

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

NO. 1097

IN THE MATTER OF THE ESTATE OF  
A. S. EVANS, DECEASED.

Filed December 26, 1935  
MAE R. CAINE  
Clerk.

DECREE SETTLING FIRST AND FINAL ACCOUNT  
AND DECREE OF DISTRIBUTION

C. B. EVANS, Executor of the Last Will and Testament of A. S. EVANS, deceased, having heretofore filed and presented for allowance and settlement his first and final account and report of his submission of said estate, and his petition for the distribution thereof.

And it appearing that due and legal notice of the time and place of the hearing of said account and petition has been given in the manner provided by law, and the order of this Court, as more fully appears from the respective affidavits of posting and publication on file herein, which are hereby referred to and made a part hereof; and it further appearing that the hearing of said account and petition heretofore set and noticed for the 13th day of September, 1935, have been and hereby are duly and regularly continued and set for hearing at this day and hour; and it further appearing from the accounts of said executor, and the vouchers adduced in support thereof, and from an examination of said executor, and his said account is in all respects true and correct and entitled to be allowed and approved, and that no objections or exceptions thereto, whether in writing or otherwise, have been made or filed, and good cause appearing therefor;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that said account be and the same hereby is settled, allowed and approved in all respects as rendered.

SAID COURT FURTHER FINDS:

That said Executor agreed with OTTO T. WILLIAMS, ESQ., his attorney, for the payment of a fee in the sum of \$250.00 for the services of said attorney in the administration of said estate; that said sum is a reasonable sum; that the same has not yet been paid; that said OTTO T. WILLIAMS died on or about the 23rd day of June, 1935, and that said

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Executor has substituted MILTON B. BART as his attorney in the matter of said estate; that said MILTON B. BART waives payment of any fee or any other or further fee other than the payment of said agreed fee of \$250.00 to the estate or to the Executrix of the Last Will and Testament of OTTO T. WILLIAMS, deceased. That said sum of \$250.00 is hereby allowed as attorney fees, and is ordered paid to the estate of OTTO T. WILLIAMS, deceased.

That on October 15, 1934, said C. B. EVANS filed herein his petition for the probate of the last Will and Testament of said deceased, together with the said original Will; that the hearing of said petition was duly and legally set for the 27th day of October, 1934, and notice thereof given by publication in the manner provided by law, as more fully appears from the affidavit of publication of notice of proving Will filed herein October 27, 1934, on which said date there was also filed herein the waiver of citation by and on behalf of R. T. EVANS, the surviving brother of said deceased; that on said 27th day of October, 1934, said hearing was duly and regularly continued to October 29, 1934, on which said date testimony of the petitioner and the subscribing witnesses to said Will was duly taken and transcribed and filed herein, and that on said date said Court made and filed herein its Certificate of Proof of Will and the Facts found, and its order admitting said Will to probate, and appointing the said C. B. EVANS, Executor, and ordering the issuance to him of Letters Testamentary; that Letters Testamentary thereupon on said date were issued to the said C. B. EVANS, and that he qualified as such Executor, and ever since said date has been and now is the duly appointed, qualified and acting Executor of the said Last Will and Testament.

That on said 29th day of October, 1934, said Court made and filed its order herein appointing the appraisers of said estate, who thereupon duly qualified as such, and that on March 30, 1936, said Executor caused to be filed herein in the manner provided by law, his inventory and appraisal of the property of said estate, showing the same to be of the appraised value of \$21,330.00 subject however, to a mortgage to the Federal Land Bank of Berkeley, dated November 1, 1928, in the sum of \$25,000.00.

That on the 29th day of October, 1934, said Executor gave notice to the creditors of said estate, which said notice to creditors was thereafter on the 30th day of October, 1934, posted in three public places within said County, and was thereafter, to-wit, from October 29, 1934, to November 19, 1934, duly published in the Elko Daily Free Press, as more fully appears from the respective affidavits of posting and publication on file herein, and that due and legal notice to creditors has been given in the manner required by law, and that notice for the time of presentation of claims has heretofore expired.

That the only claim filed against said deceased or said estate, is the claim of Mrs. Hood, Roentree & Secor, in the sum of \$120.00; that said claimants have agreed in writing to look personally to the residuary devisee and legatee for payment thereof, and have waived the said claim against said estate.

That all debts, claims and costs of administration and taxes of said deceased, or of said estate, have been paid (save and except the mortgage of the said Federal Land Bank of Berkeley, subject to which distribution is asked), and that said estate is now ready and in condition to be closed.

That said A. S. EVANS (whose full name is AARON SMITH EVANS) died at Elko, Elko County, Nevada, on or about September 17, 1934, at the age of eighty-one years or over, and was a resident of said County and left estate therein consisting of real and personal property comprising mainly what is known as the A. S. Evans Ranch at North Fork, Elko County, Nevada, with the improvements thereon, and certain farm implements and machinery; that said deceased was never married; that he is survived by his brother, R. T. EVANS, of legal age, residing at Elko, Nevada, and that said Executor is the nephew of the said A. S. EVANS, deceased, and the son of said R. T. EVANS.

That said deceased left a Last Will and Testament heretofore admitted to probate as hereinabove set forth.

That pursuant to the terms of said Will, the said C. B. EVANS is entitled to distribution of all of the estate of said decedent; and that all of the said property herein described, and any and all other property of said estate, or belonging to said deceased, or in which said estate or said deceased had an interest, whether herein described or referred to, or not now known or discovered, be and the same hereby is decreed and distributed unto the said C. B. EVANS, subject to the costs of closing said estate, and to the payment of said attorney fee.

That the property of said estate now in the hands of said Executor subject to distribution, comprises all those certain lots, pieces or parcels of land situate, lying and being in the County of Elko, State of Nevada, particularly described as follows, to-wit:

IN. T. 41 N., E. 84 E;

In Sec. 3: NW<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>;  
 In Sec. 4: SW<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>, NE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>, S<sup>1</sup>/<sub>2</sub>;  
 In Sec. 5: S<sup>1</sup>/<sub>2</sub>, NW<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>, S<sup>1</sup>/<sub>2</sub>;  
 In Sec. 6: NW<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>;  
 All of Section 9;  
 All of Section 10;

In Section 11: S<sup>1</sup>/<sub>2</sub>, including in the aggregate approximately 2900 acres, together with the improvements thereon, and the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and together with all water, water rights and rights to the use of water, dams, ditches, canals, pipe lines and other means for the diversion or use of water thereunto belonging or appurtenant thereto, or used or enjoyed in connection therewith, including (but without limitation) 1000 acre feet of water from Forney and Pratt Creeks, as more set forth in the State Engineer's order of determination, and in the decrees or decrees entered in the matter of the determination of the relative rights of claimants and appropriators of the waters of the Humboldt River System and its tributaries, being action No. 2804 in the Sixth Judicial District Court of the State of Nevada, in and for the County of Humboldt, and including all stockwatering rights used or enjoyed in connection therewith, and all grazing rights and rights to the use of the public domain under the Taylor Grazing Act pursuant thereto; subject however, to a certain real mortgage dated November 1, 1928, in the principal sum of \$25,000.00 to the Federal Land Bank of Berkeley;

Certain shares of stock in the Elko County National Farm Loan Association to the extent of \$1860.00.

**FILED**  
DEC 9 1980 *RC*  
STATE ENGINEER'S OFFICE

**CERTIFICATION OF COPY**  
STATE OF NEVADA )  
COUNTY OF ELKO ) ss.  
I, JERRY D. REYNOLDS, the duly elected and qualified Recorder of Elko County, in the State of Nevada, do hereby certify that this is a true, full and correct copy of the instrument now on record in this office. IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office, in Elko, Nevada this

day of DEC 04 1980 A. D. 19  
JERRY D. REYNOLDS, COUNTY RECORDER  
By Jerry D. Reynolds  
(OFFICIAL SEAL)

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Done in open Court this 28th day of December, 1980.

JAMES STRAUB  
Judge of said District Court.

STATE OF NEVADA, }  
COUNTY OF ELKO, } ss.

I, MAE E. CAINE, County Clerk and Ex-Officio Clerk of the District Court of the Fourth Judicial 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 DECREE SETTLING FIRST AND FINAL ACCOUNT AND DECREE OF DISTRIBUTION IN THE MATTER OF THE ESTATE OF A. S. EVANS, DECEASED, NO. 1089, as the same appears on file and of record in my office.

WITNESS my hand and the seal of said Court  
affixed this 28th day of December, 1980  
MAE E. CAINE Clerk

(OFFICIAL SEAL).

By \_\_\_\_\_ Deputy Clerk.

Filed for record at request of Milton B. Badd, on the 28th day of Dec. 1980 at 2:43 o'clock P. M.,

In Righty  
County Recorder

