

File No.32776

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

IN THE MATTER OF THE ESTATE

OF

Max B. Arnold, Deceased

No. 1106

Filed: November 5, 1956

Helene T. Malloy
Clerk

ORDER APPROVING, ALLOWING AND SETTLING FIRST
AND FINAL ACCOUNTY AND DECREE OF DISTRIBUTION

The matter of the hearing of the first and Final Account, and Petition for Distribution of John Patrick Arnold and Grace C. Arnold, Co-Executors of the Estate of Max B. Arnold, deceased, coming on reuiarly to be heard this 5th day of November A.D. 1956, and proof being duly made and offered, the Court finds that said First and Final Account and Petition for Distribution, was filed in the Office of the Clerk of the above-entitled Court, on the 18th day of September A.D. 1956; that on the same day, the Clerk of the above-entitled Court appointed Monday, the 14th day of October A.D. 1956, as the day for the hearing and settlement hereof; that notice of the time and place of said hearing and settlement was given as required by law; that Notice to Show Cause why said account should not be settled and approved was issued by the Clerk of the above-entitled Court, and was given as required by law, by causing to be posted, a copy of said notice in one public place in the Town of Austin, County of Lander, State of Nevada, all of which is shown by the Affidavit of Helene T. Malloy; on file herein; that due and legal Notice to Show Cause why said account should not be approved, allowed, and settled, and said distribution made has been given as required by law; and no written objections having been filed to the hearing or to the settlement of said account, and to the granting of said petition, and no one appearing to object thereto, at this, the time of said hearing of said First and Final Account, the Court after hearing the evidence offered, and admitted, and from the records and files herein finds:

1.

That on the 5th day of May A.D. 1956, petitioners were appointed by this Court as Co-Executors of the Estate of Max B. Arnold, deceased.

II.

That thereafter, and on the 5th day of May A.D. 1956, said petitioners took the oath of office and filed herein the same.

III.

That thereafter and on the 5th day of May A.D. 1956, said Petitioners gave notice of their appointment and qualification as such Co-Executors, and at the same time gave notice to creditors of said Estate, requiring them to file their claims with proper vouchers and statutory affidavits attached with the Clerk of the above-entitled Court within three months from the date of the first publication of said notice to creditors, by causing the same to be published in the Battle Mountain Scout, a newspaper printed and published in Battle Mountain, Nevada, for a period of four weeks, and also by posting a similar notice in front of the Court house in said City, County of Lander, State of Nevada, all of which is shown by the affidavits of Avery Stitser and Helene T. Malloy, on file herein.

IV.

That the Inventory and Appraisement was filed herein, appraising all of the property belonging to said estate in the amount of \$30,852, and real property situate in the Counties of Lander and Eureka, State of Nevada, more particularly described as follows, to-wit: An undivided 1/2 interest in;

<u>Subdvn.</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>Acres</u>
All	1	30N	47B	671.88
All	3	"	"	664.68
All	5	"	"	663.12
All	7	"	"	1113.40
All	9	"	"	640.00
All	11	"	"	640.00
All	13	"	"	640.00
N $\frac{1}{2}$ SW $\frac{1}{4}$ & N $\frac{1}{2}$ of SE $\frac{1}{4}$	15	"	"	560.00
All	17	"	"	640.00
All	19	"	"	1121.98

<u>Subdvn.</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>Acres</u>
All	21	30N	47E	640.00
All	23	"	"	640.00
All	25	"	"	640.00
All	27	"	"	640.00
All	29	"	"	640.00
E $\frac{1}{2}$ Lots 1 4 5 10 & 16,	31	"	"	534.76
All Bal. US	33	"	"	640.00
All	35	"	"	640.00
				<u>12359.76</u>

All	1	29N	48E	638.80
All	5	"	"	642.12
All	7	"	"	622.12
All	9	"	"	640.00
All	11	"	"	640.00
All	13	"	"	640.00
All	15	"	"	640.00
All	17	"	"	640.00
All	19	"	"	625.68
All	21	"	"	640.00
All	23	"	"	640.00
All	25	"	"	640.00
All	27	"	"	640.00
All	31	"	"	634.04
All	33	"	"	640.00
All	35	"	"	640.00
All	1	30N	48E	637.22
All	3	"	"	624.46
All	5	"	"	621.24
All, Fractional	7	"	"	482.08
All	9	"	"	640.00
All	11	"	"	640.00
All	13	"	"	640.00
All	15	"	"	640.00
All	17	"	"	640.00
All Fractional	19	"	"	490.76

<u>Subdvn.</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>Acres</u>
All	21	30N	48E	640.00
All	23	"	"	640.00
All	25	"	"	640.00
All	27	"	"	640.00
All	29	"	"	640.00
All	31	"	"	556.01
All	33	"	"	694.79
All	35	"	"	649.36
All	3	31N	48E	642.69
All	5	"	"	641.62
All	7	"	"	639.06
All	9	"	"	644.76
All	11	"	"	645.55
All	13	"	"	640.00
All	15	"	"	640.63
NE $\frac{1}{4}$ and S $\frac{1}{2}$	17	"	"	485.40
All	19	"	"	602.38
All	21	"	"	639.74
All	23	"	"	640.00
All	25	"	"	640.00
All	27	"	"	640.00
All	29	"	"	640.00
All	31	"	"	635.88
All	33	"	"	640.00
All	35	"	"	635.76
				<u>10693.47</u>

NW $\frac{1}{4}$	5	29N	49E	247.85
All	7	"	"	608.36
All	19	"	"	609.40
All	31	"	"	608.80
NW $\frac{1}{4}$ and S $\frac{1}{2}$	5	30N	49E	481.31
All, Fractional	7	"	"	222.12
All	17	"	"	640.00
All, Fractional	19	"	"	224.16
All	29	"	"	640.00
All, Fractional	31	"	"	226.40
W $\frac{1}{2}$	7	31N	49E	313.66
W $\frac{1}{2}$	19	"	"	315.78
NW $\frac{1}{4}$ and S $\frac{1}{2}$	31	"	"	478.98

Also a one-half interest in the following water permits, approved by the Nevada State Engineer,

Nos. 13434, 13435, 13830, 13831, 13832, 13833, and 13834. Also desert Entry filed on the E $\frac{1}{2}$ of Sec. 8 T 29 N., R. 48E., and an approved application to appropriate water #14536.

V.

That within the time allowed by law, no claims were filed against the said estate with the Clerk of this Court.

VI

That your petitioner has paid out on account of costs and expenses of administration of said estate, and charges against said estate, the following sums, to-wit:

Filing fee, Lander County Clerk	\$25.00
Battle Mountain Scout	
Notice of Probate	\$21.00
Notice to creditors	\$26.40
Appraisers fee	\$20.00
Notice to Show Cause	\$32.50

VII.

That receipts and vouchers showing payment of all of said expenditures are now on file herein.

VIII.

That the following is a recapitulation showing the total amount received by your petitioners as co-executors of said estate, and the total amount expended by them as such co-executors, to-wit:

No Cas received	None
Cash on hand as per Inventory	None
Total amount Received	None

AMOUNT EXPENDED

Total amount of expenses	
Total amount of claims	None
Total amount expended	
Balance of cash on hand	

IX

That said deceased died testate on the 28th day of April A.D. 1955, in the County of Madera, State of California, and left and estate in the Counties of Lander and Eureka, State of Nevada, consisting of real property.

X

That all of the estate of said deceased which is now in the hands of your petitioners, as such Co-Executors, or of which they have any knowledge is as follows, to-wit: An undivided 1/2 interest in the following property located in Lander and Eureka Counties.

<u>Subdvn.</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>Acres.</u>
All	1	30N	47E	671.88
All	3	"	"	664.68
All	5	"	"	663.12
All	7	"	"	1112.40
All	9	"	"	640.00
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All	29	"	"	640.00
E $\frac{1}{2}$ Lots 1 4 5 10 & 16	31	"	"	534.76
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All	15	"	"	640.00
All	17	"	"	640.00
All	19	"	"	640.00
All	21	"	"	625.68
All	23	"	"	640.00
All	25	"	"	640.00
All	27	"	"	640.00
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Also a one-half interest in the following water permits, approved by the Nevada State Engineer,

Nos. 13434, 13435, 13830, 13831, 13832, 13833, and 13834. Also desert Entry filed on the E $\frac{1}{2}$ of Sec. 8 T 29 N., R. 48E., and an approved application to appropriate water #14536.

XI.

That the following are the names, ages, and residence of the next of kin and heirs at law of said deceased, so far as known to your petitioners, to-wit:

<u>NAMES</u>	<u>AGE</u>	<u>RELATIONSHIP</u>	<u>RESIDENCE</u>
Grace C. Arnold	over 21	Wife	Box 299, Madera, California
John Patrick Arnold	over 21	Son	Box 13 Beowawe, Nevada
Robert C. Arnold	over 21	Son	Rt. 1 Box 565 Fresno, California
Maxine A. Holmes	over 21	Daughter	Box 299, Madera California

XII.

That under the terms and provisions of the Last Will and Testament of the said MAX B. ARNOLD, said decedent did give, devise, and bequeath, and undivided 1/2 interest of the hereinbefore described real property which is itself an undivided 1/2 interest to Grace C. Arnold being community property interest of the deceased surviving Widow. An undivided 1/2 interest in the above described real property, which is itself an undivided 1/2 interest to Grace C. Arnold, surviving spouse, for a life tenancy, with the remainder over to the three (3) children of said deceased, share and share alike, John Patrick Arnold, Robert C. Arnold, and Maxine A. Holmes, but in the event of any of the three children dying, leaving no heirs, his or her share to the survivor of these children, share and share alike.

That from the balance now remaining in the hands of your petitioners, there is to be deducted the following expenses, of administration which have not been paid, to-wit:

Fees and Commissions of Co-Executors as allowed by Law.

A reasonable attorney fee for services rendered by the attorney for said Co-Executors and said Estate, to be fixed by the Court.

Attorney fee for Absent Heirs.

Filing fee for certified copy of Decree.

That all taxes which have been attached to or accrued against the Estate and/or the property belonging

to said Estate, have been paid.

XIII.

That said Estate is now in a condition to be wound up, settled, and closed.

XIV.

And the Court further expressly finds in the records and files herein, and the evidence given upon this hearing that all of the allegations contained in said First and Final Account and Petition for Distribution, are true and correct; that the Co-Executors, have accounted for all of the assets and property belonging to this Estate coming into their hands as such Co-Executors, and have reduced to possession all of the known assets belonging to said estate, or those which with reasonable diligence could be ascertained or discovered; that the items for which the Co-Executors ask to be allowed credit as set out in said account were proper and necessary charges against the Estate, were reasonable in amount, and are evidenced by receipts and vouchers filed herein, and that said Co-Executors should be allowed credit therefore.

XV.

And the Court further expressly finds, that due and legal notice of the appointment of Co-Executors, and notice to creditors has been given as required by Law; that the time for filing claims against this estate has expired; that within the time allowed by law, there were no claims filed against this Estate.

XVI.

And the Court further expressly finds that all costs and expenses of administration upon this estate, have been paid and satisfied, except, a reasonable fee to be allowed the Attorney Richard G. Campbell for the Co-Executors of said Estate, a reasonable fee to be allowed the Attorney appointed to represent the absent heirs; Fees and Commissions of the Co-Executors as allowed by law; That the fees and commissions of the Co-Executors as allowed by law amount to nothing. Attorney for absent heirs, for services rendered is the sum of \$100.00. A reasonable fee to be allowed the Attorney for Co-Executors of said Estate \$850.00,

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

FIRST: That due and legal notice to creditors has been given as required by law.

SECOND: That the First and Final Account of the Co-Executors in all respects, be, and the same hereby is settled, allowed, approved, and confirmed as rendered.

THIRD: That the Co-Executors be, and they are hereby authorized and directed to pay unto Richard G. Campbell, Attorney for said Co-Executors, and said Estate, as compensation in full for all services rendered, the sum of \$850.00; unto Grace C. Arnold and John Patrick Arnold for fees and commissions of said Co-Executors, the sum of nothing. Unto George Holden, as Attorney appointed by Court for representing the absent heirs; the sum of \$100.00.

FOURTH: That the whole of the rest, residue, and remainder of this Estate, Now known, and hereinafter described, together with any and all property belonging to this estate, or in which it has any interest, now known or discovered, and wheresoever situate be and the hereby is distributed and set apart as follows, to-wit:

An undivided 1/2 interest in the following property located in Lander and Eureka Counties.

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Also a one-half interest in the following water permits, approved by the Nevada State Engineer

Nos. 13434, 13435, 13830, 13831, 13832, 13833 and 13834. Also desert Entry filed on the E $\frac{1}{2}$ of Sec. 8, T 39N., R 48E and an approved application to appropriate water #14536.

FIFTH: That upon the Co-Executors filing herein, receipts and vouchers showing that distribution of this Estate has been made, that this estate be wound up, settled, and closed, and said Co-Executors discharged from their trust.

DONE IN OPEN COURT this 5th day of November A.D. 1956.

John F. Sexton
DISTRICT JUDGE

CLERK'S Office of the Third Judicial District Court)
 of the State of Nevada, in and for the County of Lander.)

I, the undersigned Clerk of said Court, do hereby certify the foregoing to be full, true and correct copy of ORDER APPROVING, ALLOWING AND SETTLING FIRST AND FINAL ACCOUNT AND DECREE OF DISTRIBUTION, In the Matter of the Estate of MAX B. ARNOLD, Deceased.

Attest my hand and Seal of said Court, this 9th,
 day of November A.D. 1956.

:Helene T. Malloy, Clerk

Recorded at the Request of Richard G. Campbell, November 15 A.D. 1956, At 3 P.M.

E. B. Crane, Recorder.
 By Marian Herrera, Deputy.