

FILED
NOV 14 2016

YAKIMA COUNTY CLERK

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

In the Guardianship of:

SARAH KATHRYN OWEN,

An Alleged Incapacitated Person.

No. **1640064539**

ORDER APPOINTING TEMPORARY
GUARDIAN

THIS MATTER having come on for hearing upon an ex-parte motion for an order appointing a temporary guardian of the person and estate of SARAH KATHRYN OWEN (the "AIP") pursuant to RCW 11.88 and RCW 7.40, and Tyler S. Farmer of Pratt & Boutillier, PLLC, having appeared on behalf of JEFF OWEN ("Petitioner"), and the Court having reviewed the pleadings filed herein and having heard the argument of the parties appearing now, therefore, FINDS:

1. The AIP is a resident of the State of Washington and is an alleged incapacitated person under RCW 11.88.010 et seq.

2. An emergency situation exists that permits a grant of authority pursuant to RCW 11.88.045(5) and RCW 7.40 due to the fact that several real estate sales may be pending on terms and at prices that may not be favorable to the AIP, which if allowed to close without further review, may result in irreparable harm to the AIP.

3. Kristyan Calhoun is a Certified Professional Guardian and is qualified to serve as temporary guardian for the AIP.

4. Kristyan Calhoun should be appointed as temporary guardian for the AIP.

Based upon the following findings, the Court does hereby ORDER:

ORDER APPOINTING TEMPORARY
GUARDIAN OF PERSON AND ESTATE

COPY

PRATT & BOUTILLIER, PLLC
105 North 3rd Street, PO Box 1425
Yakima WA 98907-1425

Tel: (509) 453-9135 Fax (509) 453-9134

1 5. KRISTYAN CALHOUN is hereby appointed Temporary Guardian of the Person
2 and Estate of SARAH KATHRYN OWEN with those rights and powers set forth below:

3 a. Residence. Review and approve or disapprove of the pending sale of the AIP's
4 real property situated at 114 S 40th St, Yakima, WA, Tax Parcel #191321-11427. If
5 Kristyan Calhoun approves of the sale, Kristyan Calhoun, as Temporary Guardian, shall
6 sign all closing documents on behalf of the AIP. If Kristyan Calhoun disapproves of the
7 pending sale for any reason (e.g., sale price is below market value, able to obtain a better
8 offer based on information available to interested parties, sale terms are not in the best
9 interests of the AIP), she shall have the authority to terminate the Purchase and Sale
10 Agreement pending further Court order.

11 b. Cabin. Review and approve or disapprove of the pending sale of the AIP's
12 cabin property situated at 4021 Tieton Rd, Tax Parcel #141307-11001. If Kristyan
13 Calhoun approves of the sale, Kristyan Calhoun, as Temporary Guardian, shall sign all
14 closing documents on behalf of the AIP. If Kristyan Calhoun disapproves of the pending
15 sale for any reason (e.g., sale price is below market value, able to obtain a better offer
16 based on information available to interested parties, sale terms are not in the best interests
17 of the AIP), she shall have the authority to terminate the Purchase and Sale Agreement
18 pending further Court order.

19 c. Station. Review and approve or disapprove of the pending sale of the AIP's
20 real property situated at 132 S 2nd Street, Yakima, WA, Tax Parcel #191319-23489. If
21 Kristyan Calhoun approves of the sale, Kristyan Calhoun, as Temporary Guardian, shall
22 sign all closing documents on behalf of the AIP. If Kristyan Calhoun disapproves of the
23 pending sale for any reason (e.g., sale price is below market value, able to obtain a better
24 offer based on information available to the family, sale terms are not in the best interests
25 of the AIP), she shall have the authority to terminate the Purchase and Sale Agreement
26 pending further Court order.

27 d. Funds. To receive the AIP's funds in Petitioner's possession in the amount of
28 \$2,000, and to establish an unblocked guardianship checking account to be used to pay
29 miscellaneous guardianship expenses as may be necessary, in the Guardian's sole and
30
31

1 absolute discretion, provided that the Guardian shall provide an accounting to the Court
2 of the funds at the final hearing on the guardianship Petition.

3 e. Financial Records. To monitor the AIP's finances and financial accounts,
4 including to obtain copies of any and all bank and account statements and account
5 information for the AIP's bank and investment accounts, wherever located, including but
6 not limited to those accounts at D.A. Davidson and Yakima Federal Savings & Loan
7 (account #s ending in 2573 and 1257). Any and all persons and/or financial institutions
8 in possession of financial information related to the AIP are authorized and directed to
9 deliver copies of such information to Kristyan Calhoun upon request.

10 f. Medical Records. To obtain from the AIP's healthcare providers, and the AIP's
11 healthcare providers are hereby authorized and directed to release to Kristyan Calhoun,
12 any and all medical records of the AIP, specifically including any records that are
13 considered Protected Health Information (hereinafter referred to as "PHI") under the
14 Health Insurance Portability and Accountability Act of 1996, and such health care
15 providers are further authorized to speak with Kristyan Calhoun regarding the AIP
16 pursuant to 45 C.F.R 164.512(e), which provides that a covered entity may disclose PHI
17 in response to a court order.

18 6. KRISTYAN CALHOUN shall remain the Temporary Guardian until further
19 order of this Court;

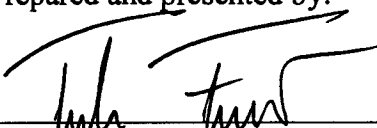
20 7. The Clerk of this Court shall issue Temporary Letters of Guardianship of the
21 Person and Estate of the AIP to KRISTYAN CALHOUN granting her the rights and powers set
22 forth herein.

23 DATED this 14th day of November, 2016.

24 **DOUG FEDERSPIEL**
25 **JUDGE**

26 _____
27 Judge/Court Commissioner

28 Prepared and presented by:

29 
30 Tyler S. Farmer, WSBA #44202
31 Pratt & Boutillier, PLLC
Attorneys for Petitioner