

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

IN THE MATTER OF THE GUARDIANSHIP
OF THE PERSON AND ESTATES OF C.T.F.
AND P.G.S., MINOR PROTECTED
PERSONS.

No. 83443

Electronically Filed
Sep 21 2021 07:01 p.m.

DOCKETING STATEMENT
CIVIL APPEALS

Elizabeth A. Brown
Clerk of Supreme Court

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 Fourth Department 1
County Elko Judge Kriston N. Hill
District Ct. Case No. PR-GU-18-67

2. Attorney filing this docketing statement:

Attorney DEBRA M. AMENS Telephone 775-235-2222
Firm AMENS LAW, LTD.
Address PO BOX 488
BATTLE MOUNTAIN, NEVADA 89820

Client(s) PAMELA L. LUCERO AND MICHAEL L. LUCERO

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 TRAVIS GERBER Telephone 775-738-9258
Firm GERBER LAW OFFICE
Address 491 4TH STREET
ELKO, NEVADA 89801

Client(s) JOHN MCGREW, MARIA MCGREW; VICKY FERGUSON, DONALD FERGUSON

Attorney DIANA HILLEWAERT Telephone 775-777-3000
Firm HILLEWAERT LAW FIRM, LLC
Address 575 5TH STREET
ELKO, NEVADA 89801

Client(s) MINOR CHILDREN, PAISLEY STONE AND CARTAR FERGUSON

(List additional counsel on separate sheet if necessary)

3. Attorney(s) representing respondents(s)

KRISTEN STONE, PRO PER ("MOTHER")

TELEPHONE: (775) 934-1155

ADDRESS: 9640 DEFOE STREET, STRASBURG, CO 80136

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

- | | |
|--|---|
| <input checked="" 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 type="checkbox"/> Other disposition (specify): _____ |

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:

Guardianship of Paisley Grace Stone - Case No. PR-GU-18-56

Guardianship of Cartar Ferguson - PR-GU-18-49

Guardianship of Paisley Grace Stone and Carter Thomas Ferguson - PR-GU-18-67

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:

In Re: Michael T. Lucero and Pamela J. Lucero, Joint Debtors

Chapter 13 Bankruptcy - Case No. 15-50895-GWZ

Caase Closed - 10/27/2016

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

Appeal from Order granting Guardianships of Paisley Stone to Maria and John McGrew (Grandparents) and Cartar Ferguson to Vickie and Donald Ferguson (Great Grandparents), following a three (3) year temporary co-Guardianship between the McGrews, Fergusons and Luceros.

The temporary guardianships were granted based on Mother's original consents to Guardianship.

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

Mother originally consented to the Guardianships but revoked her consent to the McGrews and Fergusons and consented to the temporary guardianship of the Luceros. Her parental rights were maintained throughout the proceedings and the Court did not have clear and convincing evidence that she was an unfit Mother or that there was parental fault at hand. The Court's Order attempts to make that finding - but there was no evidence presented related to that. Mother specifically asked that the children be returned to her care and/or to the Luceros. She specifically revoked her consent to the McGrews and Fergusons.

The Court failed to consider the testimony of both the professionals involved in the case. Both Ms. Janell Anderson, LSW, and Geri Goddard, MSW, Counselor, both testified that reunification with the Mother was appropriate and instead placed the children with the paternal Guardians without any consideration provided on reunifying the children with Mother.

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:

N/A

9. Issues on Appeal

The Court ordered Division of Child and Family Service (“DCFS”) notes from 2016 to be reviewed in camera despite Lucero’s objection on grounds of hearsay and prejudice, and their inability to address any allegations contained therein. DCFS returned that child involved to the care of the Luceros and have also placed two (2) other minor children with the Luceros but it appears that the Court did not take that into consideration. The Lucero’s due process rights were impinged in not being able to address any of the issues raised in the DCFS notes and have no knowledge of what was alleged. The Court’s order listing allegations that the Lucero’s were untruthful were factually incorrect per the testimony received at the last trial day. The Court indicates that Pamela Lucero was in her home and hiding a person of interest, when in fact, she was not in her own home and had no knowledge that the person of interest was even there. Additionally, while the Court lists a prior Bankruptcy filing for the Lucero’s it fails to note that it was a Chapter 13 in 2016, with all previous debt repaid under the Bankruptcy plan. In the Court’s order the Court improperly considered evidence and made mistakes in its findings of facts which led to mistakes in conclusions of law.

Additionally, the Court failed to consider the best interest of the minor children. The Court failed to consider that the minor children’s home since birth was at the Luceros home and that they were closely bonded with them, their Mother, and their siblings. The oldest child, Paisley had made specific requests to stay with the Luceros and expressed concerns about the treatment she received in the care of her maternal grandmother to her counselor which the court disregarded. Likewise the previous Judge had admonished the paternal grandparents for acts of corporeal punishment.

The minor children have been separated from each other and from their other two siblings, sisters, who are living with Mother and the Luceros. Mother had the children with her every other week during the three (3) year temporary co-guardianship and has not had any physical contact with her children since the order was issued, despite the Court’s request for a proposed visitation schedule be provided by both Parties, the order has no such plan included and no visitation has occurred.

No evidence was submitted regarding parental fault through actual evidence of drug use and Mother has no criminal history other than one arrest for disturbing the peace. The Court drug tested the Father of the youngest child, Carter after his paternal grandparent, Vickie Ferguson (a co-Guardian), indicated that he was doing better and that she could tell when he was sober. Father tested positive for Methamphetamines. Not one party ever requested Mother be drug tested. The Court has allowed the paternal grandparents to take the children under false pretenses.

The Order granting guardianships to the McGrews and Ferguson’s lacked the necessary findings and the Court’s reasoning did not match the testimony provided during the hearing. The order is inconsistent with the State of Nevada’s policy and with the directive that it be in the best interest of the minor children.

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: The Lucero's due process rights were violated by allowing in camera review of agency notes without any recourse to dispute or address claims made by the agency.

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:

The case is presumptively retained by the Supreme Court for the improper use of unrelated and undisclosed notes of a 432B case without providing an opportunity for Petitioner to address any related allegations NRAP 17(A)(10).

Otherwise the case would be presumptively assigned to Court of Appeals NRAP 17(b)(10).

14. Trial. If this action proceeded to trial, how many days did the trial last? 3

Was it a bench or jury trial? Bench 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 Aug 20, 2021

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 Aug 20, 2021

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 June 7, 2021

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 July 21, 2021

(c) Date written notice of entry of order resolving tolling motion was served Aug 20, 2021

Was service by:

☐ Delivery

☒ Mail

19. Date notice of appeal filed Aug 24, 2021

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:

N/A

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)

☒ NRAP 3A(b)(1)

☐ NRS 38.205

☒ NRAP 3A(b)(2)

☐ NRS 233B.150

☐ NRAP 3A(b)(3)

☐ NRS 703.376

☐ Other (specify) _____

(b) Explain how each authority provides a basis for appeal from the judgment or order:

NRAP 3A(b)(1) - Appellants are appealing a final judgment granting guardianship to Respondents and denying thereby guardianship to Appellants.

NRAP 3A(b)(2) - Appellants first sought a Motion for Reconsideration which has been denied also.

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

(a) Parties:

Pamela Lucero and Michael Lucero - Appellant

John McGrew, Maria McGrew and Donald Ferguson, Vicky Ferguson -
Respondents

Kristin Stone - Mother of Minor Children

(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:

N/A

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.

Petition for Guardianship of Paisley Stone and Carter by Lucero's dismissed May 24, 2021

Petition for Guardianship of Paisley Stone by McGrew's granted May 24, 2021

Petition for Guardianship of Carter Ferguson by Ferguson's granted May 24, 2021

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:

Mother's pro per request to Terminate Guardianship

(b) Specify the parties remaining below:

Maria and John McGrew

Vicky and Donald Ferguson

Kristin Stone

Paisley Stone and Carter Ferguson

(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)):

Order is independently appealable under NRAP 3A(b)(1)

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.

Michael and Pamela Lucero
Name of appellant

September 21, 2021
Date

Nevada, Lander County
State and county where signed

Debra M. Amens
Name of counsel of record
Debra M. Amens
Signature of counsel of record

CERTIFICATE OF SERVICE

I certify that on the 21st day of September, 2021, 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.)

Gerber Law Office
491 4th St.
Elko, NV 89801

Kirstin Stone
9640 Defoe St.
Strasburg, CO. 80136

Hillewaert Law Firm, LLC
575 5th St.
Elko, NV 89801

Dated this 21st day of September, 2021

H. Anderson
Signature

1 **CASE NO. PR-GU-18-56**

2 **DEPT. NO. 1**

3 **AFFIRMATION:**

4 Pursuant to NRS 239B.030 this document
5 does not contain a social security number.

FILED

2018 APR 20 P 3:56

ELKO CO. DISTRICT COURT
CLERK _____ DEPUTY RA

6 **IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

7 **IN AND FOR THE COUNTY OF ELKO**

8
9 **IN THE MATTER OF THE GUARDIANSHIP**
10 **OF THE PERSON AND ESTATE OF**
11 **PAISLEY GRACE STONE,**

PETITION FOR APPOINTMENT OF
GENERAL GUARDIANS

Minor Protected Person.

12 COMES NOW, Petitioners, **JOHN ADAM MCGREW** and **MARIA DANIELLE**
13 **MCGREW**, by and through their attorney, **TRAVIS W. GERBER, ESQ.**, of **GERBER LAW**
14 **OFFICES, LLP**, and hereby petition this Honorable Court to be appointed Guardians over the person
15 and estate of **PAISLEY GRACE STONE**, based on the following facts:

16 1. Petitioners, **JOHN ADAM MCGREW** and **MARIA DANIELLE MCGREW** are
17 married and are the paternal grandparents of **PAISLEY GRACE STONE**. Petitioners currently
18 reside at 563 Shadybrook Drive, Spring Creek, Nevada 89815

19 2. The proposed Protected Person **PAISLEY GRACE STONE**, is one (1) year of age,
20 having been born on May 26, 2016, in Elko Nevada. The proposed Protected Person is physically
21 present in the State of Nevada and in is in the care of Petitioners.

22 3. The proposed Protected Person is in need of guardianship of his person and estate
23 because her father, **TIMOTHY JOHN MCGREW**, is deceased, and her mother, **KRISTIN NICOLE**
24 **STONE**, is unable to care for **PAISLEY GRACE STONE** and has left her in the care of Petitioners.
25 **KRISTIN NICOLE STONE** has signed a Consent to Guardianship which shall be filed
26 contemporaneously herein. Guardianship is necessary to provide supervision, care, support and
27
28

GERBER LAW OFFICES, LLP

491 Fourth Street

Elko, Nevada 89801

Ph. (775) 738-9258

Pocket 83443 Document 2021-27317

1 education for the proposed Protected Person. The proposed Protected Person will not be in need of
2 guardianship after she attains the age of majority.

3 4. **JOHN ADAM MCGREW** and **MARIA DANIELLE MCGREW** are the paternal
4 grandparents and are fit and proper persons to serve as guardians and will financially support and
5 provide for the welfare of the proposed Protected Person including but not limited to food, shelter,
6 medical, school, medical insurance and anything else **PAISLEY GRACE STONE** needs.

7 5. The names and addresses of the relatives of the proposed Protected Person within the
8 second degree of consanguinity are as follows:

9	<u>NAME AND ADDRESS</u>	<u>RELATIONSHIP</u>	<u>AGE</u>
10	Kristin Nicole Stone	Natural Mother	Adult
11	200 Viewcrest Drive		
12	Spring Creek, Nevada 89815		
13	Shawn Stone	Maternal Grandmother	Adult
14	200 Viewcrest Drive		
15	Spring Creek, Nevada 89815		
16	Jason Stone	Maternal Grandfather	Adult
17	Unknown		
18	Cartar Thomas Ferguson	Half-Brother	Minor (age 1)
19	c/o Kristin Nicole Stone		
20	778 Eastlake Drive		
21	Spring Creek, Nevada 89815		

22 6. The names, dates of birth, and address of the proposed General Guardians of the
23 person and estate of the proposed Protected Person are:

24	Names:	DOB:	Address:
25	JOHN ADAM MCGREW	1/13/1966	563 Shadybrook Drive
26			Spring Creek, NV 89815
27	MARIA DANIELLE MCGREW	5/6/1970	563 Shadybrook Drive
28			Spring Creek, NV 89815

29 7. A copy of the drivers licenses of the proposed General Guardians are attached to the
30 Confidential Information Sheet Submitted Under Seal filed contemporaneously herewith.

31 8. The proposed General Guardians have never been convicted of a felony.

32 9. At this time, the proposed Protected Person does not own any property or assets other

1 than his personal belongings. Pursuant to NRS 159.076, the court may grant a summary
2 administration if, at any time, it appears to the court that after payment of all claims and expenses of
3 the guardianship the value of the protected person's property does not exceed \$10,000.00. The estate
4 of **PAISLEY GRACE STONE** does not exceed \$10,000.00; therefore, the court may dispense with
5 annual accountings.

6 10. Petitioners are competent and capable of acting as General Guardians of the person
7 and estate of **PAISLEY GRACE STONE** and hereby consent to act in that capacity.

8 11. This guardianship is not sought as a result of an investigation of a report of abuse or
9 neglect that is conducted pursuant to chapter 432B of NRS by an agency which provides child welfare
10 services.

11 12. The proposed Protected Person and the proposed Guardians are not party to any
12 pending criminal or civil litigation.

13 13. The guardianship is not sought for the purpose of initiating litigation.

14 14. The proposed guardians are not currently receiving compensation for services.

15 15. The proposed guardians haven't filed for or received protection under the federal
16 bankruptcy laws within the immediately preceding 7 years.

17 WHEREFORE, Petitioners pray as follows:

18 A. That a time and place be set for a hearing on this *Petition*;


19 B. That this Honorable Court enter its Order Appointing Petitioners as General
20 Guardians of the person and estate of **PAISLEY GRACE STONE**.

21 C. Dispense with annual accountings, pursuant to NRS 159.076, as the
22 protected person's property does not exceed \$10,000.00.

23 D. For such other and further relief as the Court may deem just and proper in the
24 premises.

1 DATED this 19th day of April, 2018.

2 
3 JOHN ADAM MCGREW, Petitioner

4 
5 MARIA DANIELLE MCGREW, Petitioner

6 GERBER LAW OFFICES, LLP

7 
8 TRAVIS W. GERBER, ESQ.

9 Nevada State Bar #8083

491 4th Street

10 Elko, Nevada 89801

775-738-9258

ATTORNEY FOR PETITIONERS

11 **VERIFICATION AND OATH**

12 STATE OF NEVADA,)
13 :SS.
14 COUNTY OF ELKO)

15 Under penalties of perjury, the undersigned declare that they are the Petitioners named in the
16 foregoing *Petition for Appointment of General Guardians* and know the contents thereof; that the
17 pleading is true of their own knowledge, except as to those matters stated on information and belief,
18 and that as to such matters they believe it to be true:

19 
20 JOHN ADAM MCGREW

21 
22 MARIA DANIELLE MCGREW

23 Subscribed and sworn to before me
24 by JOHN ADAM MCGREW and
25 MARIA DANIELLE MCGREW
26 this 19th day of April, 2018.

27 
28 NOTARY PUBLIC



JENNIFER PUENTES
NOTARY PUBLIC - STATE of NEVADA
Elko County - Nevada
CERTIFICATE # 16-2104-6
APPT. EXP. APRIL 07, 2020

GERBER LAW OFFICES, LLP

491 Fourth Street
Elko, Nevada 89801
Ph. (775) 738-9258

1 CASE NO. PR-64-18-56

2 DEPT. 1

FILED

2018 APR 20 P 3 57

ELKO CO. DISTRICT COURT
CLERK _____ DEPUTY *ph*

3
4
5
6 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
7 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO
8

9 IN THE MATTER OF THE GUARDIANSHIP
10 OF THE PERSON AND OF THE ESTATE OF

11 PAISLEY GRACE STONE,

12 Minor child.
13

NATURAL MOTHER'S CONSENT
TO GUARDIANSHIP

14 I, KRISTIN NICOLE STONE, the natural mother of the above-named minor child, do
15 hereby consent to the appointment of JOHN ADAM McGREW and MARIA DANIELLE
16 McGREW to serve as Guardians of the person and estate of my son, PAISLEY GRACE STONE,
17 and I request that Letters of Guardianship issue to JOHN ADAM McGREW and MARIA
18 DANIELLE McGREW forthwith.

19 DATED this 19th day of April, 2018.

20
21 *Kristin Stone*
22 KRISTIN NICOLE STONE
23

24 SUBSCRIBED AND SWORN to before
me this 19th day of April, 2018 by
25 KRISTIN NICOLE STONE.

26 *Jennifer Puentes*
27 NOTARY PUBLIC
28



JENNIFER PUENTES
NOTARY PUBLIC - STATE of NEVADA
Elko County - Nevada
CERTIFICATE # 16-2104-6
APPT. EXP. APRIL 07, 2020

GERBER LAW OFFICES, LLP

491 Fourth Street
Elko, Nevada 89801
Ph. (775) 738-9258

1 CASE NO. PR-60-18-49

2 DEPT. NO. 1

3 AFFIRMATION:

4 Pursuant to NRS 239B.030 this document
5 does not contain a social security number.

FILED

2018 APR 13 P 3:56

ELKO CO. DISTRICT COURT
CLERK DEPUTY

6 IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF ELKO

8
9 IN THE MATTER OF THE GUARDIANSHIP
10 OF THE PERSON AND ESTATE OF
11 CARTAR THOMAS FERGUSON,

PETITION FOR APPOINTMENT OF
GENERAL GUARDIANS

Minor Protected Person.

12 COMES NOW, Petitioners, **DONALD WILLIAM FERGUSON** and **VICKY LYNNE**
13 **FERGUSON**, by and through their attorney, **TRAVIS W. GERBER, ESQ.**, of **GERBER LAW**
14 **OFFICES, LLP**, and hereby petition this Honorable Court to be appointed Guardians over the person
15 and estate of **CARTAR THOMAS FERGUSON**, based on the following facts:

16 1. Petitioners, **DONALD WILLIAM FERGUSON** and **VICKY LYNNE FERGUSON**
17 are married and are the maternal grandparents of **CARTAR THOMAS FERGUSON**. Petitioners
18 currently reside at 242 Blakeland Drive, Spring Creek, Nevada 89815

19 2. The proposed Protected Person **CARTAR THOMAS FERGUSON**, is one (1)
20 year of age, having been born on January 17, 2018, in Elko Nevada. The proposed Protected Person
21 is physically present in the State of Nevada in the custody of his mother.

22 3. The proposed Protected Person is in need of guardianship of his person and estate
23 because his father, **KEVIN THOMAS FERGUSON**, is incarcerated in the Elko County Jail on drug
24 charges and his mother, **KRISTIN NICOLE STONE**, left to California to seek rehabilitation for
25 addiction to methamphetamine and left **CARTAR THOMAS FERGUSON** in the care of
26 Petitioners. See Exhibit A. Guardianship is necessary to provide supervision, care, support and
27
28

GERBER LAW OFFICES, LLP

491 Fourth Street
Elko, Nevada 89801

Ph. (775) 738-9250 Docket 83443 Document 2021-27317

education for the proposed Protected Person. The proposed Protected Person will not be in need of guardianship after he attains the age of majority.

4. A Confidential Information Sheet Submitted Under Seal is filed contemporaneously herewith showing the social security card of the proposed Protected Person.

5. **DONALD WILLIAM FERGUSON** and **VICKY LYNNE FERGUSON**

maternal grandparents are fit and proper persons to serve as guardian

and provide for the welfare of the proposed Protected Person including

shelter, medical, school, medical insurance and anything else CART

needs.

6. The names and addresses of the relatives of the proposed Protected Person within the second degree of consanguinity are as follows:

<u>NAME AND ADDRESS</u>	<u>RELATIONSHIP</u>	<u>AGE</u>
Kevin Thomas Ferguson Elko County Jail 775 W Silver Street Elko, Nevada 89801	Natural Father	Adult
Kristin Nicole Stone 200 Viewcrest Drive Spring Creek, Nevada 89815	Natural Mother	Adult
Shawn Stone 200 Viewcrest Drive Spring Creek, Nevada 89815	Maternal Grandmother	Adult
Unknown	Maternal Grandfather	Adult
Paisley Grace Stone c/o Kristin Nicole Stone 778 Eastlake Drive Spring Creek, Nevada 89815	Half-Sister	Minor (age 3)

7. The names, dates of birth, and address of the proposed General Guardians of the person and estate of the proposed Protected Person are:

Names:	DOB:	Address:
DONALD WILLIAM FERGUSON	2/26/62	242 Blakeland Drive, Spring Creek, NV 89815
VICKY LYNNE FERGUSON	12/24/58	242 Blakeland Drive, Spring Creek, NV 89815

1 8. A copy of the drivers licenses of the proposed General Guardians are attached to the
2 Confidential Information Sheet Submitted Under Seal filed contemporaneously herewith.

3 9. The proposed General Guardians have never been convicted of a felony.

4 10. At this time, the proposed Protected Person does not own any property or assets other
5 than his personal belongings. Pursuant to NRS 159.076, the court may grant a summary
6 administration if, at any time, it appears to the court that after payment of all claims and expenses of
7 the guardianship the value of the protected person's property does not exceed \$10,000.00. The estate
8 of **CARTAR THOMAS FERGUSON** does not exceed \$10,000.00; therefore, the court may
9 dispense with annual accountings.

10 11. Petitioners are competent and capable of acting as General Guardians of the person
11 and estate of **CARTAR THOMAS FERGUSON** and hereby consent to act in that capacity.

12 12. This guardianship is not sought as a result of an investigation of a report of abuse or
13 neglect that is conducted pursuant to chapter 432B of NRS by an agency which provides child welfare
14 services.

15 13. The proposed Protected Person and the proposed Guardians are not party to any
16 pending criminal or civil litigation.

17 14. The guardianship is not sought for the purpose of initiating litigation.

18 15. The proposed guardians are not currently receiving compensation for services.

19 16. The proposed guardians haven't filed for or received protection under the federal
20 bankruptcy laws within the immediately preceding 7 years.

21 WHEREFORE, Petitioners pray as follows:

22 A. That a time and place be set for a hearing on this *Petition*;

23 B. That this Honorable Court enter its Order Appointing Petitioners as General
24 Guardians of the person and estate of **CARTAR THOMAS FERGUSON**.

25 C. Dispense with annual accountings, pursuant to NRS 159.076, as the
26 protected person's property does not exceed \$10,000.00.

1 D. For such other and further relief as the Court may deem just and proper in the
2 premises.

3 DATED this 13th day of April, 2018.

4 Donald William Ferguson
5 DONALD WILLIAM FERGUSON, Petitioner

6 Vicky Lynne Ferguson
7 VICKY LYNNE FERGUSON, Petitioner

8 GERBER LAW OFFICES, LLP

9 Travis W. Gerber
10 TRAVIS W. GERBER, ESQ.

11 Nevada State Bar #8083

12 491 4th Street

13 Elko, Nevada 89801

14 775-738-9258

15 ATTORNEY FOR PETITIONERS

16 VERIFICATION AND OATH

17 STATE OF NEVADA,)
18 :SS.
19 COUNTY OF ELKO)

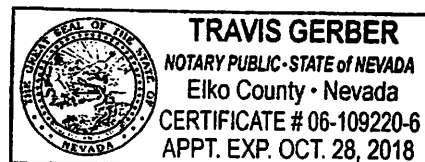
20 Under penalties of perjury, the undersigned declare that they are the Petitioners named in the
21 foregoing *Petition for Appointment of General Guardians* and know the contents thereof; that the
22 pleading is true of their own knowledge, except as to those matters stated on information and belief,
23 and that as to such matters they believe it to be true:

24 Donald William Ferguson
25 DONALD WILLIAM FERGUSON

26 Vicky Lynne Ferguson
27 VICKY LYNNE FERGUSON

28 Subscribed and sworn to before me
by DONALD WILLIAM FERGUSON and
VICKY LYNNE FERGUSON
this 13th day of April, 2018.

Travis W. Gerber
NOTARY PUBLIC



GERBER LAW OFFICES, LLP

491 Fourth Street
Elko, Nevada 89801
Ph. (775) 738-9258

EXHIBIT A

I Kristin Stone give vicky
permission to get Cartar Ferguson
the medical help he needs, and
to be able to attend his Doctor
appointments. when in her care,
with Stone

~~Cartar~~

~~Cartar~~

I left Cartar Ferguson
in vicky, Don Ferguson care
While I was out of State
I give vicky Ferguson Permission
to care for Cartar while
im in Rehab.

[Signature]

FILED

2018 MAY 22 PM 1:04

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY R

DEBRA M. AMENS, ESQ.
Amens Law, Ltd.
Nevada Bar No. 12681
P.O. Box 488, Battle Mountain, NV 89820
T: 775-235-2222 F: 775-635-9146
Email: debra@amenslawfirm.com

*The undersigned affirms that this document contains no
Social Security Numbers pursuant to NRS 239B.030*

IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF ELKO

CASE NO. PR-GU-18-67
DEPT NO. 1

IN THE MATTER OF THE GUARDIANSHIP
OF THE PERSON AND ESTATE OF
PAISLEY GRACE STONE, DOB 5/27/16, and
CARTAR THOMAS FERGUSON, DOB
1/17/18,

**EX PARTE EMERGENCY PETITION
FOR TEMPORARY APPOINTMENT OF
GUARDIAN OF PERSON AND ESTATE
OF MINOR WARD**

Minor Children.

COMES NOW, PAMELA LUCERO, as Petitioner, by and through her attorney,
Debra M. Amens, Esq., of AMENS LAW, Ltd., and, hereby petitions this Court on an Emergency
basis for an order appointing Petitioner as the Temporary Guardian of the Person and Estate of
PAISLEY GRACE STONE, a minor child, and CARTAR THOMAS FERGUSON (hereinafter
“Wards”). Petitioner applies for an immediate appointment due to the circumstances detailed
below:

1. PAMELA LUCERO (hereinafter “Petitioner”), is the Maternal Great
Grandmother of the proposed wards, PAISLEY GRACE STONE (hereinafter “proposed Minor
Ward” or “Paisley”), was born on May 27, 2016 and CARTAR THOMAS FERGUSON
(hereinafter “proposed Minor Ward” or “Cartar”) was born on January 17, 2018.

///

EMERGENCY PETITION FOR TEMPORARY APPOINTMENT OF GUARDIAN - 1

1 2. Petitioner has had the proposed wards living with her and her husband, MICHAEL
2 LUCERO, since they were born and they are closely bonded with both Paisley and Cartar.
3 Petitioner and her husband, MICHAEL LUCERO, also raised and were guardians of KRISTIN
4 STONE, the Natural mother of the proposed wards.
5

6 3. Petitioner and her husband, MICHAEL LUCERO, are residents of Elko County,
7 Nevada, living at 200 Viewcrest Drive, Spring Creek, Nevada 89801.

8 4. In early May, 2018, the proposed minor wards' natural Mother, KRISTIN
9 NICOLE was swayed, by an invitation for lunch, to go down to the law offices of Travis Gerber,
10 Esq. of GERBER LAW, and sign a consent to give temporary custody of the minor ward,
11 CARTER FERGUSON, to DONALD and VICKY FERGUSON, the Paternal Grandparents; and
12 temporary custody of the other minor ward, PAISLEY STONE, to JOHN and MARIA McGREW,
13 the Paternal Grandparents. The mother, KRISTIN NICOLE, has since revoked the consent, in
14 writing and advised the Paternal Grandparents and their counsel.
15
16

17 5. The Paternal Grandparents, DONALD and VICKY FERGUSON; and JOHN and
18 MARIA McGREW have filed for Guardianship of the minor wards separately. See case numbers
19 PR-GU-18-49 and PR-GU-18-56 respectively. The action herein is to stabilize the current status
20 quo so that Mother, KRISTIN NICOLE, will not take the minor wards/ children prior to the
21 hearing in the cases mentioned herein, scheduled for June 6, 2018.
22

23 6. Petitioner has no disagreement with giving the paternal grandparents, VICKY and
24 DONALD FERGUSON, visitation with the minor wards. However, the paternal grandparents,
25 JOHN and MARIA McGREW lost their son, the Natural Father of PAISLEY STONE, and have
26 been attempting to gain sole custody of Paisley since he died. On numerous occasions, they have
27
28

1 come into Petitioner's home and "snatched" the children from the Petitioner. They have also used
2 inappropriate pressure and inducement of Mother to capitulate to their will.

3 7. KRISTIN NICOLE is mentally challenged, and after signing temporary custody
4 through the prompting of GERBER LAW who represents both the FERGUSONs and the
5 McGREWs, was given a candy bar and bus ticket to an undisclosed location in California.
6 KRISTIN NICOLE knows no one in California.
7

8 8. As noted, PAMELA and MICHAEL LUCERO had guardianship of KRISTIN
9 NICOLE, their granddaughter, until she was 18 years old, and have successfully raised 13 other
10 children and grandchildren in their home over the years.
11

12 9. Mother, KRISTIN NICOLE, started using drugs at the age of 18, but following
13 the birth of her son, CARTAR FERGUSON, has been heavy into drugs. She is using
14 methamphetamine and marijuana and is completely out of control and hanging out with other
15 users. Petitioner is attempting to get her into drug rehab.
16

17 10. Petitioner and other family members are concerned that Mother, KRISTIN
18 NICOLE, can pick up Paisley and Carter at any time, and believe that they are not safe in her care
19 because she is willing to sign away her children to anyone.

20 11. Petitioner alleges pursuant to NRS 159.0523 that reasonable cause exists to believe
21 that the proposed Wards are unable to respond and lack capacity to address a substantial and
22 immediate risk of physical harm or to a need for immediate medical attention. Petitioner also
23 alleges that pursuant to NRS 159.0525 that reasonable cause exists to believe that the proposed
24 Wards are unable to respond to a substantial and immediate risk of financial loss.
25

26 12. Petitioner has information relating to the persons entitled to notice pursuant to
27 NRS 159.047 and will formally serve a copy of the *Ex Parte* Order for a Temporary Guardianship
28

1 to the proposed minor wards' known family along with a Citation to Appear at a hearing set on
2 the matter.

3 13. Petitioner also believes that due to Mother's current mental struggles and addiction
4 to illegal substances she lacks the capacity to continue to care for the Wards and in fact, the Wards
5 are not safe in her custody, nor is she making reasonable judgments or how and where the Wards
6 should be cared for.

8 14. Petitioner was convicted of a felony approximately 40 years ago, has never lost
9 licensure from any agency or board, has declared bankruptcy due to medical bills approximately
10 two (2) years ago, and is otherwise qualified to serve as a guardian.

12 15. Petitioner requests that the Court appoint her as the Guardian of the minor Wards
13 without bond, pending a hearing on this Petition.

14 16. The names of the proposed minor wards' immediate family are as follows:

Mother:	KRISTIN STONE
Father of Paisley Stone:	DECEASED
Father of Cartar Ferguson:	KEVIN THOMAS FERGUSON
Paternal Grandparents:	JOHN & MARIA McGREW
Paternal Grandparents:	DONALD & VICKY FERGUSON
Maternal Grandmother:	SHAWN STONE
Maternal Great Grandparents:	PAMELA & MICHAEL LUCERO

21 17. A copy of Petitioner's and the Wards' identification will be filed with the
22 Confidential Information Sheet.

23 **WHEREFORE**, Petitioner prays for this Court's Order as follows:

24 1. That Petitioner be appointed as the Temporary Guardian of the person and estate
25 of the Wards subject to an Emergency Hearing on the *Ex Parte* Petition.

27 2. That Petitioner be authorized and empowered to take custody and make all medical
28

1 and financial decisions for the Wards.

2 3. That no bond be required of the appointed Guardian.

3 4. That the Court finds that reasonable cause exists to believe that the proposed
4 Wards are unable to respond to a substantial and immediate risk of physical harm or to a need for
5 immediate medical attention, and that the Court find that the proposed Wards are unable to
6 respond to a substantial and immediate risk of financial loss.
7

8 5. That the Court finds that notification of persons, for the Petition of a temporary
9 order pursuant to NRS 159.047, is not feasible under these circumstances but that notice for a
10 hearing on a grant of Temporary Guardianship be required following adequate notice.
11

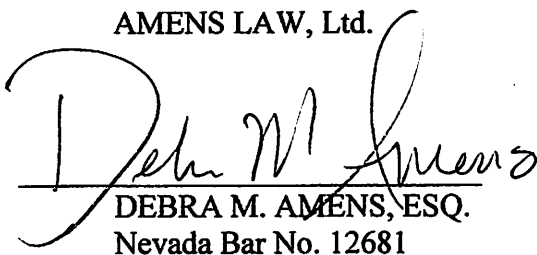
12 6. That the Court finds that the Wards' best interest is currently served by a grant of
13 temporary guardianship with Petitioner and that a hearing be set at the earliest convenience to
14 allow for interested parties to provide their input.

15 7. That the Court advise and instruct the Petitioner regarding the Wards' rights and
16 appointment of counsel.
17

18 8. For such other and further relief as the Court deems just and proper.
19

20 DATED this 22ND day of May, 2018.

21 AMENS LAW, Ltd.

22
23 
24 DEBRA M. AMENS, ESQ.
25 Nevada Bar No. 12681
26 Attorney for Petitioner
27
28

Journal of the American Statistical Association

continued to be the primary responsibility of the state.

What have we learned regarding the role of social capital in the health care system?

or children, and in the latter case the child is not to be taken into the room.

^a Values are based on a scale from 1 (no response) to 5 (strongly agree).

Source: *Journal of the American Statistical Association*, 1990, 85, 103-112.

© 2000 Blackwell Science Ltd *Journal of Internal Medicine* 247: 399–406

[illegible]

• *Journal of the American Academy of Child and Adolescent Psychiatry*, 1999, 38, 10, 1293-1300.

1. *Chlorophyll *a** was determined in 100% methanol extracts of the leaves and stems of the plants. The extracts were centrifuged at 1000g for 10 min and the supernatant was used for the determination of chlorophyll *a*. The concentration of chlorophyll *a* was determined by the method of Arar and Johnson (1977).

1991, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 26

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

[illegible]

1
2
3
4 **VERIFICATION**

5 STATE OF NEVADA)
6)ss.
7 COUNTY OF ELKO)
8

9 COMES NOW, PAMELA LUCERO, as Petitioner herein, being first duly sworn, depose
10 and says:

11 That that she has read the foregoing **EX PARTE EMERGENCY PETITION FOR**
12 **TEMPORARY APPOINTMENT OF GUARDIAN OF PERSON AND ESTATE OF**
13 **MINOR WARDS**; that she knows the content thereof; that the same is true of her own knowledge,
14 save and except as to matters therein stated on information and belief, and as to those matters she
15 believes them to be true.
16

17 DATED this 22 day of May, 2018.

18
19
20 BY: Pamela J. Lucero
21 PAMELA LUCERO

22 Acknowledged by Pamela Lucero
23 before me this 22nd day of May, 2018.

24 Tawnie Black
25 Notary Public

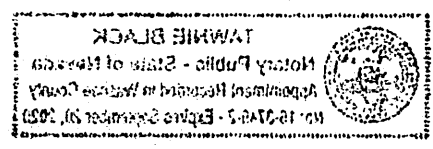


STATE OF MISSISSIPPI
COUNTY OF [illegible]

I, [illegible], do hereby certify that [illegible]
[illegible]
[illegible]
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[Handwritten signature]
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clio
copies
mailed
to Gerber

DEBRA M. AMENS, ESQ.
Amens Law, Ltd.
Nevada Bar No. 12681
P.O. Box 488, Battle Mountain, NV 89820
T: 775-235-2222 F: 775-635-9146
Email: debra@amenslawfirm.com

*The undersigned affirms that this document contains no
Social Security Numbers pursuant to NRS 239B.030*

FILED
2018 MAY 29 AM 11:49
ELKO CO DISTRICT COURT
CLERK _____ DEPUTY 

IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF ELKO

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

CASE NO. PR-GU-18-67
DEPT NO. 1

PAISLEY GRACE STONE, DOB 5/27/16, and
CARTAR THOMAS FERGUSON, DOB 1/17/18

**PETITION FOR THE
APPOINTMENT OF GENERAL
GUARDIANS**

Minor Children.

COMES NOW, Petitioners, PAMELA LUCERO and MICHAEL LUCERO, by and
through their attorney, Debra M. Amens, Esq., of AMENS LAW, Ltd., and in accordance with
Chapter 159 of the Nevada Revised Statutes, whose Petition represents the following to this
Honorable Court:

1. PAMELA and MICHAEL LUCERO (hereinafter "Petitioners"), are the Maternal
Great-Grandmother and Great-Grandfather, respectively, of the proposed wards, PAISLEY
GRACE STONE (hereinafter "proposed Minor Ward" or "Paisley"), born on May 27, 2016; and
CARTAR THOMAS FERGUSON (hereinafter "proposed Minor Ward" or "Cartar"), born on
January 17, 2018.

2. Petitioners were the proposed minor wards' Guardians from birth until present,
and are closely bonded with both Paisley and Cartar.

1 3. Petitioners are residents of Elko County, Nevada, living at 200 Viewcrest Drive,
2 Spring Creek, Nevada 89815.

3 4. In early May, 2018, the proposed minor wards' natural Mother, KRISTIN
4 NICOLE STONE (hereinafter "Mother"), also a resident and previous ward of both Petitioners,
5 was influenced one again to sign a consent to give temporary custody of the minor ward,
6 CARTAR FERGUSON, to DONALD and VICKY FERGUSON, the Paternal Grandparents; and
7 temporary custody of the other minor ward, PAISLEY STONE, to JOHN and MARIA McGREW,
8 the Paternal Grandparents. The Mother has since revoked the consent, in writing, and advised
9 both sets of Paternal Grandparents and their counsel. Apparently, she has signed the consent once
10 again.
11

12 5. The proposed minor wards have resided with the Petitioners since their birth. Their
13 Mother has been struggling with a drug addiction since she was 18 years old and is also mentally
14 challenged. The Petitioners have enrolled KRISTIN at Steps Recovery in Salt Lake City for drug
15 rehabilitation. KRISTIN needs time to stabilize her situation and not continue to separate the
16 proposed minor wards by signing away guardianship to separate family members and upsetting
17 the proposed minor wards' stable environment with the only home they have ever known – that
18 with Petitioners.
19

20 6. Petitioners are aware that the Wards' Paternal Grandparents, DONALD and
21 VICKY FERGUSON as well as JOHN and MARIA McGREW have both filed for Guardianship
22 of their respective grandchild (see case numbers PR-GU-18-49 and PR-GU-18-56, respectively).
23 However, Petitioners, do not feel it is in the best interest of the proposed minor wards to be
24 separated from each other or to grow up in separate homes. They are siblings despite having
25 different fathers. Petitioners would like to see the Mother raise her children once she is stable and
26
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1 clean from any illegal substances. Separating the children and taking them out of the only home
2 they have ever known and away from their Great-Grandparents, who have essentially been their
3 only consistent caregivers since birth, would be traumatic for the proposed minor wards.

4
5 7. Petitioners have no disagreement and even encourage giving the paternal
6 grandparents, VICKY and DONALD FERGUSON, visitation with the proposed minor wards.
7 However, JOHN and MARIA McGREW, the paternal grandparents of PAISLEY, are only
8 interested in visitation with PAISLEY, and would exclude CARTAR.

9
10 8. As stated above, Mother is mentally challenged, and appears to have been unduly
11 influenced by the McGREWs and their counsel.

12 9. Petitioners are not suspended for misconduct or disbarred from the practice of law,
13 the practice of accounting or any profession which involves the management or sale of money,
14 investments, securities or real property and requires licensure in Nevada or any other State.
15 Petitioner, PAMELA LUCERO, was convicted of a felony approximately 40 years ago, but has
16 never lost licensure from any agency or board. MICHAEL and PAMELA LUCERO filed for
17 bankruptcy due to medical bills approximately two (2) years ago, but both are otherwise qualified
18 to serve as guardians. Both Petitioners have raised 13 other children and grandchildren, including
19 Mother, in their home over the years.

20
21 10. Petitioners understand that the proposed minor wards are unable on their own to
22 respond and lack capacity to address a substantial and immediate risk of physical harm and are in
23 need of regular medical checkups and assistance.

24
25 11. Petitioners believe due to the proposed minor wards' incapacity that the Wards
26 cannot live independently and require a Guardian for medical and financial decisions while their
27 Mother is also incapacitated due to her rehabilitation.

1 12. Petitioners have information relating to the persons entitled to notice pursuant to
2 NRS 159.047 and will formally serve a copy of the Petition to the proposed minor wards' known
3 family along with a Citation to Appear.
4

5 13. Petitioners report that they do not anticipate that the proposed minor wards will
6 require a guardianship upon their attaining the age of majority.

7 14. Petitioners believe that retaining the proposed minor wards in Spring Creek is in
8 their best interest as that is where the Mother has resided with the Petitioners, and the proposed
9 wards have resided since birth.
10

11 15. Petitioners seek Guardianship of both the Estate and Person of the proposed minor
12 wards but are unaware of any financial assets as part of the wards' estate. To the extent financial
13 assets exist, Petitioners seek the power to collect the balance of any of PAISLEY's or CARTAR's
14 personal and financial property, respectively, in order to secure it for their benefit.
15

16 16. The names of the proposed minor wards' immediate family are as follows:

Mother:	KRISTIN NICOLE STONE
Father of Paisley Stone:	DECEASED
Father of Cartar Ferguson:	KEVIN THOMAS FERGUSON
Paternal Grandparents of Paisley Stone:	JOHN & MARIA McGREW
Paternal Grandparents of Cartar Ferguson:	DONALD & VICKY FERGUSON
Maternal Grandmother:	SHAWN STONE
Maternal Great-Grandparents:	PAMELA & MICHAEL LUCERO

23 17. As the proposed minor wards' Great-Grandparents, Petitioners request that they
24 be allowed to serve without posting a bond.

25 18. The guardianship is not sought for the purpose of initiating litigation but rather for
26 providing stability for PAISLEY and CARTAR, allowing them to stay together and remain in the
27
28

1 home they have known for their entire life; where they have a loving relationship with Petitioners
2 and where they can have the stability and care they need to thrive as sister and brother.

3 19. This request for the appointment of a general guardian is needed for the proposed
4 minor wards because they need a stable home and place where they can grow up in an
5 environment that they know is supportive of their needs.
6

7 20. A copy of Petitioner's identification will be filed with the Confidential Information
8 Sheet.

9 WHEREFORE, Petitioners pray as follows:
10

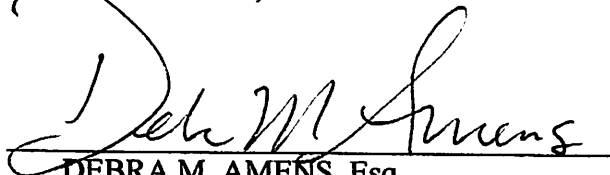
11 1. That this Honorable Court enter its Order appointing Petitioners to serve as
12 Guardians of the person and estate of the above-named minor children, and that Letters of
13 Guardianship issue to Petitioners upon their taking the oath of office as required by law;

14 2. That this Court waive any requirement for the posting of a bond for this
15 Guardianship; and,
16

17 3. For such other and further relief as this Court may deem just and proper in the
18 premises.

19 DATED this 29th day of May, 2018.

20 AMENS LAW, LTD.

21
22
23 

24 DEBRA M. AMENS, Esq.

25 Nevada Bar No. 12681

26 Attorney for Petitioners
27
28

1
2
3 VERIFICATION

4 STATE OF NEVADA)

5)ss.

6 COUNTY OF ELKO)

7 COMES NOW, PAMELA LUCERO, Petitioner, herein, being first duly sworn, depose
8 and says:

9 That she is one of the Petitioners above-named; that she has read the foregoing
10 **PETITION FOR APPOINTMENT OF GENERAL GUARDIAN**; that she knows the content
11 thereof; that the same are true of her own knowledge, save and except as to matters therein stated
12 on information and belief, and as to those matters she believes them to be true.

13
14 DATED this 29th day of May, 2018.

15
16
17 BY: Pamela Lucero

18 PAMELA LUCERO

19 SUBSCRIBED and SWORN to before me
20 this 29th day of May, 2018, by
21 PAMELA LUCERO.

22
23
24 Tawnie Black
25 NOTARY PUBLIC



1
2
3 VERIFICATION

4 STATE OF NEVADA)
5)ss.
6 COUNTY OF ELKO)

7 COMES NOW, MICHAEL LUCERO, Petitioner, herein, being first duly sworn, depose
8 and says:

9
10 That he is one of the Petitioners above-named; that he has read the foregoing **PETITION**
11 **FOR APPOINTMENT OF GENERAL GUARDIAN**; that he knows the content thereof; that
12 the same are true of his own knowledge, save and except as to matters therein stated on
13 information and belief, and as to those matters he believes them to be true.

14 DATED this 29th day of May, 2018.

15
16
17 BY: Michael Lucero
18 MICHAEL LUCERO

19
20 SUBSCRIBED and SWORN to before me
21 this 29th day of May, 2018, by
22 MICHAEL LUCERO.

23
24 Tawnie Black
25 NOTARY PUBLIC



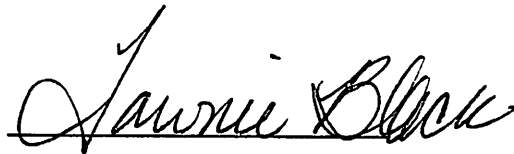
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I work for AMENS LAW, LTD, and that on the 29th day of May, 2018, I served a copy of the *Petition for Appointment of General Guardian* by delivering a true and correct copy of same in a sealed envelope via certified mail through the U.S. Postal service with postage thereon fully prepaid, to the following:

Travis W. Gerber, Esq.
GERBER LAW OFFICES, LLP
491 4th Street
Elko, Nevada 89801

Kristin Nicole Stone
c/o Steps Recovery
984 S. 930 West
Payson, UT 84651



TAWNIE BLACK, Paralegal

clerk
copies
mailed
together

FILED

2018 MAY 29 AM 11:50

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY 

DEBRA M. AMENS, ESQ.
Amens Law, Ltd.
Nevada Bar No. 12681
P.O. Box 488, Battle Mountain, NV 89820
T: 775-235-2222 F: 775-635-9146
Email: debra@amenslawfirm.com

The Undersigned hereby affirms this document
does not contain a social security number.

IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF ELKO

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

CASE NO. PR-GU-18-67
DEPT. NO. 1

PAISLEY GRACE STONE (dob 5/27/16), and
CARTAR THOMAS FERGUSON
(dob 1/17/18).

**AFFIDAVIT IN SUPPORT OF PETITION
FOR APPOINTMENT OF
GUARDIANSHIP**

STATE OF NEVADA)
) ss.
COUNTY OF ELKO)

I, PAMELA LUCERO, do hereby swear or affirm under penalty of perjury that the
following assertions are true:

1. I am one of the Co-Petitioners seeking Guardianship of the above named proposed
minor Wards, to wit: PAISLEY GRACE STONE, born on May 27, 2016 and CARTAR
THOMAS FERGUSON, born on January 17, 2018 (hereinafter "proposed Wards").

2. The other Co-Petitioner, MICHAEL LUCERO, is my husband and we are the
maternal Great Grandarents of the Natural Mother of the proposed Wards.

1 3. I and Co-Petitioner, are residents of Elko County and live at 200 Viewcrest Drive,
2 in Spring Creek, Nevada.

3 3. The Natural Mother is KRISTIN STONE (hereinafter "Mother"), and we were her
4 Guardians until she reached the age of majority. Mother is now in her early 20's.

5 4. The proposed Wards have been living in our home since their births and Mother
6 has come in and out of the home to care for them. I and my husband are closely bonded with the
7 proposed wards and have been providing them with a stable home life even while Mother's
8 situation has spiraled downward.

9 5. Mother suffers from learning disabilities and has a serious drug problem that started
10 when she was 18 years of age. Her addictions have recently gotten worse and she is out of control.
11 the drugs are also making her mental challenges worse – she is very susceptible to influence
12 especially if it is tied to money for drugs.

13 6. The Proposed Wards have two (2) different Fathers. PAISLEY's Father is deceased
14 and CARTAR's Father is incarcerated. The Paternal Grandparents have each initiated
15 Guardianship actions for their respective grandchild.

16 7. Mother has been unduly influenced by the Paternal Grandparents, especially the
17 Grandparents for Paisley, JOHN and MARIA McGREW, who may or may not know about
18 Mother's mental condition. On six(6) different occasions they have talked Mother into allowing
19 them to take the child. She has always rescinded these brief consents.

20 8. On the 5th time, both sets of Paternal grandparents met with Mother at their
21 attorney's office, first having told Mother that they were taking her out to lunch. After pressuring
22 here to sign consents, we understand that they bought her a bus ticket to California and a candy
23 bar.

1 9. Mother knows no one in California and she called and asked me to come get her
2 which I did. She once again revoked her consent to the Paternal Grandparent's having custody.

3 10. We filed the Ex Parte Motion for Temporary Guardianship after the Sheriff's office
4 advised that while Guardianship Hearings were pending, the children continued to be at risk due
5 to Mother's erratic behavior.
6

7 11. Additionally, with Mother's consent and desire, we arranged for Mother to be
8 enrolled in Rehab in Salt Lake City. She was scheduled to travel there at 3:30 a.m. on Saturday,
9 May 26, 2018.
10

11 12. On Friday, May 25, 2018, after the Ex Parte Motion was denied, the McGrew's
12 again cornered Mother and again she went to the their attorney's law office and again signed a
13 consent form.

14 13. After a raucous scene at our home where law enforcement was again called, Mr.
15 Travis Gerber of Gerber Law again coerced Mother to sign away Paisley to the McGrews.
16

17 14. After getting her signature on the consent forms, he then gave her money and
18 dropped her off at the Shell Station in Spring Creek. She called me and I went and picked her up.

19 15. With the McGrew's money in her pocket she left the home, telling me she was
20 going to go get high, putting chances for her to get in rehab at significant risk.
21

22 16. We are very concerned with the trauma that the Paternal Grandparents have been
23 causing and its impact on the children. We had a big 2nd Birthday party planned for Paisley the
24 day after she was taken by the McGrews, that required attorney intervention to ensure Paisley
25 could attend at least some of her own birthday party.

26 17. We are open to a visitation plan that involves the Paternal Grandparents and while
27 this has been communicated through their attorney's, nothing was ever proposed. Now once again,
28

1 the McGrews have Paisley, while we are working with the Ferguson's on jointly caring for Cartar.
2 In the meantime, the siblings who are closely bonded, are separated.

3 18. We ask this Court to consider the trauma and chaos that has resulted due to the
4 efforts made by the Paternal Grandparents to improperly influence Mother.
5

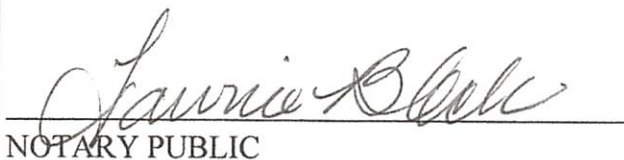
6 19. The foregoing is made and based upon my own personal knowledge except as to
7 those matters which are based on information and belief, and as to such matters, I believe them to
8 be true. In the event I am called upon to do so, I would and could competently testify as to the
9 foregoing.

10 DATED this 29th day of May, 2018.

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PAMELA LUCERO

SUBSCRIBED and SWORN to before me
this 29 day of May, 2018.

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NOTARY PUBLIC



File rec'd 6-1-18

FILED

2018 MAY 30 AM 8:51

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY

1 CASE NO. PR-GU-18-67
2 DEPT. NO. 1
3 AFFIRMATION:
Pursuant to NRS 239B.030 this document
4 does not contain a social security number.

5
6 IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF ELKO

8
9 IN THE MATTER OF THE GUARDIANSHIP
10 OF THE PERSON AND ESTATE OF
11 PAISLEY GRACE STONE, DOB 5/27/16, and
12 CARTAR THOMAS FERGUSON, DOB
13 1/17/18
14 Minor Protected Person.

15 JOINT OPPOSITION TO EX PARTE
16 EMERGENCY PETITION FOR
17 TEMPORARY APPOINTMENT OF
18 GUARDIAN

19 COMES NOW, Petitioners, DONALD WILLIAM FERGUSON and VICKY LYNNE
20 FERGUSON (Paternal Grandparents of CARTAR THOMAS FERGUSON)(“FERGUSON”), and
21 JOHN ADAM MCGREW and MARIA DANIELLE MCGREW (Paternal Grandparents of
22 PAISLEY GRACE STONE)(“MCGREW”), by and through their attorney, TRAVIS W. GERBER,
23 ESQ., of GERBER LAW OFFICES, LLP, and hereby file this Joint Opposition to the Ex Parte
24 Emergency Petition for Temporary Appointment of Guardian of Person and Estate of Minor Ward,
25 based on the following facts:

26 1. Petitioners in Case No. PR-GU-18-49, DONALD WILLIAM FERGUSON and
27 VICKY LYNNE FERGUSON are married and are the paternal grandparents of CARTAR
28 THOMAS FERGUSON. CARTAR THOMAS FERGUSON was placed in their care by the
child’s natural mother, KRISTIN NICOLE STONE, who signed a Consent for Guardianship on
May 25, 2018, a copy of which is filed with the Court.

2 2. Petitioners in Case No. PR-GU-18-56, JOHN ADAM MCGREW and MARIA
3 DANIELLE MCGREW are married and are the paternal grandparents of PAISLEY GRACE
4 STONE. PAISLEY GRACE STONE was placed in their care by the child’s natural mother,

1 **KRISTIN NICOLE STONE**, who signed a Consent for Guardianship on May 25, 2018, a copy of
2 which is filed with the Court.

3 3. **KRISTIN NICOLE STONE** is currently incarcerated in the Elko County Jail. Prior
4 to being arrested, she voluntarily placed the children in the care of **FERGUSON** and **MCGREW**
5 while she was seeking rehabilitation for drug addiction.

6 4. The emergency ex parte Petition should not be granted because:

7 A) There is no emergency. The natural mother has consented to guardianship with
8 Petitioners **FERGUSON** and **MCGREW** and placed her children in their care while she sought
9 rehabilitation for drug addiction. She is currently incarcerated in the Elko County Jail.

10 B) The Ex Parte Petition cannot be granted because Petitioner **LUCERO** failed
11 to comply with NRS 159.052(1)(b) which requires an ex parte petitioner to include:

12 (b) Facts which show that:

13 (1) The petitioner has tried in good faith to notify the persons
14 entitled to notice pursuant to NRS 159.047 by telephone or in
15 writing before the filing of the Petition.

16 In this case, Petitioner **LUCERO** filed her ex parte petition without any
17 attempt to notify the other family members and Petitioners who are entitled to notice. Notice was
18 feasible and was not given until after the Petition was filed, which is a violation of NRS
19 159.052(1)(b). Therefore the Petition was not filed in good faith and should be denied for failure to
20 comply with NRS 159.052(1)(b).

21 C) **KRISTIN NICOLE STONE** initially left the children in the care of
22 Petitioners **FERGUSON** and **MCGREW** and signed temporary guardianships for them to care for
23 her children. **KRISTIN NICOLE STONE** then signed Consents to Guardianship which were filed
24 with this Court with the Petitions filed by Petitioners **FERGUSON** and **MCGREW**. Petitioner
25 **LUCERO** alleges that **KRISTIN NICOLE STONE** was “prompted” or bribed to sign the Consents,
26 however any such allegations are unsupported by facts or affidavit and are false. Again, on May 25,
27 2018, **KRISTIN NICOLE STONE** reaffirmed and signed Consents to Guardianship in the presence
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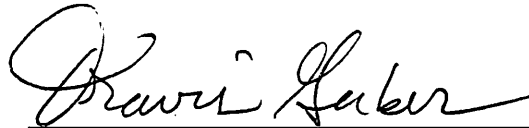
1 of two witnesses which are filed with the Court, electing to leave her children with Petitioners
2 **FERGUSON** and **MCGREW**.

3 D) Petitioner **LUCERO** presents no good cause why the children should be
4 removed from the care of Petitioners **FERGUSON** and **MCGREW** and transferred to her care. It
5 is in the best interest of the children to remain in the care of Petitioners **FERGUSON** and
6 **MCGREW**.

7 E) A hearing has been set for June 6, 2018 on the Petitions of **FERGUSON** and
8 **MCGREW**. The children are not in any "substantial and immediate risk of physical harm or to a
9 need for immediate medical attention," therefore the ex parte petition should be denied.

10 DATED this 29th day of May, 2018.

11 **GERBER LAW OFFICES, LLP**

12 

13 TRAVIS W. GERBER, ESQ.

14 Nevada State Bar #8083

15 491 4th Street

16 Elko, Nevada 89801

17 775-738-9258

18 ATTORNEY FOR PETITIONERS

19 **FERGUSON AND MCGREW**

clio
ds

FILED

1 CASE NO. PR-GU-18-49
2 PR-GU-18-56
3 ~~PR-GU-18-67~~

2018 JUN 21 PM 4:17

3 DEPT. NO. 1

ELKO CO DISTRICT COURT

4 AFFIRMATION:

5 Pursuant to NRS 239B.030 this document
6 does not contain a social security number

CLERK _____ DEPUTY lb

7 IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

8 IN AND FOR THE COUNTY OF ELKO

9 IN THE MATTER OF THE GUARDIANSHIP
10 OF THE PERSON AND ESTATE OF
11 CARTAR THOMAS FERGUSON, DOB 1/17/18
12 AND PAISLEY GRACE STONE, DOB 5/27/16,

ORDER APPOINTING TEMPORARY
CO-GUARDIANS

13 Minor Protected Persons.

14 This matter having come before the Court on June 6, 2018, for a hearing on the Petitions
15 in the three above-referenced guardianship actions relating to the minor children, and good cause
16 appearing,

17 IT IS HEREBY ORDERED that DONALD WILLIAM FERGUSON and VICKY LYNNE
18 FERGUSON (Paternal Grandparents) and MICHAEL LUCERO and PAMELA LUCERO
19 (Maternal Great-Grandparents) are appointed as Temporary Co-Guardians of CARTAR
20 THOMAS FERGUSON, male minor child born January 17, 2018. The FERGUSONS and
21 LUCEROS shall alternate custody of CARTER THOMAS FERGUSON each week, with the
22 FERGUSONS having custody commencing Saturday, June 9, 2018. Exchanges shall occur each
23 Saturday at 4:00 p.m. at the Shell Station in Spring Creek, Nevada.

24 IT IS HEREBY ORDERED that JOHN ADAM MCGREW and MARIA DANIELLE
25 MCGREW (Paternal Grandparents) and MICHAEL LUCERO and PAMELA LUCERO
26 (Maternal Great-Grandparents) are appointed as Temporary Co-Guardians of PAISLEY GRACE
27 STONE, a female minor child born May 26, 2016. The MCGREWS and LUCEROS shall
28 alternate custody of PAISLEY GRACE STONE each week, with the MCGREWS having custody
commencing Saturday, June 9, 2018. Exchanges shall occur each Saturday at 4:00 p.m. at the

1 Shell Station in Spring Creek, Nevada.

2 IT IS FURTHER ORDERED that the Temporary Co-Guardians shall communicate with
3 each other regarding the needs of the children.

4 IT IS FURTHER ORDERED that the Temporary Co-Guardians shall notify each other
5 prior to transporting the children out of state.

6 IT IS FURTHER ORDERED that the parties shall not disparage any other party, the
7 children's parents, or any other family member, and the parties shall act in a manner which will
8 encourage the love and respect by the minor children for the parties and their parents and shall not
9 take any action to alienate the feelings of the minor children away from the other parties, the
10 children's parents, or any other family member.

11 IT IS FURTHER ORDERED that no illicit drugs or alcohol shall be allowed in any of the
12 parties homes or in the presence of the children.

13 IT IS FURTHER ORDERED that a hearing in this matter shall be held on August 2, 2018,
14 from 10:00 a.m. to 12:00 p.m.

15 DATED this 19 day of June, 2018.

16 
17 DISTRICT JUDGE
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DEBRA M. AMENS, ESQ.
Amens Law, Ltd.
Nevada Bar No. 12681
P.O. Box 488, Battle Mountain, NV 89820
T: 775-235-2222 F: 775-635-9146
Email: debra@amenslawfirm.com

The undersigned affirms that this document contains no
Social Security Numbers pursuant to NRS 239B.030

FOURTH JUDICIAL DISTRICT COURT
FILED IN OPEN COURT
Date: 8-2-18
Time: 10:22AM
Clerk: [Signature]

IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF ELKO

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

PAISLEY GRACE STONE, DOB 5/27/16, and
CARTAR THOMAS FERGUSON, DOB 1/17/18

A minor Child

CASE NO. PR-GU-18-67
DEPT NO. I

**CONSENT TO ESTABLISHMENT OF
THE GUARDIANSHIP OF THE
MINOR CHILDREN BY GREAT-
GRANDPARENTS**

COMES NOW, KRISTIN NICOLE STONE, and, does now consent to the
establishment of a Guardianship of her two (2) minor children, to wit: PAISLEY GRACE STONE
(hereinafter "Daughter" or "Paisley") born May ²⁶~~24~~, 2016, and CARTAR THOMAS FERGUSON
(hereinafter "Son" or "Cartar"), born January 17, 2018, granting the relief requested in their
Petition for Guardianship of the Minor Children including the request therein to have Petitioners
appointed as the Guardians of the Person and Estate of Paisley and Cartar and I further advise the
Court in regard to this matter as follows:

1. I am KRISTIN NICOLE STONE. My current address is 200 Viewcrest
Drive, Spring Creek, Nevada 89815.

///

CONSENT TO ESTABLISHMENT OF THE GUARDIANSHIP OF THE MINOR CHILDREN BY GREAT-
GRANDPARENTS - 1

71-2-3
10-2-3

THE UNITED STATES OF AMERICA
DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535
JAN 10 1964
MEMORANDUM FOR THE DIRECTOR
SUBJECT: [Illegible]

IN THE MATTER OF THE UNITED STATES OF AMERICA
VS.
[Illegible]

DO NOT SIGN OR SIGNATURE
THIS DOCUMENT IS
CLASSIFIED "SECRET"
DATE 10-2-3 BY 10-2-3

CLASSIFICATION: SECRET
EXEMPTION: 25X(1)
DATE: 10-2-3 BY: 10-2-3

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[Illegible text block, likely a signature or distribution list.]

1 2. That I am the Natural Mother of the minor children named in this action,
2 to wit: PAISLEY GRACE STONE, born May 27, 2016, and CARTAR THOMAS FERGUSON,
3 born January 17, 2018.

4 3. That the father of Paisley is DECEASED and the father of Carter is KEVIN
5 THOMAS FERGUSON and he is incarcerated in Elko County, Nevada.

6 4. That my children are currently living with me at my great-grandparents
7 home, MICHAEL and PAMELA LUCERO, at the address provided and have been residing there
8 since their birth.

9 5. I acknowledge that at this point in time, the father of Cartar, and I, are not
10 able to adequately provide for the needed care, custody, and control of Cartar or Paisley, nor
11 provide necessary financial support or stable and appropriate housing.

12 6. I believe that the appointment of my Great-Grandparents, PAMELA and
13 MICHAEL LUCERO, as co-Guardians is in the best interest of my children and I request that
14 Letters of Guardianship be issued to them forthwith so that they can adequately care for both
15 Paisley and Cartar, and keep them together siblings.

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22 ///

DATED this 31 day of May, 2018.

CONSENT TO ESTABLISHMENT OF THE GUARDIANSHIP OF THE MINOR CHILDREN BY GREAT-GRANDPARENTS - 3

1 CASE NO. PR-GU-18-49
2 PR-GU-18-56
3 PR-GU-18-67

4 DEPT. NO. 1

5 AFFIRMATION:
6 Pursuant to NRS 239B.030 this document
7 does not contain a social security number

8 IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR THE COUNTY OF ELKO

10 IN THE MATTER OF THE GUARDIANSHIP
11 OF THE PERSON AND ESTATE OF

ORDER EXTENDING ORDER
APPOINTING TEMPORARY
CO-GUARDIANS

12 CARTAR THOMAS FERGUSON, DOB 1/17/18
13 AND PAISLEY GRACE STONE, DOB 5/27/16,

14 Minor Protected Persons.
15 _____/

16 This matter having come before the Court on October 2, 2018, for a hearing on the
17 Petitions in the three above-referenced guardianship actions relating to the minor children, and
18 good cause appearing,

19 The Court finds good cause to extend the guardianship for 60 days, pursuant to NRS
20 159A.0523(10), in order to give the children's mother, KRISTIN STONE, the opportunity to
21 appear.

22 IT IS HEREBY ORDERED that visitation exchanges shall occur each Thursday at
23 4:00p.m. at the Ferguson home.

24 IT IS FURTHER ORDERED that Maria McGrew shall provide her counsel with a copy of
25 the paternity tests results for Paisley Grace Stone that were previously obtained which shall be
26 served on each of the parties.

27 IT IS FURTHER ORDERED that the Lucero's shall not leave the minor protected persons
28 alone with their cousin, Hayden, and shall separate Hayden from the children if he becomes
anxious or shows a tendency to bite.

///

1 IT IS FURTHER ORDERED that a hearing shall be held on this matter on January 15,
2 2019, at 9:30a.m.

3 DATED this 16 day of October, 2018.

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5 
6 DISTRICT JUDGE
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FILED

2021 MAR 26 PM 4:35

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY Am

The Undersigned hereby affirms this document
does not contain a social security number.

IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF ELKO

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

CASE NO. PR-GU-18-67
DEPT. NO. 1

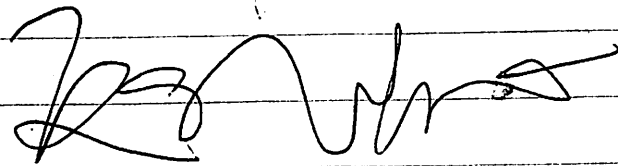
PAISLEY GRACE STONE (dob 5/27/16), and
CARTAR THOMAS FERGUSON
(dob 1/17/18).

LETTER FROM MOTHER PER
REQUEST OF JUDGE

Judge Hill

March 15, 2021


My name is Kristin Stone
I would like to ask you to please
give my kids back. (Paisly and
Carter.) I love them so much
we have lost so much time together
Mayce and I need and want
them in our life I will do my
best. If they cant be with me
I want them to be with my
granny (Pamela Lucero) and my papa
(Michael Lucero) so my kids
can be kept together and I can
be apart of there lives. My
grandparents love us all and
will support us as a family.



Gerber

1 CASE NO. PR-GU-18-67, PR-GU-18-49, PR-GU-18-56
2 DEPT NO. 1

3 Pursuant to NRS 239B.030, the
4 undersigned hereby affirms this
5 document does not contain the
6 social security number of any person.

FILED
JUL 13 2021
CLERK OF DISTRICT COURT
ELKO, NEVADA


6 IN THE FOURTH JUDICIAL DISTRICT COURT
7 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

8
9 IN THE MATTER OF THE GUARDIANSHIP
10 OF THE PERSONS AND ESTATES OF
11 CARTER THOMAS FERGUSON (PR-GU-18-49)
PAISLEY GRACE STONE, (PR-GU-18-56)
PAISLEY GRACE STONE and CARTER
THOMAS FERGUSON, PR-GU-18-67,

**FINDINGS OF FACT
AND ORDER GRANTING
GUARDIANSHIP**

12 Minor Protected Persons.
13 _____/

14 This matter came before the Court on August 6 and 7, 2020, and on March 4, 2021, for a
15 hearing on the petitions in the three above-referenced competing guardianship actions relating to the
16 children, CARTER THOMAS FERGUSON ("Carter"), a male minor child born on January 17,
17 2018, and PAISLEY GRACE STONE ("Paisley"), a female minor child born May 26, 2016.

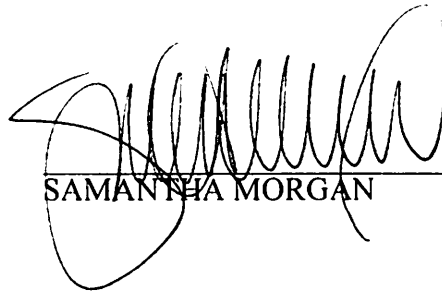
18 PAMELA JEANNIE LUCERO and MICHAEL TIMOTHY LUCERO ("LUCERO"), by and
19 through their attorney, Debra Amens, Esq.; DONALD WILLIAM FERGUSON and VICKY LYNNE
20 FERGUSON ("FERGUSON") and MARIA DANIELLE MCGREW and JOHN ADAM MCGREW
21 ("MCGREW"), by and through their attorney, Travis Gerber, Esq., and Michelle Rodriguez, Esq.,
22 the attorney for the minor protected persons, were all provided with the opportunity and have all
23 provided an extensive amount of testimony and evidence during the three separate hearing dates,
24 August 6, 2020, August 7, 2020 and most recently, March 4, 2021. While the current District Court
25 Judge was not presiding over the first two days of testimony, she has had the opportunity to review
26 the video recordings of those court hearings and has had the opportunity to fully review the entire
27 record in this matter, as well as presided over the final portion of the trial on March 4, 2021. Based
28 upon the evidence and testimony provided, the Court hereby finds:

1 **CERTIFICATE OF MAILING**

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of GERBER LAW OFFICES,
3 LLP, and that on the 24th day of May, 2021, I deposited for mailing, postage prepaid, at Elko,
4 Nevada, a true and correct copy of the foregoing *Notice of Entry of Findings of Fact and Order*
5 *Granting Guardianship* addressed as follows:

6 Debra M. Amens, Esq.
7 Amens Law, Ltd.
8 P.O. Box 488
9 Battle Mountain, Nevada 89820

10 Michelle L. Rodriguez, Esq.
11 Michelle L. Rodriguez, Chartered
12 P.O. Box 704
13 Wells, Nevada 89835

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SAMANTHA MORGAN

1 All of the proposed guardians are residents of the County of Elko, State of Nevada, and over
2 the age of 21 years. The proposed Minor Protected Persons are residents of the County of Elko,
3 State of Nevada, having so resided within Elko County, State of Nevada, their entire lives.

4 Paisley is 4 ½ years of age and resides with MCGREW and LUCERO on a week-to-week
5 rotation in Elko County, Nevada. Carter is 3 years of age and resides with FERGUSON and
6 LUCERO on a week-to-week rotation in Elko County, Nevada. Petitioners currently have a
7 Temporary Guardianship of the Minor Protected Persons upon a Stipulation.

8 The Court finds by clear and convincing evidence that the children are in need of a
9 guardianship for their persons and estates. The natural father of Carter is Kevin Ferguson. He
10 executed a consent for the guardianship on behalf of his parents, FERGUSON. Although Mr.
11 Ferguson was present for the first day of trial, he has not been present since, but he was allowed to
12 state to the Court his desires, in addition to providing a written consent to the guardianship on file
13 herein. The natural father of Paisley is deceased.

14 Carter and Paisley's natural mother is Kristen Nicole Stone. Ms. Stone was present during
15 part of the testimony throughout the three-day trial. Ms. Stone has alternatively executed consents
16 to each of the proposed sets of guardians on behalf of the Minor Protected Persons. Ms. Stone was
17 originally appointed an attorney to represent her due to concerns for her ability to understand the
18 proceedings and represent herself; unfortunately, Ms. Stone failed to keep in contact with her
19 appointed attorney, David D. Loreman, Esq., and he was granted permission to withdraw as counsel
20 for Ms. Stone. Ms. Stone appeared at the final day of the trial without counsel. Ms. Stone testified
21 that she wanted her children with LUCERO, but appeared confused on what that meant. Ms. Stone
22 testified that she can care for the Minor Protected Persons without assistance. Ms. Stone's testimony
23 showed that she has been unable or unwilling, within a reasonable time, to correct substantially the
24 circumstances, conduct or conditions which led to the placement of her children outside of her
25 custody. Upon the filing of the petitions in this matter, Ms. Stone was abusing methamphetamine
26 and she has since not attended any drug rehabilitation program. Ms. Stone has also failed to engage
27 in counseling or to demonstrate that she has the capacity to properly care for her children. She has
28 not been employed and has not had any unsupervised or unassisted visitation since the

1 commencement of this action. Ms. Stone was, and she continues to remain dependent on LUCERO,
2 and she appears to live most of the time in their household. Ms. Stone is unable to provide for the
3 basic needs of her children, including food, shelter, clothing, medical care, and education. These
4 basic needs are being provided by the Temporary Co-Guardians. The Court observed in Ms. Stone's
5 testimony that she is mentally and emotionally unstable to the extent that the Court finds that it
6 would not be in the best interests of the children to be placed in her legal custody. Because of action
7 or inaction, the Court finds that the children's mother poses a significant safety risk of either physical
8 or emotional danger to the children because of her significant past drug use, her failure to engage in
9 any counseling or rehabilitation, and her inability to care for the children without complete
10 dependency on LUCERO. Based on all of these facts, the Court finds by clear and convincing
11 evidence that Ms. Stone is unsuitable to care for the physical and psychological needs of the
12 children.

13 LUCERO stated in their verified petition that the children's mother, Ms. Stone, is unfit due
14 to her drug addiction to methamphetamine and that she is too easily influenced by others. LUCERO
15 argued that Ms. Stone is now fit, however they continue to maintain their petition in this matter and
16 they have filed and maintain a petition for custody of Ms. Stone's new baby, Mayce May Stone
17 Williams, who was born on June 9, 2020. Ms. Stone appeared confused and upset when informed
18 that LUCERO have filed a guardianship petition for custody of her new baby in Case No. DC-GU-
19 21-10. The Court finds that LUCERO's argument that Ms. Stone is now fit conflicts with their
20 verified petitions which argue that the children are in need of protection due to the faults and habits
21 of their mother.

22 LUCERO and MCGREW entered into an agreement to participate in co-parenting counseling
23 with Janell Anderson, LCSW, so as to allow them to function jointly as the Co-Guardians for the
24 best interest of Paisley. Ms. Anderson was unsuccessful in her work. Ms. Anderson filed a report
25 with the Court and provided sworn testimony in this matter on March 4, 2021. Ms. Anderson
26 provided testimony to the Court that Pamela Lucero was unwilling to work with MCGREW in a co-
27 parenting or even non-hostile relationship. Ms. Anderson testified that to continue the current
28 situation wherein Paisley alternates between the MCGREW home and the LUCERO home would

1 be detrimental to Paisley. Ms. Anderson opined that the current situation was not in the children's
2 best interest due to the ongoing animosity and negative behavior from LUCERO towards
3 MCGREW. Ms. Lucero was unwilling to work on a co-parenting relationship with MCGREW. Ms.
4 Lucero continued to express animosity and derogatory feelings toward MCGREW. Ms. Anderson
5 testified that she did not believe LUCERO would foster or even allow a relationship between Paisley
6 and MCGREW, but believed that MCGREW would foster and allow a relationship between Paisley
7 and LUCERO. In fact, Ms. Anderson testified that MCGREW have been willing to apologize for
8 the past and move forward. Ms. Anderson provided testimony that MCGREW had a structured
9 approach to home life and their care of Paisley wherein they have schedules and reliability for
10 Paisley; LUCERO were very unstructured in their parenting style and ran an unstructured, chaotic
11 home which is not in the best interest of Paisley.

12 Paisley's health and well-being has been an issue of contention from the beginning of this
13 matter. MCGREW were very concerned about her weight and pattern of weight gain while with
14 LUCERO. MCGREW sought out assistance from the child's pediatrician and later from a
15 nutritionist. It was not until right before the final phase of the trial that LUCERO indicated they
16 would modify Paisley's diet and activity while in their care; however, Mr. Lucero testified he did not
17 believe such was necessary and Paisley was fine. Paisley is above the 95th percentile for weight
18 given her age and height. Her height is within the normal range.

19 LUCERO have a bankruptcy on their record. Ms. Lucero has a great deal of interactions
20 with law enforcement, including a felony conviction. Some such negative interactions with law
21 enforcement resulted in Ms. Lucero being charged and convicted of various crimes, including crimes
22 involving minor children. Ms. Lucero was not truthful in her testimony regarding a recent contact
23 with law enforcement wherein she lied to the officer who came to her door looking for a person of
24 interest; this person was later found in her home.

25 At the request of the children's attorney, the Court has reviewed, in camera, all of the
26 Division of Child and Family Services records related to the three sets of petitioners. The Court
27 received an entire banker's box full of records on April 16, 2021. The records of the Division of
28 Child and Family Services also show that LUCERO had a case of substantiated child neglect for lack

1 of supervision in their home that occurred in 2014. FERGUSON had no DCFS records, and
2 MCGREW had one incident, which was the bruise on Paisley's bottom. Abuse and neglect was not
3 substantiated against MCGREW.

4 Based upon the voluminous testimony provided, the Court hereby finds that it is in the best
5 interest of the children that FERGUSON be appointed as the legal guardians of Carter and
6 MCGREW be appointed as the legal guardians of Paisley.

7 Although it appears Ms. Stone has made progress since the inception of this matter, Ms.
8 Stone cannot currently provide for the Minor Protected Persons' basic needs without assistance.

9 LUCERO are unwilling and unable to allow MCGREW and FERGUSON an ongoing
10 relationship with the children due to their continued and extreme animosity toward MCGREW and
11 their unwillingness to work cooperatively with said parties for the best interest of the children.

12 Testimony was provided evidencing alienating behavior by Ms. Lucero toward MCGREW.
13 Ms. Lucero has acted in a negative and hostile manner in her behaviors and speech toward
14 MCGREW; such behavior is not in the best interest of the children. Testimony provided clear
15 evidence that LUCERO are unable to support and foster a best interest relationship between the
16 Minor Protected Persons and MCGREW. It is of concern that the same behavior will most likely
17 result against FERGUSON, as has been the pattern with LUCERO.

18 Further, testimony was provided concerning voluminous DCFS involvement and at least one
19 substantiation for abuse and neglect with LUCERO. The Court finds that such chaotic, unreliable,
20 and sometimes criminal behavior by LUCERO is not in the best interest of either Minor Protected
21 Person. Clear and convincing evidence was provided that the natural parents of the Minor Protected
22 Persons are unable or unwilling to properly care for the Minor Protected Persons at this time.

23 MCGREW and FERGUSON are ready, willing and able to provide stability in housing and
24 care for the Minor Protected Persons and have shown their ability to do so for almost two years.

25 The Minor Protected Persons have no estate in the economic sense, or assets other than their
26 clothes and personal effects. They have no income or receivables from any source that are currently
27 known to Petitioners.

28 ///

1 **CERTIFICATE OF HAND DELIVERY**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District Court,
3 Department 1, and that on this 13th day of May, 2021, I personally hand delivered a file stamped
4 copy of the foregoing **FINDINGS OF FACT AND ORDER GRANTING GUARDIANSHIP**
5 addressed to:

6 Travis W. Gerber, Esq.
7 Gerber Law Offices, LLP
8 491 4th Street
9 Elko, NV 89801
10 [Box in Clerk's Office]

Michelle L. Rodriguez, Esq.
Michelle L. Rodriguez, Chartered
PO Box 704
Wells, NV 89835
[Box in Clerk's Office]

11 Debra M. Amens, Esq.
12 Amens Law, Ltd.
13 PO Box 488
14 Battle Mountain, NV 89820
15 [Box in Clerk's Office]

16 
17 _____

18 **CERTIFICATE OF MAILING**

19 Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Fourth Judicial District
20 Court, Department 1, and that on this 13th day of May, 2021, I deposited for mailing in the U.S.
21 mail at Elko, Nevada, postage prepaid, a file stamped copy of the foregoing **FINDINGS OF FACT**
22 **AND ORDER GRANTING GUARDIANSHIP** addressed to:

23 Michelle L. Rodriguez, Esq.
24 Michelle L. Rodriguez, Chartered
25 PO Box 704
26 Wells, NV 89835

27 
28 _____

1 **BASED UPON THE FOREGOING FINDINGS, IT IS THEREFORE ORDERED** as
2 follows:

3 1. DONALD WILLIAM FERGUSON and VICKY LYNN FERGUSON shall be, and
4 they hereby are appointed as Guardians of the Person and Estate for the minor protected person,
5 CARTER THOMAS FERGUSON (DOB 01/17/2018).

6 2. MARIA DANIELLE MCGREW and JOHN ADAM MCGREW shall be, and they
7 hereby are appointed as Guardians of the Person and Estate for the minor protected person,
8 PAISLEY GRACE STONE (DOB 05/26/2016).

9 3. Letters of Guardianship shall be issued accordingly upon Petitioners taking the oath
10 of office.

11 4. The natural mother, Kristen Nicole Stone, shall be entitled to exercise supervised
12 visitation of the Minor Protected Persons as prescribed by the Guardians.

13 5. LUCERO shall be entitled to visitation with the Minor Protected Persons as
14 prescribed by the Guardians, so long as such contact is in the best interest of the Minor Protected
15 Persons.

16 6. MCGREW and FERGUSON shall continue to foster the sibling bond between the
17 two Minor Protected Persons.

18 7. Because the Minor Protected Persons have no assets, the requirement of a bond is
19 hereby waived. NRS 159A.065.

20 8. The Guardians shall file an inventory and appraisal of the Minor Protected Person's
21 property each year as required by the Court. NRS 159A.085.

22 9. The parties shall not discuss the issues presented to this Court for adjudication or any
23 other issue pertaining to the litigation with the Minor Protected Persons. Most importantly, the
24 parties will not make any disparaging remarks about the parents or other parties to the Minor
25 Protected Persons. Neither party shall say or do anything that may estrange the Minor Protected
26 Persons from the other parties or their parents, or impair their high regard for the other parent or
27 party. Nor shall any party permit a third party to make any disparaging remarks about the other
28 parties to the Minor Protected Persons. No party shall post details about this or any other dispute,

1 or disparaging remarks about the other parties on any social networking sites, blogs, or forums of
2 communication in which the Minor Protected Persons may be exposed or have access to.

3 Dated this 11th day of May, 2021.

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6 HONORABLE KRISTON N. HILL
7 DISTRICT JUDGE - DEPT. 1
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1 **CERTIFICATE OF HAND DELIVERY**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District Court,
3 Department 1, and that on this 13th day of May, 2021, I personally hand delivered a file stamped
4 copy of the foregoing **FINDINGS OF FACT AND ORDER GRANTING GUARDIANSHIP**
5 addressed to:

6 Travis W. Gerber, Esq.
7 Gerber Law Offices, LLP
8 491 4th Street
Elko, NV 89801
[Box in Clerk's Office]

Michelle L. Rodriguez, Esq.
Michelle L. Rodriguez, Chartered
PO Box 704
Wells, NV 89835
[Box in Clerk's Office]

9
10 Debra M. Amens, Esq.
11 Amens Law, Ltd.
12 PO Box 488
Battle Mountain, NV 89820
[Box in Clerk's Office]

13 Normane

14
15 **CERTIFICATE OF MAILING**

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17 Court, Department 1, and that on this 13th day of May, 2021, I deposited for mailing in the U.S.
18 mail at Elko, Nevada, postage prepaid, a file stamped copy of the foregoing **FINDINGS OF FACT**
19 **AND ORDER GRANTING GUARDIANSHIP** addressed to:

20 Michelle L. Rodriguez, Esq.
21 Michelle L. Rodriguez, Chartered
22 PO Box 704
Wells, NV 89835

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26 Normane
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1 CASE NO. PR-GU-18-67, PR-GU-18-49, PR-GU-18-56
2 DEPT. NO. 1

3 Affirmation: Pursuant to NRS 239B.030,
4 this document does not contain the social
5 security number of any person.

FILED
2021 MAY 24 PM 3:57
ELKO CO DISTRICT COURT
CLERK _____ DEPUTY ML

6 **IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF ELKO**

8 IN THE MATTER OF THE GUARDIANSHIP
9 OF THE PERSONS AND ESTATES OF

10 CARTER THOMAS FERGUSON (PR-GU-
11 18-49),
12 PAISLEY GRACE STONE (PR-GU-18-56),
13 PAISLEY GRACE STONE and CARTER
14 THOMAS FERGUSON (PR-GU-18-67),
15
16 Minor Protected Persons.
17 _____ /

NOTICE OF ENTRY OF FINDINGS OF
FACT AND ORDER GRANTING
GUARDIANSHIP

15 PLEASE TAKE NOTICE that on May 13, 2021, the Court entered its *Findings of Fact and*
16 *Order Granting Guardianship* in the above-captioned matter. A copy of the *Findings of Fact and*
17 *Order Granting Guardianship* is attached hereto as Exhibit A.

18 DATED this 24th day of May, 2021.

20 **GERBER LAW OFFICES, LLP**

21 By: 
22 TRAVIS W. GERBER, ESQ.
23 Nevada State Bar No. 8083
24 491 4th Street
25 Elko, Nevada 89801
26 (775) 738-9258
27 twg@gerberlegal.com
28 ATTORNEYS FOR GUARDIANS

1 **CERTIFICATE OF MAILING**

2 Pursuant to NRC P 5(b), I hereby certify that I am an employee of GERBER LAW OFFICES.
3 LLP. and that on the 24th day of May, 2021, I deposited for mailing, postage prepaid, at Elko,
4 Nevada, a true and correct copy of the foregoing *Notice of Entry of Findings of Fact and Order*
5 *Granting Guardianship* addressed as follows:

6 Debra M. Amens, Esq.
7 Amens Law, Ltd.
8 P.O. Box 488
9 Battle Mountain, Nevada 89820

10 Michelle L. Rodriguez, Esq.
11 Michelle L. Rodriguez, Chartered
12 P.O. Box 704
13 Wells, Nevada 89835

14 
15 SAMANTHA MORGAN
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EXHIBIT A

EXHIBIT A

Gerber

1 CASE NO. PR-GU-18-67, PR-GU-18-49, PR-GU-18-56

2 DEPT NO. 1

3 Pursuant to NRS 239B.030, the
4 undersigned hereby affirms this
5 document does not contain the
6 social security number of any person.



6 IN THE FOURTH JUDICIAL DISTRICT COURT
7 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

8
9 IN THE MATTER OF THE GUARDIANSHIP
10 OF THE PERSONS AND ESTATES OF
11 CARTER THOMAS FERGUSON (PR-GU-18-49)
12 PAISLEY GRACE STONE, (PR-GU-18-56)
13 PAISLEY GRACE STONE and CARTER
14 THOMAS FERGUSON, PR-GU-18-67,

**FINDINGS OF FACT
AND ORDER GRANTING
GUARDIANSHIP**

12 Minor Protected Persons.
13 _____ /

14 This matter came before the Court on August 6 and 7, 2020, and on March 4, 2021, for a
15 hearing on the petitions in the three above-referenced competing guardianship actions relating to the
16 children, CARTER THOMAS FERGUSON ("Carter"), a male minor child born on January 17,
17 2018, and PAISLEY GRACE STONE ("Paisley"), a female minor child born May 26, 2016.

18 PAMELA JEANNIE LUCERO and MICHAEL TIMOTHY LUCERO ("LUCERO"), by and
19 through their attorney, Debra Amens, Esq.; DONALD WILLIAM FERGUSON and VICKY LYNNE
20 FERGUSON ("FERGUSON") and MARIA DANIELLE MCGREW and JOHN ADAM MCGREW
21 ("MCGREW"), by and through their attorney, Travis Gerber, Esq., and Michelle Rodriguez, Esq.,
22 the attorney for the minor protected persons, were all provided with the opportunity and have all
23 provided an extensive amount of testimony and evidence during the three separate hearing dates,
24 August 6, 2020, August 7, 2020 and most recently, March 4, 2021. While the current District Court
25 Judge was not presiding over the first two days of testimony, she has had the opportunity to review
26 the video recordings of those court hearings and has had the opportunity to fully review the entire
27 record in this matter, as well as presided over the final portion of the trial on March 4, 2021. Based
28 upon the evidence and testimony provided, the Court hereby finds:

1 All of the proposed guardians are residents of the County of Elko, State of Nevada, and over
2 the age of 21 years. The proposed Minor Protected Persons are residents of the County of Elko,
3 State of Nevada, having so resided within Elko County, State of Nevada, their entire lives.

4 Paisley is 4 ½ years of age and resides with MCGREW and LUCERO on a week-to-week
5 rotation in Elko County, Nevada. Carter is 3 years of age and resides with FERGUSON and
6 LUCERO on a week-to-week rotation in Elko County, Nevada. Petitioners currently have a
7 Temporary Guardianship of the Minor Protected Persons upon a Stipulation.

8 The Court finds by clear and convincing evidence that the children are in need of a
9 guardianship for their persons and estates. The natural father of Carter is Kevin Ferguson. He
10 executed a consent for the guardianship on behalf of his parents, FERGUSON. Although Mr.
11 Ferguson was present for the first day of trial, he has not been present since, but he was allowed to
12 state to the Court his desires, in addition to providing a written consent to the guardianship on file
13 herein. The natural father of Paisley is deceased.

14 Carter and Paisley's natural mother is Kristen Nicole Stone. Ms. Stone was present during
15 part of the testimony throughout the three-day trial. Ms. Stone has alternatively executed consents
16 to each of the proposed sets of guardians on behalf of the Minor Protected Persons. Ms. Stone was
17 originally appointed an attorney to represent her due to concerns for her ability to understand the
18 proceedings and represent herself; unfortunately, Ms. Stone failed to keep in contact with her
19 appointed attorney, David D. Loreman, Esq., and he was granted permission to withdraw as counsel
20 for Ms. Stone. Ms. Stone appeared at the final day of the trial without counsel. Ms. Stone testified
21 that she wanted her children with LUCERO, but appeared confused on what that meant. Ms. Stone
22 testified that she can care for the Minor Protected Persons without assistance. Ms. Stone's testimony
23 showed that she has been unable or unwilling, within a reasonable time, to correct substantially the
24 circumstances, conduct or conditions which led to the placement of her children outside of her
25 custody. Upon the filing of the petitions in this matter, Ms. Stone was abusing methamphetamine
26 and she has since not attended any drug rehabilitation program. Ms. Stone has also failed to engage
27 in counseling or to demonstrate that she has the capacity to properly care for her children. She has
28 not been employed and has not had any unsupervised or unassisted visitation since the

1 commencement of this action. Ms. Stone was, and she continues to remain dependent on LUCERO,
2 and she appears to live most of the time in their household. Ms. Stone is unable to provide for the
3 basic needs of her children, including food, shelter, clothing, medical care, and education. These
4 basic needs are being provided by the Temporary Co-Guardians. The Court observed in Ms. Stone's
5 testimony that she is mentally and emotionally unstable to the extent that the Court finds that it
6 would not be in the best interests of the children to be placed in her legal custody. Because of action
7 or inaction, the Court finds that the children's mother poses a significant safety risk of either physical
8 or emotional danger to the children because of her significant past drug use, her failure to engage in
9 any counseling or rehabilitation, and her inability to care for the children without complete
10 dependency on LUCERO. Based on all of these facts, the Court finds by clear and convincing
11 evidence that Ms. Stone is unsuitable to care for the physical and psychological needs of the
12 children.

13 LUCERO stated in their verified petition that the children's mother, Ms. Stone, is unfit due
14 to her drug addiction to methamphetamine and that she is too easily influenced by others. LUCERO
15 argued that Ms. Stone is now fit, however they continue to maintain their petition in this matter and
16 they have filed and maintain a petition for custody of Ms. Stone's new baby, Mayce May Stone
17 Williams, who was born on June 9, 2020. Ms. Stone appeared confused and upset when informed
18 that LUCERO have filed a guardianship petition for custody of her new baby in Case No. DC-GU-
19 21-10. The Court finds that LUCERO's argument that Ms. Stone is now fit conflicts with their
20 verified petitions which argue that the children are in need of protection due to the faults and habits
21 of their mother.

22 LUCERO and MCGREW entered into an agreement to participate in co-parenting counseling
23 with Janell Anderson, LCSW, so as to allow them to function jointly as the Co-Guardians for the
24 best interest of Paisley. Ms. Anderson was unsuccessful in her work. Ms. Anderson filed a report
25 with the Court and provided sworn testimony in this matter on March 4, 2021. Ms. Anderson
26 provided testimony to the Court that Pamela Lucero was unwilling to work with MCGREW in a co-
27 parenting or even non-hostile relationship. Ms. Anderson testified that to continue the current
28 situation wherein Paisley alternates between the MCGREW home and the LUCERO home would

1 be detrimental to Paisley. Ms. Anderson opined that the current situation was not in the children's
2 best interest due to the ongoing animosity and negative behavior from LUCERO towards
3 MCGREW. Ms. Lucero was unwilling to work on a co-parenting relationship with MCGREW. Ms.
4 Lucero continued to express animosity and derogatory feelings toward MCGREW. Ms. Anderson
5 testified that she did not believe LUCERO would foster or even allow a relationship between Paisley
6 and MCGREW, but believed that MCGREW would foster and allow a relationship between Paisley
7 and LUCERO. In fact, Ms. Anderson testified that MCGREW have been willing to apologize for
8 the past and move forward. Ms. Anderson provided testimony that MCGREW had a structured
9 approach to home life and their care of Paisley wherein they have schedules and reliability for
10 Paisley; LUCERO were very unstructured in their parenting style and ran an unstructured, chaotic
11 home which is not in the best interest of Paisley.

12 Paisley's health and well-being has been an issue of contention from the beginning of this
13 matter. MCGREW were very concerned about her weight and pattern of weight gain while with
14 LUCERO. MCGREW sought out assistance from the child's pediatrician and later from a
15 nutritionist. It was not until right before the final phase of the trial that LUCERO indicated they
16 would modify Paisley's diet and activity while in their care; however, Mr. Lucero testified he did not
17 believe such was necessary and Paisley was fine. Paisley is above the 95th percentile for weight
18 given her age and height. Her height is within the normal range.

19 LUCERO have a bankruptcy on their record. Ms. Lucero has a great deal of interactions
20 with law enforcement, including a felony conviction. Some such negative interactions with law
21 enforcement resulted in Ms. Lucero being charged and convicted of various crimes, including crimes
22 involving minor children. Ms. Lucero was not truthful in her testimony regarding a recent contact
23 with law enforcement wherein she lied to the officer who came to her door looking for a person of
24 interest; this person was later found in her home.

25 At the request of the children's attorney, the Court has reviewed, in camera, all of the
26 Division of Child and Family Services records related to the three sets of petitioners. The Court
27 received an entire banker's box full of records on April 16, 2021. The records of the Division of
28 Child and Family Services also show that LUCERO had a case of substantiated child neglect for lack

1 of supervision in their home that occurred in 2014. FERGUSON had no DCFS records, and
2 MCGREW had one incident, which was the bruise on Paisley's bottom. Abuse and neglect was not
3 substantiated against MCGREW.

4 Based upon the voluminous testimony provided, the Court hereby finds that it is in the best
5 interest of the children that FERGUSON be appointed as the legal guardians of Carter and
6 MCGREW be appointed as the legal guardians of Paisley.

7 Although it appears Ms. Stone has made progress since the inception of this matter, Ms.
8 Stone cannot currently provide for the Minor Protected Persons' basic needs without assistance.

9 LUCERO are unwilling and unable to allow MCGREW and FERGUSON an ongoing
10 relationship with the children due to their continued and extreme animosity toward MCGREW and
11 their unwillingness to work cooperatively with said parties for the best interest of the children.

12 Testimony was provided evidencing alienating behavior by Ms. Lucero toward MCGREW.
13 Ms. Lucero has acted in a negative and hostile manner in her behaviors and speech toward
14 MCGREW; such behavior is not in the best interest of the children. Testimony provided clear
15 evidence that LUCERO are unable to support and foster a best interest relationship between the
16 Minor Protected Persons and MCGREW. It is of concern that the same behavior will most likely
17 result against FERGUSON, as has been the pattern with LUCERO.

18 Further, testimony was provided concerning voluminous DCFS involvement and at least one
19 substantiation for abuse and neglect with LUCERO. The Court finds that such chaotic, unreliable,
20 and sometimes criminal behavior by LUCERO is not in the best interest of either Minor Protected
21 Person. Clear and convincing evidence was provided that the natural parents of the Minor Protected
22 Persons are unable or unwilling to properly care for the Minor Protected Persons at this time.

23 MCGREW and FERGUSON are ready, willing and able to provide stability in housing and
24 care for the Minor Protected Persons and have shown their ability to do so for almost two years.

25 The Minor Protected Persons have no estate in the economic sense, or assets other than their
26 clothes and personal effects. They have no income or receivables from any source that are currently
27 known to Petitioners.

28 ///

1 **BASED UPON THE FOREGOING FINDINGS, IT IS THEREFORE ORDERED** as
2 follows:

3 1. DONALD WILLIAM FERGUSON and VICKY LYNNE FERGUSON shall be, and
4 they hereby are appointed as Guardians of the Person and Estate for the minor protected person,
5 CARTER THOMAS FERGUSON (DOB 01/17/2018).

6 2. MARIA DANIELLE MCGREW and JOHN ADAM MCGREW shall be, and they
7 hereby are appointed as Guardians of the Person and Estate for the minor protected person,
8 PAISLEY GRACE STONE (DOB 05/26/2016).

9 3. Letters of Guardianship shall be issued accordingly upon Petitioners taking the oath
10 of office.

11 4. The natural mother, Kristen Nicole Stone, shall be entitled to exercise supervised
12 visitation of the Minor Protected Persons as prescribed by the Guardians.

13 5. LUCERO shall be entitled to visitation with the Minor Protected Persons as
14 prescribed by the Guardians, so long as such contact is in the best interest of the Minor Protected
15 Persons.

16 6. MCGREW and FERGUSON shall continue to foster the sibling bond between the
17 two Minor Protected Persons.

18 7. Because the Minor Protected Persons have no assets, the requirement of a bond is
19 hereby waived. NRS 159A.065.

20 8. The Guardians shall file an inventory and appraisal of the Minor Protected Person's
21 property each year as required by the Court. NRS 159A.085.

22 9. The parties shall not discuss the issues presented to this Court for adjudication or any
23 other issue pertaining to the litigation with the Minor Protected Persons. Most importantly, the
24 parties will not make any disparaging remarks about the parents or other parties to the Minor
25 Protected Persons. Neither party shall say or do anything that may estrange the Minor Protected
26 Persons from the other parties or their parents, or impair their high regard for the other parent or
27 party. Nor shall any party permit a third party to make any disparaging remarks about the other
28 parties to the Minor Protected Persons. No party shall post details about this or any other dispute,

1 or disparaging remarks about the other parties on any social networking sites, blogs, or forums of
2 communication in which the Minor Protected Persons may be exposed or have access to.

3 Dated this 11th day of May, 2021.

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6 HONORABLE KRISTON N. HILL
7 DISTRICT JUDGE - DEPT. 1
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Calendared
for 6-23-21

FILED

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ELKO CO DISTRICT COURT

CLERK _____ DEPUTY RP

DEBRA M. AMENS, ESQ.
Amens Law, Ltd., Nevada Bar No. 12681
P.O. Box 488, Battle Mountain, NV 89820
T: 775-235-2222 F: 775-635-9146
Email: debra.amenslawfirm.com

*The Undersigned hereby affirms this document
does not contain a social security number.*

IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF ELKO

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

CASE NO. PR-GU-18-49, PR-GU-18-56 &
PR-GU-18-67
DEPT. NO. 1

PAISLEY GRACE STONE (dob 5/27/16), and
CARTAR THOMAS FERGUSON
(dob 1/17/18).

MOTION FOR RECONSIDERATION

COMES NOW, Co-Guardians PAMELA and MICHAEL LUCERO ("hereinafter collectively referred to as "Luceros"), by and through their attorney, Debra M. Amens, Esq. of Amens Law, Ltd. and moves this Court to Reconsider its FINDINGS OF FACT AND ORDER GRANTING GUARDIANSHIP issued in the above entitled case on May 13, 2021 with the Notice of Entry of Order being filed on May 24, 2021.

This Motion is made and based upon the accompanying Memorandum of Points and Authorities, the supporting Declaration of Co-Guardians, the Luceros, the papers and evidence filed herein and any evidence received and oral arguments entertained at a hearing on this motion.

DATED this 7th day of June, 2021.

AMENS LAW, Ltd.
Debra M. Amens
Debra M. Amens, Esq.
Nevada Bar No. 12681
Attorney for the Luceros

I. NATURE OF THE MOTION

The Luceros, the previous Guardians and Grandparents of Mother, KRISTIN STONE (who for a short time was appointed an attorney, David Loreman, Esq.) (“Mother”) of the above children, were not consulted prior to the paternal grandparents and great grandparents actions despite both children primarily residing in the Lucero home since their birth. The Luceros, then filed their own Petition for Guardianship of both children on May 22, 2018, in Case No. PR-GU-18-67. The Court held a brief hearing and granted a temporary shared Guardianship of the children between the Luceros and the McGrews over Paisley and a shared Guardianship of the children between the Luceros and the Ferguson’s over Cartar. The Court appointed Michelle Rodriquez, Esq. to represent the children’s interest.

Since the grant of temporary co-Guardianship, the Court has been trying to complete an evidentiary hearing which, almost three (3) years later was concluded finally on March 4, 2021, with a new judge presiding. An Order was issued on May 14, 2021, granting the McGrews

1 general guardianship over Paisley and the Ferguson's general guardianship over Cartar. The
2 Luceros are asking respectfully asking this Court to reconsider its Order.

3 4 II. FACTUAL STATEMENT

5 Paisley and Cartar had lived with the Luceros' since their birth as their Mother was mostly
6 living with the Luceros. The minor protected persons are closely bonded with the Lucero family.
7 At the start of this Guardianship, the situation between the Parties was very different. Mother was
8 19 years old and had two (2) children. Paisley was two (2) years old and had lost her Father, TJ
9 McGrew to suicide when she was just one (1) years old. This death was hard on Mother and
10 Paisley. Mother had then entered into a relationship, with Kevin Ferguson, who is the Father of
11 Cartar. Both Fathers were known to have substance abuse issues and Mother was introduced to
12 these drugs through these relationships. The relationship with Kevin was turbulent and Mother
13 was left caring for both children. Being young and needing help she mostly relied on the Luceros.
14 The children were always well cared for but the Luceros were not tolerant of Mother's involvement
15 with any drugs and her being gone for long periods of time. Mother and the Luceros had a period
16 of time when there was conflict. The Luceros had been Mother's guardians and Mother has been
17 challenged with a learning disability. Mother was dealing with significant loss, her youth, and the
18 realization that being a Mother of two (2) young children was a full-time job, especially with no
19 partner to share in the responsibility. Mother sought to get help from the paternal grandparents,
20 who had only been involved on the periphery, especially the McGrews who did not believe Paisley
21 was their granddaughter until after their son's death and paternity test was performed. Prior, they
22 had no contact.

23 Seeking respite and avoidance of conflict with the Luceros, Mother asked if the McGrews
24 and Ferguson's would care for the children while she left to put her thoughts in order. This was a
25

1 low point for Mother. The McGrews and Ferguson's demanded that she sign paperwork
2 consenting to a temporary guardianship but explaining it to her (in their attorney's office) that it
3 was only so that they could obtain medical assistance if needed during her absence. They jointly
4 assured her 'that they would never take the children from her'. Mother testified that she signed
5 the consent under significant pressure (duress) and that she did not understand that they were
6 seeking anything beyond permission to get medical help for the children if required while she was
7 gone.
8

9 Worse yet, the McGrews and the Fergusons, then took Mother to the train station and put
10 her on a train to Stockton, California and paid her \$20. All of this is in the court record. The
11 explanation provided was that the McGrews and the Fergusons were only doing what Mother had
12 asked for; but the reality is that Mother was grieving, confused, and seeking respite. If they had
13 inquired, they would have learned that she knew no one in Stockton, California, nor did she have
14 a viable plan. Both families knew that Mother had a learning disability and was not in her right
15 mind and/or understanding the situation given the significant stress they put her in. They took
16 advantage of Mother at a vulnerable time and then they took her children.
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19 No one has claimed that at that moment, the children were in poor shape or that Mother
20 was incapable of caring for the children. Mother testified that she had been providing for their
21 needs and was just seeking some time off to get her head straight. The Luceros' became aware of
22 all of this activity when a woman they did not know called them from Stockton, California to tell
23 them that their Granddaughter was sleeping in her garage. The Luceros' traveled to Stockton and
24 retrieved Mother, returning her to Elko. That is when they learned of the Guardianship and
25 Kristin's supposed 'consent' to it. Kristin indicated that she was pressured to sign it and that she
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1 wanted her children back in the care of Luceros. The Luceros then filed for guardianship to bring
2 the children home.

3 The drama of how these competing guardianships got started is important here, because it
4 relates to why the Luceros have lingering resentment, especially to the McGrews, who they felt
5 had orchestrated the ploy. The Luceros see the initial actions, not as being done for the best interest
6 of the minor protected persons or for Mother's well-being, but rather as a blatant attempt to take
7 the children from Mother and to physically remove her from the area.

8
9 Mother seeing the temporary Guardianship granted and not having the burden of child care,
10 then withdrew and for a period of time continued to be irresponsible and take full advantage of the
11 freedom. She started a new relationship and in early 2020 gave birth to another girl with a new
12 Father. Now, with the responsibility again to raise a child, Mother has settled down and with the
13 Lucero's assistance, is caring for this child. The Father is involved and now providing Mother
14 with financial and emotional support. They just had their second child together, another girl,
15 Annabelle, born on May 29, 2021.
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18 Mother is sober (and has been since Mayce birth in early 2020) and is doing well.
19 Testimony from both professionals involved in the case, Paisley's counselor, Geri Goddard and
20 the family advocate, Janell Anderson, indicated that the objective in regards to the minor protected
21 persons should be to reunify them with Mother. The child's attorney also advocated for the same.
22 Mother is bonded with all of her children and the Court heard testimony about how close both
23 Paisley and Cartar are to their little sister, Mayce. Given the recently issued Order Paisley has
24 only briefly met her new baby sister, Annabelle, and Cartar has not met his new little sister.
25

26 The three (3) year temporary Co-Guardianship has allowed Mother time to mature and the
27 minor protected persons to get to know their paternal grandparents. Testimony was provided that
28

1 the parenting styles between, especially the Luceros and McGrews was significantly different and
2 that it was causing stress for specifically, Paisley. There was no evidence that the Luceros were
3 doing anything that would alienate Paisley from the McGrews; it was the Counselor's concern
4 with the use of a 'spanking spoon' and bruising on Paisley along with the child's disclosures, that
5 led to brief pause in the week-on/week-off exchange schedule and a direct order from the Court
6 that all such physical discipline cease.

8 As the week on/week off exchanges went on between the Luceros and the other guardians
9 it became apparent that the minor protected persons, specifically Paisley, was having difficulty
10 with the exchanges and/or the loss of persons close to her (her Father, less time with her Mother,
11 etc.). The child's attorney suggested the Guardians arrange for counseling (play therapy) for
12 Paisley. The Lucero's put Paisley on Barbara Stoll's waiting list and then were able to get in and
13 have Paisley start seeing Geri Goddard out of Reno. Ms. Goddard reached out to both the Lucero's
14 and to the McGrews. The Lucero's participated in the intake and the Ms. Goddard was able to
15 involve the McGrews later in the process. Ms. Goddard, testified that the exchanges were difficult
16 for Paisley and that while she was benefitting from contact with both sets of Grandparents, her
17 perceived home was with the Luceros. The different parenting style was difficult on the child and
18 that the week on/week off schedule was unnecessary just as long as there was regular visitation in
19 order for the child to maintain a bond. At the last hearing in March 2021, Ms. Goddard testified
20 to having observed the minor protected persons with their sibling and with their Mother and
21 indicated that the family unit was intact and important for the children. She indicated that the best
22 interest of the children was served in keeping them with their mother and their sibling and
23 supporting those bonds. This assessment was seconded by the family advocate, Janell Andersen,
24 who had worked with the Guardians on trying to improve co-parenting.

1 In addition to getting Paisley mental health checkups, the Luceros were directly involved
2 with having Cartar assessed by Nevada's Early Invention Services (NEIS) on two (2) different
3 occasions over the three (3) year temporary guardianship and the Lucero's follow up on some
4 concerns raised by the assessments of his development of legs. Donald Ferguson testified that he
5 thought Cartar may have some other problems going on (ie. Autism) but no assessments were
6 arranged by the Fergusons and the NEIS assessment indicated that they did not feel like he had
7 issues with Autism. The NEIS information was shared with the Fergusons. All of this was
8 presented in Court.
9

10
11 Paisley's weight was brought up as concern by the McGrews who took her to a doctor to
12 show the Court that she was off the charts for her weight and height for her age group. Both Maria
13 McGrew and Pamela Lucero attended a follow up appointment with Dr. Hernandez, Paisley's
14 Pediatrician, who specifically said that she was not concerned about her weight and that she was
15 just big for age. Maria testified about weight changes from week to week and was weighing
16 Paisley after every exchange. The Luceros attempted to have a joint meeting with a nutritionist
17 and finally were able to get an appointment at the beginning of 2021 where only one family could
18 attend due to Covid. The nutritionist also did not express alarm at Paisley's weight but did provide
19 guidance on healthy eating and activities which were shared between the Guardians. The Luceros
20 had been following the same diet advice given (which was the same as provided by Dr. Hernandez)
21 The Court has expressed concern that this occurred just prior to the March 2021 hearing, when it
22 had been scheduled for months and the actual appointment was in January 2021. In reality it is
23 the Luceros that have continued to ensure both children are getting the medical and mental health
24 assessments they have needed throughout the Guardianship.
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1 Since the birth of Mayce, Mother has been living with the Luceros full-time and caring for
2 the children. Mayce did have a small amount of illegal substances in her system so the Division
3 of Child and Family Services ("DCFS") were called and they requested that Mayce be released
4 into the care of the Luceros. Since just prior to Mayce's birth, Mother has been clean and sober
5 and focused on being a good parent. Mother has participated in the majority of every guardianship
6 hearing and has only left the courtroom on one occasion when she began emotionally distraught
7 with the testimony. She has repeatedly asked that the children be returned to her care and if not
8 left with the Lucero's. See **Exhibit A**. Letter from Mother per Request of Judge.

9
10 The only other parent is Kevin Ferguson, Cartar's dad, who attended one hearing. At the
11 hearing Vickie Ferguson was testifying about how good Kevin was doing now that he was sober
12 and living with them. A drug test was requested and Kevin tested positive for Methamphetamine,
13 indicating his drug use was continuing despite several criminal charges and time in jail, and that
14 his Grandmother, Vickie, was unable to discern when he was high. Vickie is not healthy and
15 struggles to be able to even pick up the child. Her health has further deteriorated and she is the
16 primary caregiver during the day for Cartar, who by all accounts is an active, boisterous little boy
17 who is three (3) years old. Now that the Fergusons have Cartar every week, Vickie does not even
18 have a break to rest up for the next week of child care. The Luceros, who have always been
19 friendly with the Fergusons are very concerned for both Cartar and Vickie in this new arrangement
20 following the order. The Fergusons have blocked communication with the Luceros. Similarly,
21 the McGrews have asked that the Luceros not communicate with them about requesting visitation
22 and that they will provide only supervised visitation (by Maria) for Mother if she specifically
23 requests it.
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1 The Court, despite objection, viewed DCFS records of the family and seemed to indicate
2 that only the Luceros had any involvement with DCFS over the years they were raising their
3 families. The Luceros do not believe that to be the case, especially when the McGrews son was a
4 teenager. The Luceros, only DCFS involvement with children in their custody was based on
5 allegations made by a granddaughter against their son which were never corroborated. The
6 granddaughter later recanted her story. Their granddaughter was returned to their care and the
7 frustration that the Division had with the Luceros was related to how protective they were of their
8 family versus aligned with the division.
9

10
11 The Court's Order also indicates that it appeared that Pamela lied to law enforcement to
12 impede their search for a particular boy. The Luceros (Pamela) testified that they had **never** lied
13 to law enforcement and she had no knowledge of who the boy was or that he was present at a house
14 (not their house) that they were cleaning and preparing for sale. The fact that the boy was found at
15 the home, did not mean that the Luceros had any knowledge that he was there, they did not have
16 control of the home, and simply did not know he was hiding and/or being hidden there. The
17 Luceros understand that there are other DCFS reports related to the other Guardians and are
18 concerned that the other Guardians legal efforts simply attempted to paint the Luceros and
19 specifically Pamela Lucero, as a bad person. The Luceros are a close knit family and they are
20 proud of the children they have raised who have grown to be good law abiding citizens with a
21 strong work ethic. The fact that they were distraught with what the McGrews and Fergusons did
22 at the beginning of this Guardian action is understandable. Nonetheless, they have complied with
23 every Order and dis everything that the Court has asked of them during the co-Guardianship. They
24 have encouraged the children to have a good bond with the other grandparents and tried to reduce
25 the stress of the exchanges. They advised the Court per the Court's request in the closing proposed
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1 orders that should they be granted Guardianship until Mother had petitioned the Court for its
2 termination, they would offer alternating weekend visits with the other grandparents on an on-
3 going basis.

4
5 Since the order, the Luceros have only been allowed a two (2) hour visit with the children
6 on Paisley's birthday, after requesting an on-going visitation schedule. At first the offer was for
7 only a supervised visit by the McGrews. This is the only time that they have seen both children
8 together since the order was issued in mid May. The school was informed by Maria McGrew that
9 no information about Paisley should be provided to the Luceros.

10
11 At Paisley's graduation from Kindegarten held on June 3, 2021, the Luceros, Mother, and
12 the McGrews were all present. The school specifically wanted the Luceros there as they were
13 receiving special acknowledgment by the teacher and administration for all of the volunteer work
14 and contributions they have provided to the class. Paisley was allowed to stay only one (1) hour
15 after graduation with the other children at the party and was allowed only limited time with the
16 Lucero's. During her short stay she saw her Mother and the new baby, Annabelle, for the first
17 time. The Lucero's report that Paisley came up and said to her Papa (Michael Lucero) "Namy
18 said I could never, ever see you and Granny again". She also indicated that she does not see Cartar,
19 who was also not in attendance at Paisley's graduation. The Lucero family totaled over 20 people
20 who were there to see Paisley graduate. The almost complete withholding of Paisley and Cartar
21 from any contact with the Luceros or Mother, is breaking their hearts; but more importantly it is
22 also not in the children's best interest.

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1 I. LEGAL ARGUMENT

2 **RECONSIDERATION OF THE CUSTODY ORDER IS WARRANTED**
3 **PURSUANT TO NRCP 59 & NRCP 60.**

4 A. NRCP 59

5 The Luceros makes this motion for leave to reconsider and/or alter or amend the Court's
6 Order of , pursuant to NRCP 59(1). To the extent applicable, Rule 59(a) provides:

7 (a) Grounds. A new trial may be granted to all or any
8 parties and on all or part of the issues for any of the
9 following cause or grounds materially affecting the
10 substantial rights of an aggrieved party: (1)
11 **Irregularity in the proceedings of the court, jury,**
12 **master, or adverse party, or any order of the court,**
13 **or master, or abuse of discretion by which either**
14 **party was prevented from having a fair trial; (2)**
15 **Misconduct of the jury or prevailing party; (3)**
16 **Accident or surprise which ordinary prudence could**
17 **not have guarded against; (4) Newly discovered**
18 **evidence material for the party making the motion**
19 **which the party could not, with reasonable diligence,**
20 **have discovered and produced at the trial; (5)**
21 **Manifest disregard by the jury of the instructions of**
22 **the court; (6) Excessive damages appearing to have**
23 **been given under the influence of passion or**
24 **prejudice; or, (7) Error in law occurring at the trial**
25 **and objected to be the party making the motion.**
26 On a motion for a new trial in an action tried without
27 a jury, the court may open the judgment if one has
28 been entered, take additional testimony, amend
findings of facts and conclusions of law or make new
finding and conclusions, and direct the entry of a new
judgment. (*Emphasis added*)

25 This Court inherited a case where a 'temporary guardianship' had been in place for almost
26 three (3) years. The evidentiary trial on this was rescheduled several times over that time period
27 and started and continued several times over that period. The focus of the proceedings became
28

1 the animosity of the Luceros and the McGrews and key issues related to the best interest of the
2 children were downplayed.

3 **1. The Court found that there was clear and convincing evidence that the children**
4 **were in need of guardianship.**

5 At the beginning of the guardianship litigation, we found Mother seeking temporary help
6 to care for her children (while she got her head straight). There were no reports that the children
7 were being neglected and/or were not cared for. Mother sought respite with the child's extended
8 family but had been caring for the children and making sure their needs were met. Because of
9 concern about her lifestyle, she was having conflict with the Luceros who provided the majority
10 of her child care support and she sought help from the McGrews and Fergusons. In normal
11 circumstances, this would have been a logical resource for her and she certainly did not expect
12 that this would be the basis for her losing access to her children. In fact she was told exactly the
13 opposite by the persons she was asking for temporary help – “we will never take your children
14 away from you”.

15
16
17 Now, three (3) years later, she is only being allowed ‘supervised’ visits if she specifically
18 asks permission from the person that took her kids. This while she is the primary care provider
19 of two other children, is sober and doing well. It should be noted that Mother has never been
20 arrested for anything including drugs nor has she failed a requested drug test. No evidence was
21 presented that she had engaged in habitual use of alcohol or any controlled substance during the
22 previous 6 months and she consistently denied the same during the various hearings. At the start
23 of this the Luceros were concerned that she was unfocused and concerned about her choices in
24 regards to who she was hanging out with but that is not Kristin of today. The Court states that
25 the “child’s mother poses a significant safety risk of either physical or emotional danger to the
26
27
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1 children because of her significant past drug use, her failure to engage in any counseling or
2 rehabilitation, and her inability to care for the children without complete dependency on
3 LUCERO”.

4
5 First, no evidence was presented to the court about Mother’s significant past drug use.
6 She was present in court and there was never a request to have her drug tested nor a request that
7 she submit to drug testing despite her repeated claims of not having a drug issue.

8 The fact that Mother has decided for the benefit of her children to live with the Luceros is
9 a reasoned choice in her circumstances. The Luceros have been her primary support all of her
10 life. The father’s involved with Paisley and Cartar are unable and/or unwilling to provide support
11 for the children. Mother does have a learning disability but this is not a reason to take her children
12 from her, she has demonstrated that ability to ask for help when she has needed it and to be
13 protective of her children’s safety and needs prior to causing them any discomfort. Mother’s
14 disability does not preclude her from her fundamental right to parent her children and the fact that
15 she is and will likely rely on support from the Luceros is a choice she can make.
16
17

18 Testimony was provided by Paisley’s counselor, that Mother is doing well, that she has
19 seen her care for the children and the of the close bond that exists between the minor protected
20 persons, their Mother, and their sibling – the one (1) sibling they have been able to bond with.
21

22 **2. The McGrews [and Ferguson’s] would foster on-going relationships better.**

23 The Court indicates that because of testimony from the family advocate, it reasoned that
24 the McGrews would foster on-going relationships between Paisely and the Luceros, while the
25 Luceros would not so reciprocate but in actuality the opposite has occurred. As requested by the
26 Court for closing arguments that Parties were to submit final proposed Orders which were to
27 include visitation plan. The Lucero’s did so and which included visitation for the other families
28

1 aimed at ensuring the bond between the minor protected parties and former guardians would be
2 maintained. Apparently, that was not done by the Fergusons and/or the McGrews because after
3 the Guardianship was granted to them, they have no plan, despite repeated requests to their
4 counsel on how visitation with the Luceros and Mother was to occur. They are not even
5 concerned about maintaining the childrens' bond with the Luceros, their Mother, or the children's
6 biological siblings. And, have taken steps to advise the school not to talk with the Luceros.
7

8 Ms Andersen also testified that give how Mother is doing, the focus of the guardianship
9 needed to be on reunifying the children fully with their Mother. This was also the
10 recommendation of the Counselor and brought up by the children's attorney. The outcome of the
11 current order completely misses that objective.
12

13 **3. Parental Consent to Guardianship**

14 The Court indicates that Cartar's father consented to the Ferguson's guardianship of
15 Cartar. Mother has issued several consents – first to the McGrews and Fergusons under direct
16 undue influence by the McGrews and Fergusons which later she formally revoked. She then
17 subsequently issued consent to Guardianship to the Luceros. Even after the last hearing, where
18 she articulated a request that her children be returned to her care, she provided the Court with a
19 letter indicating if the Court was not going to return the children to her care then she requested
20 that they be left in the care of the Luceros.
21

22 **4. Luceros home is unstructured and chaotic**

23 The Court concludes that the Luceros have an unstructured chaotic home. No such
24 evidence was provided the Court. There was discussion from both the family advocate that they
25 parenting styles were different with the McGrews style being very structured vs. the Luceros but
26 this does not translate into a chaotic, unstructured home. The children have routines and
27
28

1 discipline. They are well-fed and cared for. The original court had to advise the McGrews to
2 stop using corporeal punishment after the child came home with bruises and repeatedly told her
3 counselor that "Namy is mean".

4
5 **5. Luceros neglecting Paisley's medical needs.**

6 The Court indicates that the Luceros were not taking care of Paisley's medical needs. That
7 was not the situation at all. Evidence was submitted indicating that Paisley's pediatrician told
8 both Luceros and McGrews at joint appointment that she was not overly concerned with Paisley's
9 weight but was concerned that the Guardians not make it a focal point for Paisley. The McGrews
10 allege that the Luceros were overfeeding Paisley. This allegation was apparently supported by a
11 DCFS worker visiting the Lucero home after allegations of abuse against the McGrews seeing
12 Michael Lucero eating McDonald's french-fries. This is certainly not clear and convincing
13 evidence of medical neglect and instead the physician warned the co-guardians about focusing
14 too much on weight and 'calories' and rather suggested they each work on helping the child make
15 positive food choices and portion control. The Luceros have never neglected the medical needs
16 of any of the children they have raised and here, in particular have sought evaluations for each of
17 the minor protected persons when issues have arisen.

18
19
20 **6. Lucero has felony and a bankruptcy**

21 Pamela Lucero does have a felony on her record that occurred forty (40) years ago in the
22 State of Louisiana for which she was given probation. The Lucero's did file for bankruptcy five
23 (5) years ago due to crushing medical debt following a horrific accident. They do not have a great
24 deal of interactions with law enforcement nor was there evidence of that submitted. And as
25 indicated supra, Pamela Lucero testified that she did not lie to law enforcement regarding her
26 awareness of whether a suspect was in the home they were cleaning (not her own home). The
27
28

1 Luceros have been granted guardianship by this Court in the past even given these issues.
2 Similarly, DCFS has relied on the Luceros to provide stable and loving homes for children even
3 after there was an instance they found concerning.
4

5 **7. Best Interest of the children is the primary focus of a Guardianship decision.**

6 The guiding principal in appointing a Guardian is the best interest of the minor protected
7 person. NRS 159A.061 (9).

8 This Guardianship for the minor protected persons needed to be decided based on the
9 children's best interest. The Luceros do not believe that Mother's parental preference has been
10 overcome and could not terminate their guardianship action due to the competing actions of the
11 McGrews and Fergusons. There is no guardianship in place for Mayce and the request is being
12 withdraw concurrently. Mother has physical custody of Mayce and Anabelle and is doing a great
13 job. The situation today, three (3) years later is very different than it was at the start of this
14 guardianship litigation. The current order does not reflect that, nor does it focus on the best
15 interest of the children.
16
17

18 **B. NRCP 60(b) – GROUND FOR RELIEF FROM A FINAL JUDGMENT, ORDER,**
19 **OR PROCEEDING**

20 NRCP 60(b) which states in pertinent part:

21 On motion and upon such terms as are just, the court may
22 relieve a party or a party's legal representative from a final
23 judgment, order, or proceeding for the following
24 reasons: (6) **any other reason that justifies relief.**

25 NRCP 50 (b) (6) provides an opportunity to Reconsider and reissue this Order after the
26 Court has had a full opportunity to consider the best interest of the minor children. The Order and
27 focus of the argument for the guardianship with the McGrews and Fergusons has been on how
28

1 'bad' the Luceros are. The Court did not provide meaningful review of what evidence from DCFS
2 they reviewed and/or what evidence might have been missing in that review (including
3 investigations into the death of a child in the McGrews home). Nor were the Luceros allowed to
4 provide rebuttal about those allegations. Being unable to address any of these issues or present
5 their side of the story to these past unrepresented issues is patently unjust and the reliance on such
6 dated evidence is questionably relevant (as the objection raised) in this current guardianship action.
7

8 Allegations that the Lucero's home is unstructured and/or chaotic does not make it so and
9 this Court must focus on evidence not allegations. The Parties have shared custody of these
10 children for three years without incident (other than the bruising of Paisley at the McGrews and
11 Paisley's disclosures).
12

13 NRS 159A.61(A) provides that:

14 "In determining whether to appoint a guardian of the person or estate of
15 a proposed protected minor and who should be appointed, the court must always
16 act in the best interests of the proposed protected minor."

17 The Luceros have focused their case on the best interest of the children rather than attacking
18 the McGrews or the Fergusons. They can provide fully for the children. The children are siblings
19 that should be allowed to live together with each other and their other siblings. The children are
20 and have been closely bonded with the Luceros since their birth, while the other guardians had
21 significant periods of non-involvement and the McGrews even denied Paisely was their
22 granddaughter. Truly, the Luceros have dedicated their lives to the well-being of these and all of
23 their children and grandchildren including Mother, and it is understandable that they resented how
24 this guardianship litigation ensued. But, their actions over the last three (3) years have shown a
25 willingness to work with the other guardians and to provide on-going visitation for the children to
26 have a meaningful relationship with the other grandparents.
27
28

1 The children being placed with the Luceros, provides a continuing opportunity for Mother
2 and the children to be fully reunited. This factor was cited as an important consideration by our
3 Courts in *In the Matter of Guardianship of N.S.*, when they cited a California Court of Appeals
4 finding that an "underlying purpose of the relative placement preference is to facilitate
5 reunification. . . . A relative, who presumably has a broader interest in family unity, is more likely
6 than a stranger to be supportive of the parent-child relationship and less likely to develop a
7 conflicting emotional bond with the child." In *Matter of Guardianship of N.S.*, 130 P.3d 657, 662,
8 122 Nev. 305, 309 (2006) quoting *Cesar V. v. Superior Court*, 91 Cal.App.4th 1023, 111
9 Cal.Rptr.2d 243, 249-50 (2001)." Here, it is clear that the Luceros, as being on the maternal side
10 of the family, have a broader interest in Mother's reunification than do the paternal grandparents
11 based on their own actions in providing only 'supervised' visitation and sending Mother off
12 initially.

13 The Luceros are committed and have proposed meaningful visitation for the McGrews and
14 Fergusons to remain bonded with the children. The McGrews and the Fergusons (by their silence)
15 are not providing meaningful visitation for the Luceros, the children's mother, and/or any of the
16 siblings. This Order and the subsequent change in the custodial arrangement is adversely affecting
17 these children and is keeping them and their Mother from being able to be reunited just as she has
18 turned the corner and accepted the responsibilities and rights of parenthood. She has expressed a
19 desire to do so. And, as noted in *Litz*, "This court certainly does not want to discourage parents
20 from willingly granting temporary guardianships, while working through problems in their own
21 lives, if that is in the child's best interest." *Litz v. Bennum*, 888 P.2d 438, 440, 111 Nev. 35, 37
22 (1995). The Luceros are the best choice for a guardianship that allows for Mother to continue to
23 work through her problems in an environment that provides a loving, stable home to Paisley and
24

1 Cartar, while also allowing for a continued bond with their paternal grandparents.

2 **III. CONCLUSION**

3 The Luceros ask this Court to Reconsider its Order and find that guardianship with the
4 McGrews and Fergusons is not in the best interest of these children for the reasons articulated
5 above, and for such further relief as may be just and proper.
6

7 DATED this 7th day of June, 2021.

8 AMENS LAW, LTD.

9
10 
11 Debra M. Amens, Esq.

12 Nevada Bar No. 12681

13 Attorney for Luceros'

14 **NOTICE OF MOTION**

15 TO: TRAVIS GERBER
16 MICHELLE RODRIGUEZ

17 PLEASE TAKE NOTICE that the Luceros have filed a *Motion for Reconsideration* as to
18 the Guardianship Order issued on May 13, 2021. An opposition must be filed in fourteen (14)
19 days after service of the Motion is made herein.

20 DATED this 7th day of June, 2021.

21 AMENS LAW, Ltd.

22
23 
24 Debra M. Amens, Esq.

25 Nevada Bar No. 12681

26 P.O. Box 488, Battle Mountain, NV 89820

27 Phone: (775)235-2222
28

DECLARATION

(NRS 53.045)

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA THAT: (1) I AM A PARTY HEREIN, (2) I HAVE READ THE STATEMENTS CONTAINED IN THE MOTION FOR RECONSIDERATION OR HAVE HAD THEM READ TO ME, (3) THE STATEMENTS MADE ARE FROM MY OWN PERSONAL KNOWLEDGE OR INFORMATION FROM A RELIABLE SOURCE, (4) I BELIEVE THESE STATEMENTS TO BE TRUE, AND (5) THE REQUESTED RELIEF IS NEEDED.

Dated this 7th day of June, 2021.

A handwritten signature in black ink, reading "Michael Lucero", written over a horizontal line.

MICHAEL LUCERO

DECLARATION

(NRS 53.045)

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA THAT: (1) I AM A PARTY HEREIN, (2) I HAVE READ THE STATEMENTS CONTAINED IN THE MOTION FOR RECONSIDERATION OR HAVE HAD THEM READ TO ME, (3) THE STATEMENTS MADE ARE FROM MY OWN PERSONAL KNOWLEDGE OR INFORMATION FROM A RELIABLE SOURCE, (4) I BELIEVE THESE STATEMENTS TO BE TRUE , AND (5) THE REQUESTED RELIEF IS NEEDED.

Dated this 7 day of June, 2021.

A handwritten signature in cursive script, appearing to read 'P. Lucero', is written above a horizontal line.

PAMELA LUCERO

1
2 **CERTIFICATE OF SERVICE**

3 Pursuant to NRCP 5(b), I hereby certify that I work with AMENS LAW, LTD, and that on
4 the 7th day of June, 2021, I served a copy of the MOTION FOR RECONSIDERATION by
5 delivering a true and correct copy of same in a sealed envelope, properly addressed via First Class
6 Mail to the following:
7

8 Travis W. Gerber, Esq.
9 GERBER LAW OFFICES, LLP
10 491 4th Street
11 Elko, NV 89801

12 Michelle Rodriquez, Esq.
13 P.O. Box 704
14 Wells, NV 89835

15
16
17 

18 HEATHER ANDERSEN, Paralegal
19
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EXHIBIT A

EXHIBIT A

1 The Undersigned hereby affirms this document
2 does not contain a social security number.

2021 MAR 26 PM 4:35

ELKO DISTRICT COURT

CLERK _____ DEPUTY Am

6 **IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7
8 **IN AND FOR THE COUNTY OF ELKO**

10 IN THE MATTER OF THE GUARDIANSHIP
11 OF THE PERSON AND ESTATE OF

CASE NO. PR-GU-18-67
DEPT. NO. 1

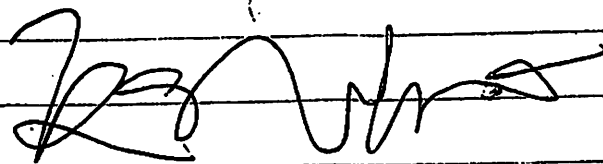
12 PAISLEY GRACE STONE (dob 5/27/16), and
13 CARTAR THOMAS FERGUSON
14 (dob 1/17/18).

LETTER FROM MOTHER PER
REQUEST OF JUDGE

Judge Hill

March 15, 2021

My name is Kristin Stone
I would like to ask you to please
give my kids back, (Paisly and
Carter.) I love them so much
we have lost so much time together
Mayce and I need and want
them in our life I will do my
best. If they cant be with me
I want them to be with my
granny (Pamela Lucero) and my papa
(Michael Lucero) so my kids
can be kept together and I can
be apart of there lives. My
grandparents love us all and
will support us as a family.



1 CASE NO. [REDACTED] PR-GU-18-56, PR-GU-18-67

FILED

2 DEPT NO. 1

2021 JUL 21 PM 3:54

3 Pursuant to NRS 239B.030, the
4 undersigned hereby affirms this
document does not contain the
5 social security number of any person.

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY 10

6 IN THE FOURTH JUDICIAL DISTRICT COURT
7 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

8
9 IN THE MATTER OF THE GUARDIANSHIP
OF THE PERSONS AND ESTATES OF
10 CARTER THOMAS FERGUSON (PR-GU-18-49)
PAISLEY GRACE STONE, (PR-GU-18-56)
11 PAISLEY GRACE STONE and CARTER
THOMAS FERGUSON, PR-GU-18-67,

**ORDER DENYING MOTION
TO RECONSIDER**

12 Minor Protected Persons.
13 _____ /

14 This matter came before the Court on August 6 and 7, 2020, and on March 4, 2021, for a
15 hearing on the petitions in the three above-referenced competing guardianship actions relating to the
16 children, CARTER THOMAS FERGUSON ("Carter"), a male minor child born on January 17,
17 2018, and PAISLEY GRACE STONE ("Paisley"), a female minor child born May 26, 2016. On
18 May 13, 2021, the Court filed its Findings of Fact and Order Granting Guardianship. Maternal great-
19 grandparents (hereinafter "Movants") filed their Motion for Reconsideration of June 7, 2021.

20 Movants did an exceptional job reciting the facts that were presented over the three days of
21 testimony; with the exception of describing a few instances of negative behavior by the paternal
22 grandparents which are alleged to have occurred after the Court's May 13, 2021, Order was entered,
23 however, Movants have not presented the Court with anything new. Even if those instances did
24 occur, the Court is still convinced that the current guardianship order is in the best interests of the
25 minor children.

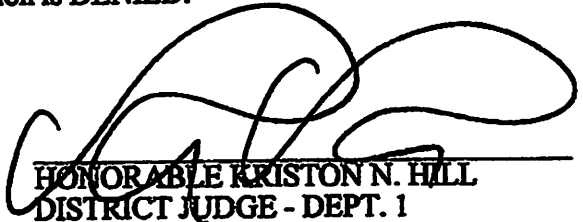
26 Movants next claim that essentially this case has dragged on for too long and that a temporary
27 guardianship order was left in place for almost three years in violation of NRS 159A.053. While this
28 is all valid and supported by the record, Movants did not make any attempts during the pendency of

1 this action to move the case along. Instead, Movants are now attempting to use the historical delays
2 in this case as a ground to convince the current Court to reconsider its position after the Court did
3 not rule in their favor. Movants could have and should have brought the issue of delays before the
4 Court during the underlying case and failed to do so.

5 Having now considered the arguments of the Movants and reviewed the pleadings and other
6 papers on file, the Court concludes that the Motion to Reconsider should be denied.

7 Accordingly, the Motion for Reconsideration is DENIED.

8 DATED this 21st day of July, 2021.

9
10 
11 HONORABLE KRISTON N. HILL
12 DISTRICT JUDGE - DEPT. 1
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CERTIFICATE OF HAND DELIVERY

Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District Court, Department 1, and that on this 21st day of July, 2021, I personally hand delivered a file stamped copy of the foregoing **Order Denying Motion to Reconsider** addressed to:

Travis W. Gerber, Esq.
Gerber Law Offices, LLP
491 4th Street
Elko, NV 89801
[Box in Clerk's Office]

Debra M. Amens, Esq.
Amens Law, Ltd.
PO Box 488
Battle Mountain, NV 89820
[Box in Clerk's Office]

Diana J. Hillewaert, Esq.
Hillewaert Law Firm, LLC
575 Fifth Street
Elko, NV 89801
[Box in Clerk's Office]

McCrane

1 CASE NO. ~~PR-GU-18-49~~ PR-GU-18-56, PR-GU-18-67 **FILED**

2 DEPT NO. 1

2021 JUL 21 PM 3:54

3 Pursuant to NRS 239B.030, the
4 undersigned hereby affirms this
5 document does not contain the
6 social security number of any person.

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY 18

7 IN THE FOURTH JUDICIAL DISTRICT COURT
8 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

9 IN THE MATTER OF THE GUARDIANSHIP
10 OF THE PERSONS AND ESTATES OF
11 CARTER THOMAS FERGUSON (PR-GU-18-49)
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**ORDER DENYING MOTION
TO RECONSIDER**

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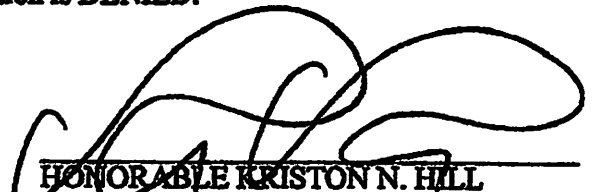
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8 DATED this 21st day of July, 2021.


HONORABLE KRISTON N. HILL
DISTRICT JUDGE - DEPT. 1

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CERTIFICATE OF HAND DELIVERY

Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District Court,
Department 1, and that on this 11th day of July, 2021, I personally hand delivered a file stamped
copy of the foregoing **Order Denying Motion to Reconsider** addressed to:

Travis W. Gerber, Esq.
Gerber Law Offices, LLP
491 4th Street
Elko, NV 89801
[Box in Clerk's Office]

Debra M. Amens, Esq.
Amens Law, Ltd.
PO Box 488
Battle Mountain, NV 89820
[Box in Clerk's Office]

Diana J. Hillewaert, Esq.
Hillewaert Law Firm, LLC
575 Fifth Street
Elko, NV 89801
[Box in Clerk's Office]

Scorsone

FILED

2021 AUG 20 PM 2:05

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY ll

1 DEBRA M. AMENS, ESQ.
2 Amens Law, Ltd.
3 Nevada Bar No. 12681
4 P.O. Box 488
5 Battle Mountain, NV 89420
6 Telephone: 775-235-2222
7 Email: dmamens@gmail.com

8 The Undersigned hereby affirms this document
9 does not contain a social security number.

10 **IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

11 **IN AND FOR THE COUNTY OF ELKO**

12 IN THE MATTER OF THE GUARDIANSHIP
13 OF THE PERSON AND ESTATE OF

14 PAISLEY GRACE STONE (dob 5/27/16), and
15 CARTAR THOMAS FERGUSON
16 (dob 1/17/18).

CASE NO. PR-GU-18-67
DEPT. NO. 1

NOTICE OF ENTRY OF ORDER

17 PLEASE TAKE NOTICE that a ORDER DENYING MOTION FOR
18 RECONSIDERATION has been entered in the above entitled matter on the 21st day of July, 2021.
19 A copy of which is attached hereto.

20 If this is a final order and if you wish to appeal to the Nevada Supreme Court, you must
21 file a Notice of Appeal with the Clerk of this Court within 33 days after the date this notice is
22 mailed/electronically served to you.

23 DATED this 20th day of August, 2021.

24 AMENS LAW, LTD.

25 Debra M. Amens, Esq.
26 Nevada Bar No. 12681
27 Attorney for Luceros
28

1 **CERTIFICATE OF SERVICE**

2
3 Pursuant to NRCP 5(b), I hereby certify that I work with AMENS LAW, LTD, and that
4 on the 20th day of August, 2021, I served a copy of the NOTICE OF ENTRY OF
5
6 ORDER by delivering a true and correct copy of same, properly addressed via electronic filing,
7 to the following:

8 Travis W. Gerber, Esq.
9 GERBER LAW OFFICES, LLP
10 491 4th Street
11 Elko, NV 89801

12 Diana Hillewaert, Esq.
13 HILLEWAERT LAW OFFICE, LLC
14 575 5th Street
15 Elko, NV 89801

16 Kristin Stone
17 9640 DeFoe Street
18 Strasburg, CO 80136

19
20
21 AMENS LAW FIRM

22 
23

24 HEATHER ANDERSEN, Paralegal
25
26
27
28

1 CASE NO. ~~PR-GU-18-49~~ PR-GU-18-56, PR-GU-18-67

FILED

2 DEPT NO. 1

2021 JUL 21 PM 3:54

3 Pursuant to NRS 239B.030, the
4 undersigned hereby affirms this
5 document does not contain the
6 social security number of any person.

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY 18

7 IN THE FOURTH JUDICIAL DISTRICT COURT
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9 IN THE MATTER OF THE GUARDIANSHIP
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22 Movants did an exceptional job reciting the facts that were presented over the three days of
23 testimony; with the exception of describing a few instances of negative behavior by the paternal
24 grandparents which are alleged to have occurred after the Court's May 13, 2021, Order was entered,
25 however, Movants have not presented the Court with anything new. Even if those instances did
26 occur, the Court is still convinced that the current guardianship order is in the best interests of the
27 minor children.

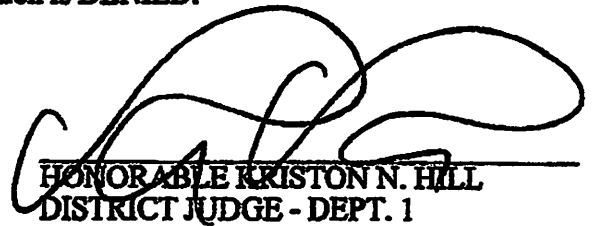
28 Movants next claim that essentially this case has dragged on for too long and that a temporary
guardianship order was left in place for almost three years in violation of NRS 159A.053. While this
is all valid and supported by the record, Movants did not make any attempts during the pendency of

1 this action to move the case along. Instead, Movants are now attempting to use the historical delays
2 in this case as a ground to convince the current Court to reconsider its position after the Court did
3 not rule in their favor. Movants could have and should have brought the issue of delays before the
4 Court during the underlying case and failed to do so.

5 Having now considered the arguments of the Movants and reviewed the pleadings and other
6 papers on file, the Court concludes that the Motion to Reconsider should be denied.

7 Accordingly, the Motion for Reconsideration is DENIED.

8 DATED this 21st day of July, 2021.

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11 HONORABLE KRISTON N. HILL
12 DISTRICT JUDGE - DEPT. 1
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CERTIFICATE OF HAND DELIVERY

Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District Court, Department 1, and that on this 21st day of July, 2021, I personally hand delivered a file stamped copy of the foregoing **Order Denying Motion to Reconsider** addressed to:

Travis W. Gerber, Esq.
Gerber Law Offices, LLP
491 4th Street
Elko, NV 89801
[Box in Clerk's Office]

Debra M. Amens, Esq.
Amens Law, Ltd.
PO Box 488
Battle Mountain, NV 89820
[Box in Clerk's Office]

Diana J. Hillewaert, Esq.
Hillewaert Law Firm, LLC
575 Fifth Street
Elko, NV 89801
[Box in Clerk's Office]

Scorsone