

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

No. 658

Filed: July 20th, 1959

JAMES MORRISON, Clerk

In the Matter of the Estate of
JESSIE MAHONEY,
Deceased.

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

THERESA MAHONEY, as the Executrix of the LAST WILL AND TESTAMENT of JESSIE MAHONEY, Deceased, having rendered and filed herein her First and Final Account and Petition for Final Distribution, and said account and petition having been duly and regularly set for hearing this 20th day of JULY, 1959, and the matter having come on duly for hearing, and notice having been given as required by this Court, the Petitioner being present in Court with her attorney, ROSS P. EARDLEY, of the firm of WRIGHT & EARDLEY of Elko, Nevada; and all of the heirs at law, legatees and devisees having filed herein their written appearance consenting to the hearing of said account and petition and waiving notice thereof and further waiving the making and filing of a First and Final Account and any other account; and no one appearing to oppose said account or petition, and no one having filed any objections thereto, and proof having been made to the satisfaction of the Court, the Court finds that all of the allegations of the Petition are true.

The Court finds that Notice to Creditors of said Estate has been given in the manner and form required by law, as more fully appears from the Affidavits of Posting and Publication on file herein; that the time for filing creditor claims has expired, that all Creditor Claims have been paid in full; that all of the expenses of the last illness and funeral have been paid.

The Court finds that JESSIE MAHONEY died testate on the 12th day of June, 1956, in the City of Elko, County of Elko, State of Nevada, and at the time of her death was a resident of the County of Eureka, State of Nevada, and left an estate in EUREKA COUNTY and LANDER COUNTY, State of Nevada, consisting of real and personal property exceeding \$3,000.00 in value.

The Court further finds that the accounting of Petitioner was duly waived by all the heirs at law, legatees and devisees of the above entitled estate.

The Court finds that WRIGHT & EARDLEY, attorneys for the Executrix have advanced costs of administration in the sum of \$60.58 and that said attorneys are also entitled to a reasonable attorney fee for their services to the Estate, and the Court hereby fixes and allows the sum of \$1,000.00 for said attorney fees. The Court further finds that the Executrix has in open Court waived any Executrix fees or any allowances to which she may be entitled.

The Court further finds that the deceased left a LAST WILL AND TESTAMENT which has been duly admitted to probate in this matter, and the Court further finds that the heirs at law of the decedent and the legatees and devisees mentioned in said Will are as follows:

NAME	RELATIONSHIP	AGE	ADDRESS
AILEEN SCHLAGER -	Daughter,	over 21 years	137 Maple St., Elko, Nev.
MARY GUISTI -	Daughter,	over 21 years	162 Elm St., Elko, Nev.
THERESA MAHONEY -	Daughter,	over 21 years	Beowawe, Nevada.

The LAST WILL AND TESTAMENT of the decedent provides that all property known as or used in connection with the MAHONEY RANCH in Beowawe, Nevada, together with the mining claims known as TENABO No. 1 and TENABO No. 2, is to be distributed to said THERESA MAHONEY. The Mining Claim known as BRONKO No. 1 is to be distributed to said AILEEN SCHLAGER; the Mining Claim known as BRONKO No. 2 is to be distributed to said MARY GUISTI. All of the remaining property in the Estate is to be distributed equally among the three said daughters. The costs of administration and attorney fees to be proportioned among the respective properties in accordance with their appraised values.

The Court finds that the property now on hand for distribution, subject to the payment of the above-mentioned costs of administration and attorney fees, is that property specifically described in the Petition for Distribution and more particularly described hereafter. The Court further finds that said Estate is in a condition to be closed and said property distributed.

IT IS FURTHER ORDERED that the following described property be, and the same hereby is, distributed to THERESA MAHONEY, Beowawe, Nevada, the daughter of said decedent:

The following property known as or used in connection with the MAHONEY RANCH, at Beowawe, Nevada:

A FULL interest in and to the following described real and personal property situate in the County of EUREKA, State of NEVADA:

All that certain property situated in the County of Eureka, State of Nevada, and more particularly described as follows, to-wit:

Section 1, T. 31 N., R. 48 E., M.D.B. & M; E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 36, T.32 N., R. 48 E., M.D.B.& M; SW $\frac{1}{4}$ and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 31, T. 32 N., R. 49 E., M.D.B.& M.; containing 956.42 acres of land, more or less, together with all water and water rights, and all range and range rights, connection therewith;

Save and except and reserved therefrom that part thereof held by the United States of America, for the purpose of an AIRPORT, described as follows, to-wit:

Beginning at a point which is 729.5 feet S. from the NW corner of Section 1, T. 31 N., R. 48 E., M.D.B.&M., Eureka County, State of Nevada, said point being on the W. line of said Section One (1); Thence N. 64° 51' E., 1577.7 feet; Thence N. 88° 33' E., 2082.4 feet; to the produced line of an existing barbed wire fence;

Thence S. 17° 08' W., along said produced line and said barbed wire fence 1871.00 feet to a second existing barbed wire fence; Thence S. 73° 52' W., along last said barbed wire fence 2597.1 feet;

Thence N. 21° 58' W., 1241.7 feet to the said W. line of said Section 1;

Thence N. along the said W. line of said Section 1, 634.8 feet to a point of beginning, containing an area of 141 acres, more or less, all property lying in the NW $\frac{1}{4}$ and the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 1.

TOGETHER with all buildings and improvements thereon, and all furniture, furnishings and fixtures therein.

TOGETHER with all water, water rights and stock-watering rights attached thereto and all grazing privileges including all Taylor Grazing privileges attached to the above property.

MISCELLANEOUS FARM AND RANCH MACHINERY:

1 Disc, 1 Farmall Tractor & Power Mower Equipl, 1 Jenkins Stacker, 1 Old Sulky Rake,

3 Horse Buckrakes, 1 Rubber Tired Wagon, 1 Wagon, 1 John Deere Seeder, 1 Tractor
3--gang plow, All Saddles, Harness and other misc. farm machinery and equipment

ALL HORSES and CATTLE and other livestock on the said MAHONEY RANCH, and being branded partly with a 2U Brand made thus: 2U

and partly with a WJ Brand made thus: WJ

Being approximately 20 head of HORSES and 250 head of CATTLE together with all of the increase and additions to said horses, cattle and other livestock.

BRANDS for Horses and Cattle known as the 2U and WJ made thus: 2U WJ

ALSO those certain unpatented mining claims situated in the BULLION MINING DISTRICT in the County of LANDER, State of NEVADA, known as TENABO No. 1 and TENABO No. 2, together with any and all rights to any leases of ore or parts of said mining claims.

IT IS FURTHER ORDERED that the following described property be, and the same hereby is, distributed to AILEEN SCHLAGER, Elko, Nevada, the daughter of said decedent:

All those certain unpatented mining claims situated in the BULLION MINING DISTRICT in the County of LANDER, State of Nevada, known as BRONKO No. 1, together with any and all rights to any leases of ore or parts of said mining claim.

IT IS FURTHER ORDERED that the following described property be, and the same hereby is, distributed to MARY GUISTI, Elko, Nevada, the daughter of the said decedent:

All those certain unpatented mining claims situated in the BULLION MINING DISTRICT in the County of LANDER, State of NEVADA, Known as BRONKO No. 2, together with any and all rights to any leases of ore or parts of said mining claim.

IT IS ORDERED, ADJUDGED AND DECREED That the Executrix pay to the firm of WRIGHT & EARDLEY, Attorneys, the sum of \$1,000.00 for attorney fees and \$60.58 for costs of administration advanced, together with any closing costs; that said costs and attorney fees be paid proportionately from the respective properties herein distributed in accordance with their appraised value.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all of the rest, residue and remainder of said Estate, and any other property not known or discovered which may belong to said Estate, be, and the same hereby is, distributed in equal shares to THERESA MAHONEY, AILEEN SCHLAGER and MARY GUISTI, the daughters of the decedent. That said property which is now known is more particularly described as follows, to-wit:

An UNDIVIDED interest as follows in and to the following described real and personal property situate in the County of LANDER, State of NEVADA, and being the interest of the decedent in the property belonging to the Estate of JOHN C. CALLAGHAN, Deceased, ELIZA McAFEE, Deceased, and GERTRUDE CALLAGHAN, Deceased:

- (a) Undivided one-third (1/3) interest in and to the following real and personal property situate in LANDER COUNTY, State of NEVADA:

T. 21 N., R. 45 E., M.D.B. & M.

Section 26: N $\frac{1}{2}$ NW $\frac{1}{4}$;
27: N $\frac{1}{2}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ NW $\frac{1}{4}$;
28: N $\frac{1}{2}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ NW $\frac{1}{4}$;
SE $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$;
23: S $\frac{1}{2}$ SW $\frac{1}{4}$;

Together with all buildings and improvements thereon and all water, water rights, and stockwatering rights attached thereto, and all range rights and grazing rights or privileges in connection with said land.

Together with all ranch and farm equipment, furniture and furnishings and all horses.

- (b) An Undivided one-third (1/3) interest in and to Lots 8 and 9, Block 24AN of the Town of AUSTIN, County of LANDER, State of NEVADA; together with a FRAME BUILDING and all other improvements thereon and all household furniture therein.

- (c) An Undivided one-third (1/3) interest in and to 175 head of CATTLE branded with the Quarter Circle One Brand made thus: T

And an undivided one-third (1/3) interest in and to 175 head of CATTLE branded with the Box Brand made thus: □

Together with an undivided one-third (1/3) interest in all of the increase and additions to all of said cattle.

- (d) An Undivided one-third (1/3) interest in and to the QUARTER CIRCLE ONE BRAND made thus: T

for cattle on the right hip and horses on the right hip and together with the earmarks incident thereto.

IT IS FURTHER ORDERED that the said Executrix, THERESA MAHONEY, be discharged as such Executrix upon her filing herewith receipts for the payment and distribution of all sums of money and property herein ordered to be paid and distributed.

DATED: This 20 day of JULY, 1959.

JOHN F. SEXTON

DISTRICT JUDGE

STATE OF NEVADA,)
) ss.
County of Eureka .)

I, J. D. Morrison 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 Order and Decree of Settlement in the Matter of Jessie Mahoney, 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 office in the town of Eureka, this 20 day of July, A.D., 1959.

(Official Seal)

J. D. Morrison, County Clerk,
and ex-officio Clerk of the District Court, Eureka County

Recorded at the Request of Theresa Mahoney July 20, A.D. 1959 At 02 minutes past 3 P. M.

Willis A. DePaoli - Recorder