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CASE NO. 3922
DEPARTMENT NO. 1

FILED

'90 SEP 14 AM 11:13

ELKO CO. DISTRICT COURT
CLERK [Signature]

IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF ELKO

IN THE MATTER OF THE ESTATE OF
ERMIE WOODHOUSE WESTLUND also
known as ERMIE W. WESTLUND,
Deceased.

ORDER DISPENSING WITH
ACCOUNTING; APPROVING
ATTORNEY FEES AND
COSTS; AND DECREE
OF DISTRIBUTION

The Executor of the above-entitled Estate having on the 29th day of August, 1990, rendered and filed herein a Waiver of First and Final Account, a Report of Administration, an Application for Approval of Attorney Fees and Costs, which account was for final settlement, and having filed a Petition for Final Distribution of said estate; and said Account, Application and Petition having come on regularly to be heard on the 10th day of September, 1990, at 9:30 o'clock A.M., proof having been made to the satisfaction of the Court, the Court hereby finds:

1. Due and legal notice of the hearing of said account, application and petition has been given to all persons interested in said Estate in the manner and for the time required by law.

1 2. All accountings and vouchers should be dispensed
2 with and said report, application and petition is in all respects
3 true and correct.

4 3. That due and legal notice to creditors of said
5 estate have been given in the manner and for the time required by
6 law and that the time for the filing of creditor's claims expired
7 September 6, 1990.

8 4. That no creditors claims were filed and the
9 expenses of funeral and last illness have been paid in full and
10 discharged.

11 5. That the Executor caused to be made and returned
12 to the Court a true inventory and appraisalment of all of the
13 estate of the deceased, reporting a total estate of \$177,500.00.

14 6. That the property in this estate was the sole and
15 separate property of the deceased.

16 7. Provisions of Will. By the terms of the Will
17 admitted to probate, deceased devised and bequeathed all the
18 property in this estate to CHARLES ELDON WESTLUND, the deceased's
19 surviving son and the Executor.

20 8. Executor's Commission. The Executor waived the
21 right to the payment of a commission for the services as the
22 Executor.

23 9. Attorney Fees. VAUGHAN, HULL, COPENHAVER &
24 ZINGALE, LTD., Attorneys at Law, Elko, Nevada, have performed
25 services for said estate by acting as attorneys for the Executor
26 for which said attorneys are entitled to a reasonable fee. The

1 Executor and said attorneys have agreed upon a reasonable fee for
2 said services and applied for approval. Said agreed fees are
3 approved.

4 10. Attorney Costs. That VAUGHAN, HULL, COPENHAVER &
5 ZINGALE, LTD., Attorneys at Law, Elko, Nevada, in serving as
6 attorneys for the Executor of this estate during the
7 administration of this estate have advanced costs and are
8 entitled to reimbursement.

9 11. Final Closing Costs. That miscellaneous costs and
10 fees in a sum of not to exceed \$100.00 will be incurred in the
11 final closing of said estate and should be paid by the Executor.

12 12. Condition of Estate. This estate is now in a
13 condition to be finally settled and distributed.

14 GOOD CAUSE APPEARING, IT IS ORDERED AND DECREED:

15 1. That due and legal notice of the hearing of the
16 Waiver of First and Final Account, Report of Administration,
17 Application for Approval of Attorney Fees and Petition for Final
18 Distribution has been given to all persons for the time and in
19 the manner required by law.

20 2. That all accountings and vouchers are waived and
21 dispensed with.

22 3. That notice to creditors has been given for the
23 time and in the manner required by law, and that the time for
24 presentation of creditors claims expired September 6, 1990.

25 4. That the Executor shall pay VAUGHAN, HULL,
26 COPENHAVER & ZINGALE, LTD., Attorneys at Law, Elko, Nevada, all

1 fees and costs pursuant to Court order filed herein.

2 5. That all necessary and incidental fees and costs
3 for closing said estate be paid by the Executor.

4 6. That after payments in compliance with this Order,
5 all the rest, remainder, residue and the property of the estate
6 and of the deceased now in the hands of the Executor hereinafter
7 described and all other estate or property not now known or
8 discovered which may belong to the estate or the deceased, is
9 distributed to CHARLES ELDON WESTLUND, including but not limited
10 to:

11 A. All right, title, interest and estate of the
12 deceased and this estate in and to the following described real
13 property in the County of Elko, State of Nevada:

14 PARCEL 1

15 TOWNSHIP 33 NORTH, RANGE 58 EAST, MDB&M

16 Section 29: W1/2 of the E1/2 00444
17 Section 32: Lots 1 and 2; S1/2 of the
NE1/4 00449

18 Together with all buildings and improvements
19 thereon.

20 Together with all springs, wells, water,
21 water rights and stockwater rights applied
22 for, appropriated for, appurtenant to or
23 decreed to said lands, or any portion
24 thereof; all applications, proofs, permits,
25 maps and certificates relating to such water
26 and water rights; all dams, ditches,
diversions, licenses, easements, pipelines,
structures, measuring devices, headgates,
culverts, ponds, and reservoirs; all
easements, devices and controls used to apply
such water and water rights to beneficial use
and for the repair, cleaning, replacement and
maintenance of any or all of such facilities

1 and improvements by the use of modern
2 equipment and methods and for access thereto;
3 and all stockwater equipment, facilities,
4 troughs, tanks, pumps, reservoirs, ponds and
5 other stockwater improvements on said lands,

6 Including but not limited to: all water
7 rights decreed to said lands or any portion
8 thereof pursuant to the Decree entered in
9 civil action number 2804 in the Sixth
10 Judicial District Court of the State of
11 Nevada, in and for the County of Humboldt
12 entitled "In the Matter of the Determination
13 of the Relative Rights of Claimants and
14 Appropriators of the Waters of the Humboldt
15 River Stream System and Tributaries" from
16 Lamoille Creek and Snell Creek through the
17 Andrew Westlund ditches, as set out in page
18 59 of the Edwards Decree, claimant Andrew
19 Westlund and from Orchard Springs, Big
20 Springs in Trueman Canyon and from Brown
21 Canyon through the Dave Morrow Ditches, Dave
22 Morrow claimant, as set out in page 184 of
23 the Bartlett Decree both in the Blue Book
24 edition of "The Humboldt River Adjudication -
25 1923-1938." Proofs 00444 and 00449.

26 Together with all easements and rights of way
relating to or appurtenant to said lands and
water rights or any portion thereof.

Together with all and singular the tenements,
hereditaments, easements, and appurtenances
thereunto belonging or in anywise
appertaining, and the reversions, remainders,
rents, issues and profits thereof, or of any
part thereof.

PARCEL 2

All right, title, interest and estate of the
deceased in and to all oil, gas, minerals and
mineral rights of every kind, nature,
description and their by-products existing
upon, beneath or within the lands in the
County of Elko, State of Nevada.

B. All bank accounts, money on deposit, insurance
proceeds, time certificates of deposit and all other investment

1 certificates, with all accrued interest, dividends and proceeds;

2 C. All household fixtures, furniture and all other
3 personal property of every name, nature and description;

4 D. Any and all other property of the deceased and of
5 this estate, real or personal, of any name, nature, kind,
6 character or description not hereinbefore described or
7 inventoried and valued, or which may be incorrectly described
8 herein, which is within the jurisdiction of this Court.

9 7. A certified copy of this Order and Decree shall be
10 recorded in the Office of the Elko County Recorder's Office.

11 DONE IN OPEN COURT this 10th day of September, 1990.

12 /s/ Jos. O. McDaniel

13 JOS. O. McDANIEL
14 DISTRICT JUDGE

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18 CERTIFICATION OF COPY

19 STATE OF NEVADA)
20 COUNTY OF ELKO)SS
21 I, KAREN VASQUEZ, COUNTY CLERK AND EX-OFFICIO
22 CLERK OF THE DISTRICT COURT OF THE FOURTH
DISTRICT OF THE STATE OF NEVADA, IN AND FOR THE
COUNTY OF ELKO, DO HEREBY CERTIFY THAT THE
ANNEXED IS A FULL, TRUE AND CORRECT COPY OF
THE INSTRUMENT AS THE SAME APPEARS ON FILE OF
RECORD IN MY OFFICE.

23 Witness my hand and the seal of said court affixed this

24 14th day of Sept A.D., 19 90

25 KAREN VASQUEZ - County Clerk

26 By Wm Smith Deputy Clerk