

CAUSE NO. G08250

GUARDIANSHIP OF

IN THE COUNTY COURT

REBECCA MCGALLIARD

AT LAW

AN INCAPACITATED PERSON

BOSQUE COUNTY TEXAS

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 REBECCA MCGALLIARD, AN INCAPACITATED PERSON.

A COUNTER-APPLICATION FOR APPOINTMENT OF GUARDIAN OF THE PERSON AND ESTATE, filed by PAIGE BIZZELL has been entered in the records of said Court; cause number G08250 on the 06/29/2022.

Applicant requests that PAIGE BIZZELL be appointed Permanent Guardian of the Person AND ESTATE OF REBECCA MCGALLIARD.


Hearing on said COUNTER-APPLICATION FOR APPOINTMENT OF GUARDIAN OF THE PERSON AND ESTATE will be held on or after the 07/11/2022 at the Bosque County Courthouse, Bosque County, Texas.

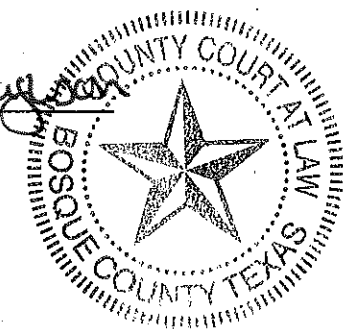
All persons interested in said cause are hereby cited to appear before said Honorable Court at said above mentioned time and place by filing a written answer contesting said request if they so desire.


You are notified that you have the right under Texas Estates Code 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 are responsible for the fees and costs associated with furnishing you the documents specified in the request. The clerk may require a deposit to cover the estimated costs of furnishing you with the request notice.

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 29<sup>th</sup> day of JUNE, 2022.

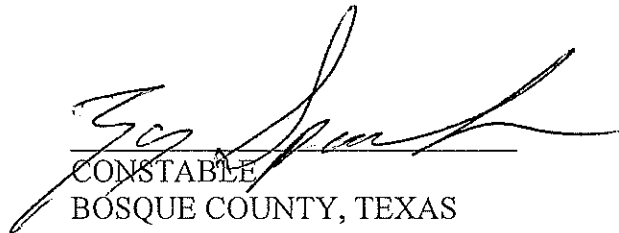
  
Tabatha Ferguson,  
Bosque County Clerk



  
Clerk

OFFICER'S RETURN ON CITATION

Came to hand on the 30 day of June, 2022, at 847 o'clock A M. and executed on the 30 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 30, 2022, through July 11, 2022 inclusive.

  
CONSTABLE  
BOSQUE COUNTY, TEXAS

Printed name: Jay Spackman

No. G08250

IN THE GUARDIANSHIP OF                    §                    IN THE COUNTY COURT  
REBECCA McGALLIARD,                    §                    AT LAW OF  
AN INCAPACITATED PERSON                    §                    BOSQUE COUNTY, TEXAS

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

**Paige Bizzell**, *Counter-Applicant*, files this Counter-Application for Appointment of Guardian and shows the Court as follows:

**1. Authority.** This Counter-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 Section 1123.001* because the Proposed Ward resided or was located in this County on the date this Counter-Application was filed.

**4. Proposed Ward.** The person who is the subject of this guardianship proceeding is **Rebecca McGalliard**, an adult female, born on February 12, 1944. She currently resides at Lutheran Sunset Ministries at 300 South Avenue Q in Clifton, Bosque County, Texas. The last three digits of her Social Security number are 923. She no longer has a driver's license.

**5. Proposed Guardian.** **Paige Bizzell** is the Proposed Ward's daughter. She resides at 302 County Road 3340, Clifton, Bosque County, Texas 76634-3425. The last three digits of her Social Security and driver's license numbers are 194 and 327, respectively.

**6. Type of Appointment.** Counter-Applicant requests appointment as Guardian of the Person and Estate of the Proposed Ward.

**7. Alternatives Considered.** Alternatives to guardianship and available supports and services to avoid guardianship were considered and determined to be insufficient and not feasible to avoid the need for a guardianship under the circumstances of this case.

**8. Incapacity.** The Proposed Ward is currently incapacitated to care for herself, and unable to manage her property and financial affairs without a legal guardian of her person and estate. It is necessary and will be advantageous for the Proposed Ward to have a guardian of her person and estate appointed to manage, control, protect and prevent waste of the assets of her estate, and to provide for the care and attention of the Proposed Ward.

**9. Requested Assistance.** All areas of protection and assistance are requested, including, but not limited to the following specific areas of protection and assistance:

- 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.

**10. Rights Affected.** The termination of rights Counter-Applicant requests to be included in the order are:

- 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.

**11. Facts.** The facts requiring the appointment of a guardian are that the Proposed Ward has been diagnosed with psychosis, dementia and depression. She is unable to care for herself or manage her property and requires 24-hour care. The Proposed Ward is totally incapacitated as set forth in the examination and report from her treating physician, Justin Squyres, M. D., on file in this cause.

**12. Interest of Counter-Applicant.** Counter-Applicant is the Proposed Ward's daughter.

**13. Existing Guardianship.** There is no existing guardianship for the Proposed Ward in this or any other state.

**14. Care and Custody.** The following person or institution has the care and custody of the Proposed Ward: Lutheran Sunset Ministries, 300 South Avenue Q, Clifton, Bosque County, Texas 76634.

**15. Value of the Estate.** The following is a description of the Proposed Ward's estate, including any compensation, pension, insurance, or allowance to which the Proposed Ward may be entitled: checking account, certificate of deposit, homestead and non-homestead real property, cattle, farm equipment, household goods and personal effects of a value in excess of \$2,000,000.00.

**16. Power of Attorney.** Marshall Dale McGalliard, Sr., the initial Applicant in this cause, holds a general power of attorney for the Proposed Ward. Counter-Applicant holds a medical power of attorney.

**17. Next of Kin.** The names and addresses and other information required by *Texas Estates Code Section 1101.001* is as follows:

Spouse: Marshall Dale McGalliard, Sr., 951 County Road 482, Spur, Dickens County, Texas 79370-5216

Son: Jerry Alexander, Jr., 2450 Farm-to-Market Road 1081, Spur, Dickens County, Texas 79370-5255

Daughter: Page Bizzell (Counter-Applicant)

Son: Marshall McGalliard, Jr., 1440 County Road 390, Spur, Dickens County, Texas 79370-5149

Daughter: Heather McGalliard Wheeler, 1405 Radisson Drive, Hewitt, McLennan County, Texas 76643-3977

Parents and Sibling: The Proposed Ward's parents are deceased. Decedent's only brother died in November of 2021.

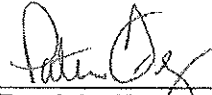
**18. Prior Conservatorship Proceeding.** The Proposed Ward has not been the subject of a legal or conservatorship proceeding in the preceding two years.

**19. Attorney Fees.** Counter-Applicant has retained Patricia Ferguson to provide legal representation in this proceeding and requests that she be awarded reasonable attorney's fees for necessary services rendered in this proceeding.

Counter-Applicant prays that all necessary notices be given and citations be issued and that, after hearing, she be appointed Guardian of the Person and Estate of Rebecca McGalliard; and that, in the event an ad litem has not previously been appointed, the Court appoint an attorney ad litem and/or guardian ad litem to represent the Proposed Ward. Counter-Applicant further prays that the Court award Patricia Ferguson reasonable and necessary attorney's fees to be paid from the Proposed Ward's estate.

(cont'd on next page)

Respectfully submitted,

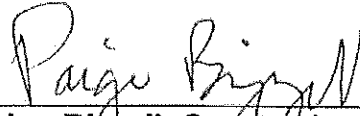


Patricia Ferguson  
Attorney for Counter-Applicant  
State Bar No.: 06918400  
pferguson@bosquelaw.com  
Patricia Ferguson & Associates, LLC  
815 West 5<sup>th</sup> Street  
Clifton, Texas 76634-1519  
Telephone: 254/675-8663  
Facsimile: 254/675-4567

STATE OF TEXAS  
COUNTY OF BOSQUE

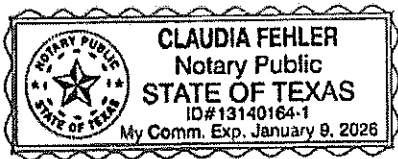
BEFORE ME, the undersigned authority, on this day personally appeared the person known by me to be **Paige Bizzell**, who after being by me duly sworn, upon oath deposed and stated under oath as follows:

"I am the Counter-Applicant in the above *Counter-Application for Appointment of Guardian*, I have personal knowledge of the matters stated in this pleading, and all matters and facts stated in the Counter-Application are true and correct."



Paige Bizzell, Counter-Applicant

SUBSCRIBED AND SWORN TO BEFORE ME on June 29, 2022, by **Paige Bizzell**.

  
Notary Public, State of Texas

**Certificate of Service**

I certify that a true and correct copy of this pleadings was sent via the Texas E-file system to 1) James Rainey, Attorney for Marshall Dale McGalliard, Sr., [james@raineyandraine.com](mailto:james@raineyandraine.com), and 2) Jessica Hart, Attorney ad Litem for the Proposed Ward, [jessica@diawright.com](mailto:jessica@diawright.com).



Patricia Ferguson  
Attorney for Counter-Applicant