

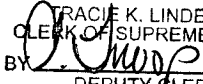
IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE
GUARDIANSHIP OF THE PERSON AND
ESTATE OF ALLEN LADD, SR.

No. 54942

FILED

FEB 10 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

PAMELA J. LADD,
Appellant,
vs.
ANTHONY J. LADD, SR.,
Respondent.

ORDER OF AFFIRMANCE

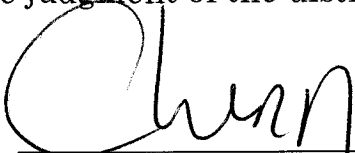
This is a proper person appeal from a district court order denying an NRCP 60(b) motion to set aside a guardianship order removing appellant as co-guardian of the adult ward. Eighth Judicial District Court, Family Court Division, Clark County; T. Arthur Ritchie, Jr., Judge.


The district court has broad discretion in deciding whether to grant or deny an NRCP 60(b) motion to set aside a judgment, and this court will not disturb that decision absent an abuse of that discretion. Cook v. Cook, 112 Nev. 179, 912 P.2d 264 (1996). Having reviewed the appellate record and appellant's proper person civil appeal statement, we conclude that the district court did not abuse its discretion when it denied appellant's NRCP 60(b) motion.


In her NRCP 60(b) motion, appellant maintained that although she chose to have the Senior Citizen's Law Project investigate the type of guardianship that would be in the ward's best interest, as opposed to having an evidentiary hearing to address the matter, she was mistaken as to the procedural ramifications in waiving the evidentiary hearing. Appellant further maintained that her filing for bankruptcy should not have been a valid reason for her removal as co-guardian because the guardianship commissioner previously expressed some misgivings as to whether bankruptcy necessarily equated to unsuitability.

The district court did not abuse its discretion in determining that appellant's arguments did not warrant NRCP 60(b) relief, as (1) the court held an evidentiary hearing to determine guardianship, despite the Senior Citizen's Law Project investigation and recommendation; and (2) it is undisputed that appellant filed for bankruptcy within the last five years, and NRS 159.185(3) allows for the removal of any guardian who has filed for bankruptcy in the last five years. NRS 159.185(3).¹ Accordingly,² we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Cherry


_____, J.
Gibbons


_____, J.
Pickering

¹The district court's order denying appellant's NRCP 60(b) motion to set aside the judgment also granted respondent's motion to relocate the adult ward to Georgia. That decision was based on (1) a letter submitted by the adult ward's doctor, which stated that it was medically appropriate for the ward to live in a private residence, provided there was 24-hour supervision; (2) respondent's supervision plan, which was deemed consistent with the doctor's supervision requirements; and (3) respondent remodeling his home to adequately care for the ward. Appellant has provided nothing on appeal to raise questions about the propriety of the district court's relocation finding.

Additionally, based on our conclusions regarding the denial of appellant's NRCP 60(b) motion, we conclude that the district court properly denied appellant's motion for new trial, pursuant to NRCP 59(a).

²Having considered appellant's remaining arguments on appeal, we conclude that they lack merit.

cc: Hon. T. Arthur Ritchie, Jr., District Judge, Family Court Division
Pamela J. Ladd
Anthony J. Ladd, Sr.
Eighth District Court Clerk