

Endorse 4.

In The Third Judicial District
Court, Of The State Of Nevada,
in and For

The County Of Esmeralda.

In The Matter of The Estate of H. L. Smith, Deceased.

Certified copies of
Last Will and Testament
Order admitting will to Probate,
Decree and order settling final accounts of Executor.

In The Name Of God, Amen. I, H. L. Smith of Reno,
County of Washoe, State of Nevada, of the age of forty-
six years, and being of sound and disposing mind
and memory, and not acting under duress, menace,
fraud, or undue influence of any person whatever,
do make, publish and declare this my last
Will and Testament, in manner following, that is
to say: First, without undue austentation my body
be given decent burial, as becomes one of my

condition and station in life. Secondly: That after payment of all my just debts, funeral expenses and expenses of last sickness, I give and bequeath to my friends George Tassel, Michael Morris, James Morris and Mrs. Maggie Johnson all and singular my right, title and interest in and to the following named mining property, to-wit: the Aurora Mining Claim, the Benjamin Harrison Mining Claim, the Yellow Jacket Claim, the Eclipse Claim, the Rhoda claim, and an undivided one-half interest in the Comstock Claim; all situated on Bullion Hill, in Cortez Mining District, Eureka County, Nevada, in the proportions following, to-wit: George Tassel one-third of the whole thereof; Michael Morris and James Morris jointly one-third of the whole thereof, and Maggie Johnson one-third of the whole thereof; Thirdly; I give and bequeath to George Tassel all my personal property including all horses, jewelry, watches and other personal effects, named or not named. Lastly: I hereby nominate and appoint George Tassel the executor of this, my last will and testament without bond, and hereby revoke all former wills by me made. In witness whereof, I have hereunto set my hand and seal this 18th day of December, in the year of our Lord, one thousand eight hundred and eighty nine.

H. L. Smith (Seal).

The foregoing instrument consisting of two pages besides this was, at the date thereof, by the said H. L. Smith signed and sealed and published as, and declared to be, his last will and testament, in presence of us, who at his request, and in his presence, and in the presence of each other, have subscribed our names as witnesses thereto.

G. H. Thoma, residing at Reno, Washoe County, Nevada.

John Godfrey, residing at Reno, Washoe County, Nevada.

Endorsed, In the District Court of the State of Nevada, Eureka County. In the matter of the Estate of H. L. Smith, Deceased. File No. 166, The Last will and Testament of H. L. Smith, Dated Dec. 18th, 1889. Filed Oct. 20th, 1890. F. H. Harmon, Clerk.

In The District Court of The State of Nevada Eureka County.
In The Matter of The Estate

Of
H. L. Smith, Deceased.

The petition of George Tassel, heretofore filed herein praying for the admission to probate of a certain document filed in this Court therewith

purporting to be the last will and Testament of H. L. Smith deceased, and that letters testamentary be issued to said petitioner, this day regularly coming on to be heard and due proof being made to the satisfaction of this Court, that due notice of the time and place appointed for proving said will and for hearing said petition has been given to all the parties interested as required by law R. M. Beatty appearing for said petitioner and John T. Wheeler representing the minor and absent heirs by order of this Court, the evidence being closed and the matter duly submitted to the Court for consideration and decision and all and singular the law and the evidence being by the Court here understood and fully considered, and the Court having filed its findings of fact and annexed them in writing to the said will. Thereupon it is by the Court adjudged and decreed that the said H. L. Smith died testate at the said County of Eureka, State of Nevada on the 9th day of October A. D. 1890 and at the time of his death was a resident of said County and State, and left estate therein in said County, and that document presented to this Court by said petitioner with his petition on said 25th day of October A. D. 1890 is the last will and Testament of said decedent, and entitled to be admitted to probate. It is therefore ordered that the same be admitted to probate and that letters testamentary issue thereon to said petitioner, George Tassel, without his giving any bonds as executor of said will until further order of this Court. Done in open Court this 1st day of December, A. D. 1890.

A. L. Fitzgerald,

District Judge.

Endorsed: Order Admitting will to Probate. Filed Dec. 1, 1890 (signed) T. H. Harmon, Clerk,
by John McKernan, Deputy.

File No. 166.

In The District Court Of The State Of Nevada County of Eureka.

In The Matter Of The Estate Of
Of

H. L. Smith, deceased.

Be it remembered that the above entitled matter came on to be heard upon the petition of George Tassel or Executor of the last will and Testament of H. L. Smith, deceased for allowance

and final settlement of his accounts heretofore filed herein and his expenses and disbursements to the day of hearing, on April 6th, 1894. Due notice having been given said hearing, and said Executor appearing in person and by Thomas Wren Esq. and J. M. Beatty Esq. his attorneys, and the contestant Maggie Johnson appearing in person and by her attorney Henry Reves, Esq. the hearing is proceeded with, and evidence oral and documentary introduced, the matter argued and submitted, and the Court finds,

(1) That the total value of said estate administered upon, and with which said Executor stands charged is as follows;

Cash received	\$ 2616.88
Proceeds of mining admitted to be rent and profits	\$ 015.49
Personal property	767.50
Value of ore on hand, estimated	400.00
Real Estate, appraised	900.00
Total	\$ 12,699.87

That the total expenses of administering on said Estate including attorneys fees of \$200.00 allowed in addition to those mentioned in said account, and the commission of said Executor amounting to \$637.99 and extra allowance to said Executor of \$150.00 for unusual and necessary services as shown by the account rendered and proofs introduced is \$3141.80. That the total debts of decedent which have been presented, allowed and paid amount to the sum of \$310.18. That the total expenses of caring on the mining operations under the agreement of Maggie Johnson James Morris and the and the Executor, including the care, protection and looking after said property amount to the sum of \$4329.21. That the sum of \$437.51 is due to said Maggie Johnson as a balance in full of all claims and demands against said Executor and that said sum is to be paid in accordance with the terms of the stipulation of the parties heretofore made and filed in cases Nos. 1874-1877 and 1876 in said Court Mar. 17-1893. And it is ordered and adjudged that the said accounts be and the same are settled and finally allowed at the aggregate amounts and for the purposes and character of disbursement above stated, and that the same includes all expenses, receipts and disbursements of said petitioner as Executor of said Estate which are allowable as charges against said Estate from the commencement thereof to said date of hearing, save and excepting the fees of the Clerk of this Court since Feby. 13, 1894 and that said accounts are settled and closed. It is

further ordered and adjudged that the hearing and determination of the various claims of the parties concerning out of which of said funds charged to said Executor the said expenses of Administration shall be charged is reserved and submitted upon brief to be hereafter filed.

April 7, 1894.

G. C. Cheney, Dist. Judge.

166.

Estate of H. L. Smith, Deceased.

Order settling final accounts of Executor, Filed
Dec. 16, 1894.

F. H. Harmon, Clerk.

In The District Court Of The State Of Nevada
County Of Eureka.

In the Matter Of The Estate

Of
H. L. Smith, deceased.

The petition of George Tassel, executor of said estate, heretofore filed herein praying for the distribution of the residue of said estate of H. L. Smith, deceased in the hands of the executor of said estate among the persons entitled thereto coming on regularly for hearing and it appearing that due and legal notice of such hearing has been given as directed by the order of this Court heretofore made and entered herein that all claims against said estate are fully paid except the claim of Maggie Johnson to be paid according to stipulations and the attorney's fee of Thomas Wren Esq., and expenses accrued since the filing of the final account of said executor and that the final account of said executor has been duly made and has been confirmed by this Court, That all taxes due upon said estate have been paid. That said deceased during his lifetime made a last will and testament, and that said last will & testament was duly admitted to probate in said Court, and that the devisees of said deceased under said last will and testament were James Morris, Michael Morris, Maggie Johnson and said George Tassel, Executor as aforesaid; that said James Morris died since the death of said decedent, and said Michael Morris is his executor; that said Michael Morris resides in said County of Eureka; that said Maggie Johnson also resides in said County of Eureka; and that said George Tassel, executor as aforesaid, resides in the County of Washoe in said State of Nevada; that by the terms of said last will and testament said decedent

provided that after his just debts, funeral expenses and expenses of last sickness were paid, he gave and bequeathed to George Tassel a one third interest in the Aurora mining claim, the Benjamin Harrison mining claim, the Yellow Jacket mining claim, the Eclipse mining claim, and one sixth interest in the Comstock mining claim, and one third interest in the Rhoda mining claim; and to Maggie Johnson the same interest that he gave and bequeathed to George Tassel in said mining claims; and to James Morris and Michael Morris a one sixth interest each in said mining claims, except the said Comstock mining claim; all of said claims are situated on Bullion Hill, in Cortez Mining District, Eureka County and State of Nevada; and said decedent by the terms of said will gave and bequeathed to George Tassel all of his personal property; and said devisees by the terms of said will are each entitled to the share in said estate above specified after the payment of all of the debts of deceased and expenses of administration. That sufficient funds remain in the hands of said executor to pay all of the debts and expenses of administration, said funds having been derived in part by moneys belonging to said decedent at the time of his death and in part from the rents, issues and profits of said mining claims; that after the debts of decedent and the expenses of the last sickness and funeral expenses of administration are paid, there will still remain in the hands of said executor several hundred dollars derived from the rents, issues and profits of said mining claims to be divided between said devisees in the proportion that each is entitled to share in the distribution of the real estate of said deceased; that a small amount of personal property purchased with funds derived from the rents, issues and profits of said mining claims now remains in the hands of said executor. It is therefore ordered, adjudged and decreed that all of the personal property of said estate after a just proportion of the expenses of administration shall have been paid out of said personal property be distributed to the said George Tassel, executor as aforesaid; that said mining claims be distributed to said George Tassel, to the estate of James Morris, deceased, to Michael Morris and to Maggie Johnson in the proportions above specified; that the personal property purchased with the money derived from the rents, issues and profits of said mining claims be distributed to said parties last above named

in the proportions to which each is entitled as above stated; that the money derived from the rents, issues and profits of said mining claims be distributed to the parties above named in the proportions to which each is entitled as above stated. The distribution of the estate to which said Maggie Johnson is entitled to be distributed in accordance with the terms of a certain stipulation referred to in an order made by this Court filed April 7th, 1894 and after deducting a certain judgment recovered in said Court by said George Tassel, executor as aforesaid, against said Maggie Johnson, and that said executor be entitled to deduct any advances made by him to said James and Michael Morris from their distributive share of said money.

A. L. Fitzgerald,

District Judge

Dated Sept 25th '94.

Endorsed: Estate of H. L. Smith. File No. 166.

Decree and Order Settling Final Accounts of Executor.
Filed December 6, 1895. Decree Filed October 16th, 1894.

(Signed) J. H. Harmon,
Clerk.

In The Third Judicial District Court, Of The State
Of Nevada, in and for The County Of Eureka,
In The Matter Of The Estate }
Of } File No 166.

H. L. Smith, Deceased

J. R. Mc Charles, Clerk of the County of Eureka,
and ex-officio Clerk of the Third Judicial District
Court of the State of Nevada in and for the County
of Eureka, hereby Certify: That the foregoing nine (9)
typewritten pages, are true and correct copies of the
following documents, namely, Last Will and Testament
of H. L. Smith, Deceased, Order admitting said
will to probate, and decree and order settling final
accounts of the executor, together with the file
marks and endorsements thereon, as the same appear
of record in my office. In Testimony Whereof, I
have hereunto subscribed my official signature
and affixed my official seal at my office in said
County of Eureka, State of Nevada, this 28th day of
October, in the year of our Lord, one thousand, nine
hundred and eight.

J. R. Mc Charles

Clerk

J. R. Mc Charles, Deputy.

Recorded at the request of J. B. Menardi, Oct. 28th.

A.D. 1908 at 5:00 mins. past 2 P.M.

Wm. Spanier Recorder.

Court
Seal