

G08262

**GUARDIANSHIP OF  
BRENDA S CUNNINGHAM  
AN INCAPACITATED PERSON**

**IN THE COUNTY COURT  
AT LAW  
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  
BRENDA S CUNNINGHAM**

An application for **APPLICATION FOR APPOINTMENT OF PERMANENT GUARDIAN OF THE PERSON**, filed by **FRIENDS FOR LIFE** has been entered in the records of said Court, cause number **G08262** on the **06/12/2023**.

Applicant requests that **FRIENDS FOR LIFE** be appointed as **Guardian of the Person of BRENDA S CUNNINGHAM**.

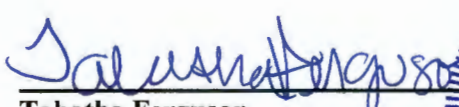
Hearing on said **Application for Appointment of a Permanent Guardian of the Person** will be held on or after **26<sup>th</sup> day of June, 2023**, at the County Court at Law Courthouse Judicial Annex, Bosque County, Texas.

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.

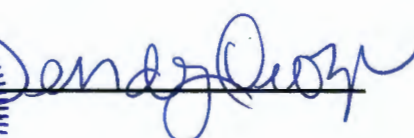
**You are notified that you have the right under Texas Estates Code Section 1051.252 (Texas Probate Code Section 632 (j)) to file with the clerk a written request that you be notified of any or all specifically designated motions, applications, or pleadings filed by any person, or by a person specifically 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 **13<sup>th</sup> day of June, 2023**.

  
**Tabatha Ferguson,**  
Bosque County Clerk





**OFFICER'S RETURN ON CITATION**

Came to hand on the 13 day of June, 2023, at 11:16 o'clock A M. and executed on the 13 day of June, 2023 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 6/13, 2023, through 6/26, 2023, inclusive.

Scott Fgn  
CONSTABLE  
BOSQUE COUNTY, TEXAS

Printed name: Scott Ferguson

**IN THE GUARDIANSHIP OF  
BRENDA S. CUNNINGHAM,  
AN INCAPACITATED PERSON**

**§ IN THE COUNTY COURT AT LAW  
§  
§ OF  
§  
§ BOSQUE COUNTY, TEXAS**

Filed: 6/12/2023 2:58 PM  
Tabatha Ferguson  
County Clerk  
Bosque County, Texas  
Wendy Orozco

**APPLICATION FOR APPOINTMENT OF  
PERMANENT GUARDIAN OF THE PERSON**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**NOW COMES** Friends for Life, ("Applicant"), through Inez Russell, Agent, and makes and files this Application for Appointment of Guardian of the Person of Brenda S. Cunningham, an Adult, ("Proposed Ward") pursuant to Section 1101.001 of the Texas Estates Code, and would respectfully show the Court the following:

I.

That alternatives to guardianship, including available supports and services that would avoid the need for a guardianship, were considered unfeasible.

II.

That Proposed Ward is a male who is 68 years old, having been born on March 28 1955. The last three numbers of the Proposed Ward's Social Security number are 497 and the Driver's License is unavailable. The Proposed Ward, Brenda S. Cunningham, currently resides at **HILLTOP ON MAIN NURSING HOME, 1015 NORTH MAIN STREET, MERIDIAN, BOSQUE COUNTY, TEXAS 76665 AND MAY BE SERVED WITH PROCESS AT THIS ADDRESS.**

The Proposed Ward is not currently under a guardianship. To Applicant's knowledge, no one holds a Power of Attorney signed by the Proposed Ward.

III.

The names, addresses, and relationships to the Proposed Ward of those relatives required to be listed in this Application by Section 1101.001(13), and those persons requiring notice under Section 1051.104 of the Texas Estates Code, to the best of the Applicant's knowledge are as follows:

- A. Proposed Ward has never married.
- B. Name: Thomas McDowell  
Address: Hilltop on Main Nursing Home  
1015 N. Main Street  
Meridian, Texas 76665  
Telephone: 254-435-2357  
Relationship to Proposed Ward: Residential Facility Administrator
- C. The existence and whereabouts of the parents of the Proposed Ward are unknown after reasonable inquiry.
- E. The existence and whereabouts of any children of the Proposed Ward are unknown after reasonable inquiry.
- F. Name: Janie Phillips, Adult  
Address: P. O. Box 934  
Fairfield, Texas 75840

Telephone: 903-289-2930  
Relationship to Proposed Ward: Sister

IV.

Applicant is not related to the Proposed Ward and its address is 5000 Lakewood, Waco, McLennan County, Texas 76710. Applicant desires to be appointed Guardian of the Person of Proposed Ward. Applicant's interest in the appointment of a guardian is as a non-profit guardianship program serving Bosque County, Texas. Applicant is eligible by law to act as Guardian.

V.

This Court has venue over these proceedings because Brenda S. Cunningham permanently resides in this county.

VI.

Proposed Ward is an adult, and is incapacitated because of a mental condition. The Proposed Ward is totally without capacity, as provided by the Texas Estates Code, to care for herself, to manage her property, to operate a motor vehicle, vote in a public election and make personal decisions regarding residence and marriage. Applicant states to the Court that the following facts and reasons support the request for appointment of a Guardian and the granting of the requested powers: A Physician's Certificate of Medical Examination conducted March 22, 2023 finds the Proposed Ward incapacitated because of Alzheimer's Disease, Schizoaffective Disorder, Bipolar Type, and Major Depressive Disease, her incapacity is total, the degree is severe and the prognosis is poor with no possibility of improvement.

VII.

Applicant requests the Court find Proposed Ward incapacitated for all purposes and requests the Court appoint it as Guardian of the Person and grant the appointed Guardian the following powers and duties over the Proposed Ward's person:

- A. The right to have physical possession of Proposed Ward and to establish Proposed Ward's legal domicile;
- B. The duty of care, supervision, and protection of Proposed Ward;
- C. The duty to provide Proposed Ward with clothing, food, medical care, and shelter;
- D. To review, to take possession of, and to consent to the disclosure of Proposed Ward's medical or dental records;
- E. To apply for, arrange for, and consent to any and all psychological, psychiatric, or medical examinations, tests, or evaluations for the Proposed Ward, other than the in-patient psychiatric commitment of the Proposed Ward;
- F. To consent to or object to medical and dental treatment of the Proposed Ward, including surgery;
- G. Pursuant to §§ 166.039 and 166.088 of the Texas Health and Safety Code, the power to make a treatment decision that may include a decision to withhold or withdraw life-sustaining treatment from the Proposed Ward;
- H. To apply for, to consent to, and to enroll Proposed Ward in non-residential aging or Alzheimer's programs and services, educational, vocational, and recreational services which are reasonably required and needed by Proposed Ward and which are operated by public and private agencies and facilities;
- I. To make application for, to consent to, and to enroll Proposed Ward in private and public 24 hour care facilities or nursing home facilities;
- J. To consent to or object to Proposed Ward's marrying or the Proposed Ward's employment;
- K. To employ and to discharge from employment nurses, sitters, caregivers, tutors,

- therapists, and other persons engaged to assist Proposed Ward;
- L. The authority to purchase pre-need funeral services with assets of the Proposed Ward and authorize use of same upon need;
- M. The right to cancel the Proposed Ward's driver's license and prohibit the Proposed Ward from obtaining a driver's license.
- N. The right to apply for and to receive funds from governmental sources for Proposed Ward, including, but not limited to, Social Security, Medicare, Supplemental Security Income Benefits (SSI), HUD Section 8 Rent Subsidies, Childhood Disability Benefit under the Old-Age, Survivors, and Disability Insurance Program, Aid to Families with Dependent Children (AFDC) and Veterans Benefits;
- O. The right to establish a Qualified Income Trust in accordance with 42 U.S.C. Section 1396p(d)(4)(B), and direct that the income of the Proposed Ward as defined by that section be paid directly to the trust, solely for the purpose of the Proposed Ward's eligibility for medical assistance under Chapter 32 of the Texas Human Resources Code.

Applicant requests the Court impose those limitations on the Proposed Ward consistent with the foregoing powers including, but not limited to the following that the Proposed Ward no longer has the right to:


- a) operate a motor vehicle;
- b) consent to marriage;
- c) execute a trust or power of attorney or make an amendment to any existing trust;
- d) make decisions or give consent to medical or surgical treatment;
- e) choose her domicile or residence;
- f) personally seek employment without approval of the guardian, or obtain government assistance or access government benefits or fund;
- g) own, possess, purchase, or use a firearm or ammunition;
- h) manage property, finances, or benefits;
- i) execute a will, or make a codicil or amendment to any existing will; or
- j) execute a power of attorney or make an amendment to any existing power of attorney.

#### VIII.

Applicant prays that the Court appoint an attorney and/or guardian ad litem, if they have not already been appointed to represent the Proposed Ward's Person; that a hearing on this Application be set; that Applicant, Friends for Life, be appointed Guardian of the Person of Brenda S. Cunningham, an Adult; that the Court Order appointing Friends for Life as Guardian be effective upon its taking the Oath as required by law; that upon the Guardian's qualification, the Clerk of this Court shall issue Letters of Guardianship to Friends for Life; and that the Court enter any other Orders it deems necessary.

Respectfully submitted,

Friends for Life, Applicant

By:   
 Inez Russell, Agent

*J. Marvin Roach*

J. Marvin Roach  
Attorney at Law  
SBN: 24025835  
P.O. Box 155392  
Waco, TX 76715  
Tel: 254-772-7600  
Fax: 254-772-3900  
Email: jmarvinroachlaw@msn.com

STATE OF TEXAS

§  
§  
§

COUNTY OF MCLENNAN

**BEFORE ME**, the undersigned authority, on this day personally appeared Inez Russell, on behalf of Friends for Life, Applicant in the foregoing Application for Appointment of Guardian of the Person of Brenda S. Cunningham, an Adult, known to me to be the person whose name is subscribed to the above and foregoing Application and stated under oath that such Application contains a correct and complete statement of the facts and matters to which it relates and all the contents thereof are true, complete and correct to the best of Applicant's knowledge.

**SWORN AND SUBSCRIBED TO BEFORE ME** on this the 12<sup>th</sup> day of June 2023.



*Micki Bowman*  
\_\_\_\_\_  
Notary Public, State of Texas

### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Micki Bowman on behalf of J. Marvin Roach

Bar No. 24025835

micki@friendsforlife.org

Envelope ID: 76523457

Filing Code Description: Application with Ad Litem

Filing Description: Application for Appointment of Permanent Guardian of the Person

Status as of 6/13/2023 8:08 AM CST

Associated Case Party: Friends for Life

Name	BarNumber	Email	TimestampSubmitted	Status
Micki Bowman		mcb@friendsforlife.org	6/12/2023 2:58:45 PM	SENT
Velinda Moody		velindam@friendsforlife.org	6/12/2023 2:58:45 PM	SENT