

DOC # 0128469

03/07/2007

01:55 PM

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RPTT:

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Book- 229 Page- 0281

APN: 002-073-01

RECORDING BY:

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Las Vegas, Nevada 89107

WHEN RECORDED MAIL TO:

MAIL TAX STATEMENTS TO:

Mr. Robert W. Mittelbach
P.O. Box 626
Panaca, Nevada 89042



**ORDER FOR DIVISION OF COMMUNITY ASSETS
AND INCOME AND FOR SUPPORT**



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ORDR
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Attorney for Petitioner

FILED
Nov 9 4 55 PM '06

DISTRICT COURT
CLARK COUNTY, NEVADA

In the matter of the Guardianship of the
Estate of

DARLYNE MAE MITTELBACH,

An adult.

Case No. G 29949
Dept. No. H
Date of Hearing: November 8, 2006
Time of Hearing: 9:00 a.m.

**ORDER FOR DIVISION OF COMMUNITY ASSETS
AND INCOME AND FOR SUPPORT**

Petitioner TUSS CORP's Petition for Division of Community Assets and Income and for Support having come on regularly for hearing on November 8, 2006; notice has been given according to law; and the Court having reviewed the pleadings and papers on file herein and having heard and considered all allegations contained in the Petition; and good cause appearing therefore;

THEREFORE, IT IS HEREBY ORDERED:

1. That it is in the best interests of both the Ward and the Ward's spouse that this Court make and enter an order dividing their assets and income. The Ward has an interest in protecting her spouse from impoverishment, and the policy of the federal law is the same so that the Ward's spouse has adequate resources and income to maintain a dignified life and not be impoverished.
2. That the following assets in an amount up to \$99,540.00 are awarded to and hereby set over to ROBERT W. MITTELBACH as his sole and separate property, for the purpose of funding the Community Spouse Resource Allowance ("CSRA"), for his maintenance and support:

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Clearstar Financial Credit Union
Savings Account Member # x-004

Clearstar Financial Credit Union
Checking Account Member # x-004

Big Valley Federal Credit Union
Savings Account Member # x-55

Big Valley Federal Credit Union
Checking Account Member # x-55

Stonebridge Life Insurance Policy
Certificate # x-2386

Union Fidelity Life Insurance Policy # x-0070

Real property located in Panaca, Nevada
Parcel Number: 002-073-01, more particularly described herein

Real property located in Panaca, Nevada
Parcel Number: 002-073-02, more particularly described herein

3. That the real property located in Panaca, Nevada, APN: 002-073-01, more particularly described herein, is hereby set over from ROBERT W. MITTELBACH and DARLYNE MAE MITTELBACH, husband and wife, to ROBERT W. MITTELBACH, as his sole and separate property, said real property more particularly described as follows:

LOT 125 IN SUNGOLD MANOR

4. That the real property located in Panaca, Nevada, APN: 002-073-02, more particularly described herein, is hereby set over from ROBERT W. MITTELBACH and DARLYNE MAE MITTELBACH, husband and wife, to ROBERT W. MITTELBACH, as his sole and separate property, said real property more particularly described as follows:

LOT 126 IN SUNGOLD MANOR

5. ROBERT W. MITTELBACH is hereby awarded \$2,488.50 per month as his sole and separate property for his maintenance and support as allowed by federal law. If the Maximum Monthly Maintenance Needs Allowance, as defined by 42 U.S.C. 1396r-5 increases, then the monthly maintenance needs allowance awarded to ROBERT W. MITTELBACH shall be automatically increased. Said income shall first come from the income in the name of



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ROBERT W. MITTELBACH, alone, then from interest and other income generated by assets awarded to ROBERT W. MITTELBACH as part of the CSRA, then from DARLYNE MAE MITTELBACH's income, up to the amount of the Maximum Monthly Maintenance Needs Allowance allowed under 42 U.S.C. 1396r-5. The Ward shall receive her personal needs allowance from her income before funding the spousal monthly maintenance needs allowance.

6. That the separate property and income of ROBERT W. MITTELBACH shall be deemed as no longer available for the cost of care or necessities of life for DARLYNE MAE MITTELBACH.

7. That any IRA Accounts or 401K listed herein titled in the name of DARLYNE MAE MITTELBACH, shall be transferred from DARLYNE MAE MITTELBACH to ROBERT W. MITTELBACH to be held as an IRA in the name of ROBERT W. MITTELBACH, and maintained for his benefit. Said transfer shall be considered a transfer of an individual's interest in an IRA or 401K to his spouse under a separation instrument pursuant to IRC §408(d)(6), and this Order is a decree of Separate Maintenance as defined in IRC §71(b)(2)(A).

8. The Guardian is authorized to change the beneficiary designation on any annuities, life insurance, or IRAs being set apart to ROBERT W. MITTELBACH as his sole and separate property.

9. The Guardian is authorized to sign any and all documents required to transfer title of the assets described above to ROBERT W. MITTELBACH, and to sign any and all documents required by the Nevada State Welfare Division, or any other party, to establish or

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continue the Medicaid eligibility for the Ward, DARLYNE MAE MITTELBACH. The Guardian is further authorized and directed to do and perform all acts and to execute and deliver all papers, documents and instruments necessary to consummate this Order.

DATED: November 8, 2006.

T. ART RITCHIE, JR.
DISTRICT COURT JUDGE

Submitted by:

Kim Boyer
KIM BOYER, CELA
Nevada Bar #5587
6060 West Elton, Suite A
Las Vegas, Nevada 89107

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Chief Clerk
CLERK OF THE COURT

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OF THE DOCUMENT ON FILE