

State of Florida



Department of State

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: **United States of America**

This public document

2. has been signed by **Cord Byrd**

3. acting in the capacity of **Secretary of State**

4. bears the seal/stamp of **Great Seal of the State of Florida**

Certified

5. at **Tallahassee, Florida**

6. the **Twenty-Ninth day of March, A.D., 2023**

7. by **Secretary of State, State of Florida**

8. No. **2023-55524**

9. Seal/Stamp:



10. Signature:

Secretary of State

The word "VOID" appears when photocopied.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.

State of Florida



Department of State

I, Cord Byrd, Secretary of State,
do hereby certify that

Luis G. Montaldo

was duly appointed

**Clerk of the Circuit Court,
Miami-Dade County**

for a term beginning on the
Second day of January, A.D., 2023,

until the present

as shown by the records of this office.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Ninth day of March, A.D., 2023.*



Secretary of State

DSDE 99 (2/12)

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**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2022-004504-MH-02

SECTION: PMH06

JUDGE: Jose Fernandez

Ojeda, Marcela

Plaintiff(s) / Petitioner(s)

vs.

Morales, Luz Regina

Defendant(s) / Respondent(s)

**ORDER DETERMINING TOTAL INCAPACITY AND DESIGNATED PROPOSED
PLENARY GUARDIAN**

This cause came before the Court on the hearing regarding this Petition to Determine the Incapacity and Petition for Appointment of Guardian as to the above-named person,

Who is: present
 absent for good
cause;

notice of the petition and hearing having been served on and read to said person and given to all known next of kin; counsel having been present; the court having taken testimony; the court having considered the report of the examining committee, and the court being fully advised in the premises, the Court finds, based on clear and convincing evidence, as follows:

1. The nature and scope of the Ward's incapacity are:
Cerebral atherosclerosis, vascular dementia with behavioral disturbance
2. The following facts demonstrate that the Ward is totally without capacity to care for the Ward's person or property:
Ms. Morales has severe cognitive defects. She smiled intermittently but is was not verbal - unable to answer any questions or communicate at all.
3. The Ward totally lacks capacity to make informed decisions about care and treatment or to meet the essential requirements for the Ward's physical or mental health or safety; is subject to total legal disability; is incapable of exercising any rights; or to perform any of the tasks necessary for personal care or care of the property. The above-named incapacitated person is subject to total legal disability and is incapable of exercising any rights.
4. Other than those rights set forth in F.S. 744.3215 (1), which are expressly reserved to the

Ward, and written notice of which has been provided to the Ward by his/her attorney, the Ward is not capable of exercising any of the rights set forth in F.S. 744.3215 (2) & F.S. 744.3215 (3), and such rights enumerated in F.S. 744.3215(3) shall be delegated to a plenary Guardian. The Guardian shall have full powers and duties with respect to the Ward and the Ward's person and property upon issuance of the corresponding Letters of Guardianship.

5. After consideration of reasonable alternatives to guardianship.

the Court finds that no alternative will sufficiently address the problems and needs of the Ward; or

the Court finds there are appropriate least restrictive alternatives to guardianship as follows (see attached order on less restrictive alternatives)

THE COURT FURTHER FINDS THAT, based on the evidence before the Court:

- a. **Luz Regina Morales** is hereby determined to be totally incapacitated and a plenary guardian is to be appointed to provide for the welfare and safety of the Ward.
- b. **Marcela Ojeda** is the proposed plenary Guardian of the person.
- c. **Marcela Ojeda** is the proposed plenary Guardian of the property.
- d. Once the required pleadings are filed with this Court, the Guardian(s) shall be appointed. The proposed Guardian(s) is sui juris and eighteen years of age or older.
- e. In lieu of a bond, the guardian shall place all liquid assets in a restricted depository account designated by the Court pursuant to F.S. 69.031. No funds shall be withdrawn without order of this Court.
- f. The Court finds, based upon the evidence presented, the Proposed Guardian is not disqualified from acting as guardian pursuant to F.S. 744.309 (3).
- g. The Guardian shall submit to a credit and/or criminal investigation pursuant to F.S. 744.3135, if required by the Court.
- h. The Guardian may not act on behalf of the Ward respecting any matters set forth in Florida Statutes Section 744.441, Section 744.3215(4) (a) – (e), or Section 744.446, without prior Court approval.

i. This order does NOT grant authority to act on behalf of the Respondent. The LETTERS OF GUARDIANSHIP is the sole document that grants authority to a guardian to act on behalf of the ward.

DONE and ORDERED in Chambers at Miami-Dade County, Florida on this 9th day of September, 2022.

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STATE OF FLORIDA, COUNTY OF MIAMI-DADE
I HEREBY CERTIFY that the foregoing is a true and correct copy of the
original on file in this office 3/27/23 AD 20
Clerk of Circuit and County Courts
Deputy Clerk



YASHICA FRANCOIS
E300378

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Hon. Jose Fernandez

CIRCUIT COURT JUDGE

Electronically Signed

No Further Judicial Action Required on **THIS MOTION**

CLERK TO **RECLOSE** CASE IF POST JUDGMENT

Electronically Served:

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