

APN# : 1220-24-601-054

**Recording Requested By:**

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I the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does not contain the social security number of any person or persons.

(Per NRS 239B.030)

Signature \_\_\_\_\_

*M. Kelsh*  
*[Signature]*

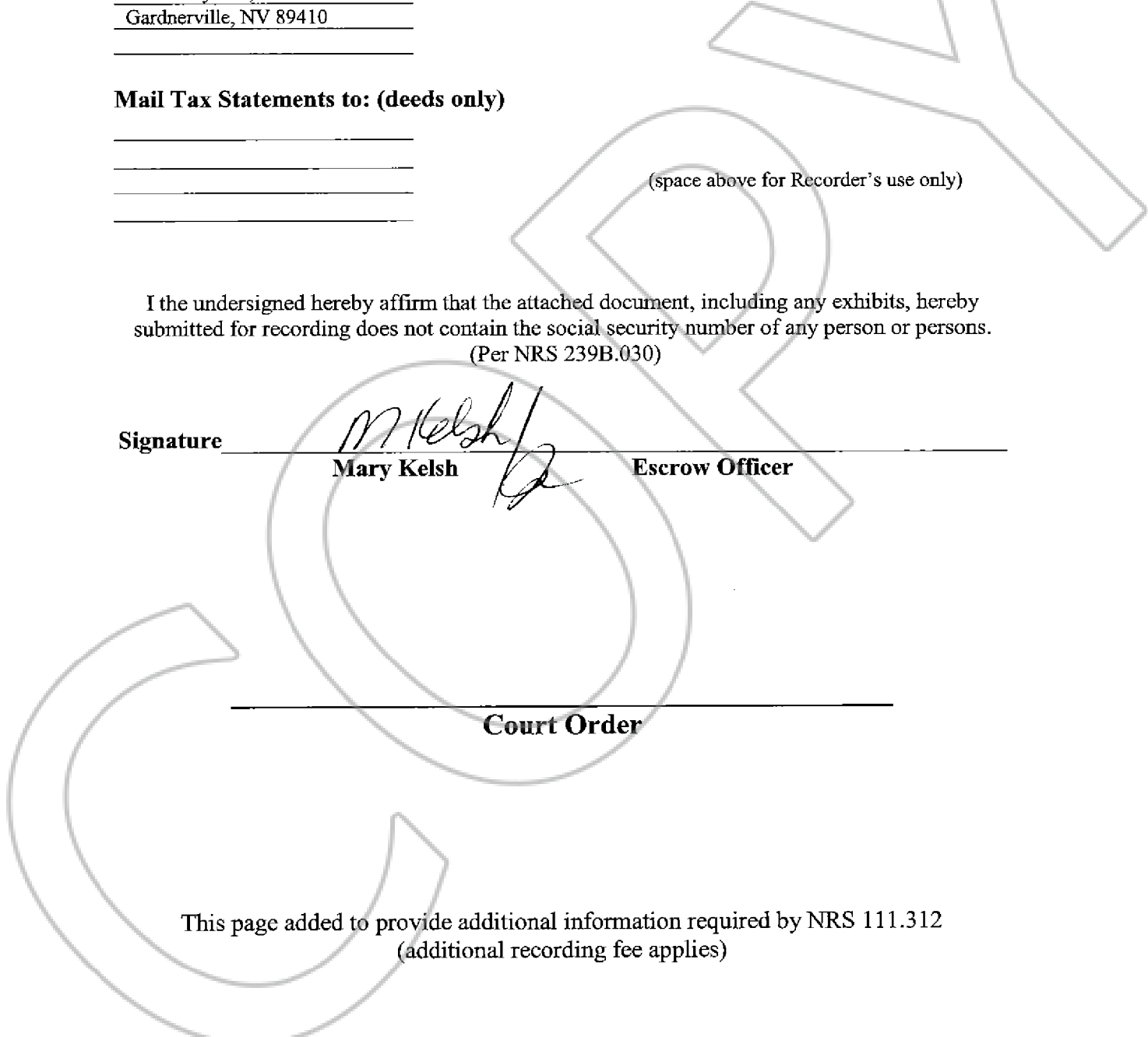
**Mary Kelsh**

**Escrow Officer**

\_\_\_\_\_  
**Court Order**

This page added to provide additional information required by NRS 111.312  
(additional recording fee applies)

**DOC # 846918**  
07/25/2014 11:06AM Deputy: SG  
**OFFICIAL RECORD**  
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eTRCo, LLC  
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Page: 1 of 7 Fee: \$20.00  
BK-714 PG-5773 RPTT: 0.00





1 CASE NO. 11-PB-0060

2 DEPT. NO. II

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4 The undersigned affirms  
5 that this document contains  
6 no Social Security Number

**DOUGLAS COUNTY  
DISTRICT COURT CLERK**

*[Signature]*

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 TERMINATING GUARDIANSHIP  
OF PERSON AND ESTATE; APPROVING  
OF GUARDIAN'S FINAL ACCOUNTING  
AND EXPENSES OF ADMINISTRATION;  
CONFIRMING SUCCESSOR TRUSTEE;  
GRANTING ADVICE AND  
INSTRUCTIONS ON POSSESSION OF  
THE WARD'S SEPARATE PROPERTY;  
AND PROVIDING FOR THE LATER  
HONORABLE DISCHARGE OF GUARDIAN**

11 of

12 EDWIN "BUD" HIGGINS and  
13 LORRAINE HIGGINS,

14 Adult Wards.

15 **THIS MATTER** was brought on before the Court on 5 November 2012  
16 on the Verified Petition for Termination of Guardianship of Person and  
17 Estate of LORRAINE HIGGINS ("Ward") and for related relief which was  
18 filed 18 October 2012. A Supplement to the Verified Petition was  
19 filed on 29 October 2012. Present in Court on 5 November 2012 were  
20 the Public Guardian, CLAUDETTE SPRINGMEYER, together with her counsel,  
21 MICHAEL SMILEY ROWE, ESQ. of ROWE HALES YTURBIDE, LLP. George Keele,  
22 Esq. on behalf of the Ward's son, Kenneth Higgins, and Day R.  
23 Williams, Esq. on behalf of the Ward, EDWIN "BUD" HIGGINS, were also  
24 appearing. John Giomi, SAFE Coordinator, was also present at the  
25 hearing conducted on the requests contained in the Petition.

26 Based upon the Verified Petition and its Supplement, together  
27 with the arguments of counsel heard on 5 November 2012, and good cause  
28 appearing, the Court:

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**Rowe Hales Yturbide**  
Attorneys At Law

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**FINDS, CONCLUDES AND ORDERS** as follows:

1  
2 1. The guardianship estate should be terminated for the reason  
3 that the Ward died on 13 September 2012 at Riverview Manor. A  
4 certified copy of the death certificate of the Ward was filed with  
5 this Court as Exhibit "A" to the Petition.

6 Based upon the death of the Ward, and pursuant to the  
7 provisions of NRS 159.191, this Guardianship is terminated by the  
8 death of the Ward.

9  
10 2. The Court hereby ratifies, confirms and approves of the  
11 Guardian's final accounting as was attached to the Petition as Exhibit  
12 "B", and as was supplemented by the Supplement to Verified Petition  
13 for Termination filed 29 October 2012.

14 3. The Court, by order entered 22 October 2012, previously  
15 authorized the Guardian to pay her expenses of administration,  
16 including Guardian's fees (\$1,032.75), reimbursable costs (\$88.19) and  
17 attorney's fees (\$3,180.00), together with any other of the Guardian's  
18 fees, reimbursable costs and/or attorney's fees incurred for these  
19 guardianships through 31 October 2012.

20 4. The Guardian had requested the Court's advice and  
21 instructions relating to the administration of the estate of the Ward.  
22 In open Court, the Guardian's counsel advised the Court that on 4  
23 November 1992, the deceased Ward and her husband, EDWIN "BUD" HIGGINS,  
24 entered into "The Edwin Willis Higgins and Lorraine Aveldson Higgins  
25 Family Trust" u.t.d. 11/4/92 ("Trust"). Counsel further advised that,  
26 pursuant to Section 13 of the Wards' Trust, both Wards were appointed  
27 pursuant to Section 13 of the Wards' Trust, both Wards were appointed  
28 as the initial Trustees of the Trust. The Trust further provided that

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1 should either of them become unable because of death, incompetency or  
2 other causes to serve as Co-Trustee, then the remaining spouse would  
3 act as sole Trustee; however, if the surviving spouse was also  
4 rendered unable to serve as Trustee for any reason, that First  
5 Interstate Bank of Nevada, NA, Trust Department, was nominated to  
6 serve.

7 The Guardian's counsel further advised the Court that in  
8 its Order dated 9 September 2011, at page 5, the Court assumed  
9 jurisdiction over the Trust, and the Trust estate was to be under the  
10 care and control of the Guardian. Also, counsel advised the Court  
11 that the 30 April 2012 Order After Hearing, at page 9, further  
12 authorized the Guardian to amend the Trust, in her discretion, as she  
13 felt necessary and appropriate.

14 Based upon the two cited Orders of the Court, counsel  
15 requested that the Guardian be confirmed as the Successor Trustee of  
16 the Wards' Trust to continue to administer the Trust for the benefit  
17 of the surviving spouse, EDWIN "BUD" HIGGINS, and also to publish a  
18 Notice to Creditors pursuant to NRS 164.025(1).  
19

20 After the Court's canvass of the other counsel appearing on  
21 5 November 2012, as well as seeking the opinion of the SAFE  
22 Coordinator, no one objected to the proposal to confirm CLAUDETTE  
23 SPRINGMEYER, Douglas County Public Guardian and Guardian of the above-  
24 referenced Wards, as the Successor Trustee of the Wards' Trust.  
25

26 Good cause appearing:

27 **IT IS HEREBY ORDERED** that CLAUDETTE SPRINGMEYER, Douglas  
28 County Public Guardian and Guardian of EDWIN WILLIS "BUD" HIGGINS and



1 LORRAINE AVELDSON HIGGINS, shall be, and she is hereby is, confirmed  
2 as the Successor Trustee of "The Edwin Willis Higgins and Lorraine  
3 Aveldson Higgins Family Trust" u.t.d. 11/4/92.

4 5. At the hearing on 5 November 2012 the Court again reviewed  
5 with all counsel the issue of the wedding ring which had been  
6 presented to LORRAINE HIGGINS by EDWIN "BUD" HIGGINS. The questions  
7 relating to the Deceased Ward's wedding ring were first brought to the  
8 Court's attention on 22 October 2012 when the Court conducted a  
9 hearing on the Guardian's Verified Petition for Compensation and  
10 Expenses of Guardian and the Motion for Interim Fees and Costs filed  
11 by counsel for EDWIN "BUD" HIGGINS.

12 On 5 November 2012 the Public Guardian presented the ring  
13 to the Court, and the Court heard arguments from all counsel relating  
14 to the issue of possession or ownership of the ring. After the  
15 arguments of counsel, and good cause appearing, the Court finds that  
16 the Deceased Ward's wedding ring would be, in most comparable  
17 instances, considered to be her separate property.

18 In his remarks to the Court, counsel for the Public  
19 Guardian advised the Court that, in conjunction with execution of  
20 their Trust, each of the Wards had also executed a Last Will and  
21 Testament. With regard to the Last Will and Testament of LORRAINE  
22 AVELDSON HIGGINS, her Last Will and Testament indicated that she  
23 intended to dispose of all of her property by her Will. In Article 5  
24 of the Ward's Last Will and Testament, the Deceased Ward included a  
25 typical "pour-over" provision which provided that all of her estate,  
26 of the Ward's Last Will and Testament, the Deceased Ward included a  
27 typical "pour-over" provision which provided that all of her estate,  
28 real, personal and mixed real and personal property, of every kind and

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1 nature whatsoever, and wheresoever situated, was to be given, devised  
2 and bequeathed to her husband acting as the Successor and Sole Trustee  
3 of their Trust. Accordingly, the wedding ring, although found to be  
4 the Ward's separate property, is owned by the Trust as administered by  
5 the now confirmed Successor Trustee, CLAUDETTE SPRINGMEYER.

6 However, the Court recognizes that such items as wedding  
7 rings, particularly after a long term marriage such as these two Wards  
8 enjoyed, may have significant sentimental value to the surviving  
9 spouse. Accordingly, the Court finds that the Deceased Ward's wedding  
10 ring should be presented to her surviving husband for him to possess,  
11 but not to own.

12 Good cause appearing:

13 **IT IS HEREBY ORDERED** that the Ward's wedding ring shall be  
14 provided by the Guardian to EDWIN "BUD" HIGGINS for him to possess for  
15 his lifetime.

16 **BE IT FURTHER ORDERED**, as provided in the 30 April 2012  
17 Order After Hearing, at page 14, ll. 20-22, which Order is ratified,  
18 confirmed and reissued herein:

19 **"NO GIFTS FROM EITHER WARD'S ESTATE SHALL BE  
20 MADE IN THE FUTURE."** (Emphasis Supplied)

21 The Court reiterates a part of its previous Order After  
22 Hearing in this Order to emphasize that the Deceased Ward's wedding  
23 ring is a trust owned asset and it shall not be disposed of by gift,  
24 sale or any other means, by any person except for CLAUDETTE  
25 SPRINGMEYER, the confirmed Successor Trustee of the Wards' Trust and  
26 the Guardian of EDWIN "BUD" HIGGINS.  
27  
28



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In the event that the ring is not located by the Successor Trustee in the possession of EDWIN "BUD" HIGGINS, or if the ring "disappears" or is otherwise transferred without the Trustee's knowledge and approval, such transfer will be reviewed by this Court to determine whether or not a violation of any of the Court's Orders has occurred.

6. The Guardian has requested that she, after approval of her accounting and the termination of the guardianship of the person and estate LORRAINE HIGGINS, be honorably discharged. The Court agrees that the Guardian has performed admirably and should be honorably discharged, however, the Court does not, at this time, order that the guardianship matter be closed and the Guardian honorably discharged due to the number of recurring issues which have been raised in this consolidated matter.

DATED this 14 day of November, 2012.

MICHAEL P. GIBBONS  
DISTRICT COURT JUDGE

ROWE HALES YTURBIDE, LLP

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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: June 3, 2014

TED THRAN, Clerk of the 9th Judicial District Court of the State of Nevada, in and for the County of Douglas,

By: M. Blaney Deputy