

OFFICIAL RECORD

Requested By:

HENRY CAVALLERA

Mail Tax Statements and
When Recorded Mail To:

NANETTE K. WAGNER
1054 TYPBO COURT
GARDNERVILLE, NEVADA 89410

Douglas County - NV
Karen Ellison - Recorder

Page: 1 Of 24 Fee: 37.00
BK-1111 PG-3978 RPTT: 0.00



APN: 23-232-09

TRUSTEES CERTIFICATE OF TRUST AND NOTICE OF INCAPACITY OF A
CO-TRUSTEE AND DESIGNATION OF SOLE TRUSTEE

STATE OF NEVADA)
) ss.
)
_____)

The undersigned, NANETTE K. WAGNER, being first duly
sworn states as follows:

THE MELVIN E. WAGNER AND NANETTE K. WAGNER 1987
INTERVIVOS TRUST AGREEMENT was established on the 31st day
of August, 1987.

1. The Trust was established by the following
Trustors:

Names: MELVIN E. WAGNER and NANETTE K. WAGNER

Present Address: 1054 Tybo Court, Gardnerville, Nevada
89410.

2. Pursuant to a psychological and clinical
evaluation signed by Dr. Vuppalapati on August 8, 2011, it
has been determined that MELVIN E. WAGNER lacks the capacity

Initial *AKW*

to execute and understand legal documents and that he needs total help for finances. (See Exhibit 1)

3. On the 11th day of October an Order was entered in the Ninth Judicial District Court of the State of Nevada in and for the County of Douglas in Case No. 11-PB-0087 in which MELVIN E. WAGNER determined by the Court to be incompetent and unable to manage his financial affairs (See Exhibit 2).

4. Article 8, Section 8.01 of the Trust provides that a Trustee's incapacity shall be evidenced by a written certificate or statement of such Trustees's attending physician.

The present acting Trustee is:

Name: NANETTE K. WAGNER

Address: 1054 Tybo Court, Gardnerville, Nevada 89410.

Under the terms of the Trust, the competent original Trustor upon the disability of the other is to serve as sole Trustee. NANETTE K. WAGNER of Gardnerville, Nevada, assumes the appointment as sole Trustee.

5. That the Trustee of said Trust has the following powers.

SEE EXHIBIT 3.

Initial nkW

6. Person or persons dealing with the sole Trustee are expressly exonerated from any duty to inquire and to any further authority or power of the Trustee or to see the application of money or property delivered to the Trustee, the Trustee is not authorized to furnish copies of the Trust to any person except as may be required by order of the court having jurisdiction of the Trust or Trustee, or as required by law, or upon express written permission.

7. That NANETTE K. WAGNER is named sole Trustee to assume the responsibilities of Trustee. The sole Trustee shall have the same powers and duties of the Trustee replaced, but shall not be liable for any acts of the previous Trustee.

8. This Trust is funded and is in full force and effect as of the date of signing of this Affidavit.

9. The Trust is revocable during the life of both Grantors.

10. The current Tax ID Number is available by contacting the Trustee.

11. Assets of the Trust should now be titled as follows:

Initial nk

NANETTE K. WAGNER, Trustee of THE MELVIN E. WAGNER
AND NANETTE K. WAGNER 1987 INTERVIVOS TRUST
AGREEMENT.

12. The Trust has not been revoked or amended in such
a manner as to make any representations contained in this
Certificate incorrect.

13. The signature at the bottom of this Certificate is
that of the currently acting Trustee.

DATED this 16th day of November, 2011.

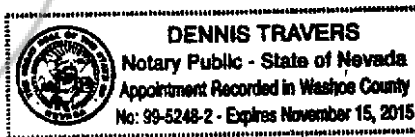
TRUSTEE:

Nanette K. Wagner
NANETTE K. WAGER

STATE OF NEVADA)
) ss.
_____)

On this 16th day of November, 2011, before me, Dennis Travers
Dennis Travers a Notary Public in and for said County and
State, personally appeared NANETTE K. WAGNER, known to me to
be the person who executed the foregoing instrument and who
acknowledged to me that she executed the same.

Dennis Travers
NOTARY PUBLIC in and for said
County and State.



The property is held by Trustee of this Trust and which
is subject to this Certificate of Trust is described as:
SEE EXHIBIT 4, IF ANY

INDEX OF EXHIBITS

1
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<u>Exhibit No.</u>	<u>Description</u>	<u>No. of Pages</u>
1	Doctor's Letter for Mr. Wagner	6
2	Court Order dated October 11, 2011	7
3	Trustee's Powers	5
4	Legal Description	2

HENRY W. CAVALLERA
ATTORNEY AT LAW
410 California Avenue
Reno, Nevada 89509
(775) 329-7102



COPY

Exhibit "1"

Patient Name: Melvin Wagner

PSYCHOLOGICAL & CLINICAL EVALUATION

1. PHYSICAL AND MENTAL CONDITIONS

A. Mental (DSM) Diagnoses: DEMENTIA PROBABLE OF ALZHEIMER TYPE WITH BEHAVIORAL DISTURBANCES

Overall Mental Health: Excellent Good Fair Poor
Overall Mental Health will: Improve Be stable Decline Uncertain

B. Mitigating Factors. Are there mitigating factors (e.g., hearing, vision or speech impairment, bereavement, etc.) that cause the person to appear incapacitated and could improve with time, treatment, or assistive devices? Yes No Uncertain

C. Reversible Causes. Have temporary or reversible causes of mental impairment been evaluated and treated? Yes No Uncertain

D. List all Medications: Flonase, ASA, metoprolol, psychiatric supplements, Trazodone

E. Does mental impairment improve or is mental impairment controllable with medication? Yes No Uncertain

F. Physical Diagnoses: 1. HTN, 2. BPH.

Overall Physical Health: Excellent Good Fair Poor
Overall Physical Health will: Improve Be stable Decline Uncertain

2. COGNITIVE FUNCTIONING

1. Motor Activity and Skills (active, agitated, slowed; gross and fine motor skills)
Level of impairment: None Mild Moderate Severe Not eval.

2. Working memory (attend to verbal or visual material over short time periods; hold > 2 ideas in mind)
Level of impairment: None Mild Moderate Severe Not eval.

3. Short term/recent memory and Learning (ability to encode, store, and retrieve information)
Level of impairment: None Mild Moderate Severe Not eval.

4. Long term memory (remember information from the past)
Level of impairment: None Mild Moderate Severe Not eval.

5. Understanding ("receptive language"; comprehend written, spoken, or visual information)
Level of impairment: None Mild Moderate Severe Not eval.

6. Communication ("expressive language"; express self in words, writing, signs; indicate choices)
Level of impairment: None Mild Moderate Severe Not eval.

Patient Name: WAGNER MELLINI

- 7. Arithmetic (understand basic quantities; make simple calculations)
Level of impairment: None Mild Moderate Severe Not eval.
- 8. Verbal Reasoning (compare two choices and to reason logically about outcomes)
Level of impairment: None Mild Moderate Severe Not eval.
- 9. Executive Functioning (plan for the future, demonstrate judgment, inhibit inappropriate responses)
Level of impairment: None Mild Moderate Severe Not eval.

3. EMOTIONAL AND PSYCHIATRIC FUNCTIONING

- 1. Disorganized Thinking (rambling thoughts, nonsensical, incoherent thinking)
Level of impairment: None Mild Moderate Severe Not eval.
 No impairment or mild impairment when on regular/daily psychotropic medications.
- 2. Hallucinations (seeing, hearing, smelling things that are not there) or Delusions (extreme suspiciousness; believing things that are not true against reason or evidence)
Level of impairment: None Mild Moderate Severe Not eval.
 No impairment or mild impairment when on regular/daily psychotropic medications.
- 3. Anxiety (uncontrollable worry, fear, thoughts, or behaviors)
Level of impairment: None Mild Moderate Severe Not eval.
 No impairment or mild impairment when on regular/daily psychotropic medications.
- 4. Mania (very high mood, disinhibition, sleeplessness, high energy)
Level of impairment: None Mild Moderate Severe Not eval.
 No impairment or mild impairment when on regular/daily psychotropic medications.
- 5. Depressed Mood (sad or irritable mood)
Level of impairment: None Mild Moderate Severe Not eval.
 No impairment or mild impairment when on regular/daily psychotropic medications.
- 6. Insight (ability to acknowledge illness and accept help) or Noncompliance (refuses to accept help)
Level of impairment: None Mild Moderate Severe Not eval.
 No impairment or mild impairment when on regular/daily psychotropic medications.
- 7. Impulsivity (acting without considering the consequences of behavior)
Level of impairment: None Mild Moderate Severe Not eval.
 No impairment or mild impairment when on regular/daily psychotropic medications.

4. RISK OF HARM AND LEVEL OF SUPERVISION NEEDED

- A. How severe is risk of harm to self or others: None Mild Moderate Severe
 No risk when on regular/daily psychotropic medications.
- B. How likely is it: Almost Certain Probable Possible Unlikely
 No risk when on regular/daily psychotropic medications.
- C. Level of Supervision Needed. In your clinical opinion:
 Locked facility 24-hr supervision Some supervision No supervision
 No or limited supervision required when on regular/daily psychotropic medications.

Patient Name: WATKINS, MELVIN

5. EVERYDAY FUNCTIONING

1. Independent	2. Needs Support	3. Needs Assistance	4. Total Care	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Care of Self (Activities of Daily Living (ADL's) and related activities Maintain adequate hygiene, including bathing, dressing, toileting, dental Prepare meals and eat for adequate nutrition Identify abuse or neglect and protect self from harm
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Financial (if appropriate note dollar limits) Manage and use checks, deposit, withdraw, dispose, invest monetary assets Enter into a contract, financial commitment, or lease arrangement Employ persons to advise or assist him/her Resist exploitation, coercion, undue influence
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Medical Give/ Withhold medical consent Admit self to health facility Make or change an advance directive Manage medications Contact help if ill or in medical emergency
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Home and Community Life Choose/establish abode Maintain reasonably safe and clean shelter Drive or use public transportation Make and communicate choices about roommates Avoid environmental dangers such as stove, poisons, and obtain emergency help

5. CAPACITY AND ATTENDANCE AT HEARINGS

- A. **Legal documents.** Does patient have the capacity necessary to understand and execute testamentary or legal documents? (ie. will or trust) Yes No Uncertain
- B. **Voting.** Does patient have the capacity necessary to understand and complete voter registration forms and to vote? Yes No Uncertain
- C. **Driving.** Is patient capable of driving? Yes No Uncertain
- D. **Owning or purchasing a firearm.** Would patient present a risk or threat to self or others if patient were to own or purchase a firearm? Yes No Uncertain
- E. **Attendance at hearing regarding guardianship.**
- Patient can attend the hearing.
- Patient would not comprehend the reason for attendance at the hearing and could not

Patient Name: WAGNER, MELVIN

contribute to the proceedings.

Attendance at a hearing would be detrimental to patient's mental and/or physical health.

F. Appointment of attorney. Was patient was informed of the patient's right to an attorney in the guardianship proceedings? Yes No

Patient has requested appointment of an attorney.

Patient would not comprehend the need for attorney representation.

Discussing need for attorney representation with patient would be detrimental to patient's mental health.

Response of patient: _____

G. Guardianship.

Patient is capable of living independently and does not require a guardian.

Patient is capable of living independently or in a minimal supervision facility but requires oversight to take medications and/or assistance with medical and financial matters (limited guardianship or case manager).

Patient cannot live independently and requires a guardian for all medical and financial decisions (full guardianship).

Discussing need for guardianship with patient would be detrimental to patient's mental health.

Patient has requested that _____ be appointed as patient's guardian.

DATED this 8th day of AUGUST, 2011.

[Signature]
(signature of physician, psychologist or psychiatrist)

VUPPACALAPALOW ARTH
(printed name of physician, psychologist or psychiatrist)

Form must be signed by a physician licensed to practice in Nevada, a physician employed by the Veterans Administration, or a psychiatrist or psychologist licensed to practice in Nevada.

Patient Name: Melvin Wagner

A social worker or case manager may assist in completion of this form, but cannot complete the form without the signature of physician, psychiatrist or psychologist

DATED this 8 day of August, 2011.

Leah Boc
(signature of case manager or social worker)

Leah Boc
(printed name of case manager or social worker)

COPY

Exhibit "2"

RECEIVED

OCT 11 2011

DOUGLAS COUNTY DISTRICT COURT CLERK

2011 OCT 11 PM 1:57

1 CASE NO. 11-PB-0087

2 DEPT. NO. II

3
4 The undersigned affirms
5 that this document contains
6 a Social Security Number

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

9 In the Matter of the
10 Guardianship

ORDER APPOINTING PERMANENT
GUARDIAN OF PERSON AND ESTATE

11 of

12 MELVIN WAGNER,

13 Adult Ward.

14 This matter was brought on before the Court on the 11th day of
15 October, 2011, as a result of the *Ex Parte* Petition for Appointment of
16 Temporary Guardian of Person and Estate filed 24 August 2011, by the
17 Petitioner, CLAUDETTE SPRINGMEYER, Douglas County Public Guardian, by
18 and through her attorney MICHAEL SMILEY ROWE, ESQ. of ROWE & HALES,
19 LLP. Present in Court were the Petitioner and her counsel. The
20 Ward's spouse, Nanette Wagner, did not attend the hearing. The Ward's
21 attendance at hearings has been excused by previous order.

STATEMENT OF THE CASE

22 On 24 August 2011, Petitioner filed an *Ex Parte* Petition for
23 Appointment of Temporary Guardian of Person and Estate. The Ward is
24 currently residing at The Lodge, 2200 East Long, Carson City, Nevada,
25 89706.

26 An Order Appointing Temporary Guardian was entered on 25 August
27 2011.
28

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P O Box 2080
Minden, NV 89423
Facsimile (775)782-3685

Rowe & Hales
Attorneys At Law

Physical Address
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(775) 782-8141

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1 On 13 September 2011 a hearing was conducted on the temporary
2 guardianship and the guardianship was extended to 11 October 2011.
3 Letters of Guardianship were issued on 13 September 2011.
4 Instructions for Guardian were filed on 13 September 2011.

5 On 13 September 2011 proof of proper service was made by the
6 filing of a Certificate of Service of the Citation issued on 13
7 September 2011. Return receipts of certified mailing of the Citation
8 were filed 4 October 2011.

9
10 FINDINGS AND ORDER

11 1. Due and proper notice of the Petition and Citation has been
12 provided by the Petitioner to all those entitled to notice who are
13 required to be served with a copy of the Petition and Citation issued
14 pursuant to NRS 159.047. In this connection, the Court notes that a
15 Citation was duly served by certified mail.

16 The Court Concludes and Orders that the Citation was
17 properly served in accordance with the requirements of NRS 159.047 and
18 NRS 159.0475. The latter section requires that a copy of the Citation
19 must be served by certified mail with return receipt requested on each
20 person required to be served.

21 2. The Court Finds and Orders that the Petitioner is a
22 qualified person to serve as Guardian of the Adult Ward. Petitioner
23 has not been convicted of a felony, suspended for misconduct or
24 disbarred from the practice of law, accounting, or any profession
25 which involves the management or sale of money, investments,
26 securities or real property, or which required licensure by any state.
27 Petitioner possesses all of the qualifications necessary for
28

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1 appointment as General Guardian of the Person and Estate of MELVIN
2 WAGNER, an adult Ward.

3 3. The proposed Adult Ward, MELVIN WAGNER, was, and is,
4 determined by this Court to be incompetent and unable to manage his
5 own affairs. In this regard, a Physician's Certificate with Needs
6 Assessment was performed by Dr. Vuppalapati on 8 August 2011. A copy
7 of the Assessment was attached to the originating Petition as Exhibit
8 "B". Dr. Vuppalapati diagnosed the Ward with Dementia of probable
9 Alzheimer's type and concluded the Ward required 24 hour supervision,
10 and total care for financial, medical and home and community life
11 functions.
12

13 4. In accordance with NRS 159.044, Petitioner has set forth in
14 open Court a general description of the estate of the Ward, and in
15 open Court, the Court was advised of the probable value of the
16 property of the Ward and any known income to which he is entitled.
17 The Guardian has advised the Court the Ward's only income is his
18 Social Security benefit and a small pension. The Ward owns a
19 residence, which is encumbered, with his wife located at 1054 Tybo
20 Court, Gardnerville, Nevada; APN 1220-12-710-040. The Guardian
21 further reports that the Ward may own, with his wife, an Edward Jones
22 investment account (an IRA), a checking account with a credit union
23 and one vehicle.
24

25 5. The Court is satisfied that a bond is not required in this
26 instance; accordingly, the Court finds that no additional bond will be
27 required of the Petitioner.

28 6. In order to manage and care for the person and estate of

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1 the Ward, the Court finds that the Petitioner, as Guardian of the
2 Adult Ward, shall be granted all of the specific powers of Guardians
3 set forth in NRS 159.077 through NRS 159.175 inclusive; all of which
4 the Court determines to be necessary to enable the Guardian to carry
5 out her duties as the Guardian.

6 7. The Guardianship hereby established, and the Petition upon
7 which it is based, are not the result of an investigation of a report
8 of abuse, neglect and/or exploitation conducted by an agency which
9 provides protective services.

10 **IT IS HEREBY ORDERED** that CLAUDETTE SPRINGMEYER, Douglas County
11 Public Guardian, shall be, and is, appointed as the Permanent Guardian
12 of the person and estate of MELVIN WAGNER, an Adult Ward. The Letters
13 of Guardianship of the Person and Estate of MELVIN WAGNER shall be
14 issued by the Clerk to the Guardian as permanent letters in order that
15 she may make provisions for the care and protection of the Ward and
16 his estate.

17 The Guardian shall continue her duties as Guardian as appointed
18 by the Order of the Court, and she shall be empowered to exercise all
19 of the powers and duties of Guardian applicable to the Guardianship of
20 the Person and Estate of the Adult Ward; said powers and duties of
21 Guardians, where applicable, being set forth in NRS 159.077 et seq.
22 "Powers and Duties of Guardians" and in NRS 159.113 et seq.
23 "Management and Disposition of the Ward's Estate".

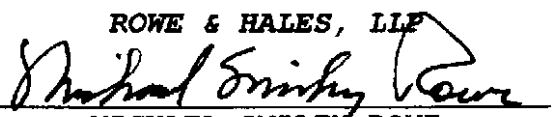
24 **BE IT FURTHER ORDERED** that a review of this guardianship and the
25 care, treatment, health and well being of the Ward shall be conducted
26 on 9 October 2012 at the hour of 1:30 p.m. The Guardian may
27
28

1 file a written report of the status of the Ward prior to the hearing.

2 DATED this 11 day of October, 2011.

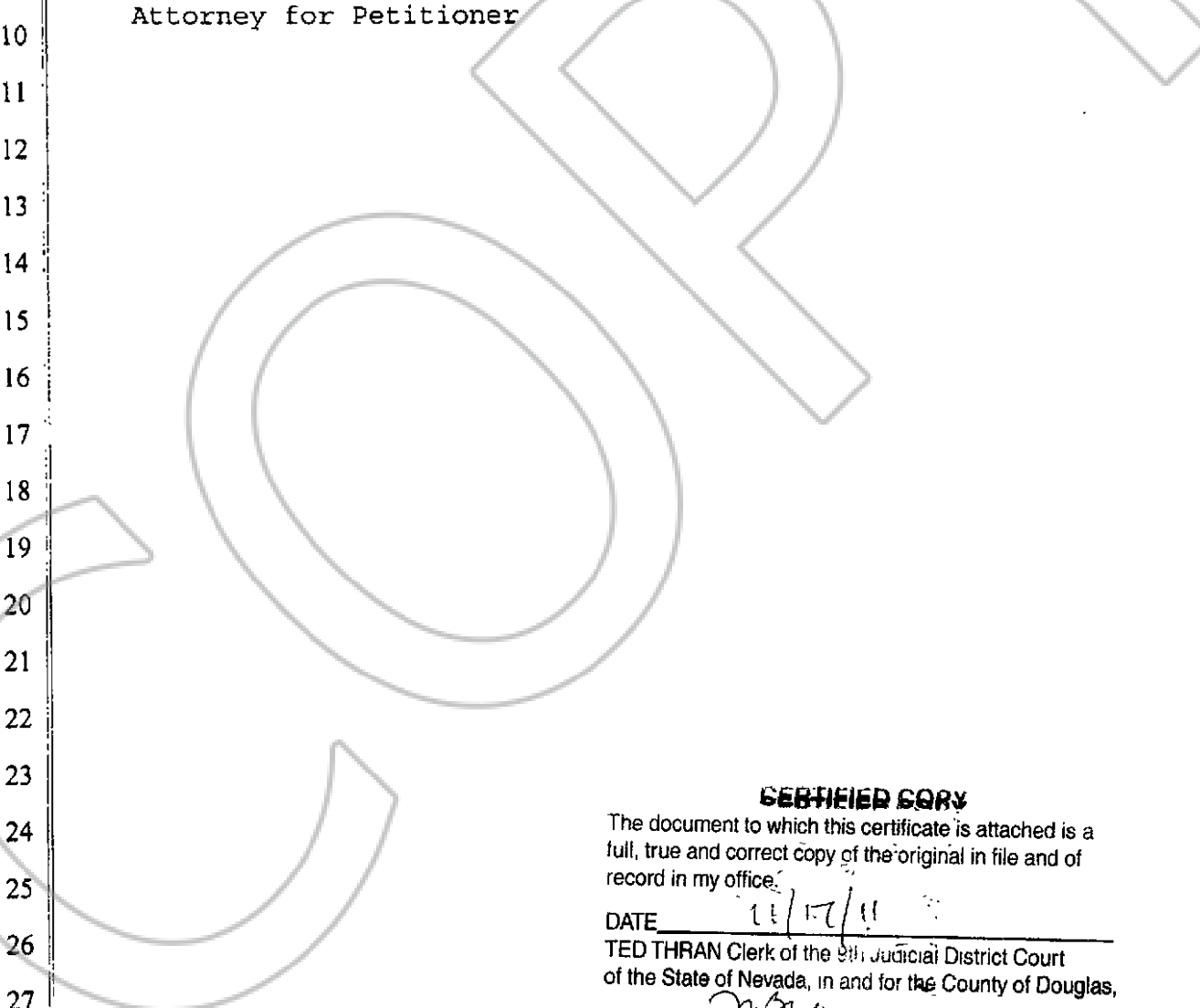
3 
4 DAVID R. GAMBLE
5 DISTRICT COURT JUDGE

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Facsimile (775)782-3685

6 **ROWE & HALES, LLP**
7 
8 MICHAEL SMILEY ROWE
9 Nevada Bar Number 1374
10 P.O. Box 2080
11 Minden, Nevada 89423
12 (775) 782-8141
13 Attorney for Petitioner

14 **Rowe & Hales**
15 **Attorneys At Law**

16 Physical Address
17 1638 Esmeralda Avenue
18 Minden, NV 89423
19 (775) 782-8141



20 **CERTIFIED COPY**

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

24 DATE 11/17/11

25 TED THIRAN Clerk of the 9th Judicial District Court
26 of the State of Nevada, in and for the County of Douglas.

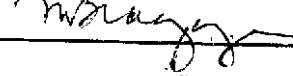
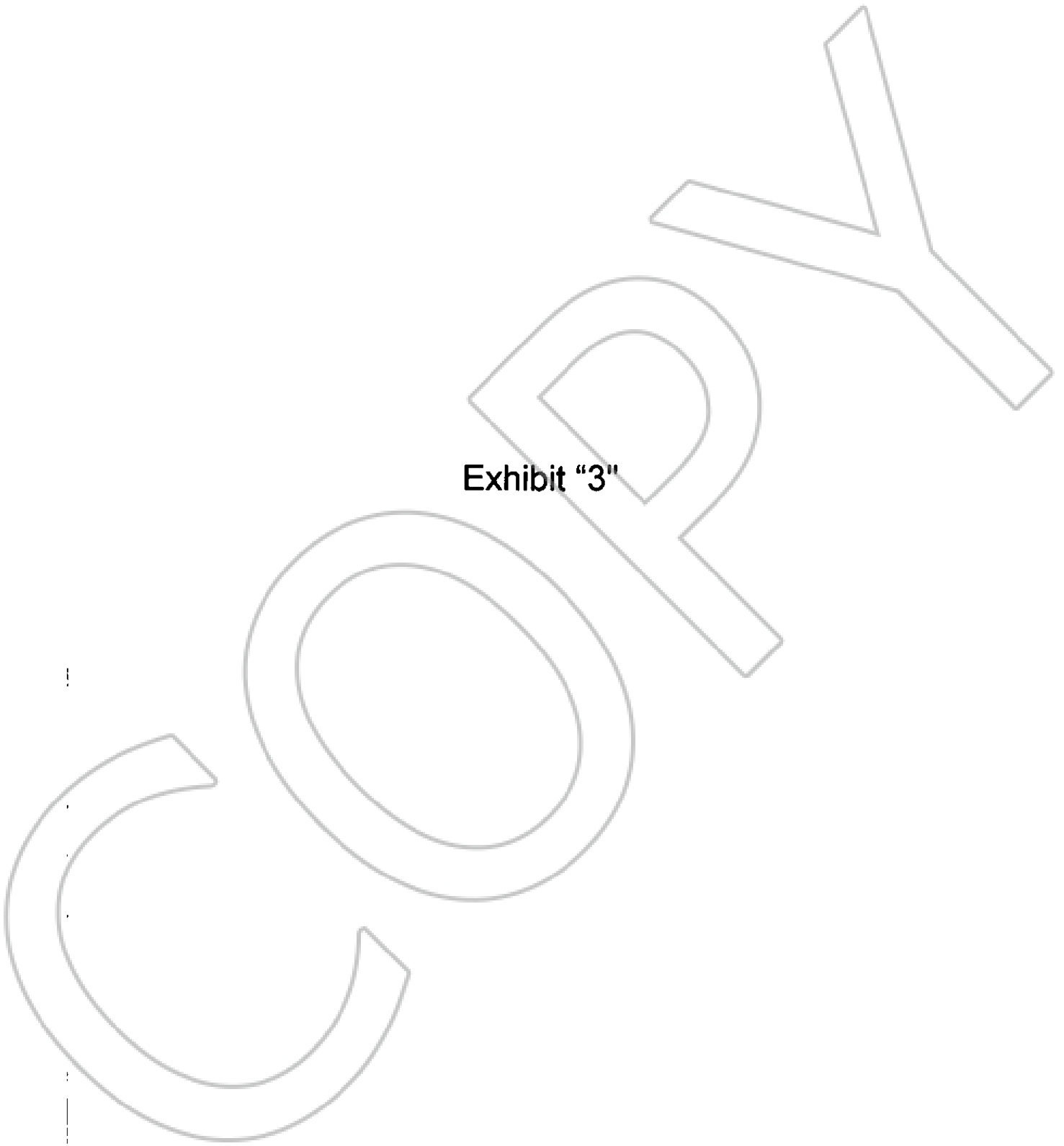
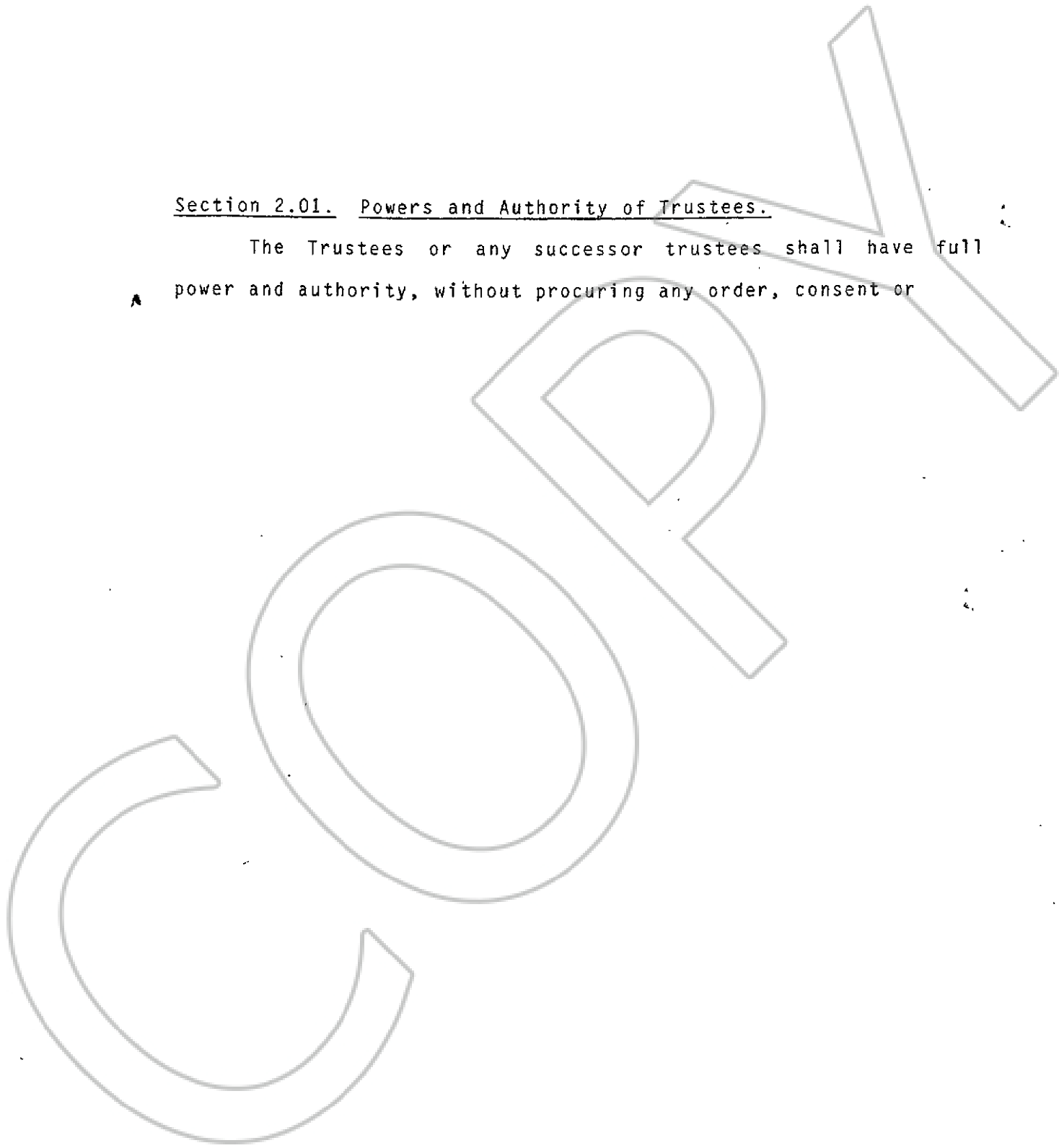
27 By  Deputy
28

Exhibit "3"



Section 2.01. Powers and Authority of Trustees.

The Trustees or any successor trustees shall have full power and authority, without procuring any order, consent or



confirmation of any court therefor during the existence of this Trust and any trust hereafter created hereunder to:

(a) exercise all of the rights, powers, and privileges of an owner, and, without intending to detract from the generality of the foregoing phrase, shall have full power with respect to the property of the Trust Estate or any part thereof, to sell, assign, convey, exchange for assets of an equal fair market value, convert, improve, repair, operate, partition, divide, subdivide; to encumber or lease for any period or periods within or beyond the life of this Trust; to encumber, hypothecate, mortgage, pledge, borrow, by margin, or otherwise, using the trust property and principal as security; to collect and receive all rents, interest, and income; to invest and reinvest the Trust Estate in such property which persons of prudence, discretion and intelligence acquire for their own account; to purchase securities, (including short sales), whether or not of the character permitted by law for the investment of trust funds, specifically including, but not by way of limitation, interests in any common trust fund or trusts; to invest in life insurance policies on the lives of any of the beneficiaries hereunder; and to hold and retain any property originally received herein, or subsequently acquired, for such length of time as they may deem advisable, without regard to what might otherwise be deemed to be proper by diversification.

(b) pay from the income and/or principal of the Trust Estate all expenses incurred in the administration of this trust

- 4 -

against legal or equitable attack including reasonable counsel fees and reasonable compensation for their own services as Trustees.

(c) hold and retain any securities, properties, or investments received by them hereunder, continue to hold, manage and operate any property, business, or enterprise transferred in whole or in part to this trust so long as in their discretion they elect to do so. The profits and losses therefrom, if any, shall inure or be chargeable respectively to the Trust Estate and not to the Trustees.

(d) compromise any claims existing in favor of or against the Trust Estate.

(e) hold securities or other property of this trust in their names as Trustees hereunder, or in their own name, or in the name of their nominee, or the Trustees may hold such securities unregistered in such condition that ownership shall pass by delivery.

(f) purchase any assets from the estate or a Trustor (or from a trust of which deceased was a Trustor), and in addition, to loan funds, with or without security, and with or without interest, accept funds from qualified Employee Death Benefit Plans, to the estate or trust of the deceased Trustor, it being Trustors' intent that this discretion be exercised liberally.

(g) administer the Trust Estate within and under such

- 5 -

upon said trustees, within the limitations specifically stated herein.

COPY

COPY

Exhibit "4"

Exhibit "4"

All that real property situate in the City of Gardnerville, County of Douglas, State of Nevada, described as follows:

Lot 19, in Block B, as set forth on the plat of Pinenut Manor No. 1 and 2, filed for record in the office of the County Recorder of Douglas County, State of Nevada, on June 16, 1980, in Book 680, Page 1361, as Document No. 45348.

A.P.N.: 23-232-09

