

SOLOMON DWIGGINS & FREER, LTD.
9060 West Cheyenne Avenue
Las Vegas, NV 89129
TEL: (702) 853-5485
FAX: (702) 853-5485

PET

ALAN D. FREER, ESQ.

Nevada State Bar No. 7706

afreer@sdfnvlaw.com

ROBERT D. SIMPSON, ESQ.

Nevada State Bar No. 10990

rsimpson@sdfnvlaw.com

SOLOMON DWIGGINS & FREER, LTD.

9060 West Cheyenne Avenue

Las Vegas, Nevada 89129

Telephone: (702) 853-5483

Facsimile: (702) 853-5485

Attorneys for Jared E. Shafer

**DISTRICT COURT
CLARK COUNTY, NEVADA**

In the Matter of the Guardianship of the	}	Case No.: G28163
Person and Estate of:		Department No.: E
GUADALUPE MENA OLVERA,	}	
Adult Ward.		

FIRST AND FINAL ACCOUNT OF GUARDIAN, REPORT OF GUARDIAN AND PETITION FOR DISTRIBUTION, FEES AND DISCHARGE

Date of Hearing: October 24, 2012
Time of Hearing: 9:00 a.m.

Pursuant to NRS 159.081, Jared E. Shafer, as General Guardian of the Person and Estate of Guadalupe Mena Olvera ("Ward"), by and through his attorneys, the law firm of Solomon Dwiggin & Freer, Ltd., hereby makes and files his First and Final Account and Report and petitions this Court for an order terminating the guardianship, and authorizing the payment of fees, approving the final accounting, authorizing the Guardian to distribute any and all funds on deposit in the Ward's guardianship account

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1 to William Chaddock, Conservator of the Estate of Guadalupe Olvera in Santa Cruz County, California,
2 and discharging the Guardian from any and all liability incurred as Guardian of the Ward's person and
3 estate.

4 **I. REPORT OF GUARDIAN**

5 On August 17, 2005, this Court appointed Carmela F. Olvera, the Ward's wife, to serve as guardian
6 of the person for the Ward. After Mrs. Olvera passed away in 2009, this Court appointed Mr. Shafer as
7 Mr. Olvera's guardian on December 2, 2010, with the notice and consent of Ms. Schultz.
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9 On March 22, 2010, Ms. Schultz filed a petition attempting to redirect Mr. Olvera's VA benefits and
10 appoint herself as guardian and/or remove Mr. Olvera to California. In response, representatives from the
11 Senior Citizens Law Project were assigned by the Court to give an assessment of Mr. Olvera, who reported
12 that "[t]he ward was definite, emphatic and consistent in wanting to remain in his home in Las Vegas" and
13 that Mr. Olvera stated "I do not want to move to California." See Court Transcript filed June 16, 2010, at
14 3:22-4:18. The Court, and Ms. Schultz's counsel, also understood that "there's various levels of capacity...
15 understanding where you want to live is – is a much lower capacity than really grasping what guardianship is
16 all about..." See id at 31:7-13. During her attempts to become his guardian, Ms. Schultz never argued that
17 Mr. Olvera was competent to manage his financial affairs. The Court denied Ms. Schultz's petition to be
18 appointed guardian.
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21 For months, the Court consistently rejected Ms. Schultz's continued efforts to remove Mr. Shafer as
22 guardian and take control of her father's assets. Specifically, on June 9, 2010, Ms. Schultz filed an
23 unsuccessful Objection to the Guardianship Commissioner's Report and Recommendation. Additionally, on
24 August 13, 2010, Ms. Schultz filed an unsuccessful Report of Malfeasance and Lack of Qualifications
25 Pursuant to Order of Remand by Judge Hoskin. Mr. Shafer incurred significant time and expense in
26 responding to Ms. Schultz's baseless accusations, which included "selling securities without a license,"
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1 “excessive billing,” “violation of NRS 160 Veterans Guardianship Uniform Act,” “removing contents of Mr.
2 Olvera’s safe deposit box,” and other false accusations as found by the Court. *See* Order filed January 21,
3 2011.

4 Notwithstanding Ms. Schultz’s attacks, during a hearing on September 8, 2010, Ms. Schultz and Mr.
5 Shafer agreed to have Mr. Olvera re-examined to determine his wishes regarding his guardianship. Ms.
6 Schultz agreed that such examination was to be performed by Dr. Louise G. Sherk. On September 22, 2010,
7 mere days before such examination was to occur, Ms. Schultz kidnapped Mr. Olvera during the night and
8 brought him to California. In response, Mr. Shafer filed an Ex Parte Application on September 23, 2010, and
9 this Court entered its Order Directing and Compelling Return of Ward and Setting Status Check Hearing.
10 On October 6, 2010, this Court cited Ms. Schultz to appear and show cause why she should not be held in
11 contempt, and on October 7, 2010, entered its Order to Show Cause as to why Ms. Schultz should not be
12 held in contempt.
13

14 On November 18, 2010, the Guardianship Commissioner entered his Report and Recommendation
15 finding that Ms. Schultz (1) failed to appear at the show cause hearing on November 3, 2010, (2) stated under
16 penalty of perjury that she will not return the Ward to the custody and care of the Guardian in Nevada, and
17 that (3) she stands in contempt of the Court’s orders. The Guardianship Commissioner recommended the
18 Court issue a warrant for the arrest of Ms. Schultz, and that the court refuse to consider any arguments or
19 assertions by Ms. Schultz until she returned the Ward to Nevada. Over Ms. Schultz’s objections, this Court
20 affirmed and adopted the Probate Commissioner’s recommendations on January 21, 2011, and a bench
21 warrant was issued for Ms. Schultz’s arrest that same day. The warrant is currently in effect.
22

23 Ms. Schultz filed a Petition to be appointed as Conservator (or guardian) of the Ward’s Estate in
24 California on December 3, 2010. See Petition attached as **Exhibit 1**. She represented in her petition that Mr.
25 Olvera “requires a conservator and is substantially unable to manage his or her financial resources or to resist
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1 fraud or undue influence.” See Ex. 1 at page 5 of 7. Ms. Schultz withdrew her petition after Mr. Shafer
2 retained counsel in California, the Grunsky Law Firm, to oppose such action after this court approved the
3 same on January 6, 2011.

4 Ms. Schultz filed a petition to terminate the guardianship on December 13, 2010. The Court denied the
5 petition. Likewise, the Court denied Mr. Olvera’s petition to terminate the guardianship filed February 25,
6 2011.

7
8 During the course of the Guardian’s tenure, Mr. Shafer has defended against Ms. Schultz’s efforts to gain
9 control of the Ward’s VA, Social Security and pension benefits outside the purview of this Court.
10 Specifically, Mr. Olvera, through Ms. Schultz, attempted to redirect his social security benefits to himself in
11 Santa Cruz, California. See letter from Social Security Administration received January 10, 2012, at **Exhibit**
12 **2**. Likewise, Ms. Schultz attempted to gain control over his VA benefits. See letter from Department of
13 Veterans Affairs dated January 14, 2011, at **Exhibit 3**. Ms. Schultz also attempted to redirect Mr. Olvera’s
14 pension benefits that were being paid to his Trust from the Southwest Carpenters Pension Trust. Mr. Shafer
15 informed Southwest Pension regarding Ms. Schultz’s actions as soon as Mr. Shafer became aware of the
16 same. Southwest Carpenters Pension Trust subsequently filed an interpleader action against Rebecca
17 Schultz in the Central Federal District Court of California, identified as case no. CV 11-00478 PSG, which is
18 currently pending. Mr. Shafer, after receiving this Court’s approval, hired Raimund Freihube of the
19 California law firm Clark Trevithick to represent him in the matter.
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22 On September 7, 2011, Ms. Schultz, through Mr. Olvera’s counsel, agreed to have Mr. Olvera examined
23 to determine if he still needed Mr. Shafer to manage his personal and financial affairs as guardian. See
24 Stipulation filed September 7, 2011. Mr. Shafer had to meet Ms. Schultz’s numerous demands before she
25 agreed to the examination, including who would examine Mr. Olvera (Melissa Piasecki, M.D., who practices
26 in Reno, Nevada), and that Mr. Shafer would not seek enforcement of the arrest warrant against Ms. Schultz
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1 in connection with the examination. *See id.* Through counsel, Mr. Olvera represented that “[i]f the
2 evaluation does not confirm his competency, then we will proceed with the guardianship and attempt to
3 agree on the best way to proceed.”

4 In her report dated September 30, 2011, attached as **Exhibit 4**, Dr. Piasecki concludes that “he is in need
5 of a guardian.” Despite Dr. Piasecki’s findings, Ms. Schultz continued her crusade to gain control of the
6 Ward’s assets, causing the guardianship estate to further incur substantial attorney’s fees and costs.

7
8 On January 18, 2012, Ms. Schultz filed a complaint against Mr. Shafer with the Center for Guardianship
9 Certification. In the cover letter to her complaint, Ms. Schultz states “the state of Nevada is in major denial
10 and compliance with Mr. Shafer’s practices, so do not refer us to the Nevada courts.” *See Exhibit 5.* The
11 Center for Guardianship Certification dismissed Ms. Schultz’s complaint after Mr. Shafer responded to the
12 same. *See* letter from Center for Guardianship Certification dated July 23, 2012, at **Exhibit 6.**

13 Moreover, beginning only five days after she kidnapped Mr. Olvera on October 2, 2010, Ms. Schultz has
14 been anonymously posting false and defamatory comments about Mr. Shafer on the internet, particularly on
15 the website www.ripoffreport.com, which has over 80 reports. As this Court is well aware, to say the
16 contents of the reports, such as “Jared E. Shafer Jon Norheim, Judge Chuck Hoskin Jared Shafer uses his
17 wards for black marked medical [sic] experiments” and “Patience M. Bristol Jared Shafer and judge Chuck
18 Hoskin Patience M. Bristol killed my father,” are inaccurate is an understatement. Unfortunately, she has
19 posted defamatory comments involving every attorney, caretaker, organization and judicial official involved
20 in this matter.¹ Ms. Schultz even posted defamatory comments about Mr. Shafer’s wife and daughter in at
21 least one report.
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23
24 On April 24, 2012, Ms. Schultz once again filed a petition in Santa Cruz Conservatorship court to be
25 appointed, along with her husband, as Mr. Olvera’s conservator on the basis that he is unable to manage his
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27 ¹ For example, the third entry in a Google Search for “Jon Norheim” is a ripoff
report accusing Mr. Shafer and this Court of corruption.

1 own financial affairs and is susceptible to undue influence. See Petition with no exhibits at **Exhibit 7**. Her
2 petition states on page 5 that “[a]t this point in his life it is unlikely he will be able to completely manage his
3 finances without assistance.” Mr. Shafer once again hired the Grunsky Law Firm to oppose the motion.

4 Mr. Shafer has determined that under the circumstances, it would in the best interest of the Ward to
5 appoint a professional fiduciary in California to serve as conservator of the estate of the Ward. Accordingly,
6 Mr. Shafer consented to the appointment of William Chaddock, a professional fiduciary, to be appointed in
7 California as the conservator of the estate over Mr. Olvera. See Chaddock C.V. at **Exhibit 8**. The court in
8 Santa Cruz County appointed Mr. Chaddock as conservator over the Estate on August 18, 2012 and ordered
9 that:
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11 Jared Schafer[sic] shall take the necessary steps to terminate the Nevada[sic]. There is
12 currently an arrest warrant in Nevada for Rebecca Schultz for failure to appear in the Nevada
13 guardianship. In the event the warrant survives the Nevada Guardianship, Mr. Shafer shall
14 make reasonable efforts to assist in the withdraw of the warrant.

15 Mr. Chaddock shall assume custody and control for all of Mr. Olvera’s personal property not
16 held in trust and assume control over said funds. This includes but is not limited to any bank
17 accounts currently in Mr. Olvera’s possession or monthly income he is receiving now or may
18 be entitled to receive in the future.

19 See Order at **Exhibit 9**.

20 **B. FIRST AND FINAL ACCOUNT**

21 Attached to this report, account and petition as **Exhibit 10** is the Guardian’s First and Final Account
22 of the Ward’s Guardianship, setting forth the transactions thereof from December 2, 2009, through August
23 31, 2012.

24 As set forth therein, the beginning inventory of the Ward’s estate was valued at \$0.00. This is
25 because all of the Ward’s assets are held in his Trust, of which Wells Fargo is the trustee. In addition, the
26 Account shows (i) income in the amount of \$19,266.70, (ii) expenses in the amount of \$1,089.00, (iii)
27 transfers to the Ward’s Trust Account held at Wells Fargo Trust services in the amount of \$18,177.70, and
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1 (iv) a current balance of \$0.00. *See* Ex. 10. The Account notes that all of the income received, *e.g.*,
2 Southwest Carpenters Pension, Northern California Carpenters Pension, and Social Security benefit checks,
3 received by Mr. Shafer are endorsed by him and forwarded directly to Wells Fargo Trust
4 Services for deposit into the Olvera Trust Account. *See id.*

5 To the best of Mr. Shafer's knowledge, there are no unpaid expenses or liabilities due or owing by
6 the Ward's Estate.

7 After payment and approval of the Guardianship's remaining administrative expenses as set forth
8 below, this Court should authorize the Guardian to distribute any and all funds on deposit in the Ward's
9 guardianship account, if any, to William Chaddock, Conservator of the Estate of Guadalupe Olvera in
10 Santa Cruz County, California, terminate the Nevada Guardianship and discharge Mr. Shafer from any
11 and all liability incurred as Guardian of the Ward's person and estate.
12

13 **III. PETITION FOR FEES AND COSTS**

14 Pursuant to NRS 159.183, Jared E. Shafer, the Guardian of the Ward's Person and Estate, is entitled to
15 reasonable compensation for the services he rendered on behalf of the Ward and his estate.

16 For the period of July 1, 2011 to September 27, 2012, the Guardian incurred fees and expenses for
17 services rendered in the amount of \$2,604.17, which have previously been paid. A copy of the Guardian's
18 fee detail is attached hereto as **Exhibit 11**. Mr. Shafer's fees consist of various court appearances,
19 communication with counsel, and reviewing legal documents filed with this Court.
20

21 For the period of July 1, 2011, to September 30, 2012, the law firm of Solomon Dwiggin & Freer, Ltd.,
22 has incurred fees in the amount of \$33,235.00 and costs of \$987.56, for a total of \$34,222.56. Attached as
23 **Exhibit 12**, is the declaration of Alan D. Freer and an accompanying redacted billing statement. Such fees
24 and costs were incurred as a result of Rebecca Schultz's refusal to comply with this Court's orders and return
25 the Ward to the care of the Guardian in Nevada as detailed herein, including but not limited to various court
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1 filings and appearances in Nevada and California, correspondence with the Guardian, opposing counsel, the
2 Guardian's counsel in California, the California Court Investigator, and other persons. Correspondence also
3 included responding to a malicious complaint by Rebecca Schultz with the Center for Guardianship
4 Certification, as well as responding to her attempts at controlling the Ward's benefits with the Veteran's
5 Administration and the Social Security Administration. As the attorneys' fees and costs were incurred for
6 the benefit of the Ward and his Estate, the Guardian seeks an order approving such fees and costs and
7 authorizing and directing the Trust to pay to Solomon Dwiggins & Freer, Ltd. the amount of \$34,222.56 due
8 and owing Solomon Dwiggins & Freer, Ltd through September 30, 2012, plus a reasonable amount not to
9 exceed \$2,500.00 to obtain the final discharge.
10

11 For the period of January 31, 2011, to September 19, 2012, Raimund Freihube, Esq., of the law firm
12 Clark and Trevithick, a professional law corporation, has incurred fees and costs of \$9,314.20. A billing
13 statement is attached as **Exhibit 13**. The Guardian retained the services of the Mr. Freihube to represent the
14 Guardian in the Interpleader Action filed in United States District Court Central District of California,
15 identified as case no. CV11-00478-PSG, as ordered by this Court in its order filed February 7, 2011. Clark
16 and Trevithick were paid a retainer in the amount of \$10,000 on January 31, 2011. *See id.* Accordingly,
17 upon receipt for an order approving such fees and costs, this Court should order that Clark and Trevithick
18 will reimburse the outstanding amount of \$685.80 to Wells Fargo Bank as trustee of the Ward's Trust.
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20 For the period of March 9, 2011, to September 18, 2012, the Grunsky Law Firm has incurred fees and
21 costs of \$5,415.00. A billing statement is attached as **Exhibit 14**. \$4,810.00 of such fees and costs have
22 previously been paid to the Grunsky Law Firm from the Ward's Trust, leaving a balance of \$605.00
23 remaining unpaid. The Guardian retained the services of the Grunsky Law Firm to represent the Guardian in
24 in California on behalf of the Ward in order to respond to Ms. Schultz's Petition for appointment of
25 conservator over the Ward in the Superior Court of Santa Cruz County, California, identified as case no.
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1 PR45280, as ordered by this Court in its order filed January 6, 2011. As the attorneys' fees and costs were
2 incurred for the benefit of the Ward and his Estate, the Guardian seeks an order approving such fees and
3 costs and authorizing and directing the Trust to pay to the Grunsky Law Firm the amount of \$605.00 due and
4 owing the Grunsky Law Firm through September 18, 2012.

5 After all remaining receipts and vouchers have been collected and presented to this Court satisfactorily
6 showing that the Guardian has paid all sums of money due from the Ward's Estate; has delivered, pursuant to
7 the Order of this Court, all the property of the Estate to the persons entitled; and have performed all acts
8 lawfully required of them, this Court should enter its order of final discharge, discharging the Guardian for
9 all liability for his actions as Guardian of the Person and Estate of Guadalupe Olvera.

10
11 **WHEREFORE**, the Guardian requests that this Final Account and Petition be set for hearing and that,
12 after hearing the foregoing matters, this Court find that notice of the time and place of such hearing has been
13 given in the manner required by law. The Guardian further requests that:

- 14
15 1. The foregoing First and Final Account of Guardian, Report of Guardian and Petition for
16 Distribution, Fees and Discharge be approved by this Court and all actions taken by the Guardian
17 be ratified and approved;
- 18 2. This Court enter an Order approving fees and expenses incurred by Jared E. Shafer in performing
19 his duties as Guardian of the Person and Estate of Guadalupe Olvera in the total amount of
20 \$2,604.17;
- 21 3. This Court enter an Order approving attorneys' fees and costs in the amount of \$34,222.56
22 incurred by the law firm of Solomon Dwiggin & Freer, Ltd. for the work it performed on behalf
23 of the Guardian in connection with the guardianship of Guadalupe Olvera, and authorize and
24 instruct Wells Fargo Bank as trustee of the Ward's Trust to pay the same;
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- 1 4. This Court authorize and direct Wells Fargo Bank as trustee of the Ward's trust to pay to the law
2 firm of Solomon Dwiggins & Freer, Ltd. a reasonable amount not to exceed \$2,500.00 for fees
3 and costs incurred in connection with the filing and noticing of the instant account, report and
4 petition; the preparation of the related notices, mailing and order; the hearing on the petition, and
5 the provision of direction to Guardian regarding any and all necessary actions he needs to
6 undertake in order to obtain final discharge;
- 7 5. This Court enter an Order approving attorneys' fees and costs in the amount of \$9,314.20
8 incurred by the law firm of Clark and Trevithick for the work it performed on behalf of the
9 Guardian in connection with the guardianship of Guadalupe Olvera, and instruct Clark and
10 Trevithick to pay the remaining balance of \$685.80 to Wells Fargo Bank as trustee of the Ward's
11 Trust;
- 12 6. This Court enter an Order approving attorneys' fees and costs in the amount of \$5,415.00
13 incurred by the Grunsky law firm for the work it performed on behalf of the Guardian in
14 connection with the guardianship of Guadalupe Olvera, and authorize and instruct Wells Fargo
15 Bank as trustee of the Ward's Trust to pay the outstanding balance of \$605.00;
- 16 7. This Court enter an order authorizing the Guardian to distribute any and all funds on deposit in
17 the Ward's guardianship account, if any, to William Chaddock, Conservator of the Estate of
18 Guadalupe Olvera in Santa Cruz County, California;
- 19 8. This Court enter an Order of Final Discharge, discharging Jared E. Shafer from any and all
20 liability incurred as Guardian of the Ward's Person and Estate after all remaining receipts and
21 vouchers have been collected and presented to this Court satisfactorily showing that the Guardian
22 has paid all sums of money due from the Ward's Estate; has delivered, pursuant to the Order of
23 this Court, all the property of the Estate to the persons entitled; and has performed all acts
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1 lawfully required of him; and

2 9. For such other and further relief as this Court deems just and equitable.

3 DATED this 4 day of October, 2012.

4 Respectfully Submitted By:

5 SOLOMON DWIGGINS & FREER, LTD.

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7
8 ALAN D. FREER, ESQ.
9 ROBERT D. SIMPSON, ESQ.
10 9060 W Cheyenne Avenue
11 Las Vegas, Nevada 89129

12 *Attorneys for Jared Shafer*

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SOLOMON DWIGGINS & FREER, LTD.
9060 West Cheyenne Avenue
Las Vegas, NV 89129
TEL: (702) 851-5183
FAX: (702) 851-5485