNEY
EFFECTIVE IMMEDIATELY

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or not life-sustaining procedures are utilized, and to sign all medical and hospital forms or consents in connection therewith.

10. Gifting. To annually make gifts not in excess of the amount that is excludable from taxable gifts under Section 2503 of the Internal Revenue Code of 1986, as may be amended at the time of such gift to my spouse or lineal descendants or to other natural objects of my bounty, in accordance with any pattern of making gifts established or clearly contemplated by me (as evidenced by my most recently executed Last Will) before my incapacity.

11. Transfer to Quality for Governmental Assistance. Subject to paragraph 12 below, to make transfer to my spouse (if applicable) and/or family members pursuant to RCW 11.94.50, as amended from time to time, which would not be prohibited by applicable law or regulation, including RCW 74.09 and applicable rules and regulations thereunder (as amended from time to time), for the purposes of qualifying me for medical assistance (Medicaid, Community Options Program Entry System Project (COPES), the limited casualty program for the medically needy or other similar public or private assistance. This power shall only apply in the event I require, or am reasonably expected to require, the type of services and benefits available under such programs. This paragraph shall not be construed to prohibit transfers which would cause there to be a waiting period or disqualification is in the overall best interest of me and my estate. The attorney in fact is authorized to make gifts and other transfers of property from trust in order to implement the provisions of this paragraph.

12. Restrictions on General Power of Appointment. Notwithstanding any provision of this Power of Attorney or of applicable law seemingly to the contrary, any right or power exercisable by the attorney in fact, which would otherwise constitute a general power of appointment in the attorney in fact under Sections 2041 or 2514 of Code, may only be exercised by the attorney in fact in his or her favor for the purpose of providing for the attorney in fact's health, education, support or maintenance or by the alternate attorney in fact in favor of the acting attorney in fact within the restrictions set forth herein.

13. Authority for Release of Health Information for the Purposes of Determining Incapacity, Re: HIPPA Compliance. In order to facilitate the determination of whether I am incapable of managing my affairs such that this power of attorney would then become effective and for the purposes of complying with the provisions of the Health Insurance Portability and Accountability Act (HIPPA), I hereby grant my attorney in fact the immediate authorization to request all of my protected and unprotected health care information at such time. This authorization is intended to protect my health care providers against any penalty or criticism for providing such protected health information to my attorney in fact.

III. EFFECTIVE DATES OF AUTHORITY

THIS POWER SHALL BECOME EFFECTIVE AS OF THE DATE I SIGN THIS DOCUMENT AND SHALL NOT BE AFFECTED BY MY DISABILITY, INCAPACITY, OR INCOMPETENCY, OR BY AN UNCERTAINTY AS TO WHETHER I AM DEAD OR ALIVE.

DURABLE POWER OF ATTORNEY
EFFECTIVE IMMEDIATELY

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IV. LIMITATIONS UPON AUTHORITY OF ATTORNEY-IN-FACT

The only limitation upon the power and authority granted herein to my attorney-in-fact is that my attorney-in-fact shall not have any power to amend or revoke any will, codicil, or any other testamentary document or life insurance contract that I have executed or shall execute.

V. NO LIABILITY OF ATTORNEY-IN-FACT

My above-named attorney-in-fact shall have no liability to any person whatsoever, including my personal representative, for any action taken in good faith by such attorney-in-fact in her capacity as such, for any good faith failure to act in such capacity, or for any action taken or not taken by me at any time when I am either competent or incompetent.

VI. APPOINTMENT OF GUARDIAN OF PERSON OR ESTATE

While I hope that by executing this instrument I will have obviated the need for a guardianship not only of my estate but also of my person, if it should become necessary that a guardian be appointed of my person or of my estate, I hereby indicate my desire that, unless the Court sees good reason for choosing another person, I request that my acting attorney-in-fact be appointed to serve as my guardian.

VII. REVOCATION

My death shall revoke this power of attorney upon actual knowledge of my death being received by my attorney-in-fact. In addition, this power shall be subject to revocation by me at any time, but no such revocation shall be effective until written notice thereof has been received by my attorney-in-fact. If my attorney-in-fact receives such a revocation but questions whether I am competent to revoke this power, my attorney-in-fact shall immediately request me in writing to provide my attorney-in-fact with a written certificate signed by my then acting personal physician to the effect that I am able to manage my own affairs; only until my attorney-in-fact is provided with such a certificate may my attorney-in-fact continue to act pursuant to this power. In addition to the requirements set forth herein for revocation of this power, if this power has been recorded, no written revocation of this power shall be effective until written notice of revocation has been recorded in the office of the auditor in the County of the principal's place of residence.

VIII. ACCOUNTING

The attorney-in-fact shall be required to account to any subsequently appointed personal representative.

DURABLE POWER OF ATTORNEY
EFFECTIVE IMMEDIATELY

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SearchManager

Simplify Search. Get Focused. Get Found.

OPEN SearchManager

TRY IT FREE FOR 30 DAYS

About.com: US Government Info[Share](#) [Print](#)**Universal Declaration of Human Rights**

As unanimously adopted by the member states of the General Assembly of the United Nations on Dec. 10, 1948.

Upon its approval, the General Assembly called upon all Member countries to publicize the text of the Declaration and "to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories."

Universal Declaration of Human Rights**PREAMBLE**

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly

proclaims

This Universal Declaration of Human Rights

as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

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THE U.S. NATIONAL ARCHIVES & RECORDS ADMINISTRATION

The Bill of Rights: A Transcription

Note: The following text is a transcription of the first ten amendments to the Constitution in their original form. These amendments were ratified December 15, 1791, and form what is known as the "Bill of Rights."

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT XIV

Passed by Congress June 13, 1866. Ratified July 9, 1868.

Note: Article I, section 2, of the Constitution was modified by section 2 of the 14th amendment.

Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Washington State Constitution:

ARTICLE I

SECTION 22 RIGHTS OF THE ACCUSED. In criminal prosecutions the accused shall have the right to appear and defend in person, or by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county in which the offense is charged to have been committed and the right to appeal in all cases: *Provided,* The route traversed by any railway coach, train or public conveyance, and the water traversed by any boat shall be criminal districts; and the jurisdiction of all public offenses committed on any such railway car, coach, train, boat or other public conveyance, or at any station or depot upon such route, shall be in any county through which the said car, coach, train, boat or other public conveyance may pass during the trip or voyage, or in which the trip or voyage may begin or terminate. In no instance shall any accused person before final judgment be compelled to advance money or fees to secure the rights herein guaranteed. [AMENDMENT 10, 1921 p 79 Section 1. Approved November, 1922.]

Original text – Art. 1 Section 22 RIGHTS OF ACCUSED PERSONS – *In criminal prosecution, the accused shall have the right to appear and defend in person, and by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed, and the right to appeal in all cases; and, in no instance, shall any accused person before final judgment be compelled to advance money or fees to secure the rights herein guaranteed.*

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PREAMBLE: A LAWYER'S RESPONSIBILITIES Rules of Professional Conduct
American Bar Association

[1] A lawyer, as a member of the legal profession, is a representative of clients, an officer of the court and a public citizen having **special responsibility for the quality of justice.**

[2] A lawyer seeks a result advantageous to the client **but consistent with requirements of honest dealings with others.**

[3] **A lawyer who commits fraud in the conduct of a business is subject to discipline for engaging in conduct involving dishonesty, fraud, deceit or misrepresentation. See Rule 8.4.**

[5] A lawyer should use the law's procedures only for legitimate purposes and **not to harass or intimidate others.**

Rule 3.3 Candor Toward The Tribunal

(a) A lawyer shall not knowingly:

(1) **make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;**

(3) **offer evidence that the lawyer knows to be false.** If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.

(b) A lawyer **who represents a client** in an adjudicative proceeding and who knows that a person intends to engage, is **engaging** or has engaged in **criminal or fraudulent conduct related to the proceeding** shall take reasonable remedial measures, including, **if necessary, disclosure to the tribunal.**

(d) **In an ex parte proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse.**

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Thursday, October 25, 2007
Court convenes at 9:30 AM
Honorable Philip W. Borst, Judge
Janice Emery, Deputy Clerk
Katherine Johnson, Bailiff
Proceedings are recorded

Cause No. 07-4-00025-7

In re the Guardianship of:

HOOGSTAD, Doris Jean

Sharene Nelson
Petitioner

This cause comes on regularly on a motion for reconsideration.

The following were present:

Sherene Nelson, petitioner is present and represented by counsel, Lynn O'Dell.
Doris Jean Hoogstad
Laurie Peterson personal guardian.
Jenon Laurene, daughter of Doris Jean Hoogstad

The Court requests that Jenon Laurene make opening statement.

Lynn O'Dell motions to dismiss the motion for reconsideration: per statute the motion for reconsideration needs to be filed no later than 10 days after the hearing. The guardianship hearing was held August 15, 2007. The motion for reconsideration was not filed until August 30, 2007.

Jenon Laurene makes response.

Lynn O'Dell objects to Jenon Laurene arguing on the merits of the motion.

The Court asks Jenon Laurene if the motion was filed within 10 days. Jenon Laurene answers: No.

Court's Decision:

Court rules the motion for reconsideration is not timely: It was not filed or served within the required ten day period.

Court adjourned at 11:15 AM

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Wednesday, March 12, 2008
Court convenes at 9:30 AM
Honorable Philip W. Borst, Judge
Janice Emery, Deputy Clerk
Katherine Johnson, Bailiff
Proceedings are recorded

Cause No. 07-4-00025-7

In re the Guardianship of:

HOOGSTAD, Doris Jean

This cause comes on regularly on a motion by the personal guardian for an order to sale real property.

Jenone Laurene's petition for orders to issue citation removing guardian and appointing successor guardian

Jenone Laurene's response and request to deny petition for order authorizing sale of real property

Jenone Laurene's motion for conditioning sale on a just appraisal

Jenone Laurene's motion for order that sale proceeds be held in escrow

Jenone Laurene's motion for change in venue

The following were present:

Laurie Peterson personal guardian.

Lynn O'Dell

Jenon Laurene, daughter of Doris Jean Hoogstad, appears telephonically without permission by Laurie Peterson. The Court is not able to approve telephonic approval without permission by the other party. Jenon Laurene is not allowed to continue to be present telephonically.

The personal guardian reports that Jenone has not allowed the personal guardian to speak with Doris Jean Hoogstad, nor Doris's other children to speak with Doris.

The personal guardian reports that despite several requests, Jenone Laurene has not provided an accounting of the \$30,000 she and her mother took from the Creston bank prior to her relocating her mother to Burien, WA.

STANDING

standing, n. A party's right to make a legal claim or seek judicial enforcement of a duty or right. • To have standing in federal court, a plaintiff must show (1) that the challenged conduct has caused the plaintiff actual injury, and (2) that the interest sought to be protected is within the zone of interests meant to be regulated by the statutory or constitutional guarantee in question. — Also termed *standing to sue*. Cf. JUSTICIABILITY. [Cases: Action ¶13; Federal Civil Procedure ¶103.1. C.J.S. *Actions* §§ 57–63.]

“Have the appellants alleged such a personal stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the presentation of issues upon which the court so largely depends for illumination of difficult constitutional questions? This is the gist of the question of standing.” *Baker v. Carr*, 369 U.S. 186, 204, 82 S.Ct. 691, 703 (1962)(Brennan, J.).

“The word *standing* is rather recent in the basic judicial vocabulary and does not appear to have been commonly used until the middle of our own century. No authority that I have found introduces the term with proper explanations and apologies and announces that henceforth *standing* should be used to describe who may be heard by a judge. Nor was there any sudden adoption by tacit consent. The word appears here and there, spreading very gradually with no discernible pattern. Judges and lawyers found themselves using the term and did not ask why they did so or where it came from.” Joseph Vining, *Legal Identity* 55 (1978).

third-party standing. Standing held by someone claiming to protect the rights of others. • For example, in most jurisdictions, only a parent has standing to bring a suit for custody or visitation; in some, however, a third party — for instance, a grandparent or a person with whom the child has substantial contacts — may have standing to bring an action for custody or visitation. See GRANDPARENT RIGHTS. [Cases: Action ¶13; Federal Civil Procedure ¶103.4. C.J.S. *Actions* §§ 57–63.]

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Bryan A. Garner, Editor in Chief

END OF DOCUMENT

A9

Compilation of the Social Security Laws

Social Security Online

[Social Security Act Home](#)



ASSIGNMENT^[90]



Sec. 207. [42 U.S.C. 407] (a) The right of any person to any future payment under this title shall not be transferable or assignable, at law or in equity, and none of the moneys paid or payable or rights existing under this title shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

(b) No other provision of law, enacted before, on, or after the date of the enactment of this section^[91], may be construed to limit, supersede, or otherwise modify the provisions of this section except to the extent that it does so by express reference to this section.

(c) Nothing in this section shall be construed to prohibit withholding taxes from any benefit under this title, if such withholding is done pursuant to a request made in accordance with section 3402(p)(1) of the Internal Revenue Code of 1986^[92] by the person entitled to such benefit or such person's representative payee.

^[90] See Vol. II, P.L. 83-591, §§86, 861, and 871, with respect to income subject to taxes.

^[91] This section was enacted August 10, 1939, [P.L. 76-379, §207].

This subsection was enacted April 20, 1983, [P.L. 98-21, §335(a)(2)].

^[92] See Vol. II, P.L. 83-591, § 3402(p)(1).

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DEFAMATION

defamation, n. 1. The act of harming the reputation of another by making a false statement to a third person. • If the alleged defamation involves a matter of public concern, the plaintiff is constitutionally required to prove both the statement's falsity and the defendant's fault. 2. A false written or oral statement that damages another's reputation. See LIBEL; SLANDER. Cf. DISPARAGEMENT. [Cases: Libel and Slander ¶6-14. C.J.S. *Libel and Slander, Injurious Falsehood* §§ 2, 5-6, 10-12, 17-42, 47, 104.] — **defame, vb.**

“Defamation is the publication of a statement which tends to lower a person in the estimation of right-thinking members of society generally; or which tends to make them shun or avoid that person.” P.H. Winfield, *A Text-book of the Law of Tort* § 72, at 242 (5th ed. 1950).

“The wrong of defamation consists in the publication of a false and defamatory statement concerning another person without lawful justification. That person must be in being. Hence not only does an action of defamation not survive for or against the estate of a deceased person, but a statement about a deceased or unborn person is not actionable at the suit of his relatives, however great their pain and distress, unless the statement is in some way defamatory of them.” R.F.V. Heuston, *Salmond on the Law of Torts* 138 (17th ed. 1977).

“For entirely too long a period of time, English and American law have recognized two distinct kinds of defamation based solely on the form in which it is published. Oral defamation is slander; written defamation is libel. Libel is a crime and a tort which subjects the defamer to tort liability without proof of special damages. Slander is not a common law crime and, with certain exceptions, does not subject the defamer to liability unless there is proof of special damages. Under this distinction in form alone the defamatory letter read only by its addressee and burned to ashes after being read is a more serious defamation than a defamatory statement spoken to an audience of 3,000 community leaders and molders of public opinion. This is utterly absurd and completely indefensible” Laurence H. Eldredge, *The Law of Defamation* § 12, at 77 (1978).

“Defamation ... is involved in two related harms, libel and slander. A familiar statement is that libel is written whereas slander is oral. This covers the idea in a general way but tends to mislead because defamation may be published without the use of words and hence be neither written nor oral. Thus libel may be perpetrated by hanging a person in effigy and slander, by sign or gesture.” Rollin M. Perkins & Ronald N. Boyce, *Criminal Law* 489 (3d ed. 1982).

defamation per quod. Defamation that either (1) is not apparent but is proved by extrinsic evidence showing its injurious meaning or (2) is apparent but is not a statement that is actionable per se. [Cases: Libel and Slander ¶33. C.J.S. *Libel and Slander, Injurious Falsehood* § 198.]

defamation per se. A statement that is defamatory in and of itself and is not capable of an innocent meaning. [Cases: Libel and Slander ¶33. C.J.S. *Libel and Slander, Injurious Falsehood* § 198.]

trade defamation. The damaging of a business by a false statement that tends to diminish the reputation of that business. • Trade defamation may be trade libel if it is recorded, or trade slander if it is not. — Also termed *commercial defamation*. Cf. TRADE DISPARAGEMENT; TRADE LIBEL.

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Bryan A. Garner, Editor in Chief

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A 11

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April 21, 2008

Jenon Laurene
PO Box 66004
Burien, WA 98166

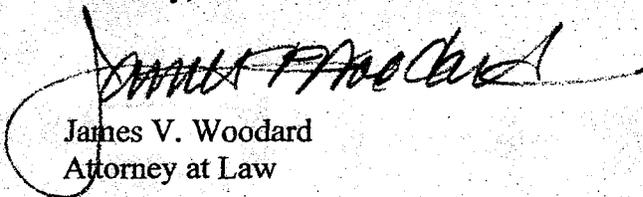
Re: Monthly rent payments

Ms. Laurene:

My client Lori Petersen advised me that she had received a call from your landlord, who stated that, according to you, Ms. Petersen was now responsible for your mother's portion of the rent. I have told her not to pay for several reasons. You have not accounted for the approximate \$30,000.00 taken from your mother's safe deposit box. You recently received your mother's annual annuity payment which I understand is around \$4,900.00. Finally, my client is not a party to your rental agreement.

My client stands ready to make arrangements for your mother's return to eastern Washington in the event that this refusal to pay rent necessitates her vacating the rental property.

Sincerely,



James V. Woodard
Attorney at Law

Cc: Lori Petersen

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RECEIVED

JUL 30 2008

WSBA OFFICE OF
DISCIPLINARY COUNSEL

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July 28, 2008

Washington State Bar Association
Attn. Felice P. Congalton
1325 Fourth Ave., Ste 600
Seattle, WA 98101-2573

Re: WSBA File: 08-00869

Dear Counsel:

I am in receipt of your letter of July 21, 2008 with enclosures. Ms. Laurene is not, nor has she ever been, my client. She does not and cannot represent her mother, Doris Jean Hoogstad. Ms. Laurene has not specified with any particularity any violation of any specific Rule of Professional Conduct, nor do I think that any of her allegations, even if proven, violate any rule.

I had no involvement in this case until well after Lori Petersen was appointed by the Court as Guardian for Ms. Hoogstad in August, 2007. Ms. Petersen is a certified professional guardian who handled her own legal matters in that file until Ms. Laurene's multiple motions wore her down and she asked for my assistance. I first appeared in this case on April 1, 2008 when I filed a Notice of Appearance. Ms. Laurene had made several motions to reconsider Judge Borst's rulings on various motions and several new motions. She had also filed a Notice of Appeal with Division I of the Court of Appeals. She failed to appear for the hearing on her motions on April 10, 2008 and they were all denied.

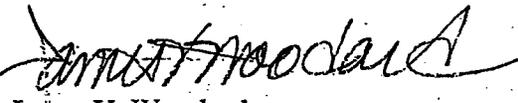
In addition to responding to Ms. Laurene's motions, I prepared and filed on behalf of my client a Citation requiring Ms. Laurene to appear before the Court on May 23, 2008 to provide an accounting for assets belonging to her mother. Copies of the Motion for Citation and the Citation to Appear and Show Cause Regarding Accounting for Property are enclosed. Ms. Laurene did appear on that date and, other than a brief exchange between the two of us when she introduced herself, all of the remaining contact was on the record when I called her to the stand to testify. Any statements that I allegedly made to Ms. Laurene would be on the record and I do not believe that any of the statements attributed to me on that date were, in fact, made.

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Washington State Bar Association
July 28, 2008
Page 2

The remainder of Ms. Laurene's allegations have been made by Ms. Laurene in multiple pleadings which have all been presented to the trial court and all of her motions, both in the trial court and the Court of Appeals, have been denied. Virtually all of the allegations involve my client Lori Petersen and the "lies" told by the guardian ad litem, attorney Lin O'Dell. If you feel that there is substance to any specific allegation made by Ms. Laurene against me that, if proven, would warrant any disciplinary action, would you please contact me and I will address that specific allegation.

Sincerely,



James V. Woodard
Attorney at Law

Encl.

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