

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

July 27, 2000

Cornelia G. Clark  
Clerk, Court of Appeals  
of Wisconsin

**NOTICE**

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

**No. 99-1475**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT IV**

---

**IN THE MATTER OF THE GUARDIANSHIP AND  
PROTECTIVE PLACEMENT OF LILLIAN P.:**

**LILLIAN P., AND LESTER P., JR.,**

**APPELLANTS,**

**v.**

**MELY A., AND LUTHERAN SOCIAL SERVICES,**

**RESPONDENTS.**

---

APPEAL from an order of the circuit court for Jefferson County:  
JOHN ULLSVIK, Judge. *Affirmed.*

Before Dykman, P.J., Vergeront and Roggensack, JJ.

¶1 PER CURIAM. Lillian P. and her son, Lester P., appeal from an order for the sale of Lillian's homestead. The issue is whether the trial court

afforded them the necessary procedural protections in this guardianship proceeding. We affirm.

¶2 Lillian P., then 89, was found in need of a permanent guardianship and protectively placed in July 1998. For the time being she continued living with Lester in her homestead. In October 1998, she was placed in a residential facility for persons with dementia.

¶3 In January 1999, Lester petitioned to buy Lillian's homestead for \$70,000. One day later Lillian's guardian petitioned to sell the property through public sale. However, Lester did not receive notice of that petition until March 11, 1999, the day before the scheduled hearing in the matter. On March 12, the trial court heard testimony that the property was worth substantially more than Lester's offer. Accordingly, the court denied Lester's petition and granted the guardian permission to place the property on the market, subject to confirmation of sale. The guardian later moved to confirm the sale at \$115,000. The court then determined that a confirmation hearing would be held. The court also determined that a full *Watts* hearing would be held if Lester filed an expert's report or other offer of proof of his assertions that the sale should not be confirmed because it was in Lillian's best interests to return to the home.

¶4 Lester unsuccessfully moved for reconsideration and then appealed. He contends that the order allowing sale of the property was entered without adequate notice to him or Lillian, and that a full hearing on Lillian's protective placement, pursuant to *State ex rel. Watts v. Combined Community Services Bd.*, 122 Wis. 2d 65, 84-85, 362 N.W.2d 104 (1985), should have been held before the sale was authorized.

¶5 Lester received adequate notice that the March 12 hearing might result in an order for a public sale. At a January 27, 1999 hearing the trial court unequivocally informed the parties that the issue of a public sale was on the March 12 agenda. Lester therefore had adequate opportunity to fully litigate the issues addressed in the March 12 hearing, whether he received timely service of the guardian's petition or not. The trial court expressly noted that an order to place the house on the market would have resulted from the hearing even if the guardian had not filed her petition seeking that remedy.

¶6 A *Watts* hearing on Lillian's potential return to her home was not required before placing the house on the market. Additionally, the trial court expressly ruled that it would not confirm any sale resulting from its March 17 order until after a *Watts* hearing if Lester made the requisite offer of proof showing that a *Watts* hearing was required. That ruling fully protected Lillian's rights in the matter.

*By the Court.*—Order affirmed.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)5.

