

File No. 28716
IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF NEVADA, IN AND FOR THE COUNTY OF EUREKA

No. 612

IN THE MATTER OF THE ESTATE OF
EDWARD HERRERA, also known as
ED HERRERA, Deceased.

Filed: Feb. 21st, 1951.

ED DELANEY, Clerk

KENNETH L. MANN
Elko, Nevada
Attorney for Executor.

DECREE APPROVING AND SETTLING FIRST AND FINAL
ACCOUNT AND OF DISTRIBUTION

Comes Now, CIRIACO HERRERA, Executor of the above-entitled Estate, and proves to the satisfaction of the Court that his Second and Final Account and Report of his administration of said estate, together with his Petition for Distribution has heretofore been filed in the office of the above-entitled Court, and that the hearing thereof had been duly set for the 6th day of February, 1951, at 10:00 o'clock on the morning of said day, in the Court Room at the Court House in the Town of Eureka, County of Eureka, State of Nevada, but the same was continued by rule of this Court to this date; and there having been filed herein an order assigning the above-entitled proceeding to the Honorable TAYLOR H. WINES, District Judge of the Fourth Judicial District Court of the State of Nevada, in and for the County of Elko, for all proceedings necessary, or that should arise in connection with the said proceeding, and notice of the hearing of said account having been given by posting for a period of ten days, as appears from the Affidavit of Posting on file herein, and there having been filed herein Waiver and Consent to the hearing, duly acknowledged by EDNA and MELCHOR HERRERA, the sole heirs at law of said deceased, and the only persons interested in said estate, together with a Waiver and Consent to the hearing by CIRIACO HERRERA, Executor of said Estate, KENNETH L. MANN, the Attorney for the Estate, and F. GRANT SAWYER, the attorney for the absent heirs of said deceased, together with a Return of Service showing that a copy of the Notice of said hearing has been served upon JOE TOGNETTI, by the Sheriff of said Eureka County, at least ^{days} five/prior to the date set for said hearing, and there being present in Court the said Executor, KENNETH L. MANN, his counsel, and F. GRANT SAWYER, Attorney for said absent heirs, and no person appearing to contest or object to the hearing of the said Account and Petition, and proof having been made to the satisfaction of the Court that due and legal notice of the hearing of said Petition had been given to all persons interested in said estate according to law;

IT IS, THEREFORE, HEREBY ORDERED that due and legal notice of the said Account and Petition has been given as required by law.

After hearing the evidence upon the matters and things contained in said Account and Report, the Court finds that the said Executor has accounted for all sums of money received and disbursed by him, and that the said Account and Report is true and correct;

IT IS, THEREFORE, HEREBY FURTHER ORDERED, ADJUDGED AND DECREED, that said First and Final Account of said Executor, and all things done by him as such are hereby approved and confirmed as reported.

IT IS FURHTER ORDERED, ADJUDGED AND DECREED, that due and legal notice to creditors has been given as required by law, and that more than three months have elapsed since the first publication of the Notice to Creditors.

The Court finds that all creditor's Claims filed in said estate matter, which had been approved, have been paid as reported, and that the claim of JOE TOGNETTI had been rejected and that notice of such rejection was given to said creditor by the Executor on the 22nd day of December, 1950, by service upon him of a Notice of Rejection of Creditor's Claim, and that a period of more than thirty days has elapsed since service of such notice.

The Court finds that the expenses of last illness and funeral expenses of said decedent, together with the expenses of administration have been paid pursuant to the orders of the aboveentitled Court heretofore filed herein.

The Court further finds that the said EDNA HERRERA ETCHEGARAY and MELCHOR HERRERA have paid to the said Executor the sum of \$2,100.00 to pay all creditors' claims, the expenses of last illness and funeral expenses of said decedent, and the costs of administration.

The Court further finds that EDWARE HERRERA, also know as ED HERRERA, died on or about 21st day of September, 1949, in the City of Lancaster, County of Los Angeles, State of California, leaving an estate consisting of real and personal property in the County of Eureka, State of Nevada; that decedent left a last Will and Testament, and that pursuant to Petition for Probate of Will and issuance of Letters Testamentary, after due notice as required by law, CIRIACO HERRERA, named as the Executor in said Will, was appointed and qualified as such Executor of said estate on the 5th day of November, 1949; that the said CIRIACO HERRERA has been, at all times throughout the progress of the said estate, the duly qualified and acting Executor;

That pursuant to the order of the above entitled Court appointing your petitioner as Executor of said estate, said Executor filed his Bond herein, duly approved by the District Judge of said Court, in the sum of \$2,000.00, which said Bond was filed on the 3rd day of November, 1949.

That on the 5th day of November, 1949, your Executor caused a Notice to Creditors to issue under his signature, and said notice was duly posted and published in accordance with the requirements of Statute and the order of this Court; that said publication was made in all four times of four consecutive issues, to-wit: commencing with the issue of the Eureka Sentinel dated the 5th day of November, 1949, and ending with the issue dated the 26th day of November, 1949, each of which issues of said paper were in the regular issue thereof, that decree of the above entitled Court establishing due and legal Notice to Creditors was signed herein on the 18th day of September, 1950.

That decedent left surviving him the following heirs at law, who were also named as the legatees and devisees to take under the said Will, and all of whom are of lawful age, namely:

<u>Name</u>	<u>Relationship</u>	<u>Residence</u>
Edna Herrera Etchegaray	Daughter	868 Vallejo St., San Francisco, California
Melchor Herrera	Son	Boone Springs, care State Highway Department, Box 331 Northern Hotel, Via Ely, Nevada

That no State, County or City Taxes are payable by your Executor.

That PETER MERIALDO, TOM PASTORINO and HARRY E. SIEGMANN, were appointed Appraisers of the said estate on the 25th day of October, 1949 and that the Appraisal of said estate was filed herein on January 6, 1950, and that the fees of said Appraisers have been allowed and paid.

That F. GRANT SAWYER was appointed as Attorney for MELCHOR HERRERA and EDNA HERRERA ETCHEGARAY on the 25th day of October, 1949, and that said Attorney has continued to act as Attorney for absent heirs; that said Attorney is entitled to a reasonable fee for his services in the sum of \$ 94.00 .

That the fee or commission payable to the Executor on the basis of the whole amount of the personal estate is the sum of \$182.50.

That a reasonable fee to be allowed KENNETH L. MANN, Attorney for said Executor, is the sum of \$ 475.00 .

That the heirs entitled to distribution hereunder, after payment of all costs of administration, are EDNA HERRERA ETCHEGARAY and MELCHOR HERRERA, according to the terms of the Last Will and Testament of decedent, and after payment of all costs of administration.

That the property in said Executor's hands to be distributed is the following:

Cash on hand in Estate Account in the First National Bank of Nevada, Eureka Branch---
----\$844.23

Lot 3, Block 36 in the Township of Eureka, County of Eureka, State of Nevada, as the same appear upon the official map of said Township, and approved by the United States General Land Office on November 19th, 1937, on file in the County Recorder's Office, County of Eureka, State of Nevada, together with buildings situate thereon;

1 large refrigerator
Front and back bar fixtures
Continental Patented Mine, located in an Unknown Mining District, County of Eureka, State of Nevada;
Independent Patented Mine, located in an Unknown Mining District, County of Eureka, State of Nevada:
1 gold watch
1 gold watch chain
1 plain gold watch chain

That the expense of closing said estate will consist of a fee to be paid to the County Recorder of the County of Eureka, State of Nevada, for recording this Decree of Distribution in the official records in said Recorder's office, and a fee of .75¢ for filing each instrument necessary to present this Final Account and distribute said estate, to be paid to the County Clerk of Eureka County, Nevada, in the total sum of \$ 3.75 .

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

1. That the sum of \$182.50 be paid by the Executor to himself as his statutory and commissions.
2. The sum of \$ 94.00, to be paid by the Executor to F. GRANT SAWYER, as Attorney for absent heirs.
3. That the sum of \$ 475.00 be paid by the Executor to KENNETH L. MANN as his Attorney's fees for services performed for said estate.
4. That the sum of \$ 3.75 be paid by the Executor to KENNETH L. MANN for expenses to be incurred in closing said estate.
5. That the sum of \$ 38.98 be distributed by the Executor unto MELCHOR HERRERA and EDNA HERRERA ETCHEGARAY, share and share alike.
6. That the rest, residue, and remainder of said estate, both real and personal, together with any other property, real or personal, now known or discovered, or which may be hereafter discovered, which may belong to said deceased or his said estate, or in which the said deceased or his estate may have any interest, be distributed ^{share} and share alike unto MELCHOR HERRERA and EDNA HERRERA ETCHEGARAY, the sole heirs at law of said deceased.

7. That said Executor be, and he hereby is discharged from the trust herein and his Bondsmen exonerated, on filing receipts showing distribution of all of the above estate in accordance with this said Decree, and the said Executor is hereby ordered to file a receipt of the County Recorder of the County of Eureka, State of Nevada, showing that this said Decree has been duly recorded in the official records of said County of Eureka.

DONE IN OPEN COURT as of this 15th day of February, 1951.

TAYLOR H. WINES
DISTRICT JUDGE

STATE OF NEVADA)
) SS.
COUNTY OF EUREKA)

I, Ed Delaney, County Clerk and ex-officio Clerk of the Third Judicial District of the State of Nevada, Eureka County, do hereby certify that the annexed is a full, true and correct copy of DECREE APPROVING AND SETTling FIRST AND FINAL ACCOUNT AND OF DISTRIBUTION, in re: No. 612, IN THE MATTER OF THE ESTATE OF EDWARD HERRERA, aka ED. HERRERA.

IN TESTIMONY WHEREOF, I have hereunto set my hand officially and affixed the Seal of said Court, at my office in the town of Eureka, this 21st day of February, A.D. 1951

(Court Seal)

Ed Delaney, County Clerk
And ex-officio Clerk of the District
Court, Eureka County.

Recorded at the Request of Kenneth L. Mann Feb. 21, A.D., 1951 at 45 minutes past 10 A.M.

R.W. Gibson---Recorder