

DOC # 0140527

02/10/2012

02:30 PM

Official Record

Recording requested By
ATTORNEY GENERAL HEALTH & HUMAN SER

Lincoln County - NV

Leslie Boucher - Recorder

Fee Page 1 of 6

RPTT: Recorded By: AE

Book- 269 Page- 0488



0140527

APN # 002-072-09

TYPE OF DOCUMENT: NOTICE OF LIEN

RECORDING REQUESTED BY: OFFICE OF THE ATTORNEY GENERAL

RETURN RECORDED DOCUMENT TO:

Name: Sabrina G. Raetz, Deputy Attorney General

Address: 555 E. Washington Avenue #3900

City/State/Zip: Las Vegas, Nevada 89101



NOTICE OF LIEN

TO: Estate of PHYLLIS B. LEE
Rollin Kim Lee
David Mark Lee

PLEASE TAKE NOTICE THAT the State of Nevada, Department of Health & Human Services Division of Health Care Financing and Policy, an agency of the State of Nevada, whose central office is 1000 East Williams Street, Suite 102, Carson City, Nevada 89701, by and through its counsel, Catherine Cortez Masto, Attorney General, and Sabrina Grindle Raetz, Deputy Attorney General, claims a lien pursuant to the AGREEMENT AND LIEN attached hereto and incorporated herein by this reference, upon the real property commonly known as 367 Sixth Street, Panaca, Nevada 89042 and particularly described as follows:

All of Lot One Hundred Four (104) of SUN GOLD MANOR, Unit No. 1 and the northerly 20 feet of the Lot One Hundred Three (103) of SUN GOLD MANOR Unit No. 1, subdivision to the Town of Panaca, County of Lincoln, State of Nevada, being a strip of land 20 feet wide fronting on Sixth Street and extending westerly for the entire depth of said Lot 103, as said Lots are delineated on the official plat of said SUN GOLD MANOR Unit No. 1, now on file and of record in the office of the Lincoln County Recorder, to which plat and the records thereof reference is hereby made for further particular description; together with any and all improvements situate thereon and appurtenance thereunto belonging.

APN: 002-072-09.

The lien is placed for reimbursement of Medicaid benefits paid on behalf of PHYLLIS B. LEE in the amount **four hundred thirty-seven thousand four hundred two dollars and fifty-one cents (\$437,402.51)** to be paid to Nevada State Division of Health Care Financing and Policy upon sale or transfer of the property.

However, pursuant to State and Federal law, the State may only recover on such a lien at a time when there is no surviving spouse, child(ren) under 21, or blind and/or disabled children of any age, if any. Additionally, the State must release its lien if the surviving spouse, child under 21 or disabled child, if any, seeks to engage in a bona fide sale or financial transaction involving the home. The object of the pending lien action is to secure the State's interest in the property and also allow the survivors to enjoy and benefit from their interest in and use of the property.

///



Upon any financial transaction involving the subject property, please contact the State of Nevada, Division of Health Care Financing and Policy, or, the Attorney General's Office.

DATED this 9th day of February 2012.

CATHERINE CORTEZ MASTO
Attorney General

By: Sabrina Grindle Raetz
SABRINA GRINDLE RAETZ
Deputy Attorney General
Nevada Bar No. 6464
(702) 486-3083
Attorneys for State of Nevada,
Division of Health Care Financing and
Policy

Attachment

Re: Estate of PHYLLIS B. LEE

When recorded please return to:
SABRINA GRINDLE RAETZ
Deputy Attorney General
555 East Washington Ave., Suite 3900
Las Vegas, Nevada 89101

*Please contact the Nevada Division of Health Care Financing and Policy
or the Nevada Attorney General's Office for Payoff Instructions*

AGREEMENT AND LIEN

The State of Nevada, Department of Health and Human Services, Division of Healthcare Financing and Policy ("Nevada Medicaid"), Rollin Kim Lee and David Mark Lee hereby agree as follows:

Phyllis B. Lee received Medicaid benefits from September 1, 2002 to July 11, 2009 totaling *four hundred thirty-seven thousand four hundred two dollars and fifty-one cents* (\$437,402.51). Phyllis B. Lee passed away on July 11, 2009.

Prior to July 23, 2001, Phyllis B. Lee had an ownership interest in real property commonly known as 390 Sixth Street, Panaca, Nevada 89042 and particularly described as follows:

Lot One Hundred Five (105) in the SUN GOLD MANOR ADDITION to the Town of Panaca, according to the Plat of Record in Book "A" of Plats, page 101, Lincoln County, Nevada records.

APN: 002-072-08.

Prior to July 23, 2001, Phyllis B. Lee also had an ownership interest in real property commonly known as 367 Sixth Street, Panaca, Nevada 89042 and particularly described as follows:

All of Lot One Hundred Four (104) of SUN GOLD MANOR, Unit No. 1 and the northerly 20 feet of the Lot One Hundred Three (103) of SUN GOLD MANOR Unit No. 1, subdivision to the Town of Panaca, County of Lincoln, State of Nevada, being a strip of land 20 feet wide fronting on Sixth Street and extending westerly for the entire depth of said Lot 103, as said Lots are delineated on the official plat of said SUN GOLD MANOR Unit No. 1, now on file and of record in the office of the Lincoln County Recorder, to which plat and the records thereof reference is hereby made for further particular description; together with any and all improvements situate thereon and appurtenance thereunto belonging.

APN: 002-072-09.

Prior to July 23, 2001, Phyllis B. Lee held the property in joint tenancy with her son, David Mark Lee and therefore, had a 50% interest in the subject property.

On July 23, 2001, Phyllis B. Lee transferred her 50% interest in the subject property to her two



sons, David Mark Lee and Rollin Kim Lee, entitling David Mark Lee to a 75% interest in the property and Rollin Kim Lee to a 25% interest in the property. Phyllis B. Lee transferred all of her interest in the subject property to her sons for \$10.00 consideration.

On November 11, 2002, Rollin Kim Lee applied for Medicaid benefits on behalf of his mother, Phyllis B. Lee. Rollin Kim Lee failed to report on Phyllis B. Lee's Medicaid application that Phyllis B. Lee transferred her 50% interest in the subject property to Rollin Kim Lee and David Mark Lee within Medicaid's 36 month look-back period.

Nevada Revised Statute 422.29302(3) states that Medicaid may pursue any remedy available under Chapter 112 if a Medicaid recipient transfers real property for less than fair market value. Nevada Revised Statute 422.29304(1) also states that Nevada Medicaid shall recover from the person who signed the Medicaid application if that person failed to report any required information, refused to provide information regarding the transfer of assets, or concealed information regarding the transfer of assets on a Medicaid recipient's application.

In lieu of other remedies available to Nevada Medicaid under state law, Nevada Medicaid shall impose a lien in the amount of *four hundred thirty-seven thousand four hundred two dollars and fifty-one cents* (\$437,402.51) against a 50% interest in the real property described above. Nevada Medicaid's lien is fully enforceable upon sale, transfer and/or refinancing, for purposes other than obtaining more favorable interest terms only, of the subject property.

Nevada Medicaid shall only recover the full amount of its claim, or, the value of 50% interest in the subject property, whichever amount is less. NRS 422.29302(7). Nevada Medicaid cannot recover from a recipient's estate if the recipient has a surviving spouse, disabled or blind child, or minor child. NRS 422.29302(4).

PAGE 1 OF 2 SIGNATURE PAGES

Rollin Kim Lee
Signature

JAN 30th 2012
Date

Printed name and address:

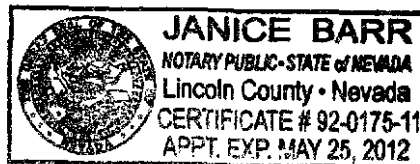
ROLLIN KIM LEE
PO BOX 596, PANACA NEVADA 89042

State of Nevada,
County of Lincoln

SUBSCRIBED AND AFFIRMED to before me this

30 day of January 2012

Janice Barr
NOTARY



PAGE 2 OF 2 SIGNATURE PAGES

David Mark Lee
Signature

1-30-2012
Date

Printed name and address:

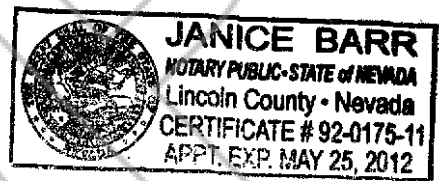
DAVID MARK LEE
PO BOX 87 PANACA NV. 89042

State of Nevada,
County of Lincoln

SUBSCRIBED AND AFFIRMED to before me this

30 day of January 2012

Janice Barr
NOTARY



Division of Health Care Financing and Policy Representative

Debra K. Moore
Signature, agent for DHCFF

2-7-12
Date

Printed name and address

DEBRA K. MOORE, DHCFF-MER, 1000 E WILLIAM
ST, SUITE 102, CARSON CITY, NV 89701

State of Nevada,
County of CARSON

SUBSCRIBED AND AFFIRMED to before me this

7 day of February 2012

S.K. Webb
NOTARY

