

A.P.N. ~~0000-25-692-100~~

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Recording Requested by:

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410 California Avenue, Suite 100

Reno, Nevada 89509

Douglas County - NV
Karen Ellison - Recorder
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**Order Appointing Permanent Co-Guardians of the Person and Estate and
for Division of Community Assets and Income**

(Title of Document)

1 Case No. 10-PB-0063
2 Dept. No. II

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KBWILFERT DEPUTY

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
11 PERSON AND ESTATE OF
12 MARJORIE L. COVERT,
An Adult.

ORDER APPOINTING PERMANENT
CO-GUARDIANS OF THE PERSON AND
ESTATE AND FOR DIVISION OF
COMMUNITY ASSETS AND INCOME

13 THIS MATTER came before the Court on the 26th day of July,
14 2010, upon the verified Petition of ALBERT E. COVERT, by and
15 through his attorney, HENRY W. CAVALLERA, ESQ. The Court having
16 received the evidence finds as follows:

- 17 1. The Ward was served with notice of the hearing as
- 18 required by law.
- 19 2. The Ward is of limited capacity and is unable to manage
- 20 her financial affairs and obtain related services from local,
- 21 state and federal agencies.
- 22 3. It is in the Ward's best interest that Co-Guardians of
- 23 the Person and Estate be appointed.
- 24 4. The Co-Guardian, ALBERT E. COVERT's mailing address is
- 25 1147 Wisteria Drive, Minden, NV 89423. His telephone number is
- 26 (775) 782-6721. The Co-Guardian, NAN FERLISI's mailing address
- 27 is 2679 Vicky Lane, Minden, NV 89423. Her telephone number is
- 28 (775) 266-9373.

1 5. The Co-Guardians' attorney, HENRY W. CAVALLERA, ESQ.,
2 has an office located at 410 California Avenue, Suite 100, Reno,
3 Nevada 89509. MR. CAVALLERA's telephone number is (775) 329-
4 7102.

5 6. The Ward has an estate consisting of her one-half
6 interest in the following joint medicaid non-exempt assets:

7 1. Bank of America, Checking #5083	\$ 7,225.68
8 2. Bank of America, Savings #9183	1,127.41
9 3. Bank of America, CD #7335	1,160.79
10 4. Bank of America, CD #7424	52,170.19
11 5. Bank of America, CD #3667	6,744.48
12 6. Hartford, #4560	46,720.85
13 7. Aviva Life & Annuity #3818	17,689.35
14 8. Aviva Life & Annuity #3819	30,897.12
15 9. 1997 Cadillac	4,000.00
16 Total Joint Resources	\$167,735.87

17 The Ward's income is \$620.50, consisting of \$478.90 from
18 Social Security benefits, \$45.10 in Medicare Part D premium, and
19 \$96.50 in Medicare premium. The Ward's spouse's income is
20 \$1,349.50, consisting of \$1,223.70 from Social Security benefits,
21 \$29.30 in Medicare Part D premium, and \$96.50 in Medicare
22 premium.

23 7. That it is in the best interests of MARJORIE L. COVERT
24 and ALBERT E. COVERT that the Court set aside to the community
25 spouse as his sole and separate property a spousal minimum
26 monthly maintenance needs allowance of \$1,935.00, or in a sum not
27 to exceed \$2,739.00 per month, the federal maximum, and to fund
28 such allowance he should be awarded his own monthly fixed income

1 of \$1,349.50, and a sum up to \$585.50 of his spouse's income.
2 Prior to any disbursements to the community spouse, the Ward is
3 to receive a personal needs allowance of \$35.00 per month.
4 Further, ALBERT E. COVERT should be awarded a spousal resource
5 allowance in the sum of \$109,560.00, from the parties' joint
6 resources.

7 8. That the separate assets and income of ALBERT E. COVERT
8 should not be deemed as available for the costs of the
9 necessities of life and medical needs of MARJORIE L. COVERT.

10 9. The Guardian should be directed to execute a Medicaid
11 Qualified Income Trust on behalf of the Ward, if necessary, to
12 obtain such benefits for MARJORIE L. COVERT.

13 10. That ALBERT E. COVERT and NAN FERLISI, as Permanent Co-
14 Guardians of MARJORIE L. COVERT, should be authorized to abandon
15 and revoke the homestead currently on the parties' residence
16 located at 1147 Wisteria Drive, Minden, Douglas County, Nevada,
17 and more particularly described as follows:

18 Lot 278, as set forth on the Official Plat of Winhaven
19 Unit No. 3, a Planned Unit Development filed for record
20 in the office of the County Recorder of Douglas County,
State of Nevada, on December 18, 1992, as Document No.
295672.

21 Assessment Parcel No. 25-692-10

22 11. That ALBERT E. COVERT, should be appointed to serve as
23 sole successor Trustee of THE COVERT JOINT LIVING TRUST, dated
24 March 3, 1997, and as such successor Trustee, authorizing him to
25 access any of the accounts held in said Trust. Further, that
26 ALBERT E. COVERT, as Sole Successor Trustee of THE COVERT JOINT
27 LIVING TRUST, dated March 3, 1997, should be authorized and
28 directed to execute a deed conveying the parties' residence

1 located at 1147 Wisteria Drive, Minden, Douglas County, Nevada,
2 and more particularly described as follows:

3 Lot 278, as set forth on the Official Plat of Winhaven
4 Unit No. 3, a Planned Unit Development filed for record
5 in the office of the County Recorder of Douglas County,
6 State of Nevada, on December 18, 1992, as Document No.
7 295672.

8 Assessment Parcel No. 25-692-10
9 owned by the Trustees of THE COVERT JOINT LIVING TRUST, dated
10 March 3, 1997, out of the Trust and to the Ward and his spouse as
11 community property without survivorship, and that the Co-
12 Guardians be authorized to execute a deed pertaining to MARJORIE
13 L. COVERT's interest pursuant to N.R.S. 111.109 in favor of her
14 husband, ALBERT E. COVERT.

15 12. That the Permanent Co-Guardians of the Person should be
16 authorized to make all placement decisions on behalf of the Ward
17 including placement in the Senior Bridges program or other
18 appropriate facility, so long as it is consistent with advice of
19 the Ward's treating physician or a geriatric care manager.

20 THEREFORE, based upon the foregoing, IT IS HEREBY ORDERED as
21 follows:

22 1. That ALBERT E. COVERT and NAN FERLISI are appointed
23 Permanent Co-Guardians of the Person and Estate of MARJORIE L.
24 COVERT.

25 2. That the Co-Guardians, ALBERT E. COVERT and NAN
26 FERLISI, having the posting of a bond waived, the Clerk of the
27 Court shall issue Letters of Permanent Co-Guardianship to ALBERT
28 E. COVERT and NAN FERLISI as Co-Guardians of the Person and
Estate of MARJORIE L. COVERT.

3. That the community spouse, ALBERT E. COVERT, is awarded

1 as his sole and separate property a spousal minimum monthly
2 maintenance needs allowance of \$1,935.00, or in a sum not to
3 exceed \$2,739.00 per month, the federal maximum. To fund such
4 allowance ALBERT E. COVERT is awarded his own monthly fixed
5 income of \$1,349.50, and a sum up to \$585.50 of his spouse's
6 income. Prior to any disbursements to the community spouse, the
7 Ward is to receive a personal needs allowance of \$35.00 per
8 month. Additionally, the Court awards to the community spouse
9 resources in an amount of \$99,062.26, or in a sum not to exceed
10 \$109,560.00, from the parties' joint resources, as a spousal
11 resource allowance, as his sole and separate property.

12 4. IT IS FURTHER ORDERED that the separate assets and
13 income of ALBERT E. COVERT are not to be deemed as available for
14 the costs of the necessities of life and medical needs of
15 MARJORIE L. COVERT.

16 5. The Co-Guardians are hereby authorized to remove the
17 name of the Ward from the following resources set aside for
18 ALBERT E. COVERT's spousal resource allowance:

19	1. Bank of America, Checking #5083	\$ 7,225.68
20	2. Bank of America, Savings #9183	1,127.41
21	3. Bank of America, CD #7335	1,160.79
22	4. Bank of America, CD #7424	52,170.19
23	5. Bank of America, CD #3667	6,744.48
24	6. Hartford, #4560	46,720.85
25	7. Aviva Life & Annuity #3818	17,689.35
26	8. Aviva Life & Annuity #3819	30,897.12
27	9. 1997 Cadillac	4,000.00
28	Total Joint Resources	\$167,735.87

1 6. The Co-Guardians are hereby authorized to request any
2 bank, savings and loan institution, brokerage house, insurance
3 company or stock transfer agent to remove the name of the Ward
4 from the property set aside to fund the monthly spousal support
5 allowance.

6 7. That ALBERT E. COVERT and NAN FERLISI, as Permanent Co-
7 Guardians of MARJORIE L. COVERT, are authorized to abandon and
8 revoke the homestead currently on the parties' residence located
9 at 1147 Wisteria Drive, Minden, Douglas County, Nevada, and more
10 particularly described as follows:

11 Lot 278, as set forth on the Official Plat of Winhaven
12 Unit No. 3, a Planned Unit Development filed for record
13 in the office of the County Recorder of Douglas County,
State of Nevada, on December 18, 1992, as Document No.
295672.

14 Assessment Parcel No. 25-692-10

15 8. That ALBERT E. COVERT, is hereby appointed to serve as
16 sole successor Trustee of THE COVERT JOINT LIVING TRUST, dated
17 March 3, 1997, and as such successor Trustee, is authorized to
18 access any of the accounts held in said Trust.

19 9. That ALBERT E. COVERT, as Sole Successor Trustee of THE
20 COVERT JOINT LIVING TRUST, dated March 3, 1997, is authorized and
21 directed to execute a deed conveying the parties' residence
22 located at 1147 Wisteria Drive, Minden, Douglas County, Nevada,
23 and more particularly described as follows:

24 Lot 278, as set forth on the Official Plat of Winhaven
25 Unit No. 3, a Planned Unit Development filed for record
26 in the office of the County Recorder of Douglas County,
State of Nevada, on December 18, 1992, as Document No.
295672.

27 Assessment Parcel No. 25-692-10

28 owned by the Trustees of THE COVERT JOINT LIVING TRUST, dated

1 March 3, 1997, out of the Trust and to the Ward and ALBERT E.
2 COVERT as community property without survivorship, and that the
3 Co-Guardians are authorized to execute a deed pertaining to
4 MARJORIE L. COVERT's interest pursuant to N.R.S. 111.109 in favor
5 of her husband, ALBERT E. COVERT.

6 10. That the Permanent Co-Guardians of the Person are
7 authorized to make all placement decisions on behalf of the Ward
8 including placement in the Senior Bridges program or other
9 appropriate facility, so long as it is consistent with advice of
10 the Ward's treating physician or a geriatric care manager.

11 11. The Co-Guardians is authorized and directed to execute
12 a Medicaid Qualified Income Trust on behalf of the Ward, if
13 necessary, to obtain such benefits for MARJORIE L. COVERT.

14 12. That within sixty days of the anniversary of this
15 Order, the Guardian shall file a report on condition of the Ward.

16 DATED this 26 day of July, 2010.

Michael P. Gine

DISTRICT JUDGE

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CERTIFIED COPY

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

DATE 9/22/10

TED THРАН Clerk of the 3th Judicial District Court of the State of Nevada, and, for the County of Douglas,

By *[Signature]* Deputy