

DOUGLAS COUNTY, NV

2018-909223

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KAREN ELLISON, RECORDER

APN # 1022-15-001-006

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*Order Registering Out of State
Guardianship order et al*

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D. GOELZ

1 CASE NO. 17-PB-0139

2 DEPT. NO. I

3 *The undersigned affirms that this document **DOES NOT** contain*
4 *a Social Security Number and personal information.*

5
6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7
8 IN AND FOR THE COUNTY OF DOUGLAS

9
10 In the Matter of the Guardianship

11 of

12 JOANNE MORTIMER

13 An Adult Protected Person.
14 _____ /

**ORDER REGISTERING OUT-OF-STATE
GUARDIANSHIP ORDER AND
APPOINTING GUARDIAN OF ESTATE**

**ORDER CONFIRMING SALE OF REAL
PROPERTY AND PAYMENT OF COSTS**

15
16 THIS MATTER came on before the Court on 19 December 2017 as a result of a Petition to
17 Register Out-of-State Guardianship Order and for Appointment of Guardian of Estate in Nevada which
18 was combined with a Petition for Confirmation of Sale of Real Property and Payment of Costs (combined
19 "Petition") filed 28 November 2017 by Christine L. Walbuck, the Court-Appointed Conservator of the
20 Protected Person's estate in the State of Idaho.

21
22 Appearing at the hearing was Petitioner's Nevada counsel, Michael Smiley Rowe, Esq., of Rowe
& Hales, LLP.

23
24 Based upon the verified Petition, the matters heard in open Court, the Court deems itself well
25 advised in the premises, and finds, concludes and orders as follows:

26 1. The Court finds and concludes that the Petitioner was appointed as the Conservator of
27 the Estate of Joanne Mortimer, an Adult Protected Person ("Protected Person") in proceedings conducted
28 in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada,

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1 in Case No. CV 1B 16-08900 (“the Idaho proceedings”). A certified copy of the Petitioner’s Letters of
2 Conservatorship was attached to the Petition as Exhibit A. The Court further finds and concludes that
3 the Court in the Idaho proceedings issued its Order Approving Real Estate Sale of the Protected Person’s
4 estate located in Douglas County, Nevada. The Idaho Court granted the Motion for Order Approving
5 Real Estate Sale and Stipulation for Approval of Real Estate Sale, a certified copy of which was attached
6 to the Petition as Exhibit B.

7
8 2. The Court finds that the Adult Protected Person’s date of birth is 10 August 1940. She
9 is currently a resident of Life Care Center of Treasure Valley located at 402 North Kimball Place, Boise,
10 Idaho, 83719. After admission to the Southwest Idaho Advanced Care Hospital on 30 March 2016,
11 Dr. Ann Agnew, M.D. diagnosed the Adult Protected Person as suffering from, among other maladies,
12 mood disorder, debility and dementia. A copy of Dr. Agnew’s diagnosis letter dated 6 May 2016 is
13 attached to the Petition as Exhibit C. It appears to the satisfaction of the Court that the original letter
14 authored by Dr. Agnew was admitted as Exhibit A in the Idaho proceedings.

15
16 3. The Court finds that the Petitioner, Christine L. Walbuck, who is the Manager of Client
17 Focused Fiduciary Services, LLC, is qualified in all respects to be appointed as Guardian of the Protected
18 Person’s Estate in the State of Nevada. Ms. Walbuck is qualified as a private professional guardian in
19 the State of Idaho and she is certified as a guardian by the Center for Guardianship Certification. A copy
20 of Ms. Walbuck’s current certification was attached to the Petition as Exhibit F.

21
22 4. The Court finds that the Court in the Idaho proceedings has recommended the Idaho
23 Conservator as the most suitable and willing person to serve as guardian of the Estate of the Protected
24 Person in Nevada inasmuch as she has been appointed as the Conservator of the Protected Person’s Estate
25 in the State of Idaho, without bond. The Petitioner maintains errors and omissions insurance coverage
26 for all of her actions taken as a private professional guardian (Conservator).

27
28 5. The Petitioner has alleged, and the Court so finds, that the Protected Person’s ownership
of real property commonly known as 3870 Walker View Road, Wellington, Nevada; Douglas County

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1 Assessor's Parcel No. 1022-15-001-006, may cause the Adult Protected Person to be ineligible for Idaho
2 Medicaid and/or other state benefit programs. The Petitioner alleged, and the Court so finds, that the
3 Protected Person's property must be sold with the proceeds of the sale applied to the costs of the
4 administration of the estate of the Protected Person and her care. The Court concludes that, pursuant to
5 NRS 159.127, the provision for the proper care, maintenance, education and support of a Protected
6 Person is one of the specifically authorized purposes for which the property of the Protected Person may
7 be sold.

8
9 6. The Court finds and concludes that the requirements of NRS 159.0485, as amended by
10 SB 433, Section 23, which requires that the Court appoint an attorney for the proposed Protected Person
11 unless the proposed Protected Person has already retained an attorney or had one appointed for her, has
12 been satisfied in these circumstances. It appears to the satisfaction of the Court, and the Court so finds,
13 that in the Idaho proceedings, James P. Kaufman, Esq., of Kaufman Reed, PLLC, is appointed as counsel
14 for the Adult Protected Person and represented the Adult Protected Person's interest as reflected in the
15 Order Approving Real Estate Sale entered in the Idaho proceedings, a certified copy of which is attached
16 as Exhibit B to the Petition.

17
18 Based upon the above-stated findings of fact and conclusions of law:

19 **IT IS HEREBY THE ORDER OF THE COURT** that Christine L. Walbuck, Manager of
20 Client Focused Fiduciary Services, LLC, shall be, and she hereby is, appointed as the Guardian of the
21 Protected Person's estate in the State of Nevada. She shall be appointed as Guardian of the Estate of the
22 Adult Protected Person in Nevada without bond. The Court ratifies, confirms and approves of the
23 designation of Michael Smiley Rowe, Esq., of Rowe & Hales, LLP, as the Guardian of the Estate's
24 registered agent in the State of Nevada for all purposes associated with this Guardianship.

25
26 **BE IT FURTHER ORDERED** that the Guardian of the Estate is appointed for the sole purpose
27 of selling the Protected Person's real property commonly known as 3870 Walker View Road, Wellington,
28 Nevada, Douglas County Assessor's Parcel No. 1022-15-001-006.

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1 Petitioner is authorized to apply the proceeds resulting from any sale of the property to the costs
2 of administration of the Estate of the Protected Person and her care.

3 **BE IT FURTHER ORDERED** that the Petitioner, as Guardian of the Estate of the Protected
4 Person, shall ensure that any escrow instructions prepared for the sale of the Protected Person's estate
5 shall include a provision that requires that all back taxes, penalties and interest owed to Douglas County,
6 Nevada, are paid through escrow.

7
8 **BE IT FURTHER ORDERED** that the Petitioner is authorized to pay all attorney's fees and
9 reimburse counsel's advanced costs, including the filing fee and publication costs from the proceeds
10 resulting from any sale of the Protected Person's property. The total amount incurred as of the filing of
11 the Petition on this matter was \$4,322.14.

12
13 **ORDER CONFIRMING SALE OF REAL PROPERTY AND PAYMENT OF COSTS**

14 In the Petitioner's Petition, she has also requested that this Court confirm the sale of the
15 Protected Person's real property and the payment of costs related to such sale. The Court finds, concludes
16 and orders as follows:

17
18 1. The Court finds and concludes, pursuant to NRS 159.1455(2), that the requirement of
19 an appraisal of a Protected Person's property shall be waived. The Guardian, pursuant to the cited statute,
20 has relied upon the assessed value of the real property for purposes of taxation in obtaining confirmation
21 by the Court for the sale. The Court finds that the taxable value of the property is \$49,171 as determined
22 by the Douglas County, Nevada Assessor. Petitioner, through her listing agents, Jennifer Almeida and
23 Teddy Carlson McKone of Intero RE Alpine Sierra, LLC has marketed the property of the Adult
24 Protected Person. The result of such efforts has been an offer in the amount of \$50,000. Accordingly,
25 the Court finds and concludes that reliance upon the taxable value as compared to the potential sale's
26 price has resulted in a sale that is not disproportionate to the value of the property; thus, the sale meets
27 the requirements of NRS 159.146.
28

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5. At the date, time and place of the hearing, no other interested party appeared at the time of the sale to offer to purchase the property. Accordingly, the Court confirms the sale of the Protected Person's real property and improvements to Duane A. Challacombe subject to the terms of the offer set forth hereinabove.

Based upon the Agreement attached to the Petition as Exhibit G, this Court enters an order confirming the sale of the property to Duane A. Challacombe subject to the terms of the offer set forth hereinabove in this Order.

6. The Petitioner, as the confirmed Guardian of the Estate of Joanne Mortimer, is authorized to execute such instruments as may be necessary to convey the Protected Person's interest in the property to Duane A. Challacombe.

7. The Court hereby ratifies, confirms and approves of the Petitioner's payment of a real estate commission in the amount of 6% as set forth in the Agreement.

8. It is also ordered by the Court that the Petitioner may, to the extent she is required to do so, pay such funds as are required by the terms of the sale which are set forth in the Petition, such as title company and escrow costs. It is the order of the Court that the Petitioner may pay any of the costs of the Seller as such costs are set forth in the Petition and Exhibit G thereto.

9. The sale of the Protected Person's property is subject to the payment through escrow of all back taxes, penalties and interest owed to Douglas County, Nevada.

10. The Court hereby enters its order ratifying, confirming and approving of each, every and all of the actions taken by the Petitioner, and now selling the Protected Person's property. Further, the

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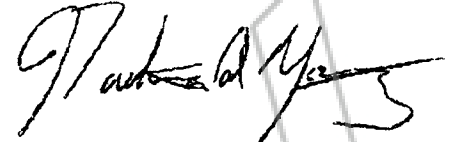
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1 Court ratifies, confirms and approves of each and every of the terms of the purchase of the Protected
2 Person's property as set forth in this Order Confirming Sale of Real Property and Payment of Costs.

3 DATED this 19th day of December, 2017.



NATHAN TOD YOUNG
DISTRICT JUDGE

7 **Submitted by:**
8 **ROWE & HALES, LLP**



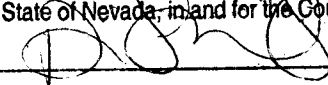
9 MICHAEL SMILEY ROWE
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14 Attorney for the Petitioner

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25
26 **CERTIFIED COPY**

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

DATE December 19, 2017

BOBBIE R. WILLIAMS Clerk of Court
of the State of Nevada, in and for the County of Douglas,

By  Deputy