

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA
PROBATE DIVISION

File Number: 17-3378 GD 02
Division: 04

IN RE: GUARDIANSHIP OF
GLADYS CASAS, Ward

2018 MAY 11 PM 10:41
CLERK OF COURT
PROBATE DIVISION

**ORDER ON PETITION TO EQUITABLY DISTRIBUTE JOINT BANK ACCOUNT FUNDS
OWNED BY WARD AND HER SISTER LADILA CASAS**

THIS CAUSE, having come before this Honorable Court on the Guardian's Petition to Equitably Distribute Joint Bank Account Funds Owned by Ward and her sister, Ladila Casas, in attendance were Caren Lesser, Esq., Counsel for Guardianship Program of Dade County, Inc., ("GPDC"), Regina Emperador, GPDC Intake Coordinator, Ladila Casas, Sister/Joint Account Owner; Carlos Diaz, relative; Edelmira Diaz, relative; Manuel Fernandez, neighbor/friend; America and Richard Paley, neighbors/friends, and the Court, having reviewed the file, being apprised in the premises and having received evidence and taken testimony, makes the following

FINDINGS OF FACT:


1. The Guardianship Program of Dade County was appointed plenary guardian of Gladys Casas ("Ward") on August 24, 2017 pursuant to a Petition to Determine Incapacity and for Appointment of Guardian filed by her nursing home. The Ward currently resides in a nursing home where she has resided since June 2017.
2. According to testimony, during the course of her life the Ward resided with her two sisters, Ladila Casas and Edita Casas, in a condominium jointly owned by all three sisters.
3. The Ward and her sister Ladila Casas owned a Wells Fargo joint bank account (****0677) which is the subject of these proceedings. They managed their household with joint contributions from their individual incomes. Funds in the amount of \$24,439.61 which were held in the joint account (*** [REDACTED]) and identified by DCF, were transferred by Ladila Casas into a separate solely owned Wells Fargo account ([REDACTED]) and GPDC. It was reported that a substantial amount of the funds still remain in the account.
4. The guardian reported that it cannot obtain Institutional Care Program benefits from the State of Florida to pay for the Ward's nursing home stay because the funds held in the joint bank account have disqualified her from eligibility thus far. According to the Guardian, the Ward has accumulated substantial debt for her room, board and care from June 2017 to the present time.
5. The guardian reported having made repeated attempts to reach out to Ladila Casas, as well as the Ward's relative Carlos Diaz, who appeared as Power of Attorney for Ladila Casas, and Manuel Fernandez who appears as another purported Power of Attorney for Ladila Casas, in an effort to amicably divide the bank account funds and proceed to apply for appropriate government benefits for the Ward. The guardian reported that both Carlos Diaz and Manuel Fernandez made efforts to assist in the resolution of this matter, however no resolution has been reached.

6. Evidence of a June 2017 \$4,200 deposit into the (**0677) account by the Ward's sister Edita Casas was presented by Manuel Fernandez.
7. This Court recognized the contribution of \$4,200 and the need to equitably divide the remaining jointly held funds in the amount of \$20,269.61. This Court explained that an even division of the remaining funds would be a fair and equitable based on the joint contributions to the account.
8. The Ward's family and friends requested that there be an unequal distribution of funds from Gladys Casas to Ladila Casas to cover certain household expenses for their jointly owned condominium. The family and friends were directed to provide the guardian with a list of household expenses that may qualify for a credit to Ladila Casas.
9. As a follow up to the hearing and with regard to the household expense payment issue, the guardian filed a Report to Court dated May 1, 2018 with the Clerk of Court which indicates the result of the guardian's review of the Ward's government entitlements. According to the guardian, as of June 2017, the Ward's funds cannot be utilized for any household expenses due to her nursing home placement and obligation to qualify for the State of Florida Institutional Care Program.

It is hereby **ORDERED AND ADJUDGED**:

1. This court has jurisdiction of the parties and subject matter in this case.
2. The Petition for Distribution of Joint Bank Account Funds Owned by Ward and Her Sister Ladila Casas filed by GPDC is GRANTED.
3. The July 2017 balance of \$24,439.61, as identified by the State of Florida is to be reduced by \$4,200, which was a cash deposit made by Edita Casas. The remaining funds of \$20,269.61 are to be divided between Gladys Casas and Ladila Casas forthwith in the amount of \$10,134.61 distributed to each.
4. Wells Fargo shall distribute \$10,134.61 to the Guardianship of Gladys Casas from the account in Ladila Casas' name, ending in ****4931.
5. The family and/or friends who wish to participate in further hearings shall file a Request to Receive Notice and Copies with the Clerk of Court.
6. This Court retains jurisdiction to enter any further orders as deemed necessary.

DONE AND ORDERED in chambers in Miami-Dade County, Florida on MAY 1, 2018


CIRCUIT COURT JUDGE CELESTE H. MUIR