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KAREN ELLISON, RECORDER

*ORDER FOR APPOINTMENT OF CO-GUARDIANS OF THE PERSON AND GUARDIAN OF THE ESTATE AND FOR ISSUANCE OF PERMANENT LETTERS OF GUARDIANSHIP*

Title of Document (required)

----- (Only use if applicable) -----

The undersigned hereby affirms that the document submitted for recording DOES contain personal information as required by law: (check applicable)

Affidavit of Death – NRS 440.380(1)(A) & NRS 40.525(5)

Judgment – NRS 17.150(4)

Military Discharge – NRS 419.020(2)

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Signature

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8 This document DOES NOT contain personal  
9 information, pursuant to NRS 603A.040.

10 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
11  
12 IN AND FOR THE COUNTY OF DOUGLAS

13 In the Matter of the Guardianship of the  
14 Person and Estate of:  
15  
16 DIANNA L. ENGLISH,  
17 DOB: 10/7/1953

18 Case No.: 18-PB-0123  
19 Dept. No.: II

20 An Adult Proposed Protected Person.

21 **ORDER FOR APPOINTMENT OF CO-GUARDIANS OF THE PERSON**  
22 **AND GUARDIAN OF THE ESTATE, AND FOR ISSUANCE OF PERMANENT**  
23 **LETTERS OF GUARDIANSHIP; NOTICE OF REVIEW HEARING**

24 Next Review Hearing: 10/14/19 at 1:30 p.m.

25 **THIS MATTER** came before the Court upon Petitioners LAWRENCE B. ENGLISH  
(hereinafter "LARRY ENGLISH") and JENNY L. ERICKSON's Petition for Appointment of  
Guardians of the Person and Estate of an Adult Proposed Protected Person, and for Issuance  
of Letters of Guardianship, filed with the Court on August 31, 2018. The hearing on such Petition  
was held on Monday, October 8, 2018, at 1:30 p.m. Present in Court were Petitioners LARRY  
ENGLISH and JENNY L. ERICKSON, along with their counsel, DANIELLE L. CHRISTENSON,  
ESQ., of HERITAGE LAW GROUP, P.C.; Protected Person DIANNA L. ENGLISH, and Protected  
Person's counsel, DAVID D. SPITZER, ESQ., of Washoe Legal Services. Also present in Court

1 was ALYSSA M. ENGLISH, the youngest adult daughter of Petitioner LARRY ENGLISH and  
2 Protected Person DIANNA L. ENGLISH.

3 **GOOD CAUSE APPEARING**, and after considering all the pleadings, documents, and  
4 records on file herein, the Court now finds as follows:

5 1. The Protected Person currently resides in her long-time residence located at 3618  
6 Green Acres Drive, Carson City, Douglas County, Nevada 89705, with her husband of 39 years,  
7 Petitioner LARRY ENGLISH.

8 2. The Protected Person is a long-time resident of Nevada, having lived in Douglas  
9 County, Nevada, since 1991.

10 3. Nevada is the home state of the Protected Person.

11 4. The Protected Person is 66 years of age. Her date of birth is October 7, 1953.

12 5. The Protected Person is a patient of Timothy Doyle, M.D., of Carson City, Nevada.  
13 Dr. Doyle completed a Physician's Guardianship Certificate with Needs Assessment concerning  
14 the Protected Person on August 13, 2018. Based upon the Physician's Guardianship Certificate  
15 with "Needs Assessment" completed by Dr. Doyle, the Court finds that the Protected Person  
16 suffers from Alzheimer's Disease including a total loss of executive functioning resulting in a  
17 barrier to meaningful understanding or rational response; needs substantial assistance to  
18 maintain adequate hygiene; needs substantial assistance to identify abuse or neglect of self and  
19 to protect herself from harm; is unable to perform "activities of daily living" as well as "instrumental  
20 activities of daily living;" and otherwise needs total care insofar as "everyday functions" are  
21 concerned; and is "incapacitated" as defined in NRS 159.019.

22 6. The Protected Person is not a party to any criminal proceedings or to any civil action  
23 or litigation.

24 7. The Guardianship is not being sought for the purpose of initiating litigation.

1 8. Service of process and notice of the Petition and hearing thereon were given as  
2 required by law.

3 9. Petitioners' reasons and rationales, as outlined in pages 4 through 7 of their Petition,  
4 for seeking the Guardianship are in furtherance of the best interests of the Protected Person.

5 10. The Protected Person is a beneficiary of her father's Declaration of Trust known as  
6 the Donald A. Hill Trust dated December 11, 2003, as amended. Petitioner LAWRENCE B.  
7 ENGLISH is the Successor Trustee of the Trust. Donald A. Hill died of natural causes on June  
8 15, 2018. A Trust Administration is in progress.

9 11. The Protected Person duly executed a Last Will and Testament dated October 3,  
10 1985, and a First Codicil dated March 31, 2016. Petitioner JENNY L. ERICKSON is nominated  
11 as the Executor of the Will, and ALYSSA M. ENGLISH is nominated as the Successor Executor.  
12 The Protected Person's Will gives her entire estate to her husband, Petitioner LARRY ENGLISH,  
13 if he survives her. If he fails to survive her, DIANNA's Will directs that her estate be administered  
14 and distributed to her children, in equal shares.

15 12. The Protected Person duly executed a Nevada Durable Power of Attorney for  
16 Financial Management on March 31, 2016. Petitioner LARRY ENGLISH is designated as the  
17 Agent therein. Petitioner JENNY L. ERICKSON is designated therein as the First Alternate  
18 Agent. ALYSSA M. ENGLISH is designated therein as the Second Alternate Agent.

19 13. The Protected Person duly executed a statutory Nevada Durable Power of Attorney  
20 for Health Care Decisions on March 31, 2016. Petitioner LARRY ENGLISH is designated at the  
21 Agent therein. Petitioner JENNY L. ERICKSON is designated therein as the First Alternate  
22 Agent. ALYSSA M. ENGLISH is designated therein as the Second Alternate Agent.

23 14. The parties are in agreement that the Court reserve its ruling on the issue of whether  
24 the Protected Person's due execution of the afore-mentioned Nevada Durable Powers of  
25 Attorney, which contain identical "Waiver of Right to Counsel" provisions, constitute a knowing

1 and voluntary waivers of the Protected Person's statutory right to have an attorney appointed for  
2 her if guardianship proceedings are commenced to have her made a Protected Person of the  
3 Court.

4 15. Petitioner LAWRENCE B. ENGLISH is the husband of Protected Person DIANNA L.  
5 ENGLISH and is a resident of the State of Nevada. Petitioner LAWRENCE B. ENGLISH is  
6 competent and capable of acting as the Co-Guardian of the Person of DIANNA L. ENGLISH, An  
7 Adult Protected Person, and also as sole Guardians of the Estate of DIANNA L. ENGLISH.

8 16. Petitioner JENNY L. ERICKSON is the daughter of Protected Person DIANNA L.  
9 ENGLISH and is a resident of the State of Nevada. JENNY L. ERICKSON is competent and  
10 capable of acting as the Co-Guardian of the Person of DIANNA L. ENGLISH, An Adult Protected  
11 Person.

12 17. No relative of the Protected Person within the second degree of consanguinity has  
13 objected to the Petition. Moreover, the duly executed Consents of three (3) relatives are on file  
14 herein, to wit: the Consent to Appointment of Guardians of LEANNA ANDERSON, sister of  
15 Protected Person DIANNA L. ENGLISH; the Consent to Appointment of Guardians of  
16 STEPHANIE STANFORD, step-sister of Protected Person DIANNA L. ENGLISH; and the  
17 Consent to Appointment of ALYSSA M. ENGLISH, youngest adult daughter of Protected Person  
18 DIANNA L. ENGLISH.

19 18. No interested party entitled to notice of these proceedings has objected to the  
20 Petition.

21 19. Pursuant to NRS 159.0535(1)(a), and pursuant to Dr. Doyle's recommendation, the  
22 Protected Person is excused from attending future hearings in this matter but may elect to attend  
23 any future hearing.

1           20. Pursuant to NRS 159.0593(1) and (2)(b)(2), the Court finds by clear and convincing  
2 evidence that the Protected Person is a person with a mental defect who is prohibited from  
3 possessing firearms, ammunition, or explosives pursuant to 18 U.S.C. § 922(g)(4).

4           21. The Court finds that the Protected Person suffers from a mental disability that renders  
5 her legally incapacitated and thus not capable of operating a motor vehicle safely.

6           22. Petitioner LARRY ENGLISH seeks appointment as sole Guardian of the Estate of  
7 the Protected Person. Petitioner LARRY ENGLISH is the husband of the Protected Person, and  
8 the parties have been married for 39 years. Any requirement of a bond is therefore waived.

9           23. Pursuant to NRS 159.183, the Petitioners shall be allowed reasonable compensation  
10 for their services and shall be allowed the necessary and reasonable expenses incurred in  
11 exercising their authority and performing their duties. Such compensation and expenses shall  
12 be subject to Court approval after notice of hearing.

13           **THEREFORE**, the Court now Orders the following:

14           A. There exists clear and convincing evidence that that the Protected Person  
15 DIANNA L. ENGLISH suffers from Alzheimer's Disease including a total loss of executive  
16 functioning resulting in a barrier to meaningful understanding or rational response; needs  
17 substantial assistance to maintain adequate hygiene; needs substantial assistance to identify  
18 abuse or neglect of self and to protect herself from harm; is unable to perform "activities of daily  
19 living" as well as "instrumental activities of daily living;" and otherwise needs total care insofar as  
20 "everyday functions" are concerned; and is "incapacitated" as defined in NRS 159.019.

21           B. LAWRENCE B. ENGLISH and JENNY L. ERICKSON are appointed Guardians  
22 of the Person of DIANNA L. ENGLISH.

23           C. LAWRENCE B. ENGLISH is appointed Guardian of the Estate of DIANNE L.  
24 ENGLISH.

1 D. The Clerk of the Court shall issue Letters of Permanent Guardianship of the  
2 Person to LAWRENCE B. ENGLISH and JENNY L. ERICKSON upon their taking the oath of  
3 office.

4 E. The Clerk of the Court shall issue Letters of Permanent Guardianship of the  
5 Estate to LARENCE B. ENGLISH upon his taking the oath of office.

6 F. The Co-Guardians of the Person of DIANNA L. ENGLISH shall have the power  
7 and authority as may be necessary, and to act independently of each other, to fulfill the duties  
8 and responsibilities of a guardian of the person pursuant to NRS 159.077.

9 G. Pursuant to NRS 159.079, as Co-Guardians of the Person of DIANNA L.  
10 ENGLISH, the Co-Guardians, individually and jointly, have the care, custody and control of the  
11 Protected Person, and have the authority and shall perform the duties necessary for the proper  
12 care and maintenance of the Protected Person, including, without limitation, supplying the  
13 Protected Person with food, clothing, shelter and all incidental necessities; locating an  
14 appropriate residence for the Protected Person based on the financial situation and changing  
15 needs of the Protected Person; and including, without limitation, any medical needs or needs  
16 relating to her care.

17 H. Pursuant to NRS 159.079, as Co-Guardians of the Person of DIANNA L.  
18 ENGLISH, the Co-Guardians shall have the authority, independently and jointly, to provide or  
19 withhold informed consent regarding the Protected Person's health care and residential  
20 placement(s), including consultation on treatment plans, consents for admissions, consents for  
21 medications and treatments when recommended by medical providers, consents for in-facility  
22 services, and authority to make related decisions for the benefit of the Protected Person;

23 I. Pursuant to NRS 150.079(4), the Co-Guardians may establish and change the  
24 residence of the Protected Person at any place within this State. The Guardians shall select the  
25

1 least restrictive appropriate residence which is available and necessary to meet the needs of the  
2 Protected Person and which is financially feasible.

3 J. Pursuant to NRS 159.079(5), the Guardians shall petition the Court for an order  
4 authorizing the Guardians to change the residence of the Protected Person to a location outside  
5 of this state.

6 K. Pursuant to NRS 159.079(6), the Guardians must file a notice with the Court of  
7 her or their intent to move the Protected Person to or place the Protected Person in a secured  
8 residential long-term care facility. Any such notice must comply with the provisions of NRS  
9 159.0807.

10 L. As Guardian of the Estate of DIANNA L. ENGLISH, Guardian LARRY ENGLISH  
11 shall have the authority to take any action with respect to the Protected Person's finances; to  
12 investigate financial condition to evaluate and obtain appropriate placement, including a home  
13 placement with appropriate care, as well as obtain any needed medical, psychiatric and  
14 psychological care, to protect the Protected Person's financial well-being; to access existing  
15 accounts of the Protected Person as is necessary to pay the necessary medical expenses,  
16 caregivers, and incidental expenses of the Protected Person; to investigate any and all  
17 entitlement to insurance or other benefits to obtain medical care and placement for the Protected  
18 Person; to freeze any account the Protected Person may have in any financial institution; to close  
19 any account the Protected Person may have in any financial institution; to open a guardianship  
20 account or accounts in the name of the Guardian of the Estate as in the sole discretion of the  
21 Guardian as is necessary to pay the ongoing expenses of the Protected Person; to secure any  
22 real/personal property belonging to the Protected Person; to pay any ongoing debts of the  
23 Protected Person; to manage the estate of the Protected Person independently of the Protected  
24 Person including check writing; to liquidate any certificates of deposit, shares of stock or other  
25 securities as in the Guardian's sole discretion is deemed appropriate; to obtain the appraisal of



1 any real or personal property belonging to the Protected Person; to redirect the payment of SSA  
2 or other retirement income belonging to the Protected Person; to change the mailing address of  
3 the Protected Person; to access and inventory any safe deposit box owned by the Protected  
4 Person; to investigate any and all fraud and exploitation concerns and take appropriate action to  
5 redress such fraud and exploitation; and to execute or fund an Irrevocable Qualified Income Trust  
6 on behalf of the Protected Person, if necessary.

7 M. Every protected person has the right to have his or her preferences followed. NRS  
8 159.0807(1)(a).

9 N. Every protected person has the right to age in his or her own surroundings or, if  
10 not possible, in the least restrictive environment suitable to his or her unique needs and abilities.  
11 NRS 159.0807(1)(b).

12 O. Pursuant to NRS 159.079(3), LAWRENCE B. ENGLISH and JENNY L.  
13 ERICKSON are hereby named as the Protected Person's Personal Representatives for purposes  
14 of the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

15 P. Pursuant to NRS 159.0593(1) and (2)(b)(2), DIANNA L. ENGLISH, An Adult  
16 Protected Person is a person with a mental defect who is prohibited from possessing a firearm  
17 pursuant to 18 U.S.C. § 922(g)(4). Therefore, the Clerk of the Court is ordered to transmit a copy  
18 of the Supplemental Order to the Central Repository for Nevada Records of Criminal History.

19 Q. Pursuant to NRS 159.0594, DIANNA L. ENGLISH, an Adult Protected Person,  
20 can communicate, with or without accommodations, a specific desire to participate in the voting  
21 process and shall retain her right to vote.

22 R. The driving privileges of DIANNA L. ENGLISH, an Adult Protected Person, are  
23 suspended, and the Clerk of the Court is directed to serve a copy of the Supplemental Order on  
24 the Director of the Department of Motor Vehicles;

25 S. For good cause, the requirement of a bond is waived; and

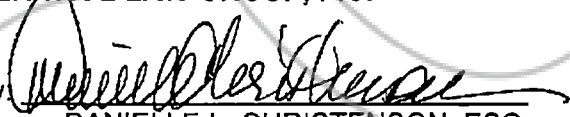
1 T. This matter is set for an annual review hearing on the Report of the Person and  
2 Estate of DIANNA L. ENGLISH, An Adult Protected Person, on 10/14  
3 2019, at 1:30 p.m.

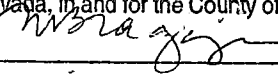
4 DATED: 10/8, 2018

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7 DISTRICT JUDGE

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17 Submitted on October 2, 2018.

18 HERITAGE LAW GROUP, P.C.

19 By   
20 DANIELLE L. CHRISTENSON, ESQ.  
21 SBN 4295  
22 Attorney for Petitioners

23 **CERTIFIED COPY**  
24 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.  
25 DATE August 28, 2019  
BOBBIE R. WILLIAMS Clerk of Court  
of the State of Nevada, in and for the County of Douglas,  
By  Deputy