

COURT CODE: _____
Your Name: _____
Address: _____
City, State, Zip: _____
Phone: _____
Email: _____
Self-Represented

DISTRICT COURT
_____ **COUNTY, NEVADA**

In the Matter of the Guardianship of the:

Estate
Person and Estate

of:

(name of person who has a guardian)
An Adult Protected Person.

CASE NO.: _____

DEPT: _____

**GUARDIAN’S ACKNOWLEDGMENT OF DUTIES AND RESPONSIBILITIES OF A
GUARDIAN OF THE ESTATE (ADULT)**

I hereby declare that I understand there are certain duties and responsibilities required of me in the administration of the above guardianship. By initialing each item below I understand my guardianship duties and responsibilities include, but are not limited to the following:

A. Duties and Functions

I acknowledge and understand that the duties and functions of a guardian are as follows:

_____ To protect, preserve, and manage the income, assets, and estate of the Protected Person and utilize the income, assets, and estate of the Protected Person solely for the benefit of the Protected Person.

_____ To protect, preserve, manage, and dispose of the estate of the Protected Person according to law and for the best interests of the Protected Person.

- _____ To apply the estate of the Protected Person for the proper care, maintenance, education, and support of the Protected Person, and any person to whom the Protected Person has a legal obligation to support.
- _____ To have due regard for other income or property available to support the Protected Person and any person to whom the Protected Person has a legal obligation to support.
- _____ To have such other authority and perform such other duties as are provided by law.
- _____ To maintain the Protected Person's assets in the name of the Protected Person or the guardianship.
- _____ To notify all interested parties, the Court, the trustee, and named executor or appointed personal representative of the estate of the Protected Person within 30 days after the death of the Protected Person.

B. Investing and Managing Protected Person's Estate

I acknowledge and understand that the following rules govern the manner in which the Protected Person's separate property shall be managed and invested:

- _____ Unless I am the spouse of the Protected Person, I may not utilize any guardianship funds for my personal benefit or commingle guardianship funds with my own funds.
- _____ I may, without prior approval of the Court, invest the Protected Person's property in any (1) bank credit union, or savings and loan institution in the State of Nevada to the extent that the deposits are insured by the Federal Deposit Insurance Corporation, National Credit Union Share Insurance Fund, or a private insurer; (2) interest bearing obligations of or fully guaranteed by the United States, the United States Postal Service, or Federal National Mortgage Association; (3) interest bearing general obligations of this state or any county, city, or school district in the State of Nevada; (4) or any money market mutual funds which are invested only in those instruments described in this paragraph.

C. Court Authority

I acknowledge and understand that court authority must be obtained prior to:

- _____ Investing property of the Protected Person.
- _____ Continuing the business of the Protected Person.
- _____ Borrowing money for the Protected Person.
- _____ Entering into contracts for the Protected Person or complete the performance of contracts of the Protected Person.
- _____ Making gifts from the Protected Person's estate or making expenditures for the Protected Person's relatives.
- _____ Selling, leasing, or placing in a trust, any property of the Protected Person.
- _____ Exchanging or partitioning the Protected Person's property.
- _____ Releasing the power of the Protected Person as trustee, personal representative or custodian for a minor or guardian.
- _____ Exercising or releasing the power of the Protected Person as a donee of a power of appointment.
- _____ Exercising the right of the Protected Person to take under or against a will.
- _____ Transferring to a trust created by the Protected Person, any property unintentionally omitted from the trust.
- _____ Submitting a trust to the jurisdiction of the Court if the Protected Person is a beneficiary of the income of the trust, or the trust was created by the Court.
- _____ Paying any claim by the Department of Health and Human Services to recover benefits for Medicaid correctly paid to or on the behalf of the Protected Person.
- _____ Transferring money in a Protected Person's account to the Nevada Higher Education

Prepaid Tuition Trust Fund created in accordance with NRS 353B.140.

_____ To take any other action which the guardian deems would be in the best interests of the Protected Person, without having prior consent from this Court.

D. Selling Property of the Protected Person

1. I acknowledge and understand that all sales of real property of the Protected Person must:

_____ Only occur after the Court grants authority for the sale.

_____ Be confirmed by the Court prior to finalizing the sale with the prospective buyer.

2. I acknowledge and understand that I must provide written notice to the Protected Person, his/her attorney, and the persons specified in NRS 159.034 of my intent to sell personal property of the Protected Person that has a total value of less than \$10,000.00 UNLESS:

_____ The property is a threat to public health or safety.

_____ The property is contaminated, and salvage is impractical.

_____ The handling or storage of property might endanger public health or safety.

3. I acknowledge and understand that if I intend to sell personal property of the Protected Person that has a total value above \$10,000.00 I must:

_____ Publish notice of intended sale.

_____ Provide written notice to the individuals entitled to notice, including the Protected Person and his or her family members.

4. I acknowledge and understand that I am responsible for the actual value of all personal property of the Protected Person sold unless:

_____ I make a report to the Court within 90 days of the sale.

5. I acknowledge and understand that I may sell any security of the Protected Person if:

_____ I petition the Court for confirmation of the sale.

_____ The Court confirms the sale.

6. I acknowledge and understand that:

_____ I shall record all certified copies of any court order authorizing the sale, mortgage, lease, surrender, or conveyance of real property in the county recorder's office in which any portion of the land is located.

_____ I am to carry out effectively any transactions affecting the Protected Person's property as authorized by NRS 159. The Court may authorize me to execute any promissory note, mortgage, deed of trust, deed, lease, security agreement, or other legal document or instrument which is reasonably necessary to carry out such transaction.

E. Notices and Reports

I acknowledge and understand that in addition to the performance of the duties outlined above, the following will be required of me:

_____ Within 5 days of being appointed guardian, a Notice of Entry of Order Appointing Guardian must be filed and mailed to the Protected Person and all individuals entitled to notice.

_____ Within 60 days of being appointed guardian of the estate, an Inventory, Appraisal, and Report of Value must be filed with the Court for all known property of the Protected Person.

_____ Within 30 days of discovering property not mentioned in the initial inventory, an amended inventory must be filed with the Court.

_____ Within 60 days of being appointed guardian of the estate, a certified copy of the Letters of Guardianship must be recorded in the county recorder's office of any county where the Protected Person possesses real property.

_____ Annually, within 60 days of the anniversary of the appointment of guardianship, an Annual Account of Guardianship must be filed to update the Court on the status of the Protected Person's Estate, and served on all interested parties.

_____ At any time the Court orders, an Inventory, Appraisal, and Report of Value and/or an Accounting of Guardianship must be filed.

F. Miscellaneous

I acknowledge and understand the following:

_____ It is my responsibility to accurately keep all records and file all reports with the Court regarding the finances of the Protected Person.

_____ It is my responsibility to maintain all records and documents for the guardianship of the Protected Person's estate for 7 years after the Court terminates the guardianship.

_____ It is my responsibility to inform the Court if I am no longer qualified to serve as a Guardian, and the Court will determine whether or not I can continue the guardianship.

The following can disqualify me from keeping my guardianship:

1. If I am convicted of a gross misdemeanor or felony in any state.
2. If I file or receive protection as an individual or as a principle of any entity under the federal bankruptcy laws.
3. If I have my driver's license suspended, revoked, or cancelled for nonpayment of child support.
4. If I am suspended for misconduct or disbarred from the practice of law, the practice of accounting, or any other profession which involves or may involve the management or sale of money, investments, securities or real property, or

requires licensure in any state.

5. If I have a judgement entered against me for misappropriated funds or assets from any person or entity in any state.

_____ I may petition the Court for advice, instructions, and approval in any matter concerning the following:

1. The administration of the Protected Person's estate;
2. The priority of paying claims;
3. The propriety of making any proposed disbursement of funds;
4. Elections for or on behalf of the Protected Person to take under the will of a deceased spouse;
5. Exercising for or on behalf of the Protected Person:
 - a. Any option or other rights under any policy of insurance or annuity; and
 - b. The right to take under a will, trust or other devise;
6. The propriety of exercising any right exercisable by owners of property; and
7. Matters of a similar nature.

_____ I shall, as a guardian of the estate, take possession of:

1. All property of substantial value of the Protected Person;
2. All rents, income, issues and profits from the property;
3. The title to all property of the Protected Person;
4. The originals of any contracts executed by the Protected Person, Power of Attorney executed by the Protected Person, estate planning documents prepared by the Protected Person (including but not limited to the last will and testament, durable power of attorney), and revocable trusts, revocable or irrevocable trusts

the Protected Person is beneficiary to, and any written evidence of present or future vested interest in any real or intangible property.

_____ I shall collect all debts due to the Protected Person.

_____ I shall represent the Protected Person in legal proceedings.

_____ I may pay claims against the Protected Person or Protected Person's estate with the Protected Person's estate.

_____ I should seek the advice and assistance of an attorney if I need legal advice, or if I do not fully understand my duties and responsibilities, to ensure that I remain in full compliance with the laws of the State of Nevada.

_____ I certify that I have read and reviewed the Guardian's Acknowledgment of Duties and Responsibilities and I understand the terms and conditions under which the guardianship is to be managed.

_____ I agree to comply with the rules and duties of a guardian as set forth in the laws of the State of Nevada.

_____ I fully understand that failure to comply with the guardianship statutes, or with any Order made by the Court, may result in my removal as guardian and that I may be subject to such penalties as the Court may impose.

_____ I have received the Protected Persons' Bill of Rights and understand the rights stated.

I declare under penalty of perjury that I have read and understand my duties and responsibilities as outlined in the foregoing Guardian's Acknowledgement of Duties and Responsibilities.

DATED (*month*) _____ (*day*) _____, 20____.

Submitted By: (*your signature*) ▶ _____

(*print your name*) _____

VERIFICATION

I state that I am the Guardian of the Estate of the above-named protected person, have read the foregoing Acknowledgment of Duties and Responsibilities, know the contents thereof, and it is true to my own knowledge, except for those matters therein stated on information and belief, and as for those matters I believe them to be true.

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

GUARDIAN'S SIGNATURE