

**ORDER APPOINTING
GUARDIAN AND
CONSERVATOR**

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

Case No. PR 22-1652

IN THE MATTER OF

LINDA LEFEBVRE

Ward/Protected Person

The Petition for Appointment of Guardian and Conservator having come before the court, the court finds as follows:

1. Petitioner(s) is/are entitled to file the Petition pursuant to Neb. Rev. Stat. §§ 30-2633 and 30-2619.
2. Notice has been given or waived as required by law.
3. Venue in this county is proper.
4. Upon clear and convincing evidence presented to the court, there is a sufficient basis for the appointment of the guardian for LINDA LEFEBVRE,

☒ an incapacitated person, pursuant to lawful proceedings of record in this court, or

☐ an incapacitated person, pursuant to the provisions of the Last Will and Testament of _____, parent or spouse of said incapacitated person, which Will was admitted to probate in this court and there are no less restrictive alternatives than the appointment of a guardian for the above-named incapacitated person.
5. Upon clear and convincing evidence presented to the court, there is a sufficient basis for the appointment of the conservator for LINDA LEFEBVRE and there are no less restrictive alternatives than the appointment of a conservator for the above-named protected person.
6. Appointment of a guardian and conservator is necessary because:



The court finds clear and convincing evidence that a full guardianship is necessary and is the least restrictive alternative. the guardian(s) is/are granted all powers conferred upon guardians by law which are listed below:

- i. Selecting the ward's place of abode within this state, or with court permission, outside of this state;
- ii. Arranging for medical care for the ward;
- iii. Protecting the personal effects of the ward;
- iv. Giving necessary consent, approval, or releases on behalf of the ward;
- v. Arranging for training, education, or other habilitating services appropriate for the ward;
- vi. Applying for private or governmental benefits to which the ward may be entitled;
- vii. Instituting proceedings to compel any person under a duty to support the ward or to pay sums for the welfare of the ward to perform such duty, if no conservator has been appointed;
- viii. Entering into contractual arrangements on behalf of the ward, if no conservator has been appointed; and
- ix. Receiving money and tangible property deliverable to the ward and applying such money and property to the ward's expenses for room and board, medical care, personal effects, training, education, and habilitating services, if no conservator has been appointed, or requesting the conservator to expend the ward's estate by payment to third persons to meet such expenses.
- x. Other:

7. Carol Lefebvre Toto is/are entitled to appointment pursuant to Neb. Rev. Stat. § 30-2639 and § 30-2627 and should be appointed as guardian(s) and conservator(s). The above-named person(s) is/are authorized and ordered to obtain a Financial Institution Receipt of Orders form completed by each financial institution holding any assets or accounts titled in any manner in the name of the ward/protected person along with a printout of all assets and account numbers in each financial institution, which shall be filed in these proceedings.
8. If any funds are ordered restricted, the above-named person(s) is/are further authorized and ordered to open an account at a financial institution with the restriction that no withdrawals can be made without a court order. To show the court that the guardian(s)/conservator(s) has/have complied with this restriction, the guardian(s)/conservator(s) shall file with the court a Proof of Restricted Account form within 10 days of this order.

9. Bond:

- ☐ Is required and set in the sum of \$ _____ ;
- ☒ Is not required because the assets of the ward/incapacitated person are less than \$10,000 in value;
- ☐ Is not required because the court finds good cause: (check all that apply)
- ☐ a. All assets are ordered into restricted accounts.
- ☐ b.

10. Training:

- ☒ The guardian(s)/conservator(s) shall complete training and file the certificate(s) of completion within 90 days;
- ☐ For good cause shown training is waived;

IT IS THEREFORE ORDERED that Carol Lefebvre Toto is/are appointed guardian(s) and conservator(s) of the estate of LINDA LEFEBVRE. Letters of Guardianship and Conservatorship will be issued to the guardian(s)/conservator(s) upon the filing of the following documents:

1. Acceptance of Appointment;
2. General Information form;
3. Address Information Sheet;
4. Financial Institution Receipt of Orders form, with a printout of all assets in each financial institution;
5. Proof of restricted funds form for any assets the court has ordered to be held in a restricted account;
6. Inventory and Affidavit of Due Diligence;
7. Personal and Financial Information for Guardianships and Conservatorships form;
8. Approved bond, if required.

After the Letters have been issued, the guardian(s)/conservator(s) shall deliver to each financial institution where the protected person has any accounts/assets a copy of the Letters of Guardianship and Conservatorship and file with the court a Financial Institution Receipt of Letters form acknowledging that they received the Letters, along with a printout of all assets and account numbers in each financial institution. The guardian(s)/conservator(s) shall thereafter be entitled to deal with such assets. This form shall be filed within 30 days. Failure to file this form will result in a suspension of your authority.

As a Guardian and Conservator you are ordered to comply with the following restrictions:

1. Except as provided in § 6-1437, the guardian(s)/conservator(s) shall not pay himself/herself/themselves or his/her/their attorney compensation from the assets or income of the protected person nor sell real property of the estate without first obtaining an Order from the court. To obtain an Order, you must first file an application, give notice to interested persons, then have a hearing date scheduled. The Order may be entered without a hearing if all interested persons have waived notice of hearing or have executed their consent to such compensation or sale or any other restrictions as determined to be appropriate by the court.
2. The guardian(s)/conservator(s) shall not make any cash withdrawals or receive cash back without a court order.
3. If any funds have been restricted by the court, the guardian(s)/conservator(s) shall not make any withdrawals from the restricted account without a court order.
4. Other:

DATED: _____

3/8/23

BY THE COURT:



County Judge

PREPARED AND SUBMITTED BY:

Kathleen Pallesen, #19604 Spethman Pallesen Law, 14301 FB Pkwy., Ste. 100 Omaha, NE 68154

FILED
COUNTY COURT
PROBATE DIVISION

MAR 08 2023
Clerk of Court
DOUGLAS COUNTY COURT
OMAHA, NEBRASKA

CERTIFICATE OF SERVICE

I, the undersigned, certify that on March 9, 2023 , I served a copy of the foregoing document upon the following persons at the addresses given, by mailing by United States Mail, postage prepaid, or via E-mail:

Kathleen S Pallesen
kathleen@spallesenlaw.com


Steven Donahue
1511 Farnam St., Apt. 504
Omaha, NE 68102

Richard D Lefebvre
3 Oceans West Blvd, Unit 5C3
Daytona Beach, FL 32118

Social Security Administration
604 N 109th Ct
Omaha, NE 68154

Date: March 9, 2023

BY THE COURT:



CLERK

