

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

In the Matter of Guardianship of the Person
and Estate of:

KATHLEEN JUNE JONES,

An Adult Protected Person.

No. 81799

Electronically Filed
Nov 09 2020 01:24 p.m.
Elizabeth N. Brown
Clerk of Supreme Court
DOCKETING
CIVIL APPEALS

GENERAL INFORMATION

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District Eighth Department Family Division
County Clark Judge Linda Marquis
District Ct. Case No. G-19-052263-A

2. Attorney filing this docketing statement:

Attorney Joel E. Tasca Telephone 702-471-7000
Firm Ballard Spahr, LLP
Address 1980 Festival Plaza Drive, Suite 900
Las Vegas, Nevada 89035

Client(s) Kathleen June Jones

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. Attorney(s) representing respondents(s):

Attorney _____ Telephone _____
Firm _____
Address _____

Client(s) _____

Attorney _____ Telephone _____
Firm _____
Address _____

Client(s) _____

(List additional counsel on separate sheet if necessary)

4. Nature of disposition below (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Judgment after bench trial | <input type="checkbox"/> Dismissal: |
| <input type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Lack of jurisdiction |
| <input type="checkbox"/> Summary judgment | <input type="checkbox"/> Failure to state a claim |
| <input type="checkbox"/> Default judgment | <input type="checkbox"/> Failure to prosecute |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief | <input type="checkbox"/> Other (specify): _____ |
| <input type="checkbox"/> Grant/Denial of injunction | <input type="checkbox"/> Divorce Decree: |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination | <input checked="" type="checkbox"/> Other disposition (specify): <u>Attorneys' Fees</u> |

5. Does this appeal raise issues concerning any of the following?

- ☐ Child Custody
- ☐ Venue
- ☐ Termination of parental rights

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

This case has a current appeal pending in the Nevada Supreme Court that is unrelated to this appeal. See docket number 81414.

7. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

8. Nature of the action. Briefly describe the nature of the action and the result below:

On September 19, 2019, Respondents filed an Ex-Parte Petition for Appointment of Temporary Guardian of the Person and Estate and Issuance of Letters of Temporary Guardianship, and Petition for Appointment of General Guardian of the Person and Estate and Issuance of Letters of General Guardianship. In the Petition, Respondents filed their notice of intent to seek payment of attorney's fees and costs from the Appellant's guardianship estate. The district court granted the Ex-Parte Petition on September 23, 2019. Counsel for the Appellant was appointed two days later.

On February 13, 2020, Respondents filed their Petition for Approval of Attorneys Fees and Costs and Request to Enter a Judgment Against the Real Property of the Estate. Respondents requested reimbursement of \$62,029.66 in attorney's fees and costs. Respondents were temporary guardians for less than one month and their petition for fees included fees for work done prior to filing the Ex parte Petition and for work not incurred in preparing the Ex parte Petition.

9. Issues on appeal. State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

- a. Whether the District Court improperly awarded attorney fees pursuant to NRS 159.344.
- b. Whether the District Court improperly concluded that certain of the fees sought were just, reasonable and necessary pursuant to NRS 159.344(5).

10. Pending proceedings in this court raising the same or similar issues. If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

None.

11. Constitutional issues. If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain:

12. Other issues. Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☐ An issue arising under the United States and/or Nevada Constitutions

☒ A substantial issue of first impression

☐ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain: It does not appear that the Nevada Supreme Court has ever addressed the appropriate standard for awarding fees and costs pursuant to NRS 159.344.

13. Assignment to the Court of Appeals or retention in the Supreme Court. Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

Pursuant to NRCP 17(a)(12), this appeal involves as a principal issue a question of statewide public importance. The fair and efficient administration of the adult guardianship laws in Nevada requires that parties not be permitted to recover an excessive amount of fees and costs pursuant to NRS 159.344.

14. Trial. If this action proceeded to trial, how many days did the trial last? _____

Was it a bench or jury trial? _____

15. Judicial Disqualification. Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?
No.

TIMELINESS OF NOTICE OF APPEAL

16. Date of entry of written judgment or order appealed from August 12, 2020

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

17. Date written notice of entry of judgment or order was served August 17, 2020

Was service by:

☐ Delivery

☒ Mail/electronic/fax

18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b) Date of filing _____

☐ NRCP 52(b) Date of filing _____

☐ NRCP 59 Date of filing _____

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. ____, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion _____

(c) Date written notice of entry of order resolving tolling motion was served _____

Was service by:

☐ Delivery

☐ Mail

19. Date notice of appeal filed September 11, 2020

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., *NRAP 4(a)* or *other*

NRAP 4(a).

SUBSTANTIVE APPEALABILITY

21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

(a)

- | | |
|---|---------------------------------------|
| <input checked="" type="checkbox"/> NRAP 3A(b)(1) | <input type="checkbox"/> NRS 38.205 |
| <input type="checkbox"/> NRAP 3A(b)(2) | <input type="checkbox"/> NRS 233B.150 |
| <input type="checkbox"/> NRAP 3A(b)(3) | <input type="checkbox"/> NRS 703.376 |
| <input type="checkbox"/> Other (specify) _____ | |

(b) Explain how each authority provides a basis for appeal from the judgment or order:
The Order dated August 12, 2020 awarding fees and costs was a final judgment in the proceeding below.

22. List all parties involved in the action or consolidated actions in the district court:

(a) Parties:

Kathleen June Jones, an adult protected person
Donna Simmons
Robyn Friedman
Kimberly Jones, Guardian of Person and Estate
Rodney Gerald Yeoman

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

Rodney Gerald Yeoman
Kimberly Jones

23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.

Appellees made claims for recovery of attorney's fees and costs.

24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?

☒ Yes

☐ No

25. If you answered "No" to question 24, complete the following:

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

☐ Yes

☐ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

☐ Yes

☐ No

26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):

27. Attach file-stamped copies of the following documents:

- ⌘ The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- ⌘ Any tolling motion(s) and order(s) resolving tolling motion(s)
- ⌘ Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- ⌘ Any other order challenged on appeal
- ⌘ Notices of entry for each attached order

VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Kathleen June Jones
Name of appellant

Joel E. Tasca
Name of counsel of record

Nov 9, 2020
Date

/s/ Joel E. Tasca
Signature of counsel of record

Clark County, Nevada
State and county where signed

CERTIFICATE OF SERVICE

I certify that on the 9th day of November, 2020, I served a copy of this completed docketing statement upon all counsel of record:

☐ By personally serving it upon him/her; or

☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

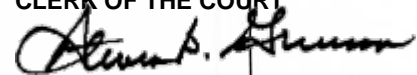
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John P. Michaelson
Michaelson & Associates, Ltd.
2200 Paseo Verde Parkway, Suite 160
Henderson, Nevada 89052

Dated this 9th day of November, 2020

/s/ Adam Crawford
Signature

EXHIBITS TO DOCKETING STATEMENT



PTGD

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Counsel for Petitioners

CASE NO: G-19-052263-A
Department: To be determined

DISTRICT COURT

CLARK COUNTY, NEVADA

IN THE MATTER OF THE GUARDIANSHIP)
OF THE PERSON AND ESTATE OF:)
Kathleen June Jones,)
An Adult Protected Person.)

Case Number:
Department:

**EX-PARTE PETITION FOR APPOINTMENT OF TEMPORARY GUARDIAN
OF THE PERSON AND ESTATE AND ISSUANCE OF LETTERS OF TEMPORARY
GUARDIANSHIP, AND PETITION FOR APPOINTMENT OF GENERAL GUARDIAN
OF THE PERSON AND ESTATE AND ISSUANCE OF LETTERS OF GENERAL
GUARDIANSHIP**

☒ TEMPORARY GUARDIANSHIP
☐ Person
☐ Estate ☐ Summary Admin.
☒ Person and Estate

☒ GENERAL GUARDIANSHIP
☐ Person
☐ Estate ☐ Summary Admin.
☒ Person and Estate

☐ SPECIAL GUARDIANSHIP

☐ NOTICES / SAFEGUARDS

☐ Person
☐ Estate ☐ Summary Admin.
☐ Person and Estate

☐ Blocked Account
☐ Bond Posted
☐ Public Guardian Bond

COMES NOW Petitioners, Robyn Friedman and Donna Simmons (hereinafter
"Petitioners" or "proposed guardians" or "Robyn" or "Donna"), by and through the law firm,
Michaelson & Associates, Ltd., who respectfully submit to this Honorable Court this Ex-Parte

1 Petition for Appointment of Temporary Guardianship of the Person and Estate and Issuance of
2 Letters of Temporary Guardianship, and Petition for Appointment of General Guardianship of the
3 Person and Estate and Issuance of Letters of General Guardianship of Kathleen June Jones,
4 (“proposed protected person” or “Ms. Jones”) in accordance with Chapter 159 of the Nevada
5 Revised Statutes (“NRS”) and represent the following to this Honorable Court:

6 **Summary**

7 1. Petitioners’ mother and proposed protected person, “Ms. Jones”, is at this time
8 incapacitated; meaning she is not able to care for herself either medically or financially without
9 assistance. Upon information and belief, based upon two very recent evaluations, Ms. Jones lacks
10 even testamentary capacity. Ms. Jones has suffered from dementia for years and she has seen
11 doctors and taken medication for years to address this and other ailments. These facts are well
12 known to all parties involved in this matter.

13 2. A number of issues have arisen that are hotly contested between the parties, including, but
14 not limited to, who should care for Ms. Jones, what kind of care she should receive, where she
15 should live, whether, how and when various parties can visit with her, whether they can take her
16 out of state, accountability for expenditures of Ms. Jones’ funds and the transfer of her home to
17 the daughter and son-in-law of her most recent husband for far less than market value without any
18 notice to or discussion with any of Ms. Jones children, nor her designated attorney-in-fact, who is
19 another daughter of Ms. Jones, not your Petitioners herein.

20 3. Petitioners have expended a great deal of time and money attempting to resolve disputes
21 between all parties involved in this matter without court intervention. Specifically, they have
22 expended a great deal of time negotiating and conferring with counsel for the proposed protected
23 person’s husband and his family to try to get them to respect the powers of attorney executed by
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1 the proposed protected person. These conversations have been ultimately unfruitful, and upon
2 information and belief, all the parties are extremely frustrated.

3 4. A temporary guardianship is necessary because when the proposed protected person's
4 attorney-in-fact took her to visit her husband, the attorney-in-fact was without prior notice forcibly
5 prevented from bringing her mother home. Thereafter, the attorney-in-fact, the proposed protected
6 person's own daughter, was allowed to see her mother on one or two occasions but was then
7 excluded altogether by her mother's current spouse and/or her spouse's son-in-law, neither of
8 whom has a power of attorney or guardianship over the proposed protected person. Upon
9 information and belief, Ms. Jones' appointments with medical providers were summarily cancelled
10 by her husband and Ms. Jones' chosen healthcare and financial representative was excluded from
11 the property where Ms. Jones was being held. All of this was done even though the proposed
12 protected person's daughter and agent had quit her job in California and moved to Las Vegas to
13 take care of her mother.

14 5. A temporary guardianship is necessary because multiple parties have called the police on
15 the others, and upon information and belief, some stating that Ms. Jones has been kidnapped. After
16 observing differences of opinion and heated disagreements, Petitioners are concerned that these
17 differences of opinion and claims of isolation by one party or the other could easily spill into
18 physical altercations and/or someone in the family being arrested for alleged kidnapping.

19 6. A temporary guardianship is also necessary because upon information and belief Ms.
20 Jones' husband's son-in-law has initiated eviction proceedings to remove the proposed protected
21 person's chosen caregiver – her daughter and financial and healthcare POA agent - from the home
22 where the proposed protected person has been residing, leaving the proposed protected person with
23 no caregiver and leaving her living situation in limbo. This home is the same property that was
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1 formerly owned by Ms. Jones as her sole and separate property, but which was transferred to Ms.
2 Jones' current spouse's daughter and son-in-law for far less than market value.

3 7. Petitioners wish to advise this Honorable Court that Petitioner Donna Simmons has been a
4 paid professional caregiver for elderly persons in the state of California for over 10 years, and that
5 Petitioner Robyn Friedman owns a home in the Las Vegas valley with wheelchair access. She is
6 happy to have her mother live there but would greatly prefer for her mother to be able to remain
7 in the home that she owned for many years. Even after the transfer of the property, Ms. Jones
8 continued to reside there, along with her attorney-in-fact, but upon information and belief that is
9 now in question due to the eviction proceedings because she cannot stay there alone.

10 8. A temporary guardianship is necessary because all sides are very frustrated by what they
11 perceive to be a lack of clear communication and a framework to allow everyone to contact and
12 have face to face time with the proposed protected person.

13 9. A temporary guardianship is necessary because the proposed protected person's current
14 spouse and his family do not recognize the validity of the proposed protected person's financial
15 and healthcare powers of attorney. Thus, although powers of attorney in some situations can be
16 the "least restrictive means," they are not if the parties will not recognize or abide by them and are
17 going to report each other to local law enforcement and even the FBI for alleged trespassing,
18 kidnapping and other violations.

19 10. A temporary guardianship is necessary because while they respect that their sister was
20 appointed by their mother as attorney-in-fact and also as guardian if the appointment of a guardian
21 became necessary, Petitioners assert that their sister, the designated attorney-in-fact, has been
22 unwilling to set forth a written plan of care and visitation framework to protect their mother and
23 prevent confusion and antagonism about visitation and communication. Upon information and
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1 belief, the attorney-in-fact is unwilling to seek a guardianship even though the POA's are not being
2 honored, and despite the fact that that lack of respect for Ms. Jones' POA's fuels a great deal of
3 uncertainty about their mother's living situation and visitation, and will lead to continued
4 uprooting of their mother and further unrest and stress for all involved.

5 11. A temporary guardianship is necessary because these circumstances are very expensive to
6 the proposed protected person's estate – upon information and belief – money is missing from
7 accounts – and the emotional strain of the acrimony poses a substantial risk to the health and well-
8 being of Ms. Jones and her family, including her current husband.

9 12. Petitioners also plead for this court to appoint them eventually as general guardians of their
10 mother's person and estate, if after Court review and oversight of these matters, the Court feels
11 that continuing Court supervision will benefit all parties and provide transparency over the care
12 plan management and also financial matters. Petitioners have been unable to obtain any
13 accounting from their mother's attorney-in-fact – their sister – and despite her many good
14 intentions, their mother's home was transferred to her husband's daughter and son-in-law after the
15 proposed protected person had been diagnosed with dementia and despite the other parties'
16 knowledge of their sister being attorney-in-fact. Also, in spite of having the POA's, the attorney-
17 in-fact lost possession of their mother for several weeks due to the conduct of Ms. Jones' current
18 husband and his family and Ms. Jones was even taken out of state by them for an extended period
19 and isolated from the rest of the family. Ms. Jones' husband and his son-in-law have gone so far
20 as to file pleadings in the now defunct probate court action, challenging the validity of the POA's
21 without basis and after being aware of their existence for years. Thus, Petitioners are concerned
22 that without the backing of the court, their mother's wishes will continue to be disrespected and
23 their sister will continue to not be recognized in her capacity as their mother's agent.
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1 13. Petitioners have offered to pay expenses on behalf of their sister in her role as attorney-in-
2 fact and are still able and willing to do so but at this point they are not willing to do so without
3 Court supervision of all parties involved, at least for a temporary period to cool things down, clarify
4 expectations, and establish a workable and specific care plan.

5 14. Petitioners recognize that Powers of Attorney can be utilized successfully in many
6 situations, however in this case where there is a long history of acrimony, isolation, and disrespect
7 between family members, Petitioners implore the Court to grant a guardianship so that a plan for
8 Ms. Jones' care can finally be created and implemented and all family members can be assured
9 that Ms. Jones is safe and her best interests are being looked after. In the current situation,
10 Petitioners are in the untenable position of having no recourse when they are denied contact with
11 their mother and are refused communication with the other parties. There is no recourse when
12 Petitioners witness non-family members inserting themselves in Ms. Jones' financial affairs.
13 Petitioners would gladly support their sister's appointment as guardian for their mother if she were
14 willing to petition immediately and cooperate with the Court immediately.
15

16 **Information Concerning Proposed Protected Person**

17 15. Ms. Jones's date of birth is January 20, 1937; she is 82 years of age.

18 16. Ms. Jones is currently married to Rodney Gerald Yeoman ("Mr. Yeoman"). This marriage
19 took place in approximately 2009.

20 17. Ms. Jones's last-known address is 6277 Kraft Avenue, Las Vegas, Nevada, 89130.

21 18. Ms. Jones was evaluated by Dr. Gregory Brown on September 9, 2019. A Physician's
22 Certificate of Incapacity setting forth Ms. Jones' need for a guardian has been submitted
23 confidentially to this Court under separate cover. Prior to Dr. Brown's evaluation, Ms. Jones had
24 a neurological evaluation at the Lou Ruvo Center for Brain Health at the Cleveland Clinic on or
25

1 about September 5, 2019. A letter signed by a physician after that evaluation and attesting to Ms.
2 Jones' need for a guardian has been submitted confidentially to this Court under separate cover.

3 19. On December 27, 2005, Ms. Jones executed a Healthcare Power of Attorney naming her
4 daughter Kimberly Jones ("Kimberly") as her Attorney-in-Fact for healthcare decisions. Upon
5 information and belief, this Healthcare Power of Attorney has not been superseded by any other
6 healthcare documents and remains in full force and effect. See Exhibit 1

7 20. On October 24, 2012, Ms. Jones executed a Financial Power of Attorney naming Kimberly
8 as her Attorney-in-Fact for financial matters. Petitioners point out that, although this Power of
9 Attorney was executed after Ms. Jones' marriage to Mr. Yeoman, Ms. Jones still chose Kimberly
10 as her attorney-in-fact for financial matters. See Exhibit 2

11 21. On November 23, 2012, Ms. Jones executed a Last Will and Testament which named
12 Kimberly as Ms. Jones' chosen Personal Representative and also named Kimberly as Ms. Jones'
13 chosen guardian over her person and estate, should the need for a guardian ever arise. Again,
14 Petitioners point out that, although this Will was executed after Ms. Jones' marriage to Mr.
15 Yeoman, Ms. Jones still chose her daughter as her guardian and personal representative. See
16 Exhibit 3

18 **Legal Basis and Argument for Temporary Guardianship**

19 22. NRS 159.0525 provides that the court may appoint a temporary guardian for an adult *who*
20 *is unable to respond to a substantial and immediate risk of financial loss*. A petitioner must provide
21 a certificate signed by a physician who is licensed to practice medicine in this State that shows:

22 (1) that the proposed protected person is unable to respond to a substantial and
23 immediate risk of financial loss;

24 (2) whether the proposed protected person can live independently with or
25 without assistance or services; and

1 (3) whether the proposed protected person is or has been subject to abuse,
neglect or exploitation isolation or abandonment; and

2 also, a petitioner must demonstrate that he/she/it attempted "in good faith to notify persons
3 entitled to notice . . ."

4
5 23. In addition, NRS 159.0523 provides that a petition may request the court appoint a
6 temporary guardian for a proposed protected person who is unable to respond to the substantial
7 immediate risk of physical harm or need for immediate medical attention. As with 159.0525
8 referenced above, the petitioner must provide documentation which shows that the proposed
9 protected person faces a substantial and immediate risk of physical harm and need for immediate
10 medical attention.

11 24. Ms. Jones needs a temporary guardian due to the conflict between her children and her
12 husband, which is resulting in a situation in which Ms. Jones is being moved between temporary
13 living accommodations under contentious circumstances and not being given the opportunity to
14 interact with her children. Petitioners, two of Ms. Jones' children, are extremely concerned that
15 their mother is caught between opposing factions of the blended family and that the dissent
16 between the blended family members is putting Ms. Jones in an unnecessarily unstable, stressful
17 and unsafe situation.

18
19 25. The unrest between family members and Mr. Yeoman's son-in-law and daughter, Dick and
20 Kandi Powell ("Dick" and "Kandi") has become so extreme that Petitioners are concerned about
21 the potential for violence between some of the people close to Ms. Jones as they tussle over the
22 care and control of her person and estate. There have been multiple heated exchanges between
23 Ms. Jones' children and Dick and Kandi. Ms. Jones has been effectively snatched back and forth
24 between Kimberly and Dick and Kandi in attempts to keep Ms. Jones in their respective company.
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1 Upon information and belief, Mr. Yeoman is terminally ill and has been recently taken by Dick
2 and Kandi to Arizona for medical treatment. Despite Ms. Jones' children offering to care for Ms.
3 Jones in Las Vegas while Mr. Yeoman was in the hospital in Arizona, Ms. Jones was abruptly
4 taken to Arizona with no notice to her children. During the time that Ms. Jones was in Arizona,
5 her children were not permitted to see her, nor were they allowed to speak with Ms. Jones on the
6 telephone. Her children were eventually informed that the stay in Arizona would be indefinite and
7 that they could not see their mother, except potentially under some undefined terms according to
8 Dick that were never clarified.

9 26. Upon information and belief, Ms. Jones is currently back in Las Vegas and in the care of
10 Kimberly. This is a result of Kimberly traveling to Arizona to pick Ms. Jones up and bring her
11 back to her home and back to the care of her children. These movements of Ms. Jones between
12 Kimberly and Dick and Kandi have not been peaceful; upon information and belief, when
13 Kimberly removed Ms. Jones from Dick and Kandi in Arizona, and returned Ms. Jones to Las
14 Vegas, Dick called both local law enforcement in Las Vegas and the Federal Bureau of
15 Investigation and caused both agencies to become involved in this matter, claiming that Kimberly,
16 who holds both healthcare and financial POA and is nominated as guardian of the person and estate
17 in Ms. Jones' last will and testament, had actually committed a crime and kidnapped Ms. Jones.
18 Oddly, law enforcement informed Petitioner Robyn Friedman that the POA's were not valid. That
19 is not a customary thing for law enforcement to say unless they were coached by Dick or Dick's
20 counsel. No Court has even come close to holding the POA's are not valid. Given Nevada's
21 presumption in favor of validity of powers of attorney, that insinuation to law enforcement is
22 totally and completely inappropriate. If Mr. Yeoman, Dick or their attorney felt that the POA's
23 were not valid, the appropriate course would have been for them to petition for guardianship since
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1 they lack POA themselves and to ask the court to find that the POA's are not valid. This was never
2 done.

3 27. The ongoing threat of law enforcement involvement is, understandably, a source of stress
4 to Ms. Jones. Petitioners point out that Dick is not related to Ms. Jones. Petitioners further point
5 out that Dick is well aware of the existence of the powers of attorney granting Kimberly the
6 authority to care for her mother, yet he continues to assert control over Ms. Jones and show
7 blatant disregard for the valid powers of attorney.

8 **The POA's are Not Being Respected**

9 28. Petitioners realize that utilizing existing and valid advanced directives, such as powers of
10 attorney, are often the least restrictive, and therefore preferred, means of caring for incapacitated
11 individuals in Nevada. However, Petitioners feel compelled to ask for this Court's involvement
12 in Ms. Jones' affairs because the powers of attorney are not serving the purpose for which they
13 were intended.
14

15 29. Petitioners point out that it is primarily Dick who is acting without regard for the authority
16 that Kimberly should have under the existing Powers of Attorney. Mr. Yeoman is not capable at
17 this time of caring for Ms. Jones and Petitioners question why Dick should have any input into the
18 care of Ms. Jones, as he is not related in any way to Ms. Jones.

19 (a) Dick has repeatedly asked where in either power of attorney it gives Kimberly any authority
20 over Ms. Jones' person. Petitioners assert that Dick is using this as justification to keep Ms. Jones
21 at his home and not allowing her to return to Kimberly's care after Kimberly brought Ms. Jones to
22 visit with her husband at Dick's house. Petitioners also assert that this is the justification used
23 when the Powell's took Ms. Jones to Arizona with them, against the wishes of Kimberly and
24 Petitioners. The purpose of the travel to Arizona was for Mr. Yeoman to receive medical treatment
25

1 - so he was (and remains) in the hospital in Arizona and in no way available or able to care for Ms.
2 Jones. In Arizona, Ms. Jones was entirely under the care of non-family members. Once Dick and
3 Kandi took Ms. Jones with them to Arizona, they then had their counsel inform counsel for your
4 Petitioners herein that because Mr. Yeoman would need to remain in Arizona, Ms. Jones would
5 have to remain in Arizona as well - indefinitely. Subsequently, requests to visit Ms. Jones in
6 Arizona were denied.

7 (b) Both in Nevada and later in Arizona, upon information and belief, Dick and Kandi have
8 been hiring caregivers for Ms. Jones despite the fact that both Kimberly and your Petitioners herein
9 have expressed directly in meetings and through their counsel on repeated occasions that they are
10 more than willing and able to care for their mother and that they would like to do so. These pleas
11 and requests have been made repeatedly made to Dick and Kandi. Historically, Ms. Jones' children
12 have been the caregivers for their mother whenever Ms. Jones has been in the hospital. One of
13 Ms. Jones' daughters has been by her side every night that she spent in the hospital over the years.
14 This willingness to be caregivers as needed has not changed, and Dick and Kandi are aware of the
15 availability of Ms. Jones' children as caregivers.
16

17 (c) Dick and Mr. Yeoman have been aware of the existing powers of attorney for years, yet
18 they continue to insert themselves into Ms. Jones' care decisions and financial transactions. See
19 *Exhibit 4*; *copies of text messages from Kandi's sister, the liaison between the families, dated May*
20 *6, 2017 and referencing the powers of attorney.*

21 (d) Interestingly, Mr. Yeoman and the Powell's respected the powers of attorney for nearly six
22 years and never questioned the validity of the documents until recently. The disrespect of the
23 powers of attorney seems to have suddenly occurred in response to Kimberly, who, in the course
24 of fulfilling the duties imposed upon her by her appointment under the power of attorney,
25

1 challenged Dick and Kandi by looking into a transfer of real property from Ms. Jones' sole
2 ownership to Dick and Kandi's ownership for far less than market value, while Ms. Jones was
3 known to suffer from dementia, and while Dick and Kandi were well aware of Ms. Jones POA's
4 and without any notice or discussion whatsoever with Ms. Jones' selected agent or even any of her
5 family, with whom Dick and Kandi had fairly regular direct and indirect dealings.

6 (e) There is a presumption in Nevada in favor of POA's, in which a signature is presumed to
7 be genuine and the power of attorney valid if the principal acknowledges the signature before a
8 Notary Public.¹ Mr. Yeoman, Dick, and their counsel must bear the burden of showing that the
9 POA's should not be honored.² But, with their continual disregard for Kimberly's authority and
10 general disparaging of the POA's, they are attempting to shift the burden to Kimberly to prove that
11 she has a right to visit her mother and oversee her care. On at least three different occasions (the
12 2005 HPOA, the 2012 Financial POA, and the Last Will and Testament signed in 2012), Ms. Jones
13 chose Kimberly and not Mr. Yeoman as her agent for healthcare and financial matters.

14 (f) Further, upon information and belief as confirmed by the Cleveland Clinic - Lou Ruvo
15 Center for Brain Health in Las Vegas, Nevada as well as counsel for Mr. Yeoman, in complete
16 disregard of the healthcare power of attorney, Mr. Yeoman and/or Dick has also taken it upon
17 himself/themselves to cancel multiple healthcare appointments that had been scheduled by
18 Kimberly for Ms. Jones. The scheduling (and cancelling or rescheduling) of healthcare
19 appointments should be the responsibility of the Agent designated by Ms. Jones in her healthcare
20 power of attorney. Kimberly is the Agent named in Ms. Jones' healthcare power of attorney and
21
22
23

24 ¹ Nevada Revised Statutes 162A.220(1) and 162A.230(1)

25 ² Nevada Revised Statutes 162A.370

1 Petitioners are concerned that Kimberly's authority is being usurped by Mr. Yeoman and Dick and
2 Kandi. Dick, Kandi, and Mr. Yeoman seem to be under the mistaken belief that they can direct
3 Ms. Jones' healthcare simply because Ms. Jones and Mr. Yeoman are married, but a marriage
4 relationship does not take precedence over the authority of an agent named in a power of attorney.
5 A husband does not own his wife and should not be allowed to assert that his wishes regarding her
6 care should be followed in contravention of the choices made by his wife at a time when she had
7 the capacity to choose her caregivers and decision makers.

8 **Ms. Jones' Caregiver Has Been Evicted From Ms. Jones' House**

9 30. Upon information and belief, Ms. Jones owned real property located at 6277 Kraft Avenue,
10 Las Vegas, Nevada, 89117, ("Kraft house") which she owned in joint tenancy with a former
11 fiancée from January 2002 until the fiancée's death in 2004, after which Ms. Jones owned the
12 property as her separate property from June 2004 until January 2018. On or about January 16,
13 2018, ownership of the property was transferred to Dick and Kandi. *See Parcel Ownership History*
14 *(Assessor Parcel Number Tree) as shown on the Clark County Recorder's website attached hereto*
15 *as Exhibit 5 and a copy of the deed transferring to the Powell's attached hereto as Exhibit 6. A*
16 *temporary guardianship is necessary to stop Dick and Kandi from having further access to Ms.*
17 *Jones' assets and finances. It is unclear whether Dick and Kandi are gifting the cost of any care*
18 *they have provided to or for Ms. Jones or if they are unilaterally spending her money on her behalf.*
19 *If the latter is the case, Petitioners assert this is totally inappropriate. Upon information and belief,*
20 *Kandi's sister, Geri Ann, has been paid to care for Ms. Jones. Petitioners assert that this may be*
21 *yet another instance of one of Mr. Yeoman's family members profiting unnecessarily from Ms.*
22 *Jones' assets. Dick and Kandi have absolutely no standing or basis to transact in Ms. Jones'*
23 *property or to expend her money or decide how to care for her or what should be done when they*
24
25

1 are fully aware that Ms. Jones conscientiously and purposefully designated other individuals to
2 handle this for her.

3 31. Upon information and belief, Ms. Jones and Mr. Yeoman lived together in the Kraft house
4 until Mr. Yeoman became ill in April 2019; at which time Mr. Yeoman went to live temporarily
5 with Dick and Kandi. Mr. Yeoman's other daughter, Marci Pirolo, reached out by text message
6 on April 9, 2019 to Ms. Jones' children to inform them that Mr. Yeoman would be in the hospital
7 for weeks or more and the Ms. Jones would need a caregiver. See Exhibit 7.

8 32. Kimberly immediately quit her job in California after receiving the text message from
9 Marci, so that she could move to Las Vegas and care for her mother. Upon information and belief,
10 Kimberly arrived in Las Vegas within days of receiving the text. During the time that Kimberly
11 has been living in Las Vegas, Kimberly and Ms. Jones have been living together in the Kraft house
12 while Mr. Yeoman is living with Dick and Kandi.

13 33. Upon information and belief, in approximately August 2019 Kimberly took Ms. Jones to
14 visit Mr. Yeoman at the home of Dick and Kandi. When Kimberly arrived later the same day to
15 pick up Ms. Jones and return with her to the Kraft house, Mr. Yeoman and Dick and Kandi refused
16 to allow Ms. Jones to leave with Kimberly.

17 34. Upon information and belief, Ms. Jones was not allowed contact with Petitioners or her
18 other children during the time that Ms. Jones was being kept at Dick and Kandi's house. Despite
19 attempts by Ms. Jones' children to see or speak with their mother, Ms. Jones' was only permitted
20 to speak with Kimberly, but not any of her other children. Ms. Jones was not permitted to see any
21 of her children for approximately five weeks.

22 35. Upon information and belief, Dick did not allow Kimberly to stay in the Kraft house after
23 the refusal to let Ms. Jones return to her home. Because he had taken ownership of the property,
24
25

1 Dick called police and attempted to have Kimberly removed from the house. Upon information
2 and belief, police advised that he needed to initiate eviction proceedings to remove Kimberly from
3 the house in which, until that day, she had been living and caring for Ms. Jones.

4 36. On September 9, 2019, Dick filed an eviction matter in Las Vegas Justice Court against
5 Kimberly and her boyfriend, Dean Loggins to remove them from the Kraft house. (Case No.
6 19R000148, Case Type AB386-Unauthorized Occupant). Based on the eviction proceedings
7 initiated by Dick to keep Kimberly out of the Kraft house, Ms. Jones will no longer be able to live
8 in her own home because she is not able to live alone and Dick has evicted or is in the process of
9 evicting her caregiver.

10 37. It is unclear where Ms. Jones will live if Kimberly does not have a place to stay with her
11 in Las Vegas. Dick, by transferring the house to his name and then evicting Kimberly, has created
12 a situation in which Ms. Jones cannot continue to live in the home in which she has lived for over
13 17 years. Further, by evicting Kimberly from the house, Dick has created a situation in which,
14 without Court intervention, Ms. Jones has no option but to live with and be under the control of
15 Dick, Kandi – who are not her relatives - and the very ill Mr. Yeoman, with her attorney-in-fact
16 and her other children excluded.

18 **Legal Basis and Argument for General Guardianship**

19 38. NRS 159.054(3) authorizes this court to appoint a general guardian of the protected person
20 if the court finds a general guardian is required.

21 39. In a proceeding to appoint a guardian for a proposed protected person under NRS
22 159.0613.1(b), the court shall give preference to a nominated person or relative *[i]f the court*
23 *determines that the nominated person or relative is qualified and suitable to be appointed as*
24 *guardian for the proposed protected person.*
25

1 40. NRS 159.0613.2, states, in determining whether any nominated person or relative is
2 qualified and suitable to act as guardian under NRS 159.0613(4) the court shall consider the
3 following:

4 (a) The ability of the nominated person, relative . . . to provide for the
5 basic needs of the . . . proposed protected person, including, without limitation,
6 food shelter, clothing and medical care;

7 (b) Whether the nominated person has engaged in the habitual use of
8 alcohol or any controlled substance during the previous 6 months . . . ;

9 (c) Whether the nominated person, relative or other person has been
10 judicially determined to have committed abuse, neglect, exploitation, isolation or
11 abandonment of a child, his or her spouse, his or her parent or any other adult . .
12 .;

13 (d) Whether the nominated person, relative or other person is
14 incapacitated or has a disability; and

15 (e) Whether the nominated person, relative or other person has been
16 convicted in this State or any other jurisdiction of a felony, . . .

17 41. NRS 159.0613.3 states, *[i]f the court finds that two or more nominated persons are*
18 *qualified and suitable to be appointed as guardian for a protected person . . . , the court may*
19 *appoint two or more nominated persons as co-guardians or shall give preference among them in*
20 *the following order of preference:*

21 (a) A person whom the protected person nominated for the appointment
22 as guardian for the proposed protected person in a will, trust or other written
23 instrument that is part of the established estate plan of the protected person . . . and
24 was executed by the protected person . . . while he or she was not incapacitated.

25 42. In addition, NRS 159.0613.4 states the court shall appoint as guardian the qualified
person who is most suitable and is willing to serve. The court considers the factors outlined
under NRS 159.0613(2) above, in addition to the following:

(a) Any nomination or request for the appointment as guardian by the
protected person . . .

1 ...
2 (b) The relationship by blood . . . of the proposed guardian to the protected
3 person . . . The court may consider any relative in the following preference:

4 (1) A spouse or domestic partner;

5 (2) A child;

6 ...
7 (4) Any relative with whom the . . . proposed protected person has resided for
8 more than 6 months before the filing of the petition, or any relative who as a power of
9 attorney executed by the . . . protected person while he or she was not incapacitated.

10 (5) Any relative currently acting as agent.

11 ...

12 43. Absent other factors, pursuant to NRS 159.0613, Kimberly is the preferred person to be
13 named as guardian of Ms. Jones because she was nominated for the appointment as guardian for
14 Ms. Jones in her Will and the Will was executed by Ms. Jones while she was not incapacitated.
15 However, Kimberly is not willing to pursue a guardianship matter at this time. Petitioners are
16 concerned that (1) Kimberly's authority under her valid power of attorney is not being honored;
17 (2) that Kimberly historically has not been communicative with the rest of the family, nor has she
18 been transparent with the financial transactions she has done on behalf of Ms. Jones; and (3) that
19 parties unrelated to Ms. Jones, namely Dick and Kandi, are inappropriately exercising control over
20 her person and her assets and finances with absolutely no oversight or accountability.

21 44. Therefore, Petitioners feel compelled to bring this guardianship action in order to ensure
22 that Ms. Jones receives the quality of care and stability of environment that are currently lacking
23 in her situation. Petitioners find themselves cut off from communication not only with Ms. Jones
24 but with Kimberly and Mr. Yeoman and Dick and Kandi who all are refusing to return Petitioners
25 phone calls.

 45. Guardianship is necessary in order to have Court oversight of Ms. Jones' living
 arrangements and her visitation schedule with her husband and her children. Kimberly, in her role

1 as attorney-in-fact, has demonstrated an inability or unwillingness to provide any care plans to Ms.
2 Jones' family; to date, Kimberly has not provided a financial plan, a visitation plan, nor a workable
3 plan regarding Ms. Jones' living arrangements – especially in light of the eviction proceeding.
4 Your Petitioners herein have been requesting a care plan since it became apparent several years
5 ago that Ms. Jones was unable to care for herself. Since that time, with no plan, Petitioners have
6 simply stepped up as needed in the role of caregivers. The result is a highly unstable and stressful
7 environment for Ms. Jones; one in which she does not even have a place to live for the long term
8 and where her assets are being depleted with no accountability or transparency.

9 46. Petitioners state that it is not their intention to isolate Ms. Jones from her husband or her
10 other children; it is their intention to care for Ms. Jones and facilitate Ms. Jones' interaction with
11 all of the people that care for Ms. Jones and desire to spend time with her, including her husband
12 if appropriate.

13 47. Petitioners ask this Court to grant guardianship so that Petitioners may be authorized to
14 assist with the situation by cooperatively developing a care plan which will adequately address the
15 issues of living arrangements, visitation with family members, and financial management. Such a
16 care plan will provide the stability that Ms. Jones desperately needs to have restored to her life.

17 48. Ms. Jones has been isolated from her children by both Dick and Kandi and then more
18 recently by Kimberly. Historically, Mr. Yeoman and Dick and Kandi have shown a pattern of
19 isolating Ms. Jones from her children whenever Ms. Jones is in their control. NRS 200.5092(4)(a)
20 defines Isolation as “preventing an older person or a vulnerable person from having contact with
21 another person by: (a) [i]ntentionally preventing the older person or vulnerable person from
22 receiving visitors, mail or telephone calls, ...” At various points, each of Ms. Jones' children has
23 attempted to arrange to spend time with Ms. Jones, only to be denied the visit by either Mr.
24
25

1 Yeoman or Dick or their attorney. Attempts to speak with their mother on the phone have been
2 similarly thwarted by Mr. Yeoman or Dick or their attorney. Upon information and belief, Mr.
3 Yeoman and the Powell's are currently represented by counsel who has advised them that they
4 should not allow Ms. Jones to see her children or to speak with them on the phone.

5 49. Kimberly has made it difficult for Ms. Jones' children to interact with Ms. Jones as well.
6 Upon information and belief, Kimberly has blocked incoming calls and text messages from
7 Petitioners, resulting in a situation in which communication is difficult at best but nearly
8 impossible most of the time.

9 50. Guardianship is also necessary to address a history of financial mismanagement by the
10 current fiduciary. As an example, Ms. Jones owns a house in Anaheim, California, which has been
11 rented for approximately \$1,500 under market rental value for many years. Another example is
12 that in 2016 or 2017 when Ms. Jones underwent hip surgery and was out of her home, the attorney-
13 in-fact allowed a young person who was not vetted to live in Ms. Jones' home. The unvetted
14 caregiver/attendant stole a large amount of money and property from Ms. Jones that was only
15 partially recovered, and what was recovered was, upon information and belief, due to the efforts
16 of Mr. Yeoman. These and other lapses in financial judgment, awareness, know-how and/or
17 attentiveness, coupled with ongoing lack of transparency and communication issues and the
18 inability to achieve peace between the parties must be addressed in order to maximize the potential
19 income available for Ms. Jones' care.
20

21 51. On September 6, 2019, Ms. Jones was a party to a matter filed before Commissioner
22 Yamashita in District Court, Clark County Nevada. The matter (P-19-100166-E) was filed by Ms.
23 Jones' daughter Kimberly in an attempt to have the probate court confirm her as agent under the
24 existing power of attorney, pursuant to NRS 262A.330. The matter came before the Honorable
25

Wesley Yamashita but due to a lack of proper notice and other procedural issues, the petition was not granted and as of the filing of the instant Petition, there is no further petition pending. Upon information and belief, Ms. Jones is not party to any other present or pending civil or criminal legal proceeding.

52. This guardianship is sought for the purpose of having this Honorable Court oversee the creation and implementation of a specific care plan for Ms. Jones including her living arrangements and visitation for all involved without the threat of having one side or the other exclude or isolate Ms. Jones, as well as for the purpose of recovering if possible Ms. Jones' property that was deeded to Dick and Kandi for far less than market value. Petitioners feel that it would be their fiduciary duty as guardians to investigate this transfer further and potentially pursue means to return the house to Ms. Jones' ownership.

53. Based on the foregoing, Petitioners request appointment as Ms. Jones' temporary and potentially general co-guardians in order to have authority from the Court to act as fiduciaries for Ms. Jones for both her financial and healthcare matters in this very difficult and complex situation. Petitioners are seeking court oversight and direction in resolving these disputes.

Family of Proposed Protected Person

54. Upon information and belief, Ms. Jones's family and relatives, within the second degree of consanguinity, are as follows:

| Name | Relationship | Age or Status | Last-Known Address |
|----------------------|-------------------------|----------------------|---|
| Rodney Gerald Yeoman | Husband | Adult | 2540 E. Harmon Ave. Las Vegas, NV 89102 |
| Kimberly Jones | Daughter | Adult | PO Box 146 18543 Yorba Linda Blvd. Yorba Linda CA 92886 |
| Robyn Friedman | Daughter/ Petitioner | Adult | 2824 High Sail Ct. Las Vegas, NV 89117 |

| | | | |
|------------------------|-------------------------|-------|--|
| Donna Simmons | Daughter/ Petitioner | Adult | 1441 N. Redgum, Unit G Anaheim, CA 92806 |
| Teri Butler | Daughter | Adult | 586 N. Magdalena St. Dewey, AZ 86327 |
| Scott Simmons | Son | Adult | 1054 S. Verde St. Anaheim, CA 92805 |
| Jen Adamo | Grandchild | Adult | 14 Edgewater Dr. Magnolia, DE 19962 |
| Jon Criss | Grandchild | Adult | 804 Harksness Ln., Unit 3 Redondo Beach, CA 90278 |
| Ryan O'Neal | Grandchild | Adult | 112 Malvern Ave., Apt. E Fullerton, CA 92832 |
| Tiffany O'Neal | Grandchild | Adult | 177 N. Singingwood St., Unit 13 Orange, CA 92869 |
| Samantha Simmons-Ihrig | Grandchild | Adult | Unknown |
| Cortney Simmons | Grandchild | Adult | 765 Kimbark Ave. San Bernardino, CA 92407 |
| Cameron Simmons | Grandchild | Adult | Unknown |
| Ampersand Man | Grandchild | Minor | C/O 2824 High Sail Ct. Las Vegas, NV 89117 |

55. As required under NRS 159.0523.1(b)(1), Petitioners have tried in good faith to notify family members of the filing of the petition for appointment of temporary guardianship as stated above.

Assets, Income & Expenses of Proposed Protected Person

56. Upon information and belief, Ms. Jones does not receive benefits from the Department of Veterans Affairs.

57. Upon information and belief, Ms. Jones receives social security income of approximately \$1,200.00 per month.

58. Upon information and belief, Ms. Jones owns Real Property in Anaheim, California which is rented to her son, Scott Simmons for approximately \$1,200.00 per month; an amount that is sufficient to pay the mortgage on the property.

1 59. Upon information and belief, Ms. Jones owned Real Property located at 6277 Kraft
2 Avenue, Las Vegas, Nevada, 89117, ("Kraft house") which she owned in Joint Tenancy with a
3 former fiancée from January 2002 until the fiancée's death in 2004, after which Ms. Jones owned
4 the property as her separate property from June 2004 until January 2018. On or about January 16,
5 2018, ownership of the property was transferred to the Powell's.

6 60. Upon information and belief, Ms. Jones has basic expenses for food, clothing,
7 entertainment, telephone and insurance in an amount to be determined.

8 61. Upon information and belief, Ms. Jones has bank accounts either in her own name or held
9 jointly with her husband, the balances of which are unknown.

10 **Proposed Care Plan and Budget for Proposed Protected Person**

11 62. The proposed care plan for Ms. Jones is to determine the safest and most stable living
12 arrangements for Ms. Jones. Petitioners will assist Ms. Jones with her finances, with managing
13 her medications, and with making medical appointments and other medical decisions as needed.
14 Ms. Jones' children are available and willing to provide care for Ms. Jones. Petitioners are also
15 planning to hire professional caregivers in the event it is decided that professional care is
16 warranted. Petitioner, Robyn Friedman, has a wheelchair accessible room and bathroom at her
17 home which would be available for Ms. Jones' use.

18 63. Proposed care plan for Ms. Jones will also include facilitating one-on-one visitation for
19 each member of Ms. Jones' family who desires to see her. The care plan is to continue social
20 contact between Ms. Jones and her husband, as well as between Ms. Jones and her children.
21

22 **Information Concerning the Petitioner- Robyn Friedman**

23 64. The Petitioner and proposed co-guardian's full legal name is Robyn Friedman.

24 65. Robyn Friedman is the daughter of Ms. Jones.
25

1 66. Robyn Friedman's mailing and physical address is 2824 High Sail Court, Las Vegas,
2 Nevada, 89117.

3 67. Robyn Friedman, the proposed co-guardian, is over 18 years of age and competent to serve
4 as a temporary and general guardian.

5 68. Robyn Friedman has never been convicted of a felony or judicially determined to have
6 committed abuse, neglect or exploitation of a child, spouse, parent or other person.

7 69. Robyn Friedman has not been suspended for misconduct or disbarred from the practice of
8 law, the practice of accounting or any other profession which involves the management or sale of
9 money, investments, securities or real property and requires licensure in the State of Nevada or
10 any other state.

11 70. Robyn Friedman has not been appointed as guardian over the proposed protected person in
12 a state other than Nevada.

13 71. Robyn Friedman is seeking a special guardianship of the person and estate of the proposed
14 protected person.

15 72. The proposed guardian, Robyn Friedman, is competent and capable of acting in the
16 capacity temporary and general guardian of the person and the estate of Kathleen June Jones, and
17 hereby consents to act in that capacity.

18 73. The proposed guardian, Robyn Friedman, has not filed for or received protection under
19 federal bankruptcy laws within the immediately preceding seven (7) years.

20
21 **Information concerning the Petitioner- Donna Simmons**

22 74. Petitioner and proposed guardian's full legal name is Donna Simmons.

23 75. Donna Simmons is a daughter of Ms. Jones.
24
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1 76. Donna Simmons' mailing and physical address is 1441 N. Redgum St., Unit G. Anaheim,
2 California, 92806.

3 77. Donna Simmons, the proposed co-guardian, is over 18 years of age and competent to serve
4 as a special guardian.

5 78. Donna Simmons has never been convicted of a felony or judicially determined to have
6 committed abuse, neglect or exploitation of a child, spouse, parent or other person.

7 79. Donna Simmons has not been suspended for misconduct or disbarred from the practice of
8 law, the practice of accounting or any other profession which involves the management or sale of
9 money, investments, securities or real property and requires licensure in the State of Nevada or
10 any other state.

11 80. Donna Simmons has not been appointed as guardian over the proposed protected person in
12 a state other than Nevada.

13 81. Donna Simmons is seeking a temporary and general guardianship of the person and estate
14 of the proposed protected person.

15 82. The proposed guardian, Donna Simmons, is competent and capable of acting in the
16 capacity special guardian of the person and the estate of Kathleen June Jones, and hereby consents
17 to act in that capacity.

18 83. The proposed guardian, Donna Simmons, has not filed for or received protection under
19 federal bankruptcy laws within the immediately preceding seven (7) years.

20 84. Pursuant to NRS 159.044, further identifying information concerning the Petitioners will
21 be provided to the Court in a separate confidential document.

22 85. Petitioners are daughters of Ms. Jones and are suitable and willing to serve.

23 86. That upon filing of proof of blocked account, no bond is required of the guardian.
24
25

1 87. Petitioners request that if liquid assets or income valued at less than \$10,000 are
2 discovered, that Petitioners be authorized to place such property in an unblocked guardianship
3 account to be established by Petitioners, as either the temporary or general guardians, at a financial
4 institution located in Nevada, and that Petitioners be authorized to utilize such property to pay for
5 Ms. Jones's care, maintenance and support.

6 88. Petitioners request that if the value of the proposed protected person's liquid assets reaches
7 or exceeds \$10,000, that any monies in excess of \$10,000 be placed in a blocked guardianship
8 account to be established by Petitioners as either the temporary or general guardians at a financial
9 institution located in Nevada and selected by Petitioners.

10 89. Pursuant to NRS 159.076, this Court may authorize summary administration of a
11 guardianship estate valued at less than \$10,000, whereby the requirement of filing an accounting
12 may be excused. In the event that property is discovered which is valued at \$10,000 or greater, an
13 accounting may be required.

14 90. Petitioners request that they be authorized and granted access to any and all historical
15 account information for any and all of Ms. Jones's assets for investigative purposes and to apply
16 for government benefits, including Medicaid, if necessary.

17 91. Petitioners are requesting authority to sign all documents required by the Division of
18 Welfare and Supportive Services, or any other third party, to obtain Medicaid or other appropriate
19 benefits for Ms. Jones, including executing and establishing a qualified income trust, if necessary.

20 92. Petitioners shall be Ms. Jones's personal representative for purposes of the Health
21 Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any applicable
22 regulations. That Petitioners be authorized to obtain and be permitted to receive any and all medical
23 records and information concerning the past and present condition and historical treatment of Ms.
24 Jones, including but not limited to, examination reports, medical charts, medical notes, which are
25

1 or may be lodged with any persons, including without limitation family members, friends,
2 healthcare providers, physicians, hospitals, care facilities, other institutions, and/or third parties.

3 93. Petitioners request that they be authorized to obtain confidential financial information of
4 Ms. Jones, including, but not limited to statements, cancelled checks, withdrawal authorizations
5 and any other information from financial institutions, brokerage or mutual fund firms, the United
6 States Social Security Administration, and other persons and agencies which have engaged in
7 transactions concerning the financial affairs of Ms. Jones, whether said accounts or records reflect
8 the name of Ms. Jones individually, or with one or more other persons or trust, in order to apply
9 for government benefits, including Medicaid, if necessary.

10 94. Petitioners request that they be authorized to request and receive information from any
11 other person or agency, which is currently or has previously been obligated to pay money or other
12 benefits to Ms. Jones.

13 95. Petitioners request that they be authorized to obtain access to any and all testamentary
14 documents Ms. Jones, including wills or trusts, healthcare advance directives, and/or powers of
15 attorney that may be lodged with family members, friends, financial institutions, or any other
16 person and entity that may possess such documents, and if such documents are found that all such
17 documents be given to Petitioners for the duration of the temporary and general guardianship.

18 96. Petitioners hereby submit written notice of intent to seek payment of attorneys' fees and
19 costs from the guardianship estate. The law firm of Michaelson & Associates, Ltd. will seek
20 payment of fees and costs at the conclusion of the temporary or general guardianship proceeding.
21 Michaelson & Associates, Ltd. bills on an hourly basis for services rendered pertaining to
22 guardianship matters. The principal attorney, John Michaelson, Esq. bills at an hourly rate of
23 \$450.00. Senior and associate attorneys bill at hourly rates of \$350 and \$300, respectively, and
24 the senior paralegal bills at an hourly rate of \$200 per hour. The services provided by Michaelson
25 & Associates, Ltd. are necessary to assist the proposed protected person to assist and advise the

guardian in minimizing any risks to the proposed protected person. Petitioners hereby request this court approve payment of legal fees and costs at the conclusion of the temporary or general guardianship and subject to Court confirmation.

97. That the Court approve payment of guardianship guardian's fees to be paid for services as rendered, pursuant to NRS 159.105 from the assets of the Estate and subject to Court confirmation.

98. That Petitioners believe that appointing them as the temporary and general guardians of the person and estate, is in the best interests of Ms. Jones.

99. That upon Robyn Friedman and Donna Simmons taking the appropriate actions and efforts outlined above, the guardianship should be terminated, and they should be discharged from all liability for their term of service as temporary and general co-guardians.

WHEREFORE, Petitioner prays:

1. That the instant Petition be granted;

2. That this Court enter an order immediately appointing Robyn Friedman and Donna Simmons as the temporary co-guardians of Ms. Jones' person and estate to prevent any further harm and to reduce the risk of substantial harm of the parties continue to contend and fight over her person and estate without court oversight, and Petitioners also request their eventual appointment as general co-guardians of the person and estate of Kathleen June Jones if the Court determines ongoing oversight is best for Ms. Jones and the parties involved to ensure a peaceful co-existence;

3. The Clerk of the Court hereby be directed to issue Letters of Temporary Guardianship to Petitioners, Robyn Friedman and Donna Simmons, upon subscribing to the appropriate oath of office and bond be waived, since proof blocked account will be filed herein and liquid assets valued in excess of \$10,000.00 will be blocked until further order of this Court, upon presentment of the Order and without presentment of Letters to the financial institution;

1 4. Upon service of the Citation, pursuant to NRS 159, and hearing, that this Court enter an
2 order appointing Robyn Friedman and Donna Simmons as the general co-guardians of the person
3 and estate of Ms. Jones, and Letters of General Guardianship of the Person and Estate be issued to
4 Robyn Friedman and Donna Simmons, subscribing to the appropriate oath of office;

5 5. The Court direct that if any liquid assets or income valued at \$10,000 or less are discovered,
6 that those assets be placed into an unblocked guardianship account to be established by the
7 temporary or general guardian at a financial institution located in Nevada, and that the guardians
8 be authorized to utilize such income to pay for Ms. Jones's care, maintenance and support;

9 6. The Court direct that if the value of the proposed protected person's cumulative assets and
10 income exceeds \$10,000, that those assets be placed in a blocked guardianship account to be
11 established by the temporary or general guardians at a financial institution located in Nevada;

12 7. Pursuant to NRS 159.076, if appropriate, this Court authorize summary administration,
13 including dispensing with the requirement of an accounting if it is found that the value of the estate
14 in the state of Nevada is less than \$10,000. Should assets be discovered in the state of Nevada
15 valued in excess of this amount, the guardians will be required to file an accounting.

16 8. An order be entered authorizing Petitioners to create and implement a specific care plan
17 for Ms. Jones including her living arrangements and facilitating visitation for each member of Ms.
18 Jones' family, including her husband, who desires to see her.

19 9. An order be entered authorizing Petitioners access to any and all historical account
20 information and for any and all of Ms. Jones's assets for investigative purposes and to apply for
21 government benefits, including Medicaid, if necessary;

22 10. To carry out the function of temporary and general guardians of the person and estate of
23 Ms. Jones, the Court order that Robyn Friedman and Donna Simmons are vested with the powers
24
25

1 as stated herein and, including to assist with Ms. Jones's medical decisions related to her care, to
2 ensure Ms. Jones's transport to or placement in an appropriate medical facility that can provide
3 appropriate level of care for Ms. Jones's health needs, to ensure Ms. Jones's finances are protected
4 and that Ms. Jones's financial needs are addressed, and to access financial information in order to
5 apply for government benefits, including Medicaid, if necessary;

6 11. An order be entered authorizing Petitioners as Ms. Jones's personal representatives for
7 purposes of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191,
8 and any applicable regulations. That Petitioners be authorized to obtain and be permitted to receive
9 any and all medical records and information concerning the past and present condition and
10 historical treatment of Ms. Jones, including but not limited to, examination reports, medical charts,
11 medical notes, which are or may be lodged with any persons, family members, friends, along with
12 any and all medical providers, physicians, hospitals, care facilities, institutions, and/or third
13 parties;

14 12. An order be entered authorizing Petitioners to obtain confidential financial information of
15 Ms. Jones, including, but not limited to statements, cancelled checks, withdrawal authorizations
16 and any other information from financial institutions, brokerage or mutual fund firms, the United
17 States Social Security Administration, and other persons and agencies which have engaged in
18 transactions concerning the financial affairs of Ms. Jones, whether said accounts or records reflect
19 the name of Ms. Jones individually, or with one or more other persons or trust, to apply for
20 government benefits, including Medicaid, if necessary;

21 13. An order be entered authorizing Petitioners to request and receive information from any
22 other person or agency, which is currently or has previously been obligated to pay money or other
23 benefits to Ms. Jones;
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1 14. An order be entered that any general durable power of attorney or healthcare power of
2 attorney documents previously executed by Ms. Jones are suspended and shall be given to the
3 Petitioners for the duration of the temporary and general guardianship;

4 15. The Court approve payment of attorneys' fees and costs from the guardianship estate to the
5 law firm of Michaelson & Associates, Ltd. at the conclusion of the guardianship proceeding,
6 subject to Court confirmation.

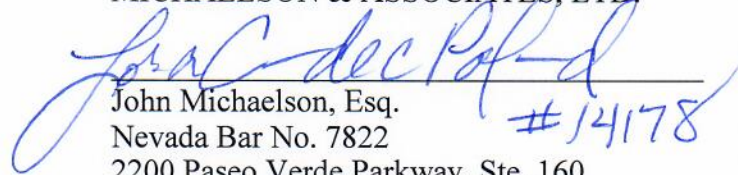
7 16. The Court approve payment of guardian's fees to be paid for services as rendered, pursuant
8 to NRS 159.105 from the assets of the Estate and subject to Court confirmation;

9 17. Upon taking appropriate actions and efforts outlined above, or the protected person dies,
10 the guardianship be terminated, and the guardians be discharged from all liability for their term of
11 service as temporary and general co-guardians; and
12

13 18. The Court order such other and further relief as it deems appropriate.

14 DATED: September 19, 2019.

15 MICHAELSON & ASSOCIATES, LTD.

16 
17 John Michaelson, Esq.
18 Nevada Bar No. 7822
2200 Paseo Verde Parkway, Ste. 160
Henderson, Nevada 89052
Counsel for Petitioners

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VERIFICATION

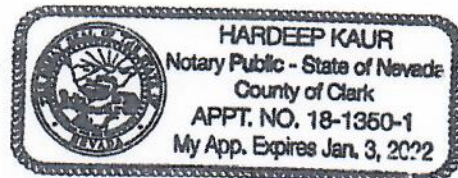
STATE OF NEVADA)
): ss.
COUNTY OF CLARK)

Robyn Friedman, being first duly sworn, hereby deposes and says: that she is a Petitioner in the above-referenced petition; that she has read the foregoing Ex Parte Petition for Appointment of Temporary and General Guardian of the Person and Estate and Issuance of Letters of Temporary and General Guardianship and knows the contents thereof; that the same are true of her own knowledge except as to those matters therein stated upon information and belief and as to those matters, she believes them to be true.

By: *Robyn Friedman*
Robyn Friedman

SUBSCRIBED and AFFIRMED to before me this
18 day of September, 2019 by Robyn Friedman.

Hardeep
NOTARY PUBLIC in for said County and State



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Donna Simmons, being first duly sworn, hereby deposes and says: that she is a Petitioner in the above-referenced petition; that she has read the foregoing Ex Parte Petition for Appointment of Temporary and General Guardian of the Person and Estate and Issuance of Letters of Temporary and General Guardianship and knows the contents thereof; that the same are true of her own knowledge except as to those matters therein stated upon information and belief and as to those matters, she believes them to be true.

SUBSCRIBED and AFFIRMED to before me this

Martha J. Orange, CA
NOTARY PUBLIC in for said County and State

NOTARY PUBLIC in for said County and State

JURAT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Orange

Subscribed and sworn to (or affirmed) before me on
this 18th day of September, 2019,
by Donna Simmons

proved to me on the basis of satisfactory evidence to be the person(s) who
appeared before me.

Signature



(Seal)

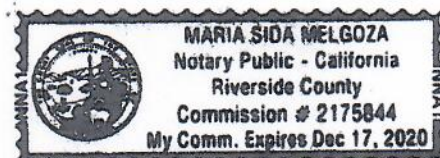


EXHIBIT “1”

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DURABLE POWER OF ATTORNEY
for Health Care Decisions pursuant to NRS 449.830
WARNING TO PERSONS EXECUTING THIS DOCUMENT

THIS IS AN IMPORTANT LEGAL DOCUMENT. IT CREATES A DURABLE POWER OF ATTORNEY FOR HEALTH CARE. BEFORE EXECUTING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS:

1. THIS DOCUMENT GIVES THE PERSON YOU DESIGNATE AS YOUR ATTORNEY-IN-FACT THE POWER TO MAKE HEALTH CARE DECISIONS FOR YOU. THIS POWER IS SUBJECT TO ANY LIMITATIONS OF YOUR DESIRES THAT YOU INCLUDE IN THIS DOCUMENT. THE POWER TO MAKE HEALTH CARE DECISIONS FOR YOU MAY INCLUDE CONSENT, REFUSAL OF CONSENT, OR WITHDRAWAL OF CONSENT TO ANY CARE, TREATMENT, SERVICE, OR PROCEDURE TO MAINTAIN, DIAGNOSE, OR TREAT A PHYSICAL OR MENTAL CONDITION. YOU MAY STATE IN THIS DOCUMENT ANY TYPES OF TREATMENT OR PLACEMENTS THAT YOU DO NOT DESIRE.
2. THE PERSON YOU DESIGNATE IN THIS DOCUMENT HAS A DUTY TO ACT CONSISTENT WITH YOUR DESIRES AS STATED IN THIS DOCUMENT OR OTHERWISE MADE KNOWN OR, IF YOUR DESIRES ARE UNKNOWN, TO ACT IN YOUR BEST INTERESTS.
3. EXCEPT AS YOU OTHERWISE SPECIFY IN THIS DOCUMENT, THE POWER OF THE PERSON YOU DESIGNATE TO MAKE HEALTH CARE DECISIONS FOR YOU MAY INCLUDE THE POWER TO CONSENT TO YOUR DOCTOR NOT GIVING TREATMENT OR STOPPING TREATMENT WHICH WOULD KEEP YOU ALIVE.
4. UNLESS YOU SPECIFY A SHORTER PERIOD IN THIS DOCUMENT, THIS POWER WILL EXIST INDEFINITELY FROM THE DATE YOU EXECUTE THIS DOCUMENT AND, IF YOU ARE UNABLE TO MAKE HEALTH CARE DECISIONS FOR YOURSELF, THIS POWER WILL CONTINUE TO EXIST UNTIL THE TIME WHEN YOU BECOME ABLE TO MAKE HEALTH CARE DECISIONS FOR YOURSELF.
5. NOTWITHSTANDING THIS DOCUMENT, YOU HAVE THE RIGHT TO MAKE MEDICAL AND OTHER HEALTH CARE DECISIONS FOR YOURSELF SO LONG AS YOU CAN GIVE INFORMED CONSENT WITH RESPECT TO THE PARTICULAR DECISION. IN ADDITION, NO TREATMENT MAY BE GIVEN TO YOU OVER YOUR OBJECTION, AND HEALTH CARE NECESSARY TO KEEP YOU ALIVE MAY NOT BE STOPPED IF YOU OBJECT.
6. YOU HAVE THE RIGHT TO REVOKE THE APPOINTMENT OF THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU BY NOTIFYING THAT PERSON OF THE REVOCATION ORALLY OR IN WRITING.
7. YOU HAVE THE RIGHT TO REVOKE THE AUTHORITY GRANTED TO THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU BY NOTIFYING THE TREATING PHYSICIAN, HOSPITAL, OR OTHER PROVIDER OF HEALTH CARE ORALLY OR IN WRITING.
8. THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU HAS THE RIGHT TO EXAMINE YOUR MEDICAL RECORDS AND TO CONSENT TO THEIR DISCLOSURE UNLESS YOU LIMIT THIS RIGHT IN THIS DOCUMENT.
9. THIS DOCUMENT REVOKES ANY PRIOR DURABLE POWER OF ATTORNEY FOR HEALTH CARE.
10. IF THERE IS ANYTHING IN THIS DOCUMENT THAT YOU DO NOT UNDERSTAND, YOU SHOULD SEEK COMPETENT LEGAL COUNCIL.

1. DESIGNATION OF HEALTH CARE AGENT

I, JUNE JONES, do hereby designate and appoint: KIMBERLY JONES of 567 E. Main St. Los Angeles, Ca. 92802, phone number (714) 974-6701 as my attorney-in-fact to make health care decisions for me as authorized in this document.

2. CREATION OF DURABLE POWER OF ATTORNEY FOR HEALTH CARE

By this document I, intend to create a durable power of attorney by appointing the person designated above to make health care decisions for me. This power of attorney shall not be affected by my subsequent incapacity.

3. GENERAL STATEMENT OF AUTHORITY GRANTED

In the event that I am incapable of giving informed consent with respect to health care decisions, I hereby grant to the attorney-in-fact named above full power and authority to make health care decisions for me before, or after my death, including: consent, refusal of consent, or withdrawal of consent to any care, treatment, service, or procedure to maintain, diagnose, or treat a physical or mental condition, subject only to the limitations and special provisions, if any, set forth in paragraph 4 or 6.

4. SPECIAL PROVISIONS AND LIMITATIONS

NOTE: (Your attorney-in-fact is not permitted to consent to any of the following: commitment to or placement in a mental health treatment facility, convulsive treatment, psychosurgery, sterilization, or abortion. If there are any other types of treatment or placement that you do not want your attorney-in-fact's authority to give consent for or other restrictions you wish to place on his or her attorney-in-fact's authority, you should list them in the space below. If you do not write any limitations, your attorney-in-fact will have the broad powers to make health care decisions on your behalf which are set forth in paragraph 3, except to the extent that there are limits provided by law.)

In exercising the authority under this durable power of attorney for health care, the authority of my attorney-in-fact is subject to the following special provisions and limitations: _____

5. DURATION

I understand that this power of attorney will exist indefinitely from the date I execute this document unless I establish a shorter time. If I am unable to make health decisions for myself when this power of attorney expires, the authority I have granted my attorney-in-fact will continue to exist until the time when I become able to make health care decisions for myself.

6. STATEMENT OF DESIRES

NOTE: (With respect to decisions to withhold or withdraw life-sustaining treatment, your attorney-in-fact must make health care decisions that are consistent with your known desires. You can, but are not required to, indicate your desires below. If your desires are unknown, your attorney-in-fact has the duty to act in your best interests; and, under some circumstances, a judicial proceeding may be necessary so that a court can determine the health care decision that is in your best interests. If you wish to indicate your desires, you may INITIAL the statement or statements that reflect your desires and/or write your own statements in the space below.)

(If the statement reflects your desires, initial the box next to the statement.)

- ☒ 1. I desire that my life be prolonged to the greatest extent possible, without regard to my condition, the chances I have for recovery or long-term survival, or the cost of the procedures.
- ☒ 2. If I am in a coma which my doctors have reasonable concluded is irreversible, I desire that life-sustaining or prolonging treatments not be used. (Also should utilize provisions of NRS [449.610 et seq.] 449.540 to 449.690, inclusive, and sections 2 to 12, inclusive, of this act if this subparagraph is initialed.)
- ☐ 3. If I have an incurable or terminal condition or illness and no reasonable hope of long-term recovery or survival, I desire that life sustaining or prolonging treatments not be used. (Also should utilize provisions of NRS [449.610 et seq.] 449.540 to 449.690, inclusive, and sections 2 to 12, inclusive, of this act if this subparagraph is initialed.)
- ☒ 4. I direct my attending physician not to withhold or withdraw artificial nutrition and hydration by way of the gastrointestinal tract if such a withholding or withdrawal would result in my death by starvation or dehydration.
- ☐ 5. I do not desire treatment to be provided and/or continued if the burdens of the treatment outweigh the expected benefits. My attorney-in-fact is to consider the relief of suffering, and the quality as well as the extent of the possible extension of my life.

NOTE: (If you wish to change your answer, you may do so by drawing an "X" through the answer you do not want, and circling the answer you prefer.)

Other or Additional Statements of Desires:

DO NOT wish to DONATE ANY + ALL ORGANS, + OR TISSUE

7. DESIGNATION OF ALTERNATE ATTORNEY-IN-FACT.

NOTE: (You are not required to designate any alternative attorney-in-fact but you may do so. Any alternative attorney-in-fact you designate will be able to make the same health care decisions as the attorney-in-fact designated in paragraph 1, page 2, in the event that he or she is unable or unwilling to act as your attorney-in-fact. Also, if the attorney-in-fact designated in paragraph 1 is your spouse, his or her designation as your attorney-in-fact is automatically revoked by law if your marriage is dissolved.)

If the person designated in paragraph 1 as my attorney-in-fact is unable to make health care decisions for me, then I designate the following persons to serve as my attorney-in-fact to make health care decisions for me as authorized in this document, such persons to serve in the order listed below:

A. FIRST ALTERNATE ATTORNEY-IN-FACT:

First Alternate Name: _____, of _____, phone number _____.

B. SECOND ALTERNATE ATTORNEY-IN-FACT:

Second Alternate Name: _____, of _____, phone number _____.

8. PRIOR DESIGNATIONS REVOKED.

I revoke any prior durable power of attorney for health care.

YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY

I sign my name to this Durable Power of Attorney for Health care on this 27 day of Dec, 2005, in the City of Las Vegas, in the County of Clark, State of Nevada.

June Jones
Signature of Declarant

NOTE: THIS POWER OF ATTORNEY WILL NOT BE VALID FOR MAKING HEALTH CARE DECISIONS UNLESS IT IS EITHER (a) SIGNED BY AT LEAST TWO QUALIFIED WITNESSES WHO ARE PERSONALLY KNOWN TO YOU AND WHO ARE PRESENT WHEN YOU SIGN OR ACKNOWLEDGE YOUR SIGNATURE OR (b) ACKNOWLEDGED BEFORE A NOTARY PUBLIC.

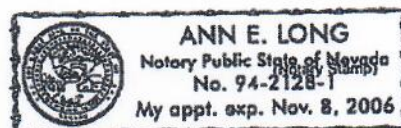
CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

State of Nevada)
County of Clark) ss.

On this 27 day of December, in the year 2005, before me, Ann E. Long, a Notary Public, personally appeared June Jones, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged that he executed it. I declare under penalty of perjury that the person whose name is ascribed to this instrument appears to be of sound mind and under no duress, fraud, or undue influence.

WITNESS my hand and Official Seal

Ann E. Long
Signature of Notary



STATEMENT OF WITNESSES

Note: You should carefully read and follow this witnessing procedure. This document will not be valid unless you comply with the witnessing procedure.

If you elect to use witnesses instead of having this document notarized you must use two qualified adult witnesses.

NONE OF THE FOLLOWING MAY BE USED AS WITNESSES:

- A person you designate as the Attorney-In-Fact
- A provider of health care
- An employee of a provider of health care
- The operator of a health care facility
- An employee of an operator of a health care facility

At least one witness **MUST** make the additional declaration set out following the place where the witnesses signed.

I DECLARE UNDER PENALTY OF PERJURY THAT THE PRINCIPAL IS PERSONALLY KNOWN TO ME, THAT THE PRINCIPAL SIGNED OR ACKNOWLEDGED THIS DURABLE POWER OF ATTORNEY IN MY PRESENCE, THAT THE PRINCIPAL APPEARS TO BE OF SOUND MIND AND UNDER NO DURESS, FRAUD OR UNDUE INFLUENCE, THAT I AM NOT THE PERSON APPOINTED AS ATTORNEY-IN-FACT BY THIS DOCUMENT, AND THAT I AM NOT A PROVIDER OF HEALTH CARE, AN EMPLOYEE OF A PROVIDER OF HEALTH CARE, THE OPERATOR OF A COMMUNITY CARE FACILITY, NOR AN EMPLOYEE OF AN OPERATOR OF A HEALTH CARE FACILITY.

Dated: _____

Signature: _____ Address: _____

Print Name: _____

Signature: _____ Address: _____

Print Name: _____

At least one of the above witnesses must also sign the following declaration

I DECLARE UNDER PENALTY OF PERJURY THAT I AM NOT RELATED TO THE PRINCIPAL BY BLOOD, MARRIAGE OR ADOPTION, AND TO THE BEST OF MY KNOWLEDGE I AM NOT ENTITLED TO ANY PART OF THE ESTATE OF THE PRINCIPAL UPON THE DEATH OF THE PRINCIPAL UNDER A WILL NOW EXISTING OR BY OPERATION OF LAW.

Signature: _____ Signature: _____

Print Name: _____ Print Name: _____

Copies: You should retain an executed copy of this document and give one to your attorney-in-fact. The Power of Attorney should be available so a copy may be given to your providers of health care.

EXHIBIT "2"

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STATUTORY FORM POWER OF ATTORNEY

PRINCIPAL: *June Jones*

1. **DESIGNATION OF AGENT:** I do hereby designate and appoint: *Kimberly S. Jones*

as my agent to make decisions for me and in my name, place and stead and for my use and benefit and to exercise the powers as authorized in this document.

2. DESIGNATION OF ALTERNATE AGENT.

(You are not required to designate any alternative agent but you may do so. Any alternative agent you designate will be able to make the same decisions as the agent designated above in the event that he or she is unable or unwilling to act as your agent. Also, if the agent designated in paragraph 1 is your spouse, his or her designation as your agent is automatically revoked by law if your marriage is dissolved.)

If my agent is unable or unwilling to act for me, then I designate the following person(s) to serve as my agent as authorized in this document, such person(s) to serve in the order listed below:

A. First Alternative Agent *Scott Simmons*

B. Second Alternative Agent

3. OTHER POWERS OF ATTORNEY.

This Power of Attorney is intended to, and does, revoke any prior Power of Attorney for financial matters I have previously executed.

4. NOMINATION OF GUARDIAN.

If, after execution of this Power of Attorney, incompetency proceedings are initiated either for my estate or my person, I hereby nominate as my guardian or conservator for consideration by the court my agent herein named, in the order named.

5. GRANT OF GENERAL AUTHORITY.

I grant my agent and any successor agent(s) general authority to act for me with respect to the following subjects:

(INITIAL each subject you want to include in the agent's general authority. If you wish to grant general authority over all of the subjects you may initial "All Preceding Subjects" instead of initialing each subject.)

- ☐ Real Property
- ☐ Tangible Personal Property
- ☐ Stocks and Bonds
- ☐ Commodities and Options
- ☐ Banks and Other Financial Institutions
- ☐ Safe Deposit Boxes
- ☐ Operation of Entity or Business
- ☐ Insurance and Annuities
- ☐ Estates, Trusts and Other Beneficial Interests
- ☐ Legal Affairs, Claims and Litigation
- ☐ Personal Maintenance
- ☐ Benefits from Governmental Programs or Civil or Military Service
- ☐ Retirement Plans
- ☐ Taxes
- ☒ All Preceding Subjects

6. GRANT OF SPECIFIC AUTHORITY.

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. INITIAL ONLY the specific authority you WANT to give your agent.)

- ☐ Create, amend, revoke or terminate an inter vivos, family, living, irrevocable or revocable trust
- ☐ Make a gift, subject to the limitations of NRS and any special instructions in this Power of Attorney
- ☐ Create or change rights of survivorship
- ☐ Create or change a beneficiary designation
- ☐ Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan
- ☐ Exercise fiduciary powers that the principal has authority to delegate
- ☐ Disclaim or refuse an interest in property, including a power of appointment

7. LIMITATION ON AGENT'S AUTHORITY.

An agent that is not my spouse MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

8. SPECIAL INSTRUCTIONS OR OTHER OR ADDITIONAL AUTHORITY GRANTED TO AGENT:

9. DURABILITY AND EFFECTIVE DATE.

☒ DURABLE. This Power of Attorney shall not be affected by my subsequent disability or incapacity.

☐ SPRINGING POWER. I wish to have this Power of Attorney become effective on my incapacity. It is my intention and direction that my designated agent, and any person or entity that my designated agent may transact business with on my behalf, may rely on a written medical opinion issued by a licensed medical doctor stating that I am disabled or incapacitated, and incapable of managing my affairs,

and that said medical opinion shall establish whether or not I am under a disability for the purpose of establishing the authority of my designated agent to act in accordance with this Power of Attorney.

☒ NON SPRINGING POWER. I wish to have this Power of Attorney become effective immediately upon my execution of the document.

☐ TERMINATION: I wish to have this Power of Attorney end at my death.

10. THIRD PARTY PROTECTION.

Third parties may rely upon the validity of this Power of Attorney or a copy and the representations of my agent as to all matters relating to any power granted to my agent, and no person or agency who relies upon the representation of my agent, or the authority granted by my agent, shall incur any liability to me or my estate as a result of permitting my agent to exercise any power unless a third party knows or has reason to know this Power of Attorney has terminated or is invalid.

11. RELEASE OF INFORMATION.

I agree to, authorize and allow full release of information, by any government agency, business, creditor or third party who may have information pertaining to my assets or income, to my agent named herein.

12. SIGNATURE AND ACKNOWLEDGMENT. YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY. THIS POWER OF ATTORNEY WILL NOT BE VALID UNLESS IT IS ACKNOWLEDGED BEFORE A NOTARY PUBLIC.

I sign my name to this Power of Attorney on _____ (date).

Jane Jones

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

State of NEVADA

}
} ss.
}

County of CLARK

On this 24th Day of OCT 2012 before me, a Notary Public, personally appeared JUNE JONES personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he or she executed it. I declare under penalty of perjury that the person whose name is ascribed to this instrument appears to be of sound mind and under no duress, fraud or undue influence.



[Signature]
NOTARY PUBLIC

EXHIBIT “3”

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Holographic Will

I June Jones declare this
my will & hereby revoke
all prior wills.

I give all my estate to
my children if he/she survives
me or if not to the other
children who survives me
"Per Capitol"

I nominate Kimberly Jones
as executor of this will
and as the guardian of
my estate & person.

If he/she shall for any
reason fail or cease to act
I nominate Scott Saunders
as executor and as of
guardian of my estate & person
I request that no bond
be required of any fiduciary
under this will

Signed in Las Vegas Nevada
on 11-23-12

June Jones.

EXHIBIT “4”

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4:31



New iMessage

Cancel

To: Marci Pirolo

May 6, 2017, 5:52 PM

Just waking up. Please contact Kim. If she doesn't respond or refuses to step up I'm happy to fill in.

Ok. Donna just said she is at Dads. So hopefully it works out. Thank you so much for last night robin. Seems like a super difficult situation for the family.

see pg 4

Thanks. I wish I was able to help focus on getting Gerry well. I really do love him and he loves my mom so much.

I know. He is a good man. He took care of my mom till the very end. He always said he would to. But...he was younger haha



iMessage



4:31



New iMessage

Cancel

To: Marci Pirolo

younger haha

It's just something that HAS to be resolved so my mom and Gerry have the security they both deserve in knowing and having a reliable plan. He just wants her to be happy and taken care of but he needs support in doing that.

Yip. I tried once but it was very uncomfortable and it didn't turn out well at all. I will address it again with Kim soon if my sisters don't freak out first.

Please keep me updated with Gerry. The pain is so bad. Perry was telling me how bad he felt for Gerry last night knowing what he was going through. I really liked Dr. Moon that came in this morning.

see pg 4



iMessage



4:31



New iMessage

Cancel

To: Marci Pirolo

You guys try to focus on Gerry.
Gerry and my mom both know
that Perry and I have a
consultation with an attorney
on Monday to see what we
can do to compel her to be
available and have a solid
plan.

He took that pain well tho.
Strong

For 84 years

Yes. So strong. Perry said he
was quietly cursing last night
but under his breathe and not
when women were in the
room. So sweet.

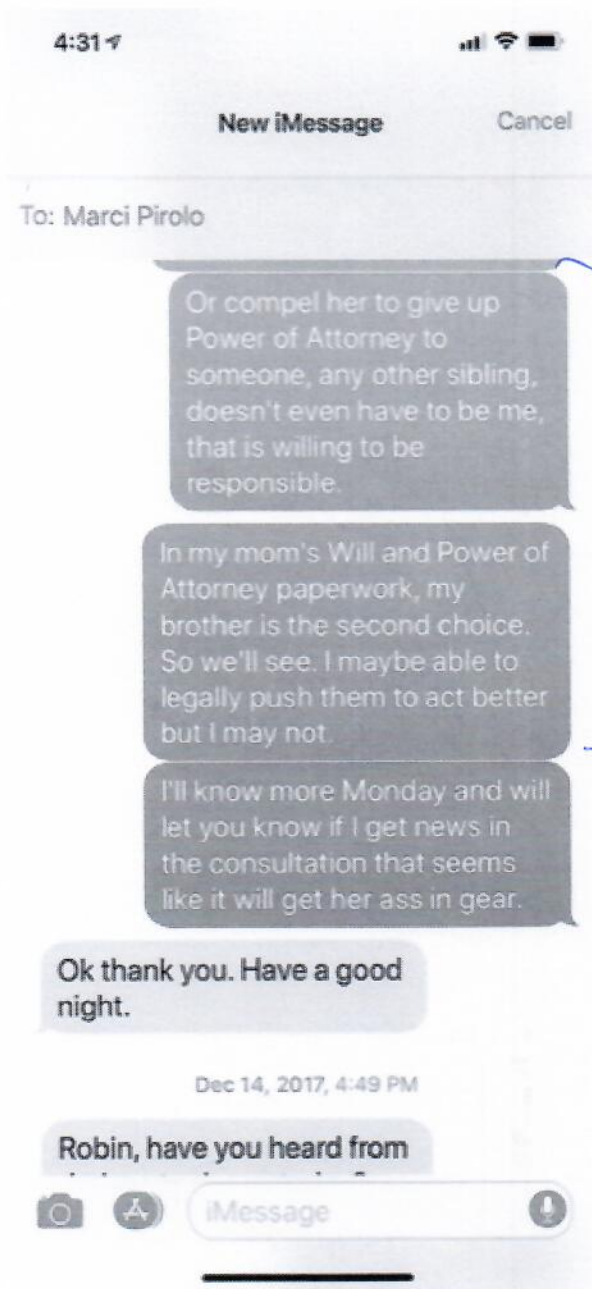
Or compel her to give up
Power of Attorney to
someone, any other sibling,
doesn't even have to be me,
that is willing to be
responsible.

see
pg 4



iMessage





Sent from my iPhone

EXHIBIT "5"

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Assessor Parcel Number Tree
Search for Parcel Chain History (Parent/Child)
Selected Parcel: 138-02-511-076

| Parcel | Owner 1 | Owner 2 | Tax District | Acres | Doc Number | Deed Date | Comments |
|----------------|------------------------------|---------------|--------------|--------|----------------|------------|---------------------|
| 138-02-511-076 | POWELL RICHARD & KANDI | | 200 | 0.18 | 20180116:01314 | 1/16/2018 | |
| 138-02-511-076 | JONES JUNE | | 200 | 0.0000 | 20040623:03371 | 6/23/2004 | C- 20180116:1313 |
| 138-02-511-076 | TORMALA WALTER W | JONES JUNE | 200 | 0.0000 | 20020130:01879 | 1/30/2002 | L- 20040609:1988 |
| 138-02-511-076 | TORMALA WALTER W | | 200 | 0.0000 | 19961224:00879 | 12/24/1996 | |
| 138-02-511-076 | HORTON D R INC | | 200 | 0.0000 | 19950425:01520 | 4/25/1995 | |

1 Parent Parcel

| Parent Count | Parcel | Child Count | Owner 1 | Doc Number | Acres |
|--------------|----------------|-------------|-------------------|----------------|-------|
| 1 | 138-02-502-001 | 83 | HORTON D R INC | 19941102:00292 | 18.32 |
| | | | | | |

0 Child Parcels

| |
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| No child parcels were found. |
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EXHIBIT “6”

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Inst #: 20180116-0001314

Fees: \$40.00

RPTT: \$1083.75 Ex #:

01/16/2018 10:24:59 AM

Receipt #: 3297378

Requestor:

QC DEED, LLC (MAIN)

Recorded By: RYUD Pgs: 4

DEBBIE CONWAY

CLARK COUNTY RECORDER

Src: ERECORD

Ofc: ERECORD

APN NO.: 138-02-511-076

WHEN RECORDED MAIL TO:

DICK AND KANDI POWELL
2540 E. HARMON AVE.
LAS VEGAS, NV 89121

MAIL TAX STATEMENTS TO:

SAME AS ABOVE

Affix RPTT: \$1,083.75

GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH: That,

JUNE JONES, A MARRIED WOMAN,
AS HER SOLE AND SEPARATE PROPERTY,
WHO ACQUIRED TITLE AS AN UNMARRIED WOMAN

Whose address is

6277 W. KRAFT AVE., LAS VEGAS, NV

FOR A VALUABLE CONSIDERATION, the receipt of which is hereby
acknowledged, do hereby Grant, Bargain, Sell and Convey to

RICHARD POWELL AND KANDI POWELL,
HUSBAND AND WIFE,
AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP

Whose address is

2540 E. HARMON AVE., LAS VEGAS, NV

All that real property situated in the County of CLARK, State of Nevada,

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A
PART HEREOF, and commonly known as

6277 W. KRAFT AVE, LAS VEGAS, NV

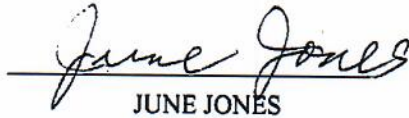
SUBJECT TO: 1. Taxes for the fiscal year paid current.

2. Rights of way, reservations, restrictions, easements and conditions
of record.

Together with all and singular the tenements, hereditaments and appurtenances
thereunto belonging or in anywise appertaining.

SEE PAGE TWO (2) FOR SIGNATURES AND NOTARY ACKNOWLEDGEMENT

SIGNATURES AND NOTARY ACKNOWLEDGEMENT


JUNE JONES

STATE OF : NEVADA
COUNTY OF : CLARK

On this 12 day of JANUARY 2018,
before me R. RITTER,
a Notary Public for the State of NEVADA
personally appeared JUNE JONES

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which person(s) acted, executed the instrument.



Signature Notary Public

My commission expires:

My commission number:

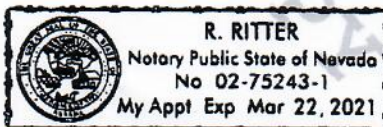


EXHIBIT "A"
LEGAL DESCRIPTION

APN No.: 138-02-511-076

LOT THIRTY-TWO (32), IN BLOCK "B", OF EAGLE TRACE, AS SHOWN BY MAP THEREOF
ON FILE IN BOOK 67 OF PLATS, PAGE 50, IN THE OFFICE OF THE COUNTY RECORDER
OF CLARK COUNTY, NEVADA.

ASSESSOR'S COPY

**STATE OF NEVADA
DECLARATION OF VALUE FORM**

1. Assessor Parcel Number(s)

- a. 138-02-511-076
b. _____
c. _____
d. _____

2. Type of Property:

- a. ☐ Vacant Land b. ☒ Single Fam. Res.
c. ☐ Condo/Twnhse d. ☐ 2-4 Plex
e. ☐ Apt. Bldg f. ☐ Comm'l/Ind'l
g. ☐ Agricultural h. ☐ Mobile Home
☐ Other _____

FOR RECORDER'S OPTIONAL USE ONLY

Book: _____ Page: _____

Date of Recording: _____

Notes: _____

3. a. Total Value/Sales Price of Property
b. Deed in Lieu of Foreclosure Only (value of property)
c. Transfer Tax Value:
d. Real Property Transfer Tax Due

\$ 212,083.00

\$ 212,500.00
\$ 1,083.75

4. If Exemption Claimed:

- a. Transfer Tax Exemption per NRS 375.090, Section _____
b. Explain Reason for Exemption: _____

5. Partial Interest: Percentage being transferred: 100 %

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature: June Jones

Capacity: Grantor

Signature: Richard Powell
RICHARD POWELL

Capacity: Grantee

SELLER (GRANTOR) INFORMATION

BUYER (GRANTEE) INFORMATION

Print Name: JUNE JONES

Print Name: RICHARD POWELL AND KANDI POWELL

Address: 6277 W. KRAFT AVE.
City: LAS VEGAS
State: NV Zip: 89130

Address: 2540 E. HARMON AVE.
City: LAS VEGAS
State: NV Zip: 89121

COMPANY REQUESTING RECORDING

Print Name: QC Deed
Address: 7251 W. Lake Mead Blvd. Suite 300
City: Las Vegas

Escrow #: accommodation
18QC-0103-0003
State: NV Zip: 89128

EXHIBIT “7”

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4:33



New iMessage

Cancel

To: Marci Pirolo

Tue, Apr 9, 4:51 PM

Good Evening to all of you, I wanted to let you all know that my dad is back in the hospital as of this morning and will most likely be in for a significant amount of time, weeks or longer. He passed out again this morning (luckily not while he was driving to get breakfast) he was very anemic and need a blood transfusion and then they can do the Angiogram and then either a stint put in or an actual heart valve surgery. They really don't think he will be getting out before then. June desperately needs a full time caregiver as Dad has been doing that for her but is no longer able to. Dad and June cannot afford it and Dick and my sister have been covering



iMessage



Sent from my iPhone

Heather S. Simon

CLERK OF THE COURT

ORDG

John P. Michaelson, Esq.

Nevada Bar No. 7822

Email: john@michaelsonlaw.com

MICHAELSON & ASSOCIATES, LTD.

2200 Paseo Verde Parkway, Ste. 160

Henderson, Nevada 89052

Ph: (702) 731-2333

Fax: (702) 731-2337

Attorneys for Robyn Friedman and

Donna Simmons

DISTRICT COURT

CLARK COUNTY, NEVADA

IN THE MATTER OF THE GUARDIANSHIP)
OF THE PERSON AND ESTATE OF:)

Case Number: G-19-052263-A

Department: B

Kathleen June Jones,

Date of Hearing: 4/15/2020

Time of Hearing: 11:00 a.m.

An Adult Protected Person.)

ORDER GRANTING ROBYN FRIEDMAN'S AND DONNA SIMMONS'
PETITION FOR ATTORNEYS FEES IN PART

☐ TEMPORARY GUARDIANSHIP

☒ GENERAL GUARDIANSHIP

☐ Person

☐ Person

☐ Estate

☐ Estate

☐ Person and Estate

☒ Person and Estate

☐ SPECIAL GUARDIANSHIP

☒ NOTICES / SAFEGUARDS

☐ Person

☒ Blocked Account

☐ Estate ☐ Summary Admin.

☐ Bond Posted

☐ Person and Estate

☐ Public Guardian Bond

THIS MATTER having come before this Court on Robyn Friedman and
Donna Simmons, Petition for Approval of Attorneys Fees and Costs and Request
To Enter a Judgment Against the Real Property ("Petition"), John P. Michaelson,
Esq., of Michaelson & Associates, Ltd., and Jeffrey R. Sylvester, Esq., of

1 Sylvester & Polednak, Ltd. appearing via audio visual communications on behalf
2 of Robyn Friedman and Donna Simmons, Robyn Friedman and Donna Simmons,
3 appearing telephonically; Maria L. Parra-Sandoval, Esq. having also appeared via
4 audiovisual communications on behalf of the protected person, Kathleen June
5 Jones; Ty E. Kehoe, Esq. of Kehoe & Associates, Matthew C. Piccolo, Esq. of
6 Piccolo Law Offices and Laura A. Deeter, Esq. of Ghandi, Deeter, Blackham also
7 appearing via audio visual communications and/or telephonically, on behalf of
8 Rodney Gerald Yeoman; and Ross E. Evans, Esq. of Solomon Dwiggins &
9 Freer, Ltd., appearing on behalf of Kimberly Jones, and this Court having
10 examined the Petition and the oppositions filed thereto, having considered oral
11 arguments and being fully informed of the matter, the Court finds and orders the
12 following:
13
14
15

16 **THE COURT FINDS** that there was a need for a Temporary Guardian
17 and the Protected Person benefitted from the Temporary Guardianship
18 proceeding.
19

20 **THE COURT FURTHER FINDS** that the Court had many grave
21 concerns regarding the safety and well-being of the Protected Person at the
22 Temporary Guardianship Citation Hearing, despite the existence of a Power of
23 Attorney. At a minimum, the Court was concerned about: the eviction
24 proceeding against POA and caretaker by the Protected Person's husband's
25

1 family; the transfer of the Protected Person's real property to her husband's
2 family for an amount well under market value, while the POA was in effect;
3 allegations of kidnapping of the Protected Person; unwillingness to provide
4 medical information; the POA's inability to control the tumultuous situation
5 which was taking an emotional and physical toll on the Protected Person.
6

7 **THE COURT FURTHER FINDS** those at the time of the Temporary
8 Guardianship Hearing, the Protected Person and the POA were unable to respond
9 to the substantial and immediate risk of financial loss.
10

11 **THE COURT FURTHER FINDS** that at the time of the Temporary
12 Guardianship Hearing, the Protected Person and the POA was unable to respond
13 to the exploitation and isolation of the Protected Person. Further, the Protected
14 Person and the POA were unable to establish that they were able to obtain
15 appropriate medical care and medication for the Protected Person.
16

17 **THE COURT FURTHER FINDS** that the absence of a Petition by the
18 POA was also concerning. It was clear that the Power of Attorney was being
19 ignored, violated or was insufficient to protect the Protected Person. Later, the
20 current Guardian, former POA, requested that the Temporary Guardianship
21 remain in place.
22

23 **THE COURT FURTHER FINDS** that the Petitioners, Temporary
24 Guardians, stepped in to protect their mother and offer legal support to the POA,
25

1 who was not acting. The Petitioners acknowledged that Protected Person
2 nominated the POA to be Guardian and did not contest the legal
3 preference. However, the Petitioners were left with no alternative, but to
4 intervene and instigate guardianship litigation in order safeguard the protected
5 person.
6

7 **THE COURT FURTHER FINDS** that the POA's failure to act required
8 intervention. The Petitioners could have challenged the POA's suitability,
9 despite nomination, under the cloud of these allegations. They did not; in direct
10 benefit to the protected person and to minimize the cost of litigation.
11

12 **THE COURT FURTHER FINDS** that the Petitioners' have not acted in a
13 way to expand the current litigation, only to preserve and safeguard the Protected
14 Person.
15

16 **THE COURT FURTHER FINDS** that the request that fees not be taken
17 from the Protected Person's liquid estate, as allowed by statute, but through a lien
18 on real property so that it would be collected only after the Protected Person's
19 death further show their interest in preserving the Protected Person's estate for
20 the Protected Person's benefit.
21

22 **THE COURT FURTHER FINDS** that pursuant to NRS 159.344(1), any
23 person who retains an attorney to represent a party in a guardianship proceeding
24
25

1 is personally liable for any attorney's fees and costs incurred as a result of such
2 representation.

3 **THE COURT FURTHER FINDS** that pursuant to NRS 159.344(2),
4 notwithstanding the provisions of NRS 159.344(1), Petitioners may petition this
5 Court for an order authorizing attorney's fees and costs incurred in this case to be
6 paid from the estate of the protected person. Petitioners have not accrued any
7 compensation or incurred any expenses of attorney's fees as a result of a petition
8 to have Petitioners removed as guardian, nor have Petitioners been removed as
9 guardian. Thus, NRS 159.183(5) does not apply herein.
10

11
12 **THE COURT FURTHER FINDS** that under NRS 159.344(3), Petitioners
13 filed written notice of their intent to seek payment of attorney's fees and costs
14 from the guardianship estate when it filed its Ex Parte Petition for Appointment
15 of Temporary Guardian of the Person and Estate on September 19, 2019. Said
16 Petition also complied with NRS 159.344(e) in that it acknowledges its request
17 for attorney's fees is subject to Court confirmation.
18

19
20 **THE COURT FURTHER FINDS** that pursuant to NRS 159.344(4)(a-d),
21 itemized, detailed statements as to the nature and extent of the legal services
22 performed were provided.
23
24
25

1 **THE COURT FURTHER FINDS** that under NRS 159.344(5)(b), the
2 services provided have conferred an actual benefit upon Ms. Jones and have
3 advanced her best interest.

4 **THE COURT FURTHER FINDS** the services provided have properly
5 provided a temporary and general guardian for Ms. Jones' person and estate.
6 Having a guardian advances Ms. Jones' best interest and benefits her by ensuring
7 she has adequate shelter, food, clothing and medical care and ensuring her finances
8 and assets are safeguarded and managed well, as explained in detail above in the
9 section describing the services Petitioners have provided.
10

11 **THE COURT FURTHER FINDS** in deciding the reasonableness of
12 attorney's fees, the court must consider four factors outlined in *Brunzell v. Golden*
13 *Gate Nat 'l Bank*, 85 Nev. 345, 349-350, 455 P.2d 31.33-34 (1969) as follows: "(1)
14 the qualities of the advocate: his ability, his training, education experience,
15 professional standing and skill; (2) the character of work to be done: its difficulty,
16 its intricacy, its importance, time, and skill required, the responsibility imposed
17 and the prominence and character of the parties where they affect the importance
18 of litigation ; (3) the work actually performed by the lawyer: the skill, time and
19 attention given to the work; and (4) the result whether the attorney was successful
20 and what benefits were derived."
21
22
23
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25

1 **THE COURT FURTHER FINDS** pursuant to NRS 159.344(5)(c),
2 Michaelson & Associates, Ltd. is a reputable firm practicing in the area of
3 guardianship and elder law. Michaelson & Associates, Ltd. was founded in Nevada
4 in 1992 with an emphasis on business and estate planning. The firm's attorneys
5 also provide representation to seniors in the areas of Veterans Administration
6 benefits and Medicaid. John P. Michaelson has personally acted as lead attorney on
7 hundreds of guardianships matter in Clark County and has remained heavily
8 involved in the community of guardianship and elder law in Nevada. Mr.
9 Michaelson has chaired the Elder Law Section of the Nevada State Bar served for
10 over three years as president of the Nevada Wealth Counsel Forum and is an active
11 member of the National Academy of Elder Law Attorneys as well as Veterans
12 Action Group, a Nevada non-profit. Mr. Michaelson currently serves as a member
13 of the Guardianship Commission and is co-chair of the guardianship rules
14 subcommittee.
15
16
17

18 **THE COURT FURTHER FINDS** under NRS 159.344(5)(d), the character
19 of the work completed in this matter was reasonable and necessary to establish
20 a Temporary and General Guardianship due to Ms. Jones' need for guardianship
21 services to take care of her person and to manage her estate.
22

23 **THE COURT FURTHER FINDS** under NRS 159.344(5)(e), the work
24 actually performed is documented which also shows the time and attention given
25

1 to the legal services provided in relation to seeking appointment of Petitioners as
2 guardians of her person and estate.

3 **THE COURT FURTHER FINDS** under NRS 159.344(5)(f), counsel
4 succeeded in establishing guardianships for Ms. Jones and the benefits to Ms.
5 Jones are described above in the description of benefits under NRS 159.344(5)(b)
6 and NRS 159.344(5)(e).
7

8 **THE COURT FURTHER FINDS** under NRS 159.344(5)(g), Mr.
9 Michaelson charges an hourly rate of \$450.00 per hour. His senior and associate
10 attorneys charge a rate of \$350.00 and \$300.00 per hour, respectively and his
11 paralegals charge a rate of \$150.00 per hour.
12

13 **THE COURT FURTHER FINDS** under NRS 159.344(5)(i), services were
14 provided in a reasonable, efficient and cost effective manner. Much work was
15 performed by a paralegal or secretary and prior work product was emulated as
16 much as possible to reduce the total time spent working on this case.
17

18 **THE COURT FURTHER FINDS** under NRS 159.344(5)(j), as shown by
19 the Inventory on file, the nature, extent and liquidity of Ms. Jones estate are not
20 sufficient to pay the requested attorney's fees outright. Ms. Jones' foreseeable
21 expenses that could take precedence over the requested attorney's fees include
22 costs for her facility, medications and day-to-day needs. Said expenses are
23 documented in the Budget on file herein. Although the funds in Ms. Jones'
24
25

1 accounts are not sufficient to pay the fees requested while continuing to pay for
2 Ms. Jones' care, maintenance and support, Ms. Jones has real property in
3 California, the value of which will be sufficient to pay the fees requested upon its
4 sale. Petitioners intend to simply file a judgment or order for fees as a lien against
5 Ms. Jones' real property in California as stated hereinabove to allow her continued
6 use of her asset during her lifetime.
7

8 **THE COURT FURTHER FINDS** under NRS 159.344(5)(k), Petitioners
9 and counsel have been diligent in their efforts to work efficiently in this case and in
10 caring for Ms. Jones. This helped to reduce and minimize current issues and
11 prevent any additional issues from arising. This matter has been contentious and
12 has involved a number of efforts to reach agreements to streamline the
13 resolution of various issues. In an effort to resolve the issue and minimize
14 attorney's fees and costs, counsel for Petitioner attempted on numerous occasions
15 to meet and confer with counsel for Mr. Yeomen and various counsel retained by
16 Kimberly, to work effectively towards a solution and ensure that the protected
17 person's interests were being safeguarded. Counsel has also generally refrained
18 from filing unneeded pleadings or responses to the various unneeded pleadings that
19 Mr. Yeomen filed herein. Counsel has, however, made numerous phone calls and
20 written numerous emails in support of the protected person throughout the
21 negotiations. He has also responded to many, many phone calls and emails from
22
23
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1 counsel for other parties in an effort to resolve concerns and assist in a speedier
2 resolution of contested matters.

3 **THE COURT FURTHER FINDS** under NRS 159.344(5)(1), neither
4 Petitioners nor counsel acted in a way that unnecessarily expanded
5 issues or delayed or hindered the efficient administration of the
6 guardianship estate of Ms. Jones.
7

8 **THE COURT FURTHER FINDS** under NRS 159.344(5)(m), neither
9 Petitioners nor counsel took any action for purpose of advancing or protecting
10 their own interests rather than the interest of Ms. Jones.
11

12 **THE COURT FURTHER FINDS** under NRS 159.344(5)(n), additional
13 factors are not relevant to determine whether attorney 's fees are just,
14 reasonable or necessary. As shown above, Petitioners and counsel were acting to
15 advance Ms. Jones' best interest and succeeded in doing so.
16

17 **THE COURT FURTHER FINDS** under NRS 159.344(6)(a-b),
18 undersigned counsel is not requesting compensation for time spent on internal
19 business activities, clerical or secretarial support or time reported as block of time
20 spent on multiple tasks
21

22 **THE COURT FURTHER FINDS** under NRS 159.344(7), no third party is
23 applicable to the fees requested herein.
24
25

1 **THE COURT FURTHER FINDS** under NRS 159.344(8), payment of
2 ordinary costs and expenses incurred in the scope of counsel's representation is
3 being requested.

4 **THE COURT FURTHER FINDS** pursuant to NRS 159.344(9), "if two or
5 more parties in a guardianship proceeding file competing petitions for the
6 appointment of a guardian or otherwise litigate any contested issue in the
7 guardianship proceeding, only the prevailing party may petition the court for
8 payment of attorney's fees and costs from the guardianship estate pursuant to this
9 section."
10

11
12 Here, three competing petitions were filed for the appointment of a guardian;
13 the original petition for temporary guardianship filed by Robyn Friedman and
14 Donna Simmons, and then Oppositions and Counter-Petitions for Guardianship
15 filed by both Kimberly Jones and Mr. Yeoman. Robyn Friedman and Donna
16 Simmons' ex parte petition was granted on September 23, 2019, and Robyn
17 Friedman and Donna Simmons were appointed temporary guardians. The
18 temporary guardianship was extended on October 3, 2019 and Robyn Friedman
19 and Donna Simmons remained in their roles as temporary guardians. While
20
21 Kimberly was ultimately appointed as general guardian pursuant to Ms. Jones'
22 wishes as set forth in her estate planning documents, petitioners Robyn Friedman
23 and Donna Simmons were the prevailing party on the initial petition for temporary
24
25

guardianship and were the driving force in getting the protective temporary guardianship framework in place and then working to ensure that the protection would remain in place by way of a general guardianship appointment.

THE COURT FURTHER FINDS but for the efforts of Petitioners, Ms. Jones might still be living in uncertain conditions, moving between locations and having police involvement in her custody, all with no written plan of care. Immediately after their appointment as temporary guardians, however, Petitioners paid for and provided such a care plan. Ms. Jones might still be financially vulnerable with Powers of Attorney that were not being respected and financial transactions being done without knowledge of Ms. Jones or her family. Instead, Ms. Jones is currently living in the Kraft house, which she believes to be her home despite the questioned sale, with Kimberly acting as her caregiver and as her guardian authorized to make both healthcare and financial decisions.

THE COURT FURTHER FINDS that courts in other states have considered the pre-petition effort by a prospective guardian when awarding fees. The Court considers the California Court of Appeal's ruling in *Conservatorship of Bryant*, which states,

[U]nlike the circumstances which give rise to the need for establishment of a decedent's estate, establishing the circumstances which support imposition of a conservatorship may involve a great deal of pre-petition effort by a prospective conservator and his counsel; thus the utility of permitting the conservator and his counsel

1 to recover fees incurred before appointment of a conservator is self-
2 evident.

3 *Conservatorship of Bryant.*, 45 Cal. App. 4th 117, 124, 52 Cal. Rptr. 2d 755, 759
4 (1996).

5 THE COURT FURTHER FINDS that in this specific instance, pre-petition
6 fees were reasonably incurred for the sole-purpose of resolving all issues regarding
7 the guardianship prior to filing. Many family members were involved and the
8 attempt to get all of the family members involved and the issues resolved prior to
9 filing a guardianship petition was in the protected person's best interest.

10 THE COURT FURTHER FINDS that the pre-petition efforts at resolution
11 were reasonable, efficient, and advanced the protected person's best interest.

12 THE COURT FURTHER FINDS that public policy is advanced when
13 litigants attempt to resolve matters prior to litigation. Nevada Courts favor
14 alternative resolution. The Court should not incentivize litigation, without any
15 attempts at resolution.

16 **NOWTHEREFORE, IT IS HEREBY ORDERED, ADJUGED AND**
17 **DECREED** that Robyn Friedman and Donna Simmons are awarded attorneys'
18 fees to be paid from the guardianship estate in the amount of \$57,742.16, which
19 represents the Petitioners' adjustments and explanations for each billing entry in
20 response to Legal Aid's specific objection, contained in Exhibit 1 to Response to
21

1 Kathleen June Jones' Objection to Petition for Approval of Attorneys' Fees filed
2 on March 12, 2020;

3 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the
4 attorneys fees in the amount of \$57,742.16 is hereby reduced to a judgment that
5 may be domesticated by Robyn Friedman and Donna Simmons against the
6 protected person's real property located at 1054 S. Verde Street, Anaheim,
7 California 92805, APN 234-056-10.
8

9 DATED: _____, 2020.

10 Dated this 12th day of August, 2020

11 
12

13 _____
14 DISTRICT COURT JUDGE
15 E29 67A 9195 9067
16 Linda Marquis
17 District Court Judge
18
19
20
21
22
23
24
25

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 In the Matter of the Guardianship CASE NO: G-19-052263-A
7 of:
8 Kathleen Jones, Protected
9 Person(s)

DEPT. NO. Department B

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order Granting was served via the court's electronic eFile system to all
14 recipients registered for e-Service on the above entitled case as listed below:

Service Date: 8/12/2020

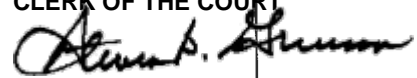
| | |
|-------------------------------|------------------------------|
| 15 Kelly Easton | kellye@sylvesterpolednak.com |
| 16 Cheryl Becnel | cbecnel@maclaw.com |
| 17 Laura Deeter, Esq. | laura@ghandilaw.com |
| 18 Faydra Ross | fr@ghandilaw.com |
| 19 Lenda Murnane | lenda@michaelsonlaw.com |
| 20 James Beckstrom | jbeckstrom@maclaw.com |
| 21 Ty Kehoe | TyKehoeLaw@gmail.com |
| 22 Jeffrey Sylvester | jeff@sylvesterpolednak.com |
| 23 Maria Parra-Sandoval, Esq. | mparra@lacs.org |
| 24 Kate McCloskey | NVGCO@nvcourts.nv.gov |
| 25 Sonja Jones | sjones@nvcourts.nv.gov |

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| | | |
|---|-------------------|----------------------------|
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| 8 | Patrick McDonnell | patrick@michaelsonlaw.com |

11 If indicated below, a copy of the above mentioned filings were also served by mail
12 via United States Postal Service, postage prepaid, to the parties listed below at their last
13 known addresses on 8/13/2020

| | | |
|----|------------------|------------------------------|
| 13 | Geraldine Tomich | Marquis Aurbach Coffing P.C. |
| 14 | | Attn: Geraldine Tomich, Esq |
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| 16 | | Las Vegas, NV, 89145 |



1 **NEO**

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13 *Attorneys for Robyn Friedman*

14 *and Donna Simmons*

DISTRICT COURT

CLARK COUNTY, NEVADA

15 IN THE MATTER OF THE GUARDIANSHIP)
16 OF THE PERSON AND ESTATE OF:)

17 Kathleen June Jones,)

18 An Adult Protected Person.)

Case Number: G-19-052263-A

Department: B

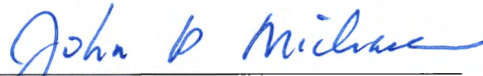
NOTICE OF ENTRY OF ORDER

19 To: Whom It May Concern:

20 Notice is hereby given that on August 12, 2020, an Order Granting Robyn Friedman's
21 and Donna Simmons' Petition for Attorneys Fees In Part was entered in the above-titled matter, a
22 copy of said Order is attached hereto.

23 DATED: August 17, 2020.

24 MICHAELSON & ASSOCIATES, LTD.



25 John P. Michaelson, Esq.

Nevada Bar No. 7822

Patrick C. McDonnell, Esq.

Nevada Bar No. 13188

2200 Paseo Verde Parkway, Ste. 160

Henderson, Nevada 89052

Counsel for Petitioners

CERTIFICATE OF SERVICE

Pursuant to Nevada Rule of Civil Procedure 5(b), the undersigned hereby certifies that on August 17, 2020, a copy of the Notice of Entry of Order Granting Robyn Friedman's and Donna Simmons' Petition for Attorneys Fees In Part and said Order was mailed by regular US first class mail, postage prepaid, in a sealed envelope in Henderson, Nevada to the following individuals and/or entities at the following addresses:

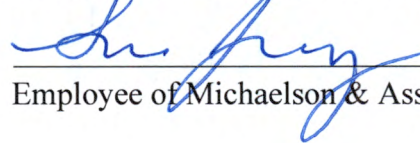
| | |
|--|--|
| Jeffrey R. Sylvester jeff@sylvesterpolednak.com Kelly L. Easton kellye@sylvesterpolednak.com Co-Counsel for Petitioners, Robyn Friedman and Donna Simmons | Maria L. Parra-Sandoval, Esq. Legal Aid Center of Southern Nevada mparra@lacs.org Penny Walker pwalker@lacs.org |
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1
2 Tiffany O'Neal
3 177 N. Singingwood Street, Unit 13
4 Orange, CA 92869

Courtney Simmons
765 Kimbark Avenue
San Bernardino, CA 92407

5
6
7
8 Division of Welfare and Supportive Services
9 Medicaid Chief Eligibility and Payments
10 1470 College Parkway
11 Carson City, Nevada 89706
12
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MICHAELSON & ASSOCIATES, LTD.



Employee of Michaelson & Associates

ORDG

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Attorneys for Robyn Friedman and
Donna Simmons

DISTRICT COURT

CLARK COUNTY, NEVADA

IN THE MATTER OF THE GUARDIANSHIP) Case Number: G-19-052263-A
OF THE PERSON AND ESTATE OF:) Department: B
)
Kathleen June Jones,) Date of Hearing: 4/15/2020
) Time of Hearing: 11:00 a.m.
An Adult Protected Person.)

**ORDER GRANTING ROBYN FRIEDMAN'S AND DONNA SIMMONS'
PETITION FOR ATTORNEYS FEES IN PART**

☐ TEMPORARY GUARDIANSHIP
☐ Person
☐ Estate
☐ Person and Estate

☒ GENERAL GUARDIANSHIP
☐ Person
☐ Estate
☒ Person and Estate

☐ SPECIAL GUARDIANSHIP

☒ NOTICES / SAFEGUARDS

☐ Person
☐ Estate ☐ Summary Admin.
☐ Person and Estate

☒ Blocked Account
☐ Bond Posted
☐ Public Guardian Bond

THIS MATTER having come before this Court on Robyn Friedman and
Donna Simmons, Petition for Approval of Attorneys Fees and Costs and Request
To Enter a Judgment Against the Real Property ("Petition"), John P. Michaelson,
Esq., of Michaelson & Associates, Ltd., and Jeffrey R. Sylvester, Esq., of

1 Sylvester & Polednak, Ltd. appearing via audio visual communications on behalf
2 of Robyn Friedman and Donna Simmons, Robyn Friedman and Donna Simmons,
3 appearing telephonically; Maria L. Parra-Sandoval, Esq. having also appeared via
4 audiovisual communications on behalf of the protected person, Kathleen June
5 Jones; Ty E. Kehoe, Esq. of Kehoe & Associates, Matthew C. Piccolo, Esq. of
6 Piccolo Law Offices and Laura A. Deeter, Esq. of Ghandi, Deeter, Blackham also
7 appearing via audio visual communications and/or telephonically, on behalf of
8 Rodney Gerald Yeoman; and Ross E. Evans, Esq. of Solomon Dwiggin &
9 Freer, Ltd., appearing on behalf of Kimberly Jones, and this Court having
10 examined the Petition and the oppositions filed thereto, having considered oral
11 arguments and being fully informed of the matter, the Court finds and orders the
12 following:
13
14
15

16 **THE COURT FINDS** that there was a need for a Temporary Guardian
17 and the Protected Person benefitted from the Temporary Guardianship
18 proceeding.
19

20 **THE COURT FURTHER FINDS** that the Court had many grave
21 concerns regarding the safety and well-being of the Protected Person at the
22 Temporary Guardianship Citation Hearing, despite the existence of a Power of
23 Attorney. At a minimum, the Court was concerned about: the eviction
24 proceeding against POA and caretaker by the Protected Person's husband's
25

1 family; the transfer of the Protected Person's real property to her husband's
2 family for an amount well under market value, while the POA was in effect;
3 allegations of kidnapping of the Protected Person; unwillingness to provide
4 medical information; the POA's inability to control the tumultuous situation
5 which was taking an emotional and physical toll on the Protected Person.
6

7 **THE COURT FURTHER FINDS** those at the time of the Temporary
8 Guardianship Hearing, the Protected Person and the POA were unable to respond
9 to the substantial and immediate risk of financial loss.
10

11 **THE COURT FURTHER FINDS** that at the time of the Temporary
12 Guardianship Hearing, the Protected Person and the POA was unable to respond
13 to the exploitation and isolation of the Protected Person. Further, the Protected
14 Person and the POA were unable to establish that they were able to obtain
15 appropriate medical care and medication for the Protected Person.
16

17 **THE COURT FURTHER FINDS** that the absence of a Petition by the
18 POA was also concerning. It was clear that the Power of Attorney was being
19 ignored, violated or was insufficient to protect the Protected Person. Later, the
20 current Guardian, former POA, requested that the Temporary Guardianship
21 remain in place.
22

23 **THE COURT FURTHER FINDS** that the Petitioners, Temporary
24 Guardians, stepped in to protect their mother and offer legal support to the POA,
25

1 who was not acting. The Petitioners acknowledged that Protected Person
2 nominated the POA to be Guardian and did not contest the legal
3 preference. However, the Petitioners were left with no alternative, but to
4 intervene and instigate guardianship litigation in order safeguard the protected
5 person.
6

7 **THE COURT FURTHER FINDS** that the POA's failure to act required
8 intervention. The Petitioners could have challenged the POA's suitability,
9 despite nomination, under the cloud of these allegations. They did not; in direct
10 benefit to the protected person and to minimize the cost of litigation.
11

12 **THE COURT FURTHER FINDS** that the Petitioners' have not acted in a
13 way to expand the current litigation, only to preserve and safeguard the Protected
14 Person.
15

16 **THE COURT FURTHER FINDS** that the request that fees not be taken
17 from the Protected Person's liquid estate, as allowed by statute, but through a lien
18 on real property so that it would be collected only after the Protected Person's
19 death further show their interest in preserving the Protected Person's estate for
20 the Protected Person's benefit.
21

22 **THE COURT FURTHER FINDS** that pursuant to NRS 159.344(1), any
23 person who retains an attorney to represent a party in a guardianship proceeding
24
25

1 is personally liable for any attorney's fees and costs incurred as a result of such
2 representation.

3 **THE COURT FURTHER FINDS** that pursuant to NRS 159.344(2),
4 notwithstanding the provisions of NRS 159.344(1), Petitioners may petition this
5 Court for an order authorizing attorney's fees and costs incurred in this case to be
6 paid from the estate of the protected person. Petitioners have not accrued any
7 compensation or incurred any expenses of attorney's fees as a result of a petition
8 to have Petitioners removed as guardian, nor have Petitioners been removed as
9 guardian. Thus, NRS 159.183(5) does not apply herein.
10

11 **THE COURT FURTHER FINDS** that under NRS 159.344(3), Petitioners
12 filed written notice of their intent to seek payment of attorney's fees and costs
13 from the guardianship estate when it filed its Ex Parte Petition for Appointment
14 of Temporary Guardian of the Person and Estate on September 19, 2019. Said
15 Petition also complied with NRS 159.344(e) in that it acknowledges its request
16 for attorney's fees is subject to Court confirmation.
17

18 **THE COURT FURTHER FINDS** that pursuant to NRS 159.344(4)(a-d),
19 itemized, detailed statements as to the nature and extent of the legal services
20 performed were provided.
21
22
23
24
25

1 **THE COURT FURTHER FINDS** that under NRS 159.344(5)(b), the
2 services provided have conferred an actual benefit upon Ms. Jones and have
3 advanced her best interest.

4 **THE COURT FURTHER FINDS** the services provided have properly
5 provided a temporary and general guardian for Ms. Jones' person and estate.
6 Having a guardian advances Ms. Jones' best interest and benefits her by ensuring
7 she has adequate shelter, food, clothing and medical care and ensuring her finances
8 and assets are safeguarded and managed well, as explained in detail above in the
9 section describing the services Petitioners have provided.
10

11 **THE COURT FURTHER FINDS** in deciding the reasonableness of
12 attorney's fees, the court must consider four factors outlined in *Brunzell v. Golden*
13 *Gate Nat 'l Bank*, 85 Nev. 345, 349-350, 455 P.2d 31.33-34 (1969) as follows: "(1)
14 the qualities of the advocate: his ability, his training, education experience,
15 professional standing and skill; (2) the character of work to be done: its difficulty,
16 its intricacy, its importance, time, and skill required, the responsibility imposed
17 and the prominence and character of the parties where they affect the importance
18 of litigation ; (3) the work actually performed by the lawyer: the skill, time and
19 attention given to the work; and (4) the result whether the attorney was successful
20 and what benefits were derived."
21
22
23
24
25

1 **THE COURT FURTHER FINDS** pursuant to NRS 159.344(5)(c),
2 Michaelson & Associates, Ltd. is a reputable firm practicing in the area of
3 guardianship and elder law. Michaelson & Associates, Ltd. was founded in Nevada
4 in 1992 with an emphasis on business and estate planning. The firm's attorneys
5 also provide representation to seniors in the areas of Veterans Administration
6 benefits and Medicaid. John P. Michaelson has personally acted as lead attorney on
7 hundreds of guardianships matter in Clark County and has remained heavily
8 involved in the community of guardianship and elder law in Nevada. Mr.
9 Michaelson has chaired the Elder Law Section of the Nevada State Bar served for
10 over three years as president of the Nevada Wealth Counsel Forum and is an active
11 member of the National Academy of Elder Law Attorneys as well as Veterans
12 Action Group, a Nevada non-profit. Mr. Michaelson currently serves as a member
13 of the Guardianship Commission and is co-chair of the guardianship rules
14 subcommittee.
15

16 **THE COURT FURTHER FINDS** under NRS 159.344(5)(d), the character
17 of the work completed in this matter was reasonable and necessary to establish
18 a Temporary and General Guardianship due to Ms. Jones' need for guardianship
19 services to take care of her person and to manage her estate.
20

21 **THE COURT FURTHER FINDS** under NRS 159.344(5)(e), the work
22 actually performed is documented which also shows the time and attention given
23
24
25

1 to the legal services provided in relation to seeking appointment of Petitioners as
2 guardians of her person and estate.

3 **THE COURT FURTHER FINDS** under NRS 159.344(5)(f), counsel
4 succeeded in establishing guardianships for Ms. Jones and the benefits to Ms.
5 Jones are described above in the description of benefits under NRS 159.344(5)(b)
6 and NRS 159.344(5)(e).

8 **THE COURT FURTHER FINDS** under NRS 159.344(5)(g), Mr.
9 Michaelson charges an hourly rate of \$450.00 per hour. His senior and associate
10 attorneys charge a rate of \$350.00 and \$300.00 per hour, respectively and his
11 paralegals charge a rate of \$150.00 per hour.

13 **THE COURT FURTHER FINDS** under NRS 159.344(5)(i), services were
14 provided in a reasonable, efficient and cost effective manner. Much work was
15 performed by a paralegal or secretary and prior work product was emulated as
16 much as possible to reduce the total time spent working on this case.

18 **THE COURT FURTHER FINDS** under NRS 159.344(5)(j), as shown by
19 the Inventory on file, the nature, extent and liquidity of Ms. Jones estate are not
20 sufficient to pay the requested attorney's fees outright. Ms. Jones' foreseeable
21 expenses that could take precedence over the requested attorney's fees include
22 costs for her facility, medications and day-to-day needs. Said expenses are
23 documented in the Budget on file herein. Although the funds in Ms. Jones'
24
25

1 accounts are not sufficient to pay the fees requested while continuing to pay for
2 Ms. Jones' care, maintenance and support, Ms. Jones has real property in
3 California, the value of which will be sufficient to pay the fees requested upon its
4 sale. Petitioners intend to simply file a judgment or order for fees as a lien against
5 Ms. Jones' real property in California as stated hereinabove to allow her continued
6 use of her asset during her lifetime.
7

8 **THE COURT FURTHER FINDS** under NRS 159.344(5)(k), Petitioners
9 and counsel have been diligent in their efforts to work efficiently in this case and in
10 caring for Ms. Jones. This helped to reduce and minimize current issues and
11 prevent any additional issues from arising. This matter has been contentious and
12 has involved a number of efforts to reach agreements to streamline the
13 resolution of various issues. In an effort to resolve the issue and minimize
14 attorney's fees and costs, counsel for Petitioner attempted on numerous occasions
15 to meet and confer with counsel for Mr. Yeomen and various counsel retained by
16 Kimberly, to work effectively towards a solution and ensure that the protected
17 person's interests were being safeguarded. Counsel has also generally refrained
18 from filing unneeded pleadings or responses to the various unneeded pleadings that
19 Mr. Yeomen filed herein. Counsel has, however, made numerous phone calls and
20 written numerous emails in support of the protected person throughout the
21 negotiations. He has also responded to many, many phone calls and emails from
22
23
24
25

1 counsel for other parties in an effort to resolve concerns and assist in a speedier
2 resolution of contested matters.

3 **THE COURT FURTHER FINDS** under NRS 159.344(5)(1), neither
4 Petitioners nor counsel acted in a way that unnecessarily expanded
5 issues or delayed or hindered the efficient administration of the
6 guardianship estate of Ms. Jones.
7

8 **THE COURT FURTHER FINDS** under NRS 159.344(5)(m), neither
9 Petitioners nor counsel took any action for purpose of advancing or protecting
10 their own interests rather than the interest of Ms. Jones.
11

12 **THE COURT FURTHER FINDS** under NRS 159.344(5)(n), additional
13 factors are not relevant to determine whether attorney 's fees are just,
14 reasonable or necessary. As shown above, Petitioners and counsel were acting to
15 advance Ms. Jones' best interest and succeeded in doing so.
16

17 **THE COURT FURTHER FINDS** under NRS 159.344(6)(a-b),
18 undersigned counsel is not requesting compensation for time spent on internal
19 business activities, clerical or secretarial support or time reported as block of time
20 spent on multiple tasks
21

22 **THE COURT FURTHER FINDS** under NRS 159.344(7), no third party is
23 applicable to the fees requested herein.
24
25

1 **THE COURT FURTHER FINDS** under NRS 159.344(8), payment of
2 ordinary costs and expenses incurred in the scope of counsel's representation is
3 being requested.

4 **THE COURT FURTHER FINDS** pursuant to NRS 159.344(9), "if two or
5 more parties in a guardianship proceeding file competing petitions for the
6 appointment of a guardian or otherwise litigate any contested issue in the
7 guardianship proceeding, only the prevailing party may petition the court for
8 payment of attorney's fees and costs from the guardianship estate pursuant to this
9 section."
10

11
12 Here, three competing petitions were filed for the appointment of a guardian;
13 the original petition for temporary guardianship filed by Robyn Friedman and
14 Donna Simmons, and then Oppositions and Counter-Petitions for Guardianship
15 filed by both Kimberly Jones and Mr. Yeoman. Robyn Friedman and Donna
16 Simmons' ex parte petition was granted on September 23, 2019, and Robyn
17 Friedman and Donna Simmons were appointed temporary guardians. The
18 temporary guardianship was extended on October 3, 2019 and Robyn Friedman
19 and Donna Simmons remained in their roles as temporary guardians. While
20
21 Kimberly was ultimately appointed as general guardian pursuant to Ms. Jones'
22 wishes as set forth in her estate planning documents, petitioners Robyn Friedman
23 and Donna Simmons were the prevailing party on the initial petition for temporary
24
25

1 guardianship and were the driving force in getting the protective temporary
2 guardianship framework in place and then working to ensure that the protection
3 would remain in place by way of a general guardianship appointment.

4 **THE COURT FURTHER FINDS** but for the efforts of Petitioners, Ms.
5 Jones might still be living in uncertain conditions, moving between locations and
6 having police involvement in her custody, all with no written plan of care.
7 Immediately after their appointment as temporary guardians, however, Petitioners
8 paid for and provided such a care plan. Ms. Jones might still be financially
9 vulnerable with Powers of Attorney that were not being respected and financial
10 transactions being done without knowledge of Ms. Jones or her family. Instead,
11 Ms. Jones is currently living in the Kraft house, which she believes to be her home
12 despite the questioned sale, with Kimberly acting as her caregiver and as her
13 guardian authorized to make both healthcare and financial decisions.
14
15
16

17 **THE COURT FURTHER FINDS** that courts in other states have
18 considered the pre-petition effort by a prospective guardian when awarding fees.
19 The Court considers the California Court of Appeal's ruling in *Conservatorship of*
20 *Bryant*, which states,
21

22 [U]nlike the circumstances which give rise to the need for
23 establishment of a decedent's estate, establishing the circumstances
24 which support imposition of a conservatorship may involve a great
25 deal of pre-petition effort by a prospective conservator and his
counsel; thus the utility of permitting the conservator and his counsel

1 to recover fees incurred before appointment of a conservator is self-
2 evident.

3 *Conservatorship of Bryant.*, 45 Cal. App. 4th 117, 124, 52 Cal. Rptr. 2d 755, 759
4 (1996).

5 THE COURT FURTHER FINDS that in this specific instance, pre-petition
6 fees were reasonably incurred for the sole-purpose of resolving all issues regarding
7 the guardianship prior to filing. Many family members were involved and the
8 attempt to get all of the family members involved and the issues resolved prior to
9 filing a guardianship petition was in the protected person's best interest.
10

11 THE COURT FURTHER FINDS that the pre-petition efforts at resolution
12 were reasonable, efficient, and advanced the protected person's best interest.

13 THE COURT FURTHER FINDS that public policy is advanced when
14 litigants attempt to resolve matters prior to litigation. Nevada Courts favor
15 alternative resolution. The Court should not incentivize litigation, without any
16 attempts at resolution.
17

18 **NOWHEREFORE, IT IS HEREBY ORDERED, ADJUGED AND**
19 **DECREED** that Robyn Friedman and Donna Simmons are awarded attorneys'
20 fees to be paid from the guardianship estate in the amount of \$57,742.16, which
21 represents the Petitioners' adjustments and explanations for each billing entry in
22 response to Legal Aid's specific objection, contained in Exhibit 1 to Response to
23
24
25

1 Kathleen June Jones' Objection to Petition for Approval of Attorneys' Fees filed
2 on March 12, 2020;

3 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the
4 attorneys fees in the amount of \$57,742.16 is hereby reduced to a judgment that
5 may be domesticated by Robyn Friedman and Donna Simmons against the
6 protected person's real property located at 1054 S. Verde Street, Anaheim,
7 California 92805, APN 234-056-10.
8

9 DATED: _____, 2020.

10 Dated this 12th day of August, 2020

11 
12

13 DISTRICT COURT JUDGE

14 E29 67A 9195 9067
15 Linda Marquis
16 District Court Judge
17
18
19
20
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24
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