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OFFICIAL RECORD
Requested By:
HENRY W CAVALLERA

A.P.N. _____

Recording Requested by:

Henry W. Cavallera, Esq.

410 California Avenue

Reno, Nevada 89509

Douglas County - NV
Werner Christen - Recorder

Page: 1 of 5 Fee: 18.00
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Order Continuing Temporary Guardianship
Pending Hearing on Permanent Guardianship
(Title of Document)

This page added to provide additional information required by NRS 111.312 Section 1-2

1 Case No. 06-PB-0095
2 Dept. No. I

DOUGLAS COUNTY
DISTRICT COURT CLERK

2006 AUG 29 PM 1:49

BK. WILFERT

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

8 * * * * *

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

ORDER CONTINUING TEMPORARY
GUARDIANSHIP PENDING HEARING
ON PERMANENT GUARDIANSHIP

11 LILLIAN F. WITT,

12 An Adult Ward. /

13 THIS MATTER came before the Court upon the verified Petition
14 of RUDOLPH H. WITT, by and through his attorney, HENRY W.
15 CAVALLERA, ESQ. of Reno, Nevada, for a Temporary Guardianship and
16 temporary award of a spousal resource allowance and of a monthly
17 spousal needs allowance pursuant to 42 U.S.C. Section 1396 r-5
18 (f) (2) (A) (iv) and (f) (3), 42 U.S.C. §1396r-5(d) (5) and for
19 support pursuant to NRS 159.083.2. The Court having considered
20 the Petition and the Exhibits thereto finds as follows:

21 1. The Ward is at immediate risk of harm to herself if not
22 continued in a care facility and is incapable of managing her
23 financial affairs and making those decisions necessary for her
24 care, treatment and well-being.

25 2. The Ward has an estate consisting of her one-half
26 interest in the following:

- 27 1. US Bank, Checking Account No. 1-537-0046-9510 \$12,962.25
28

| | | | |
|----|----|---|-------------|
| 1 | 2. | US Bank, Money Market Account No. 1-537-0047-2381 | 8,017.79 |
| 2 | | | |
| 3 | 3. | Piper Jaffray, IRA Account No. 87189-9594 | 65,626.29 |
| 4 | 4. | Savings Bonds | 3,000.00 |
| 5 | 5. | 1989 Ford Taurus VIN 1FABP574OKG288970 | 1,000.00 |
| 6 | | | |
| 7 | 6. | 1993 Ford Taurus (no engine) VIN 1FACP5242PG178845 | 200.00 |
| 8 | 7. | 1986 Ford Ranger VIN 1FTBR10A6GUA77455 | 600.00 |
| 9 | | | |
| 10 | | Total Joint Resources | \$91,406.33 |

11 The Ward's income is \$1,364.50, consisting of \$1,026.00 from
12 Social Security benefits, \$250.00 from Litton Retirement, and
13 \$88.50 in Medicare premium. The Ward's spouse's income is
14 \$1,802.50, consisting of \$1,354.00 from Social Security benefits,
15 \$360.00 from his Individual Retirement Account, and \$88.50 in
16 Medicare premium.

17 3. It is in the Ward's best interest that the appointment
18 of RUDOLPH H. WITT as Temporary Guardian of the Person and Estate
19 of LILLIAN F. WITT, heretofore made on the 22nd day of August,
20 2006, by this Court, be continued in full force and effect
21 pending the hearing on the appointment of a permanent Guardian of
22 the Person and Estate of LILLIAN F. WITT, which is scheduled to
23 be heard on the 26th day of September, 2006.

24 4. It is in the best interest of the Ward and his spouse
25 that the Court temporarily award to the community spouse
26 resources to provide him with a spousal minimum monthly
27 maintenance needs allowance in a sum of \$2,488.50 per month. To
28 fund the spousal minimum monthly maintenance needs allowance

1 RUDOLPH H. WITT should be temporarily awarded \$686.00 per month
2 from the Ward's fixed income and his monthly fixed income as his
3 sole and separate property. Also, he is awarded the sum of
4 \$91,406.33, or in a sum not to exceed \$99,540.00, of the medicaid
5 non-exempt resources as a spousal resource allowance.

6 6. That RUDOLPH H. WITT, be authorized to serve as sole
7 successor Trustee of THE WITT FAMILY TRUST, date August 17, 1993,
8 and as said successor Trustee, be authorized to access any of the
9 accounts held in said Trust.

10 THEREFORE, based upon the foregoing, IT IS HEREBY ORDERED as
11 follows:

12 1. That RUDOLPH H. WITT is to continue as the Temporary
13 Guardian of LILLIAN F. WITT, pending a hearing on the Petition
14 for RUDOLPH H. WITT to be appointed as the permanent Guardian of
15 LILLIAN F. WITT, which is set to be heard by the Court on the
16 26th day of September, 2006 at 1:30 p.m.

17 2. That the Guardian, RUDOLPH H. WITT, having the bond
18 waived, the Clerk of the Court should issue Letters of Temporary
19 Guardianship to RUDOLPH H. WITT, appointing him as the Temporary
20 Guardian of the Person and Estate of LILLIAN F. WITT. Said
21 Letters of Temporary Guardianship are in full force and effect
22 pending the hearing on the Petition for Appointment of a
23 Permanent Guardian of the Person and Estate of LILLIAN F. WITT.

24 3. That the Community Spouse, RUDOLPH H. WITT, is awarded
25 a spousal minimum monthly maintenance needs allowance in the sum
26 of \$2,488.50 per month. To fund the monthly support of RUDOLPH
27 H. WITT is awarded his own monthly income in the approximate sum
28 of \$1,802.50 and \$686.00 per month from LILLIAN F. WITT's income.

1 To fully fund his spousal monthly support, RUDOLPH H. WITT is
2 also awarded resources in the sum of \$91,406.33, or in a sum not
3 to exceed \$99,540.00.

4 4. That RUDOLPH H. WITT'S interest in the properties set
5 aside in this order for the spousal resource allowance and the
6 separate assets and income of the community spouse are not to be
7 deemed as available for the costs of LILLIAN F. WITT's medical
8 and nursing home care.

9 5. That RUDOLPH H. WITT, is authorized to serve as sole
10 successor Trustee of THE WITT FAMILY TRUST, dated August 17,
11 1993, and as said successor Trustee, is authorized to access any
12 of the accounts held in said Trust.

13 DATED this 29 day of August, 2006.

14 

DISTRICT JUDGE

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21 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.

22
23 DATE: 8/29/06
24 B. Reed Clerk of the 9th Judicial District Court
of the State of Nevada, sitting for the County of Douglas,
25 By K. Willett Deputy

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