

Douglas County - NV
Werner Christen - Recorder
Page: 1 Of 6 Fee: 19.00
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A.P.N. _____

Recording Requested by:

✓ Henry W. Cavallera, Esq.

410 California Avenue

Reno, Nevada 89509

Order Appointing Temporary Guardian
of the Person and Estate and Order
to Show Cause.

(Title of Document)

9-14

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ROBERT L. SMITH, JR.

BY *M. J. Smith*
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IN THE FAMILY DIVISION
IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

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IN THE MATTER OF THE
GUARDIANSHIP OF
MARILYN D. WELLS,
An Adult Ward.

Case No. GRO4 00341
Dept. No. 2

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ORDER APPOINTING TEMPORARY GUARDIAN OF THE PERSON
AND ESTATE AND ORDER TO SHOW CAUSE

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THIS MATTER came before the Court upon the Petition of DAVID L. WELLS, by and through his attorney, HENRY W. CAVALLERA, ESQ. of Reno, Nevada, for a Temporary Guardianship of the Person and Estate and for an Order allowing Division of Community Assets and Income and for Support and for Instructions. The Court having reviewed the Petition and the Exhibits thereto finds as follows:

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1. The proposed Ward is incapable of managing her financial affairs and making those decisions necessary for her care, treatment and well-being.

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2. The Ward has an estate consisting of her interest in the following:

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- 1. Bank of America, Checking
Account No. 0002 9009 6593 \$ 2,054.23
- 2. Edward Jones, Investment
Account No. 892-02772-1-0 373.00



1 Temporary Guardianship should not be extended by the Court until
2 the date of the hearing upon the Petition for Appointment of a
3 Permanent Guardian of the Person and Estate of MARILYN D. WELLS.

4 9. This Order for Temporary Guardianship will lapse on the
5 date set for hearing to continue Guardianship unless otherwise
6 extended by the Court on said date.

7 DATED this 31st day of August, 2004.

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DISTRICT JUDGE

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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: SEP 14 2006
RONALD A. LONGENE, JR., Clerk of the Second Judicial District Court, in and for the County of Washoe, State of Nevada

- 5 - By  Deputy

1 resources in a sum of \$92,760.00, or the maximum resource
2 allowance determined by the federal government in the month that
3 Medicaid is applied for on behalf of MARILYN D. WELLS, as his
4 sole and separate property.

5 4. That DAVID L. WELLS's interest of the income and
6 resources of the parties are not to be deemed as currently
7 available for the costs of MARILYN D. WELLS's medical and nursing
8 home care.

9 5. That DAVID L. WELLS, is appointed as sole successor
10 Trustee of The Wells Family Trust, dated November 9, 1994, and as
11 said successor Trustee, is authorized to access any of the
12 accounts held in said Trust.

13 6. That DAVID L. WELLS, as Sole Successor Trustee of The
14 Wells Family Trust, dated November 9, 1994, is authorized and
15 directed to execute a deed conveying the parties' residence
16 located at 1645 Zaldia Drive, Minden, Nevada, and more
17 particularly described as follows:

18 Lot 3, in Block C, as set forth on the Final Map of
19 MACKLAND UNIT NO. 2 "PHASE A", filed in the Office of
20 the County Recorder of Douglas County, State of Nevada,
on August 21, 1989, in Book 889, Page 2804, Douglas
County, Nevada, as Document No. 209038.

21 APN: 25-456-05

22 7. That DAVID L. WELLS is authorized to set up a reserve
23 account for the Ward not to exceed \$2,000 and also to set up a
24 burial account, at his discetion, not to exceed \$1,500.

25 8. IT IS FURTHER ORDERED that unless excused from
26 attendance by order of this Court, the Ward, MARILYN D. WELLS, is
27 to appear before the Court at the time set forth in paragraph 1.
28 above, to show cause, if any she may have, as to why this



1 Minden, Nevada, and more particularly described as follows:

2 Lot 3, in Block C, as set forth on the Final Map of
3 MACKLAND UNIT NO. 2 "PHASE A", filed in the Office of
4 the County Recorder of Douglas County, State of Nevada,
5 on August 21, 1989, in Book 889, Page 2804, Douglas
6 County, Nevada, as Document No. 209038.

7 APN: 25-456-05

8 owned under The Wells Family Trust, dated November 9, 1994, out
9 of the Trust and to the Ward and his spouse as community
10 property.

11 7. That DAVID L. WELLS should be authorized to set up a
12 reserve account for the Ward not to exceed \$2,000, and also at
13 his discretion, to set up a burial account not to exceed \$1,500.

14 THEREFORE, based upon the foregoing, IT IS HEREBY ORDERED as
15 follows:

16 1. That DAVID L. WELLS is hereby appointed as the
17 Temporary Guardian of the Person and Estate of MARILYN D. WELLS,
18 pending a hearing to be held on the 14 day of Sept,
19 2004, at 9:00 o'clock a.m., to determine if said Temporary
20 Guardianship of the Person and Estate should continue pending a
21 hearing upon the Petition of DAVID L. WELLS to be appointed as
22 the Permanent Guardian of the Person and Estate of MARILYN D.
23 WELLS.

24 2. That upon the Temporary Guardian, DAVID L. WELLS,
25 posting a bond in the sum of \$ 0, the Clerk of the Court
26 shall issue Letters of Temporary Guardianship of the Person and
27 Estate to DAVID L. WELLS, appointing him as the Temporary
28 Guardian of the Person and Estate of MARILYN D. WELLS.

3. The Community Spouse, DAVID L. WELLS, is temporarily
awarded his monthly fixed income of \$2,958.39 per month and



1 3. Edward Jones, IRA
2 Account No. 892-90334-1-6 91,535.00
3 Total Joint Resources \$93,962.23

4 The proposed Ward's income is \$659.92, consisting of \$455.60
5 from Social Security benefits, and \$57.92 from Hotel and
6 Restaurant Employees Retirement, and \$66.60 in Medicare premium.
7 The proposed Ward's spouse's income is \$2,958.39, consisting of
8 \$966.40 from Social Security benefits, \$1,757.39 per month from
9 MetLife Pension, and \$66.60 in Medicare premium.

10 3. It is in the Ward's best interest that a Temporary
11 Guardian of the Person and Estate of MARILYN D. WELLS be
12 appointed.

13 4. It is in the best interest of the proposed Ward and her
14 spouse that the Court temporarily award to the community spouse
15 his monthly fixed income and set aside a sum of \$92,760.00, or
16 the maximum resource allowance determined by the federal
17 government in the month that Medicaid is applied for on behalf of
18 MARILYN D. WELLS, as a spousal resource allowance.

19 5. That the separate assets and income of DAVID L. WELLS
20 should not be deemed as currently available for the costs of the
21 necessities of life or medical needs of MARILYN D. WELLS.

22 6. That DAVID L. WELLS should be authorized to serve as
23 sole successor Trustee of The Wells Family Trust, dated November
24 9, 1994, and as said successor Trustee, be authorized to access
25 any of the accounts held in said Trust. Further, that DAVID L.
26 WELLS, as Sole Successor Trustee of The Wells Family Trust, dated
27 November 9, 1994, be authorized and directed to execute a deed
28 conveying the parties' residence located at 1645 Zaldia Drive,

