PETITION TO TERMINATE GUARDIANSHIP OVER AN ESTATE OR A PERSON AND AN ESTATE

GENERAL INFORMATION SHEET

PETITION TO TERMINATE GUARDIANSHIP OVER AN ESTATE OR A PERSON AND AN ESTATE

GENERAL INFORMATION SHEET

IMPORTANT

THIS PACKET IS IN NO WAY INTENDED TO SUBSTITUTE FOR THE ADVICE OF A PRIVATE ATTORNEY

Private Counsel Is Always Recommended For Legal Matters

The law allows any person to represent themselves in a legal action. However, filing an action with the court and representing yourself in the courtroom can be a complicated legal procedure and this packet does not attempt to address all the legal issues involved in bringing your matter before the court. This packet is created to help you access the legal system without the assistance of an attorney.

When representing yourself, you are responsible for understanding the law that governs your case and for filing the proper legal documents. The laws and rules are set out in the Nevada Revised Statutes, The Rules of Civil Procedure, and the local rules governing the jurisdiction in which you are filing your documents.

When you sign these documents and present them for filing with the court, it is assumed by the court that you have carefully read the documents, that you understand all the terms in the documents, that you agree with all the provisions in the documents, and that you are aware of all the consequences those provisions may produce.

Before filling in any portion of the following documents, read all the materials included in this packet regarding guardianship, including the definitions of terms.

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What is a Guardianship?

A guardianship is a legal relationship between two people. It is used when someone cannot take care of himself or his property. The person who needs assistance is the "proposed ward". If guardianship is granted, that person will be the "ward". The person who is going to take care of the ward is the "proposed guardian". After the guardianship is granted, that person is the "guardian".

When can a guardianship be stopped?

A guardianship may be stopped ("terminated") if it is no longer necessary. Anyone, including the ward, may ask the Court to terminate the guardianship.

How do I ask the Court to terminate a court-ordered guardianship in Nevada?

In general, in you must file a Petition to Terminate Guardianship in the county where the guardianship was granted. You will need to mail notice to everyone who received notice when the original Petition for Appointment of Guardian was filed. Typically, the following people and business are entitled to notice: relatives within the "second degree of consanguinity", the manger care facility where the ward lives (if applicable), and the Department of Veterans Affairs (if the ward is receiving money from the Department). You do this by mailing copies of the Petition to Terminate Guardianship and the Citation to Appear and Show Cause to them or by personally serving the Petition and the Citation. If you choose to mail the documents, the mailing must be by certified mail, return receipt requested (the green cards that are mailed back after the person picks up the mail). If you cannot find some of the people entitled to notice, you may ask the court to serve them by publishing the Citation in the newspaper. You must receive the judge's permission to do this.

You will need to have a court hearing before the judge will decide whether to grant your request to terminate the guardianship. If the guardianship is terminated, you will need to mail notice that the order terminating guardianship was filed to the same people who received notice of the petition.

The procedure for filing paperwork and setting hearings varies from county to county. Please call the clerk's office for the county in which you plan to file the petition and ask

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about that court's procedural requirements. If you are filing in Washoe County or Clark County, you may call the Self-Help Centers for those counties to learn more about the procedures in those courts. The telephone number numbers are:

Family Court Self-Help Center (Washoe County): (775) 325-6731
Family Law Self-Help Center (Clark County) (702) 455-1500

Please Note: If a document must be notarized, a clerk at the court house may witness your signature instead of a notary public.

When can I use this set of forms?

You can use this Petition to Terminate Guardianship if:

- There is a guardianship case in the county where you want to file this Petition to Terminate Guardianship;

- You want to terminate the guardianship over an estate or both the person and their estate.

  Note: You cannot use this packet to terminate a guardianship over a person only.

  Note: This packet can be used for both minor ward(s) or an adult ward.

- At least one of the guardians and/or the ward do not want to terminate the guardianship or the ward was at least 18 years old (an adult) when the guardianship began.

  Note: If the ward was an adult when the guardianship began, you must be able to provide the Court with a doctor's affidavit or certificate stating that the ward is not incompetent and is able to handle his/her affairs in daily living or proof that the ward has died.

What forms and information should be in this packet?

This packet should contain the following documents:

- General Information Sheet

- Two Petitions to Terminate Guardianship; you need to decide which petition to use. One petition is used when the guardian wants to terminate the guardianship. The other petition is used when someone other than the guardian wants to terminate the guardianship

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- Citation to Appear and Show Cause
- Notice of Hearing

Note: You will use either the Citation to Appear and Show Cause or the Notice of Hearing. You will not use both forms. Use the Notice of Hearing if the guardian wants to terminate the guardianship and the ward is still alive. For all other situations, use the Citation to Appear and Show Cause.

- Affidavit of Service
- Order Terminating Guardianship
- Notice of Entry of Order and Certificate of Mailing

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USE THIS FORM IF THE GUARDIAN IS THE PERSON WHO WANTS TO END THE GUARDIANSHIP

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Code:
(Your name) _____
(Address) _____
_____
(Telephone) _____
In Proper Person

IN THE _____ JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF _____

In the Matter of the Guardianship of the ☐ Estate only ☐ Person and Estate of: _____, _____, _____, A(n) ☐ Minor(s). ☐ Adult. _____	CASE NO. _____ DEPT. NO. _____

PETITION TO TERMINATE GUARDIANSHIP AND APPROVE FINAL ACCOUNTING

COMES NOW, Petitioner(s), (names) _____

_____, Guardian(s) for the Ward(s), in accordance with Chapter 159.1905 of Nevada Revised Statutes, to request the termination of the guardianship over the Ward(s)' (check one) ☐Estate/ ☐Person and Estate and respectfully represent the following to this Honorable Court:

1. That an Order appointing (name of guardian(s)) _____ _____ Guardian(s) of the (check one ☐ Estate, ☐ Person and Estate of (Ward(s) name(s)) _____

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was filed on (date) _____ and Letters of Guardianship were filed on (date) _____.

2. That the name(s) and address(es) of the Guardian(s) are:

Name: _____

Address: _____

_____

Name: _____

Address: _____

_____

3. **(CHECK ONLY ONE BOX)**

☐ That (name of first ward) _____ is currently (age)_____ years old, having been born on (date of birth) _____. The Ward currently resides at:

Address: _____

_____

OR

☐ That the Ward died on (date) _____.

4. **(CHECK ONLY ONE BOX OR WRITE "N/A" ON THE FIRST LINE IF THERE IS ONLY ONE WARD)**

☐ That (name of second ward) _____ is currently (age)_____ years old, having been born on (date of birth) _____. The Ward currently resides at:

Address: _____

_____

OR

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☐ That the Ward died on (date) _____.

5. **(CHECK ONLY ONE BOX OR WRITE "N/A" ON THE FIRST LINE IF THERE ARE LESS THAN THREE WARDS)**

☐ That (name of third ward) _____ is currently (age)_____ years old, having been born on (date of birth) _____. The Ward currently resides at:

Address: _____

_____

OR

☐ That the Ward died on (date) _____.

6. That the guardianships over the Ward(s) are no longer needed because _____

_____

_____

_____

_____

_____.

Therefore, the guardianship over the Ward should be terminated.

7. That the Guardian(s) ☐ do/ ☐ do not request reasonable compensation and expenses. The Guardian(s) request $_____(dollars and cents) and believe this request is reasonable because _____

_____

_____

_____

_____.

8. That the Ward's remaining property is found in the final accounting which is filed with this Petition.

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WHEREFORE, petitioner prays as follows:

A. That the Guardianship over the Ward's (check one) ☐ Estate/ ☐ Person and Estate be terminated.

B. That upon approval of the final accounting and entry of order terminating the guardianship(s), the guardian shall distribute the remaining property to: **(check only one box)**

☐ the former Ward(s) (name of first Ward) _____

(name of second Ward) _____

(name of third Ward) _____

OR

☐ the personal representative of the Ward's probate estate

OR

☐ other (see footnote)[1] _____

C. That the request for reasonable compensation and expenses, if requested, be approved.

D. For such other and further relief as the court may deem just and proper.

DATED this _____ day of _____, _____.

_____
Petitioner

_____
Co-Petitioner

[1] The property must be given to the ward, the executor or through the guardianship court via Nevada Revised Statute 159.197(3), Nevada Revised Statute 146.070 and Nevada Revised Statute 146.080. Using the guardianship court to distribute property is a very complicated procedure. You should consult an attorney if you choose this procedure.

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VERIFICATION OF PETITIONER

STATE OF NEVADA)
)
COUNTY OF _____)

I, (your name)_____, being first duly sworn under penalty of perjury, hereby depose and say:

That I am the Petitioner in the within action; that I have read the foregoing Petition to Terminate Guardianship and Approve Final Accounting and know the contents thereof; that the same is true of my knowledge except as to those matters therein stated upon information and belief and as to those matters, I believe them to be true.

_____
Petitioner

SIGNED and SWORN to before me by (your name) _____

on the _____ day of _____, _____.

_____
NOTARY PUBLIC

ACKNOWLEDGMENT OF PETITIONER

STATE OF NEVADA)
)
COUNTY OF _____)

On this _____ day of _____, _____, before me, the undersigned Notary Public in and for the said County and State, personally appeared (your name) _____ _____ known to me to be the person described in and who executed the foregoing instrument, and who acknowledged to me that (check one) ☐ he/ ☐ she did so freely and voluntarily and for the uses and purposes therein mentioned.

WITNESS my hand and official seal.

_____
NOTARY PUBLIC

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VERIFICATION OF CO-PETITIONER

STATE OF NEVADA)
)
COUNTY OF _____)

I, (co-petitioner's name)_____, being first duly sworn under penalty of perjury, hereby depose and say:

That I am the Co-Petitioner in the within action; that I have read the foregoing Petition to Terminate Guardianship and Approve Final Accounting and know the contents thereof; that the same is true of my knowledge except as to those matters therein stated upon information and belief and as to those matters, I believe them to be true.

_____
Co-Petitioner

SIGNED and SWORN to before me by (Co-Petitioner's name) _____

on the _____ day of _____, _____.

_____
NOTARY PUBLIC

ACKNOWLEDGMENT OF CO-PETITIONER

STATE OF NEVADA)
)
COUNTY OF _____)

On this _____ day of _____, _____, before me, the undersigned Notary Public in and for the said County and State, personally appeared (co-petitioner's name) _____ known to me to be the person described in and who executed the foregoing instrument, and who acknowledged to me that (check one) ☐ he/ ☐ she did so freely and voluntarily and for the uses and purposes therein mentioned.

WITNESS my hand and official seal.

_____
NOTARY PUBLIC

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USE THIS FORM IF SOMEONE OTHER THAN THE GUARDIAN

IS THE PERSON WHO WANTS TO END THE GUARDIANSHIP

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Code:
(Your name) _____
(Address) _____
_____
(Telephone) _____
In Proper Person

IN THE _____ JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF _____

In the Matter of the Guardianship of the Person of: _____, _____, _____, A(n) ☐ Minor. ☐ Adult. _____	CASE NO. _____ DEPT. NO. _____

PETITION TO TERMINATE GUARDIANSHIP

COMES NOW, Petitioners, (name(s))_____

_____, (relationship) _____

of the Ward, in accordance with Chapter 159.1905 of Nevada Revised Statutes, to request termination of the guardianship over the Ward's Person and respectfully represents the following to this Honorable Court:

1. That an Order appointing (name of guardian(s)) _____

_____ Guardian(s) of the Person of (Ward's name)

_____ was filed on (date) _____ and

Letters of Guardianship were filed on (date) _____.

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2. That the name(s) and address(es) of the Petitioner(s) are:

Name: _____

Address: _____

_____

Name: _____

Address: _____

_____

3. That the name(s) and address(es) of the Guardian(s) are:

Name: _____

Address: _____

_____

Name: _____

Address: _____

_____

4. **(CHECK ONLY ONE BOX)**

☐ That the Ward is currently (age)_____ years old, having been born on (date of birth) _____. The Ward currently resides at:

Address: _____

_____

OR

☐ That the Ward died on (date) _____.

5. That the guardianship over the Ward is no longer needed because _____

_____

_____

_____

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_____

_____.

Therefore, the guardianship over the Ward should be terminated.

WHEREFORE, petitioner prays as follows:

A. That the Guardianship over the Ward's Person be terminated.

B. For such other and further relief as the court may deem just and proper.

DATED this _____ day of _____, _____.

_____
Petitioner

_____
Co-Petitioner

VERIFICATION OF PETITIONER

STATE OF NEVADA)
)
COUNTY OF _____)

I, (your name)_____, being first duly sworn under penalty of perjury, hereby depose and say:

That I am the Petitioner in the within action; that I have read the foregoing Petition to Terminate Guardianship and know the contents thereof; that the same is true of my knowledge except as to those matters therein stated upon information and belief and as to those matters, I

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believe them to be true.

_____
Petitioner

SIGNED and SWORN to before me by (your name) _____

on the _____ day of _____, _____.

_____
NOTARY PUBLIC
OR

_____
DEPUTY CLERK

ACKNOWLEDGMENT OF PETITIONER

STATE OF NEVADA)
)
COUNTY OF _____)

On this _____ day of _____, _____, before me, the undersigned Notary Public in and for the said County and State, personally appeared (your name) _____ _____ known to me to be the person described in and who executed the foregoing instrument, and who acknowledged to me that (check one) ☐ he/ ☐ she did so freely and voluntarily and for the uses and purposes therein mentioned.

WITNESS my hand and official seal.

_____
NOTARY PUBLIC
OR

_____
DEPUTY CLERK

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VERIFICATION OF CO-PETITIONER

STATE OF NEVADA)
)
COUNTY OF _____)

I, (Co-Petitioner's name)_____, being first duly sworn under penalty of perjury, hereby depose and say:

That I am the Co-Petitioner in the within action; that I have read the foregoing Petition to Terminate Guardianship and know the contents thereof; that the same is true of my knowledge except as to those matters therein stated upon information and belief and as to those matters, I believe them to be true.

_____
Co-Petitioner

SIGNED and SWORN to before me by (Co-Petitioner's name) _____

on the _____ day of _____, _____.

_____
NOTARY PUBLIC
OR

_____
DEPUTY CLERK

ACKNOWLEDGMENT OF CO-PETITIONER

STATE OF NEVADA)
)
COUNTY OF _____)

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On this _____ day of _____, _____, before me, the undersigned Notary Public in and for the said County and State, personally appeared (Co-Petitioner's name) _____ _____ known to me to be the person described in and who executed the foregoing instrument, and who acknowledged to me that (check one) ☐ he/ ☐ she did so freely and voluntarily and for the uses and purposes therein mentioned.

WITNESS my hand and official seal.

_____
NOTARY PUBLIC
OR

_____
DEPUTY CLERK

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Code:
(Your name) _____

(Your address) _____

_____

(Telephone) _____
In Proper Person

IN THE ____ JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF _____

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

of:

_____,

_____,

_____,

A(n) ☐ Minor.
☐ Adult.

_____

CASE NO. _____

DEPT. NO. _____

CITATION TO APPEAR AND SHOW CAUSE

TO: _____

_____

_____

TO: THE PEOPLE OF THE STATE OF NEVADA, and

TO: Any person having the care, custody and control of the Proposed Ward

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YOU ARE HEREBY CITED AND NOTIFIED to appear before a Judge of the Court at the listed date, time and place to OPPOSE or SHOW CAUSE and inform the court why the proposed ward should not be declared incompetent, of limited capacity, and in need a guardian for his/her

☐ Person only
☐ Estate only
☐ Person and Estate

and to further oppose and explain why Petitioner (name)_____ and Co-Petitioner (name) _____ should not be appointed to act as Guardian(s).

YOU ARE NOTIFIED that, if appointed, the Guardian(s) will have the management and control of the proposed ward's

☐ Person only
☐ Estate only
☐ Person and Estate

YOU ARE NOTIFIED that the proposed ward has the right to appear at the hearing, the right to oppose this Petition, and the right to be represented by an attorney, who may be appointed by the Court if the proposed ward is unable to retain one. THIS CITATION is based upon the verified Petition for Appointment of Co-Guardians filed by Petitioner (name)_____ and Co-Petitioner (name)_____.

NOTE: The Proposed Ward (unless excused by the Court) and Petitioner(s) must appear at the scheduled hearing; all other interested parties do not need to appear unless they wish to enter an objection.

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DATE AND TIME OF COURT APPEARANCE

(day) _____, the _____ day of (month) _____,

(year)_____ at (time) _____, in Dept. _____

(name of court) _____

(address of court) _____

DATED this _____ day _____, _____.

CLERK OF COURT

By:_____
Deputy Clerk

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Code: _____

(Your name) _____

(Address) _____

_____

(Telephone) _____

In Proper Person

IN THE _____ JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF _____

In the Matter of the Guardianship of the ☐ Estate only ☐ Person and Estate of: _____, _____, _____, A(n) ☐ Minor. ☐ Adult. _____	CASE NO. _____ DEPT. NO. _____

NOTICE OF HEARING

Date of Hearing: _____

Time of Hearing: _____

NOTICE IS HEREBY GIVEN that (Petitioner's name) _____ has filed in this Court a Petition to Terminate the Guardianship over the (check one) ☐ Estate/ ☐ Person and Estate of the above-named Ward(s) and a hearing has been set for the _____ day of _____, _____ at the hour of _____ .m. in the (name of court) _____

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_____, Department _____, which is located at (address of court) _____.

All persons interested in the estate are notified to appear and show cause why the petition should not be granted. For further particulars, please refer to the above-mentioned Petition, a copy of which is on file herein.

Dated this _____ day of _____, _____.

(name of County Clerk)_____, CLERK OF COURT

By: _____
Deputy Clerk

Respectfully Submitted:

(Your Signature) _____
(Your name) _____
(Address) _____
_____
(Telephone) _____
Petitioner In Proper Person

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Code:
(Your name) _____

(Address) _____

_____

(Telephone) _____
In Proper Person

IN THE _____ JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF _____

In the Matter of the Guardianship of ☐ the person ☐ the estate ☐ the person and estate of: _____, _____, and _____ A(n) ☐ Minor. ☐ Adult. _____	CASE NO. _____ DEPT. NO. _____

AFFIDAVIT OF SERVICE

STATE OF NEVADA)
)
COUNTY OF _____)

_____, being first duly sworn under penalties of
(Print name of person making service)

perjury, states as follows:

1. That I am a person not involved in this action and have no interest in this action and am over the age of 18 years.

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2. That on _____ I served a true and correct copy of
(Date the documents were mailed or served)

the documents entitled (List the name of all documents mailed or served) _____

_____

_____

(Check the appropriate box and fill in the appropriate information in the following paragraphs)

IF THE DOCUMENTS WERE SERVED BY MAIL ON THE PARTIES OR THE OTHER PARTIES' LAWYER, FILL IN THE FOLLOWING:

☐ by placing a copy of the documents enclosed in a sealed envelope and mailing it by certified mail, return receipt requested or regular first class mail to the last known address of the following:

(name) _____ (name) _____

(address) _____ (address) _____

_____ _____

(name) _____ (name) _____

(address) _____ (address) _____

_____ _____

(name) _____ (name) _____

(address) _____ (address) _____

_____ _____

(name) _____ (name) _____

(address) _____ (address) _____

_____ _____

(Attach another sheet if you served more than 8 people by mail)

AND/OR

IF THE DOCUMENTS WERE PERSONALLY SERVED ON THE OTHER PARTIES OR

THE OTHER PARTIES' LAWYER, FILL IN THE FOLLOWING:

☐ by personally serving:

(name) _____ (name) _____

(address) _____ (address) _____

_____ _____

name) _____ (name) _____

(address) _____ (address) _____

_____ _____

name) _____ (name) _____

(address) _____ (address) _____

_____ _____

name) _____ (name) _____

(address) _____ (address) _____

_____ _____

(Attach another sheet if you served more than 8 people by personal service)

Date: _____

_____
(print name)

_____
(signature)

SIGNED and SWORN to before me by (name of person making service) _____

_____ on the _____ day of _____, _____.

_____
NOTARY PUBLIC

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Code:

(Your name) _____

(Address) _____

_____

(Telephone) _____

In Proper Person

IN THE _____ JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF _____

In the Matter of the Guardianship of the ☐ Estate only ☐ Person and Estate of: _____, _____, _____, A(n) ☐ Minor. ☐ Adult. _____	CASE NO. _____ DEPT. NO. _____

ORDER REGARDING TERMINATION OF GUARDIANSHIP (ESTATE OR PERSON AND ESTATE)

UPON REVIEW of the verified Petition to Terminate Guardianship submitted by (your name(s)) _____, the same having come before the above-entitled Court, and it appearing to the satisfaction of the Court that proper Notice of hearing of this matter has been duly given in the manner required by law; that all allegations contained in said verified petition are true and correct, and good cause appearing therefore:

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NOW THEREFORE, IT IS HEREBY ORDERED, (Check One)

☐ More information is required before the court will order the guardianship be terminated and a final accounting be approved.

☐ The guardianship is still necessary and shall remain in effect.

☐ The guardianship is no longer needed and is therefore terminated. The Letters of Guardianship issued to (guardian(s) name(s)) _____ _____ are hereby revoked.

(If the guardianship is terminated, check one of the following)

☐ The final accounting is hereby ratified, settled and approved and the remaining property should be distributed **(check one)** ☐ to the ward/ ☐ to the personal representative of probate estate/ ☐ under Chapter 159 of the Nevada Revised Statutes.

(OR)

☐ The guardian shall file a final accounting and notice the matter for hearing no later than (date) _____.

IT IS FURTHER ORDERED (to be completed by the Judge)_____

_____

_____

_____

_____

_____

_____.

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DATED this _____ day of _____, _____.

_____
DISTRICT JUDGE

Respectfully Submitted:
(Your signature) _____

(Your name) _____

(Address) _____

_____

(Telephone) _____
In Proper Person

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Code:

(Your name) _____

(Address) _____

_____

(Telephone) _____

In Proper Person

IN THE _____ DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF _____

In the Matter of the Guardianship of the ☐ Person only ☐ Estate only ☐ Person and Estate of: _____, _____, _____, A(n) ☐ Minor. ☐ Adult. _____	CASE NO. _____ DEPT. NO. _____

NOTICE OF ENTRY OF ORDER

TO: The persons listed on Exhibit 1, attached hereto

PLEASE TAKE NOTICE that (title on Order) _____ was entered in the above-entitled matter on (date) _____, a copy of which is attached hereto.

DATED this _____ day of _____, _____.

_____

(Your signature)

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CERTIFICATE OF MAILING

I hereby certify that service of the Notice of Entry of Order was made this ____ day of _____, _____, by depositing copies of same in United States mail in (city) _____, Nevada, addressed to the persons listed on Exhibit 1, attached hereto.

_____
(Your signature)

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EXHIBIT 1

Name of Person/Organization Entitled to Notice	Relationship to Ward	Address
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		

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Name of Person/Organization Entitled to Notice	Relationship to Ward	Address
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		
24.		

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Name of Person/Organization Entitled to Notice	Relationship to Ward	Address
25.		
26.		
27.		
28.		
29.		
30.		
31.		
32.		
33.		
34.		
35.		
36.		

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