

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)
JOSEPH MODARELLI,)
DECEASED.)

No. 1418

Filed: December 27, 1944.

MAE E. CAINE, Clerk
By _____, Deputy

H. U. CASTLE
Elko, Nevada
Attorney for Executor

ORDER APPROVING FIRST AND FINAL ACCOUNT---DECREE OF DISTRIBUTION

Comes now VINCENT MODARELLI, Executor of the Estate of JOSEPH MODARELLI, deceased, by and through H. U. CASTLE, his attorney, and proves to the satisfaction of the Court that his First and Final Account, Report and Petition for Distribution herein was rendered and filed on the 5th day of December, 1944;

That due notice of the hearing thereof was given according to law and no person appearing to except to or contest said account, and the Court having heard the evidence, finds said account true and correct, and that all claims presented against said estate which were justly due and payable out of said estate have been paid;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT, that said account be, and is in all respects approved, allowed and settled; that said Executor at said time and place filed in this Court his Petition for Distribution of said estate setting forth that the said estate was in a condition to be closed and that a portion thereof remains to be distributed to the legatees and devisees thereof, and praying the same to be distributed to the parties entitled thereto; and

It appearing to the satisfaction of the Court that due and legal notice was given of the hearing of said petition as required by law; that all taxes upon the property of said estate due and/or payable have been fully paid, and that said estate consisting of property hereinafter particularly described is now ready for distribution, and that said estate is now in a condition to be closed; and

It further appearing to the Court that said JOSEPH MODARELLI died testate at Elko, in the County of Elko, State of Nevada, on the 25th day of May, 1944, and at the time of his death was a resident of the County of Elko, State of Nevada, and left estate consisting of personal property in the said County of Elko and real property in the County of Eureka, and within the jurisdiction of the above-entitled Court, which property was of the appraised value of \$6,034.84 as shown by the Inventory and Appraisement filed in said estate on October 5, 1944; that said deceased left a Will bearing date August 17, 1942, which was admitted to probate on June 27, 1944, and on said day said Executor was appointed and qualified as such Executor of said estate and now is and ever since said time has been the duly qualified and acting Executor of said estate.

That under the terms of said Will said deceased devised and bequeathed all of his property of whatever kind and character to the following named relatives, share and share alike, namely,-
 LYNE MARIE RIDER, a niece of the age of 6 years, now residing in Elko, Nevada;
 MARIE RIDER, a sister, over the age of 30 years and now residing in Elko, Nevada;
 THERESA SIEGMANN, a sister, over the age of 35 years, and residing in Elko, Nevada;
 JULIA POLLOCK, a sister, over the age of 33 years and residing in Reno, Nevada;
 ROSE GALLI, a sister, over the age of 45 years, and residing in Elko, Nevada;
 H. A. MODARELLI, a brother, over the age of 39 years, residing in Elko, Nevada;
 VINCENT MODARELLI, a brother, over the age of 38 years, now residing in Elko, Nevada; and
 NICHOLAS MODARELLI, father of said deceased, over the age of 70 years, and now residing in Elko, Nevada.

That notice to creditors has been duly given as required by law, and that the first publication and posting thereof were made on June 28, 1944, as the same is made to appear by the record of said matter in said Court.

That more than three months have elapsed since the appointment of said Executor, and more than three months have expired since the first publication and posting of notice to creditors.

That one claim was filed against said estate by the Burns Funeral Home in the sum of \$934.19, which has been paid as shown by the receipt therefor filed herein.

That under order of Court the said Executor sold the United States Defense Bonds, six in number, as set forth in the report and account made a part of the first and final account filed herein.

That all debts incurred for the administration of said estate have been fully paid by said Executor and the sum of \$243.27 is hereby approved as and for Executor's fees and the sum of \$300.00 is hereby approved and allowed as a reasonable attorney fee in connection with the administration of said estate.

That there remains in the hands of said Executor for distribution the property hereinafter described and on motion of H.U.CASTLE, the attorney for said Executor and no objection having been made thereto,-

IT IS HEREBY ORDERED AND DECREED that the estate of JOSEPH MODARELLI, deceased, remaining in the hands of said Executor, hereinafter described, and any other property which may belong of said estate or in which said estate may have an interest, be, and the same is hereby distributed to the parties entitled thereto, that is to say,-

TO:- LYNE MARIE RIDER, MARIE RIDER, THERESA SIEGMANN, JULIA POLLOCK, ROSE GALLI, H.A.MODARELLI, VINCENT MODARELLI and NICHOLAS MODARELLI, - each the sum of \$ 571.64

TO:- LYNE MARIE RIDER, MARIE RIDER, THERESA SIEGMANN, JULIA POLLOCK, ROSE GALLI, H.A.MODARELLI, VINCENT MODARELLI and NICHOLAS MODARELLI,-
each

An undivided 1/32 interest in and to those certain lode mining claims situate in Rainy Day Mining District, County of Eureka, State of Nevada known as and called "Lone Star Lode" and Lone Star No.1";

Undivided 1/32 interest in and to those certain lode mining claims situate in Safford Mining District, County of Eureka, State of Nevada, known as and called "Old Cabin" and "Copper King";

An undivided 1/16 interest in and to those certain patented lode mining claims situate in an unknown mining district in the County of Eureka, State of Nevada, known as and called "Amarilla"; "Alameda" and "Sonoma"; 15,937 1/2 shares of the capital stock of the Modarelli Mining Company, a corporation of Nevada; and

125 shares of the capital stock of the Copper Kining Mining Company, a corporation of Nevada.

It is further ordered that the said VINCENT MODARELLI, Executor as aforesaid, upon delivery of the property now remaining in his hands hereinabove specified to the legatees and devisees entitled thereto, as herein ordered, and upon filing true and proper vouchers therefor in this Court, be fully and finally discharged from his trust as such Executor and his sureties, if any there be, are likewise discharged from any and all further liability.

Dated this 27th day of December, 1944.

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 ORDER APPROVING FIRST AND FINAL ACCOUNT-- DECREE OF DISTRIBUTION in the matter of the estate of JOSEPH MODARELLI, deceased. Probate No. 1418, as the same appears on file and of record in my office.

WITNESS my hand and seal of said Court affixed this 27th day of December, A.D., 1944.

(SEAL)

Mae E. Caine Clerk
By _____ Deputy Clerk.

Recorded at the request of Vincent Modarelli Dec. 30, A.D. 1944 At 15 minutes past 11 A.M.

Peter Merialdo --- Recorder.