

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

IN RE THE GUARDIANSHIP OF:

ROBERT ERLWEIN,

An Incapacitated Person,

AMBROSE J. YBARRA, TRUSTEE of
the Warren A. Erlwein and Earlene M.
Erlwein Trust,

Appellant,

v.

WAYNE JEROME HOUSTON,
Guardian ad Litem,

Respondent.

No. 44849-1-II

RULING DISMISSING
APPEAL


FILED
COURT OF APPEALS
DIVISION II
2014 JUL 10 AM 10:41
STATE OF WASHINGTON
BY [Signature]

Ambrose Ybarra appeals from the trial court's orders of April 5, 2013, which removed him as trustee of the Warren A. Erlwein and Earlene M. Erlwein Trust and blocked the Trust accounts, and of April 19, 2013, which unblocked the Trust accounts. Wayne Houston, the guardian for Robert Erlwein, a beneficiary of a special needs trust created by the Trust, moves to dismiss his appeal for lack of standing. Only an aggrieved party may appeal from a trial court order. RAP 3.1. An "aggrieved party" is "one whose personal right or pecuniary interests have been affected." *State v. Taylor*, 150 Wn.2d 599, 603, 80 P.3d 605 (2003). Ybarra has no such personal right or pecuniary interest. Any interest he had terminated with his removal as trustee. He is

not a beneficiary of the Trust. He asserts that he is representing the interests of the successor trustee and the remainder beneficiaries. But as a non-attorney, he cannot represent the interests of others. Because Ybarra is not an aggrieved party to the April 5, 2013 and April 19, 2013 orders, he cannot appeal from them. Accordingly, it is hereby

ORDERED that the appeal is dismissed with prejudice and without costs to any party.

DATED this 10th day of July, 2014.



Eric B. Schmidt
Court Commissioner

cc: Todd A. Buskirk
Ambrose J. Ybarra, Pro Se
Craig P. Lindsay
Kenneth W. Masters
Suzanne Thompson Winger
Hon. Anna M. Laurie