

File No. 31475

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)
EDGAR LANE PLUMMER, also known)
as EDGAR L. PLUMMER,)
Deceased.)

NO. 1891

FILED: October 21st, 1954

H. L. KANE, CLERK

ORDER AND DECREE OF SETTLEMENT OF FIRST AND
FINAL ACCOUNT AND DECREE OF FINAL DISTRIBUTION

J. ROSS PLUMMER, the duly appointed, qualified and acting Executor of the Last Will and Testament of EDGAR LANE PLUMMER, also known as EDGAR L. PLUMMER, deceased, having rendered and filed herein on September 30, 1954, his First and Final Account, which said Account was for a final settlement, and having with said Account filed his Petition for Final Distribution of the Estate of said deceased, and said Account and Petition having been duly set for hearing on October 8, 1954, and coming on regularly to be heard on said day; proof having been made to the satisfaction of the Court, the Court finds that all of the allegations of said Petition are true; and that said Account is in all respects true and correct;

That the expenses of the last illness, funeral bills of said deceased and all claims have been paid.

The Court finds that notice to creditors of said Estate has been given as appears from the Affidavit on file herein, showing due publication of Notice to Creditors in the manner and form required by law, that a copy of the Appointment of Petitioner as Executor and a Notice to the Creditors of said deceased to present their claims against the said deceased was regularly posted in the manner and form required by law, as appears from the Affidavit of Posting filed with the Clerk of the above-entitled Court; and

The Court further finds that EDGAR LANE PLUMMER, also known as EDGAR L. PLUMMER, died testate in the City of Pasadena State of California, on or about the 5th day of September, 1953, and was, at the time of his death, a resident of the Town of Carlin, County of Elko, State of Nevada, and deceased left property within the County of Elko, State of Nevada;

That the costs of administration have not been paid, and the attorney fees of WRIGHT & EARDLEY have not been paid;

The Court finds that the personal property accounted for by the Executor is the sum of \$37,268.71. That the statutory fees of the Executor is the sum of \$865.37 and should be allowed as part of the cost of administration of the above Estate.

The Court finds that the firm of WRIGHT & EARDLEY has advanced costs of administration in the sum of \$164.47; that \$30.00 is the cost of closing the Estate; that the sum of \$1,865.00 is a reasonable sum as and for the Attorney fees of WRIGHT & EARDLEY, attorneys for the Executor, that the sum of \$150.00 is a reasonable sum as and for the attorney fees of CHARLES B. EVANS, JR., attorney for absent and minor heirs, to be paid equally from the distributive shares of said minors.

That the Last Will and Testament of said EDGAR LANE PLUMMER, also known as EDGAR L. PLUMMER, deceased, provided as follows:

"THIRD: I hereby give, devise and bequeath to my beloved aunt, VILLA PLUMMER McLEOD, now residing in Auburn, California, TWO-EIGHTS (2/8) of my estate, real, personal and mixed and wheresoever situated, in the event she should survive me.

in the event that she should predecease me, I give, devise and bequeath one-half of said two-eighths to the children of my uncle J. ROSS PLUMMER, Palisade, Nevada, living at the time of my death, share and share alike.

The remaining one-half of said two-eighths, I give, devise and bequeath to the children of DEWEY and ALICE KUNZE, living at the time of my death, share and share alike.

FOURTH: I give, devise and bequeath three-eighths (3/8) of my estate, real, personal, and mixed and wheresoever situated, to the children of J. ROSS PLUMMER and JULIA PLUMMER living at the time of my decease, share and share alike. It is my intent that the provision of this paragraph refer only to the children of said ROSS and JULIA PLUMMER born of their union to each other, and not to any other children born to either of them in the event of the remarriage of either of them.

FIFTH: I give, devise and bequeath three-eighths (3/8) of my estate, real, personal and mixed and wheresoever situated, to the children of DEWEY and ALICE KUNZE born of their union to each other, and not to any other children born to either of them in the event of the remarriage of either of them."

The Court finds that VILLAR PLUMMER McLEOD is over twenty-one years of age and did survive the decedent and is entitled to TWO-EIGHTHS (2/8ths) of the residue of the Estate.

The Court finds that the children of J. ROSS PLUMMER and JULIA PLUMMER living at the time of the death of the decedent are the following, and their ages are as indicated herein:

BETTY JANE SMITH, age twenty years, Carlin, Nevada;
Julie Maria Plummer, age twelve years, Carlin, Nevada;
SALLY SUE PLUMMER, age eleven years, Carlin, Nevada.

The Court further finds that said BETTY JANE SMITH, JULIA MARIA PLUMMER and SALLY SUE PLUMMER are entitled to THREE-EIGHTHS (3/8ths) of the residue of the Estate.

The Court further finds that PATRICIA KUNZE, age eighteen, of Davis, California, is the sole and only child of DEWEY And ALICE KUNZE, living at the time of the death of the decedent and that said PATRICIA KUNZE is entitled to THREE-EIGHTHS (3/8ths) of the residue of this Estate;

The Court further finds that on May 25th, 1954, said VILLA PLUMMER McLEOD did in writing assign the sum of \$1,700.00 of her share to J. ROSS PLUMMER, and that the said sum of \$1,700.00 should be deducted by the Executor from the share of said VILLA PLUMMER McLEOD and the sum of \$1,700.00 paid to J. ROSS PLUMMER;

The Court further finds that Notice of this hearing has been given in the manner and form required by law;

That said estate is now in a condition to be closed;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

That said First and Final Account of said Executor be, and the same hereby is, finally settled, allowed and approved; that all Creditor Claims have been paid and all expenses of administration and the above-referred to attorney fees have not been paid; that the Court hereby allows to the firm of WRIGHT & EARDLEY, of Elko, Nevada, their costs in the amount of \$164.47, attorney fees in the sum of \$1,865.00, and costs of closing the Estate in the sum of \$30.00, and allows CHARLES B. EVANS, JR., the sum of \$150.00 as attorney for absent and minor heirs, and allows J. ROSS PLUMMER his Executor fees in the sum of \$865.37.

The Court further finds that the cash now on hand for distribution after payment of the foregoing fees and costs is as follows: the sum of \$21,163.47, less the sum of \$3,074.84 fees and costs, or a net sum of \$18,088.63 for distribution after payment of all attorney fees, costs and Executor fees.

That all the rest, residue and remainder of said Estate and any other property not now known or discovered which may belong to the decedent or to his Estate be, and the same hereby is, distributed as follows:

TWO-EIGHTHS (2/8ths) thereof to VILLA PLUMMER McLEOD, but subject to her Assignment of \$1,700.00 to J. ROSS PLUMMER, which sum of \$1,700.00 shall be deducted from the share of said VILLA PLUMMER McLEOD and paid to said J. ROSS PLUMMER;

THREE-EIGHTHS (3/8ths) thereof to BETTY JANE SMITH, JULIA MARIA PLUMMER and SALLY SUE PLUMMER, share and share alike;

THREE-EIGHTHS (3/8ths) thereof to PATRICIA KUNZE.

That the property now known or discovered consists of the following property which is distributed:

Cash in the sum of \$18,088.63 (the remainder after payment of the fees and costs as aforesaid);

100 shares of Capital Stock in the Eureka Corporation Limited, Certificate No. NJ812.

100 shares of Capital Stock in the Eureka Corporation Limited, Certificate No. NJ707.

400 shares of Capital Stock in the Golden Century Industries, Inc., Certificate No. 665.

Land situated in the County of Eureka, State of Nevada, and more particularly described as: undivided one-fourth interest in $\frac{1}{4}$ E $\frac{1}{2}$, Section 36, T. 24 N., R. 51 E., M.D.B.&M.

One-eighth interest in "Gold Mines Company" which owns the following patented mining claims in the Eureka Mining District, Eureka County, Nevada: Manhattan, Sunset and El Dorado.

Three-sixteenths interest in Patented Lode Mining Claim in Eureka Mining District, Eureka County, Nevada, being known as "Eureka Tunnel."

Note and Deed of Trust executed September 11, 1954, by LELAND L. STENOVICH and MARI-ANNE STENOVICH, his wife, in favor of J. ROSS PLUMMER, as the Executor of the Last Will and Testament of EDGAR L. PLUMMER, said Deed of Trust being recorded September 13, 1954, in Book 26 of Real and Chattel Mortgages, at page 129, in the records of the Elko County Recorder, Elko, Nevada, and given to secure the balance of the purchase price of Lots 11 and 12, Block "S" of the City of Elko, Elko County, Nevada, together with the buildings and improvements thereon and the fixtures and equipment therein. Balance of said Note is \$12,656.25, payable in monthly installments of \$184.90, including interest at the rate of 6% per annum.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED:

That the Executor be, and he hereby is, discharged as Executor of the above Estate upon his filing Receipts for the payments of the sums herein ordered to be distributed and recording a certified copy of this Order in the County of Elko and County of Eureka, State of Nevada.

DATED: October 21st, 1954.

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

TAYLOR H. WINES
DISTRICT JUDGE

I, R. L. Kane, 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 AND DECREE OF SETTLEMENT OF FIRST AND FINAL ACCOUNT AND DECREE OF FINAL DISTRIBUTION, in the Matter of the Estate of EDGAR LANE PLUMMER, aka EDGAR L. PLUMMER, deceased, Action No. 1891, as the same appears on file and of record in my office.

WITNESS My hand and the Seal of Said Court affixed
this 21st day of October, A.D. 1954.

(Official Seal) R. L. Kane Clerk.

Recorded at the Request of George F. Wright Oct. 23 A.D. 1954 At 0 minutes past 11 A.M.

E. B. Crane--Recorder.