

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

THEA MARIE BORN,)	
)	
Relator,)	
)	NO: ED102255
vs.)	
)	Circuit Court of St. Charles County
HONORABLE JOHN “JACK” BANAS,)	Circuit Court No. 1411-PR00856
ASSOCIATE CIRCUIT COURT JUDGE,)	
DIVISION 3, 11 TH JUDICIAL CIRCUIT,)	
SAINT CHARLES COUNTY, MISSOURI,)	Filed: December 16, 2014
)	
Respondent.)	

Thea Marie Born filed a Writ of Prohibition, seeking to prohibit Respondent, The Honorable John Banas of the Eleventh Judicial Circuit, from enforcing the order and judgment of October 16, 2014 appointing Deborah Lanham, the public administrator of St. Charles County, as Born’s temporary guardian and conservator. Born alleges that Respondent erred by entering an order granting Lanham temporary guardianship and conservatorship, despite a lack of personal service on Born and in the absence of a hearing. On November 24, 2014, we issued a permanent writ of prohibition directing Respondent to reverse and set aside the Order and Judgment of October 16, 2014. We now explain the reasons therefore.

REVERSED.

WRIT DIVISION I HOLDS: The trial court erred in entering its order and judgment of October 16, 2014 appointing an ad litem guardian and conservator for Born absent personal service to her of notice of the proceedings, as is required by statute. We reverse and set aside the trial court’s order and judgment of October 16, 2014.

Opinion by: Lisa S. Van Amburg,
Glenn A. Norton, J., and Kurt S. Odenwald, J. concur.

Attorney for Appellant: Amy Marie Christiansen, David John Sokolowski (co-counsel)
Attorney for Respondent: Patricia Mae Watkins

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.