

File No. 34622

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

ROSALIE BEBICH, also known as

ROSALIE D. BEBICH, and also known

as ROSALIE ESPINAL,

DECEASED.

No. 678Filed: December 9, 1959J. D. Morrison, Clerk

KENNETH L. MANN
Attorney At Law
Elko, Nevada

Attorney for Administrator

ORDER SETTLING FIRST AND FINAL ACCOUNT AND SUPPLEMENTAL
ACCOUNT, AND DECREE OF DISTRIBUTION

JOHN BEBICH, Administrator of the Estate of ROSALIE BEBICH, also known as ROSALIE D. BEBICH, and also known as ROSALIE ESPINAL, deceased, having heretofore rendered and presented for settlement and allowance his First and Final Account and Petition for Distribution of said estate, and notice of the hearing of said account and petition having been duly given by posting and publication as required by law, and the same having come on duly and regularly for hearing on Monday, the 20th day of July, 1959, at 10:00 A.M., pursuant to said notice; and the matter having been heard before the Honorable JOHN F. SEXTON, District Judge, and said Administrator having been examined under oath in support of his said Account and Petition; and it appearing therefrom that said account is in all respects true and correct and entitled to be settled, allowed and approved as filed, and that said Administrator has taken possession of all of the assets of said estate situate in the State of Nevada, AND GOOD CAUSE APPEARING THEREFOR:

IT IS HEREBY ORDERED, that said First and Final Account and Supplemental Account be, and the same hereby is settled, allowed, and approved as rendered.

IT IS FURTHER ORDERED AND DECREED, that due and legal notice to creditors of said estate has been given.

SAID COURT HEREBY FINDS:

That ROSALIE BEBICH was also known as ROSALIE D. BEBICH and as ROSALIE ESPINAL, and they were one and the same person; that the said ROSALIE BEBICH Died in the County of White Pine, State of Nevada, on or about the 26th day of March, 1958; that she left an estate consisting of certain real and personal property situate in the County of Eureka, State of Nevada; that at the time of her death decedent was a resident of the County of Eureka, State of Nevada.

That said decedent died intestate.

That JOHN BEBICH was appointed Administrator of said estate by order of this Court on the 14th day of May, 1958, and duly qualified as such Administrator on said day, and thereupon entered upon the administration of said estate of decedent, and is now the duly appointed, qualified and acting Administrator of said estate.

That said Administrator has caused to be filed herein his bond in the sum fixed by this Court, which Bond was approved by this Court.

That Notice to Creditors has been duly posted and published as required by law, as will appear from the file herein; that the time has expired for creditors to file their claims herein.

That said Administrator duly made and filed with this Court a true Inventory and Appraisement of all the estate of said deceased, which has come to his possession or knowledge.

That all creditors have been paid save and except the claim of Wilson-Bates Mortuary, whose claim in the sum of \$580.40 has been approved by the Administrator.

That the funeral expenses and expenses of last illness of decedent have been paid, save and except the sum of \$35.00 payable to Rev. Anton Stopar, for funeral services, and certain payments which have been advanced by the Administrator and which are detailed hereinafter.

That WILLIAMS and MANN, Attorneys at Law, have advanced the sum of \$27.43 as costs of administration.

That KENNETH L. MANN has advanced the sum of \$41.40, as costs of administration. That these costs were advanced in payment of filing fees and publication costs and are proper charges.

That the Administrator has made certain advancements in the total sum of \$323.80, as set forth in the First and Final Account, which advancements are proper charges and which should be reimbursed to the Administrator.

That the firm of WILLIAMS and MANN, Attorneys at Law, Elko, Nevada, and KENNETH L. MANN, have served as the Attorney for the said Administrator and the Court finds and fixes the sum of \$700.00 as a reasonable attorney fee to be allowed said attorneys.

That the statutory fees and commissions allowable by law and payable to said Administrator are the sum of \$242.48. That all the property of the said Decedent, and inventoried in said estate proceeding, was the separate property of said Decedent, having been acquired by her prior to her marriage to the Administrator; that Decedent died leaving a surviving husband and three children living; that there were no deceased children, or lawful issue of any deceased children; that pursuant to the laws of the State of Nevada, said estate should be distributed one-third to the surviving husband and the remaining in equal shares to Decedent's children. That the names of said heirs, all of whom are of legal age, are as follows:

JOHN BEBICH, surviving husband
WILLIS DEPAOLI, Son
CAROL DARROUGH, Daughter
CAPT. GUY S. CARDINALLI, Son

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED:

1. That the said Administrator pay to WILLIAMS and MANN, the sum of \$27.43 for costs advanced.

That the said Administrator pay to KENNETH L. MANN, the sum of \$41.40 for costs of administration advanced.

2. That the said Administrator pay the sum of \$700.00, as a reasonable attorney fee, to KENNETH L. MANN, as the attorney for said Administrator, in full payment of all fees payable to the said KENNETH L. MANN or WILLIAMS and MANN.

3. That the said Administrator pay the sum of \$7.50 each to the three Appraisers, heretofore appointed by this Court.

4. That the said Administrator pay the sum of \$580.40 to WILSON-BATES MORTUARY in full payment of the creditor's claim filed herein by such creditor.

5. That the said Administrator pay the sum of \$35.00 to Rev. ANTON STOPAR, as the portion of the funeral expenses which are now unpaid.

6. That the Administrator pay to himself the sum of \$242.48 as and for his statutory fees and commissions, and the further sum of \$323.90 for advancements made by him from any funds in the possession of the administrator. In the event that there are not sufficient moneys to make such payments, the payment of said sum of money shall be deferred, pursuant to the written consents of all of the heirs of said estate, filed herein, providing for the payment of such sums of money from the accruing and unpaid amounts now due on that certain contract of sale between the Decedent and LEE STRESHLEY.

7. That after payment of the foregoing amounts, that all of the rest, residue and remainder of the property of said Decedent be distributed as follows:

An undivided one-third interest unto JOHN BEBICH;

An undivided two-ninths interest unto WILLIS DePAOLI;

An undivided two-ninths interest unto CAROL DARROUGH;

an undivided two-ninths interest unto Capt. GUY S. CARDINALLI

8. That the property distributed to the heirs of the Decedent, in the shares as above specified, is all of that certain property hereinafter particularly described as follows:

All cash on hand, if any, after payment of costs of administration, and attorney fees and creditors' claims.

Real property situate in the Town of Eureka, County of Eureka, State of Nevada, bounded and particularly described as follows, to-wit:

Lots 1, 2 and 3 in Block 31, in the Town of Eureka, County of Eureka, State of Nevada, together with one frame residence, one cabin and shed thereon.

Furniture in residence on above property;
1 Flamo kitchen stove

- 1 - 30 gal. Flamo hot water heater
- 1 - Steel kitchenette table with 4 chairs
- 1 Double bed
- 1 Chest of Drawers
- 1 Living room oil stove

Furniture in cabin on above property:

- 1 Flamo kitchen stove
- 1 wooden kitchen table with 2 chairs
- 1 leather chair
- 1 double bed
- 1 chest of drawers
- 1 living room oil stove

Real Property:

Lot 18 in Block numbered 7; also all that part of Lot 19 in Block 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 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; thence N. 9° 21' W., along 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, all in the Town of Eureka, County of Eureka, State of Nevada, together with fram duplex residence situate thereon, and shed.

Furniture in North Duplex:

- 1 Chest of drawers
- 1 Oil stove in kitchen

Furniture in South Duplex:

- 1 - 3 pc. bedroom set complete
- 1 bedroom chair
- 1 - 2 pc. living room set
- 1 reclining leather easy chair
- 1 coffee table
- 1 magazine rack
- 1 living room oil stove
- 2 large scatter rugs
- 1 floor lamp
- 1 steel kitchen table with 4 chairs
- 1 Flamo kitchen stove
- 1 - 30 gal. Flamo hot water tank
- 1 Flamo refrigerator
- 1 washing machine
- misc. dishes and utensils

Contract for the sale of 50 head of cattle to Lee Streshley, dated September, 1956, said contract being in writing and providing for payment of a total sum of \$5,000.00 over a period of five years, with interest at the rate of 5% per annum, Amount payable on said contract as of date of final accounting is the sum of \$2,000.00, plus accrued interest at 5% per annum from September 19, 1958.

Account receivable from Pete Etcheverry for sale of springs in Nye County, Nevada, \$750.00

Any and all causes of action which the decedent had as against Ed Bloyed.

9. That any other property owned by the Decedent, or in which she had any interest, and not hereinabove described, or which has not been inventoried in said estate, or which may hereafter be discovered, if the same be separate property of said Decedent, shall be and the same hereby is distributed unto the said JOHN BEBICH, WILLIS DePAOLI, CAROL DARROUGH, and Capt. GUY S. CARDINALLI, in the same shares as specified hereinabove in paragraph numbered 7.

10. That upon the filing of receipts and vouchers, showing compliance with the orders expressed herein, said Administrator shall be hence dismissed from his trust and his bondsmen exonerated.

11. IT IS FURTHER ORDERED, that the real property, hereinabove described, and ordered distributed to the heirs of said Decedent, shall be distributed to them, subject to that certain Deed of Trust, executed by the Decedent in favor of the First National Bank of Ely, Nevada, which Deed of Trust is recorded in Book H of Mortgages at Page 505, in the records of the Eureka County Recorder's office, Eureka, Nevada.

DONE IN OPEN COURT the 20th day of July, 1959, and this written Decree signed this 2nd day of December, 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 Settling First and Final Account and Supplemental Account and Decree of Distribution, Estate of Rosalie Bebich, Deceased as appears 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 9th day of December, 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 Kenneth L. Mann, December 23, A.D., 1959 At 51 minutes past 9 A.M.

Willis A. DePaoli - Recorder.