

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
MARIA PIERETTI,
DECEASED.

No. 2360

Filed: September 10, 19 63

R. L. KANE, Clerk

By R. F. JOHNS, Deputy

MANN AND SCOTT
Attorneys at Law
575 Court Street
Elko, Nevada

Attorneys for Executor

ORDER SETTLING FIRST AND FINAL ACCOUNT AND
DECREE OF DISTRIBUTION

JOE PIERETTI, Executor of the Estate of MARIA PIERETTI, deceased, having heretofore rendered and presented for settlement and allowance his First and Final Account and First and Second Supplemental Accounts and Petition for Distribution of said estate, and notice of the hearing of the said accounts and petition having been duly given by posting, publication and mailing, as required by law and the order of this Court; and duly acknowledged consents having been filed herein by Tosca Sullivan and Dominick Pieretti, and said matter having come on duly and regularly to be heard before the above-entitled Court on the 15th day of August, 1963, at the hour of eleven o'clock A.M., and having been heard before the Honorable TAYLOR H. WINES, District Judge; there being present in Court the said Executor and one of his attorneys, KENNETH L. MANN, and said Executor having been examined under oath in support of his said accounts, and oral and documentary evidence having been produced, and it appearing that said accounts are in all respects true and correct and entitled to be settled, allowed and approved as filed, and that said Executor has taken possession of all of the assets of said estate and accounted therefor, AND GOOD CAUSE APPEARING THEREFOR:

IT IS HEREBY ORDERED, that said First and Final Account and Supplemental Accounts be, and the same hereby are settled, allowed, approved and confirmed 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 MARIA PIERETTI died on or about the 16th day of March, 1962, at St. Mark's Hospital in Salt Lake City, Utah; that at the time of her death decedent was a resident of the Town of Carlin, in the County of Elko, State of Nevada, and left an estate consisting of certain real and personal property situate in the counties of Elko and Eureka, in the State of Nevada.

That said decedent left a Last Will and Testament dated May 15, 1955, which said

Last Will and Testament has been admitted to probate by this Court.

That no bond was required by said decedent and none was required by this Court.

That notice to creditors has been given as required by law, the same having been duly posted and published, as appears by the affidavits on file herein; that the time has expired for creditors to file their claims herein.

That said Executor has duly made and filed herein an Inventory and Appraisement; that said appraisers have submitted a statement of fees, which has been approved by the Executor, providing for the payment of \$150.00 to Gerald F. Trescartes, the sum of \$50.00 to Archie J. Dewar, and the sum of \$50.00 to Roy Young, which sums of money have not been paid to said appraisers.

That no creditors' claims have been filed against said estate.

That the statutory fees and commissions allowable by law and payable to said Executor is the sum of \$3,244.87.

That MANN & SCOTT, Attorneys at Law, Elko, Nevada, have advanced the sum of \$55.88 for costs of administration, which sum has not been reimbursed to them.

That MANN & SCOTT, Attorneys at Law, Elko, Nevada, have acted as attorneys for said Executor, and the Court finds that a reasonable fee to be allowed for the services of said attorneys is the sum of \$8,230.00.

That said estate consists of cash on hand in the sum of \$23,140.97, subject to the payment of fees, commissions and closing costs, and the real and personal property which is hereinafter particularly described.

That under the terms of decedent's Last Will and Testament decedent made a specific bequest unto her surviving husband, JOE PIERETTI, of all of her interest in the buildings and land which comprised the home and principal place of abode of the said MARIA PIERETTI and JOE PIERETTI in Carlin, Nevada, together with all furnishings, furniture and household goods and tangible personal property in and about said home and principal place of abode; that at the time of decedent's death, and for many years prior thereto, the decedent and her said husband maintained a residence situate on Lots 6 and 7 of Block J in Carlin, Nevada.

That under the terms of decedent's Last Will and Testament decedent made a specific bequest of \$3,000.00 each to her surviving childred, TOSCA SULLIVAN and DOMINICK PIERETTI; that said childred survived the decedent.

That under the terms of decedent's Last Will and Testament decedent made provision for the creation of an educational trust, bequeathing the sum of \$4,000.00 in trust to her husband, JOE PIERETTI, as Trustee, to be, as provided in said Will, for the advanced education of her son, DOMINICK PIERETTI; that said Last Will and Testament further provided that if said son shall have completed a four year college course, or trade school, at the time of her death, that such gift would lapse and become a part of the residue of her estate; that at the time of decedent's death the said Dominick Pieretti had completed a four year college course and that such gift has lapsed and has become a part of the residue of decedent's estate.

That all of the property particularly described in the Inventory and Appraisement on file herein and accounted for by said Executor to this Court was the community property of decedent and her said husband, JOE PIERETTI.

That under the terms of decedent's Last Will and Testament all of the residue of her estate was given, devised and bequeathed one-half unto her surviving husband, JOE PIERETTI, and one-half unto JOE PIERETTI in trust for the uses and purposes specified in the said Last Will and Testament.

That pursuant to the order of this Court, said Executor was authorized to borrow the sum of \$27,333.66 from JOE PIERETTI in his individual capacity, which said sum of money has not been repaid and that all persons interested in said estate have consented to the distribution of said estate subject to the charge of such indebtedness.

That said estate is now in condition to be closed and distributed, AND GOOD CAUSE APPEARING THEREFOR;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That said Executor pay the sum of \$150.00 unto GERALD F. TRESCARTES, the sum of \$50.00 unto ARCHIE J. DEWAR, and the sum of \$50.00 unto ROY YOUNG, as and for their appraisers' fees.

2. That said Executor pay unto MANN & SCOTT, Attorneys at Law, the sum of \$55.88, to reimburse said attorneys for costs of administration advanced.

3. That said Executor pay unto MANN & SCOTT, Attorneys at Law, the sum of \$8,230.00 as and for their attorney fees allowed.

4. That said Executor pay unto himself the sum of \$3,244.87, as and for his statutory fees and commissions.

5. That said Executor pay the closing costs including publication of notice of

the First and Final and Supplementary Accounts and Petition for Distribution, and the necessary charges for recording certified copies of this Decree of Distribution in each county where the real property is located.

6. That said Executor pay the sum of \$3,000.00 unto TOSCA SULLIVAN.

7. That said Executor pay the sum of \$3,000.00 unto DOMINICK PIERETTI.

8. That the balance of the cash on hand, after the payment of the costs, fees and commissions as set forth herein, shall be paid one-half unto the said JOE PIERETTI individually, and one-half unto JOE PIERETTI as Trustee of the Testamentary Trust established by decedent in her Last Will and Testament, for the uses and purposes as are set forth hereinafter in paragraph number 14.

9. That that certain United States Treasury Bond, No. 12016F, issued in the name of MARIA PIERETTI in the principal amount of \$500.00, be and the same hereby is distributed, one-half unto JOE PIERETTI individually, and one-half unto JOE PIERETTI as Trustee of the Testamentary Trust established by decedent in her Last Will and Testament, for the uses and purposes as set forth hereinafter in paragraph number 14.

That an identical Bond, being No. 12017H, issued in the name of GIUSEPPI PIERETTI, is confirmed unto the said GIUSEPPI PIERETTI, who is also known as JOE PIERETTI, as his sole and separate property, in lieu of his community interest in Bond No. 12016F.

10. That an individed one-half interest in and to the following described property is confirmed in the said JOE PIERETTI as his community interest in such property, and the remaining one-half interest, being the community interest of the decedent be, and the same hereby is distributed unto the said JOE PIERETTI, which property is particularly described as follows:

Lots 6 and 7 in Block J of the Town of Carlin, in the County of Elko, State of Nevada, as the same appears on the official map or plat thereof on file in the Elko County Recorder's office, Elko, Nevada.

Together with all buildings and improvements situate thereon, and together with all furniture, furnishings, fixtures and personal property and personal effects of the decedent, situate therein.

11. That decedent's interest in and to the following described property, which was operated in a partnership with JULIA PACINI, should be distributed in kind, pursuant to the consent of the surviving partner, filed herein. That one-half of the decedent's one-half interest in and to said property ($\frac{1}{4}$ of the whole) is hereby confirmed in JOE PIERETTI, as his community interest in and to said property. That one-half of decedent's community interest in and to said property ($\frac{1}{8}$ of the whole) be, and the same hereby is distributed unto JOE PIERETTI individually, and the remaining one-half of decedent's interest ($\frac{1}{8}$ of the whole) is hereby distributed unto JOE PIERETTI as Trustee of the Testamentary Trust created by decedent's Last Will and Testament, and for the uses and purposes set forth hereinafter in paragraph number 14. Said property is particularly described as follows:

Lot 5 of Block A of the Town of Carlin, in the County of Elko, State of Nevada, as the same appears on the official map or plat thereof on file in the Elko County Recorder's office, Elko, Nevada.

Together with all buildings and improvements situate thereon.

12. That decedent's community interest in and to certain real and personal property operated by Frank GIURLANI and JOE PIERETTI as a partnership be, and the same hereby is distributed as follows:

One-half of decedent's community interest ($\frac{1}{8}$ of the whole), is hereby distributed unto JOE PIERETTI individually. The remaining one-half of decedent's community interest ($\frac{1}{8}$ of the whole) is hereby distributed unto JOE PIERETTI as Trustee of the Testamentary Trust created by decedent's Last Will and Testament, and for the uses and purposes set forth hereinafter in paragraph number 14. Said property is particularly described as follows:

Lots 3, 4 and 5 of Block J and Lots 7, 8 and the easterly 3 feet of Lot 9 in Block B of the Town of Carlin, County of Elko, State of Nevada, as the same appear upon the official map or plat thereof on file in the Elko County Recorder's office, Elko, Nevada.

Together with all buildings and improvements situate thereon.

One-half of the total community interest of decedent and JOE PIERETTI ($\frac{1}{4}$ of the whole) is hereby confirmed unto JOE PIERETTI as his community interest in and to said property.

13. One-half of decedent's community interest in and to the following described property ($\frac{1}{8}$ of the whole) is hereby distributed unto JOE PIERETTI INDIVIDUALLY, and one-half of the decedent's community interest in and to said property ($\frac{1}{8}$ of the whole) is hereby distributed unto JOE PIERETTI as Trustee of the Testamentary Trust created by decedent's Last Will and Testament, and for the uses and purposes set forth hereinafter in paragraph number 14. Said property is particularly described as follows:

PARCEL I.In T. 29 N., R. 52 E., M.D.B.&M.

Section 4: $E\frac{1}{2}NW\frac{1}{4}$; $SW\frac{1}{4}$
 5: $SE\frac{1}{4}$; $SW\frac{1}{4}NE\frac{1}{4}$
 8: $E\frac{1}{2}$
 9: $W\frac{1}{2}$
 16: $NW\frac{1}{4}$; $W\frac{1}{2}SW\frac{1}{4}$
 17: $NE\frac{1}{4}$
 21: $NW\frac{1}{4}$

Containing 1640 acres, more or less.

PARCEL II.In T. 29 N., R. 52 E., M.D.B.&M.

Section 20: $SE\frac{1}{4}NE\frac{1}{4}$; $SE\frac{1}{4}SE\frac{1}{4}$; $SW\frac{1}{4}SE\frac{1}{4}$
 32: $E\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$; $W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$

In T. 30 N., R. 52 E., M.D.B. & M.Section 28: $NW\frac{1}{4}SW\frac{1}{4}$

Containing 200 acres, more or less.

PARCEL III.In T. 28 N., R. 52 E., M.D.B. & M.

Section 5: All

In T. 29 N., R. 51 E., M.D.B. & M.

Section 1: All
 3: All
 5: All
 7: All
 9: All
 13: All
 15: All
 17: All
 19: All
 21: All
 23: All
 25: All
 27: All
 29: All

In T. 29 N., R. 52 E., M.D.B. & M.

Section 1: All
 5: Lot 2 of $NE\frac{1}{4}$
 7: All
 13: All
 15: $E\frac{1}{2}$
 17: $NW\frac{1}{4}$; $S\frac{1}{2}$
 23: All
 25: All
 29: All
 35: All

In T. 29 N., R. 53 E., M.D.B. & M.

Section 3: $W\frac{1}{2}$
 5: All
 7: All
 8: All
 9: All
 10: $N\frac{1}{2}NW\frac{1}{4}$
 15: $W\frac{1}{2}$
 17: All
 19: All
 21: All
 29: All
 31: All
 33: $N\frac{1}{2}$

In T. 30 N., R. 51 E., M.D.B. & M.

Section 31: All
 33: All
 35: All

In T. 30 N., R. 52 E., M.D.B. & M.

Section 31: All

In T. 30 N., R. 53 E., M.D.B. & M.

Section 31: All Fractional
 33: All

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

Together with all water, water rights, rights to the use of water, dams, ditches, canals, pipelines and reservoirs for the use of water, and all other means for the diversion or use of water appurtenant to the said property or any part thereof, or used or enjoyed in connection therewith, including all rights appurtenant to the said lands as decreed in the so-called Humboldt River adjudication, Civil Action 2804, Sixth Judicial District Court, Humboldt County, Nevada, and together with all stock-watering rights used or enjoyed in connection with the use of any of said lands, and in addition all range rights, grazing rights, and in particular, but without limitation thereto, all rights to graze livestock on the public domain under what is commonly known as the Taylor Grazing Act, and used or enjoyed in connection with the use of any of said property.

Together with all buildings, dwelling houses, barns, sheds, garages and fences, and all other improvements situate on said real property.

Together with all interest in and to all range improvement projects, reseeding, fences and cooperative agreements with the Bureau of Land Management, and together with any preference rights for reimbursement or compensation from condemnation, withdrawal or loss of the benefits of any such improvements, projects, rights, privileges or appurtenances.

PERSONAL PROPERTY:

1 Residence and Cookhouse
 1 Bunkhouse
 1 Chicken House and Shed
 Garage and Barn
 1 - 1952 D-4 Caterpillar
 1 - Diesel Engine and Pump
 1 - Diesel Engine and Pump
 1 - 1950 2 Ton Chevrolet Truck
 1 - 1962 Ford Pickup
 1 - Light Plant
 3 - John Deere Tractors, 1946, 1951, 1940
 2 - International Tractors, used in 1961
 Miscellaneous haying equipment
 Miscellaneous horses and fowl
 All hay, feed, seed, inventory of commissary supplies, gas and oil.

All livestock bearing the SEVEN LAZY Y BRAND, thus: (), and the following Earmark, thus: (), wherever situated, together with all increase and additions thereto and in which decedent had any interest, which livestock are of the approximate following numbers and classifications:

950 Cows
 650 Calves
 214 Yearling Steers
 250 Weaner Steers
 250 Weaner Heifers
 37 Bulls

An undivided one-half interest of the community property of the decedent and JOE PIERETTI in and to the above-described property ($\frac{1}{2}$ of the whole), is hereby confirmed unto JOE PIERETTI as his community interest in and to said property.

14. All of the properties hereinabove described as being distributed unto the said JOE PIERETTI as Trustee, are distributed unto the said Trustee pursuant to the Testamentary Trust established in Article VI of decedent's Last Will and Testament, and said Trustee shall hold said property for the following uses and purposes:

The trust hereby created shall be known and managed, invested and reinvested, as Trust B.

The Trustee shall hold, manage, invest, and reinvest the principal, shall collect the income therefrom, and shall pay the net income therefrom to JOE PIERETTI during his life.

From the income of the Trust estate, the Trustee shall pay all of the necessary expenses incurred in the administration of this Trust.

Said Trustee shall pay the income from said trust to JOE PIERETTI, from time to time, as in the sole discretion of said Trustee may appear proper, PROVIDED, that no accumulation if income shall be made for a longer period than five years.

In the event the said JOE PIERETTI should remarry, the income of said Trust B shall be distributed in equal shares to the children of MARIA PIERETTI, TOSCA SULLIVAN and DOMINICK PIERETTI, until the youngest of said children shall have attained the age of majority, and at that time, the principal of said Trust B shall be distributed in equal shares to said children. In the event either of said children should not be living at the time of the occurrence of such event, the share of such deceased child shall go per stirpes to those of his issue then living.

Upon the death of JOE PIERETTI, the said Trust B shall terminate, and the principal of said Trust shall be paid or distributed in equal shares to TOSCA SULLIVAN and DOMINICK PIERETTI, or if either of said children are then deceased, the share of such child

shall be paid, per stirpes, to those of his issue then living, or if there are no such issue then living, then the share of such deceased child shall go to the remaining child of his or her issue, as do survive the said JOE PIERETTI.

15. That in administering said Trust said Trustee shall exercise all of the powers as conferred on him in said Testamentary Trust pursuant to Article VII of said Last Will and Testament, subject to the applicable laws of the State of Nevada, and subject to the provisions of N.R.S. 153.010-153.120, and pursuant to said statutory provisions this Court shall have continuing jurisdiction, after final distribution, of said Testamentary Trust.

16. That the decedent's residuary estate, hereinabove described, is distributed subject to the charge of the indebtedness owed by the estate to JOE PIERETTI, individually, for funds borrowed by the estate from the said JOE PIERETTI pursuant to the order of this Court.

17. That as to any other property in which decedent had any interest, which is not inventoried and appraised, or which may be incorrectly inventoried or described, or which may be hereafter discovered, the decedent's interest in such property shall be, and the same is hereby distributed one-half unto the said JOE PIERETTI and one-half unto the said JOE PIERETTI as Trustee, pursuant to the Testamentary Trust hereinabove specifically referred to and described.

18. That upon filing receipts and vouchers showing distribution of the state as ordered herein, said Executor shall be discharged from his trust.

DONE IN OPEN COURT the 15th day of August, 1963 and this written Decree signed this 10th day of September, 1963.

TAYLOR H. WINES
DISTRICT JUDGE

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

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 SETTLING FIRST AND FINAL ACCOUNT AND DECREE OF DISTRIBUTION ESTATE OF MARIA PIERETTI, #2360 as the same appears on file and of record in my office.

WITNESS my hand and the seal of said court affixed this 11th day of SEPTEMBER, A.D., 1963.

(OFFICIAL SEAL)

R. L. KANE, Clerk.

By Knoela Vignolo, Deputy Clerk.

Recorded at the request of Mann & Scott September 12, A.D., 1963 At 52 minutes past 3 P. M.

Willis A. DePaoli - Recorder.