

G08251

GUARDIANSHIP OF

IN THE COUNTY COURT

NANCY FAY SMTH

AT LAW

AN INCAPACITATED PERSON

BOSQUE COUNTY

STATE OF TEXAS

To any Sheriff or any Constable within the State of Texas:

YOU ARE HEREBY commanded to cause to be posted at the County Courthouse, Meridian, Bosque County, Texas, at the place in or near where public notices customarily are posted, a copy of the following notice:

STATE OF TEXAS

TO ALL PERSONS INTERESTED IN THE WELFARE OF THE PERSON OF NANCY FAY SMITH, AN INCAPACITATED PERSON.

An APPLICATION FOR APPOINTMENT OF GUARDIAN OF THE PERSON AND ESTATE, filed by JENNY BEATRICE SMITH has been entered in the records of said Court, cause number G08251 on the 06/13/2022.

Applicant requests that JENNY BEATRICE SMITH be appointed as Guardian of the Person and Estate of, NANCY FAY SMITH.

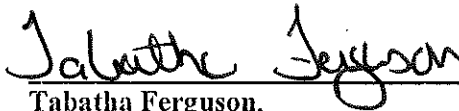
Hearing on said Application for the Appointment of Guardian of the person and the Estate will be held on or after the 27th day June, 2022 at the County Courthouse, Bosque County, Texas.

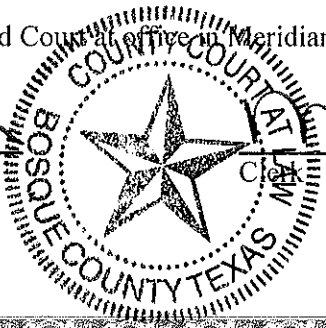
All persons interested in said cause are hereby cited to appear before said Honorable Court at said above mentioned time and place by filing a written answer contesting said request if they so desire.

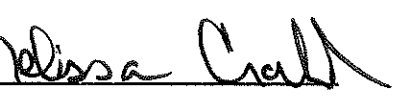
You are notified that you have the right under Texas Estates ode Section 1051.252 (Texas Probate Code Section 632 (j)) to file with the clerk a written request that you be notified of any or all specifically designated motions, applications, or pleadings filed by any person, or by a person specifically designated in your request, relating to the application for the guardianship that has been filed or relating to any subsequent guardianship proceeding involving the ward after the guardianship is created, if any If you make such a request, you

The officer executing this Writ shall promptly post the same and make due return as the law directs.

Given under my hand and seal of said Court at office in Meridian, Texas the 13th day of JUNE, 2022.

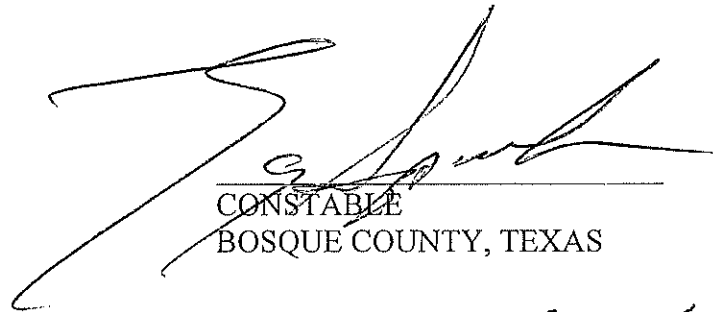

Tabatha Ferguson,
Bosque County Clerk





OFFICER'S RETURN ON CITATION

Came to hand on the 13 day of JUNE, 2022, at
3:10 o'clock P M. and executed on the 13 day of JUNE, 2022
by posting a copy of the within citation for ten days, exclusive of the day of posting,
before the return day hereof, at the County Courthouse door of Bosque County,
Texas, or at the place in or near the said courthouse where public notices customarily are
posted, that is from JUNE 13, 2022 through JUNE 27,
2022, inclusive.



CONSTABLE
BOSQUE COUNTY, TEXAS

Printed name: Jay Spickman

No. _____

IN THE GUARDIANSHIP OF

NANCY FAY SMITH,

AN INCAPACITATED PERSON

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IN THE COUNTY COURT

AT LAW OF

BOSQUE COUNTY, TEXAS

**APPLICATION FOR APPOINTMENT OF
GUARDIAN OF THE PERSON AND ESTATE**

Jenny Beatrice Smith, Applicant, files this *Application for Appointment of Guardian of the Person and Estate* and shows the Court as follows:

1. Authority. This Application is filed as provided in *Texas Estates Code Section 1101.001.*

2. Venue. This Court has venue over this proceeding under *Texas Estates Code Sec. 1023.001* because the Proposed Ward resides in this County.

3. Proposed Ward. The *Proposed Ward* subject of this guardianship proceeding is **Nancy Fay Smith**, a female incapacitated person residing at 415 North Avenue R, Clifton, Bosque County, Texas 76634. The last three digits of her Social Security and Texas driver's license numbers are 044 and 598, respectively. Her date of birth is August 14, 1937.

4. Proposed Guardian. Applicant **Jenny Beatrice Smith** is the Proposed Ward's daughter, residing at 315 North Avenue J, Clifton, Bosque County, Texas 76634. The last three digits of her Social Security and Texas driver's license numbers are 702 and 428, respectively.

5. Type of Appointment. Applicant requests appointment of a Guardian of the Person and Estate of Nancy Fay Smith.

6. Alternatives Considered. Under the circumstances of this case, alternatives to guardianship and available supports and services were considered and determined to be insufficient and not feasible to avoid the need for a guardianship.

7. Incapacity. The Proposed Ward has been diagnosed with severe Alzheimer's Disease. She is oriented to people and places but is deficit in short-term and long-term memory, immediate recall, recognizing familiar objects and persons, solving problems, reasoning logically, grasping abstract aspects of her situation, and breaking down complex tasks into simple steps and carrying them out.

8. Requested Assistance: Applicant requests the following specific areas of protection and assistance in the Court's Order:

- Secure clothing, food, medical care and shelter;
- Apply for and secure insurance;
- Power to consent to medical, psychiatric or surgical treatment;
- Power to apply for Social Security, Medicare, Medicaid or other governmental programs;
- Power to effect retirement plan transactions;
- Power to transact banking and financial transactions;
- Power to manage business affairs and finances;
- Power to collect rents.

9. Rights Affected: Applicant requests the following limitation or termination of rights in the Court's Order:

- The right to vote in public elections;
- The right to hold or obtain a license to operate a motor vehicle under *Texas Transportation Code Chapter 521*;

- The right to make personal decisions regarding residence;
- Make complex business, managerial, and financial decisions;
- Manage personal bank accounts;
- Make decisions regarding marriage;
- Administer own medications on a daily basis;
- Attend to basic activities of daily living without supports and services;
- Attend to instrumental activities of daily living (shopping, cooking, traveling, cleaning);
- Consent to medical and dental treatment from this point forward.

10. Facts: The facts requiring the appointment of a Guardian are as follows: It would be in the Proposed Ward's best interest to be placed in a secured facility for the elderly or a secured nursing facility that specializes in the care and treatment of people with dementia. It would be in the Proposed Ward's best interest to be administered medications appropriate for the care and treatment of dementia. Improvement in the Proposed Ward's physical condition and mental functioning are not possible. The Proposed Ward's periods of impairment from the deficits of her illness vary substantially in frequency, severity, or duration.

11. Interest of Applicant. Applicant's interest in this proceeding is that she is the Proposed Ward's daughter.

12. Existing Guardianship. There is no existing guardianship for the Proposed Ward.

13. Care and Custody. No person or institution has the care and custody of the Proposed Ward.

14. Value of the Estate. The approximate value of the Proposed Ward's estate is \$2,000,000.00.

15. The Estate: The Proposed Ward's estate consists of a farm of approximately 150 acres in Hamilton County, Texas, a house in Hamilton, Texas, a checking account, and certificate of deposit.

16. Power of Attorney: Applicant holds a *Statutory Durable Power of Attorney* for the Proposed Ward recorded under Instrument Number 2015-00000960 of the Bosque County Clerk's Official Public Records, which grants powers concerning real property transactions, tangible personal property transactions, stock and bonds transactions, commodity and option transactions, banking and other financial institution transactions business operating transactions, insurance and annuity transactions, estate, trust, and other beneficiary transactions, claims and litigation, personal and family maintenance, benefits from Social Security, Medicare, Medicaid, or other governmental programs or civil or military service; retirement plan transactions; and tax matters.

17. Required Names and Addresses. Applicant is the Proposed Ward's only child. The Proposed Ward is an only child. Her only spouse was James Smith, who is deceased; her parents are both deceased.

18. Prior Conservatorship Proceeding: The Proposed Ward has not been the subject of a prior legal or conservatorship proceeding.

Applicant prays that

- All necessary notices and citations be issued;
- After hearing, Jenny Beatrice Smith be appointed Guardian of the Person and Estate of Nancy Fay Smith; and
- The Court appoint an attorney ad litem and/or guardian ad litem to represent the Proposed Ward, as required by *Texas Estates Code 1054.001*.

Respectfully submitted,



Patricia Ferguson
Attorney for Applicant
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Clifton, Texas 76634-1519
Telephone: 254-675-8663
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pferguson@bosquelaw.com

STATE OF TEXAS
COUNTY OF BOSQUE

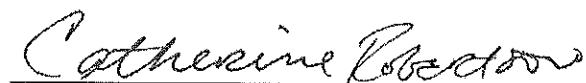
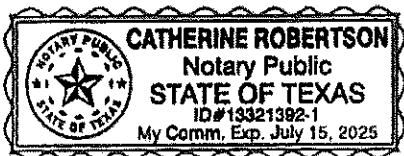
BEFORE ME, the undersigned authority, on this day personally appeared the person known by me to be **Jenny Beatrice Smith**, who after being by me duly sworn, upon oath deposed and stated under oath as follows:

"I am the Applicant in this *Application for Appointment of Guardian of the Person and Estate*, I have personal knowledge of the matters stated herein, and all matters and facts stated in this Application are true and correct."



Jenny Beatrice Smith, Applicant

SUBSCRIBED AND SWORN TO BEFORE ME by **Jenny Beatrice Smith** on this the 10 day of June, 2022.



Notary Public, State of Texas