

File No. 31623

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF NEVADA, IN AND FOR THE COUNTY OF EUREKA

IN THE MATTER OF THE ESTATE OF)
FERMINE ESPINAL, also known as)
FERMIN ESPINAL and as F. ESPINAL,)
DECEASED.)

NO. 636

FILED: January 28, 1955ED DELANEY CLERK

DECREE APPROVING AND SETTLING FIRST AND FINAL
ACCOUNT AND OF DISTRIBUTION

COMES NOW, RASALIE ESPINAL, Executrix of the above-entitled Estate, and proves to the satisfaction of the Court that her First and Final Account and Report of her administration of said estate, together with her Petition for Distribution has heretofore been filed in the office of the Clerk of the above-entitled Court, and that the hearing thereof had been duly set for the 27th day of December, 1954, 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 the 28th day of December, 1954, 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 by publication in the Eureka Sentinel as required by law and the Order of this Court, and there being present in Court the said Executrix, KENNETH L. MANN, her counsel, 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 Executrix is the sole person interested in said estate and has waived a detailed accounting of the receipts and disbursements of said estate, and that 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 Executrix, and all things done by her as such are hereby approved and confirmed as reported.

IT IS FURTHER 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 FURTHER FINDS: That no creditor's claims which were filed against the above-entitled estate, and that said petitioner does not know of any debts or claims against said estate.

That all costs of administration have been paid by said petitioner from funds independent of said estate, and that there are no costs of administration now unpaid.

That all taxes have been paid by said petitioner from funds independent of said estate, and that a final income tax return for the year 1953 has been filed.

That FERMIN ESPINAL was also known as FERMIN ESPINAL and as F. ESPINAL, and that he died on or about the 6th day of June, 1953, in the City of Ely, County of White Pine, State of Nevada; that at the time of his death he was a resident of the County of Eureka, State of Nevada; that said decedent left an estate consisting of certain real and personal property situate in the County of Lander, State of Nevada; that pursuant to Petition for Probate of Will and Issuance of Letters Testamentary, after due notice as required by law, ROSALIE ESPINAL was duly appointed and qualified as Executrix of said estate on the 7th day of September, 1954; that said Executrix has been, at all times during the progress of the administration of said estate, the duly appointed, qualified and acting Executrix of said estate; that no bond was required to be posted by said decedent, and no bond was required by this Court.

That on the 7th day of September, 1954, said Executrix caused a notice to creditors to issue under her signature, and that said notice was duly posted and published as required by law; that said publication was made in all four times in four consecutive issues of the Eureka Sentinel, to-wit: commencing with the issue dated the 10th day of September, 1954, and ending with the issue dated the 1st day of October, 1954, each of which issues of said paper was the regular issue thereof.

That on the 7th day of September, 1954, the above-entitled Court appointed ED DELANEY, JOHN V. DAMELE and NORMAN REBALEATI appraisers of said estate; that said Executrix exhibited the properties of said estate to said appraisers and an Inventory and Appraisement was filed herein on the 10th day of December, 1954; that said inventory and appraisement fixes the value of said estate as the sum of \$21,700.00; that all of said property is in the possession of said Executrix and available for distribution.

That said Executrix has allowed a fee of \$7.50 for each of said Appraisers and that said amount has been paid to said appraisers from funds independent of said estate.

That said Executrix has waived her statutory fees and commissions for her services performed as Executrix of said estate.

That KENNETH L. MANN has served as attorney for said estate; that a reasonable fee to be allowed said attorney for services rendered is the sum of \$1,085.00.

That the Last Will and Testament of said decedent named ROSALIE ESPINAL as the legatee and devisee of said decedent entitled to receive distribution of all of the rest, residue and remainder of the estate of said decedent after the payment of all just debts of decedent;

that all debts, funeral expenses and expenses of the last illness of decedent have been paid; that all of the property available for distribution was the community property of decedent and ROSALIE ESPINAL: that under the terms of said Last Will and Testament, and the applicable laws of the State of Nevada, that said ROSALIE ESPINAL is entitled to receive by way of distribution, all of the right, title and interest of said decedent, or in which he had any interest at the time of his death.

That there are no unpaid taxes due from said estate to the Town, County, State or Federal Governments.

That the expenses of closing said estate will consist of a fee for the recording of a certified copy of the Decree of Distribution in the above matter, together with the expense of transferring the title certificates to the motor vehicles distributed herein, and together with the cost of publishing the Notice of Filing First and Final Account and Petition for Distribution, all of which expenses have been assumed by and paid by the said Executrix from her personal funds.

That nothing remains to be done in said estate save and except to distribute the properties of said estate to the person or persons lawfully entitled thereto.

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

Those certain lots, pieces and parcels of land situate in the Town of Eureka, County of Eureka, State of Nevada, and more particularly described as follows:

Lots 1, 2 and 3 in Block numbered 31; Lot 18 in Block numbered 7; also that part of Lot 19 in Block numbered 7 which is particularly described as follows: Beginning at the NW corner of said Lot 19; thence N. 80° 39' E., along the north side line of said Lot 19 to the NE corner of said Lot 19; thence S. 9° 21' E., along the east end line of said Lot 19; a distance of 14.85 feet; thence S. 80° 39' W., parallel with the north side line of said Lot 19 to a point on the west end line of said Lot 19, a distance of 14.85 feet to the NW corner of Lot 19, the place of beginning, as appears from the official map or plat of said Town of Eureka, County of Eureka, State of Nevada, approved by the U.S. General Land Office on November 19, 1937, and on file in the office of the Eureka County Recorder, Eureka, Nevada.

Together with two frame residences, one cabin, and all sheds and other buildings situate thereon.

Together with all furniture situate in said residences, and including, but without limitation, the following described furniture:

3 gas stoves
4 breakfast sets
5 oil heaters
1 bedroom suite
1 living room set
2 beds
misc. dressers
1 washing machine

50 head of mixed cattle, all of said cattle being cows and heifers from 3 to 6 years of age and branded BA on right hip and right shoulder and CL on right ribs, which cattle are located in Lander County, Nevada.

The following described brand, being the Bar Ten brand, thus (10).

1 1947 Chevrolet 1347 Express Truck, Motor number DCA-618935, Serial number 6JPD-1445.

1 1950 Chevrolet Pickup, Motor number, HBA 4144, Serial number HPA 1863.

Account receivable from Pete Scheverry, being an oral agreement for the payment of money for the sale of certain springs situate in Nye County, Nevada, and of which the sum of \$3,250.00 was owing as of the date of death of decedent.

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That the sum of \$1,085.00 be paid by the Executrix to KENNETH L. MANN as his attorney's fees for services performed for said estate.

2. 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 unto ROSALIE ESPINAL, the sole heir at law of said deceased.

3. That said Executrix be, and she hereby is discharged from the trust herein on filing receipts showing distribution of all of the above estate in accordance with this said Decree, and the said Executrix 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 28th day of December, 1954, and signed this 28th day of January, 1955.

JOHN F. SEXTON
DISTRICT JUDGE.

STATE OF NEVADA,)
) SS.
COUNTY OF EUREKA.)

I, Ed Delaney, County Clerk and ex-officio Clerk of the Third Judicial District Court 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 probate proceeding No. 636, entitled "In the Matter of the Estate of Fermin Espinal, aka Fermin Espinal and F. Espinal, Deceased, as appears as of record and on file in my office.

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 28th day of January, A.D. 1955.

(Official Seal) Ed. Delaney County Clerk.
And ex-officio Clerk of the District Court,
Eureka, County.

Recorded at the Request of Kenneth L. Mann February 1, A.D. 1955 At 15 minutes past 3:00 P.M.

E. B. Crane--Recorder.
By Angela Evans--Deputy.