

(SPACE BELOW FOR FILING FEASD ONLY)

LAW OFFICES OF
BARRETT, WAGNER AND DRETSCH
1111 DEL WEBB'S PARKWAY CENTER
FRESNO, CALIFORNIA 93721
TELEPHONE 534-0832

FILED

FEB 16 1970

J. L. BROWN, CLERK
By R. ANTENUCCI
DEPUTY

Attorneys for Petitioner

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF FRESNO

-00-

In the Matter of the Estate
of
CHARLES D. BEST,
Deceased.

No. 40664

ORDER APPROVING SECOND AND
FINAL REPORT AND ACCOUNT OF
EXECUTOR, ORDER INSTRUCTING
EXECUTOR, AND DECREE OF FINAL
DISTRIBUTION.

DOMINICK G. STOCCHETTI, as Executor of the above-entitled estate, having filed his verified "Second and Final Report and Account of Executor, Petition for Instructions By Executor, and Petition For Final Distribution", and the said Report, Account, and Petitions having come on regularly for Hearing before the above-entitled Court this day, and proof having been made to the satisfaction of this Court, and the Court finding therefrom that Notice of the Hearing of said Report, Account and Petitions have been duly given in accordance with the provisions of Section 1200 and Section 1200.1 of the California Probate Code, and this Court also finding that due and proper Special Notices have been given of the time and place of the said Hearing to all persons having requested Special Notices herein, and this Court having received evidence in support of the allegations of said Report, Account and Petitions, and this Court being now fully advised, the Court does FIND: (1) That CHARLES D. BEST, the above-named decedent, died on June 20, 1966, while a resident of the County of Fresno, State of California; (2) That Notice to Creditors of said estate

1 commencing July 11, 1966, has been duly given by publication as
2 required by law; (3) That within 30 days after the completion of
3 the publication of said Notice to Creditors, a Declaration showing
4 the publication was filed with the Clerk of this Court in the
5 manner and form required by law; (4) That the time for presenting
6 or filing claims against the said estate has expired; (5) That all
7 claims filed or presented in this estate have been allowed and
8 paid, or have been duly and properly rejected and the time for
9 commencing action thereon has expired; (6) That all California
10 Inheritance Taxes upon said estate or upon the share of any
11 distributee thereof, and all personal property taxes due and pay-
12 able by said estate, have been paid; (7) That the potential Fed-
13 eral Estate Tax liability of this estate has proceeded to final
14 audit and that no Federal Estate Taxes are due and payable by this
15 estate; (8) That all United States and California State Income
16 Taxes due and payable by said estate have been paid subject to any
17 final audit of any of said taxes; (9) That the Second and Final
18 Report and Account of the Executor on file herein is a true and
19 accurate Report and Account of the administration of the estate by
20 the said Executor, and of the receipts and disbursements of money
21 by the Executor herein; (10) That the said Second and Final
22 Report and Account of the said Executor should be allowed and
23 approved by this Court, the same being true and accurate in
24 every respect; (11) That all of the real and personal properties
25 to be distributed in this estate constitute the separate property
26 of decedent; (12) That this Court should instruct the Executor to
27 pay and to discharge the certain promissory note evidenced by that
28 certain Deed of Trust, dated October 18, 1957 wherein CHARLES D.
29 BEST and GERTRUDE E. BEST, husband and wife, are trustees,
30 Security Title Insurance Company, a California corporation, is
31 trustee and MARTHA A. DEERY, a widow, is beneficiary, securing
32 the principal sum of \$9,750.00, the said Deed of Trust having

1 been recorded November 13, 1957 in Book 4361 of Official Records
2 of San Bernardino County, California, at Page 228; (13) That this
3 Court should further instruct the said Executor to accept the
4 sum of \$7,000.00 from TIM J. STALLMAN, being an accelerated
5 payment as obligator under a certain written conditional sales
6 agreement for real property dated March 10, 1966, and to thereafter
7 to convey by Executor's Deed, the real property in said written
8 conditional sales agreement described, to MR. STALLMAN; (14) That
9 this Court should further instruct the Executor to pay and to dis-
10 charge Contract No. I. C. 5926 relating to the purchase of certain
11 real property therein described situated in Lander County, Nevada,
12 as hereinafter set forth, and to thereafter deliver an appropriate
13 conveyance to DOMINICK STOCCHIETTI, as completed purchaser of the
14 real property being purchased by him under the said Contract
15 No. I.C. 5926; (15) That this Court should ratify and approve the
16 payment by HATTIE I. BEST, surviving widow and principal bene-
17 ficiary of this estate, of the further necessary funds to close
18 the estate herewith; (16) That statutory Executor's commission,
19 and statutory attorneys' fees, respectively, computed upon the
20 total estate accounted for are \$3,352.47, respectively, and the
21 same are hereby allowed, approved, and directed to be paid (after
22 deducting the sum of \$1,500.00 heretofore allowed and paid to the
23 attorneys as a partial allowance of statutory fees herein);
24 (17) That the further sum of \$700.00 extraordinary commissions,
25 and the further sum of \$700.00 as extraordinary attorneys' fees,
26 respectively, should be allowed and paid to the said Executor and
27 to the said attorneys herein, respectively, as being fair, just
28 and reasonable extraordinary compensation; (18) That this Court
29 should now decree distribution of the properties of this estate to
30 the persons entitled to receive the same as set forth in the said
31 Petition for Final Distribution; and (19) That the allegations of
32 the said Second and Final Report and Account, Petition for

1 Instructions, and Petition for Final Distribution, are true and the
2 relief prayed for therein should be granted;

3 IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the
4 Executor herein be, and he hereby is, authorized and directed to
5 ascertain and to pay the principal and interest remaining unpaid
6 upon that certain Promissory Note hereinabove referred to, wherein
7 MARTHA A. DEURY, a widow, is payee, secured by that certain Deed
8 of Trust hereinabove referred to, from the funds of this estate,
9 and to obtain a reconveyance of the lien of said Deed of Trust,
10 and to do all further acts and things needful or necessary to
11 carry out the purpose and intent of the said transaction in
12 accordance with the custom of real property owners in the said
13 County of San Bernardino, State of California; and

14 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
15 said Executor be, and he hereby is, authorized and directed to pay
16 and to discharge Contract of Sale of real property, No. I.C. 5926
17 wherein Crescent Valley Ranch and Farms, a Nevada corporation, is
18 Seller, and CHARLES D. BEST and GERTRUDE E. BEST, husband and wife,
19 are Buyers, and to further do and to perform all acts and things
20 necessary to complete the said sales transaction in accordance
21 with the custom of Buyers and Sellers in the County of Lander,
22 State of Nevada; and

23 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
24 Executor be, and he hereby is, authorized and directed to convey
25 or cause to be conveyed to DOMINICK STOCCKETTI, as completed con-
26 tract purchaser thereof, certain real property in Lander County,
27 Nevada described as the West one-half of the Southwest one-fourth
28 of Section 5, Township 31 North, Range 48 East, M. D. B & N,
29 Lander County, Nevada; and

30 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
31 said Executor be, and he hereby is, authorized and directed to
32 convey or cause to be conveyed to TIM J. STALLMAN, as completed

1 contract purchaser thereof, the real property situated in San
2 Bernardino County, California, described as the South one-half
3 of the South one-half of the Southwest one-fourth of the Northeast
4 one-fourth of Section 13, Township 4 North, Range 5 West, S. B. B. &
5 M., San Bernardino County, California, being approximately ten acres
6 of land, and to thereafter do and to perform all acts and things
7 (including the delivery of an appropriate policy of title insurance)
8 needful or necessary to complete the said transaction in accordance
9 with the custom of Buyers and Sellers in the said County of San
10 Bernardino, California; and

11 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this
12 Court does hereby ratify and approve the payment by MATTIE I. BEST,
13 the surviving widow and principal beneficiary of this estate, of all
14 necessary funds to close this estate as herein set forth, and the
15 said Executor is hereby authorized and directed to receive funds
16 from the said MATTIE I. BEST for this purpose and to this effect;
17 and

18 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all of
19 the right, title, estate, lien and interest of the above-named
20 decedent and estate in and to the following described properties
21 be, and the same hereby are, distributed and conveyed to MATTIE I.
22 BEST, a widow, to-wit:

23 1. (a) Contract of Sale for \$4,800.00 dated
24 January 27, 1959 from Crescent Valley
25 Ranch and Farms, a Nevada corporation,
26 Account No. 119, seller to decedent
27 of real property described as Lander
28 County, Nevada, the Southwest one-
29 quarter of Section 5, Township 31
30 North, Range 48 East, N. D. B. & M.
31 as per government survey.

32 1. (b) Contract of Sale for \$4,800.00 dated
January 27, 1959 from Crescent Valley
Ranch and Farms, a Nevada corporation,
Account No. 120, seller to decedent
of real property described as Lander
County, Nevada, the Southeast one-
quarter of Section 7, Township 31 North,
Range 48 East, N. D. B. & M. as per govern-
ment survey less the SEA of the SEA since
released and sold to others.

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1. (c) Contract of Sale for \$4,800.00 dated January 27, 1959 from Crescent Valley Ranch and Farms, a Nevada corporation, Account No. 121, seller to decedent of real property described as Lander County, Nevada, the Northwest one-quarter of Section 7, Township 31 North, Range 48 East, M. D. B. & H. as per government survey.

1. (d) Contract of Sale for \$4,800.00 dated January 26, 1959 from Crescent Valley Ranch and Farms, a Nevada corporation, Account No. 122, seller to decedent of real property described as Lander County, Nevada, the Southwest one-quarter of Section 7, Township 31 North, Range 48 East, M. D. B. & H. as per government survey.

2. Three leases of steam rights to the Magna Power Co., a Nevada corporation, 631 South Wilmar Street, Los Angeles, California 90017 covering the following parcels of real property located in Lander County, Nevada, Township 31 North, Range 48 East, Section 7:

- (a) Northwest quarter (160 acres).
- (b) Southwest quarter (160 acres).
- (c) Southeast quarter (160 acres).

3. (a) Deferred Real Estate Commission-Floyd C. Olander.

3. (b) Deferred Real Estate Commission-Modes Recreational Estates.

3. (c) Deferred Real Estate Commission-Hughson & Swatt.

3. (d) Deferred Real Estate Commission-Hughson & Swatt.

3. (e) Deferred Real Estate Commission-Fenn-Phillip Co.

4. Household furniture and furnishings including antique clock.

5. Automobile: 1965 Plymouth four-door sedan with A/C, PS, 1/8, Radio and Heater.

6. Bell and Howell camera.

7. Kodak Slide Projector.

8. Account receivable on contract of sale to Josephine Cornihan and Joseph Forest of 10 acres of real property located in San Bernardino County, California described as the North one-half of 1/4 North one-half

1 of the Southwest one-quarter of the
2 Northeast one-quarter of Section 13,
3 Township 4 North, Range 5 West, S.
4 B. B. & M.

5 9. Account receivable on contract of
6 sale to Joseph and Rose Zuccherro of
7 10 acres of real property located
8 in San Bernardino County, California
9 described as the South one-half of
10 the North one-half of the Southwest one-
11 quarter of the Northeast one-
12 quarter of Section 13, Township 4
13 North, Range 5 West, S. B. B. & M.

14 10. Account receivable from Nicholas
15 Dereta for purchase of steam well
16 royalty interest of 1% covering
17 the Northeast one-quarter, South-
18 west one-quarter and Southeast one-
19 quarter of Township 31 North, Range
20 48 East, Section 7, Lander County,
21 Nevada.

22 11. Account receivable from Carl G.
23 Becker for purchase of steam well
24 royalty interest of 1% covering
25 the Northeast one-quarter, South-
26 west one-quarter and Southeast one-
27 quarter of Township 31 North, Range
28 48 East, Section 7, Lander County,
29 Nevada.

30 12. An undivided one-half interest in
31 or to decedent's portion or share
32 of any gross power royalty reserved
33 by decedent and/or by MATTIE I. BEST,
34 his surviving wife, relating to the
35 real property described in the four
36 contracts of purchase hereinabove
37 referred to respecting real property
38 in Lander County, State of Nevada.

39 13. All cash funds, if any, possessed
40 by the estate after payment of fees,
41 commissions and other allowed expenses
42 of administration herein, and clos-
43 ing costs of this estate; and

44 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all
45 of the right, title, estate, lien and interest of the above-named
46 decedent and estate in and to the following described real property
47 situated in San Bernardino County, California be, and the same
48 hereby is, distributed and conveyed to MATTIE I. BEST, a widow,
49 to-wit:

50 The South half of the South half of
51 the Southwest one-fourth of the North-

1 east one-fourth of Section 13, Township
2 4 North, Range 5 West, San Bernardino
3 Base and Meridian, according to the
4 United States Government Township Plat
5 thereof approved by the Surveyor General
6 on July 25, 1856; and

7 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all
8 of the right, title, estate, lien and interest of the above-
9 named decedent and estate in and to an undivided one-half interest
10 in or to decedent's portion or share of any gross power royalty
11 reserved by decedent and/or by MATTIE I. BEST, his surviving wife,
12 relating to any or all of the real property described in four
13 written contracts of purchase respecting real property in Lander
14 County, State of Nevada, described as contracts No. I. C. 5926,
15 I. C. 5944, I. C. 5979, and I. C. 5980, wherein Crescent Valley
16 Ranch and Farms, a Nevada Corporation, is seller and CHARLES D.
17 BEST and GRACE E. BEST, husband and wife, are buyers, is hereby
18 distributed to LAVERNE EDWARDS, a married woman, and to MARGARET G.
19 DAKR, an unmarried woman, share and share alike, being an undivided
20 one-fourth interest therein to each of said persons, LAVERNE EDWARDS
21 and MARGARET G. DAKR, respectively; and

22 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all
23 real and personal properties of this estate not herein specifi-
24 cally disposed of be, and the same hereby are, distributed to
25 MATTIE I. BEST, a widow, surviving spouse of said decedent above-
26 named; and

27 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any
28 and all other properties both real and personal, not now known
29 or discovered, which may belong to the said estate or to which the
30 above-named decedent or estate may have any right, title, estate,
31 lien or interest, be, and the same hereby are, distributed to said
32 MATTIE I. BEST, a widow; and

33 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that
34 \$3,852.47 statutory commissions, and the further sum of \$700.00

1 extraordinary commissions, be, and the said sums hereby are,
2 approved and allowed and directed to be paid to the Executor
3 herein; and

4 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
5 sum of \$3,352.47 statutory attorneys fees, and the further sum of
6 \$700.00 extraordinary attorneys fees, be, and the said sums hereby
7 are, approved and allowed and directed to be paid (after deducting
8 the sum of \$1,500.00 heretofore allowed and paid as a partial
9 allowance of statutory fees) to the attorneys for this estate.

10 DONE IN OPEN COURT this 16 day of February, 1970.

11 MILO POPOVICH

12 JUDGE OF THE SUPERIOR COURT



The foregoing instrument is a correct copy of the original on file in this office.

18 ATTEST: FEB 19 1970

19 J. L. BROWN, County Clerk
20 COUNTY CLERK AND EX OFFICIO CLERK OF THE
21 SUPERIOR COURT OF THE STATE OF CALIFORNIA
22 IN AND FOR THE COUNTY OF FRESNO

23 BY: *[Signature]*

24 RECORDED AT THE REQUEST OF
25 Nevada Title Guaranty Co.
26 on November 9 1970
27 at 01:08 PM 8 A. M.
28 RECORDS DIVISION
29 SUPERIOR COURT, FRESNO
30 FILED: *[Signature]*
31 No. 53404 Fee \$ 11.00

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