

A.P.N. 1420-33-310-014

Recording Requested by:

Henry W. Cavallera, Esq.

410 California Avenue

Reno, Nevada 89509

Douglas County - NV
Werner Christen - Recorder
Page: 1 of 7 Fee: 20.00
BK-0107 PG- 7485 RPTT: 0.00



Order Appointing Permanent Guardian of the Person and
Estate and for Division of Community Assets and Income
(Title of Document)

I, the undersigned, hereby affirm that this document submitted for recording
does not contain the social security number of any person or persons (Per NRS
239B.030)

Amy L. Rosenlund
Signature

Amy L. Rosenlund
Printed Name

An Employee of HENRY W. CAVALLERA

1 Case No. 06-PB-00107
2 Dept. No. I

FILED
2006 OCT 31 PM 1:35
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CLERK
BY K. WILFERT DEPUTY

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DOUGLAS COUNTY
DISTRICT COURT CLERK

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

11 JOLENE M. DAVIS,

12 An Adult Ward. /

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

- 18 1. The Ward was served with notice of the hearing as
- 19 required by law.
- 20 2. The Ward is of limited capacity and is unable to manage
- 21 her financial affairs and obtain related services from local,
- 22 state and federal agencies.
- 23 3. It is in the Ward's best interest that a Permanent
- 24 Guardian of the Person and Estate be appointed.
- 25 4. The Guardian, DARYL B. DAVIS's mailing address is 2677
- 26 Wildhorse Lane, Minden, Nevada 89423. His telephone number is
- 27 (775) 267-5566.
- 28 5. The Guardian's attorney, HENRY W. CAVALLERA, ESQ., has

1 an office located at 410 California Avenue, Reno, Nevada 89509.
2 MR. CAVALLERA's telephone number is (775) 329-7102.

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

5	1. Prudential Financial Life Insurance	
6	Policy No. R7123124	24,139.09
7	2. Bank of America, Checking	
8	Account No. 0002 9009 [REDACTED]	9,221.20
9	3. Bank of America, IRA	
10	Account No. XXX-XX-8890-000001	6,018.39
11	4. Bank of America, IRA	
12	Account No. XXX-XX-0554-000001	3,691.15
13	5. Edward Jones	
14	Account No. 892-02899-1-8	125,637.23
15	6. 1966 Replica Kit Car Cobra Roadster	40,000.00
16	7. 1996 GMC Yukon	11,000.00
17	8. 1995 GMC Pickup	12,000.00
18	9. 1997 Ford Classic Motorhome	25,000.00
19	Total Joint Resources	\$256,707.06

20 The Ward's monthly fixed income is \$358.60 from Pension
21 Income. The Ward's spouse's monthly income is \$3,362.86,
22 consisting of \$1,271.00 from Social Security benefits, \$2,003.36
23 from a Pension, and \$88.50 in a Medicare premium.

24 7. That the Ward's spouse, DARYL B. DAVIS, should be
25 awarded all of his monthly fixed income in the sum of \$3,362.86,
26 which should be adjusted annually with any cost of living
27 increase.

28 8. That the Court should set aside to DARYL B. DAVIS, a
spousal resource allowance in a sum of \$99,540.00, the federal
maximum allowed by law, or the maximum resource allowance

1 determined by the federal government in the month that Medicaid
2 is applied for on behalf of JOLENE M. DAVIS, from the parties
3 joint resources.

4 9. That the separate assets and income of DARYL B. DAVIS
5 should not be deemed as available for the costs of the
6 necessities of life and medical needs of JOLENE M. DAVIS.

7 10. The Guardian should be directed to execute a Medicaid
8 Qualified Income Trust on behalf of the Ward, if necessary, to
9 obtain such benefits for JOLENE M. DAVIS.

10 11. That the Court issue an Order directing the Temporary
11 or Permanent Guardian to establish a burial fund for the Ward in
12 a sum up to ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00).

13 12. That the Court issue an Order directing the Guardian to
14 establish and/or maintain a reserve account on behalf of the Ward
15 with a balance of up to TWO THOUSAND DOLLARS (\$2,000.00).

16 13. That the Permanent Guardian be authorized to deed the
17 residence located at 2677 Wildhorse Lane, Minden, Nevada, and
18 more particularly described as follows:

19 Lot 174 in Block C, as set forth on FINAL MAP OF
20 WILDHORSE, UNIT 5, a Planned Unit Development filed for
21 record in the office of the County Recorder of Douglas
22 County State of Nevada on January 27, 1993, in Book
23 193, Page 3866 as Document No. 298258, of Official
24 Records of Douglas County, Nevada.

25 into the names of DARYL B. DAVIS and JOLENE M. DAVIS as tenants
26 in common. Further, that the Court authorize the Permanent
27 Guardian, pursuant to N.R.S. 111.109, to execute a deed as to
28 JOLENE M. DAVIS's interest, which upon her demise will vest the
property in the name of her spouse, DARYL B. DAVIS.

14. The Court should retain jurisdiction to modify the

1 support provided to Mr. DAVIS as may be required by Nevada's
2 implementation of Pub.L. No. 109-171.

3 15. That the Permanent Guardian be authorized to placed the
4 proposed Ward in a facility out of state in the future if it is
5 deemed in her best interest by her treating physician.

6 THEREFORE, based upon the foregoing, IT IS HEREBY ORDERED as
7 follows:

8 1. That DARYL B. DAVIS is appointed Permanent Guardian of
9 the Person and Estate of JOLENE M. DAVIS.

10 2. That the Guardian, DARYL B. DAVIS, having the posting
11 of a bond waived, the Clerk of the Court shall issue Letters of
12 Permanent Guardianship to DARYL B. DAVIS as Permanent Guardian of
13 the Person and Estate of JOLENE M. DAVIS.

14 3. That the community spouse, DARYL B. DAVIS, is awarded
15 all of his monthly income, which should be adjusted annually with
16 any cost of living increase, pursuant to the Federal Medicaid law
17 for his ongoing support.

18 4. That the Community Spouse, DARYL B. DAVIS, is awarded
19 the sum of \$61,184.10, or in a sum up to \$99,540.00, or the
20 maximum resource allowance determined by the federal government
21 in the month that Medicaid is applied for on behalf of JOLENE M.
22 DAVIS, as a spousal resource allowance.

23 5. IT IS FURTHER ORDERED that the separate assets and
24 income of DARYL B. DAVIS are not to be deemed as available for
25 the costs of the necessities of life and medical needs of JOLENE
26 M. DAVIS.

27 6. The Guardian is hereby authorized to remove the name of
28 the Ward from the following resources set aside for his spousal

1 resource allowance:

2	1. Prudential Financial Life Insurance	
3	Policy No. R7123124	24,139.09
4	2. Bank of America, Checking	
5	Account No. 0002 9009 [REDACTED]	9,221.20
6	3. Bank of America, IRA	
7	Account No. XXX-XX-8890-000001	6,018.39
8	4. Bank of America, IRA	
9	Account No. XXX-XX-0554-000001	3,691.15
10	5. Edward Jones	
11	Account No. 892-02899-1-8	125,637.23
12	6. 1966 Replica Kit Car Cobra Roadster	40,000.00
13	7. 1996 GMC Yukon	11,000.00
14	8. 1995 GMC Pickup	12,000.00
15	9. 1997 Ford Classic Motorhome	25,000.00
16	Total Joint Resources	\$256,707.06

17 7. The Guardian is hereby authorized to request any bank,
18 savings and loan institution, brokerage house, insurance company
19 or stock transfer agent to remove the name of the Ward from the
20 property set aside to fund the monthly spousal support allowance.

21 8. The Guardian is authorized and directed to execute a
22 Medicaid Qualified Income Trust on behalf of the Ward, if
23 necessary, to obtain such benefits for JOLENE M. DAVIS.

24 9. That the Permanent Guardian is authorized to establish
25 a burial fund for the Ward in a sum up to ONE THOUSAND FIVE
26 HUNDRED DOLLARS (\$1,500.00).

27 10. That the Permanent Guardian is authorized to establish
28 and/or maintain a reserve account on behalf of the Ward with a
balance of up to TWO THOUSAND DOLLARS (\$2,000.00).

11. That the Permanent Guardian is authorized to execute a



1 deed conveying the residence located at 2677 Wildhorse Lane,
2 Minden, Nevada, and more particularly described as follows:

3 Lot 174 in Block C, as set forth on FINAL MAP OF
4 WILDHORSE, UNIT 5, a Planned Unit Development filed for
5 record in the office of the County Recorder of Douglas
6 County State of Nevada on January 27, 1993, in Book
7 193, Page 3866 as Document No. 298258, of Official
8 Records of Douglas County, Nevada.

9 into the names of DARYL B. DAVIS and JOLENE M. DAVIS as tenants
10 in common. Further, the Permanent Guardian is authorized,
11 pursuant to N.R.S. 111.109, to execute a deed as to JOLENE M.
12 DAVIS's interest, which upon her demise will vest the property in
13 the name of her spouse, DARYL B. DAVIS.

14 12. This Court retains jurisdiction to modify the
15 support provided to DARYL B. DAVIS.

16 13. That the Permanent Guardian is authorized to placed the
17 Ward in a facility out of state in the future if it is deemed in
18 her best interest by her treating physician.

19 14. That within sixty (60) days of this Order the Guardian
20 shall file an inventory of the Ward's assets.

21 15. That within sixty days of the anniversary of this
22 Order, the Guardian shall file an accounting of the income and
23 expenditures of the Ward's estate, and a report on the condition
24 of the Ward.

25 DATED this 31 day of October, 2006.

SEAL

CERTIFIED COPY

26 The document to which this certificate is attached is a
27 full, true and correct copy of the original on file and of
record in my office.

DATE: 1/18/07
Barbara J. Griffin, Clerk of the 9th Judicial District Court
of the State of Nevada, In and for the County of Douglas,

By [Signature] Deputy

[Signature]
DISTRICT JUDGE

SEAL

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