

OFFICIAL RECORD

Requested By:
HENRY W CAVALLERA

1420-28-410-017

A.P.N. _____

Douglas County - NV
Werner Christen - Recorder

Page: 1 Of 8 Fee: 21.00
BK-0506 PG- 8021 RPTT: 0.00

Recording Requested by:

/ Henry W. Cavallera, Esq.

410 California Avenue

Reno, Nevada 89509

ORDER APPOINTING PERMANENT GUARDIAN OF THE PERSON AND ESTATE
AND FOR DIVISION OF COMMUNITY ASSETS AND INCOME

(Title of Document)

REC'D & FILED

1 Case No. 06-00096G

2 Dept. No. I

'06 FEB 27 A8:32

ALAN GLOVER
CLERK
BY *[Signature]*
DEPUTY

6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY

8 * * * * *

9 IN THE MATTER OF THE
10 GUARDIANSHIP OF THE
PERSON AND ESTATE OF

**ORDER APPOINTING PERMANENT
GUARDIAN OF THE PERSON AND
ESTATE AND FOR DIVISION OF
COMMUNITY ASSETS AND INCOME**

11 VIRGIL O. STIDHAM,

12 An Adult Ward.

13 THIS MATTER came before the Court this date upon the
14 verified Petition of ELEANOR L. STIDHAM, by and through her
15 attorney, HENRY W. CAVALLERA, ESQ. Appearing at the hearing were
16 the Petitioner, ELEANOR L. STIDHAM, and her attorney, HENRY W.
17 CAVALLERA, ESQ. The Court having received the evidence finds as
18 follows:

- 19 1. The Ward was served with notice of the hearing as
- 20 required by law.
- 21 2. The Ward is of limited capacity and is unable to manage
- 22 his financial affairs and obtain related services from local,
- 23 state and federal agencies.
- 24 3. It is in the Ward's best interest that Guardian of the
- 25 Person and Estate be appointed.
- 26 4. The Guardian, ELEANOR L. STIDHAM's mailing address is
- 27 2848 Vicky Lane, Minden, Nevada 89423. Her telephone number is
- 28 (775) 267-2713.



1 5. The Guardian's attorney, HENRY W. CAVALLERA, ESQ., has
2 an office located at 410 California Avenue, Reno, Nevada 89509.
3 MR. CAVALLERA's telephone number is (775) 329-7102.

4 6. The Ward has an estate consisting of his one-half
5 interest in the following joint assets:

| | | |
|----|--|--------------|
| 6 | 1. Wells Fargo Bank, Checking Account No. 000-3981024 | \$ 3,213.45 |
| 7 | | |
| 8 | 2. Lincoln Benefit Life, Annuity #LBLA106383 | 2,804.67 |
| 9 | | |
| 10 | 3. Citibank, Savings Account No. 8930051571 | 2,975.81 |
| 11 | | |
| 12 | 4. American Funds, IRA Account No. 63139950 | 46,317.72 |
| 13 | | |
| 14 | 5. American Funds Account No. 165851348 | 20,324.10 |
| 15 | | |
| 16 | 6. American Funds Account No. 182448117 | 7,995.60 |
| 17 | | |
| 18 | 7. American Funds Account No. 64418989 | 4,679.58 |
| 19 | | |
| 20 | 8. Met Life Insurance Policy No. 709181494 MS | 2,055.24 |
| 21 | | |
| 22 | 9. Prudential Life Insurance Policy No. 084337065 | 4,255.39 |
| 23 | | |
| 24 | 10. Prudential Life Insurance Policy No. 32686966 | 3,530.38 |
| 25 | | |
| 26 | Total Joint Resources | \$ 98,151.94 |

27 The Ward's income is \$1,278.50, consisting of \$1,190.00 from
28 Social Security benefits, and \$88.50 in Medicare premium. The
Ward's spouse's income is \$968.50, consisting of \$880.00 from
Social Security benefits, and \$88.50 in Medicare premium.

7. It is in the best interest of the Ward and his spouse
that the Court award to the community spouse resources to provide
her with a spousal support allowance in the sum of \$2,212.00, or

1 in a sum not to exceed \$2,488.50 per month.

2 8. The Court should set aside to the community spouse her
3 monthly income of \$968.50 per month and resources in the sum not
4 to exceed \$99,540.00, from the parties' joint resources, as her
5 sole and separate property. ELEANOR L. STIDHAM should also be
6 awarded \$1,243.50 from the Ward's income to fully fund her
7 spousal monthly maintenance needs allowance.

8 9. That the separate assets and income of ELEANOR L.
9 STIDHAM should not be deemed as available for the costs of the
10 necessities of life and medical needs of VIRGIL O. STIDHAM.

11 10. That the at-home spouse's Minimum Monthly Maintenance
12 Needs Allowance be adjusted to the Federal Maximum allowed by law
13 on an annual basis and, to accomplish this, the at-home spouse
14 shall automatically receive any cost of living increase in her
15 own income and, if necessary, that portion of the Ward's income
16 necessary to effectuate said increase.

17 11. That the Court order this case to be treated as a
18 summary guardianship and dispense with annual accountings, as all
19 of the Ward's income not set aside to the community spouse will
20 be utilized for his care.

21 12. That the Guardian be authorized to execute a Medicaid
22 Qualified Income Trust on behalf of the Ward, if necessary, and
23 that ELEANOR L. STIDHAM be authorized to act and serve as Trustee
24 of said Trust.

25 13. That the appointment of ELEANOR L. STIDHAM as sole
26 Successor Trustee of the STIDHAM FAMILY TRUST, dated July 15,
27 2004, should be confirmed, and as such Successor Trustee she
28 should be authorized to access any of the accounts held in said



1 Trust. Further, that the execution of a Quitclaim Deed by
2 ELEANOR L. STIDHAM, as Sole Successor Trustee of THE VIRGIL &
3 ELEANOR STIDHAM TRUST, dated July 15, 2004, conveying the
4 parties' residence located at 2848 Vicky Lane, Minden, Nevada,
5 and more particularly described as follows:

6 Lot 1, as shown on the official map of COCHRAN ESTATES
7 UNIT NO. 1, filed in the office of the Douglas County
8 Recorder, State of Nevada, on December 23, 1970, as
9 File No. 50690.

10 APN: 1420-28-410-017

11 out of the Trust and to the Ward, VIRGIL O. STIDHAM, and ELEANOR
12 L. STIDHAM, as community property, should be ratified and
13 confirmed. Further, that the Permanent Guardian be authorized to
14 execute a deed pertaining to VIRGIL O. STIDHAM's interest
15 pursuant to N.R.S. 111.109 in favor of his wife, ELEANOR L.
16 STIDHAM.

17 THEREFORE, based upon the foregoing, IT IS HEREBY
18 ORDERED as follows:

19 1. That ELEANOR L. STIDHAM is appointed Permanent Guardian
20 of the Person and Estate of VIRGIL O. STIDHAM.

21 2. That the Guardian, ELEANOR L. STIDHAM, having the
22 posting of a bond waived, the Clerk of the Court shall issue
23 Letters of Permanent Guardianship to ELEANOR L. STIDHAM as
24 Permanent Guardian of the Person and Estate of VIRGIL O. STIDHAM.

25 3. That the Ward's spouse, ELEANOR L. STIDHAM, is awarded
26 a spousal monthly maintenance needs allowance of \$2,212.00, or in
27 a sum not to exceed \$2,488.50 per month, as her sole and separate
28 property.

29 4. That the community spouse, ELEANOR L. STIDHAM, is



1 awarded her monthly income and \$1,243.50 per month of the Ward's
2 income, to help meet her spousal monthly maintenance needs
3 allowance. Additionally, the Court awards to the community
4 spouse resources in a sum not to exceed \$99,540.00, from the
5 parties' joint resources, as a spousal resource allowance, as her
6 sole and separate property.

7 5. IT IS FURTHER ORDERED that the properties set aside in
8 this Order for the monthly spousal support allowance are exempt
9 from being deemed as a resource that is available for the current
10 care of VIRGIL O. STIDHAM.

11 6. The Guardian is hereby authorized to remove the name of
12 the Ward from the following resources set aside to fund ELEANOR

13 L. STIDHAM's spousal resource allowance:

| | | |
|----|--|-------------|
| 14 | 1. Wells Fargo Bank, Checking Account No. 000-3981024 | \$ 3,213.45 |
| 15 | | |
| 16 | 2. Lincoln Benefit Life, Annuity #LBLA106383 | 2,804.67 |
| 17 | | |
| 18 | 3. Citibank, Savings Account No. 8930051571 | 2,975.81 |
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| | | |
| | 10. Prudential Life Insurance Policy No. 32686966 | 3,530.38 |



1 Total Joint Resources \$ 98,151.94

2 7. The Guardian is hereby authorized to request any bank,
3 savings and loan institution, brokerage house, insurance company
4 or stock transfer agent to remove the name of the Ward from the
5 property set aside for the spousal resource allowance.

6 8. That the at-home spouse is authorized to adjust the
7 Minimum Monthly Maintenance Needs Allowance to the Federal
8 Maximum allowed by law on an annual basis and, to accomplish
9 this, the at-home spouse shall automatically receive any cost of
10 living increase in her own income and, if necessary, that portion
11 of the Ward's income necessary to effectuate said increase.

12 9. That this Guardianship is to be treated as a summary
13 guardianship and dispense with all annual accountings, as all of
14 the Ward's income not set aside to the community spouse will be
15 utilized for his care.

16 10. That the Guardian is authorized to execute a Medicaid
17 Qualified Income Trust (QIT) on behalf of the Ward, if necessary,
18 and that ELEANOR L. STIDHAM is authorized to act and serve as
19 Trustee of said Trust.

20 11. That the appointment of ELEANOR L. STIDHAM as sole
21 Successor Trustee of the STIDHAM FAMILY TRUST, dated July 15,
22 2004, is hereby confirmed, and as such Successor Trustee ELEANOR
23 L. STIDHAM is authorized to access any of the accounts held in
24 said Trust. Further, that the execution of a Quitclaim Deed by
25 ELEANOR L. STIDHAM, as Sole Successor Trustee of THE VIRGIL &
26 ELEANOR STIDHAM TRUST, dated July 15, 2004, conveying the
27 parties' residence located at 2848 Vicky Lane, Minden, Nevada,
28 and more particularly described as follows:



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Lot 1, as shown on the official map of COCHRAN ESTATES UNIT NO. 1, filed in the office of the Douglas County Recorder, State of Nevada, on December 23, 1970, as File No. 50690.

APN: 1420-28-410-017

out of the Trust and to the Ward, VIRGIL O. STIDHAM, and ELEANOR L. STIDHAM, as community property, is hereby ratified and confirmed. Further, that the Permanent Guardian, pursuant to N.R.S. 111.109, is authorized to execute a deed as to VIRGIL O. STIDHAM's interest, which upon his demise will vest the property in the name of ELEANOR L. STIDHAM.

DATED this 27 day of Feb., 2006.

Mulal A. Nijm

DISTRICT JUDGE

SEAL

CERTIFIED COPY

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 5/17/06

ALAN GLOVER, City Clerk and Clerk of the First Judicial District Court and the State of Nevada in and for Carson City

By *Alan Glover* Deputy

