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ORDER

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0602731

BK0104 PG07707

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1 CASE NO. 03-PB-0061
2 DEPT. NO. II

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6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF DOUGLAS

8 In the Matter of the
9 Guardianship of

ORDER APPOINTING PERMANENT
GUARDIAN OF PERSON AND ESTATE

10 CHARLES D. WHEAT,

11 An Adult Ward.
12 _____/

13 This matter was brought on before the Court on the 21st day of
14 July, 2003, as a result of the Ex Parte Verified Petition for
15 Appointment of Guardian of Person and Estate filed June 17, 2003, by
16 the Petitioner, LYNN ENEARL, Douglas County Public Administrator by
17 and through her attorney MICHAEL SMILEY ROWE, ESQ. of ROWE & HALES,
18 LLP.

19 STATEMENT OF THE CASE

20 On July 17, 2003, Petitioner herein filed an Ex Parte Petition
21 for Appointment of Guardian of the Person and Estate. Based upon the
22 verified Petition filed herein, the Ward is a resident of Douglas
23 County, Nevada, which is the proper venue for these proceedings.

24 This Court appointed Petitioner as Temporary Guardian by Order
25 filed June 18, 2003, and on June 23, 2003, Letters of Guardianship
26 were issued to her. Also, on June 23, 2003, this Court entered its
27 Order Extending the Temporary Guardianship for a period not to exceed
28

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1 thirty (30) days, and directed that the Petitioner cause a Citation
2 to be issued by the Clerk of the Court and served as required by NRS
3 159.

4 On June 30, 2003, proof of proper service was made by the filing
5 of a Certificate of Certified Mailing of the Citation issued on June
6 23, 2003. Return receipts from the Ward, the health care provider,
7 the State of Nevada and the Ward's daughter, have been received and
8 were filed with this Court on July 7, 2003.

9
10 **FINDINGS AND ORDER**

11 1. Due and proper notice of the Petition and Citation has been
12 provided by the Petitioner to all those entitled to notice who are
13 required to be served with a copy of the Petition and Citation issued
14 pursuant to NRS 159.047. In this connection, the Court notes that a
15 Citation was duly served by certified mail.

16 The Court Finds and Orders that the Citation was properly
17 served in accordance with the requirements of NRS 159.047 and NRS
18 159.0475. The latter section requires that a copy of the Citation
19 must be served by certified mail with return receipt requested on each
20 person required to be served. On July 7, 2003, Petitioner filed with
21 this Court the Receipts for Certified Mail indicating those persons
22 identified in NRS 159.047(2) had been properly served with a copy of
23 the Petition and Citation.

24 2. The Court Finds and Orders that the Petitioner is a
25 qualified person to serve as Guardian of the Adult Ward. Petitioner
26 is competent, a resident of the State of Nevada, and a woman of
27 prudence and sound judgment. She has not been convicted of a felony,
28

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1 suspended for misconduct or disbarred from the practice of law, and
2 possesses all of the qualities necessary for appointment as General
3 Guardian of the Person and Estate of CHARLES D. WHEAT, an Adult Ward.

4 3. At the time of the hearing on the Petition on July 21,
5 2003, the Ward was, and now is, a patient at Carson Convalescent
6 Center, 2898 Hwy. 50 East, Carson City, Nevada, 89701.

7 4. In accordance with NRS 159.044, Petitioner has set forth
8 in her Petition a general description of the estate of the Ward, and
9 in open Court has advised the Court of the probable value of the
10 property of the Ward and any known income to which he is entitled.
11 While the report is not complete, the Court is well enough apprised
12 of the probable value of the estate of the Ward.

13 Petitioner has asserted that she will prepare a current
14 accounting of the Ward's estate and submit it to the Court as part of
15 her inventory and appraisal of the property of the Ward required by
16 NRS 159.085. The Court accepts such representation of the Petitioner,
17 and the Court will accept a more current accounting of the Ward's
18 estate when the Petitioner's Inventory and Appraisal is submitted.

19 5. The Court is satisfied that a bond is not required in this
20 instance; accordingly, the Court finds that no additional bond will
21 be required of the Petitioner.

22 6. In open court, the Petitioner requested that she be allowed
23 reasonable compensation for her services as Guardian at the rate of
24 \$50.00 per hour. She also has requested this Court's approval of
25 reasonable expenses incurred in exercising her authority and in
26 performing her duties. She has also requested reasonable expenses in
27
28

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1 retaining counsel. MICHAEL SMILEY ROWE, ESQ. has been retained by the
2 Petitioner to represent her in all of her duties, including this
3 guardianship. Petitioner's agreement with counsel is to pay counsel
4 an hourly rate of \$200.00 per hour, plus any costs advanced by counsel
5 for the benefit of the estate.

6 Pursuant to NRS 159.183, it is the Order of the Court that
7 the Petitioner's agreement with counsel is hereby ratified, confirmed
8 and approved, and the Court approves of the Petitioner's request to
9 be compensated and reimbursed for his out-of-pocket expenses.
10 Petitioner may pay such fees and costs as are incurred on a monthly
11 basis. Such payments are to be made from the Ward's estate.
12 Petitioner shall include in her accountings a report of fees and costs
13 paid.
14

15 7. In order to manage and care for the person and estate of
16 the Ward, the Court finds that the Petitioner, as Guardian of the
17 Adult Ward, shall be granted all of the specific powers of Guardians
18 set forth in NRS 159.077 through NRS 159.175 inclusive; all of which
19 the Court determines to be necessary to enable the Guardian to carry
20 out her duties as the Guardian.

21 8. The Guardianship hereby established, and the Petition upon
22 which it is based, are not the result of an investigation of a report
23 of abuse, neglect and exploitation conducted by an agency which
24 provides protective services.
25

26 9. In open Court on July 21, 2003, the Ward's current health
27 report was given by the Guardian. The Ward is suffering from late
28 stage Alzheimer's Disease.

1 IT IS HEREBY ORDERED that LYNN ENEARL shall be, and is,
2 appointed as the Permanent Guardian of the person and estate of
3 CHARLES D. WHEAT, an Adult Ward. The Letters of Guardianship of the
4 Person and Estate of CHARLES D. WHEAT previously issued by the Clerk
5 to the Guardian shall be extended to permanent letters in order that
6 she may make provisions for the care and protection of the Ward and
7 his estate.

8 The Guardian shall continue her duties as Guardian as appointed
9 by the earlier Orders of the Court, and she shall be empowered to
10 exercise all of the powers and duties of Guardian applicable to the
11 Guardianship of the Person and Estate of the Adult Ward; said powers
12 and duties of Guardians, where applicable, being set forth in NRS
13 159.077 et seq. "Powers and Duties of Guardians" and in NRS 159.113
14 et seq. "Management and Disposition of the Ward's Estate".

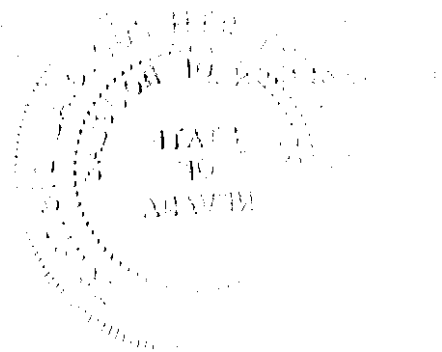
15 DATED this 21st day of July, 2003.

16 
17 MICHAEL P. GREEN
18 DISTRICT COURT JUDGE

19 Submitted by:
20 ROWE & HALES, LLP

21 

22 MICHAEL SMILEY ROWE
23 Nevada Bar Number 1374
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27 Attorney for Petitioner
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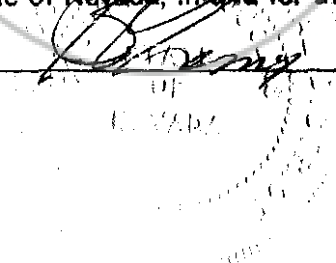
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The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

DATE: July 27, 2003

Clerk of the 2nd Judicial District Court
of the State of Nevada, in and for the County of Douglas,

By: [Signature] Deputy



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