

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

In the Matter of an	§	Before the
Enforcement Action	§	
Concerning	§	Texas Commission on
Ann Ridlehuber;	§	
RN102319829	§	Environmental Quality

Docket No. 2020.-8875-IHW-E  
Request/ Motion to Set Aside Default Order

Now Comes Madison Ridlehuber and would show as follows:

1. Madison has applied and is being appointed Guardian for Ann Ridlehuber.
2. Ann Ridlehuber has been living in an assisted living facility or nursing home for almost a year.
3. Ann Ridlehuber has dementia and can not take care of her financial affairs and has not been made aware of these proceedings.
4. Madison recently learned of the Default Order when a concerned citizen checked Ann Ridlehuber's mailbox and found the letter dated August 29, 2022 sent to Ann regarding this default order and forwarded it to her.
5. Madison requests that in the interest of due process, equal protection and fairness that this order be set aside and a new hearing scheduled.
6. Attached hereto a copy of the Court's order appointing Madison as Guardian. Madison is awaiting letters of Guardianship to be issued by the Court.

Respectfully submitted:  
James Rainey  
Rainey & Rainey, Attorneys at Law  
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I certify that a copy of this Motion was sent to Taylor Pearson at [Taylor.pearson@tceq.texas.gov](mailto:Taylor.pearson@tceq.texas.gov)

James Rainey

2022 JUL -5 AM 9:38

No. G227

IN THE GUARDIANSHIP OF                   §   IN THE COUNTY COURT  
RUTH ANN RIDLEHUBER,                   §   OF  
AN INCAPACITATED PERSON           §   HILL COUNTY, TEXAS

**ORDER APPOINTING  
TEMPORARY GUARDIAN OF THE PERSON AND ESTATE**

On this day the Court considered the Application for Appointment of Temporary Guardian of Person and Estate of RUTH ANN RIDLEHUBER, Proposed Ward, a proposed incapacitated person, by MADISON RIDLEHUBER, Applicant. The Court, after considering the application and evidence submitted by Applicant and the attorney ad litem appointed for Proposed Ward and/or independent counsel retained by Proposed Ward and citation having been returned, finds substantial evidence exists that Proposed Ward is an incapacitated person; that there is probable cause to believe that an imminent necessity exists to appoint a temporary guardian under sections 1251.001–.153 of the Texas Estates Code; that Proposed Ward has no legal guardian of her person and estate; that this Court has venue pursuant to section 1023.001 of the Texas Estates Code because Proposed Ward’s principal assets are located in Hill County; that Applicant is not ineligible to act as temporary guardian of the person and estate of Proposed Ward and is entitled to be so appointed; that this Court has jurisdiction of this cause; and that rights of property will be protected by such appointment.

IT IS THEREFORE ORDERED that MADISON RIDLEHUBER is appointed temporary guardian of the person and estate of RUTH ANN RIDLEHUBER, a proposed incapacitated person, for the next 60 days from date of qualifying and that this order appointing MADISON RIDLEHUBER as temporary guardian be effective and the clerk attach a certificate to the order showing compliance on the taking of her oath or making of her declaration and the giving of a

personal surety bond in the amount of \$1000 for the Guardian of the Person and a corporate surety bond in the amount of \$24,000 for the Guardian of the Estate, which is the proper amount hereby ordered fixed in accordance with law.

IT IS FURTHER ORDERED that Kara Pratt an attorney licensed to practice before this Court, is appointed as guardian ad litem to represent the best interests of RUTH ANN RIDLEHUBER.

IT IS FURTHER ORDERED that all fees and expenses be taxed as costs to be paid out of RUTH ANN RIDLEHUBER's estate on further order of this Court.

IT IS FURTHER ORDERED that the temporary guardian shall have the following powers:

1. the right to have physical possession of Ward and to establish Ward's legal domicile;
2. the power to arrange for Ward's food and housing needs;
3. the power to apply for, to arrange, and to consent to any and all medical and dental care, including but not limited to medical tests, examinations, surgeries and the administration of medication, as required and needed by Ward;
4. the power to apply for, to arrange, and to consent to any and all psychological tests and evaluations that may be needed by Ward other than the inpatient psychiatric commitment of Ward;
5. the power to apply for and receive funds from state or federal government sources for Ward's benefit;
6. the power to apply for and secure governmental services for Ward;
7. the power to apply for and to secure an identification card for Ward;

8. the power to consent to the disclosure of Ward's confidential records; and
9. the power to execute all documents necessary to facilitate employment.
10. on application to and order of the Court, the power to establish a trust in accordance with 42 U.S.C. Section 1396p(d)(4)(B), as amended, and direct that the income of the ward as defined by that section be paid directly to the trust, solely for the purpose of the ward's eligibility for medical assistance under Chapter 32, Human Resources Code;
11. The duty of care, control, and protection of Proposed Ward;
12. To apply for, consent to, and to enroll Proposed Ward in non-residential programs and services which are reasonably required and needed by Proposed Ward and which are operated by public and private agencies and facilities;
13. To make application for, to consent to, and to enroll Proposed Ward in private and public 24 hour care facilities;
14. To employ and to discharge from employment nurses, sitters, care givers, tutors, therapist, and other persons engaged to assist Proposed Ward;
15. Possession of the estate, duty, and power to manage proposed ward's estate, including real property & financial matters.

IT IS FURTHER ORDERED that the guardian of the estate of a ward is entitled to the possession and management of all property belonging to the ward, to collect all debts, rentals, or claims that are due to the ward, to enforce all obligations in favor of the ward, and to bring and defend suits by or against the ward. It is the duty of the guardian of the estate to take care of and manage the estate as a prudent person would manage the person's own property. It is also ordered that the guardian shall account for all rents, profits, and revenues of the estate.

IT IS FURTHER ORDERED that MICA FAGILE is discharged as temporary guardian of the person of Ruth Ann Ridlehuber and IT IS ORDERED that the County Clerk return the \$500 cash bond to MICA FAGILE.

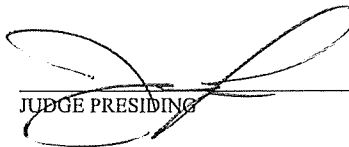
IT IS FURTHER ORDERED that the Madison Ridlehuber, as Guardian of the Person will notify the court within 5 days of any change in the Ward's placement and residence.

IT IS FURTHER ORDERED that the Guardian provide an Inventory of the Estate within 30 days of qualifying and that the inventory segregate the Ward's expenses from other third party expenses.

IT IS ALSO ORDERED that the Guardian process any claims made to the Estate as per the Texas Estates Code including claims made by The Blake.

IT IS FURTHER ORDERED that the temporary guardianship will be reevaluated in 60 days.

SIGNED on July 1, 2022.



JUDGE PRESIDING

APPROVED AS TO FORM

/s/ James Rainey  
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Kara Pratt, Guardian Ad Litem