

STATE OF NEVADA,
COUNTY OF ELKO.

60754

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, Approving Attorney Fees and Decree of Distribution.

as the same appears on file and of record in my office.



WITNESS my hand and the seal of said court affixed
the 9th day of January, A.D., 19 76

R. L. Kane, Clerk

By _____, Deputy Clerk

BOOK 53 PAGE 339 ELKO DISTRICT COURT

1 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
2 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

3
4 IN THE MATTER OF THE ESTATE OF
5 FRANKLIN E. BATT,
6 DECEASED.

No. 2971 FILED

1976 JAN -9 PM 2:01

CLERK *R. J. Hout*

DEPUTY _____

8
9 ORDER SETTLING FIRST & FINAL ACCOUNT
10 APPROVING ATTORNEY FEES, AND
11 DECREE OF DISTRIBUTION

12 The Executrix of the Estate of FRANKLIN E. BATT,
13 Deceased, having on the 18th day of December, 1975, rendered and
14 filed herein a full account of the administration of said
15 estate, which account was for final settlement, and having
16 with said account made application for approval of attorney
17 fees, and having further filed a Petition for Final Distribution
18 in said estate; said account, application and petition having
19 come on regularly to be heard on the 5th day of January,
20 1976, at 10:00 o'clock, a.m.; and proof having been made
21 to the satisfaction of the court that notice of the settlement
22 of said account, and of the hearing of the application and
23 the petition have been given in the manner and for the time
24 required by law, as more fully appears by the Affidavit of
25 Mailing and the Affidavit of Publication on file herein; and
26 the court hereby finds:

27 1. That due and legal notice of hearing of said
28 account, application and petition has been given to all per-
29 sons interested in said estate.

30 2. That said account is in all respects true and
31 correct; that said Executrix had receipts in the sum of
32 \$11,688.72, disbursements in the sum of \$7,195.62, and
that the remaining balance of money in the hands of the Executrix

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ATTORNEYS AND COUNSELORS
830 IDAHO STREET
ELKO, NEVADA 89801

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1 at the time of filing said account was in the sum of \$4,493.10.

2 3. That due and legal notice to creditors of said
3 estate has been given in the manner and for the time required
4 by law, and that the time for the filing of creditors claims
5 has expired.

6 4. That one creditor's claim for expenses of last
7 illness was filed against the estate, and that the same has been
8 paid from funds other than estate funds.

9 5. That on the 17th day of March, 1975, said
10 FRANKLIN E. BATT died in the City of Salt Lake, County of
11 Salt Lake, State of Utah; that at the time of his
12 death was a resident of the County of Elko, State of Nevada;
13 that he was over the age of twenty-one years; that he left
14 estate in the County of Elko, State of Nevada, consisting of
15 real and personal property.

16 6. That the deceased died testate.

17 7. That after due and proper proceedings had in
18 this behalf, the above-entitled court, on the 21st day of
19 March, 1975, by its order, duly made and entered, appointed
20 MARTHA L. BATT, the Executrix of the estate of the deceased,
21 and directed that upon qualification that Letters Testamentary
22 be issued and thereupon became, and know is, and ever since said
23 date has been duly appointed, qualified and acting Executrix
24 of said estate.

25 8. That the Executrix caused to be made and
26 returned to the court a true inventory and appraisal of
27 all of the assets of the estate of deceased; that the total
28 value of said estate was in the amount of \$72,582.00.

29 9. That a federal estate tax return was prepared
30 and timely filed, and that the tax liability shown thereon in
31 the sum of \$2,645.62 has been paid.

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ATTORNEYS AND COUNSELORS
550 IDAHO STREET
ELKO, NEVADA 89801

1 10. That there was certain depreciating property
2 held in the estate and sales of the same were properly made
3 as follows:

4 1 - 1948 Dodge Truck sold for the sum of \$100.00,
5 being the appraised value thereof.

6 11. That the property of the estate consists of
7 the deceased's community interest in and to the community
8 property held by the deceased and MARTHA L. BATT at the time of
9 his death.

10 12. That the property within the jurisdiction of
11 this court, now under the care, management and control of
12 the Executrix, subject to distribution is as follows:

13 CASH ON HAND: \$4,493.10

14 PROMISSORY NOTES & DEEDS OF TRUST:

15 1. Promissory Note dated May 1, 1973 in the
16 original principal amount of \$19,000.00 bearing
17 interest at the rate of 6% per annum and payable
18 to Franklin E. Batt and Martha L. Batt by Susan
19 L. Sjoberg at Security National Bank of Nevada,
20 Elko Branch, Elko, Nevada, at the rate of \$160.34
21 per month including interest; which note is secured
22 by a Deed of Trust on Lot 18 of Block G of Washing-
23 ton Heights Subdivision of the City of Reno, County
24 of Washoe, State of Nevada, which Deed of Trust is
25 recorded in Book 70050 of Official Records at Page
26 367 of the Records of the Washoe County Recorder.

27 2. Promissory Note dated January 1, 1973 in the
28 original principal sum of \$140,000.00 payable to
29 Franklin E. Batt and Martha L. Batt at Security
30 National Bank, Elko Branch, Elko, Nevada, bearing
31 interest at 6% per annum and payable \$1,000.00
32 per month including interest, the makers being
Doneal Thomson and Marilyn Thomson; and which
Promissory Note is secured by a First Deed of
Trust on real property located in Carlin, Nevada
which Deed of Trust is recorded in Book 174 of
Official Records at Page 400, Records of the Elko
County Recorder.

3. Promissory Note dated January 1, 1973 in the
original principal sum of \$20,000.00 payable to
Franklin E. Batt and Martha L. Batt at Security
National Bank, Elko Branch, Elko, Nevada, bearing
interest at 6% per annum and payable \$146.00 per
month including interest, the makers being Doneal
Thomson and Marilyn Thomson; and which Promissory
Note is secured by the aforementioned Deed of
Trust recorded in Book 174 of Official Records at

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Page 400, records of the Elko County Recorder, and also secured by a First Deed of Trust on 0.951 acres in the City of Carlin, which Deed of Trust is recorded in Book 174 of Official Records at Page 405, records of Elko County Recorder.

JEWELRY:

Personal jewelry of the deceased including a gold Masonic ring, a Timex watch and a Twenty Dollar Gold Piece Buckle.

MISCELLANEOUS:

Household furniture, furnishings, appliances and miscellaneous personal property in the family residence.

REAL PROPERTY:

1. Interest in those certain unpatented lode mining claims designated the DIXIE LEA, DIXIE LEA NO. 1, BACK PAY and BACK PAY NO. 1, located in the LYNN MINING DISTRICT of the County of Eureka, State of Nevada.

2. An undivided one-half interest in and to Lot Numbered 23 in Block Numbered 5 and Block Numbered 6 in Block Numbered 9 of the Jarbidge Townsite, County of Elko, State of Nevada, as the same appears upon the official map or plat of the said Jarbidge Townsite on file in the office of the County Recorder, County of Elko, State of Nevada, together with buildings and improvements thereon.

13. That the names, relationships, ages and residences of the heirs-at-law of the deceased are as follows, to-wit:

NAME	AGE	RELATIONSHIP	ADDRESS
MARTHA L. BATT	Adult	Wife	P. O. Box 826 Carlin, NV 89822
FRANCES MAY THIERCOF	Adult	Daughter	1718 Shamwood St. West Covina, CA 91791

14. That under the terms of the Last Will and Testament of the deceased, the following named persons are the devisees and legatees, their names, relationships, ages and addresses being as follows:

NAME	AGE	RELATIONSHIP	ADDRESS
Sole Devisee and Devisee:			
MARTHA L. BATT	Adult	Wife	P. O. Box 826 Carlin, NV 89822

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VAUGHAN, HULL, MARFISI, GOICOECHEA & MILLER
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839 IDAHO STREET
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1 Contingent Devisee and Legatee:

2 FRANCES MAY THIERCOFF Adult Daughter 1718 Shamwood St.
3 West Covina, CA 91791

4 15. That the Executrix has performed services for
5 the estate and waives any fee for the services rendered.

6 16. That VAUGHAN, HULL, MARFISI & MILLER, Attorneys
7 at Law, Elko, Nevada, have performed services for said estate
8 by acting as attorneys for the Executrix, for which said
9 attorneys are entitled to a reasonable fee. That said attorneys
10 have waived the right to a fee based upon the community interest
11 of the surviving widow and requests that the fee and
12 the reasonableness thereof be based only upon the interest of
13 the deceased. That the Executrix and said attorneys have agreed
14 that a reasonable fee for said services would be in the sum
15 of \$3,500.00, and the court finds said sum to be reasonable.

16 17. That VAUGHAN, HULL, MARFISI & MILLER, Attorneys
17 at Law, Elko, Nevada, in serving as attorneys for the Executrix
18 of this estate, during the administration of said estate, have
19 advanced certain costs and are entitled to reimbursement of the
20 same.

21 18. That the necessary costs of closing of said
22 estate are estimated to be less than \$50.00.

23 19. That all claims and debts against said decedent
24 and against the said estate have been paid in full; that all
25 expenses and charges of administration except as hereinafter
26 specifically set out have been paid in full; that expenses of
27 last illness and funeral expenses have been paid in full; and
28 that said estate is ready for distribution and is now in a con-
29 dition to be closed.

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

32 1. That due and legal notice of the hearing of said
First and Final Account, Application for Approval of Attorney

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VAUGHAN, HULL, MARFISI, GOICOECHEA & MILLER
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1 Fees and Petition for Distribution has been given to or waived
2 by all persons interested in said estate or entitled to notice
3 thereof.

4 2. That Notice to Creditors has been given for the
5 time and in the manner as provided by law, and the time for
6 the presentation of creditors claims has expired.

7 3. That the First and Final Account of the Executrix
8 as rendered is hereby settled, allowed, approved, ratified and
9 confirmed as rendered.

10 4. That the Executrix is ordered pay from the funds of
11 the estate the following amounts for the purposes stated,
12 which amounts are determined to be reasonable:

13 a. To VAUGHAN, HULL, MARFISI & MILLER the sum of
14 \$125.70 to reimburse said attorneys for costs advanced.

15 b. To VAUGHAN, HULL, MARFISI & MILLER the sum of
16 \$3,500.00 as attorney fees.

17 c. Necessary costs of closing.

18 5. That the property hereinbefore specifically
19 described was the deceased's one-half (1/2) community interest
20 in and to certain community property owned by the deceased and
21 MARTHA L. BATT at the time of the death of the deceased, and
22 that the other one-half (1/2) community interest therein vested
23 in MARTHA L. BATT, the surviving widow, absolutely, on
24 the date of the death of the deceased.

25 6. That any and all property of any name, nature,
26 kind, character or description, not hereinabove described or
27 inventoried and appraised, in this said estate, or which may
28 be incorrectly described herein, which is within the jurisdic-
29 tion of the court, and which was owned by the deceased and
30 MARTHA L. BATT, as community property, at the date of
31 the death of the deceased, vested one-half (1/2) in said
32 MARTHA L. BATT, the surviving widow, absolutely, on the date of

1 the death of the deceased.

2 7. That subject to payment of the sums hereinbefore
3 set out all of the community interest of the deceased, in
4 and to all of the property hereinbefore described as community
5 property is hereby distributed as follows:

6 To MARTHA L. BATT

7 8. That the interest of the deceased in and to any
8 and all other property of any name, nature, kind, character or
9 description not hereinabove described or inventoried or appraised
10 in this said estate, or which may be incorrectly described
11 herein, which is within the jurisdiction of the court, and which
12 was owned by the deceased and MARTHA L. BATT at the date of
13 death of the deceased, as community property, is hereby distri-
14 buted as follows:

15 To MARTHA L. BATT

16 9. That the said Executrix be dismissed
17 and discharged as of the date that has been filed herein, evi-
18 dence or receipts showing:

- 19 a. Payments as herein ordered;
20 b. Distribution in accordance herewith; and
21 c. The recording of a certified copy of this Decree
22 of Distribution with the Elko and Eureka County Recorders.

23 DONE IN OPEN COURT THE 5th day of January, 1976.

24 /s/ Jos. O. McDaniel

25 DISTRICT JUDGE

26
27
28 RECORDED AT THE REQUEST OF Vaughan, Hull, Marfisi & Miller
29 on January 12, 19 76, at 55 mins. past 10 A. M. in
30 Book 53 of OFFICIAL RECORDS, page 339-346, RECORDS OF
EUREKA COUNTY, NEVADA. WILLIS A. DePAOLI Recorder
31 File No. 60754 Fee \$ 10.00
32

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VAUGHAN, HULL, MARFISI, GOICOECHEA & MILLER
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830 IDAHO STREET
ELKO, NEVADA 89801