

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE
GUARDIANSHIP OF THE PERSON
AND ESTATE OF KATHLEEN JUNE
JONES, PROTECTED PERSON

KATHLEEN JUNE JONES,

Appellant,

vs.

ROBYN FRIEDMAN; AND DONNA
SIMMONS,

Respondents.

No. 83967

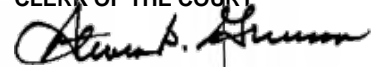
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RESPONDENTS' APPENDIX
Volume 1 (Nos. 1–58, 65–147, 150–228)

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

DISTRICT COURT

CLARK COUNTY, NEVADA

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

Kathleen June Jones,)

An Adult Protected Person.)

Case Number:

Department:

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

☒ TEMPORARY GUARDIANSHIP

☐ Person

☐ Estate ☐ Summary Admin.

☒ Person and Estate

☒ GENERAL GUARDIANSHIP

☐ Person

☐ Estate ☐ Summary Admin.

☒ Person and Estate

☐ SPECIAL GUARDIANSHIP

☐ NOTICES / SAFEGUARDS

☐ Person

☐ Estate ☐ Summary Admin.

☐ Person and Estate

☐ Blocked Account

☐ Bond Posted

☐ Public Guardian Bond

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

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

6 **Summary**

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

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

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

3 4. A temporary guardianship is necessary because when the proposed protected person's
4 attorney-in-fact took her to visit her husband, the attorney-in-fact was without prior notice forcibly
5 prevented from bringing her mother home. Thereafter, the attorney-in-fact, the proposed protected
6 person's own daughter, was allowed to see her mother on one or two occasions but was then
7 excluded altogether by her mother's current spouse and/or her spouse's son-in-law, neither of
8 whom has a power of attorney or guardianship over the proposed protected person. Upon
9 information and belief, Ms. Jones' appointments with medical providers were summarily cancelled
10 by her husband and Ms. Jones' chosen healthcare and financial representative was excluded from
11 the property where Ms. Jones was being held. All of this was done even though the proposed
12 protected person's daughter and agent had quit her job in California and moved to Las Vegas to
13 take care of her mother.
14

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

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

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

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

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

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

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

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

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

16 **Information Concerning Proposed Protected Person**

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

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

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

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

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

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

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

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

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

18
19 22. NRS 159.0525 provides that the court may appoint a temporary guardian for an adult *who*
20 *is unable to respond to a substantial and immediate risk of financial loss*. A petitioner must provide
21 a certificate signed by a physician who is licensed to practice medicine in this State that shows:

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

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

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

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

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

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

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

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

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

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

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

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

18 (a) Dick has repeatedly asked where in either power of attorney it gives Kimberly any authority
19 over Ms. Jones' person. Petitioners assert that Dick is using this as justification to keep Ms. Jones
20 at his home and not allowing her to return to Kimberly's care after Kimberly brought Ms. Jones to
21 visit with her husband at Dick's house. Petitioners also assert that this is the justification used
22 when the Powell's took Ms. Jones to Arizona with them, against the wishes of Kimberly and
23 Petitioners. The purpose of the travel to Arizona was for Mr. Yeoman to receive medical treatment
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1 - so he was (and remains) in the hospital in Arizona and in no way available or able to care for Ms.
2 Jones. In Arizona, Ms. Jones was entirely under the care of non-family members. Once Dick and
3 Kandi took Ms. Jones with them to Arizona, they then had their counsel inform counsel for your
4 Petitioners herein that because Mr. Yeoman would need to remain in Arizona, Ms. Jones would
5 have to remain in Arizona as well - indefinitely. Subsequently, requests to visit Ms. Jones in
6 Arizona were denied.

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

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

21 (d) Interestingly, Mr. Yeoman and the Powell's respected the powers of attorney for nearly six
22 years and never questioned the validity of the documents until recently. The disrespect of the
23 powers of attorney seems to have suddenly occurred in response to Kimberly, who, in the course
24 of fulfilling the duties imposed upon her by her appointment under the power of attorney,
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1 challenged Dick and Kandi by looking into a transfer of real property from Ms. Jones' sole
2 ownership to Dick and Kandi's ownership for far less than market value, while Ms. Jones was
3 known to suffer from dementia, and while Dick and Kandi were well aware of Ms. Jones POA's
4 and without any notice or discussion whatsoever with Ms. Jones' selected agent or even any of her
5 family, with whom Dick and Kandi had fairly regular direct and indirect dealings.

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

14
15 (f) Further, upon information and belief as confirmed by the Cleveland Clinic - Lou Ruvo
16 Center for Brain Health in Las Vegas, Nevada as well as counsel for Mr. Yeoman, in complete
17 disregard of the healthcare power of attorney, Mr. Yeoman and/or Dick has also taken it upon
18 himself/themselves to cancel multiple healthcare appointments that had been scheduled by
19 Kimberly for Ms. Jones. The scheduling (and cancelling or rescheduling) of healthcare
20 appointments should be the responsibility of the Agent designated by Ms. Jones in her healthcare
21 power of attorney. Kimberly is the Agent named in Ms. Jones' healthcare power of attorney and
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25 ¹ Nevada Revised Statutes 162A.220(1) and 162A.230(1)

² Nevada Revised Statutes 162A.370

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

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

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

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

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

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

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

22 35. Upon information and belief, Dick did not allow Kimberly to stay in the Kraft house after
23 the refusal to let Ms. Jones return to her home. Because he had taken ownership of the property,
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1 Dick called police and attempted to have Kimberly removed from the house. Upon information
2 and belief, police advised that he needed to initiate eviction proceedings to remove Kimberly from
3 the house in which, until that day, she had been living and caring for Ms. Jones.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (1) A spouse or domestic partner;

5 (2) A child;

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

10 (5) Any relative currently acting as agent.

11 ...

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16
17 **Family of Proposed Protected Person**

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

20

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

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

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

Assets, Income & Expenses of Proposed Protected Person

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 **WHEREFORE**, Petitioner prays:

12 1. That the instant Petition be granted;

13 2. That this Court enter an order immediately appointing Robyn Friedman and Donna
14 Simmons as the temporary co-guardians of Ms. Jones' person and estate to prevent any further
15 harm and to reduce the risk of substantial harm of the parties continue to contend and fight over
16 her person and estate without court oversight, and Petitioners also request their eventual
17 appointment as general co-guardians of the person and estate of Kathleen June Jones if the Court
18 determines ongoing oversight is best for Ms. Jones and the parties involved to ensure a peaceful
19 co-existence;
20

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

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

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

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

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

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

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

22 10. To carry out the function of temporary and general guardians of the person and estate of
23 Ms. Jones, the Court order that Robyn Friedman and Donna Simmons are vested with the powers
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1 as stated herein and, including to assist with Ms. Jones's medical decisions related to her care, to
2 ensure Ms. Jones's transport to or placement in an appropriate medical facility that can provide
3 appropriate level of care for Ms. Jones's health needs, to ensure Ms. Jones's finances are protected
4 and that Ms. Jones's financial needs are addressed, and to access financial information in order to
5 apply for government benefits, including Medicaid, if necessary;

6 11. An order be entered authorizing Petitioners as Ms. Jones's personal representatives for
7 purposes of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191,
8 and any applicable regulations. That Petitioners be authorized to obtain and be permitted to receive
9 any and all medical records and information concerning the past and present condition and
10 historical treatment of Ms. Jones, including but not limited to, examination reports, medical charts,
11 medical notes, which are or may be lodged with any persons, family members, friends, along with
12 any and all medical providers, physicians, hospitals, care facilities, institutions, and/or third
13 parties;
14

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

22 13. An order be entered authorizing Petitioners to request and receive information from any
23 other person or agency, which is currently or has previously been obligated to pay money or other
24 benefits to Ms. Jones;
25

1 14. An order be entered that any general durable power of attorney or healthcare power of
2 attorney documents previously executed by Ms. Jones are suspended and shall be given to the
3 Petitioners for the duration of the temporary and general guardianship;

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

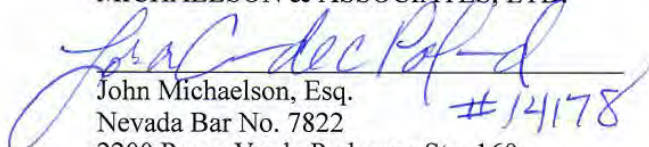
7 16. The Court approve payment of guardian's fees to be paid for services as rendered, pursuant
8 to NRS 159.105 from the assets of the Estate and subject to Court confirmation;

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

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

13 DATED: September 19, 2019.

14
15 MICHAELSON & ASSOCIATES, LTD.

16 
17 John Michaelson, Esq. #14178
18 Nevada Bar No. 7822
19 2200 Paseo Verde Parkway, Ste. 160
20 Henderson, Nevada 89052
21 Counsel for Petitioners
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VERIFICATION

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

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

By: *R. Friedman*
Robyn Friedman

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

Hardeep
NOTARY PUBLIC in for said County and State



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

SUBSCRIBED and AFFIRMED to before me this
18th day of September, 2019 by Donna Simmons

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

JURAT

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

State of California

County of Orange

Subscribed and sworn to (or affirmed) before me on

this 18th day of September, 2019

by Donna Simmons

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

Signature

Maria Sida Melgoza

(Seal)

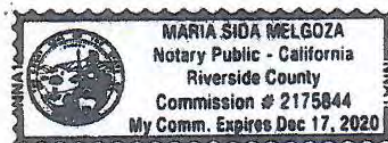


EXHIBIT “1”

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

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

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

1. DESIGNATION OF HEALTH CARE AGENT

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

2. CREATION OF DURABLE POWER OF ATTORNEY FOR HEALTH CARE

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

3. GENERAL STATEMENT OF AUTHORITY GRANTED

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

4. SPECIAL PROVISIONS AND LIMITATIONS

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

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

5. DURATION

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

6. STATEMENT OF DESIRES

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

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

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

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

Other or Additional Statements of Desires:

DO NOT WISH TO DONATE ANY + ALL ORGANS, + OR TISSUE

7. DESIGNATION OF ALTERNATE ATTORNEY-IN-FACT.

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

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

A. FIRST ALTERNATE ATTORNEY-IN-FACT:

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

B. SECOND ALTERNATE ATTORNEY-IN-FACT:

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

8. PRIOR DESIGNATIONS REVOKED.

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

YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY

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

Jane Jones
Signature of Declarant

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

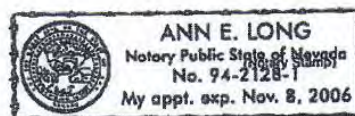
CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

State of Nevada)
County of Clark) ss.

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

WITNESS my hand and Official Seal

Ann E. Long
Signature of Notary



STATEMENT OF WITNESSES

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

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

NONE OF THE FOLLOWING MAY BE USED AS WITNESSES:

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

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

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

Dated: _____

Signature: _____ Address: _____

Print Name: _____

Signature: _____ Address: _____

Print Name: _____

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

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

Signature: _____ Signature: _____

Print Name: _____ Print Name: _____

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

EXHIBIT “2”

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STATUTORY FORM POWER OF ATTORNEY

PRINCIPAL: *Jane Jones*

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

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

2. DESIGNATION OF ALTERNATE AGENT.

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

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

A. First Alternative Agent *Scott Simmons*

B. Second Alternative Agent

3. OTHER POWERS OF ATTORNEY.

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

4. NOMINATION OF GUARDIAN.

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

5. GRANT OF GENERAL AUTHORITY.

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

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

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

6. GRANT OF SPECIFIC AUTHORITY.

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

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

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

7. LIMITATION ON AGENT'S AUTHORITY.

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

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

9. DURABILITY AND EFFECTIVE DATE.

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

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

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

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

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

10. THIRD PARTY PROTECTION.

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

11. RELEASE OF INFORMATION.

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

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

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

Jane Jones

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

State of NEVADA

}
} ss.

County of CLARK

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



[Signature]
NOTARY PUBLIC

EXHIBIT “3”

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Holographic Will

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

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

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

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

Signed in Las Vegas Nevada
on 11-23-12

June Jones.

EXHIBIT “4”

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4:31



New iMessage

Cancel

To: Marci Pirolo

May 6, 2017, 5:52 PM

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

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

see pg 4

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

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



iMessage



4:31



New iMessage

Cancel

To: Marci Pirolo

younger haha

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

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

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

see pg 4



iMessage



4:31



New iMessage

Cancel

To: Marci Pirolo

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

He took that pain well tho.
Strong

For 84 years

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

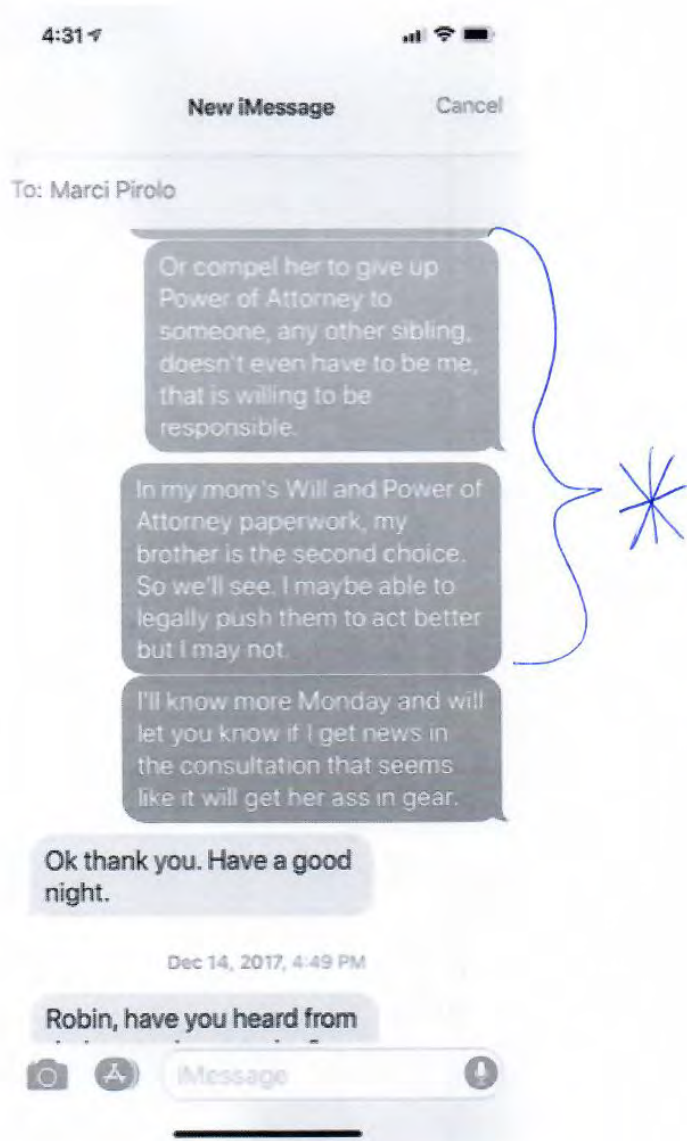
Or compel her to give up
Power of Attorney to
someone, any other sibling,
doesn't even have to be me,
that is willing to be
responsible.

see pg 4



iMessage





Sent from my iPhone

EXHIBIT “5”

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

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

1 Parent Parcel

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

0 Child Parcels

No child parcels were found.

EXHIBIT “6”

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Inst #: 20180116-0001314

Fees: \$40.00

RPTT: \$1083.75 Ex #:

01/16/2018 10:24:59 AM

Receipt #: 3297378

Requestor:

QC DEED, LLC (MAIN)

Recorded By: RYUD Pgs: 4

DEBBIE CONWAY

CLARK COUNTY RECORDER

Src: ERECORD

Ofc: ERECORD

APN NO.: 138-02-511-076

WHEN RECORDED MAIL TO:

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

MAIL TAX STATEMENTS TO:

SAME AS ABOVE

Affix RPTT: \$1,083.75

GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH: That,

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

Whose address is

6277 W. KRAFT AVE., LAS VEGAS, NV

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

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

Whose address is

2540 E. HARMON AVE., LAS VEGAS, NV

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

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

6277 W. KRAFT AVE, LAS VEGAS, NV

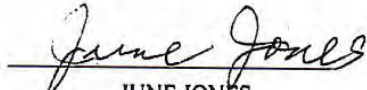
SUBJECT TO: 1. Taxes for the fiscal year paid current.

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

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

SEE PAGE TWO (2) FOR SIGNATURES AND NOTARY ACKNOWLEDGEMENT

SIGNATURES AND NOTARY ACKNOWLEDGEMENT


JUNE JONES

STATE OF : NEVADA
COUNTY OF : CLARK

On this 12 day of JANUARY, 2018,

before me R. RITTER,

a Notary Public for the State of NEVADA

personally appeared JUNE JONES

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



Signature Notary Public

My commission expires:

My commission number:

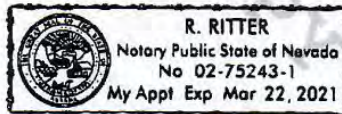


EXHIBIT "A"
LEGAL DESCRIPTION

APN No.: 138-02-511-076

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

ASSESSOR'S COPY

STATE OF NEVADA
DECLARATION OF VALUE FORM

1. Assessor Parcel Number(s)

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

2. Type of Property:

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

FOR RECORDER'S OPTIONAL USE ONLY

Book: _____ Page: _____

Date of Recording: _____

Notes: _____

3. a. Total Value/Sales Price of Property

\$ 212,083.00

b. Deed in Lieu of Foreclosure Only (value of property)

(_____)

c. Transfer Tax Value:

\$ 212,500.00

d. Real Property Transfer Tax Due

\$ 1,083.75

4. If Exemption Claimed:

a. Transfer Tax Exemption per NRS 375.090, Section _____

b. Explain Reason for Exemption: _____

5. Partial Interest: Percentage being transferred: _____ 100 %

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

Signature: JUNE JONES

Capacity: Grantor

Signature: RICHARD POWELL

Capacity: Grantee

SELLER (GRANTOR) INFORMATION

BUYER (GRANTEE) INFORMATION

Print Name: JUNE JONES

Print Name: RICHARD POWELL AND KANDI POWELL

Address: 6277 W. KRAFT AVE.

Address: 2540 E. HARMON AVE.

City: LAS VEGAS

City: LAS VEGAS

State: NV Zip: 89130

State: NV Zip: 89121

COMPANY REQUESTING RECORDING

Print Name: QC Deed

Escrow #: accommodation

Address: 7251 W. Lake Mead Blvd. Suite 300

18QC-0103-0003

City: Las Vegas

State: NV Zip: 89128

As a public record this form may be recorded/microfilmed

EXHIBIT “7”

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New iMessage

Cancel

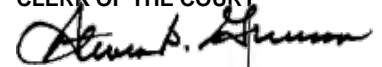
To: Marci Pirolo

Tue, Apr 9, 4:51 PM

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



Sent from my iPhone



CITA

John P. Michaelson, Esq.
Nevada Bar No. 7822
Email: john@michaelsonlaw.com
Lora L. Caindec-Poland, Esq.
Nevada Bar No. 14178
Email: lora@michaelsonlaw.com
MICHAELSON & ASSOCIATES, LTD.
2200 Paseo Verde Parkway, Ste. 160
Henderson, Nevada 89052
Ph: (702) 731-2333
Fax: (702) 731-2337
Attorneys for Petitioners

DISTRICT COURT

CLARK COUNTY, NEVADA

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

Kathleen June Jones,)

An Adult Protected Person.)

Case Number: G-19-052263-A
Department: B

AMENDED CITATION TO APPEAR AND SHOW CAUSE

TO: The People of the State of Nevada;

TO: KATHLEEN JUNE JONES;

TO: Any persons having the care, custody or control of KATHLEEN JUNE JONES;

TO: Legal Aid Center of Southern Nevada, Inc.; and

TO: Any Interested Person in the above-titled matter:

YOU ARE HEREBY CITED and required to appear before a judge of this Court at the date, time and place specified below and to show cause, if any, why KATHLEEN JUNE JONES ("protected person"), should not be declared to be incapacitated or in need of a guardian to manage the protected person's personal and financial affairs and to further show cause, if any, why Robyn Friedman and Donna Simmons, should not be appointed to act as Guardian of the protected person's Person and Estate.

1 YOU ARE NOTIFIED that a Guardian may have the management and control of your
2 Person and/or Estate and your rights may be affected as specified in the petition. KATHLEEN
3 JUNE JONES you have a right to appear at the hearing, a right to oppose this Petition at the
4 hearing and the right to be represented by an attorney, who will be appointed by the Court if one
5 has not been appointed and you are unable to retain one.

6 THIS CITATION is based upon the verified Ex Parte Petition For Appointment of
7 Temporary Guardian of the Person and Estate and for Issuance of Letters of Temporary
8 Guardianship, and Petition for Appointment of General Guardian of the Person and Estate and
9 Issuance of Letters of General Guardianship filed by Robyn Friedman and Donna Simmons.

10 YOU DO NOT NEED TO APPEAR UNLESS YOU HAVE AN OBJECTION.

11 **DATE AND TIME OF COURT APPEARANCE:**

12 Date of Hearing: October 15, 2019

13 Time of Hearing: 10:00 AM

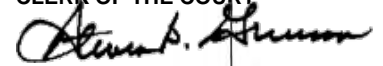
14 Place of Hearing: Regional Justice Center
15 200 Lewis Avenue
16 Las Vegas, Nevada 89101
17 **Department B/Courtroom 10A**

18 STEVEN D. GRIERSON
19 CLERK OF THE COURT

20 By: Joshua Puppe Electronically Issued
21 Deputy Clerk 9/19/2019
22 Date

23 Submitted by:
24 MICHAELSON & ASSOCIATES, LTD

25 By: Lora L. Caindec-Poland
John P. Michaelson, Esq.
Nevada Bar No. 7822
Lora L. Caindec-Poland, Esq.
Nevada Bar No. 14178
2200 Paseo Verde Parkway, Ste. 160
Henderson, Nevada 89052



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Ph: (702) 731-2333
Fax: (702) 731-2337
Attorneys for Petitioners

DISTRICT COURT

CLARK COUNTY, NEVADA

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

Case Number:
Department:

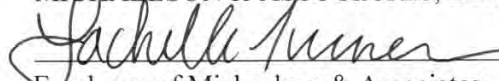
CERTIFICATE OF SERVICE

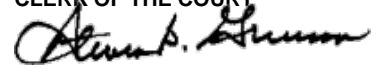
Pursuant to Nevada Rule of Civil Procedure 5(b), the undersigned hereby certifies that on September 20, 2019, a copy of the (1) Amended Citation to Appear and Show Cause on the Ex Parte Petition for Appointment of Temporary Guardian of the Person and Estate and Issuance of Letters of Temporary Guardianship and Petition for Appointment of a General Guardian of the Person and Estate and Issuance of Letters of General Guardianship; and the (2) Ex Parte Petition for Appointment of Temporary Guardian of the Person and Estate and Issuance of Letters of Temporary Guardianship and Petition for Appointment of a General Guardian of the Person and Estate and Issuance of Letters of General Guardianship were mailed by USPS Certified Mail/Return

1 Receipt, postage prepaid, in a sealed envelope in Henderson, Nevada to the following individuals
2 and/or entities at the following addresses:

3 Kathleen June Jones 4 6277 Kraft Avenue Las Vegas, Nevada 89130	Rodney Gerald Yeoman 2540 E. Harmon Avenue Las Vegas, Nevada 89102
5 David C. Johnson, Esq. 6 JOHNSON & JOHNSON 1160 N. Town Center Drive, Suite 390 7 Las Vegas, Nevada 89144 Attorney for Kimberly Jones	8 Ty E. Kehoe, Esq. KEHOE & ASSOCIATES 871 Coronado Center Drive, Suite 200 Henderson, Nevada 89052 Attorney for Rodney Gerald Yeoman and Richard Powell
9 Teri Butler 586 N. Magdalena Street 10 Dewey, AZ 86327	Scott Simmons 1054 S. Verde Street Anaheim, CA 92805
11 Jen Adamo 14 Edgewater Drive 12 Magnolia, DE 19962	Jon Criss 804 Harksness Lane, Unit 3 Redondo Beach, CA 90278
13 Ryan O'Neal 14 112 Malvern Avenue, Apt. E Fullerton, CA 92832	Tiffany O'Neal 177 N. Singing Wood Street, Unit 13 Orange, CA 92869
15 Courtney Simmons 16 765 Kimbark Avenue San Bernardino, CA 92407	Ampersand Man 2824 High Sail Court Las Vegas, Nevada 89117
17 Legal Aid Center of Southern Nevada 18 725 E. Charleston Boulevard 19 Las Vegas, Nevada 89104	Division of Welfare and Supportive Services Medicaid Chief Eligibility and Payments 1470 College Parkway 20 Carson City, Nevada 89706

21 MICHAELSON & ASSOCIATES, LTD.

22 
23 Employee of Michaelson & Associates
24
25



SOLA

Maria L. Parra-Sandoval, Esq.

Nevada Bar No. 13736

**LEGAL AID CENTER OF
SOUTHERN NEVADA, INC.**

725 E. Charleston Blvd

Las Vegas, NV 89104

Telephone: (702) 386-1526

Facsimile: (702) 386-1526

mparra@lacsns.org

Attorney for Kathleen J. Jones, Protected Person

**EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA**

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

KATHLEEN J. JONES,

An Adult Protected Person.

Case No.: G-19-052263-A

Dept. No.: B

**STATEMENT OF LEGAL AID
REPRESENTATION AND FEE
WAIVER**

Party Filing Statement: ☐ Plaintiff/ Petitioner ☒ Defendant/ Respondent

STATEMENT

Kathleen J. Jones, has qualified and been accepted for placement as Pro Bono clients or as direct client of LEGAL AID CENTER OF SOUTHERN NEVADA, INC., a nonprofit organization providing free legal assistance to indigents, and is entitled to pursue or defend this action without costs, including filing fees and fees for service of writ, process, pleading or paper without charge, as set forth in NRS 12.015.

Dated: September 27, 2019

Maria L. Parra-Sandoval, ESQ.

Printed Name of Legal Aid Center of S.N., Preparer

Nevada Bar No.: 13736

/s/ Maria L. Parra-Sandoval Esq.

Signature of Legal Aid Center of S.N. Preparer

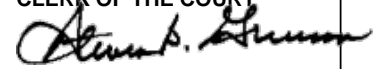
Submitted by:

**LEGAL AID CENTER OF
SOUTHERN NEVADA, INC.**

725 East Charleston Blvd.

Las Vegas, Nevada 89101

Phone: (702) 386-1070



KEHOE & ASSOCIATES
TY E. KEHOE, ESQ.
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Telephone: (702) 837-1908
Facsimile: (702) 837-1932
TyKehoeLaw@gmail.com
Attorney for Rodney Gerald Yeoman

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

KATHLEEN JUNE JONES,

Adult Protected Person.

Case No: G-19-052263-A

Dept. No.: B

Hearing:

Date: October 3, 2019

Time: 9:00 a.m.

NOTICE OF APPEARANCE AND REQUEST FOR NOTICE

Ty E. Kehoe, Esq., counsel for Rodney Gerald Yeoman ("Gerry"), husband of Adult Protected Person, hereby enters his appearance on the record in the above-entitled action and further hereby requests notice of all hearings, actions, contested matters, and proceedings in this case, together with copies of all notices, pleadings, motions, responses, and other related materials that are issued or filed in connection with these proceedings. All notices and copies in response to the foregoing, and all notices required to be mailed or electronically served to Gerry

///

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///

///

///

///

1 should be sent to the following:

2 Ty E. Kehoe, Esq.
3 KEHOE & ASSOCIATES
4 871 Coronado Center Drive, Suite 200
5 Henderson, Nevada 89052
6 TyKehoeLaw@gmail.com

7 DATED this 1st day of October, 2019.

8 KEHOE & ASSOCIATES

9 /s/ Ty E. Kehoe
10 Ty E. Kehoe, Esq.
11 871 Coronado Center Drive, Suite 200
12 Henderson, Nevada 89052

13 **CERTIFICATE OF SERVICE**

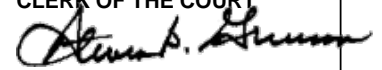
14 I HEREBY CERTIFY that on the 1st day of October, 2019, I served a true and correct
15 copy of the NOTICE OF APPEARANCE AND REQUEST FOR NOTICE via electronic
16 service to the following, or via US First Class Mail postage pre-paid to the addresses listed:

17 David C. Johnson, Esq.
18 dcj@johnsonlegal.com
19 Counsel for Kimberly Jones

20 John P. Michaelson, Esq.
21 john@michaelsonlaw.com
22 Counsel for Petitioners Robyn Friedman
23 and Donna Simmons

24 Maria L. Parra-Sandoval, Esq.
25 Legal Aid Center of Southern Nevada, Inc.
26 mparra@lacs.org

27 /s/ Ty E. Kehoe
28 Ty E. Kehoe



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Attorneys for Rodney Gerald Yeoman

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

KATHLEEN JUNE JONES,

Proposed Protected Person.

Case No: G-19-052263-A
Dept. No.: B

Hearings:
Temporary: October 3, 2019, 9:00 a.m.
General: October 15, 10:00 a.m.

**OPPOSITION TO APPOINTMENT OF TEMPORARY GUARDIAN AND GENERAL
GUARDIAN AND
COUNTER-PETITION FOR APPOINTMENT OF TEMPORARY GUARDIAN OF THE
PERSON AND ESTATE AND ISSUANCE OF LETTERS OF TEMPORARY
GUARDIANSHIP AND
COUNTER-PETITION FOR APPOINTMENT OF GENERAL GUARDIAN OF THE
PERSON AND ESTATE AND ISSUANCE OF LETTERS OF GENERAL
GUARDIANSHIP**

<input checked="" type="checkbox"/> TEMPORARY GUARDIANSHIP <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Special Guardianship <input checked="" type="checkbox"/> Person and Estate	<input checked="" type="checkbox"/> GENERAL GUARDIANSHIP <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Special Guardianship <input checked="" type="checkbox"/> Person and Estate
<input type="checkbox"/> SPECIAL GUARDIANSHIP <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Special Guardianship <input type="checkbox"/> Person and Estate	<input type="checkbox"/> NOTICES / SAFEGUARDS <input type="checkbox"/> Blocked Account Required <input type="checkbox"/> Bond Required <input type="checkbox"/> Public Guardian's Bond

1 Rodney Gerald Yeoman (“Gerry”), husband of the Proposed Protected Person Kathleen
2 June Jones (“June”), by and through his counsel Ty E. Kehoe, Esq. and Matthew C. Piccolo, Esq.,
3 hereby opposes the appointment of Robyn Friedman and Donna Simmons as either temporary or
4 general guardians of June. If the Court determines that June is incapacitated and needs a guardian,
5 then Gerry asks the Court to appoint him as June’s temporary guardian and general guardian.
6 This Opposition and Petition is based upon the argument contained herein, the papers on file in
7 this action, and any oral argument and evidence to be presented at the time of any hearing.
8

9 Dated this 2nd day of October, 2019.

KEHOE & ASSOCIATES

10 /s/ Ty E. Kehoe

11 Ty E. Kehoe, Esq.

12 Matthew C. Piccolo, Esq.

PICCOLO LAW OFFICES

13 MEMORANDUM OF POINTS AND AUTHORITIES

14 Factual arguments

15 Summary of factual arguments.

16 Gerry asks the Court to vacate the temporary guardianship, as there are no grounds for an
17 emergency guardianship. If the temporary guardianship is vacated, then Gerry requests that June
18 be again allowed to live with her husband as was the status quo before she was forcibly taken.
19 Gerry would then welcome a thorough hearing regarding whether a guardianship is appropriate.
20 If the Court determines that June needs a guardian, then Gerry believes he should be the guardian,
21 rather than the Petitioners who were neither nominated by June, nor have statutory priority over
22 Gerry, June’s husband.
23

24 **June’s daughters have used improper self-help tactics to obtain custody of their mother to** 25 **the detriment of June and her husband.**

26 June’s daughter Kimberly and the Petitioners first tried to bully June’s husband Gerry into
27 voluntarily surrendering the care of June to June’s children. Then June’s daughter Kimberly and
28

1 the Petitioners attempted to verify their authority in Probate Court via an alleged power of
2 attorney but did not succeed (P-19-100166-E, "Probate Action"). After the Probate Court
3 hearing, the parties and attorneys met to discuss possible resolutions. Visitation demands by the
4 children were discussed, and assurances were made by June's children, and their attorneys, that
5 they were not seeking to take or keep June from her husband. Then less than 24 hours later
6 Kimberly and the Petitioners coordinated the forcible taking of June from a hotel restaurant in
7 Phoenix where she was staying for her husband's surgery at the Mayo Clinic. See police report
8 and statement of professional caregiver attached hereto as **Exhibit A** (showing that June stated
9 she did not want to go with her daughter, but Kimberly and her brother-in-law prevented the
10 caregiver from intervening and then took June against her will) This occurred before the
11 Petitioners had filed their petition for guardianship and without any authority to do so because
12 even if the power of attorney were valid it does not give the Petitioners or Kimberly the right to
13 physically take June from her husband and move her. Now the Petitioners are attempting to justify
14 their various improper actions by seeking a guardianship. The request for temporary guardianship
15 is particularly problematic as the Petitioners have not made any allegations showing that any
16 immediate threats to June exist.

17 **There are no allegations in the Petition justifying the forced separation of June and her**
18 **husband, nor evidencing a reason to grant the Petitioners guardianship.**

19 June has lived with her husband during the full time they have been married:
20 approximately 9 years. She has never lived with her children long-term during this time and has
21 only had occasional temporary visits with them. Most recently, around April 2019, June's
22 children were requested to provide temporary care while Gerry underwent medical procedures,
23 with the stated expectation that such assistance would exist for a matter of weeks. Since that date,
24 Gerry has received a pacemaker, had surgery to insert stents, and is undergoing chemotherapy,
25
26
27
28

1 which has not affected him to the degree it affects most people.¹ At this time, Gerry is healthy,
2 capable, willing, and wanting to be with his wife and care for each other as they have done
3 throughout their marriage. He also has the financial backing to obtain professional assistance if
4 such is necessary. There is no factual or legal basis to modify the arrangement that has existed
5 for about nine years. The forcible separation that June's children have unnecessarily caused is
6 damaging to both June and her husband.
7

8 As temporary guardians, the Petitioners have refused to allow June and her husband to
9 spend the night together, or even to be alone together in any setting. Kimberly and a professional
10 caregiver attempted to sit at the same table with June and Gerry during their first time together
11 after three weeks of separation, and only moved to a different table after Gerry strenuously
12 objected.
13

14 June is currently living in the home that Gerry and June have occupied during their 9 years
15 of marriage except for the limited times they lived next door to Gerry's family for assistance
16 during medical procedures. However, June is living with Kimberly and Kimberly's boyfriend.
17 It is not a good environment for Gerry to live in, and he is currently prohibited by the Petitioners
18 from living there. Nonetheless, if June wishes to live at the Kraft home, Gerry is happy to do so,
19 but without Kimberly and Kimberly's boyfriend.
20

21 **The actions by June's children show they are not as concerned about the care or well-being**
22 **of June's as they are a contract June's entered into approximately 21 months ago, to which**
23 **June's children now object.**

24 The current spats by June's children started in the past couple months when they
25 discovered that June sold her home to Gerry's son-in-law in January 2018. Because Gerry and
26

27 ¹ The day after Gerry's last chemotherapy appointment he was feeling well enough to take a four-hour scenic train
28 ride and missed his wife being with him. He also feels badly for his wife who is being kept at home by her children
and is not being permitted to enjoy life with her husband.

1 June were having trouble making mortgage payments, Gerry's son-in-law agreed to pay off
2 June's mortgage and to provide extensive and generous financial support to June and Gerry.
3 Suffice it to say, the sale was entirely in good faith, and was done approximately 21 months before
4 June was allegedly declared incompetent by a medical professional.² Gerry's son-in-law has
5 offered to unwind the sale if June's children wish, or litigate the issues if they wish; however,
6 those issues are not germane to this guardianship action.
7

8 There have never been allegations that Gerry has improperly cared for June, and the
9 Petitioners have not made any such claims now. They have made no allegations that would allow
10 the Court to override the statutory preference of a husband as guardian before a person's children.
11

12 The actions by June's children arise from their unjustified concerns about the sale of the
13 home, and not the care, condition, or well-being of June. This is evidenced by the fact that the
14 initial demand letter from Kimberly's attorney was focused solely upon assets (i.e. the home) and
15 not June. *See* August 5th letter attached hereto as **Exhibit B**. The Probate Action was focused on
16 the home and not June as evidenced by Kimberly filing a lis pendens in connection with the
17 action.³

18 **The powers of attorney have been challenged by Gerry, and no court has ruled regarding**
19 **the validity of the same. In any case, the daughter nominated in the power of attorney has**
20 **not sought guardianship.**
21

22 The power of attorney claimed by Kimberly raises many concerns. These concerns were
23 filed in connection with the Probate Action. *See* Gerry's objection in the Probate Action attached
24

25 ² Gerry has not been provided a copy of the Petitioners' Physician's Certificate of Incapacity. To the extent a court
26 order is required to obtain the same, Gerry requests such court order. In any case, it is impossible for Gerry to
27 respond regarding whether the information in the Certificate is valid without seeing the same.

28 ³ The Probate Commissioner recognized the lis pendens was recorded improperly by Kimberly, because no action
was actually pending, and instructed Kimberly to remove the same.

1 hereto as **Exhibit C**. Neither Kimberly nor the Petitioners have ever responded to Gerry's
2 concerns raised in the Probate Action. The Probate Commissioner denied Kimberly's and the
3 Petitioners' petition to confirm the power of attorney because notice was not properly given to
4 June. It would have been easy for Kimberly and the Petitioners to give notice to June and put the
5 matter back on calendar (which is what they promised to do), but instead less than 24 hours later
6 Kimberly, with the support and encouragement of the Petitioners, traveled to Phoenix and took
7 June from her husband. They justified such action based on the power of attorney, which, even
8 if valid, does not give Kimberly authority to forcibly move June.⁴ As a result of the same, June
9 and her husband were separated for three weeks, and now Gerry has only limited and supervised
10 visitation rights. This is entirely unnecessary and in bad faith.

11
12 **The Petitioners do not have statutory priority over June's husband for guardianship of**
13 **June.**
14

15 The Petition is interesting because it is brought by third-priority parties, who have very
16 little actual knowledge of relevant issues. The Petition states "upon information and belief"
17 thirty-two times and relies almost exclusively upon information allegedly obtained from
18 Kimberly. However, Kimberly has not signed a verification or joined in the Petition. In fact, if
19 the powers of attorney are valid, they nominate Kimberly to be June's guardian, but, as evidenced
20 by the existence of the Petition, even Kimberly and her two petitioning sisters do not get along
21 well enough to coordinate their actions. No evidence suggests June ever wanted the Petitioners
22 to be her guardian. Based upon the allegations in the Petition, Kimberly might have first priority
23 under the statute to be Guardian, June's husband would have second priority, and the Petitioners
24 would have third priority. Kimberly has not filed any petition, and Gerry has senior priority over
25

26
27
28 ⁴ Neither a general power of attorney nor a medical power of attorney give an agent the right to seize care and custody
of a ward, particularly from the ward's husband, and without any exigent circumstances. There had been no
adjudication of incapacity, and even the power of attorney was disputed openly in probate court the day before.

1 the Petitioners under the statute. For this reason alone, the Court could deny the Petition.

2 **The current arrangement is not in the best interest of June, and June is being manipulated**
3 **by her children.**

4 The current arrangement is not in the best interest of June, and June's children are
5 triangulating her with her husband. See handwritten notes written by someone other than
6 Kimberly attached hereto as **Exhibit D**, which June's children gave to June during the first visit
7 between Gerry and June in three weeks. The notes instruct June on what to say to Gerry. This is
8 entirely improper and sad. It is very similar to one parent attempting to use a child to gain an
9 advantage in a divorce. It should not occur. If in fact June is in need of a guardian, then she
10 should not be asked by her children to make any arguments to her husband on behalf of herself.
11 If she is not in need of a guardian, then we should not be here.

12 **June's children do not have any greater ability to care for June than does Gerry.**

13
14
15 When Kimberly and the Petitioners permitted June to visit with Gerry at a Denny's, three
16 weeks after they forcibly took June, Kimberly and the Petitioners were present but for some
17 reason also brought a professional caretaker with them. The Petition also mentions the possibility
18 of the Petitioners hiring a professional caretaker to care for June. See Petition Paragraph 62. If
19 the three of June's children are unable to care for their mother at a brief dinner without a
20 professional caretaker present, then that calls into question their ability to perform the duties
21 required of as guardians, or, at a minimum, it shows that Gerry is equally capable of caring for
22 his wife. Despite Gerry's occasional and temporary medical conditions, he is able to care for his
23 wife, and if needed, he has the financial backing to obtain any assistance he needs, just like June's
24 daughters are currently doing.

25
26 Finally, the petition includes dozens of inaccuracies, but Gerry will address those more
27 fully in a future supplement prior to the hearing regarding a general guardianship.
28

Legal Arguments against Guardianship

Summary of legal arguments.

The Court should not appoint Robyn Friedman and Donna Simmons as either the temporary or general guardians of June because June is not incapacitated, as defined under NRS 159.019, and there is no substantial and immediate risk of either physical harm, financial loss, or medical needs. In the alternative, if the Court determines that June is incapacitated, then it should appoint her husband of nine years, Gerry, as her guardian, whether temporary or general. Indeed, NRS 159.0613(4)(c) requires the Court to give preference to the spouse of a proposed protected person before a child. Gerry is qualified, willing, and able to serve as the guardian of his wife. The Court should either deny the original Petition in its entirety or grant Gerry's petition to be appointed as his wife's guardian.

Temporary guardianship should not be extended because there are no immediate needs justifying it.

Gerry opposes the petition for temporary guardianship because Petitioners have not shown any substantial and immediate risk of financial loss or physical harm exist, nor need for medical care; in fact, they have not even alleged that such a risk of harm or need exists.

The Court may appoint a temporary guardian only if it "finds reasonable cause to believe that the proposed protected person is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention," NRS 159.0523(2)(a), or if "the proposed protected person is unable to respond to a substantial and immediate risk of financial loss," NRS 159.0525(2)(a). A petitioner must provide documentation and facts to show that an immediate risk exists. NRS 159.0523(1)(a)-(b); 159.0523(1)(a)-(c).

Here, none of the reasons that Petitioners offer to support the need for a temporary guardianship demonstrate the existence of any immediate risk to June. While they allege that

1 June suffers from dementia and that a number of difficult issues have arisen between her family
2 members, they have not articulated a single fact that shows June is immediately about to lose
3 money or suffer physical harm. *See* Petition, Summary, pp. 2-6. Most of the reasons provided
4 focus on disputes amongst family members and how those disputes affect other parties rather than
5 June. For example, although the Petition mentions eviction proceedings, those proceedings were
6 not against June but against people living with her. In addition, any facts that allegedly relate
7 directly to June's well-being do not demonstrate any immediacy.

9 It is also interesting to note that when the temporary guardianship was sought on an ex-
10 parte basis, June had been in the care of Kimberly for two weeks. So, what emergency bodily,
11 medical or financial issue existed, over which Gerry allegedly had control?

12 Additionally, proper notice of the request for temporary guardianship, under NRS
13 159.0523(2)(b) and NRS 159.0525(2)(a), was not given. An email stating that guardianship was
14 going to be sought by the Petitioners was provided to counsel; however, it said nothing about
15 seeking an ex parte temporary guardianship (it was believed that guardianship in the ordinary
16 course was intended to be sought), and the email was sent less than one-hour before the ex-parte
17 petition was filed.

18
19 **The Court should deny the Petitioners request for General Guardianship.**

20
21 Gerry also opposes the petition for general guardianship because June is not incapacitated
22 as defined by statute. NRS 159.019 states that "[a] person is 'incapacitated' if he or she . . . is
23 unable to receive and evaluate information or make or communicate decisions to such an extent
24 that the person lacks the ability to meet essential requirements for physical health, safety or self-
25 care without appropriate assistance."

26
27 Gerry has shared his life with June for the past nine years and throughout their marriage
28 and still today she has plainly had the ability to receive and evaluate information and make or

1 communicate decisions regarding her health, safety, and self-care. On September 6th, in the
2 Probate Action, Counsel for Kimberly stated on the record that guardianship was not appropriate
3 because “[June] is not fully incapacitated, we cannot get a doctor’s letter.” *See* Court’s Video
4 transcript at 11:16:20. Yet somehow three days later on September 9th, Kimberly and/or the
5 Petitioners obtained a Physician’s Certificate from some doctor who is not June’s regular primary
6 care doctor and without consultation with June’s husband or her husband’s family who has had
7 extensive interaction with June.⁵

9 Gerry has not yet had the opportunity to review the confidential physician’s statement
10 submitted by Petitioners, but if that statement appears to be legitimate, then Gerry requests the
11 Court allow him to have another independent physician provide a second opinion of June’s mental
12 capacity.

14 The factual arguments above support denying Petitioners request to act as general
15 guardians for June. A supplemental pleading with further arguments will be filed in the future.

16 Nonetheless, to the extent the Court determines a guardianship is appropriate, or Gerry
17 considers the Physician’s Certificate or otherwise agrees to a guardianship, then Gerry as the
18 Husband should be appointed rather than the Petitioners.

19 **Counter-Petition for temporary guardian of the person and estate and issuance of letters**
20 **of temporary guardianship, and petition for general guardian of the person and estate and**
21 **issues of letters of general guardianship**

22 If the Court determines that June is incapacitated as defined by statute, then Gerry asks
23 the Court to appoint him, not Friedman or Simmons, as Jones’s guardian, whether as a temporary
24 or general guardian of her person and estate.

25 NRS 159.0613 gives preference to a person whom the proposed protected person has
26

27 ⁵ Gerry acknowledges that June has a degree of dementia, however, Gerry has never previously taken the position
28 that Ms. Jones is in need of a guardianship and has not seen the Physician’s Certificate regarding the analysis
determining the same.

1 nominated to be her guardian or to a relative. Friedman and Simmons have provided estate
2 planning documents in which June allegedly nominated Kimberly Jones as her guardian, or, in
3 the alternative, Scott Simmons. Neither of those individuals have petitioned to become June's
4 guardian. As a result, the statute next requires the Court to give preference to the spouse of the
5 proposed protected person, before a child or other relative. *See* NRS 159.0613(4)(c). Thus, the
6 Court must give preference to Gerry who has been married to June for nine years.
7

8 Furthermore, the Court must appoint "the qualified person who is most suitable and is
9 willing to serve." NRS 159.0613(4). Gerry is qualified, suitable, and willing to serve. Gerry is
10 qualified and suitable for the following reasons:

- 11 • He is a resident of the State of Nevada;
- 12 • He is over 18 years of age and is competent to serve;
- 13 • He is related to June by marriage, as defined by NRS 159.0613(9)(d);
- 14 • He has provided for June's basic needs and continues to be able to provide for her
15 basic needs, including, food, shelter, clothing, medical care, and more;
- 16 • He has not been judicially determined to have committed abuse, neglect,
17 exploitation, isolation, or abandonment of a child, his spouse, his parent, or any other adult;
- 18 • He is not incapacitated and does not have any disability. Although he has been
19 undergoing treatment for cancer, his treatment is going very well and has not affected him to the
20 degree it typically affects other people. In any case, he has the financial backing to ensure June
21 is properly cared for if he is temporarily unable to do so.;
- 22 • He has not been convicted in Nevada or any other jurisdiction of a felony;
- 23 • He has not been suspended for misconduct or disbarred from the practice of law,
24 the practice of accounting, or any other profession which involves the management or sale of
25 money, investments, securities, or real property and requires licensure in the State of Nevada or
26

1 any other state;

2 • He has not been appointed as guardian over the protected person in a state other
3 than Nevada;

4 • He has not filed for or received protection under federal bankruptcy laws within
5 the immediately preceding 7 years.
6

7 Gerry also incorporates into his petition for guardianship the basic information required
8 by NRS 159.044 provided by Petitioners in their Petition. Gerry's mailing address is currently
9 2632 E. Harmon Ave., Las Vegas, NV 89121.

10 Gerry's petition is not sought for the purpose of initiating litigation, nor sought as the
11 result of an investigation of a report of abuse, neglect, exploitation, isolation, or abandonment.
12 Gerry also asks the Court to apply the same conditions and authority requested by Petitioners in
13 paragraphs 86-95 of their Petition; except, Gerry is not seeking attorney's fees or costs from
14 June's estate and does not seek payment of guardian's fees from June if he is appointed guardian.
15

16 **Conclusion**

17 The status quo was June living with her husband and being properly cared for. The
18 Petitioners believed court intervention was necessary and went to probate court but failed. Rather
19 than re-noticing a probate court hearing, or even filing a guardianship action, less than 24 hours
20 later Kimberly with the assistance of the Petitioners took June from her husband. Gerry does not
21 dispute the Petitioners' rights to seek court intervention; however, it is improper for them to use
22 non-adjudicated self-help and then attempt to obtain an advantage due to the same improper self-
23 help. Gerry is asking for things to return to how they were until a proper court hearing and
24 determination can be made. Gerry has his health issues, but he has his mental faculties which has
25 not been disputed, and he has the ability, willingness, and desire to continue to care for his wife.
26
27
28

1 Based upon the above, this Court should deny the Petition to Appoint Robyn Friedman
2 and Donna Simons as temporary or general guardians of June. If the Court determines that June
3 is incapacitated and needs a guardian, then it should appoint Gerry, June's husband of nine years,
4 as temporary and/or general guardian of her person and estate.

5 Gerry also prays:

6
7 1. That the Court direct the Clerk to issue letters of guardianship to Rodney Gerald
8 Yeoman;

9 2. That the Court direct that if the value of June's cumulative assets and income is
10 less than \$10,000 that they be placed in an unblocked guardianship account and allow for
11 summary administration;

12 3. That Rodney Gerald Yeoman be allowed to serve as guardian without bond;

13 4. That Rodney Gerald Yeoman be allowed to create and implement a care plan for
14 June;

15 5. That Rodney Gerald Yeoman have access to all historical financial, medical, and
16 government records and information pertaining to June, including for purposes of HIPPA;

17 6. That the Court grant Rodney Gerald Yeoman every power and authority permitted
18 by statute as June's legal guardian;

19 7. That the Court suspend any general durable power of attorney or healthcare power
20 of attorney documents previously executed by June during the duration of the temporary and
21 general guardianship;

22 8. That the Court order any other relief it deems appropriate.

23
24 Dated this 2nd day of October, 2019.

KEHOE & ASSOCIATES

25
26 /s/ Ty E. Kehoe

27 Ty E. Kehoe, Esq.

Matthew C. Piccolo, Esq.

28 PICCOLO LAW OFFICES

VERIFICATION

I, Rodney Gerald Yeoman, hereby declare I am the husband of June discussed above; that I have read the foregoing Opposition to Appointment of Temporary Guardian and General Guardian and Counter-Petition for Appointment of Temporary Guardian of the Person and Estate and Issuance of Letters of Temporary Guardianship, and Counter-Petition for Appointment of General Guardian of the Person and Estate and Issuance of Letters of General Guardianship and know the contents thereof; that the same are true and accurate according to my best knowledge.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

By:

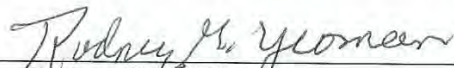

Rodney Gerald Yeoman

EXHIBIT A

4805639900

RESIDENCE INN DESERT VIEW

09:16:52 p.m. 09-09-2019

1/9



PHOENIX POLICE DEPARTMENT (0723)

Incident Report

Incident Number 201900001550990		CFS Incident # 201901550990
Report Type Incident Report		Page 1 of 7
Date / Time Occurred 09/07/2019 08:00 to		Date / Time Reported 09/07/2019 08:19

Arrested Suspects	Additional Suspects	Unknown Suspects	Victims	Other Persons 5	Vehicles	Items	Evidence Count	Leoka Count	Related Report #
<input type="checkbox"/> Arson Related Arson Code					Damage Value		<input type="checkbox"/> Bias Crime <input type="checkbox"/> Gang Involved <input type="checkbox"/> Domestic Violence		
Incident Details									
Squad 63B	Clearance Disposition			Cleared by Exception			Exceptional Clearance Date		
Situation Found					Status				
Location Given By Dispatcher E MAYO BLVD					Cargo Theft NO				
Incident Address									
Street Address E MAYO BLVD									
City PHOENIX		State ARIZONA			Zip 85054		Country Code UNITED STATES OF AMERICA (USA)		
Administrative Info									
Reporting Officer TULEY, MICHELLE		Serial # 08682							
OFFENSE									
<input checked="" type="checkbox"/> Primary Offense									
Offense Description FI. 600									
Offense/Statute Code FI-600 010		Severity		Attempted/Completed COMPLETED		Premise Type HOTEL / MOTEL			
Circumstances		Bias NONE				Bias 2			
Bias 3		Bias 4				Bias 5			
Criminal Activity 1		Criminal Activity 2				Criminal Activity 3			
Offender Using 1		Offender Using 2				Offender Using 3			
# Premise Entered	Home Invasion	Domestic Violence		Gang Activity					
Primary Gang Type		Primary Gang Name							
Secondary Gang Type		Secondary Gang Name							
Drug Related	Drug Type	Drug Origin		Drug Precursors					
MO Panel	Entry Type	Entry Area		Entry Method					
Entry Point 1		Entry Point 2		Exit Point 1					
Exit Point 2		Target Area		Property Target 1					
Property Target 2		Property Target 3		Victim Target					
Time of Day		Victim Activity		Action 1 to Premises					
Action 2 to Premises		Action 3 to Premises		Action 1 on Victim					
Action 2 on Victim		Action 3 on Victim		Other Action 1					
Other Action 2		Other Action 3		Solicited Offered 1					
Solicited Offered 2		Solicited Offered 3		Weapon 1					
Weapon 1 Auto		Weapon 2		Weapon 2 Auto					
Weapon 3		Weapon 3 Auto		Arson					
Precipitating Circumstance		Instrument Used							
Comments									

PUBLIC RECORDS
Released pursuant to
A.R.S. 39-121, Et. Seq
To:

4805639900

RESIDENCE INN DESERT VIEW

09:17:10 p.m.

09-09-2019

2 / 9



PHOENIX POLICE DEPARTMENT (0723)

Incident Report

Incident Number 201900001550990		CFS Incident # 201901550990
Report Type Incident Report		Page 2 of 7
Date / Time Occurred 09/07/2019 08:00 to		Date / Time Reported 09/07/2019 08:19

OTHER PERSON	Person Type REPORTING PERSON														
Name (Last, First Middle) POWELL, RICHARD											Suffix				
Primary Language		Nickname		Race WHITE		Sex MALE		SSN [REDACTED]		Date of Birth [REDACTED]		Age 77		Age Range to	
Height 5'10"		Weight 200		Driver's License # [REDACTED]		DL State NEVADA		Can Identify Suspect?							
Place of Birth				Citizenship				Ethnicity NON-HISPANIC				Marital Status MARRIED			
ICE Contact Date			ICE Phone #			ICE Response									
Home Phone			Cell Phone			Email Address			Additional Email or Social Media Handle			Social Media Types			

4805639900

RESIDENCE INN DESERT VIEW

09:17:30 p.m. 09-09-2019

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PHOENIX POLICE DEPARTMENT (0723)

Incident Report

Incident Number 201900001550990		CFS Incident # 201901550990
Report Type Incident Report		Page 3 of 7
Date / Time Occurred 09/07/2019 08:00 to		Date / Time Reported 09/07/2019 08:19

Primary Language	Nickname	Race WHITE	Sex FEMALE	SSN	Date of Birth	Age 64	Age Range to
Height 5'01"	Weight 180	Driver's License #	DL State ARIZONA	Can Identify Suspect?			
Place of Birth	Citizenship		Ethnicity HISPANIC	Marital Status			
ICE Contact Date	ICE Phone #	ICE Response					
Home Phone	Cell Phone	Email Address	Additional Email or Social Media Handle			Social Media Types	
Other Person Home Address							
Street Address							
City PHOENIX	State ARIZONA		Zip 85041	Country Code			
Employment Information							
<input type="checkbox"/> Student	<input type="checkbox"/> Homeless	Employer / School BRIGHTSTAR	Occupation CARE GIVER				
Street Address							
City	State		Zip	Country Code			
Details							
Work Phone	Hours of Employment	Hair Color BLACK	Hair Length SHOULDER	<input type="checkbox"/> Glasses			
Eye Color BROWN	Build AVERAGE	Facial Hair	Voice	Complexion MEDIUM			
Resident U.S. RESIDENT	Teeth						
Gang Information							
<input type="checkbox"/> Primary Gang	Primary Gang Name		Primary Gang Membership Info				
Primary Gang Location Info		Rival Gang Name					
Colors/Logos							
<input type="checkbox"/> Secondary Gang	Secondary Gang Name		Secondary Gang Membership Info				
Secondary Gang Location		Rival Gang Name					
Colors/Logos							
<input type="checkbox"/> Clothing or Colors	<input type="checkbox"/> Gang Tattoos	<input type="checkbox"/> Paraphernalia or Photographs	<input type="checkbox"/> Self Proclamation	<input type="checkbox"/> Witness Testimony/Statement	<input type="checkbox"/> Written/Electronic Correspondance		
Other							
Guardian Information							
<input type="checkbox"/> Guardian Notified	Guardian Notified By		Notified Method		Guardian Notified On		
Guardian Of		Guardian Relationship					

OTHER PERSON	Person Type NEXT OF KIN						
Name (Last, First Middle) JONES, KIMBERLY							
Suffix							
Primary Language	Nickname	Race WHITE	Sex FEMALE	SSN	Date of Birth	Age 45	Age Range to 50
Height 5'02"	Weight 120	Driver's License #	DL State	Can Identify Suspect?			
Place of Birth	Citizenship		Ethnicity NON-HISPANIC	Marital Status			
ICE Contact Date	ICE Phone #	ICE Response					

4805639900

RESIDENCE INN DESERT VIEW

09:17:48 p.m. 09-09-2019

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PHOENIX POLICE DEPARTMENT (0723)

Incident Report

Incident Number 201900001550990		CFS Incident # 201901550990
Report Type Incident Report		Page 4 of 7
Date / Time Occurred 09/07/2019 08:00 to		Date / Time Reported 09/07/2019 08:19

Home Phone	Cell Phone	Email Address	Additional Email or Social Media Handle		Social Media Types
Other Person Home Address					
Street Address					
City LAS VEGAS	State NEVADA	Zip	Country Code		
Employment Information					
<input type="checkbox"/> Student	<input type="checkbox"/> Homeless	Employer / School	Occupation		
Street Address					
City	State	Zip	Country Code		
Details					
Work Phone	Hours of Employment	Hair Color BLOND OR STRAWBERRY	Hair Length LONG	<input type="checkbox"/> Glasses	
Eye Color	Build THIN	Facial Hair	Voice	Complexion	
Resident U.S. RESIDENT					
Gang Information					
<input type="checkbox"/> Primary Gang	Primary Gang Name		Primary Gang Membership Info		
Primary Gang Location Info		Rival Gang Name			
Colors/Logos					
<input type="checkbox"/> Secondary Gang	Secondary Gang Name		Secondary Gang Membership Info		
Secondary Gang Location		Rival Gang Name			
Colors/Logos					
<input type="checkbox"/> Clothing or Colors	<input type="checkbox"/> Gang Tattoos	<input type="checkbox"/> Paraphernalia or Photographs	<input type="checkbox"/> Self Proclamation	<input type="checkbox"/> Witness Testimony/Statement	<input type="checkbox"/> Written/Electronic Correspondence
Other					
Guardian Information					
<input type="checkbox"/> Guardian Notified	Guardian Notified By		Notified Method		Guardian Notified On
Guardian Of		Guardian Relationship			

OTHER PERSON	Person Type INVESTIGATIVE LEAD				
Name (Last, First Middle) BUTLER, JACK					Suffix
Primary Language	Nickname	Race WHITE	Sex MALE	SSN	Date of Birth
Age	Age Range 65 to 70				
Height 6'00"	Weight 200	Driver's License #	DL State	Can Identify Suspect?	
Place of Birth	Citizenship	Ethnicity NON-HISPANIC		Marital Status	
ICE Contact Date	ICE Phone #	ICE Response			
Home Phone	Cell Phone	Email Address	Additional Email or Social Media Handle		Social Media Types
Other Person Home Address					
Street Address					
DEWEY		ARIZONA	Zip	Country Code	

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RESIDENCE INN DESERT VIEW

09:18:06 p.m. 09-09-2019

5/9



PHOENIX POLICE DEPARTMENT (0723)

Incident Report

Incident Number 201900001550990		CFS Incident # 201901550990
Report Type Incident Report		Page 5 of 7
Date / Time Occurred 09/07/2019 08:00 to		Date / Time Reported 09/07/2019 08:19

Employment Information			
<input type="checkbox"/> Student	<input type="checkbox"/> Homeless	Employer / School	Occupation
Street Address			
City	State	Zip	Country Code
Details			
Work Phone	Hours of Employment	Hair Color GRAY OR PARTIALLY GRAY	Hair Length SHORT <input type="checkbox"/> Glasses
Eye Color	Build	Facial Hair GOATEE	Voice
Resident U.S. RESIDENT	Teeth	Complexion	
Gang Information			
<input type="checkbox"/> Primary Gang	Primary Gang Name	Primary Gang Membership Info	
Primary Gang Location Info		Rival Gang Name	
Colors/Logos			
<input type="checkbox"/> Secondary Gang	Secondary Gang Name	Secondary Gang Membership Info	
Secondary Gang Location		Rival Gang Name	
Colors/Logos			
<input type="checkbox"/> Clothing or Colors	<input type="checkbox"/> Gang Tattoos	<input type="checkbox"/> Paraphernalia or Photographs	<input type="checkbox"/> Self Proclamation
<input type="checkbox"/> Witness Testimony/Statement		<input type="checkbox"/> Written/Electronic Correspondence	
Other			
Guardian Information			
<input type="checkbox"/> Guardian Notified	Guardian Notified By	Notified Method	Guardian Notified On
Guardian Of		Guardian Relationship	

OTHER PERSON	Person Type INVESTIGATIVE LEAD						
Name (Last, First Middle) JONES, JUNE							Suffix
Primary Language	Nickname	Race WHITE	Sex FEMALE	SSN	Date of Birth	Age 82	Age Range to
Height 5'03"	Weight 140	Driver's License #	DL State	Can Identify Suspect?			
Place of Birth		Citizenship		Ethnicity NON-HISPANIC	Marital Status MARRIED		
ICE Contact Date	ICE Phone #	ICE Response					
Home Phone	Cell Phone	Email Address	Additional Email or Social Media Handle		Social Media Types		
Street Address							
City	State	Zip	Country Code				
Employment Information							
<input type="checkbox"/> Student	<input type="checkbox"/> Homeless	Employer / School	Occupation				
Street Address							
City	State	Zip	Country Code				
Details							

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RESIDENCE INN DESERT VIEW

09:18:25 p.m. 09-09-2019

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PHOENIX POLICE DEPARTMENT (0723)
Incident Report

Incident Number 201900001550990		CFS Incident # 201901550990
Report Type Incident Report		Page 6 of 7
Date / Time Occurred 09/07/2019 08:00 to		Date / Time Reported 09/07/2019 08:19

Work Phone	Hours of Employment	Hair Color BLOND OR STRAWBERRY	Hair Length OVER EARS	<input type="checkbox"/> Glasses
Eye Color BROWN	Build AVERAGE	Facial Hair	Voice	Complexion LIGHT
Resident U.S. RESIDENT	Teeth			
Gang Information				
<input type="checkbox"/> Primary Gang	Primary Gang Name	Primary Gang Membership Info		
Primary Gang Location Info		Rival Gang Name		
Colors/Logos				
<input type="checkbox"/> Secondary Gang	Secondary Gang Name	Secondary Gang Membership Info		
Secondary Gang Location		Rival Gang Name		
Colors/Logos				
<input type="checkbox"/> Clothing or Colors	<input type="checkbox"/> Gang Tattoos	<input type="checkbox"/> Paraphernalia or Photographs	<input type="checkbox"/> Self Proclamation	<input type="checkbox"/> Witness Testimony/Statement
<input type="checkbox"/> Written/Electronic Correspondance				
Other				
Guardian Information				
<input type="checkbox"/> Guardian Notified	Guardian Notified By	Notified Method	Guardian Notified On	
Guardian Of	Guardian Relationship			

Narrative Information

ON 090719 AT 0828 HOURS, I WAS DISPATCHED TO 5665 EAST MAYO BOULEVARD, RESIDENCE INN HOTEL, REFERENCE A CHECK WELFARE. DETAILS ON THE CALL STATED THE COMPLAINANT'S MOTHER-IN-LAW WAS TAKEN BY HER DAUGHTER TO AN UNKNOWN LOCATION AGAINST HER WILL.

UPON MY ARRIVAL, I CONTACTED RICHARD POWELL WHO TOLD ME THE FOLLOWING:

HIS FATHER-IN-LAW, JERRY YEOMAN, IS IN THE MAYO HOSPITAL AND HIS WIFE, JUNE JONES, WAS STAYING AT THE RESIDENCE INN HOTEL NEXT DOOR WHILE HE WAS GETTING TREATMENT FOR THE LAST SIX DAYS. RICHARD AND HIS WIFE FLEW IN FROM LAS VEGAS LAST NIGHT, AND HE SAID HE GOT A CAREGIVER FOR JUNE WHILE THEY ARE IN TOWN SINCE JUNE HAD HIP SURGERY AND NEEDS ASSISTANCE AT TIMES MOVING AROUND.

TODAY, RICHARD WAS NOTIFIED BY THE CAREGIVER THAT JUNE'S DAUGHTER, KIMBERLY JONES, AND SON-IN-LAW, JACK BUTLER, CAME TO THE RESIDENCE INN HOTEL AND TOOK JUNE AGAINST HER WILL TO AN UNKNOWN LOCATION. RICHARD SAID YESTERDAY, 090619, KIMBERLY AND HER OTHER TWO SISTERS WERE TRYING TO GET POWER OF ATTORNEY OVER JUNE, BUT THE JUDGE DENIED IT. HE BELIEVED KIMBERLY CAME TO PHOENIX TO TAKE JUNE AWAY TO LIVE WITH EITHER KIMBERLY IN CALIFORNIA, OR JACK IN DEWEY, ARIZONA. I ASKED IF HE BELIEVED JUNE WAS IN ANY IMMEDIATE DANGER, AND HE SAID NO. HE WAS NOT AWARE OF ANY PAST VIOLENCE OR THREATS TO HARM JUNE.

I THEN SPOKE TO THE CAREGIVER, LAURA ROCHA, WHO SAID SHE WAS AT BREAKFAST WITH JUNE IN THE LOBBY OF THE HOTEL WHEN A WHITE FEMALE WHO IDENTIFIED HERSELF AS KIMBERLY AND A WHITE MALE WHO IDENTIFIED HIMSELF AS JACK WALKED UP TO THE TABLE. JACK STOOD BY LAURA'S CHAIR SO SHE COULD NOT MOVE, AND KIMBERLY SAID TO JUNE, "HI MOM IT'S KIMBERLY. WE'RE GONNA GO HAVE A BAGEL THEN GO SEE JERRY." LAURA SAID JUNE TOLD THEM AT LEAST THREE TIMES SHE DID NOT WANT TO GO WITH THEM, AT WHICH TIME KIMBERLY SAID, "WELL YOU'RE GOING." SHE TOOK AHOLD OF JUNE'S WHEELCHAIR AND LEFT THROUGH THE HOTEL LOBBY ENTRANCE/EXIT. LAURA SAID SHE DID NOT FOLLOW THEM SO SHE DID NOT SEE THEM ENTER A

4805639900

RESIDENCE INN DESERT VIEW

09:18:48 p.m. 09-09-2019

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PHOENIX POLICE DEPARTMENT (0723)

Incident Report

Incident Number 201900001550990		CFS Incident # 201901550990
Report Type Incident Report		Page 7 of 7
Date / Time Occurred 09/07/2019 08:00 to		Date / Time Reported 09/07/2019 08:19

VEHICLE.

I ASKED LAURA WHAT THEY LOOKED LIKE, AND SHE DESCRIBED JACK AS A WHITE MALE AGE 65-70 WEARING A T-SHIRT, WITH GRAY HAIR AND A GOATEE. SHE DESCRIBED KIMBERLY AS A WHITE FEMALE AGE 45-50, THIN BUILD, WEARING BLACK YOGA PANTS AND SUNGLASSES, AND BELIEVED SHE WAS WEARING A LONG ASH BLONDE WIG. AFTER SPEAKING WITH RICHARD, HE DESCRIBED KIMBERLY AS NATURALLY HAVING LONG, STRAIGHT, DIRTY BLONDE HAIR.

SERGEANT MICSUNESCU WAS ON SCENE AND I ALSO ADVISED SERGEANT MALDONADO OF THE INCIDENT. IT WAS DETERMINED THAT THIS INCIDENT DID NOT MEET THE CRITERIA FOR A KIDNAPPING OR MISSING PERSON REPORT.

OFFICER JOHNSON #9306 WAS ALSO ON SCENE AND ABLE TO GET AHOLD OF JUNE'S OTHER DAUGHTER, ROBIN FRIEDMAN (702-234-6304). SHE ADVISED THAT JUNE SUFFERS FROM DEMENTIA AND KIMBERLY HAS HAD POWER OF ATTORNEY SINCE 2012, AND HAD DOCUMENTS SHOWING THAT. SHE EMAILED THE DOCUMENTS TO ME, WHICH I INCLUDED IN THIS REPORT.

SHE ALSO SAID THAT JUNE HAS LIVED WITH KIMBERLY FOR THE LAST FIVE MONTHS IN LAS VEGAS, NOT CALIFORNIA, AND HAS BEEN TAKING CARE OF HER. SHE SAID THE JUDGE IN THE COURT HEARING YESTERDAY, 090619, DID NOT DECIDE ANYTHING, AND THE POA PAPERWORK WAS STILL VALID.

THIS FI WAS GENERATED TO DOCUMENT THE INCIDENT.

NOTHING FURTHER.

Public Narrative

DECLARATION OF

9-7-2011

at approx. 745A I took Ms Jones for Breakfast in Lobby Area. A Lady with long Hair Wig (ASH), Sun glasses approached Ms. Jones to greet her with a tall man. They introduced themselves as Daughter Kimberly & Son in Law Jack. They TOLD Ms. Jones that they taking her for a Bagel Ms. Jones said, "No I don't want to go. So she then said yes we will go for a Bagel & go visit Jerry. So Ms Jones said, "I don't want to go" anywhere. So Kimberly in firm voice said Well your going to have a Bagel & pulled wheel chair spun it around & left toward ^{entrance} Exit doors. Jack stood blocking my chair holding conversation with me. When he turned toward door saw they were outside. He grab hard boiled Egg placed on Napkin & left.

Jan Roch

I declare under penalties of Perjury in the State of Nevada that the above is true & correct.

ARIZONA NOTARY ACKNOWLEDGEMENT (JURAT)

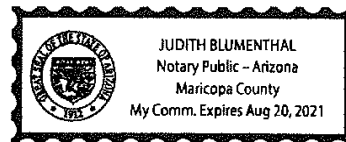
State of Arizona)
County of MARICOPA)

Subscribed and sworn (or affirmed) before me this 9th day of September, 2019,
by ROCHA LAURA LUPE B (name of signer).

Judith Blumenthal
Notary Public Signature

(Seal)

NOTARY
Title or Rank



Serial Number, if any

My Commission Expires: Aug 20, 2021

DECLARATION OF TRUTH. 1 PAGE.

EXHIBIT B



LAW OFFICES

JOHNSON & JOHNSON

1160 NORTH TOWN CENTER DRIVE, SUITE 390

LAS VEGAS, NEVADA 89144

PHONE: (702) 384 - 2830

FAX: (702) 385 - 3059

CHARLES WILLIAM JOHNSON*

DAVID CHARLES JOHNSON**

RYAN DAVID JOHNSON

WEBSITE: WWW.JOHNSONLEGAL.COM

EMAIL: DCJ@JOHNSONLEGAL.COM

EMAIL: RDJ@JOHNSONLEGAL.COM

1931-2011*

ALSO LICENSED IN CALIFORNIA**

August 5, 2019

Richard and Candice Powell

2540 E. Harmon

Las Vegas, Nevada 89121

Via Certified Mail; US Mail and email: rpowell@kds.org

Re: June Jones

Mr. and Mrs. Powell:

Our firm has been retained by Kimberly Jones, Attorney-in-Fact under a Power of Attorney executed by June Jones on October 24, 2012.

One of the responsibilities of an agent under a Power of Attorney is to marshal and take possession of the assets of the principal. On behalf of Kimberly Jones, I respectfully that you provide a brief list of June's assets* over which you have dominion and control (including assets not in your control to which you have knowledge). Please provide the requested list to my office within (7) calendar days of the date of this letter.

Thank you for your full cooperation in this matter.

If you have any questions regarding this demand, please contact me immediately.

Regards,

JOHNSON & JOHNSON

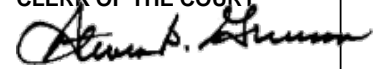
DocuSigned by:
David C. Johnson, Esq.
F8ACFF47CD90478...
DAVID C. JOHNSON, ESQ.

DCJ/mlg

cc: Kimberly Shannon Jones (via email)

*real property, personal property, documents, bank statements, deeds, ledgers, letters, cash, jewelry, clothing and otherwise

EXHIBIT C



KEHOE & ASSOCIATES
Ty E. Kehoe, Esq.
Nevada Bar No. 006011
871 Coronado Center Drive, Suite 200
Henderson, Nevada 89052
Telephone: (702) 837-1908
Facsimile: (702) 837-1932
TyKehoeLaw@gmail.com
Attorney for Richard Powell and Rodney Gerald Yeoman

**DISTRICT COURT
CLARK COUNTY, NEVADA**

In the Matter of the General Power of
Attorney of:

JUNE JONES.

Case No.: P-19-100166-E
Dept. No.: PC1

Date: September 6, 2019
Time: 9:30 a.m.

**OPPOSITION TO PETITION FOR CONFIRMATION OF AGENT UNDER POWER OF
ATTORNEY PURSUANT TO NRS 162A.330
AND COUNTER MOTION TO EXPUNGE LIS PENDENS**

Richard Powell ("Powell"), the son-in-law of June Jones, and Rodney Gerald Yeoman ("Yeoman"), the husband of June Jones, by and through their counsel Ty E. Kehoe, Esq.,¹ hereby submit this Opposition to Petition for Confirmation of Agent under Power of Attorney Pursuant to NRS 162A.330, and Counter Motion to Expunge Lis Pendens. This Opposition is based upon the argument contained herein, the papers on file in this action, and any oral argument and evidence to be presented at the time of any hearing.

Dated this 4th day of September, 2019.

KEHOE & ASSOCIATES

/s/Ty E. Kehoe

Ty E. Kehoe, Esq.

¹ Yeoman has standing as the spouse of June Jones. Powell has standing, at a minimum, as the owner of Kraft Way Real Property which is subject to a Lis Pendens filed herein, and because Counsel for Petitioner has sent Powell a demand letter citing the POA as authority.

MEMORANDUM OF POINTS AND AUTHORITIES

Summary

The relief requested in the Petition is not supported by the only legal authority cited in the Petition (NRS 162A.330), proper notice appears to have not been given, and the alleged General Power of Attorney ("POA") should not be confirmed for several reasons outlined below.

The legal authority cited in the Petition does not support the relief requested in the Petition.

The Petition cites to only one legal authority: NRS 162A.330. However, the Petition does not even quote that statute, which says:

NRS 162A.330 Judicial relief.

1. The following persons may petition a court to construe a power of attorney or review the agent's conduct, and grant appropriate relief:

- (a) The principal or the agent;
- (b) A guardian or other fiduciary acting for the principal;
- (c) A person authorized to make health care decisions for the principal;
- (d) The principal's spouse, parent or descendant;
- (e) An individual who would qualify as a presumptive heir of the principal;
- (f) A person named as a beneficiary to receive any property, benefit or contractual right on the principal's death or as a beneficiary of a trust created by or for the principal that has a financial interest in the principal's estate;
- (g) A governmental agency having regulatory authority to protect the welfare of the principal;
- (h) A person asked to accept the power of attorney; or
- (i) The principal's caregiver or another person who demonstrates sufficient interest in the principal's welfare.

2. Upon motion by the principal, the court shall dismiss a petition filed under this section, unless:

- (a) The court finds that the principal lacks capacity to revoke the agent's authority or the power of attorney; or
- (b) A governmental agency has asserted abuse by the agent regarding the agent's actions under the power of attorney.

The statute calls for "constru[ing] a power of attorney or review[ing] the agent's conduct."

However, the Petition does not raise any question regarding construing the POA (except for indirectly raising issues regarding the validity of the POA), and the Petition is brought by the

1 alleged agent and so it is not seeking to review her own conduct.

2 There does not appear to be a process in the statutes or case law to have this Court
3 confirm an attorney-in-fact, nor to have this Court assume jurisdiction of this matter (whatever
4 that phrase might be intended to mean in the context of a power of attorney) as requested in the
5 Petition (see Petition page 2, line 20). It appears the Petitioner is extrapolating from having this
6 Court confirm a trustee and assume jurisdiction of the same, or possibly extrapolating from
7 guardianship law; however, neither of those situations appear to be legally applicable to a
8 power of attorney as we have here.

9
10 **At this time the alleged General Power of Attorney should be construed as unenforceable.**

11 This Court should construe the POA as unenforceable at this time, and June's Husband,
12 Yeoman, requests the same pursuant to NRS 162A.330(d), for the following reasons:

13 1 – June was not provided notice of the Petition. According to the certificates of service
14 filed herein, notice was provided to June by mailing to the Petitioner in California. It is entirely
15 unclear upon what basis Petitioner believes it appropriate to seek to enforce a document against
16 June without providing notice to June. Even if severe incapacity were alleged (which is not the
17 case here²), notice to a proposed ward is still required in the context of a guardianship.
18 Certainly it should be required in this context. Additionally, notice was not provided to June's
19 husband.
20

21 2 – An original of the POA has not been provided. Counsel for Powell and Yeoman
22 has made multiple requests to determine whether an original exists, but no answer has been
23 received.
24

25 3 – A full copy of the alleged General Power of Attorney has not been provided to the
26 Court. The Exhibit attached to the Petition includes only pages 2, 3 and 4, of 5 total pages.
27

28

2 Upon information and belief, there is no medical determination that June Jones is incompetent.

1 4 – The POA is not dated by June Jones. The POA specifically states: “You must date
2 and sign this power of attorney,” which is also the statutory language from NRS 162A.620.

3 5 – Petitioner has been unwilling to share any explanation regarding the creation of the
4 POA. The POA was signed seven years ago. It is unclear whether the document was signed for
5 a short term basis (ie. June being out of the country for a trip), or whether it was signed as some
6 estate plan (of which no additional documents are known). The POA includes the firm name of
7 Johnson & Johnson as a footer on the document; however, upon information and belief, David
8 Johnson denies his firm was involved with preparing the same.

9 6 – Upon information and belief, the Petitioner has taken control of June’s bank account,
10 and has repeatedly emptied the same. These actions have been taken even before this Court has
11 ruled upon the Petition. Petitioner has refused to provide any accounting of June’s money.
12

13 7 - Counsel for Powell and Yeoman has reached out via email and voice mail to the
14 Notary listed on the POA, to obtain a copy of the notary book, and receive any background
15 information that might be available; however, no response has yet been received.
16

17 **Conclusion**

18 Based upon the above, this Court should not “assume jurisdiction over this matter,” and
19 the Court should construe the document attached to the Petition as unenforceable at this time
20 based upon the lack of information that exists so far. Additionally, the Court should expunge
21 the Lis Pendens filed herein and recorded with the Clark County Recorder, as discussed further
22 below.
23

24 Dated this 4th day of September, 2019.

KEHOE & ASSOCIATES

/s/ Ty E. Kehoe

Ty E. Kehoe, Esq.

26 **COUNTER-MOTION TO EXPUNGE LIS PENDENS**

27 Richard Powell (“Powell”), by and through his counsel Ty E. Kehoe, Esq., hereby files
28

1 this Counter-Motion to Expunge Lis Pendens. This Counter-Motion is based upon the
2 argument contained herein, the papers on file in this action, and any oral argument and evidence
3 to be presented at the time of any hearing.

4 Dated this 4th day of September, 2019.

KEHOE & ASSOCIATES

/s/Ty E. Kehoe

Ty E. Kehoe, Esq.

6
7 **MEMORANDUM OF POINTS AND AUTHORITIES**

8 Petitioner herein on August 1, 2019, improperly obtained a Lis Pendens in connection
9 with this action as to 6277 W. Kraft Avenue, Las Vegas, NV, 89130, APN 138-02-511-076
10 (“Kraft Way”), and then on August 1, 2019 improperly recorded that Lis Pendens with the
11 Clark County Recorder. Kraft Way is owned by Powell.³ There is no litigation pending as to
12 Kraft Way, and thus the Lis Pendens is improper and should be expunged pursuant to NRS
13 14.015.
14

15 Pursuant to NRS 14.015(1) a defendant may request that the court hold a hearing on the
16 notice of lis pendens and such hearing shall be set as soon as practicable taking precedence over
17 all other civil matters except a motion for a preliminary injunction. NRS 14.015(2) requires,
18 upon 15 days notice, the party who recorded the lis pendens to appear at the hearing and,
19 through affidavits and other evidence which the court may permit, establish to the satisfaction
20 of the court that:
21

- 22 (a) The action is for the foreclosure of a mortgage upon the real property
23 described in the notice or affects the title or possession of the real property
described in the notice;
- 24 (b) The action was not brought in bad faith or for an improper motive;
- 25 (c) The party who recorded the notice will be able to perform any conditions
26 precedent to the relief sought in the action insofar as it affects the title or
possession of the real property; and
27

28 ³ Powell purchased Kraft Way from June in January 2018. June’s children, including the Petitioner are now
questioning the appropriateness of that sale; however, no litigation has been commenced. In any case, pursuant to
statute, Petitioner is required to properly establish the appropriateness of the Lis Pendens pursuant to NRS 14.015.

1 (d) The party who recorded the notice would be injured by any transfer of an
2 interest in the property before the action is concluded.

3 Further, NRS 14.015(3) also requires the party who recorded the lis pendens establish
4 either:

5 (a) That the party who recorded the notice is likely to prevail in the action; or

6 (b) That the party who recorded the notice has a fair chance of success on the
7 merits in the action and the injury described in paragraph (d) of subsection 2
8 would be sufficiently serious that the hardship on him or her in the event of a
9 transfer would be greater than the hardship on the defendant resulting from
the notice of pendency,

10 - and that if the party who recorded the notice prevails he or she will be
11 entitled to relief affecting the title or possession of the real property.

12 NRS 14.015(4) permits the party opposing the notice of the pendency of an action to
13 submit counter-affidavits and other evidence which the court permits.

14 “If the court finds that the party who recorded the notice of pendency of the action has
15 failed to establish any of the matters required by subsection [NRS 14.015(2)], the court shall
16 order the cancellation of the notice of pendency and shall order the party who recorded the
17 notice to record with the recorder of the county a copy of the order of cancellation. The order
18 must state that the cancellation has the same effect as an expungement of the original notice.”

19 See NRS 14.015(5).

20 Here, there is absolutely no action regarding Kraft Way. And, even if the Power of
21 Attorney is confirmed (as argued against above), still any action in connection with Kraft Way
22 would presumably not be appropriately pursued in probate court. Therefore, the Lis Pendens
23 should be expunged and Petitioner should be ordered to immediately record an order stating the
24 same, as outlined in NRS 14.015(5).
25
26

27 Dated this 4th day of September, 2019.

KEHOE & ASSOCIATES

/s/ Ty E. Kehoe

Ty E. Kehoe, Esq.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 4th day of September, 2019, I served a true and correct copy of the Opposition to Petition for Confirmation of Agent under Power of Attorney Pursuant to NRS 162A.330, and Counter Motion to Expunge Lis Pendens via electronic service to the following, or via US First Class Mail postage pre-paid to the addresses listed:

David C. Johnson, Esq.
Counsel for Petitioner

Donna Simmons
1054 S. Verde Street
Anaheim, CA 92805

Teri Butler
586 N. Magdalena Street
Dewey, AZ 86327

Scott Simmons
1054 S. Verde Street
Anaheim, CA 92805

Robyn Nicole Friedman
2824 High Sail Court
Las Vegas, NV 89117

June Jones
2632 E. Harmon Avenue
Las Vegas, NV 89121

/s/ Ty E. Kehoe
Ty E. Kehoe

EXHIBIT D

How are you going
to fix this?

Why does Dick own
my house,

Why won't you come
back and live
with me at the
Kraff house even
if my kids are here

I don't want to
live at Dicks
house.
Do you want to be
with me.

Steven D. Grierson

OPPO
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Attorneys for Respondent Kimberly Jones

DISTRICT COURT

CLARK COUNTY, NEVADA

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

KATHLEEN JUNE JONES

An Adult Protected Person.

Case No.: G-19-052263-A
Dept.: B

Date of Hearing: October 3, 2019
Time of Hearing: 9:00 a.m.

**OPPOSITION TO EX PARTE PETITION FOR APPOINTMENT OF TEMPORARY AND
GENERAL GUARDIAN OF THE PERSON AND ESTATE;**

**ALTERNATIVELY, COUNTER-PETITION FOR APPOINTMENT OF KIMBERLY
JONES AS TEMPORARY AND GENERAL GUARDIAN OF THE PERSON AND
ESTATE**

☒ **TEMPORARY GUARDIANSHIP**

- ☐ Person
☐ Estate
☒ Person and Estate

☐ **GENERAL GUARDIANSHIP**

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

☐ **SPECIAL GUARDIANSHIP**

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

☐ **NOTICES/SAFEGUARDS**

- ☐ Blocked Account Required
☐ Bond Required

Kimberly Jones, by and through her counsel of record, Jeffrey P. Luszeck, Esq., and Ross E. Evans, Esq., of the law firm Solomon Dwiggins & Freer, Ltd., hereby opposes the *Ex Parte* Petition for Appointment of Temporary Guardians and Petition for Appointment of General Guardians filed by Petitioners Robyn Friedman and Donna Simmons on September 19, 2019. In the alternative, should this Court determine that a Guardianship is necessary, Kimberly Jones ("Kim") hereby Petitions this Court to appoint her as the Temporary and General Guardian of the

Person and Estate of Kathleen June Jones ("June"), and requests that this Court revoke the letters of guardianship previously issued to Robyn Friedman and Donna Simmons. In support thereof, and pursuant to NRS 159, Kim submits the following Memorandum of Points and Authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

A. INTRODUCTION.

Petitioners Robyn Friedman and Donna Simmons spin a confusing and sometimes false narrative in their *Ex Parte* Petition for an emergency and temporary guardianship based primarily on facts they discovered nearly 7 months ago. There was no basis for the *ex parte* and immediate appointment of temporary guardians in this case except for Petitioners unjustified fears that Kim was not capable of protecting their mother as her attorney-in-fact. This unilateral *ex parte* action by Petitioners has been disruptive to Kim's authority under June's power of attorney. Petitioners have put 24/7 caregivers in place, where there was no need, and despite the fact that Kim has been residing and caring for their mother for months, while Petitioners were absent and non-communicative. Now, Petitioners exalt Kim's caregiving of June, however, they still second-guess and decry the manner in which Kim has responded (or as they allege, Kim failed to respond) to elder abuse allegations by third-party bad-actors. There is no merit to Petitioner's claims that Kim has failed to respond. Rather, Petitioners are simply dissatisfied with Kim's autonomy as the attorney-in-fact, as they have demanded instantaneous access to all of June's financial information and on the spot decision-making by June.

In May of 2019, when June's needs for caregiving became clear, Kim resigned from her job so as to relocate to live with her mother to provide around-the-clock care for her. Kim is uniquely qualified and suited to be her mother's attorney-in-fact or guardian. Kim has a master's degree in Gerontology from Cal. State. Kim is a certified Nurse Assistant in the State of California, and prior to recently resigning, was employed by the State of California Department of Aging, Long-Term Care Ombudsm as a Residential Care for the Elderly Administrator. Kim has professional experience as being: (1) a Conflict Resolution Mediator with the Orange County Court System; (2) a Domestic Violence Counselor; (3) an Elder Mediator; (4) a Professional

1 Supervised Family Court Visitation Monitor, handling in excess of 450 cases; and (5) the
2 Director of Social Services for a skilled nursing facility in California.¹

3 Contrary to Petitioners' allegations, Kim has successfully been utilizing June's October
4 24, 2012 financial power of attorney to obtain banking records and evidence of financial elder
5 abuse and misconduct to pursue claims against the bad-actors. Kim has initiated a complaint with
6 Adult Protective Services and with the LVMPD elder abuse detail. Kim has assisted with the
7 criminal investigation by performing interviews and providing documents she obtained with the
8 power of attorney and by filling in factual details. Prior to the initiation of this Guardianship
9 proceeding, Kim had retained counsel to advise her, and to potentially initiate litigation for elder
10 abuse, exploitation and conversion against the bad-actors. Kim has initiated litigation and
11 successfully defended against a retaliatory and unlawful attempt to evict her from her mother's
12 house, which Petitioners allege has already occurred (it has not). Kim and her counsel have
13 engaged in discussions with the bad-actors, which discussions indicate that a settlement with full
14 reimbursement to June is realistic.

15 Likewise, Kim has fulfilled a caregiving role for June since her needs became readily
16 apparent in or about March of 2019. Kim has successfully used June's December 27, 2005
17 Healthcare power of attorney to facilitate June's access to the healthcare she needs. Kim is fully
18 capable of protecting her mother's best interests under the powers of attorney her mother
19 established, and doing so in the manner in which June entrusted her. The powers of attorney are
20 working, and Kim has been taking the appropriate actions. While there was a breakdown in
21 communications between Kim and her sisters *after* the temporary guardianship was put in place
22 by Petitioners on an *ex parte* basis, it now appears that Kim and the Petitioners are capable of
23 repairing their family dynamic. Kim is committed to caring for her mother long-term, and
24 pursuing civil remedies and criminal process against the third-party bad-actors.

25 Kim prefers dismissal of the Guardianship proceeding at this juncture in favor of the pre-
26 existing powers of attorney which were working and which were put in place by June to avoid

27
28 ¹ A copy of Kim's C.V. is attached hereto as **Exhibit 1**.

guardianship in the first place. Kim is committed to serving as her mother's chosen fiduciary, and it appears that the Petitioners are committed to accepting Kim's role as attorney-in-fact. Kim believes that the Guardianship is not necessary simply to work out their family's communication and trust issues, and that it is not in their mother's best interests at this juncture. To the extent Petitioners are willing, Kim is committed to implementing an informal family plan which is the proper way to address the family dynamic. This is the least restrictive means at this juncture. Accordingly, Kim requests that this Court dismiss the temporary guardianship and deny the Petition for General Guardianship, so that the family can address their issues privately in a manner that is in their mother's best interests. Alternatively, if the Court should determine that this proceeding continue, Kim requests that this Court revoke the Letters of Temporary Guardianship issued to Petitioners, that the Court appoint Kim as the Temporary Guardian, and that this proceeding only be maintained as long as necessarily required.

B. STATEMENT OF FACTS.

1. June was born on January 20, 1937 and is presently 82 years old.

2. Kimberly Jones ("Kim") is one of three daughters of June. Petitioners, Robyn Friedman and Donna Simmons are also June's daughters. June also has a son, Scott Simmons, who resides in June's rental property in Anaheim, CA.

3. June is a resident of Clark County, Nevada, residing at 6277 Kraft Avenue, Las Vegas, Nevada 89130 (the "Kraft Avenue" property).

4. In 2002, June was in a relationship with Walter Tormala ("Walter"). June and Walter resided together at the Kraft Avenue property. On January 30, 2002, Walter executed a quitclaim deed, transferring ownership of the Kraft Avenue property to himself and June as joint tenants with right of survivorship.² In 2004, Walter executed another quitclaim deed, transferring his interest in the Kraft Avenue property to June as the sole owner.³ Walter and June were

² A copy of the January 30, 2002, Quitclaim deed is attached hereto as **Exhibit 2**.

³ A copy of the 2004 Quitclaim deed is attached hereto as **Exhibit 3**.

1 engaged to be married, however, on June 6, 2007, Walter passed away.⁴ June continued to reside
2 in the Kraft Avenue property and has maintained all mortgage payments thereon.

3 5. June and Kim have always shared a close relationship. In or about 2003, June and
4 Kim opened a joint account at Bank of America in which June deposited her social security
5 income and from which her bills were paid. June additionally deposited rents she received from a
6 rental property she owns in Anaheim, CA, which she rents to her son, Scott. Kim has never
7 contributed any funds to their joint account. When the account was opened, June explained to
8 Kim that she wanted a joint account with Kim so that Kim could assist her with paying her bills
9 and managing her finances should the need ever arise in the future. The statements for the joint
10 account were always mailed to June at the Kraft Avenue property. The first time Kim looked at
11 the financial activity of that account was after Kim moved in May of 2019. After noticing
12 suspicious transactions, in July of 2019, Kim requested and received several years of statements,
13 which she has been going through and turning over to investigators.

14 6. On December 27, 2005, June executed a Durable Healthcare Power of Attorney,
15 in which she designated Kim as her attorney-in-fact.⁵

16 7. In 2009, June married Rodney Gerald Yeoman. June and Mr. Yeoman remain
17 happily married, though their relationship has been complicated by June's cognitive decline and
18 Mr. Yeoman's recent health complications.

19 8. After their marriage, June and Rodney opened joint accounts at Chase Bank,
20 however, June also maintained her joint account with Kim at Bank of America.

21 9. On October 24, 2012, June consulted an attorney and executed a Durable
22 Financial Power of Attorney, in which she again designated Kim as her attorney-in-fact
23 notwithstanding her marriage to Mr. Yeoman.⁶ Upon information and belief, Mr. Yeoman
24

25 ⁴ A copy of the probate court Petition related to the Estate of Walter Tormala is attached hereto as
26 **Exhibit 4.**

27 ⁵ A copy of the December 27, 2005, Healthcare Power of Attorney is attached hereto as **Exhibit**
28 **5.**

⁶ A copy of the October 24, 2012, Power of Attorney is attached hereto as **Exhibit 6.**

1 designated his son-in-law, Richard Powell, as his attorney-in-fact.

2 10. Upon information and belief, in or about 2016, June was first noted in her medical
3 records as experiencing lapses of memory. June's memory and cognition have been in decline
4 ever since. In 2017, June was diagnosed with a degenerative neurological disorder. June has been
5 seeing specialists at the Cleveland Clinic's Luo Ruvo Center in Las Vegas for treatment. On
6 September 5, 2019, June's physician at the Luo Ruvo Center, Dr. Marwan Sabbagh, certified that
7 "Mrs. Jones has a degenerative neurological disorder resulting in impairment of memory,
8 judgment and other cognitive functions. She is not capable of handling her own affairs, including
9 medical, financial, and legal decisions, and requires a guardian."⁷ In lieu of guardianship,
10 though, Kim prefers to continue to serve as June's primary caregiver and attorney-in-fact. In fact,
11 Kim has not experienced any problems with any medical provider or financial institution
12 recognizing her authority as the attorney-in-fact.

13 11. Since their marriage, June and Mr. Yeoman resided together at the Kraft Avenue
14 property. However, in or about March of 2019, Mr. Yeoman went out to pick up dinner and
15 fainted. Mr. Yeoman, who is presently 86 years old, had to relocate to the Mayo Clinic in
16 Phoenix, Arizona, for medical treatment where he underwent a heart valve replacement, and is
17 currently receiving chemotherapy. Mr. Yeoman continues to reside at the Mayo Clinic in
18 Phoenix.

19 12. As a result of Mr. Yeoman's incident and emergency relocation to Phoenix, Kim
20 has attended to her mother's care. Contemporaneously, in or about March of 2019, Kim's sister,
21 Robyn, informed Kim that she had discovered on Zillow.com that June's Kraft Avenue property
22 had been sold on January 16, 2018. The sale was alarming because it appeared to have been sold
23 to Mr. Yeoman's daughter and son-in-law, Kandi and Richard Powell, for approximately
24 \$100,000 under market value.⁸

26 ⁷ See, September 5, 2019 Physician's certificate, attached hereto as **Exhibit 7**.

28 ⁸ A copy of the Zillow.com listing for the Kraft Avenue property is attached hereto as **Exhibit 8**.

1 13. In late March 2019 or early April 2019, Kim questioned her mother about the sale
2 of her home to Mr. Yeoman's daughter and son-in-law, however, June could not remember any
3 details about the sale and expressed her disbelief that the house had been sold.

4 14. Kim subsequently called Richard Powell and questioned him about the sale.
5 Richard admitted purchasing the property from June, but stated that he did so at June's request to
6 relieve her of the burden of making monthly mortgage payments. Richard denied that the sale
7 was under market, but stated that he had offered to pay off the mortgage while allowing June and
8 Mr. Yeoman to stay in the property for the rest of their lives without a mortgage payment or
9 paying rent. Richard's responses did not make any sense to Kim, and she pressed him for details,
10 which Richard refused to provide or lied to her. For instance, Kim questioned what Richard did
11 with the equity in the home, as June had been paying the mortgage since approximately 2003.
12 Kim confronted Richard with the fact that the property was originally acquired by June's former
13 fiancé, Walter, in 1996 for only approximately \$145,000. Accordingly, Kim demanded that
14 Richard provide an accounting of the sales proceeds and pay-off of any mortgage. At first
15 Richard agreed to provide such an accounting to Kim, but has since back-tracked, retained
16 counsel, and taken actions to obstruct Kim's investigation.

17 15. Upon information and belief, Richard Powell knowing June's condition, took
18 advantage of June, and exploited and unduly influenced June to sell the house to Richard and
19 Kandi Powell. Accordingly, Kim made a complaint and initiated an elder abuse investigation
20 with Nevada Adult Protective Services ("APS") and with the Las Vegas Metro Police Dept.'s
21 ("LVMPD") elder abuse detail.

22 16. Since Kim became informed of the details surrounding the sale of June's property
23 to Richard and Kandi Powell, Kim has utilized the power of attorney to obtain historical banking
24 records for June. Kim discovered a number of irregularities in the bank statements. For instance,
25 since June's marriage with Mr. Yeoman, June consistently wrote checks from the joint account
26 she established with Kim at Bank of America to her marital account with Mr. Yeoman to cover
27 the mortgage payment and the couple's joint living expenses. Notwithstanding, Kim discovered
28

1 various checks written from the June and Kim account that were signed by Mr. Yeoman or even
2 by Richard Powell, despite that neither of them have signatory authority on the account. Kim has
3 turned these records over to LVMPD and APS.

4 17. As recently as September 4, 2019, Kim discovered that Richard had utilized an
5 ATM card in June's name to debit \$1,000 from June and Kim's Bank of America account. This
6 occurred at an ATM in Las Vegas, while Kim was with her mother in Phoenix visiting with Mr.
7 Yeoman. Kim sent a text message demanding that Richard immediately reimburse the \$1,000.⁹
8 Richard responded that the money was for June's house payment in California, that Mr. Yeoman
9 had requested that Richard make the payment, and if Kim would provide proof that the house
10 payment had already been made, he would reimburse the funds.¹⁰ In fact, Kim had already
11 established an auto-debit from her and June's accounts to make the house payments. However,
12 Richard had no authority to access or initiate withdrawals from June and Kim's account (neither
13 did Mr. Yeoman), and Richard's offer to reimburse such money only upon his terms was absurd.

14 18. Further, Kim discovered that in or about November of 2017, Mr. Yeoman and
15 Richard Powell removed June from Mr. Yeoman and June's marital accounts at Chase Bank, and
16 made Richard Powell a joint-owner on such accounts with Mr. Yeoman. At the time June was
17 removed from the marital accounts, there was an approximate balance of \$41,000.

18 19. Upon information and belief, Mr. Yeoman's son, Richard Powell utilized a power
19 of attorney he holds for his father to initiate changes to Mr. Yeoman and June's Chase Bank
20 accounts for his own benefit and without any authority to act for or remove June's interests in the
21 accounts. Upon information and belief, Richard Powell has likewise unduly influenced and
22 exploited his father, or committed these acts without his father's knowledge.

23 20. Kim has recently uncovered evidence that in 2017, the loan on June's rental
24 property in Anaheim, CA, was refinanced. Kim is in the process of obtaining all of the
25 documents associated with the refinancing to determine the propriety of the same and ensure that

26 _____
27 ⁹ A copy of the September 4, 2019 text message is attached hereto as **Exhibit 9**.

28 ¹⁰ See, **Exhibit 9**.

equity was not accessed to June's prejudice.

21. Contrary to Petitioner's allegations, Kim has taken actions consistently since March of 2019, when Petitioners first apprised Kim of their allegation that Richard Powell had benefitted from the sale of their mother's house, to provide for and protect June's health and financial interests. Paramount to Kim was securing her mother's person and healthcare and ensuring that she received the best care possible, before investigating allegations of financial misconduct by Mr. Yeoman's son-in-law, Richard Powell.

22. Kim moved in with her mother to provide care and support. Kim has attended visits with June's primary care provider and with specialists at the Luo Ruvo Center. Kim has facilitated travel with June to Phoenix so June could visit with Mr. Yeoman as he undergoes treatment. Kim has utilized her powers of attorney to discuss healthcare treatment options with June's physicians. Kim has used her power of attorney to obtain financial information to investigate and secure June's financial interests. Kim has retained counsel whom has sent correspondence to June's banks to demand that her accounts be restricted from unlawful access.¹¹ Kim's counsel has corresponded with Mr. Yeoman and Richard Powell, informing each of them that June is a vulnerable person as defined by NRS 41.1395, that their actions have interfered with June's caregiving from Kim, that they have unlawfully taken June's property for their own use and benefit and in disregard of June's interests, and to demand the immediate return of such property.¹² June's counsel has recently engaged in conferences with Richard Powell's counsel and has had productive settlement discussions. However, these settlement discussions have been hampered by this very Guardianship proceeding, as have Kim's options to immediately initiate an elder abuse lawsuit against Richard Powell should the settlement discussions sour.

23. Petitioners, however, spin a false narrative that Kim has been evicted or that she will be evicted by Richard Powell from June's residence, thus, leaving June without any

¹¹ See, August 1, 2019 letter from David Johnson, Esq., attached hereto as **Exhibit 10**.

¹² See, August 12, 2019 letter from Dara Goldsmith, Esq., attached hereto as **Exhibit 11**.

1 protection whatsoever and at Richard's complete mercy and whim. Petitioners drum up such
2 meritless allegations merely to portray Kim as powerless and ineffective. The reality is that
3 Petitioners second-guess all of Kim's actions to date in hindsight, and despite that Petitioners
4 were deliberately absent and non-communicative with Kim until only very recently.

5 24. In order to provide updates to her family, request assistance and that they try to
6 visit June, Kim sent emails to each of the Petitioners on July 26, 2019,¹³ August 16, 2019,¹⁴
7 September 5, 2019,¹⁵ and September 12, 2019,¹⁶ only the last of which was responded to by one
8 of the Petitioners.¹⁷

9 **C. ARGUMENT IN OPPOSITION TO THE CONTINUATION OF THE**
10 **TEMPORARY GUARDIANSHIP AND ESTABLISHMENT OF A GENERAL**
11 **GUARDIANSHIP.**

12 As set forth above, there is no basis to Petitioner's allegations that Kim's authority under
13 the power of attorney has been ineffective, or that June's interests are better protected by the
14 temporary appointment of Petitioners as Guardians. Moreover, Petitioners have not met their
15 burden of establishing the need for the extension of the appointment of temporary guardians of
16 the Person, as they do not demonstrate clear and convincing evidence "...that the proposed
17 protected person is unable to respond to a substantial and immediate risk of physical harm or to a
18 need for immediate medical attention." *See*, NRS 159.0523(5)(a) and (b). Other than June's
19 cognitive incapacity, Petitioners do not allege a single fact demonstrating clear and convincing
20 evidence of a substantial and immediate risk of physical harm or need for immediate medical
21 attention, nor do Petitioners demonstrate that June's healthcare needs are not being served. Here,
22 all of June's healthcare needs were being met and attended to by Kim as June's attorney-in-fact.

23 ¹³ *See*, email dated July 26, 2019, attached hereto as **Exhibit 12**.

24 ¹⁴ *See*, email dated August 16, 2019, attached hereto as **Exhibit 13**.

25 ¹⁵ *See*, email dated September 5, 2019, attached hereto as **Exhibit 14**.

26 ¹⁶ *See*, email dated September 12, 2019, attached hereto as **Exhibit 15**.

27 ¹⁷ *See*, **Exhibit 15**.

Petitioners do not dispute this.

Similarly, Petitioners have not met their burden of establishing the need for the extension of the appointment of temporary guardians of the Estate, as they do not demonstrate clear and convincing evidence "...that the proposed protected person is unable to respond to a substantial and immediate risk of financial loss." *See*, NRS 159.0525(5)(a) and (b). Petitioners only demonstrate that, at the time they filed their *ex parte* application, June had already suffered from exploitation and elder abuse by Richard Powell. Petitioners, however, fail to demonstrate any present risk of financial loss or exploitation. Rather, the evidence demonstrates that June is being protected by Kim as the power of attorney and that Kim is investigating and responding to the prior acts taken against June. Further, as June's attorney-in-fact, Kim has taken proactive action to restrict unlawful access to June's accounts,¹⁸ and has further engaged directly with Richard Powell and made demands that he return June's property forthwith. Moreover, June and Richard *via* their counsel have already engaged in settlement discussions on this front which may ultimately prove fruitful. If not, though, Kim has simultaneously been assisting with a criminal elder abuse investigation, and is prepared to initiate litigation as June's attorney-in-fact against Richard Powell for elder abuse.

Accordingly, there is currently no risk of harm or financial loss, and the prior acts are being investigated and addressed. Therefore, this Court should decline to extend the temporary guardianship. Rather, the only lingering issues concern the family dynamic between Kim and the Petitioners. In this regard, Kim's counsel and the Petitioners' counsel have had recent good faith discussions to implement a family plan of understanding outlining their commitments to each other, and jointly developing a care plan for June to be implemented by Kim as the attorney-in-fact. Kim believes it is a waste of this Court's resources and not within this Court's jurisdiction to supervise such an informal agreement and understanding between the family members where there are already functioning powers of attorney implemented by the Proposed Protected Person, and where Kim has already accepted to act as fiduciary in such healthcare and financial roles.

¹⁸ *See*, **Exhibits 9, 10, and 11.**

Accordingly, this Court should dismiss this proceeding outright.

**D. ALTERNATIVE COUNTER-PETITION TO APPOINT KIMBERLY JONES AS
TEMPORARY GUARDIAN.**

Alternatively, should the Court determine that the temporary guardianship should continue, this Court should revoke the Letters of Temporary Guardianship issued to Petitioners, and instead appoint Kim as the temporary guardian. June is entitled to preference that Kim should serve as guardian if the need is demonstrated. Moreover, Kim is entitled to preference as June's attorney-in-fact pursuant to NRS 159.0613, which provides, in relevant part, that:

1. Except as otherwise provided in subsection 3, in a proceeding to appoint a guardian for a protected person or proposed protected person, the court shall give preference to a nominated person or relative, in that order of preference:

(a) Whether or not the nominated person or relative is a resident of this State; and

(b) If the court determines that the nominated person or relative is qualified and suitable to be appointed as guardian for the protected person or proposed protected person.

2. In determining whether any nominated person, relative or other person listed in subsection 4 is qualified and suitable to be appointed as guardian for a protected person or proposed protected person, the court shall consider, if applicable and without limitation:

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

(b) Whether the nominated person, relative or other person has engaged in the habitual use of alcohol or any controlled substance during the previous 6 months, except the use of marijuana in accordance with the provisions of chapter 453A of NRS;

(c) Whether the nominated person, relative or other person has been judicially determined to have committed abuse, neglect, exploitation, isolation or abandonment of a child, his or her spouse, his or her parent or any other adult, unless the court finds that it is in the best interests of the protected person or proposed protected person to appoint the person as guardian for the protected person or proposed protected person;

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

(e) Whether the nominated person, relative or other person has been convicted in this State or any other jurisdiction of a felony, unless the court determines that any such conviction should not disqualify the person from serving as guardian for the protected person or proposed protected person.

3. If the court finds that two or more nominated persons are qualified and suitable to be appointed as guardian for a protected person or proposed protected person, the court may appoint two or more nominated persons as co-guardians or shall give preference among them in the following order of preference:

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

(b) A person whom the protected person or proposed protected person requested for the appointment as guardian for the protected person or proposed protected person in a request to nominate a guardian that is executed in accordance with NRS 159.0753.

4. Subject to the preferences set forth in subsections 1 and 3, the court shall appoint as guardian the qualified person who is most suitable and is willing to serve. In determining which qualified person is most suitable, the court shall, in addition to considering any applicable factors set forth in subsection 2, give consideration, among other factors, to:

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

E. This Court should determine that Kim should be given preference to serve as temporary guardian as June is entitled to have her nominee serve as Guardian, and because June's power of attorney expresses that Kim should so serve as guardian.¹⁹

F. Kim requests that this Court authorize Kim to issue citations and notice of hearing of this Counter-Petition in the manner required by law to those entitled to notice, and that this Court set a date for a hearing of the foregoing Counter-Petition for appointment of Kim as temporary or general guardian of the Person and Estate.

G. The names and last known addresses of the Proposed Protected Person's relatives within the second degree of consanguinity and over the age of fourteen, so far as the Petitioner

¹⁹ See, **Exhibits 5 and 6.**

can determine, are as follows:

<u>Name</u>	<u>Address</u>
Kathleen June Jones	6277 Kraft Avenue, Las Vegas, Nevada 89130. c/o Maria L. Parra Sandoval, Esq., LEGAL AID CENTER OF SOUTHERN NEVADA, INC. 725 E. Charleston Blvd., Las Vegas, NV 89104
Robyn Friedman	c/o John P. Michaelson, Esq., MICHAELSON & ASSOCIATES, LTD. 2200 Paseo Verde Parkway, Suite 160 Henderson, NV 89052
Donna Simmons	c/o John P. Michaelson, Esq., MICHAELSON & ASSOCIATES, LTD. 2200 Paseo Verde Parkway, Suite 160 Henderson, NV 89052
Rodney Gerald Yeoman	2540 E. Harmon Ave. Las Vegas, NV 89102 Mayo Clinic Hospital 5777 E. Mayo Blvd. Phoenix, AZ 85054
Scott Simmons	1054 S. Verde Street Anaheim, CA 92805
Teri Butler	586 N. Magdalena Street Dewey, AZ 86327
Jen Adamo	14 Edgewater Dr. Magnolia, DE 19962
Jon Criss	804 Harksness Ln., Unit 3 Redondo Beach, CA 90278
Ryan O'Neal	112 Malvern Ave., Apt. E Fullerton, CA 92832
Tiffany O'Neal	177 N. Singingwood St., Unit 13 Orange, CA 92869
Samantha Simmons-Ihrig	Unknown

Cortney Simmons	765 Kimbark Ave. San Bernardino, CA 92407
Cameron Simmons	Unknown
Ampersand Man	c/o 2824 High Sail Ct. Las Vegas, NV 89117

WHEREFORE, Petitioner requests that this Court fix a day and time for a hearing on the foregoing Counter-Petition. Petitioner further requests that this Court enter an order as follows:

- a. That this Court revoke the letters of temporary guardianship;
- b. That this Court dismiss this Guardianship proceeding entirely;
- c. Alternatively, that this Court appoint Kimberly Jones to serve as temporary guardian of the Person and Estate; and
- d. For such other and further relief as the Court may deem just and proper.

DATED this 2nd day of October, 2019.

SOLOMON DWIGGINS & FREER, LTD.

By: 

JEFFREY P. LUSZECK, ESQ.
Nevada Bar No. 09619
ROSS E. EVANS, ESQ.
Nevada Bar No. 11374
9060 West Cheyenne Avenue
Las Vegas, Nevada 89129
Telephone No: (702) 853-5483
Facsimile No: (702) 853-5485


Attorneys for Kimberly Jones

VERIFICATION

I, KIM JONES, declare under penalties of perjury of the State of Nevada:

That I am the Petitioner who makes the foregoing OPPOSITION TO PETITION FOR APPOINTMENT OF TEMPORARY AND GENERAL GUARDIAN OF THE PERSON AND ESTATE; ALTERNATIVELY, COUNTER-PETITION FOR APPOINTMENT OF KIMBERLY JONES AS TEMPORARY AND GENDERAL GUARDIAN OF THE PERSON AND ESTATE, that I have read said Ex Parte Application and Petitions and know the contents thereof; and that the same is true of my own knowledge except as to those matters stated on information and belief and, as to such matters, I believe them to be true.

DATED this 2nd day of October, 2019.


KIMBERLY JONES

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of October, 2019, pursuant to NRCP 5(b), I caused a true and correct copy of the foregoing **OPPOSITION TO PETITION FOR APPOINTMENT OF TEMPORARY AND GENERAL GUARDIAN OF THE PERSON AND ESTATE; ALTERNATIVELY, COUNTER-PETITION FOR APPOINTMENT OF KIMBERLY JONES AS TEMPORARY AND GENERAL GUARDIAN OF THE PERSON AND ESTATE**, to be served to the following in the manner set forth below:

Via:

☐ Hand Delivery
☐ U.S. Mail, Postage Prepaid
☐ Certified Mail, Receipt No.: _____
☐ Return Receipt Request
☒ E-Service through Wiznet

John P. Michaelson, Esq.,
MICHAELSON & ASSOCIATES, LTD.
2200 Paseo Verde Parkway, Suite 160
Henderson, NV 89052
john@michaelsonlaw.com

Attorneys for Petitioners Robyn Friedman and Donna Simmons

Maria L. Parra Sandoval, Esq.
LEGAL AID CENTER OF SOUTHERN NEVADA, INC.
725 E. Charleston Blvd.,
Las Vegas, NV 89104
mparra@lacsns.org

Attorney for Kathleen Jones, Adult Protected Person


An employee of SOLOMON DWIGGINS & FREER, LTD.

EXHIBIT “1”

EXHIBIT “1”

Fly On the Wall

Supervision – Education – Observation

Background/Experience:

Education

STATE UNIVERSITY, FULLERTON

Master of Science, Gerontology

Bachelor of Science, Human Services

License: State of California RCFE Administrator - License #5570687740

California Department of Aging, Long-Term Care Ombudsman

Certified Nurse Assistant, State of California – License #00667714

Elder Mediation Certification, Pepperdine University

Experience:

2016 - Current: **Conflict Resolution Mediator, Orange County Court System**

Handling of case conflicts through the Conflict Resolution Institution,
Orange County Courts

2015- Current: **State of California, Domestic Violence Counselor**

Interview and assist Domestic Violence victims through the Court process

2014 - Current: **Elder Mediation**

Assist attorneys with mediation between the family of elders and the
legal system

2014 - Current: **Professional Supervised Visitation Monitor**

Orange County Family Court Approved

24 hours Required Training

Handled 450 cases

May 2009-June 2012 **DIRECTOR OF SOCIAL SERVICE**, SNF, CA

Develop and administer policy and processes to maintain compliance with State
and Federal regulations of 300-bed SNF. Lead Interdisciplinary Team in the im-

plementation of measurable quality improvement initiatives. Accurately assess/coordinate admissions, ensure environment to attain and maintain the highest physical, mental, and psychosocial autonomy. Communicate mission, programs and services thru sustained public relations/marketing. Recruit, hire and educate employees to reflect effective production and budgetary strategies emphasizing maximum desired outcome of individualized plan of care. Establish service oriented relations with resident/family that champions continuity and consistency in delivery and quality of services that enhance dignity and respect.

By Kimberly Jones, Professional Monitor

EXHIBIT “2”

EXHIBIT “2”

STATE OF NEVADA
DECLARATION OF VALUE

2007-01-30
018

1. Assessor Parcel Number(s)
a) 158-4-2-011-016
b) _____
c) _____
d) _____

2. Type of Property
a) ☐ Vacant Land b) ☒ Single-Fam. Res.
c) ☐ Condo/Townhouse d) ☐ 2-4 Plus
e) ☐ Apt. Bldg. f) ☐ Commercial
g) ☐ Agricultural h) ☐ Mobile Home
i) ☐ Other _____

FOR RECORDERS OPTIONAL USE ONLY
Document/Instrument # _____
Book _____ Page _____
Date of Recording _____
Notes _____

3. Total Value/Sales Price of Property
Gross in Lieu of Foreclosure Only Value of Property
Transfer Tax Value
Real Property Transfer Tax Due

127,000
\$ 127,000
\$ 158.50

4. If Exemption Claimed:

- a. Transfer Tax Exemption per NRS 375.190 Section _____
b. Explain Reason for Exemption 1700

5. Partial Interest Percentage being transferred _____%

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

Signature [Signature] Capacity _____
Signature [Signature] Capacity _____

SELLER (GRANTOR) INFORMATION
(REQUIRED)

Print Name Walter W. Tormala
Address 4277 Kandi Ave
City Las Vegas
State NV Zip 89135

BUYER (GRANTEE) INFORMATION
(REQUIRED)

Print Name Jane Jones
Address 4277 Kandi Ave
City Las Vegas
State NV Zip 89135

COMPANY/PERSON REQUESTING RECORDING (required if not seller or buyer)

Print Name EQUITY TITLE LLC Escrow # 01-22-8503
Address 4100 West Flamingo Road Suite 1000
City Las Vegas, NV 89119 Zip _____

(AS A PUBLIC RECORD THIS FORM MAY BE RECORDED/MICROFILMED)

15879

20020130
0159

AMIA R.P.T.T. 5 -0-

A.P.N. 138-02-511-076

GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH That
WALTER W. TORNALA, A SINGLE PERSON

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

~~WALTER W. TORNALA AND DEBBIE TORNALA~~
~~AS JOINT TENANTS~~
WALTER W. TORNALA, A SINGLE PERSON & JUNE JONES, A SINGLE PERSON
AS JOINT TENANTS

all that real property situated in the _____ County of Clark, State of Nevada,
bounded and described as follows:

LOT THIRTY-TWO (32) IN BLOCK "B" OF EAGLE TRACE, AS SHOWN
BY MAP THEREOF ON FILE IN BOOK 57 OF PLATS, PAGE 50 IN
THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

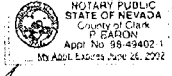
SUBJECT TO: 1. Taxes for the fiscal year 2001 and 2002.
2. Covenants, Conditions, Reservations, Rights, Rights of Way and Easements now of record.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in
anywise appertaining.
IN WITNESS WHEREOF, I have hereunto set hand this 23rd day of
January, 2002

Walter W. Tornala
WALTER W. TORNALA

STATE OF NEVADA

COUNTY OF CLARK COUNTY



On January 23, 2002
personally appeared before me, a Notary Public,
WALTER W. TORNALA

who acknowledged that he executed the above
instrument.
Signature: *P. Eagon*
Notary Public

ORDER NO. 01228501
Equity Title of Nevada
WHEN RECORDED MAIL TO:

MAIL TAX STATEMENTS TO:
WALTER W. TORNALA, ETAL
6277 KRAFT AVENUE
LAS VEGAS, NV 89130

CLARK COUNTY, NEVADA
JUDITH A. VANDEVER, RECORDER
RECORDED AT REQUEST OF

FOR THE TITLE OF NEVADA
BOOK 57 OF PLATS, PAGE 50
OFFICIAL RECORDS
FILE

EXHIBIT “3”

EXHIBIT “3”



20040623-0003371

Fee: \$16.00 RPTT: EX#004
06/23/2004 12:55:10 T20040044146
Req: NEVADA LEGAL FORMS & BOOKS INC
Frances Deane
Clark County Recorder Pgs: 3

APN: 138-02-511-076

Recording requested by and mail documents and
tax statements to:

Name: JUNE JONES

Address: 6277 KRAFT AVENUE

City/State/Zip: LAS VEGAS, NEVADA 89130

DED104

Nevada Legal Forms & Books, Inc. (702) 870-8977
www.legalformsrus.com

3

RPTT: 4

QUITCLAIM DEED

THIS INDENTURE WITNESS That the GRANTOR(S):

WALTER W. TORMALA, A SINGLE PERSON AND JUNE JONES, A SINGLE
PERSON AS JOINT TENANTS

for and in consideration of ONE DOLLAR Dollars (\$ 1.00)

do hereby QUITCLAIM the right, title and interest, if any, which GRANTOR may have in all that real
property, the receipt of which is hereby acknowledged, to the GRANTEE(S):

JUNE JONES, AN UNMARRIED WOMAN

all that real property situated in the City of LAS VEGAS County of CLARK
State of NEVADA bounded and described as follows: (Set forth legal description
and commonly known address)

COMMONLY KNOWN ADDRESS:

6277 KRAFT AVENUE, LAS VEGAS, NEVADA

WARNING: THE COUNTY RECORDER MAY CHARGE AN ADDITIONAL FEE IF YOU
WRITE WITHIN THE 1" MARGINS OF THIS DOCUMENT OR VIOLATE ANY OTHER
RECORDING REQUIREMENTS IMPOSED BY YOUR COUNTY RECORDER.

Quitclaim Deed

Page 1 of 3

Initials _____

LEGAL DESCRIPTION:

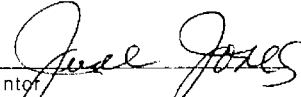
LOT THIRTY-TWO (32) IN BLOCK "B" OF EAGLE TRACE, AS SHOWN BY
MAP THEREOF ON FILE IN BOOK 67 OF PLATS, PAGE 50 IN THE OFFICE
OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA

Together with all and singular hereditament and appurtenances thereunto belonging or in any way
appertaining to.

In Witness Whereof, I/We have hereunto set my hand/our hands on 22 day of JUNE,
20 04


Signature of Grantor

WALTER W. TORMALA


Signature of Grantor

JUNE JONES

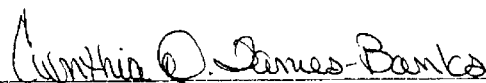
Signature of Grantor

Signature of Grantor

STATE OF NEVADA)
COUNTY OF CLARK)

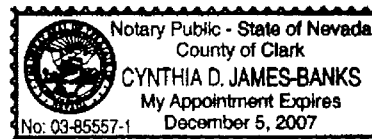
On this 21 day of JUNE, 2004, appeared before me, a Notary
Public, WALTER W. TORMALA AND JONES JONES-----

personally known or proven to me to be the person(s) whose name(s) is/are subscribed to the above
instrument, who acknowledged that he/she/they executed the instrument for the purposes therein
contained.


Notary Public

My commission expires: Dec 5, 2007

Consult an attorney if you doubt this forms fitness for your purpose.



**STATE OF NEVADA
DECLARATION OF VALUE FORM**

1. Assessor Parcel Number(s)

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

2. Type of Property:

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

FOR RECORDER'S OPTIONAL USE ONLY

Book _____ Page _____
Date of Recording: _____
Notes: _____

3. Total Value/Sales Price of Property \$ 0.00
Deed in Lieu of Foreclosure Only (value of property) (0.00)
Transfer Tax Value: \$ 0.00
Real Property Transfer Tax Due \$ 0.00

4. IF EXEMPTION CLAIMED:

a. Transfer Tax Exemption per NRS 375.090, Section 4
b. Explain Reason for Exemption:

TRANSFER TO REMOVE CO-OWNER

5. Partial Interest: Percentage being transferred: 100 %

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

Signature Walter Tormala Capacity GRANTOR

Signature June Jones Capacity GRANTEE

SELLER (GRANTOR) INFORMATION
(REQUIRED)

Print name: WALTER W. TORMALA
Address: 6277 KRAFT AVENUE
City: LAS VEGAS
State: NEVADA Zip: 89130

BUYER (GRANTEE) INFORMATION
(REQUIRED)

Print name: JUNE JONES
Address: 6277 KRAFT AVENUE
City: LAS VEGAS
State: NEVADA Zip: 89130

COMPANY/PERSON REQUESTING RECORDING (required if not seller or buyer)

Print Name: NEVADA LEGAL FORMS & BOOKS, INC. Escrow # _____

Address: 3901 WEST CHARLESTON BOULEVARD

City: LAS VEGAS State: NEVADA Zip: 89102

**AN ADDITIONAL RECORDING FEE OF \$1.00 WILL APPLY FOR EACH DECLARATION
OF VALUE FORM PRESENTED TO CLARK COUNTY, EFFECTIVE JUNE 1, 2004.**

3371

EXHIBIT “4”

EXHIBIT “4”

ORIGINAL

FILED

JUN 7 2 07 PM '07

CLERK OF THE COURT

PET

June Jones

Name

6277 Kraft Ave.

Address

Las Vegas, NV 89130

City, State, Zip Code

(702) 655-7919 / 612-8160

Telephone Number

IN PROPER PERSON

DISTRICT COURT

CLARK COUNTY, NEVADA

In the Matter of the Estate of

Walter Tormala

Deceased.

Case No.: No. P

60372

Probate Department

EX PARTE PETITION FOR ORDER FOR CREMATION

DATE: N/A

TIME: N/A

TO: DISTRICT COURT, CLARK COUNTY, NEVADA:

June Jones

Petitioner, appearing in Proper Person, respectfully alleges,
and shows as follows:

1. Petitioner is the fiance of Decedent Walter Tormala
and resides at 6277 Kraft Ave., Las Vegas, NV 89130

2. Decedent died on 10.6.07 in Clark County; and, on the date of
death, Decedent was a resident of Clark County, Nevada.

3. The names, ages, relationships and residence addresses of the devisees, legatees, heirs
and next-of-kin of Decedent are:

none

© Clark County Civil Law Resource Center 2006 ALL RIGHTS RESERVED 0822 Probate and Administration of Estates

JUN -7 2007
CLERK OF THE COURT

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Name Age & Relationship Address

none

4. Petitioner is Decedent's closest living relation and/or personal representative and has a right to control the disposition of the Decedent's human remains.

5. There are no objections to cremation of the Decedent's human remains.

WHEREFORE, Petitioner prays:

1. That the Court make and enter its order directing cremation of the human remains of Decedent, Walter Tormala ; and

2. For such other and further relief as the Court deems just and proper.

DATED this 7 day of June 2007.

Submitted by:

Signature [Signature]
Print Name JUNE JONES
IN PROPER PERSON

VERIFICATION

STATE OF NEVADA)
COUNTY OF CLARK) ss,
)

June Jones, being first duly sworn, declares under penalty of perjury as follows:

I am the Petitioner in the above-entitled action. I have read the foregoing Ex Parte Petition For Order For Cremation, and know the contents thereof. The Petition is true of my own knowledge except as to those matters that are stated on information and belief, and as to those matters, I believe them to be true.

DATED this 7 day of June, 2007.

June Jones
(SIGNATURE)

Subscribed and sworn to before me
This ____ day of _____, 20 ____.

NOTARY PUBLIC

ACKNOWLEDGEMENT

On this ____ day of _____, 20__, before me, the undersigned Notary Public in and for said county and state, personally appeared _____ known to me or proved to be, the person described in and who acknowledged to me that ____ executed the foregoing instrument, and who acknowledges to me that ____ executed the same freely and voluntarily and for the uses and purposes mentioned therein.

NOTARY PUBLIC

EXHIBIT “5”

EXHIBIT “5”

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

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

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

1. DESIGNATION OF HEALTH CARE AGENT

I, JUNE JONES, do hereby designate and appoint KIMBERLY JONES of 567 Harrison Lane Anaheim Ca. 92802, phone number (714) 974-4701 as my attorney-in-fact to make health care decisions for me as authorized in this document.

2. CREATION OF DURABLE POWER OF ATTORNEY FOR HEALTH CARE

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

3. GENERAL STATEMENT OF AUTHORITY GRANTED

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

4. SPECIAL PROVISIONS AND LIMITATIONS

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

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

5. DURATION

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

6. STATEMENT OF DESIRES

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

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

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

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

Other or Additional Statements of Desires:

DO NOT WISH TO DONATE ANY + ALL ORGANS, + OR TISSUE

7. DESIGNATION OF ALTERNATE ATTORNEY-IN-FACT.

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

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

A. FIRST ALTERNATE ATTORNEY-IN-FACT:

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

B. SECOND ALTERNATE ATTORNEY-IN-FACT:

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

8. PRIOR DESIGNATIONS REVOKED.

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

YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY

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

Francis Jones
Signature of Declarant

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

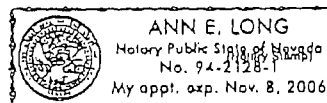
CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

State of Nevada)
County of Clark) ss.

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

WITNESS my hand and Official Seal

Ann E. Long
Signature of Notary



STATEMENT OF WITNESSES

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

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

NONE OF THE FOLLOWING MAY BE USED AS WITNESSES:

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

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

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

Dated: _____

Signature: _____ Address: _____

Print Name: _____

Signature: _____ Address: _____

Print Name: _____

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

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

Signature: _____ Signature: _____

Print Name: _____ Print Name: _____

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

POA130mk

Nevada Legal Forms and Books, Inc. (702) 870-8977
3901 West Charleston Boulevard
Las Vegas, Nevada 89102
www.legalforms.net

© 2003 Consult an attorney if you doubt this form's fitness for your purpose.

EXHIBIT “6”

EXHIBIT “6”

STATUTORY FORM POWER OF ATTORNEY

PRINCIPAL: *Lune Jones*

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

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

2. DESIGNATION OF ALTERNATE AGENT.

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

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

A. First Alternative Agent *Scott Simmons*

B. Second Alternative Agent

3. OTHER POWERS OF ATTORNEY.

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

4. NOMINATION OF GUARDIAN.

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

5. GRANT OF GENERAL AUTHORITY.

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

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

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

6. GRANT OF SPECIFIC AUTHORITY.

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

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

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

7. LIMITATION ON AGENT'S AUTHORITY.

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

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

9. DURABILITY AND EFFECTIVE DATE.

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

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

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

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

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

10. THIRD PARTY PROTECTION.

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

11. RELEASE OF INFORMATION.

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

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

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

Jane Jones

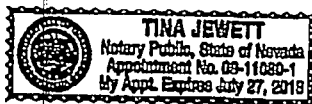
CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

State of NEVADA

}
} ss.

County of CLARK

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



[Signature]
NOTARY PUBLIC

EXHIBIT “8”

EXHIBIT “8”



Viewing: 1,000 mi

Cooling: Central

Save!

Homes

See More Facts and Features ▾

Home Value

Zestimate
\$314,066

Zillow Offer
Get your Zillow
Offer



ZESTIMATE
RANGE
\$298,000
-\$330,000



LAST 30
DAY
CHANGE
-\$1,757
(-0.6%)

Zestimate history & details ▾

Price / Tax History

Price History Tax History

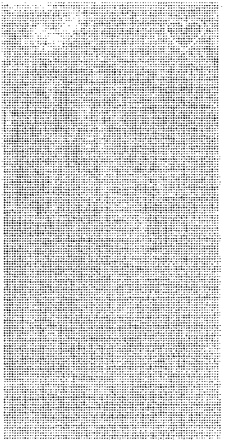
DATE	EVENT	PRICE		\$/SQFT	SOURCE
1/16/2018	Sold	\$212,083	+46.3%	\$106	Public Record
12/24/1996	Sold	\$145,000		\$72	Public Record

Report issue with price history

Neighborhood: No... ▾

Home Expenses ▾

Nearby Schools in ... ▾



bds 4 ba 1,686 sqft



ds 3.5 ba 1,686 sqft



EXHIBIT “9”

EXHIBIT “9”

3:09

LTE

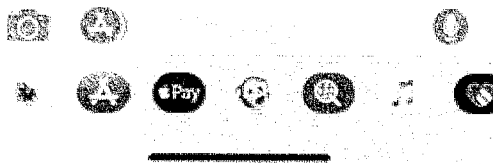


Dick Powell

Wed, Sep 4, 3:09 PM

Oh my god I just took out my debit card and I pulled out my mother's bank account today at a ATM at Airport Center. My mother is in Arizona. If you don't return it within the hour I am going to Metro Police again and open another case against you. Haven't you stolen enough for god sake??

The money was for June's house pmt in California if you can show me you already pd





Dick Powell

show me you already pd
that I will put it back

Gerry ask me to take
care of it

it already has been paid
and frankly it's none of
your business.
Secondly, you better
stay out of my account
you have no right
withdrawing from it
you're not an authorized
signer on the account
and you're breaking the
law. I'm not gonna tell
you again, you are not
authorized to use that
account for any reason.
If don't put it back



3:09

LTE



Dick Powell

What did you do with
the \$1,000 you
withdrew from mine and
did you give it to Gerry
and for case additional
you have you lost your
mind???

If you show me proof
you made the payment I
will put it back your
mother and Gerry ask
me to do this so it was
not stolen
So do what you have to
do

Sat, Sep 14, 8:10 PM

What did you do with
the \$1,000 you
withdrew from mine and



EXHIBIT “10”

EXHIBIT “10”



LAW OFFICES
JOHNSON & JOHNSON

1160 NORTH TOWN CENTER DRIVE, SUITE 390
LAS VEGAS, NEVADA 89144
PHONE: (702) 384-2830
FAX: (702) 385-3059

CHARLES WILLIAM JOHNSON*
DAVID CHARLES JOHNSON**
RYAN DAVID JOHNSON

WEBSITE: WWW.JOHNSONLEGAL.COM
EMAIL: DCJ@JOHNSONLEGAL.COM
EMAIL: RDJ@JOHNSONLEGAL.COM

1931-2011*
ALSO LICENSED IN CALIFORNIA**

August 1, 2019

Chase Bank
9350 Sun City Boulevard
Las Vegas, Nevada 89134

Via Certified Mail; Email: lindi.j.behnke@chase.com and regular US Mail

Re: June Jones
Account No. 000000130618959

To Whom It May Concern:

Please be advised that our firm represents Kimberly Jones, Attorney-in-Fact under that certain Statutory Power of Attorney executed by June Jones (as Principal) on October 24, 2012, as copy of which is attached hereto.

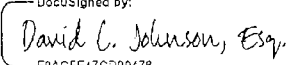
On information and belief, June Jones was an owner of the above-referenced account until October 2017 when her name was removed in your branch. It is the contention of my client that June Jones was seriously incapacitated at the time she visited the bank and was legally incapable of removing her name.

Notice is hereby given, pursuant to NRS 111.813(2) that Kimberly Jones, Agent for June Jones has a claim to the above-referenced accounts. Therefore, no distributions should be made to anyone except to Kimberly Jones, in her capacity as Attorney-in-Fact, or as directed in a proper Court Order.

Any such distributions may subject your financial institution to liability and indemnification of the Trust for legal fees, damages, and other monetary costs relating to this matter.

If you have any questions regarding the contents of this letter, please contact me.

Sincerely,
JOHNSON & JOHNSON

DocuSigned by:

F9ACFF47CD90478...
DAVID C. JOHNSON, ESQ.

DCJ/vgk
Enclosure
cc: Kimberly Jones, Atty in Fact (via email)

EXHIBIT “11”

EXHIBIT “11”

GOLDSMITH & GUYMON

A Professional Law Corporation

Dara J. Goldsmith, Esq.★
Marjorie A. Guymon, Esq.★★
Laura Johns-Bolhouse, Esq.★★★
John F. Schneringer, Esq.

Also admitted in Arizona, California & Hawaii ★
Also admitted in Utah ★★
Also admitted in Idaho ★★★

August 12, 2019

Rodney Gerald Yeoman
c/o Dick and Kandi Powell
2540 E. Harmon Ave.,
Las Vegas, NV 89121

Re: June Jones
Our Matter No. 4840-1

Dear Mr. Yeoman,

Kimberly Jones has retained this office to attempt to come to a resolution regarding the care of her mother, June Jones. As you will recall, due to your infirmity, you were unable to care for June who has a diagnosis of Dementia and requires full-time care. Kimberly came out here some four months ago and was, up until recently, acting as June's full-time care provider while you moved in with your children so they could assist you with your needs. During this time, Kimberly had been in regular communication with you and your children and brought June over to visit you whenever desired. Unfortunately, after the last time she brought June over to you, you and your children refused to allow June to return to her home with Kimberly. We will not belabor what transpired at this time as you are aware of the fact that June is still being kept from returning to her home and the care of her daughter.

June is a vulnerable person as defined by NRS 41.1395 and is entitled to certain protections. She is a Patient at the Cleveland Clinic and requires frequent medical intervention; a fact of which you were aware when you acknowledged you were unable to provide for her needs. Since you are unable to do so yourself, the best thing to do is to return June to Kimberly so she may continue to look after her. Kimberly will come to an agreement with you regarding regular visitation with you at your current residence on a schedule to be mutually agreed upon between you.

June executed a Power of Attorney for Financial Decisions naming Kimberly as her agent. This Power of Attorney went into affect immediately. This document also nominated Kimberly to serve as June's guardian should any proceedings be commenced. Thus, Kimberly is prepared to take that step if necessary in order to ensure her mother is being properly cared for and that she is not being taken advantage of.

In addition, Kimberly is a joint owner of an account with her mother; an account to which you have unlawfully gained access and drained. We must immediately demand the return of all

2055 Village Center Circle, Las Vegas, Nevada 89134 • Phone (702) 873-9500 • Fax (702) 873-9600

www.goldguylaw.com • www.goldguytrusts.com

funds taken from this account as well as any other money or property belonging to June which you or your family members have taken for your own use. This type of behavior is tantamount to financial abuse of elderly person pursuant to NRS 41.1395, a violation which is punishable with an award of damages at two times the amount of actual damages incurred.

Again, Kimberly does not desire to bring this matter before a Court but is prepared to do so unless you immediately allow her to pick up her mother and take her back to her home so she can care for her. If we do not hear from you within five days of your receipt of this letter, we will begin the process of moving forward with Court intervention.

Sincerely,

GOLDSMITH & GUYMON, P.C.

Laura Johns-Bolhouse, Esq.

LJB:ms

W:\MAG\Client Matters\Guardianship\Jones 4840-1\Letter.wpd

EXHIBIT “12”

EXHIBIT “12”

From: Kimberly Jones <flyonthewall2you@gmail.com>

Date: July 26, 2019 at 5:19:02 PM PDT

To: terijbutler@gmail.com, Jack Cell <jacknteributler@gmail.com>, Scott Simmons <Scotttrottjustice@aol.com>, vgsfun@hotmail.com, Donna Cell <donnamsimmons@hotmail.com>

Subject: Mom

I want to inform all of you of Mom's condition at the present time. Most of you know that I've been in Las Vegas with Mom for most of the last 3 months, besides when she spent 2 week at Teri's and Jack's in Arizona and a week at Scott's house with him and Donna.

Over the past few years mom's health both physically and mentally has fluctuated. In addition to normal aging issues Mom has a diagnosis of dementia and is being treated at the Cleveland Clinic Lou Ruvo Center for Brain Health in Las Vegas. At her last appointment which was on Tuesday, the doctor ordered a PET scan and she did the scan yesterday. Her next doctors appointment is on August 26th at 10:00am. In the future I will send you an email as to any significant changes.

Due to Mom's condition I've had to give my clients in Orange County to a coworker and I don't see that changing in the future especially due to Gerri's current condition. To the best of my knowledge his condition is terminal but even at that his daughters have made it clear he is no longer going to be with mom on a full time basis upon starting chemotherapy and he was her primary caregiver.

Mom needs all of the support she can get right now and her needs will continue to increase. In the near future I'd like to propose that each of us participate in taking mom for some time so that it is not too big of a load on any one person. As everyone knows mom had expresses many times that she does not ever want to be in a facility and I feel that as a family we can carry out her wishes. Sure it may be a bumpy ride but mom is a trooper and really enjoyed the time she spent at Teri's and Jack's in Arizona and in Anaheim with Scott and Donna. In the best interest of mom I think that between the 5 of us we can put any issues we have aside and do the best we can collectively for her.

In regards to the house in Las Vegas, we have determined that it was not done in mom's best interest. We have hired an attorney and he is securing the property as we speak.

The attorney has more or less assured me that we will be able to obtain the property back or they will be force to pay the full market value of the home. The attorney feels quite confident in this and sees no issues, it was mom's property prior to the marriage and will be hers after. There is a whole host of issues involved more than can be shared in this letter. I wanted to assure you that it is being addressed and ask that you don't share this information with anyone because we don't want to reveal our hand before the attorney thinks it time. He is currently in the research process of determining exactly how the house was sold and where the proceeds went.

If anyone has any suggestions or input they would like to pass along I'm more than willing to listen. In addition mom continues to not be a very chatty person on the telephone however when she does talk to someone on the phone she talks about it for the rest of the day. If she doesn't answer her cell call mine. Mom is at her house in Las Vegas and everyone is free to come and go as they please.

-Kimberly

EXHIBIT “13”

EXHIBIT “13”

From: Kimberly Jones <flyonthewall2you@gmail.com>

Date: August 16, 2019 at 2:30:34 PM PDT

To: Scott Simmons <Scott@technocoatings.com>, Donna Cell <donnamsimmons@hotmail.com>, Roby Friedman <vgfun@hotmail.com>, terijbutler@gmail.com, Jack Cell <jacknteributler@gmail.com>

Subject: Mom #2

Hello,

Mom's physical condition hasn't changed since the last email, she is continuing with physical therapy at the Cleveland clinic. To update you about the house, we are on track to get it back, the lawyers are working on it and they don't anticipate any problems. Soon will have the paperwork needed to file a restraining order restraining Geri and his family from seeing mom.

In the meantime the other matter that needs to be resolved is that \$3800 is owed to the attorney which all of us should be equally but since I've been here for four months now unable to work I think it's fair that you for pick up the cost of the attorneys fees which is equivalent to \$950 each. You could mail the check directly to David C Johnson attorney-at-law 1160 N. Town Center Dr., Suite 390 Las Vegas, NV 89144. Be sure to note in the memo section June Jones. I would like to get this paid next week so please send it as soon as possible. So all of you understand the attorney feels confident that we will have mom's house back with clear title and deed we will be able to visit mom as we wish without the undue influence of Jerry or his family.

I hope you understand I have been working on this full-time and putting in 10 hour days doing so but we are getting close, if you have any questions please call me. please notify me when you've mailed the check so I can deduct it from the bill. Just to let you know we are seeking attorneys fees when we are successful you will be reimbursed for whatever you put out.

Thank you,
Kimberly

EXHIBIT “14”

EXHIBIT “14”

From: Kimberly Jones <flyonthewall2you@gmail.com>

Date: September 5, 2019 at 12:43:59 PM PDT

To: Donna Cell <donnamsimmons@hotmail.com>, Scott Simmons <Scott@technocoatings.com>, Roby Friedman <vggsfun@hotmail.com>, Jack Cell <jacknteributler@gmail.com>

Subject: Mom #3

I want everyone to know what my intentions are with mom as they have not changed. I am pursuing the situation with the house with attorney Johnson and we should have a better hold on it after Friday. My next intention is to peruse guardianship over mom, the case Friday has a direct bearing on it. As you all know in mom's 2012 POA mom nominated me to be her guardian if so necessary. Fridays case has a direct bearing in the sense that the court may determine the 2012 POA to be not standing due to not having the original. If that happens my next immediate step is to peruse guardianship.

Provided I receive guardianship my intentions are to move mom back into the Kraft house or the Anaheim house with me and I will continue to care for her as I have for the past 5 months. At this point everyone is encouraged to spend time with mom as they please.

Regarding Gerry, as I understand he is in failing health and not expected to live much longer. Regardless of what we all think of Gerry, mom loves him and chooses to be with him against our better judgement. I know some of you have said if mom continues to want to be by Gerrys side at the end of his life you will wash your hands of it, that is your choice. However I will not do that. Provided I receive the courts support, I hope to gain more control over mom's estate and her. This will enable me to protect her financially as well as supervise her physical well being.

I hope to have all of your support going forward it would be best for mom as she really truly needs all of us.

-Kimberly

EXHIBIT “15”

EXHIBIT “15”

Begin forwarded message:

From: Robyn Friedman <vgsfun@hotmail.com>

Date: September 12, 2019 at 6:40:39 PM PDT

To: Kimberly Jones <flyonthewall2you@gmail.com>, Donna Cell <donnamsimmons@hotmail.com>, Scott Simmons <Scott@technocoatings.com>, "terijbutler@gmail.com" <terijbutler@gmail.com>, Jack Cell <jacknteributler@gmail.com>, David C Johnson Attorney <dcj@johnsonlegal.com>

Cc: John Michaelson <john@Michaelsonlaw.com>, "Lora L. Caindec-Poland" <Lora@Michaelsonlaw.com>

Subject: Re: Mom #4

May I pick up mom tomorrow morning to go get her nails done and eat? 10am? If she doesn't want to leave the house, will you and Dean leave the house between noon and 2pm tomorrow so I can bring lunch to the house and have a private visit? If not tomorrow at 10am, what time? If not tomorrow, what day/time right away may I have access for an independent visit to see mom? I believe Donna would also like the same information but she, of course, needs more notice.

What are valid text and phone numbers for Kim that will receive texts from all of the siblings to make sure there's easy, inexpensive, clear communication?

Thanks,

Robyn

From: Kimberly Jones <flyonthewall2you@gmail.com>

Sent: Thursday, September 12, 2019 1:03:36 PM

To: Donna Cell <donnamsimmons@hotmail.com>; Scott Simmons <Scott@technocoatings.com>; terijbutler@gmail.com <terijbutler@gmail.com>; Roby Friedman <vgsfun@hotmail.com>; Jack Cell <jacknteributler@gmail.com>; David C Johnson Attorney <dcj@johnsonlegal.com>

Subject: Mom #4

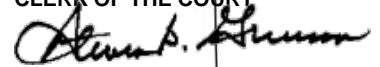
Hello,

I'm urging you all to be patient and let the process of the courts take place. Besides being against moms wishes, we feel at this point guardianship is only going to cloud the fields. As in the last email (#3), my plan remains the same. If the court does not recognize the POA I will seek guardianship.

In reference to Robyn and Donnas concern for moms safety, mom has not been approached by anyone nor has anybody tried to take her. She has resumed her normal daily activity. She makes it to doctors appointments, she goes to physical therapy, she goes to aqua therapy and she has her dogs back. All of you are welcome to see her at any time, there is a room for you to stay in and the support would be good for her.

As stated in the last e-mail if at any point we feel that guardianship is necessary I will move in that direction. We are in a better position now with our documentation from Cleveland Clinic than we have ever been. So, I'm asking that you be patient and let the court process take place. If you choose to go to guardian court I will opposed it vigorously. Please give it time.

Thank you,
Kimberly



CAPL

John P. Michaelson, Esq.
Nevada Bar No. 7822
Email: john@michaelsonlaw.com
Lora L. Caindec-Poland, Esq.
Nevada Bar No. 14178
Email: lora@michaelsonlaw.com
MICHAELSON & ASSOCIATES, LTD.
2200 Paseo Verde Parkway, Ste. 160
Henderson, Nevada 89052
Ph: (702) 731-2333
Fax: (702) 731-2337
Attorneys for Petitioners

DISTRICT COURT

CLARK COUNTY, NEVADA

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

Kathleen June Jones,)

An Adult Protected Person.)

Case Number: G-19-052263-A
Department: B

PROPOSED CARE PLAN

☒ TEMPORARY GUARDIANSHIP
☐ Person
☐ Estate
☒ Person and Estate

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

☐ SPECIAL GUARDIANSHIP
☐ Person
☐ Estate
☐ Person and Estate

☒ NOTICES / SAFEGUARDS
☒ Blocked Account
☐ Bond Posted
☐ Public Guardian Bond

COMES NOW Temporary Guardians, Robyn Friedman and Donna Simmons, by and
through the law firm, Michaelson & Associates, Ltd., and hereby submits a proposed care plan for

///

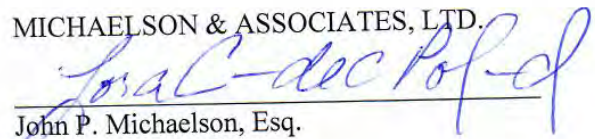
///

///

1 Kathleen June Jones, the adult protected person, attached hereto as **Exhibit "1."**

2 DATED: October 2, 2019.

3 MICHAELSON & ASSOCIATES, LTD.

4 
5 John P. Michaelson, Esq.

6 Nevada Bar No. 7822

7 Lora L. Caindec-Poland, Esq.

8 Nevada Bar No. 14178

9 2200 Paseo Verde Parkway, Ste. 160

10 Henderson, Nevada 89052

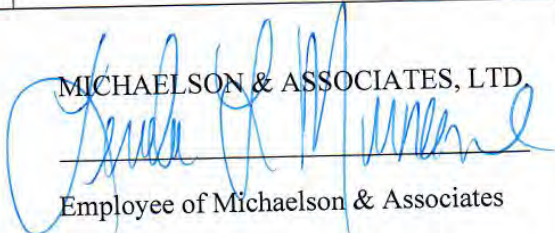
11 Counsel for Temporary Guardians

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) and NEFCR 9, the undersigned hereby certifies that on October 2, 2019 a copy of the Proposed Care Plan was served and on October 3, 2019, a copy of the Proposed Care Plan was mailed by regular US first class mail, postage prepaid, in a sealed envelope in Henderson, Nevada to the following individuals and/or entities at the following addresses:

Kathleen June Jones 6277 Kraft Avenue Las Vegas, Nevada 89130	Maria L. Parra-Sandoval, Esq. Legal Aid Center of Southern Nevada mparra@lacsns.org
Jeffrey P. Luszeck, Esq. Ross E. Evans, Esq. SOLOMON DWIGGINS & FREER, LTD. jluszeck@sdfnvlaw.com revans@sdfnvlaw.com Attorney for Kimberly Jones	Ty E. Kehoe, Esq. KEHOE & ASSOCIATES TyKehoeLaw@gmail.com Attorney for Rodney Gerald Yeoman
Teri Butler 586 N. Magdalena Street Dewey, AZ 86327	Scott Simmons 1054 S. Verde Street Anaheim, CA 92805
Jen Adamo 14 Edgewater Drive Magnolia, DE 19962	Jon Criss 804 Harksness Lane, Unit 3 Redondo Beach, CA 90278
Ryan O'Neal 112 Malvern Avenue, Apt. E Fullerton, CA 92832	Tiffany O'Neal 177 N. Singing Wood Street, Unit 13 Orange, CA 92869
Courtney Simmons 765 Kimbark Avenue San Bernardino, CA 92407	Ampersand Man 2824 High Sail Court Las Vegas, Nevada 89117

MICHAELSON & ASSOCIATES, LTD.


Employee of Michaelson & Associates

GUARDIANSHIP CARE PLAN

10/01/2019

Kathleen June Jones

Prepared by

Gina Jolliff, MSG, CMC

Aging Life Care Professional

Aging Perspectives, LLC

Problems, Goals and Tasks for Care Development

Medical

Problem: Cognitive Impairment

Suspected diagnosis of Progressive Vascular Dementia (VaD) or
Alzheimers

Goals: Provide 24/7 supervised care

Tasks: Provide options for supervised care

Functional Limitations

Problem: Progression of disease will significantly increase level of care needs

Goals: Arrange appropriate level of care at all times

Tasks: Provide options to ensure continuity of care

Legal

Problem: Current home was sold 01/12/2018 with impaired cognitive function

Goals: Regain legal possession of home

Tasks: Retained Real Estate Attorney

Housing

Problem: Housing instability with care provision

Goals: Ensure housing serves the best interest of Ward

Tasks: Provide multiple options for housing security

Provisional Care Options

Option 1

Current home located at 6277 Kraft Avenue, Las Vegas, NV 89117

Care provided by daughter Kimberly Jones with respite provision

Home and care provided at no cost; respite cost based on number of hours and cost per hour of care, options to be provided

Option 2

California home located at 1054 S. Verde Street, Anaheim, CA 92805

Care provided by daughter Donna Simmons with respite provision

Home and care provided at no cost; respite cost based on number of hours and cost per hour of care, options to be provided

Option 3

Daughter Robyn's home located at 2824 High Sail Ct., Las Vegas, NV 89117

Care provided by daughter Robyn Friedman with support from current nanny

Home and care provided at no cost; nanny support at additional \$2.00 per hour

Summary

Kathleen June Jones, born January 20, 1937 is an 82-year-old female who, in September 2014, was hospitalized for clostridium difficile colitis (C. diff) and rectal bleeding. Upon her release from the hospital, she began to show signs of cognitive disfunction which has continued to progress to the point that 24-hour supervision is now necessary. Until April of 2019 Kathleen lived with her husband Ronald Gerald Yeoman (Gerry) who was her sole care provider. In April 2019, Gerry moved in with one of his children so they could provide care for him due to his declining health. At that time, Kathleen's daughter Kimberly Jones moved from California to provide care for her mother who did not want to leave her home. All non-specified dates are approximations due to Kimberly's refusal to be forthcoming with requested information.

Kathleen is currently living in a home that, until 01/12/2018, she solely owned. On that date, the home was sold to her husband Gerry's son-in-law, Richard Powell for the remaining balance owed on the home, costing Kathleen minimally \$120,000 in accrued equity. That transaction is now under review with the assistance of a Real Estate Attorney hired by current temporary co-guardian Robyn Friedman. Currently, in addition to daughter Kimberly, Kathleen is receiving 24-hour care from home care company Senior Helpers. Richard is allowing Kathleen to live in the home rent free, however, he has begun eviction proceedings to remove Kimberly from the home. Due to Kathleen's limited income, this level of care from Senior Helpers is unsustainable. Without a full-time hired care companion, constant care from Kimberly will be required with respite assistance. It is not only Kathleen's, but the family's desire for Kathleen to remain in this home as the primary choice for her care.

If this first option proves not to be viable, Kathleen could move to California to live in the home she owns there; 24-hour care would be provided by her daughter Donna Simmons with respite support. The downfall to this option is, it would take Kathleen away from her husband Gerry and, due to the declining health of both, make it difficult for them to visit one another.

The final option is for Kathleen to move into her daughter Robyn Friedman's home in Las Vegas. Robyn would provide care for her mother with support from her husband and her children's nanny. Because Robyn has small children in her home, this is not the ideal situation for Robyn nor Kathleen.

Communication has been an ongoing battle in the midst of Kathleen's situation. The family currently has Google docs set up with medical, legal, and financial information, as well as a calendar that all family members have been invited to update, but information thus far, has only been provided by Robyn and Donna. The platform also contains a daily schedule with hour by hour updates to Kathleen's day, as well as her likes and dislikes in order to provide the highest quality of care.

Due to lack of communication in regard to Kathleen's care, Our Family Wizard will be put into place to provide a strong, safe, secure, and easily referenced platform that will allow for in detailed records and downloadable reports which can be custom fit to the needs of the family. Our Family Wizard will provide the ability to coordinate a calendar, clarify and uncomplicate communication, along with a message board, a daily journal, expense logs, and banking information. This is truly the whole package in clarifying family communication. With a tool such as this, the only reason to be uninformed is by choosing to do so.

Kathleen has three very viable options for care, and it is my hope that the family can work together to ensure Kathleen has a comfortable and sustainable quality of life for her remaining years.

Steven D. Grierson

SUPP
JEFFREY P. LUSZECK, ESQ., Bar No. 09619
jluszeck@sdfnvlaw.com
ROSS E. EVANS, ESQ., Bar No. 11374
revans@sdfnvlaw.com
SOLOMON DWIGGINS & FREER, LTD.
9060 West Cheyenne Avenue
Las Vegas, Nevada 89129
Telephone: (702) 853-5483
Facsimile: (702) 853-5485

Attorneys for Respondent Kimberly Jones

DISTRICT COURT

CLARK COUNTY, NEVADA

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

Case No.: G-19-052263-A
Dept.: B

KATHLEEN JUNE JONES

An Adult Protected Person.

Date of Hearing: October 3, 2019
Time of Hearing: 9:00 a.m.

**SUPPLEMENT TO COUNTER-PETITION FOR APPOINTMENT OF KIMBERLY
JONES AS TEMPORARY AND GENERAL GUARDIAN OF THE PERSON AND
ESTATE**

☒ TEMPORARY GUARDIANSHIP

- ☐ Person
☐ Estate
☒ Person and Estate

☐ GENERAL GUARDIANSHIP

- ☐ Person
☐ Estate
☐ Person and Estate

☐ SPECIAL GUARDIANSHIP

- ☐ Person
☐ Estate
☐ Person and Estate

☐ NOTICES/SAFE GUARDS

- ☐ Blocked Account Required
☐ Bond Required

Counter-Petitioner, Kimberly Jones, by and through her counsel of record, Jeffrey P. Luszeck, Esq., and Ross E. Evans, Esq., of the law firm Solomon Dwiggins & Freer, Ltd., hereby Supplements her Counter-Petition for Appointment as Temporary and General Guardian of the Person and Estate as follows:

1. Kimberly Jones was born on January 17, 1976 and is presently forty-three years old. Kimberly is a resident of California, however, has recently relocated to reside with June Jones in Clark County, Nevada. One of the forms of identification required by NRS 159.044(h)



9060 WEST CHEYENNE AVENUE
LAS VEGAS, NEVADA 89129
TELEPHONE (702) 853-5483
FACSIMILE (702) 853-5485
WWW.SDFNVLAW.COM

1 will be provided to the Court prior to the date and time set for hearing.

2 2. Kimberly Jones is not a licensed private or professional guardian in Nevada or
3 any other state, and does not presently serve in a fiduciary capacity as guardian of any person.

4 3. Kimberly Jones is duly qualified for appointment to serve as a guardian pursuant
5 to NRS 159.059, as she is an adult competent person, has never been convicted of a felony, and
6 has not been suspended for misconduct or disbarred from the practice of law, the practice of
7 accounting, or any other profession which involves or may involve the management or sale of
8 money, investments, securities or real property, and which requires licensure in this State or any
9 other state.

10 4. Kimberly Jones has not been judicially determined to have committed abuse,
11 neglect or exploitation of a child, spouse, parent or other adult.

12 5. Kim is the person most qualified and suited to be her mother's attorney-in-fact or
13 guardian. Kim has a master's degree in Gerontology from Cal. State. Kim is a certified Nurse
14 Assistant in the State of California, and prior to recently resigning, was employed by the State of
15 California Department of Aging, Long-Term Care Ombudsm as a Residential Care for the
16 Elderly Administrator. Kim has professional experience as being: (1) a Conflict Resolution
17 Mediator with the Orange County Court System; (2) a Domestic Violence Counselor; (3) an
18 Elder Mediator; (4) a Professional Supervised Family Court Visitation Monitor, handling in
19 excess of 450 cases; and (5) the Director of Social Services for a skilled nursing facility in
20 California.

21 DATED this 2nd day of October, 2019.

22 SOLOMON DWIGGINS & FREER, LTD.

23 /s/ *Ross E. Evans*

24 By: ROSS E. EVANS, ESQ.
25 Nevada Bar No. 11374
26 9060 West Cheyenne Avenue
27 Las Vegas, Nevada 89129

28 *Attorneys for Kimberly Jones*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of October, 2019, pursuant to NRCP 5(b), I caused a true and correct copy of the foregoing **SUPPLEMENT TO COUNTER-PETITION FOR APPOINTMENT OF KIMBERLY JONES AS TEMPORARY AND GENERAL GUARDIAN OF THE PERSON AND ESTATE**, to be served to the following in the manner set forth below:

Via:

☐ Hand Delivery
☐ U.S. Mail, Postage Prepaid
☐ Certified Mail, Receipt No.: _____
☐ Return Receipt Request
☒ E-Service through WIZnet

John P. Michaelson, Esq.,
MICHAELSON & ASSOCIATES, LTD.
2200 Paseo Verde Parkway, Suite 160
Henderson, NV 89052
john@michaelsonlaw.com

Attorneys for Petitioners Robyn Friedman and Donna Simmons

Maria L. Parra Sandoval, Esq.
LEGAL AID CENTER OF SOUTHERN NEVADA, INC.
725 E. Charleston Blvd.,
Las Vegas, NV 89104
mparra@lacsu.org

Attorney for Kathleen Jones, Adult Protected Person

Ty E. Kehoe, Esq.
KEHOE & ASSOCIATES
871 Coronado Center Dr. Ste. 200
Henderson, NV 89052
TyKehoe@gmail.com

Attorney for Rodney Gerald Yeoman

/s/ Gretta McCall

An employee of SOLOMON DWIGGINS & FREER, LTD.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Guardianship of Adult**COURT MINUTES**

October 03, 2019

G-19-052263-A

In the Matter of the Guardianship of:
Kathleen Jones, Protected Person(s)

October 03, 2019**9:00 AM****All Pending Motions****HEARD BY:** Marquis, Linda**COURTROOM:** RJC Courtroom 10A**COURT CLERK:** Karen Christensen (kc); Tanya Stengel**PARTIES:**

Donna Simmons, Petitioner, Temporary
Guardian, not present

John Michaelson, Attorney, present

Kathleen Jones, Protected Person, present

Maria Parra-Sandoval, Attorney, present

Kimberly Jones, Other, present

Jeffrey Luszeck, Attorney, not present

Robyn Friedman, Petitioner, Temporary
Guardian, present

John Michaelson, Attorney, present

Rodney Yeoman, Other, present

Ty Kehoe, Attorney, present

State Guardianship Compliance Officer,
Agency, not present

JOURNAL ENTRIES

HEARING FOR TEMPORARY GUARDIANSHIP...OPPOSITION AND COUNTERMOTION:
OPPOSITION TO APPOINTMENT OF TEMPORARY GUARDIAN; COUNTER PETITION FOR
APPOINTMENT OF TEMPORARY GUARDIAN OF THE PERSON AND ESTATE AND ISSUANCE
OF LETTERS OF TEMPORARY GUARDIANSHIP; AND COUNTER PETITION FOR
APPOINTMENT OF GENERAL GUARDIAN OF THE PERSON AND ESTATE AND ISSUANCE OF
LETTERS OF GENERAL GUARDIANSHIP.

Attorney Ross Evans, Nevada Bar #11374, present on behalf of Kimberly Jones (daughter).

Terri Butler, oldest daughter, present.

PRINT DATE:	10/15/2019	Page 1 of 4	Minutes Date:	October 03, 2019
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Court noted the presence of Protected Person (PP)

Upon Court's inquiry regarding resolution, Mr. Evans advised he and Mr. Kehoe have a proposed resolution, however he felt Mr. Michaelson's clients may disagree. Mr. Evans proposed ending the temporary guardianship and revoking the letters. PP and her husband would live together as husband and wife, and as Kimberly has been the attorney-in-fact for PP, she would oversee the financial and healthcare needs of PP, in the best interest of PP. Mr. Evans made statements regarding the sale of the house and getting the proceeds of that sale returned. Mr. Evans advised there is a durable power of attorney, established in 2012 over finances, and a durable healthcare power of attorney, established in 2005. Mr. Evans stated Kimberly did not oversee the sale of the house as PP was living with her husband at the time. The current owner is Mr. Yeoman's son, who is willing to reverse it entirely.

Ms. Parra-Sandoval advised she spoke with PP, who is able to direct her and tell her who she wants as her guardian. PP had no recollection of transferring her home to anyone, signing a deed, or the sale of the house. PP wants Kimberly Jones to be her guardian if a guardian is necessary, her daughters to care for her, and her husband to live with her. Ms. Parra-Sandoval requested the investigator look into the situation.

Mr. Kehoe informed the Court Mr. Yeoman wants to re-establish his relationship with his wife and wants the care of PP to be resolved. He believes outside care is occasionally needed. PP and Mr. Yeoman would share the cost of a caregiver. Mr. Kehoe advised he agreed with the resolution as stated by Mr. Evans. Mr. Kehoe requested a status check on 10/15. Court expressed concern regarding the sale of the house and someone taking advantage of PP, especially since PP didn't know about the sale of the house.

Mr. Michaelson advised everyone's goal is to work out a situation, there has been an unwillingness to communicate with the temporary guardians, they have been denied medication, given outdated medication and medication mixed with Mr. Yeoman's medications. Mr. Evans and Mr. Kehoe disagreed and advised they provided the requested information. Argument and discussion regarding medication being locked in the trunk of the car in the garage. Mr. Michaelson advised Kimberly has not returned phone calls. Mr. Michaelson requested temporary guardianship remain in place until a permanent guardian can be appointed, and additionally requested mediation or a settlement conference. Ms. Parra-Sandoval requested temporary guardianship stay in place, and again advised PP wants Kimberly Jones to be her guardian if it is necessary.

Court admonished parties regarding the care of PP and warned against misuse of her medication, withholding of information regarding her doctors and other basic healthcare needs. Family members need to set aside their differences and work together for the best interest and protection of PP.

PRINT DATE:	10/15/2019	Page 2 of 4	Minutes Date:	October 03, 2019
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Dean Loggins, Kimberly Jones' fiancé, made statements in favor of Kimberly being named as guardian.

Terri Butler made statements regarding PP's best interests.

Argument between counsel regarding PP's care by her husband.

Court noted its concern and stated it has no choice but to continue the temporary guardianship until it receives the results of investigation. If allegations are proven to be true, it is a likely court outcome that despite the nomination of guardian, a different person or persons may be appointed.

Mr. Michaelson advised Mr. Yeoman is in the process of trying to evict Kimberly and her fiancé that are the caregivers from the home. Mr. Kehoe disagreed and explained the evictions. Court again expressed concern regarding the significant allegations and suitability.

Discussion regarding visitation.

COURT ORDERED:

Temporary Guardianship shall REMAIN in place. Protected Person shall REMAIN where she is with Kimberly Jones providing care until the next hearing. Order extending TEMPORARY GUARDIANSHIP signed in OPEN COURT and shall EXPIRE on 12/3/19. Order returned to Mr. Michaelson for filing.

Hearing set for 10/15/19 shall STAND.

Supreme Court Guardianship Compliance Officer shall be APPOINTED to investigate the case and get all the applicable documents from the sale of the house. Although a report will not be completed, Investigator shall appear at the hearing to orally report any findings.

Mr. Yeoman shall have UNSUPERVISED VISITATION with Protected Person between 8:00 AM and 8:00 PM.

A list of medications and any doctor appointments shall be sent to temporary guardians within 48 hours of today's hearing.

PRINT DATE:	10/15/2019	Page 3 of 4	Minutes Date:	October 03, 2019
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

INTERIM CONDITIONS:

FUTURE HEARINGS: *Canceled: October 10, 2019 10:30 AM Citation to Appear*

October 15, 2019 10:00 AM Citation to Appear
RJC Courtroom 10A
Marquis, Linda
Christensen, Karen
Stengel, Tanya

PRINT DATE:	10/15/2019	Page 4 of 4	Minutes Date:	October 03, 2019
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

1 TRANS

2 ORIGINAL

FILED

JAN 31 2020

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CLERK OF COURT

EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

IN THE MATTER OF THE
GUARDIANSHIP OF:

KATHLEEN JONES,

Protected Person(s).

CASE NO. G-19-052263-A

DEPT. B

BEFORE THE HONORABLE LINDA MARQUIS
DISTRICT COURT JUDGE

TRANSCRIPT RE: ALL PENDING MOTIONS

THURSDAY, OCTOBER 3, 2019

1 APPEARANCES:

2 The Temporary Guardians: DONNA SIMMONS
3 ROBYN FRIEDMAN
4 For the Temp. Guardians: JOHN MICHAELSON, ESQ.
5 2200 Paseo Verde Pkwy #160
6 Henderson, Nevada 89052
7 (702) 731-2333
8
9 The Protected Person: KATHLEEN JONES
10 For the Protected Person: MARIA PARRA-SANDOVAL, ESQ.
11 725 E. Charleston Blvd.
12 Las Vegas, Nevada 89104
13 (702) 386-1070
14
15 The Husband: JERRY YEOMAN
16 For the Husband: TY KEHOE, ESQ.
17 871 Coronado Center Dr., #200
18 Henderson, Nevada 89052
19 (702) 837-1908
20
21 The Daughter: KIMBERLY JONES
22 For the Daughter: ROSS EVANS, ESQ.
23 9060 West Cheyenne Avenue
24 Las Vegas, Nevada 89129
 (702) 997-7714

Also Appearing:

TERRI BUTLER, Oldest Daughter

2 P R O C E E D I N G S

3 (THE PROCEEDINGS BEGAN AT 10:24:06)

4
5 THE COURT: This is the matter of the Guardianship
6 of Kathleen Jones, G-19-052263-A. Counsel, your appearances
7 and tell me who you represent.

8 MR. MICHAELSON: John Michaelson, bar number 7822,
9 on behalf of the temporary guardians Robyn Friedman and Donna
10 Simmons.

11 THE COURT: And they are the daughters of Kathleen
12 Jones, correct?

13 MR. MICHAELSON: Yes.

14 THE COURT: Counsel?

15 MS. PARRA-SANDOVAL: Maria Parra-Sandoval, 13736,
16 from Legal Aid Center, on behalf of Ms. Kathleen June Jones.

17 MR. EVANS: The protected person. And then Ross
18 Evans, bar number 11374, on behalf of Kimberly Jones. She is
19 a daughter as well and we have filed an opposition to the
20 temporary and a counter-petition.

21 MR. KEHOE: Good morning, Your Honor. Ty Kehoe, bar
22 number 6011. I represent Jerry Yeoman who is the husband of
23 the proposed protected person. Who is also present here in
24 the courtroom.

1 THE COURT: Counsel, is Mr. Ye -- tell me how to
2 spell -- pronounce the last name?
3 MR. KEHOE: Yeoman.
4 THE COURT: Yeoman. Is he father to all three of
5 the daughters?
6 MR. KEHOE: He is not.
7 THE COURT: Okay.
8 MR. KEHOE: Or not to any of them, correct.
9 MR. EVANS: And then, Your Honor, there is Terri is
10 a daughter as well.
11 MS. BUTLER: I'm the oldest.
12 MR. EVANS: And she hasn't filed, but she's here.
13 THE COURT: All right. Thank you, Counsel.
14 MS. PARRA-SANDOVAL: And Ms. Kathleen Jones is
15 present today.
16 THE COURT: All right. Thank you so much.
17 Everybody have a seat. Counsel, I have a future date of
18 10/15. I'm also missing some things. So did you all have an
19 opportunity to chat? Have we resolved anything?
20 MR. EVANS: Yes, Your Honor. In fact, Mr. Kehoe and
21 I have a proposal that I think may work for the Court. At
22 least --
23 THE COURT: Did you talk to Mr. Michaelson about --
24 MR. EVANS: We have been in --

1 THE COURT: Okay.

2 MR. EVANS: -- touch with Mr. Michaelson. I
3 understand his clients will have some disagreements to what we
4 have proposed, but we'd like the Court to consider it at least
5 for temporary basis until things iron out.

6 But -- but the proposal would be that we want to --
7 Kimberly is the attorney-in-fact for her mom. She's been the
8 long-term attorney-in-fact in 2005 and '12. She desires to
9 keep -- obviously keep the married parties together and we
10 want Jerry back in with June immediately.

11 We would like that the Court suspend, revoke, the
12 temporary letters. Obviously, I understand Mr. Michaelson's
13 clients are going to make more claims and possibly file an
14 additional petition, and we'll have hearings on that, Your
15 Honor. But we don't believe that there's any necessary
16 necessity right now for the continuation of temporary
17 guardianship while we have a currently appointed attorney-in-
18 fact.

19 And Mr. Kehoe and I want to get the -- Jerry and
20 June back together in their house where they belong as -- as a
21 married couple and with Kimberly overseeing some financial
22 issues for June going forward, obviously consulting and if
23 need be, making the medical decisions for June as June had
24 always wanted. And we believe that's the best path forward,

1 least restrictive.

2 And Kim and Jerry also believe that they can work
3 out first of all, the family dynamic issues. I mean, there's
4 a lot of conflict and second guessing. It needs to stop. But
5 the attorney-in-fact and the husband I believe can work that
6 out. They want privacy back in their marital home and they
7 want stabilization. And not a return necessarily to the
8 status quo, but stabilization in a manner that's befitting Ms.
9 Jones' best interest and the least restrictive way to do that
10 is working together as a husband and power of attorney.

11 There were some financial issues we raised in the
12 brief. We believe we can work through those things together.
13 We've already had discussions on how to resolve and settle
14 those things. There's -- there's assets available to do it.

15 THE COURT: What do you mean? The sale of the house
16 or --

17 MR. EVANS: The sale of the house and the --

18 THE COURT: So what's dealing with that?

19 MR. EVANS: They're -- well, Your Honor, we
20 understand that we can get those sales proceeds back by -- I
21 don't know if you want to talk about it, but we believe we can
22 get it back together. They don't want obviously claims being
23 made, we don't want to have to go into litigation, but -- but
24 there's been indication that the funds will be returned. We

1 want --

2 THE COURT: Isn't that a little too late, like for -
3 - are we doing that a little too late?

4 MR. EVANS: Are we? I don't believe so.

5 THE COURT: I -- that's my question to you.

6 MR. EVANS: No.

7 THE COURT: No?

8 MR. EVANS: No.

9 THE COURT: Okay.

10 MR. EVANS: I think if -- if they're willing to --
11 to provide reimbursement, you know, in a way that satisfies
12 the attorney-in-fact, then that's the way it goes forward.
13 And that's going to be in Ms. Jones' best interest.

14 If it -- if it devolves and we don't work out
15 something with -- with the -- and again, these are imperfect
16 allegations at this time, Your Honor. We -- there is defenses
17 that they've made, we -- we need an opportunity to work that
18 out. If it doesn't work out, then the attorney-in-fact has
19 the -- has the power and authority to go into court and file a
20 lawsuit.

21 THE COURT: Will you talk about that attorney in
22 fact? Is it a durable healthcare power of attorney?

23 MR. EVANS: There's a durable healthcare power of
24 attorney, there is also a durable financial power of attorney.

1 THE COURT: Two separate documents?

2 MR. EVANS: Two separate documents. One -- the
3 healthcare power of attorney was established in 2005 and the
4 financial power of attorney was established in 2012.

5 That -- that 2012 power of attorney post-dates the
6 marriage, which indicates what June wanted, you know, to be
7 done. And she wanted her daughter to be there for her, which
8 she is.

9 You know, there -- obviously, there's been issues
10 that, you know, broke down, but we want to get things back to
11 a normalization.

12 THE COURT: Was she overseeing the sale of the
13 house?

14 MR. EVANS: I'm sorry?

15 THE COURT: Did she oversee the sale of the house?

16 MR. EVANS: No, she did not, Your Honor. She did
17 not.

18 THE COURT: Why not?

19 MR. EVANS: Well, up until March or so of 2019, the
20 marital couple was living their life and -- and it came to
21 everyone's attention that an exchange and the sale occurred.
22 They -- you know, there's been an indication that the house
23 was sold, not -- was -- was transferred in a manner to pay
24 down the mortgage and provide them a rent free place to live.

1 I -- I have issues with that, the attorney-in-fact has issues
2 with it, and -- and current owner of the property, which is
3 Mr. Yeoman's son, has indicated that he's willing to reverse
4 it entirely. We just need an opportunity to work those
5 details out.

6 I mean, this all came to light within the last, I
7 don't know, week or so. So we would like to put it -- give us
8 an opportunity to put it back together, put them back in the
9 home together.

10 THE COURT: Ms. Parra-Sandoval?

11 MS. PARRA-SANDOVAL: Your Honor, I had a chance to
12 speak with my client. She is able to direct me, she's able to
13 tell me who she wants as a guardian and caretaker. She has no
14 recollection at all of transferring her home to anyone. She
15 doesn't remember signing a deed, so I'm very concerned.

16 THE COURT: Does she know that it was sold? Was
17 this news to her or --

18 MS. PARRA-SANDOVAL: This was -- that was news to
19 her, so I'm --

20 THE COURT: Okay.

21 MS. PARRA-SANDOVAL: -- very concerned about the
22 transaction and how it happened.

23 THE COURT: Okay.

24 MS. PARRA-SANDOVAL: I don't know if it's -- if it's

1 possible to employ the investigator to figure out what
2 happened.

3 THE COURT: Done.

4 MS. PARRA-SANDOVAL: Thank you. And as far as her
5 wishes, you know, we need to respect what she wants in this
6 matter.

7 Everyone in this matter, they care about their
8 mother, but she has her own wishes. And she's been very
9 consistent about those wishes. She would like Kimberly Jones
10 to be her guardian. If there's any kind of guardianship in
11 place, she wants Kimberly.

12 THE COURT: And let me just go back because you were
13 speaking earlier. Does she want there to be a guardian?

14 MS. PARRA-SANDOVAL: I believe she doesn't fully
15 comprehend what the guardianship means, but we went over it.
16 She wanted things to stay as they are, meaning she's in her
17 home, which is on Craft Avenue, the home where we're not sure
18 what happened with the transaction, but she believes that's
19 her home. She wants to remain in that home. She wants --

20 THE COURT: Would you tell me, Ms. Parra-Sandoval,
21 how long did she live there to date, approximately?

22 MS. PARRA-SANDOVAL: Since she lived -- I want to
23 stay since before she was married.

24 THE COURT: Okay.

1 MS. PARRA-SANDOVAL: Because --
2 MR. EVANS: Seventeen years.
3 THE COURT: Okay.
4 MS. PARRA-SANDOVAL: -- this property was bought
5 with a prior -- in a prior relationship.
6 THE COURT: Okay. Thank you. Okay.
7 MR. EVANS: I think it was 2002'ish.
8 THE COURT: Okay.
9 MS. PARRA-SANDOVAL: So this she believes is her
10 home. She doesn't recall the transaction that happened. She
11 still believes it's her house. So she wants to live there and
12 she prefers the daughters to take care of her. So even though
13 --
14 THE COURT: The daughters?
15 MS. PARRA-SANDOVAL: The daughters. So even though
16 she wants husband to be in the picture, she wants visitations
17 from everybody. She wants to remain there and she wants the
18 daughters to care for her and she wants Kimberly as the main
19 caretaker and guardian.
20 THE COURT: Can I parse caretaker from guardian?
21 MS. PARRA-SANDOVAL: Yes.
22 THE COURT: For a moment and so I -- not to really
23 give it to you today, Ms. Parra-Sandoval, but I'm going to, so
24 caretaker can be anyone on earth. I can totally understand

1 why a mom would want her daughters to be her caretaker and I
2 appreciate that and get that, that she would want them all,
3 right? Did you discuss with her the difference and the real
4 distinction between caretaker and guardian?

5 MS. PARRA-SANDOVAL: Yes.

6 THE COURT: And do you feel like she understands
7 that?

8 MS. PARRA-SANDOVAL: Yes.

9 THE COURT: And she made a distinct decision that
10 it's Ms. Jones?

11 MS. PARRA-SANDOVAL: Yes. And I put it in very
12 different ways, I gave her options, and consistently it was
13 Kimberly.

14 THE COURT: Okay. All right. Thank you so much.
15 Counsel?

16 MR. KEHOE: Hi, Your Honor. I represent the
17 husband. Our primary concern is that the husband and his wife
18 of nine years be allowed to reestablish their relationship.
19 There have been no concerns for nine years, there's never been
20 any allegations of wrongdoing. In fact, you have exhibits
21 which evidence Robyn expressing how much Jerry loves her mom
22 and how good he is to her, and so that's -- that has been our
23 interest. That has been our concern, is the separation
24 between her and her husband.

1 What was discussed with Kimberly and Kimberly's
2 Counsel, is an ability to get them back together, allow them
3 to live together. The care will be resolved between them.

4 THE COURT: What's the plan for the care being
5 resolved between them?

6 MR. KEHOE: To the extent that outside care,
7 professional care, is necessary, then --

8 THE COURT: Does your client think that it's
9 necessary?

10 MR. KEHOE: Occasionally. What he did have in place
11 before June wasn't --

12 MR. EVANS: Before the temporary --

13 MR. KEHOE: -- living with him anymore, is that a
14 caretaker would come in in the morning and help her get ready
15 in the morning, shower and get ready for the day, and then
16 she's capable of living her life throughout the day.

17 THE COURT: And was this caretaker somebody that was
18 licensed and bonded or was this just a friend or --

19 MR. KEHOE: Yes. No.

20 THE COURT: It was through a company?

21 MR. EVANS: A professional.

22 MR. KEHOE: It was a professional hired paid
23 caretaker.

24 THE COURT: Okay. Anything else you want to tell

1 me?

2 MR. KEHOE: We believe -- I believe this suggestion
3 makes the most sense. My suggestion would be that we
4 basically continue this hearing today, that the temporary
5 guardianship be cancelled, and that we come back on the 15th
6 essentially for a status hearing, to see if this proposed
7 arrangement has worked out.

8 The plan is to get Jerry and June back together
9 immediately, let them live together as a marital couple, and
10 then exercise the least restrictive means of Kimberly
11 exercising oversight over finances and medical care and they -
12 - they have agreed to share the expense of any, you know --

13 MR. EVANS: Caregiver.

14 MR. KEHOE: -- professional caregiver. They will --

15 MR. EVANS: Uh-huh.

16 MR. KEHOE: -- work out that. And --

17 THE COURT: Who will share it?

18 MR. EVANS: June and Jerry.

19 THE COURT: Okay.

20 MR. EVANS: Mr. Yeoman.

21 THE COURT: All right. Anything else?

22 MR. KEHOE: The -- I don't know if you want any or
23 need any other information on the home.

24 THE COURT: I do, because I am concerned.

1 MR. EVANS: Right.

2 THE COURT: Your plan is to go back to the status
3 quo and what we know for sure today is the status quo was not
4 working. Right? And that the oversight was not happening,
5 and that worries me. And the allegations, you know, Ms.
6 Parra-Sandoval's concerned about them, I'm concerned about
7 them. So I'm real hesitant to go back to the status quo.

8 Now I am -- I need for people to be around people
9 that they love. Okay? And that for -- but I need to protect
10 them.

11 MR. KEHOE: Right.

12 THE COURT: Right? And so, my concern is just that,
13 that this -- when we talk about the house, what we're really
14 talking, right, about, is somebody taking advantage of
15 somebody else. Somebody stealing from somebody else, right?

16 MR. KEHOE: And --

17 THE COURT: So it's a lot.

18 MR. KEHOE: Right.

19 THE COURT: And I under -- and until I -- you guys
20 can tell me the reason why it was done and we think it was
21 this and we think it was that, she don't know nothing about
22 it.

23 MR. EVANS: Uh-huh.

24 THE COURT: Okay? That tells me there needs to be a

1 guardian. That tells me what we had in place was not
2 sufficient, so I'm really worried about it. I'm ordering that
3 the investigator look into it, get --

4 MR. EVANS: Right.

5 THE COURT: -- me all the documents from the State
6 of Nevada compliance investigator.

7 MR. EVANS: And I think that would benefit all
8 parties and -- and we have --

9 THE COURT: Well, it's going to benefit me, because
10 I feel like --

11 MR. EVANS: Right.

12 THE COURT: -- I don't have enough information.

13 MR. EVANS: Yeah, and we have discussed specifically
14 that with regard -- with regard to the house, this occurred
15 while -- while June was obviously declining and -- and at the
16 time, you know, when there's just the two, marital couple in
17 the house and a third party goes in there, there's not much
18 anybody could do, let alone a guardian. But if we have a
19 commitment and a plan going forward is that we're not doing
20 contractual -- there's no contractual anymore.

21 THE COURT: So here -- here's my plan.

22 MR. EVANS: There's no -- right.

23 THE COURT: And I've told you guys this before, my
24 plan is to win the lottery next week.

1 MR. EVANS: Right.
2 THE COURT: It is my for sure plan.
3 MR. EVANS: Uh-huh.
4 THE COURT: Now, Wells Fargo is not going to loan me
5 \$5-million this afternoon --
6 MR. EVANS: Right.
7 THE COURT: -- based on my plan.
8 MR. EVANS: Right.
9 THE COURT: Okay? So you guys can have all kinds of
10 plans you want, but it doesn't really go that far here, right?
11 Just like my plan doesn't go that far with Wells Fargo.
12 MR. EVANS: Right.
13 THE COURT: All right? So that's about how much
14 stock I give to plans, okay? And it's not you, Counsel,
15 that's just generally.
16 MR. EVANS: Right.
17 THE COURT: I understand you've got a plan, but I've
18 got some real problems and so I -- I know you don't have the
19 paperwork on the house, I know you don't have more information
20 for me. I need to see it. I want to know if her signature is
21 on it. I need this from the investigator. It's a lot of what
22 ifs --
23 MR. EVANS: Uh-huh.
24 THE COURT: -- you know, and you guys probably don't

1 have -- like you said, this is moving fast.

2 MR. EVANS: Right.

3 THE COURT: You don't have all the information, I
4 know you don't have all the documents.

5 MR. EVANS: Right.

6 THE COURT: So I don't want to -- and Mr. Piccolo, I
7 didn't give you a chance to talk today. I think you're -- are
8 you on the bench today? Are you on the sidelines?

9 MR. PICCOLO: I'm co-counsel with Mr. Kehoe, so --

10 THE COURT: You're sidelined? Okay. All right.
11 Well, if you want to say -- I didn't want you to think I was
12 being rude and --

13 MR. PICCOLO: You're okay.

14 THE COURT: All right. So those are my concerns.
15 Counsel, they want a status check 10/15.

16 MR. MICHAELSON: Yeah, the only -- the major issue
17 we have with that is discontinuing the guardianship while we
18 have the winds of change at our back. Right now, the only
19 reason that we've had -- I have never in my career put so much
20 effort into meet and confer as I did to this one.

21 It was weeks and weeks and weeks of stonewalling, by
22 both of the parties. We offered to pay for attorneys, we
23 offered things, and it's only now because you're here that we
24 have this sudden sea change of an agreement and -- and Ms.

1 Maria Sandoval. Yeah. That's the only reason this framework
2 is here.

3 We -- we agree -- the parties can work it out, that's
4 obviously everyone's goal at the end. But what happened was,
5 I want to read this definition I just looked up right here;
6 passive aggressive as defined by Oxford dictionary. Of or
7 denoting a type of behavior or personality characterized by
8 indirect resistance to the demands of others and an avoidance
9 of direct confrontation as in procrastinating, pouting or
10 misplacing important materials.

11 We have been denied as -- even the guardian, denied
12 medication, we've been given outdated medication, medication
13 mixed with Jerry's stuff, we haven't been told who the doctors
14 are, it's been absolute stonewalling here. And our argument
15 is we --

16 THE COURT: Wait a second.

17 MR. EVANS: That's not true. I provided you the --

18 MR. MICHAELSON: You did eventually.

19 MR. EVANS: -- medical -- immediately.

20 MR. MICHAELSON: About two days ago.

21 MR. EVANS: Immediately when you asked.

22 MR. MICHAELSON: When you came on two days ago. And
23 we've been asking for that --

24 MR. KEHOE: And we provided all of that before the

1 guardianship ever even existed.

2 MR. MICHAELSON: And there's where --

3 UNIDENTIFIED VOICE: No ID.

4 MR. MICHAELSON: -- the tip of the iceberg of the
5 disagreement here. So what we're saying is, Ms. Jones -- Ms.
6 Kimberly Jones, I believe, is a very intelligent, capable
7 person, but she is also capable of profound not cooperating
8 with people or returning phone calls. And -- and I think this
9 framework of having you involved is absolutely necessary to
10 the parties.

11 The other interesting thing that they're not really
12 addressing is they're both openly saying well, if this thing
13 doesn't work out, we're going to go sue each other under
14 162(a) on the POA and we're going to maybe initiate a lawsuit
15 for elder abuse, we might do a lawsuit for recovery of the
16 home, and I'm sitting here going you can do a 162(a) here.
17 The POAs are suspended, we could ask you to interpret what
18 authority that has as we come back. We can have the
19 guardianship compliance office work, we have investigators
20 that are here, but I think the pressure of you and the Legal
21 Aid attorney is imperative at this time. That's our stand.

22 THE COURT: Counsel, what's your suggestion on
23 moving forward? We have a 10/15 date anyway.

24 MR. MICHAELSON: That's on -- that's on the general.

1 I would -- we would ask that you continue the temporary
2 guardian in place during that time and then what we would ask
3 for is mediation. That's where I think this is going to go.
4 Rather than both -- all sides filing numerous pleadings in the
5 case, just sit us down with a retired judge maybe, something
6 like that. That's -- I think that's really where this case
7 needs to go, is sit us down in a room for a day and work it
8 out so it's not just those two parties who have demonstrated.
9 I can personally verify this. There's a -- a tendency on both
10 of those parties to pretend nothing's wrong and at -- when
11 they're in power, and other people are left out. It needs to
12 be a global solution and I think that's with Your Honor, with
13 the Court's oversight.

14 So we -- we plead that this -- all this happened
15 because of this court process.

16 THE COURT: Ms. Parra-Sandoval, what's your
17 suggestion moving forward?

18 MS. PARRA-SANDOVAL: Your Honor, my suggestion is
19 that the temporary guardianship stay in place. As far as the
20 guardian, my client does want Kimberly Jones to take over.
21 And if there will be a general guardianship, she wants
22 Kimberly to also be her guardian.

23 THE COURT: Okay. Counsel, anything else in
24 closing?

1 MR. EVANS: Obviously we disagree about the factual
2 matters and who was communicating with who. Kimberly attached
3 at least four emails --

4 THE COURT: Well Counsel, I --

5 MR. EVANS: -- that were not responded to by -- by
6 the Petitioners for guardianship.

7 THE COURT: Okay.

8 MR. EVANS: And so, it demonstrates --

9 THE COURT: Did she respond -- like I'm a little bit
10 -- I, you know, how is she doing is one thing. I need her
11 medication is totally another.

12 MR. EVANS: Of course.

13 THE COURT: So that --

14 MR. EVANS: Right.

15 THE COURT: -- was not provided until you came on.

16 MR. EVANS: That is a --

17 MR. KEHOE: No.

18 MR. EVANS: That's a falsity, Your Honor. They --
19 they were there, they were in the home.

20 UNIDENTIFIED VOICE: I have video.

21 MR. EVANS: They had access to the medication.

22 MR. MICHAELSON: It was placed by Ms. Jones in the
23 trunk of her car and locked in the garage. And then when she
24 wanted to, she would go out and say okay, take this. She gave

1 us a bag. The bag was expired and it had Jerry's medication
2 in it.

3 THE COURT: Okay. So let me tell you this, let me -
4 - and I'm just going to speak to the parties and the family.

5 If I find out that somebody locked this sweet lady's
6 medication in the trunk of your car and gave her -- gave them
7 the wrong medication, gave them expired medication, Ms. Parra-
8 Sandoval will see me lose my mind like I never have. Well,
9 maybe a couple of times. But I'm going to -- you know that I
10 -- I need her to be taken care of.

11 MR. EVANS: Of course.

12 THE COURT: And I understand if you don't agree with
13 me and I don't -- I -- I really understand if you don't agree
14 with each other. Got it. However, her medication, her well-
15 being, is so important to me, it's the most important thing,
16 okay?

17 So you can hate each other, okay? And I'm sure that
18 you do, okay? Because you're sisters and sometimes I hate my
19 sister, so I get that. Okay? I totally get it, right? I am
20 never going to solve all of your problems, right? Because all
21 of your problems are like 40 years old. You guys are young,
22 maybe 30 years old. Right? Not old like me. And Mr.
23 Michaelson.

24 But I can't fix them, right? All these lawyers in

1 this room can't fix them. Okay? This is the tip of your
2 family iceberg that I'm seeing, right? But I need you and I
3 will hold it against ya, if you do not act in her best
4 interest. Okay? So when it comes to medication, when it
5 comes to her doctors, when it comes to making sure she -- and
6 that's the basic stuff, that is basic. All right? Totally
7 basic.

8 Beyond that is stuff that you guys know that nobody
9 else knows, right? What kind of shoes she likes, what kind of
10 sweaters she wants to wear, what color is her color, okay?
11 All of those things you guys know. When you walk into a
12 store, you know my mom would love this, she would hate that.
13 Right? You guys know her like no one else in the world.
14 Okay? And you can take care of her like no one else in the
15 world.

16 So for right now, I need you to set aside the 30
17 years of sister drama and family drama and work together on
18 your mom. Okay? I am going to hold you to it, okay? I need
19 you to do that for me. I need somebody to protect her, okay?
20 That means protect her and make sure she has the right
21 medication. That means protect her and make sure that
22 everybody knows what doctor she's going to. That means
23 protect her and make sure that nobody steals \$100,000 from
24 her. Okay? Or that she signs papers she doesn't know about.

1 Okay?

2 All of those thing -- there's a gentleman in the
3 back raising his hand. Sir, will you stand up and tell me
4 your name?

5 MR. LOGGINS: Yes, Your Honor. And I do have
6 something to say.

7 THE COURT: Oh, tell me your name for the record.

8 MR. LOGGINS: Dean Loggins.

9 THE COURT: And Dean, how are you related to
10 Kathleen?

11 MR. LOGGINS: I'm Kimberly's fiancé.

12 THE COURT: Oh, okay.

13 MR. LOGGINS: And what I was --

14 THE COURT: Counsel, any objection to him speaking
15 as no biologic relation?

16 MR. MICHAELSON: I guess I object. I think the
17 parties have it, we have Legal Aid counsel here.

18 THE COURT: Well, go ahead.

19 MR. LOGGINS: I want to speak about Kimberly,
20 though. It -- it sounds to me like you're under the
21 impression that she -- Your Honor, let me tell you. She's the
22 one that takes her to all of her doctors appointments. She
23 makes sure that all of her medicines she takes everyday. She
24 is the one that initiated all these issues with taking her to

1 the Cleveland Clinic. If I had anybody there wanting to care
2 for my mother, I could tell you from the bottom of my heart
3 this girl would never do anything to hurt her mother, ever.

4 She has -- I've seen her work with -- she comes home
5 one day and she said she met some lady at Triple-A, an elderly
6 lady, and for the next eight months she took her to their
7 doctor -- she did all this no charge, no nothing, no --
8 nothing to gain, because the lady needed help.

9 Kimberly would never do anything to hurt this -- her
10 mother. She loves her with all of her passion and she's been
11 with her for five months. And when you give them temporary
12 guardianship and she continues to take care of her mother,
13 they don't do one thing, not one day did they spend there.

14 UNIDENTIFIED VOICE: We couldn't.

15 UNIDENTIFIED VOICE: That's not true.

16 MR. LOGGINS: Not one day, Your Honor. She did --
17 continued to do what she's been -- done for five months.

18 And the other thing about the house, it's not like
19 Kimberly didn't act on it, when we found out about it, she
20 acted immediately. We did -- got all the bank financial
21 records, she acted -- she hired an attorney on the issue, it
22 was -- that's BS that she did not do what she was -- was
23 supposed to do. She overlooked (sic) her mother's affairs and
24 always thought what was best for her.

1 And if you talk to Ms. Jones, she'll tell you that
2 she wants one thing and that's -- she loves her husband, she
3 wants to be back with him. We want to facilitate that. But
4 we only agreed to it under the terms that Kimberly gets to
5 oversee the whole thing.

6 I think the attorneys are not telling you the whole
7 story here. Kimberly goes at this with everything she's got.
8 She would never, ever, let anything happen to her mother and
9 she wouldn't -- it wasn't that she wouldn't give her the
10 medicine, she did give her the medicine. She (indicating)
11 just was not aware of what her mother took, because she's not
12 been involved in her mother's life.

13 UNIDENTIFIED VOICE: Your Honor, I have video.

14 THE COURT: Hold on.

15 MR. MICHAELSON: Yeah, just --

16 UNIDENTIFIED VOICE: I've heard -- (indiscernible)
17 locked in the trunk.

18 THE COURT: Anything else?

19 MS. BUTLER: Your Honor, I have something to say.

20 THE COURT: Yes. Can you tell us your name and your
21 relationship to Ms. Jones?

22 MS. BUTLER: My name is Terri J. Butler, I am the
23 oldest daughter of five kids.

24 MR. MICHAELSON: We would object to this as long as

1 she hasn't filed in the case, but --

2 THE COURT: I'm going to allow it.

3 MS. BUTLER: I am the oldest daughter.

4 THE COURT: I'm the oldest, too.

5 MS. BUTLER: Of five -- of five kids. And I'm not
6 here for either side. I'm here for my mom. And over the last
7 30 years, my mom has made clear to me what she's wanting. She
8 has made clear to everyone in my whole family what she's
9 wanting. And that's the only reason I'm here.

10 I want my mom protected and I want her wishes. And
11 I know for a fact, because she's told me, on many, many
12 occasions on what she wants. And the most dramatic part of
13 that is that she never, ever, wants Robyn in charge of her.
14 And that is because Robyn bullies her into doing things that
15 she does not want to do.

16 I have many examples of that fact and that's
17 hearsay, okay, but as I said, my main concern is for my mom.
18 So -- and what her best interest is. And that's the only
19 reason I'm here is to make sure what my mom's will is what she
20 wants is taken care of.

21 THE COURT: Thank you so much.

22 MS. BUTLER: And so much to the point that I have a
23 husband in the hospital that they don't know what's wrong with
24 him and has been since Sunday. And he told me to come here to

1 make my mom's will known to the Court. And that's what I'm
2 here for.

3 THE COURT: Thank you so much for being here. I'm
4 sorry we were running late today.

5 MS. BUTLER: That's okay.

6 THE COURT: I want you to get back to the hospital
7 to your husband.

8 MS. BUTLER: Thank you.

9 THE COURT: And in the future, if you wanted to
10 appear by telephone or something else, you can file something,
11 okay, so you can do that.

12 MS. BUTLER: Thank you.

13 THE COURT: All right? Because I know that there's
14 extenuating circumstances. So thank you for being here.

15 MS. BUTLER: Thank you.

16 THE COURT: Counsel.

17 MR. KEHOE: If I may, Your Honor?

18 THE COURT: Yes, absolutely. Go ahead.

19 MR. KEHOE: Again, I think that June's husband and
20 their marital relationship is being lost a bit in this. I
21 think everybody acknowledges that June significantly loves her
22 husband and wants to be with her husband. That's -- that's a
23 fact. And -- and so I hope Your Honor takes that into
24 account, regardless of -- of if there's a temporary guardian,

1 if Kimberly is just oversighting things in the least
2 restriction means possible, I think that it's important to
3 allow them to live together, to live together privately as a
4 marital couple like they've done for nine years, without any
5 problems.

6 That's why this home transfer occurred 21 months ago
7 without oversight is because there was no need for oversight.
8 There is no -- there was no concern there. There's no
9 concern. Her -- June has always been taken care of by Jerry
10 for nine years until he had his heart issues just a few months
11 ago, which is when the family got involved. Prior to that,
12 there was essentially no care provided by the daughter.

13 MR. MICHAELSON: That's -- that's not true.

14 UNIDENTIFIED VOICE: That's not true.

15 MR. KEHOE: It was all provided by her husband.
16 They lived independently and in fact, they traveled about
17 eight months out of the year in a motor home without the
18 daughters even nearby. And so -- so -- and I don't think
19 there's been any allegations anywhere that Jerry has ever been
20 improper to his wife.

21 MR. MICHAELSON: Well, there is the --

22 MR. KEHOE: So --

23 MR. MICHAELSON: -- that he excluded her -- her
24 caregiver, and that's -- that's where we -- so let me make

1 clear --

2 MR. KEHOE: That only occurred, Judge --

3 MR. MICHAELSON: -- we're not --

4 MR. KEHOE: -- in the last month --

5 MR. MICHAELSON: Counsel, we're --

6 MR. KEHOE: -- with all of this -- with all of this
7 contention that has occurred. When attorney demand letters,
8 when threats, when everything else started invading their
9 lives, and causing that contention and everything else, then
10 there were concerns expressed. But even during that, during
11 that month of attorneys -- this started August 5th is when the
12 attorneys got involved. And again, prior to that, Jerry was
13 100 percent in control.

14 So Kimberly got involved and even after the
15 attorneys were involved, Kimberly was regularly invited to
16 doctors appointments, to the hospital, she was actively
17 involved with the cooperation of Jerry. They -- they were
18 involved. And so -- so I think it's important to allow them
19 back together.

20 As far as who is selected, the statute is clear,
21 that if there's a nominated person, that person is preferred,
22 at least to start with. After that is the husband. Now we
23 have June represented by Counsel and June is expressing to
24 Counsel that she still wants her person nominated in the

1 powers of attorney. And so then you drop -- and -- and we
2 have Terri's suggestion that that's what June wants for her
3 whole life and that specifically June does not want Robyn as
4 in charge.

5 And so -- so after all of those four steps, then you
6 get down to other children; who have never been nominated, who
7 have never been suggested and according to Terri in the
8 family, have been indicated not preferred. And so, I don't
9 think that temporary guardianship that's currently in place, I
10 don't think it statutorily makes sense because I don't know
11 that there's an immediate risk to June.

12 MR. MICHAELSON: May I respond to some of these?

13 THE COURT: Well, here -- here's my concern.

14 MR. MICHAELSON: Yeah.

15 THE COURT: That that's for -- that's the statutory
16 construction for a permanent guardianship. The allegations
17 contained in the petition, a lot of them we haven't even
18 gotten into today, are so serious and including the
19 concessions about the house that I'm hearing today, make me so
20 concerned that I have no other option but to extend the
21 temporary guardianship until I get the results from this
22 investigation and have more information. At that time, I will
23 be able to make findings of fact and go through the statute
24 and determine if this is all of -- if you didn't prevent the

1 caretaker from coming, if you didn't cancel doctors
2 appointments, if you didn't hide the medication in the trunk,
3 all -- all of these things, right? What happened with the
4 house? Were you involved with the house, were you not
5 involved in the house? Why do we have this transfer of the
6 house? Why is he so quick to say oh sure, I'll give back the
7 house, no problem?

8 I need answers to all of these things. If all of
9 those things happened, they are absolutely unsuitable and it's
10 a likely outcome that they would be, despite the nomination,
11 despite everything else, they've proven their unsuitability if
12 those things are -- are found to be true.

13 I know they're allegations right now, but I want you
14 to understand the seriousness of the allegations and the
15 concession about the house is a lot.

16 This is not, you know, the smallest of her assets,
17 right? This is a very large asset for them and it's important
18 to me.

19 Mr. Michaelson?

20 MR. MICHAELSON: I just was going to say somehow
21 we're being painted in this corner that we don't Jerry and
22 June to be together. That -- that's not what we stand for, at
23 all. We're not saying that. That's really kind of an extra
24 issue.

1 The issues that go to that are Mr. Kehoe's client is
2 still in the process of trying to evict Kimberly and her
3 boyfriend that are the caregivers from the Craft house. So
4 that creates a domino effect. That -- it's astonishing the
5 curated way this is being portrayed here.

6 THE COURT: And I don't understand why nobody says
7 this to me today.

8 MR. MICHAELSON: Yeah, you're --

9 THE COURT: Go ahead.

10 MR. MICHAELSON: I mean, it's -- it's -- yeah, so
11 there's that issue.

12 The other thing is --

13 MR. KEHOE: That's not accurate, Your Honor.

14 MR. MICHAELSON: You told me that the other day.

15 MR. KEHOE: There was an eviction action that
16 occurred prior -- prior to them taking June from Phoenix. So
17 June was in the care of her husband, okay? That's an
18 undisputed fact. June was in the care of her husband.
19 Kimberly and her boyfriend were living in the Craft home
20 temporarily when Jerry needed assistance, then June would live
21 with them. But at the time, June was living with her husband.

22 THE COURT: So why the eviction?

23 MR. KEHOE: And so, because of all of this
24 contention, and fighting back and forth, then Jerry was taking

1 care of June. And so Jerry had June and so an eviction was
2 started. They had moved out or so we thought, and so an
3 eviction had started.

4 That eviction was over and then prior to the
5 guardianship, a second eviction was started, but that was
6 before the guardianship.

7 MR. MICHAELSON: Well, that's --

8 MR. KEHOE: We have not --

9 MR. MICHAELSON: -- why I brought the guardianship.
10 That's part of the reason.

11 MR. LOGGINS: We fought the eviction and won.

12 MR. MICHAELSON: The --

13 MR. KEHOE: The --

14 THE COURT: It all concerns me. All of those
15 factors really, really concern me, okay? This is a lot, okay?
16 I am going to continue the temporary guardianship. Counsel,
17 you can get me an order --

18 UNIDENTIFIED VOICE: Well --

19 THE COURT: Hold on. The 10/15 status check I will
20 not have the -- the investigator will not have enough time by
21 10/15, which is just really two weeks from now, to obtain all
22 of the information. Counsel, I would ask you if you -- but
23 I'm going to order that -- order them to appear on that day.
24 I -- they'll hopefully have some information that they can

1 orally respond.

2 Here is my other concern. I don't want to move her
3 to move her again, okay? And so there has been a move that's
4 taken place. For her benefit, I want calmness, all right?
5 And I don't want to move her and then in 30 days or 15 days
6 move her again. That's just too much. All right?

7 This is really just for two weeks. I'm going to hit
8 the pause button so that you all have an opportunity to get me
9 more information, okay? And I can get it through the
10 investigator. I am really concerned about the allegations,
11 they are significant, okay? And where there's smoke there's
12 fire.

13 There's a lot going on with this house, with the
14 transfer, with the double evictions, with everybody fighting
15 against each other. I don't understand why we -- it was -- if
16 this house deal was really to benefit them, then why are we
17 evicting two times the caregiver and then why are the
18 caregivers fighting in court, this just doesn't make sense,
19 right? It does -- if this was all for Mom's benefit, then why
20 are we evicting the caregiver, right?

21 MR. EVANS: I think there's a -- yeah, a little bit
22 of confusion there. But the -- the important thing to
23 consider is that I -- I -- June wants Kimberly to be the
24 temporary guardian and Kim should be the temporary guardian.

1 She -- she's there. She's there. She's providing caregiving
2 now.

3 THE COURT: Until she gets evicted.

4 MR. EVANS: She's not going to get --

5 MR. KEHOE: No, that eviction was stopped, Your
6 Honor.

7 MR. EVANS: She's not going to get evicted.

8 MR. MICHAELSON: But -- but can you ask them --

9 THE COURT: No, I -- I -- look --

10 MR. EVANS: Kim -- Kim is fully capable --

11 THE COURT: -- I made -- I made my --

12 MR. EVANS: -- of responding to that.

13 THE COURT: I'm concerned that she's not. And I am
14 concerned that based on all of the allegations today that
15 temporarily they are going to be the guardians. I may make a
16 wholly different decision about the permanent guardianship,
17 totally. And I don't want you to take my temporary orders as
18 a sign of what's likely to happen at the -- at the permanent
19 hearing, okay? I'm going to look at this really fresh.
20 There's two things that are going into this decision, and I
21 told you this already.

22 Number one, I don't want her to move, to move again.
23 Okay? We're coming back in two weeks. All right? She's
24 going to stay put for two weeks. Status quo remains.

1 Number two, the allegations are very, very
2 significant. I know you're downplaying it, I know you don't
3 think it's a big deal, show me the paperwork, okay? I'm real,
4 real concerned about it, all right? And I want to hear more
5 about it, okay?

6 Ms. Parra-Sandoval's concerned about it. She didn't
7 know anything about it. I want to know. I want to know. If
8 she's such a great power of attorney, why is she getting
9 evicted? If she's such a great power of attorney, why did --
10 what was going on with this house?

11 Who's this lawyer she hired? What action did they
12 take? I need to know all of that stuff.

13 MR. EVANS: Your Honor, she quashed the eviction.
14 It's been taken care of and we've worked out subsequently that
15 that is not happening --

16 THE COURT: The fact that it got filed is concerning
17 to me, twice.

18 MR. EVANS: That's beyond her power to control. I
19 mean, they could try to --

20 THE COURT: I'm not saying --

21 MR. EVANS: Right. But --

22 THE COURT: But it shows me that this is not --

23 MR. EVANS: But it still --

24 THE COURT: -- for grandma's best interest.

1 MR. EVANS: And I'm not arguing with you at all,
2 Your Honor, it's just that Kim can -- is fully capable of
3 controlling that situation.

4 THE COURT: I'm concerned that she's not and
5 suitability is an issue.

6 MR. EVANS: But even they have --

7 THE COURT: And allegations are significant.

8 MR. EVANS: Even they have left --

9 THE COURT: You can continue to argue, but I've made
10 my order and we're getting ready to go off the record.
11 Counsel, I'll see an order from you. We'll see you on the
12 15th.

13 MR. KEHOE: So Your Honor, how about --

14 THE COURT: You can continue to argue --

15 MR. KEHOE: Okay.

16 THE COURT: -- but I could go off the record or walk
17 out if that's what it takes.

18 MR. KEHOE: Jerry's visitation to his wife? Can we
19 address that?

20 THE COURT: Counsel?

21 UNIDENTIFIED VOICE: 8:00 a.m. to 8:00 p.m., anytime
22 he wants.

23 MR. MICHAELSON: We said 8:00 to 8:00 p.m., and in
24 fact, we said overnight.

1 MR. KEHOE: Supervised visitation with his wife is
2 necessary?

3 MR. MICHAELSON: Please, Mr. Kehoe -- I've let him
4 talk quite a lot or you've allowed him to talk. We -- we have
5 offered to do various different setups. They say they will
6 not be in the same home as Kimberly. So that puts us in an
7 awkward situation.

8 THE COURT: As Kimberly?

9 MR. MICHAELSON: Because she's the caregiver.

10 THE PROTECTED PERSON: I have great children.

11 MR. MICHAELSON: And so we're saying well, then
12 you've got 8:00 a.m. --

13 MR. KEHOE: Living with Kimberly.

14 MR. MICHAELSON: -- until 8:00 at night. And that's
15 been -- and that's been an offer, it's out there, they're
16 welcome to do that.

17 UNIDENTIFIED VOICE: And as far as (indiscernible),
18 I've got a video of her saying she doesn't want to be left
19 alone with them. I have it on my phone and the attorney saw
20 it.

21 MR. MICHAELSON: I think we can discuss other
22 things. I also -- I wish we could get into mediation. I
23 think that would be a --

24 THE COURT: I'm going to make that determination on

1 the 15th.
2 MR. MICHAELSON: Okay.
3 THE COURT: I need to see some more information
4 here.
5 MR. MICHAELSON: Okay.
6 THE COURT: I'm not getting a straight story and I
7 need information by a third party.
8 MR. EVANS: Kimberly --
9 THE COURT: Ms. Parra-Sandoval, as to visitation?
10 UNIDENTIFIED VOICE: We need medication for my mom.
11 MR. MICHAELSON: Okay. Do we have the medication?
12 UNIDENTIFIED VOICE: We don't have all --
13 UNIDENTIFIED VOICE: No.
14 UNIDENTIFIED VOICE: -- her doctors, we don't have -
15 -
16 UNIDENTIFIED VOICE: We don't have her doctors, we
17 don't have any of that.
18 MS. PARRA-SANDOVAL: Your Honor, as to visitation,
19 she wants to see her husband, so she should have access to her
20 husband.
21 UNIDENTIFIED VOICE: Full access.
22 MS. PARRA-SANDOVAL: He should be able to visit.
23 She should be able to go with him.
24 UNIDENTIFIED VOICE: Absolutely.

1 THE COURT: Okay.

2 MS. PARRA-SANDOVAL: There's no reason to stop them

3 from continuing the --

4 THE COURT: Do you believe 8:00 a.m. to 8:00 p.m.

5 are reasonable hours to --

6 UNIDENTIFIED VOICE: We made it work.

7 THE COURT: What I don't -- what I -- I think that,

8 you know, picking her up at 3:00 in the morning, that's just

9 not reasonable, right?

10 MS. PARRA-SANDOVAL: Correct.

11 THE COURT: And so when I say 8:00 a.m. to 8:00

12 p.m., I say that only because that seems like a reasonable

13 timestamp so that nothing --

14 MS. PARRA-SANDOVAL: Well, I imagine she has to

15 sleep at night, so that seems reasonable to me.

16 THE COURT: Me, too. Yeah. So 8:00 a.m. to 8:00

17 p.m.?

18 MS. PARRA-SANDOVAL: Yes.

19 THE COURT: Okay. Unsupervised.

20 MS. PARRA-SANDOVAL: Unsupervised.

21 THE COURT: All right.

22 MR. EVANS: And it's my understanding they -- the

23 Petitioners still want Kim to be maintained in a caregiving

24 role.

1 MR. MICHAELSON: Absolutely.

2 MR. EVANS: There's been no objection to that.

3 MR. MICHAELSON: What's -- what's happening so far
4 and my understanding, it would -- it would be gra -- let me
5 put it this way to try to be the least conflicting. Can we
6 just have an understanding -- is Kim willing to provide that
7 care, because -- so that we don't have to pay for other care;
8 is that --

9 THE COURT: Counsel?

10 MR. EVANS: Yes. Of course. She's committed to
11 provid --

12 MR. LOGGINS: And she has for months.

13 THE COURT: All right. So I allowed you to speak
14 previously, but I'm going to -- for the record, you're of no
15 biologic relation to this family, you haven't filed as an
16 interested party, and so I will allow you to speak once, but
17 we have so many lawyers and so many parties, I cannot allow
18 everyone in the gallery an opportunity to just join in in the
19 conversation like we're sitting around the kitchen table,
20 okay?

21 There is some formality. Although I ask a lot of
22 questions and this is very conversational, sometimes with the
23 lawyers, what you'll see is that they're trying not to talk at
24 the same time for a lot of reasons that we're recording this,

1 there's a transcript of this, we can't talk at the same time,
2 people in the back are not on the transcript because we have
3 no microphone back there, so I'm going to ask at the next
4 hearing, I'm going to allow only those interested parties that
5 have filed to speak. If you want to speak, I'll let you speak
6 at the end of the hearing. All right?

7 Anything else?

8 MR. MICHAELSON: No, Your Honor. Or --

9 UNIDENTIFIED VOICE: We need medications and we need
10 her medical records. We have a list of the basic things that
11 we've asked for my mom for the last 10 days.

12 THE COURT: I think that that tempor --

13 MR. MICHAELSON: I think they will provide --

14 THE COURT: Hold on. That temporary guardianship
15 order and that order today certainly entitles them to the
16 medication. Counsel, I don't think you're trying to withhold
17 the medication.

18 MR. EVANS: Hasn't happened.

19 THE COURT: A list of her prescriptions. So I would
20 like in the next 48 hours a list of her medications to be sent
21 over if the -- and where they're supposed to pick these up at
22 and how we can continue doing this, okay? And the doctors
23 appointments that are coming up so that they'll know.

24 UNIDENTIFIED VOICE: Thank you.

1 MR. MICHAELSON: Thank you.
2 THE COURT: I don't want any lapse in care for your
3 mom.
4 UNIDENTIFIED VOICE: Thank you.
5 THE COURT: Anything else?
6 MR. KEHOE: So June is staying in the home, in the
7 Craft home, Kimberly is continuing to live there --
8 THE COURT: Status quo.
9 MR. KEHOE: -- as the caregiver.
10 THE COURT: Yes.
11 MR. KEHOE: Okay.
12 THE COURT: Thank you.
13 MR. KEHOE: Thank you.
14 (PROCEEDINGS CONCLUDED AT 11:08:19)
15 * * * * *
16
17 ATTEST: I do hereby certify that I have truly and
18 correctly transcribed the digital proceedings in the above-
19 entitled case to the best of my ability.
20 /s/ Kimberly C. McCright
21 Kimberly C. McCright, CET
22
23
24