

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

NO. 1367

FILED: January 15, 1943.

MAE E. CAINE, Clerk

McNAMARA & ROBBINS  
Elko, Nevada.

Attorneys for Administrator.

IN THE MATTER OF THE ESTATE OF  
A.H. BERNING,  
DECEASED.

DECREE ALLOWING AND SETTLING FIRST AND FINAL ACCOUNT  
AND OF DISTRIBUTION UNDER SUMMARY ADMINISTRATION.

Come now ELWYN J. WOODS, Administrator of the above-entitled Estate, and proves to the satisfaction of the Court that his first and final account and petition for distribution was filed with the Clerk of the above-entitled Court on the 14th day of January, 1943; that summary administration had heretofore been ordered in connection with said Estate, and under the law pertaining to proceedings under summary administration no notice of the hearing of said account, report and petition is required, and the said account, report and petition being now presented to the Court, and no person or persons appearing to contest or object to the same, the Court, after hearing the evidence and being satisfied that no taxes of any kind or nature are due or payable against the property of said Estate, orders and adjudges as follows:

IT IS ORDERED, ADJUDGED AND DECREED that the first and final account of said Administrator is approved, allowed and settled as rendered, and that all things done by him as such Administrator are hereby approved as reported.

IT IS FURTHER ORDERED that due and legal notice to creditors of said decedent has been given as required by law.

The Court finds that said Deceased died intestate on or about the 22nd day of August, 1942, in the County of Elko, State of Nevada, and that at the time of his death he was a resident of the County of Elko, State of Nevada, and of the age of approximately fifty-seven years; that he left surviving him as his only heirs-at-law the following: named persons, all of whom are over the age of twenty-one years, and whose relationship and residences are as follows:

NAME	RELATIONSHIP	RESIDENCE
BLANCHE M. BERNING,	Widow	Carlin, Nevada.
MARGARET E. WOODS,	Daughter	Carlin, Nevada.
MELBA E. DALTON,	Daughter	Los Angeles, California.

The Court finds that the Administrator, in open Court, waived any claims to any commissions he might have under the law as Administrator of said Estate, and the Court finds also that the firm of McNAMARA & ROBBINS, attorneys of Elko, Nevada, who have been acting as attorney's for the Administrator of said Estate, did, in open Court, waive any fees to which they may be entitled for services rendered.

It appears from the report of said Administrator that the sum of \$15.00, for costs advanced during administration, is due and owing to the firm of McNAMARA & ROBBINS, which sum said Administrator has arranged to pay from his individual funds, and which sum, together with the necessary incidental costs of closing the Estate and recording a certified copy of the decree of distribution to be entered herein, will be paid for out of personal funds of said Administrator, and will not be a charge against said Estate.

The Court being satisfied that the Estate is now in condition to be closed, and that the Administrator will pay from his individual funds all accruing costs against said Estate, as well as the cost of recording the decree of distribution herein, and the Court further finds that the property, real and personal, of which said Deceased died possessed, was community property owned by said Deceased and his surviving wife, BLANCHE M. BERNING,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the rest, residue and remainder of said Estate, consisting of real and personal property, together with any other property, real or personal, which may belong to said decedent or to his said Estate, or in which the said decedent or his Estate may have any interest, or which may hereafter be discovered, be distributed, according to law, as follows:

An undivided one-half to BLANCHE M. BERNING, surviving wife of said Deceased, and the other undivided one-half in equal shares to Margaret E. Woods, daughter, and Melba E. Dalton, daughter, and it is so ordered.

The rest, residue and remainder distributed, so far as is known, is described as follows:

REAL PROPERTY

Lots 13,14, and 15, in Block 2, of the Town of Carlin, Elko County, Nevada, together with all improvements situate thereon.

An undivided one-third interest in and to twelve unpatented mining claims, located in the Swales Mountain Mining District, Elko County, Nevada, described as the U.S.C. No.1,2,3,4,5,6; U.S.A. No.1, 2, 4, 5, 7, 9; subject to an outstanding lease to Charles M. Richardson executed by said Deceased and his co-owners.

An undivided three-fifths interest in certain patented mining claims, known as the Good Hope Nos.3,4,5,6, and 7, located in what is locally known as Maggie Creek Mining District, Eureka County, Nevada.

PERSONAL PROPERTY

An undivded three-fifths interest in and to certain used mining equipment and machinery in and about, and used upon the last above-described patented mining claims.

Household effects and furniture in and upon the first above-described real property.

One used 1934 Ford Tudor Model Automobile, Engine No. 18-604290.

IT IS HEREBY FURTHER ORDERED that upon the recording in the office of the County Recorder of the County of Elko, State of Nevada, and also in the County of Eureka, State of Nevada, of a certified copy of this decree, that the said Administrator shall be discharged from his trust and his bondsmen exonerated.

Done in open Court this 14th day of January, 1943.

JAMES DYSART  
DISTRICT JUDGE.

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

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 ALLOWING AND SETTling FIRST AND FINAL ACCOUNT AND OF DISTRIBUTION UNDER SUMMARY ADMINISTRATION, IN THE MATTER OF THE ESTATE OF A.H. BERNING, DECEASED, Probate No. 1367, as the same appears on file and of record in my office.

WITNESS my hand and the seal of said Court affixed this 15th day of January A.D., 1943.

(SEAL)

Mae E. Caine, Clerk

Recorded at the request of McNamara & Robbins May 10, A.D. 1943 At 30 minutes past 10 A.M.

Peter Meriaddo ----- Recorder.