No. 5190-PR

Dept. 2

FILED

'94 AUG -1 P2:49

ELKO CO. DISTRICT COURT
CLERK

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

In the Matter of the Estate of

JOHN P. CARROLL,

Deceased.

DECREE OF DISTRIBUTION

Sue M. Ballew, personal representative of the above Estate, filed her First and Final Account and Petition for Distribution herein on July 21, 1994. The hearing on the Petition was noticed for the 1st day of August, 1994, at 2:30 P.M. The same came on regularly to be heard as noticed. The personal representative appeared in person with her Attorney, Stewart R. Wilson, Esq., of the law firm of WILSON AND BARROWS, LTD. No person appeared in opposition. Evidence was introduced and arguments presented in support of the Petition and the matter was submitted. ACCORDINGLY,

THE COURT HEREBY FINDS AND CONCLUDES:

1. Due and legal notice of the filing and hearing of the First and Final Account and Petition for Distribution has been given as required by law.

2. All averments in the First and Final Account and Petition for Distribution are true and correct.

3. Decedent died on February 17, 1994.

4. Petitioner was appointed personal representative of this Estate on April 4, 1994, and qualified on the same day.

5. Since appointment and qualification, Petitioner has continued to administer the above entitled Estate.

6. Petitioner has filed an Inventory and Appraisement and Record of Value of the assets of the Estate showing a total value of $264,517.35 as of Decedent's date of death.

7. As shown by the Affidavit of Publication filed herein, the Notice to Creditors and of appointment was given as provided by NRS 147.010.

8. The law firm of WILSON AND BARROWS, LTD. has filed its Application for Approval of Agreement on Attorney's Fees and For Allowance of Same.

9. Petitioner requested the allowance of a statutory commission in the sum of $6,440.00 for her services as personal representative, together with extraordinary fees in the sum of $1,000.00 for the following reasons:

a. Three trips to Lamoille were required, each one taking several hours;

b. The Decedent's automobile had to be obtained from Reno which required the organization of a trip, and dealings with the hotel in Reno where the car was located;

c. There were more than the usual number of contacts and requests for information from the Decedent's heir and other relatives;

d. There were several problems with the payment of the Decedent's insurance policies and negotiations with the Decedent's ex-wife regarding the disposition of insurance.

10. There are no unpaid debts of the Estate or expenses and charges of administration, other than the payment of costs of administration as allowed by the Court.

11. Petitioner has done all things necessary to the proper administration of the Estate, and the same is in a condition to be finally settled and closed.

12. The property comprising the Estate and available for distribution is as follows:

(See Exhibits A and B attached hereto and made a part hereof.)

13. Pursuant to Decedent's Last Will and Testament dated October 25, 1989, and admitted to probate herein on March 11, 1994, all of Decedent's estate should be distributed unto Decedent's son, John Charles Carroll, subject to the restrictions in the Last Will and Testament.

14. The Order Appointing Executrix did not require the filing of a bond, AND GOOD CAUSE APPEARING THEREFOR,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The Inventory, Appraisement and Record of Value as filed herein be, and the same hereby is, approved as rendered.

2. The First and Final Accounting filed herein be, and the same hereby is, approved as rendered.

3. The Executrix be, and she hereby is, ordered to immediately pay the approved but unpaid costs of administration to the persons legally entitled thereto out of the funds remaining in the hands of the Executrix.

4. The Executrix be, and she hereby is, allowed a statutory commission in the sum of $6,440.00 for her services as personal representative, together with extraordinary fees in the sum of $1,000.00.

5. After payment of the costs of administration, all remaining funds and property in Exhibits A and B attached hereto (and any and all other real and personal property of any name or nature not hereinabove described, but within the State of Nevada, and in which the Estate shall have an interest, whether known or unknown) be distributed unto John Charles Carroll, subject to the restrictions in the Last Will and Testament, set forth in Exhibit A.

6. Upon distributing the Estate assets in accordance with this Decree, the Executrix obtain receipts, and apply by *ex parte* Affidavit for discharge and closure of the Estate.

6. A certified copy of this Decree be obtained and recorded by the Elko County Recorder.

DONE IN OPEN COURT this 1st day of August, 1994.

/s/ Jack B. Ames

District Judge

SEAL APPLIED

CERTIFICATION OF COPY

STATE OF NEVADA)
COUNTY OF ELKO)SS

I, KAREN VASQUEZ, COUNTY CLERK AND EX-OFFICIO 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.

Witness my hand and the seal of said court affixed this 1st day of August A.D. 19 94

KAREN VASQUEZ • County Clerk

By [illegible] Deputy Clerk

ITEM NO. 9:

Real Estate

Parcel C as shown on Parcel Map for John P. Carroll, filed in the office of the County Recorder of Elko County on February 26, 1993, as File No. 335501, located in a portion of the NW¼ of Section 18, T. 33 N., R. 58 E.
APN 07-080-95-5

TOGETHER WITH all improvements and mobile homes situate thereon (including the mobile home described as Item No. 2 above).

TOGETHER WITH the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TOGETHER WITH all water, water rights, rights to the use of water, dams, ditches, canals, pipe lines, reservoirs, and all other means for the diversion or use of waters appurtenant to said property or any part thereof, or used or enjoyed in connection therewith, and together with all stockwatering rights used or enjoyed in connection with the use of any of said lands.

PROVIDED HOWEVER, that John Charles Carroll may not mortgage or exchange the property described in this Item No. 9 for other property during his lifetime, nor may he sell said property during his lifetime for less than $6,000.00 per acre, excluding the value of all improvements thereon.

Junk	3 Horse Harnesses

One-Car Garage:

Table Saw	Electric Welder w/Tools, Helmets, etc.
Shopmate	Grinder (Bench)
Planer	2 Vices
Red Tool Box w/Tools	Electric Cords
Battery Charger	Air Compressor
Jack	Misc. Tools on Wall Hooks
Pots, Pans, Oil, Antifreeze	Grease
Box w/8 Track Cassettes	Refrigerator
Chain Saw (P26 Pioneer)	Chain Saw (Electric)
Fasteners	Red Tool Box (Empty)

Old Shop Trailer:

Locked - No access

July 29, 1994
94070451.jas

INDEXED
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FILED FOR RECORD
AT REQUEST OF
Wilson & Barrow
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RECORDED BK 864 PG 459
JERRY D. RETHOLDS
ELKO CO. RECORDER