

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
COUNTY OF WINNEBAGO

THE ESTATE OF:)	
)	
WINIFRED CAROL WYMAN,)	Case No.: 2009-P-197
)	
Disabled)	

ORDER

THIS CAUSE having come before the Court on September 28, 2012 on John Howard Wyman's *Emergency Motion to Dismiss/Non Suit for Lack of Sodini Jurisdiction/Lack of Proper Notice of Hearing on Petition for Guardianship* and Powell Wyman's *Motion to Dismiss the Emergency Motion*; John Howard Wyman, Guardian of the Person present with Attorney JoAnne Denison; William Wyman present *pro se*; Attorney Sharon Rudy present for Powell Wyman, Guardian of the Estate, and Attorney Kimberly McKenzie present as Guardian ad Litem,

THE COURT FINDS:

1. Winifred Carol Wyman's adult children received notice of the guardianship proceedings; John Howard Wyman was represented by counsel from the time of the temporary guardianship and the other children received written notice;
2. John Howard Wyman was represented by counsel on July 6, 2009 at which time an order of guardianship was entered without prejudice to any party; the order did not preclude the adult children from requesting further hearing and continued the matter to July 27, 2009;
3. The adult children received notice of the July 27, 2009 hearing but did not

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file any response or other pleadings;

4. John Howard Wyman cannot file a petition for his own appointment as guardian, act as guardian, and then object to jurisdiction;
5. John Howard Wyman does not have standing to bring the *Emergency Motion to Dismiss/Non Suit*;
6. William Wyman was sent notice of the guardianship proceedings on May 28, 2009; he was represented by counsel on June 2, 2009 in connection with the orders of protection;
7. William Wyman never filed a Petition or objection to these proceedings and has appeared in Court in connection with these proceedings on several occasions;
8. Winifred Carol Wyman's sisters had constructive notice of these proceedings and would be barred by laches from filing an objection;
9. Neither John Howard Wyman nor William Wyman have standing to raise objections on behalf of the sisters;
10. The *Emergency Motion to Dismiss/Non Suit* was not based on the facts as notice was given;
11. The *Emergency Motion to Dismiss/Non Suit* was not well grounded in fact or law and was brought solely for purposed of harassment and to delay the sale of property and is sanctionable.
12. Additional findings of fact and conclusions of law are set forth in the transcript taken by Stacy L. Hartman, Esquire Deposition Solutions, Chicago, Illinois on September 28, 2012.

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IT IS THEREFORE ORDERED:

- A. The *Motion to Dismiss John Howard Wyman's Emergency Motion to Dismiss/Non Suit* is granted;
- B. Sanctions shall issue against the petitioning parties;
- C. The petitioning parties shall pay the fees incurred by Attorneys McKenzie and Rudy in responding to the *Emergency Motion*;
- D. All prior orders remain in full force and effect.

Enter: _____

Judge Lisa R. Fabiano

Approved as to format only:

JoAnne Denison
Attorney JoAnne Denison
Attorney for John Howard Wyman

Attorney Kimberly McKenzie
Guardian ad Litem

Prepared by:

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