

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

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 ~~the ORDER AND DECREE SETTLING THIRD AND FINAL ACCOUNT~~ AND DECREE OF FINAL DISTRIBUTION, In the Matter of the Estate of LOUIS CLARKSON, Deceased, Probate No: 3007 as the same appears on file and of record in my office.

WITNESS my hand and the seal of said court affixed
the 15th day of September, A.D. 19 78

R. L. KANE, Clerk
By W. B. Buford Deputy Clerk

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COPY

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

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4
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6 In the Matter of the Estate
7 of LOUIS CLARKSON,
8 Deceased.

No. 3007

Filed:

Clerk

FILED

1978 SEP 15 PM 1:14

CLERK *R. L. Kone*

DEPUTY *W. B. [unclear]*

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11
12 ORDER AND DECREE SETTLING THIRD AND FINAL
ACCOUNT AND DECREE OF FINAL DISTRIBUTION

13
14 ROSS P. EARDLEY, as Executor of the Last Will and
15 Testament of LOUIS CLARKSON, Deceased, having rendered and filed
16 herein his THIRD AND FINAL ACCOUNT AND PETITION FOR SETTLING
17 THIRD AND FINAL ACCOUNT AND PETITION FOR FINAL DISTRIBUTION,
18 and also having filed herein a SUPPLEMENT TO THIRD ACCOUNT,
19 and said Accounts and Petition having duly and regularly come
20 on for hearing on the 15th day of September, 1978, and having
21 been heard on said date and the Petitioner being present in
22 Court; and,

23 IT APPEARING that due notice of the Hearing of said
24 THIRD AND FINAL ACCOUNT AND PETITION TO SETTLE THIRD AND
25 FINAL ACCOUNT AND PETITION FOR FINAL DISTRIBUTION has been
26 given for the time and in the manner required by law, and the
27 Court requiring no notice of said SUPPLEMENT TO THIRD ACCOUNT;
28 and proof having been made to the satisfaction of the Court,
29 the Court now finds that all of the allegations of the Petition
30 are true and that said Accounts are in all respects true and
31 correct, and are supported by proper vouchers.

32 -1-

1 IT FURTHER APPEARING to the Court that all the expenses
2 of the last illness, funeral expenses and all claims against
3 the Estate have been paid in full, and that all Federal Estate
4 Taxes in connection with said Estate have been paid in full
5 and accepted by the Internal Revenue Service.

6 The Court finds that Notice to Creditors of said Estate
7 has been given as required by law, as appears from the Affidavit
8 on file herein, showing due publication of said Notice to
9 Creditors.

10 The Court finds that LOUIS CLARKSON died on the 16th
11 day of February, 1976, a resident of the City of Elko, County
12 of Elko, State of Nevada, and left an Estate in said County
13 of Elko, State of Nevada, consisting of real and personal property
14 exceeding \$60,000.00 in value.

15 The Court finds that the assets and property of the
16 Estate have been duly inventoried and appraised, as required
17 by law, and that the Executor of the Estate has duly accounted
18 for all property, as more fully set forth in the First and
19 Second Accounts and the Third and Final Account and the Supple-
20 ment Third Account filed herein. The Court hereby finds that
21 said Third and Final Account and the Supplement thereto are in
22 all respects true and correct; and the Court hereby approves
23 the same.

24 The Court, by its Order filed herein on May 27, 1977,
25 has heretofore fixed the attorney fees of ROSS P. EARDLEY, Attorney
26 for the Estate in the sum of \$20,000.00, and authorized the
27 payment, at that time, of \$15,000.00. ROSS P. EARDLEY has
28 waived any fees or commissions for acting as Executor of the
29 above-entitled Estate.

30 The Court finds that the partial payment of the Attorney
31 Fees has been made as therein allowed; and that the balance of
32 Attorney Fees to ROSS P. EARDLEY is \$5,000.00.

1 The Court further finds that the costs of administration
2 to date of the First Accounting have been paid in full, all
3 as authorized and directed by the Order of the Court filed
4 herein on May 27, 1977.

5 The Court further finds that the partial distributions
6 ordered and authorized by the Court, by its Orders of May 27,
7 1977 and March 1, 1978, have been made in accordance with said
8 Orders.

9 The Court finds that the costs of administration since
10 the said First Accounting, which have been advanced and paid by
11 ROSS P. EARDLEY, are as follows:

12	Certified Mail to Heirs	\$18.00
13	Photocopy Expense	16.50
14	Certified Mail to Heirs	14.70
15	Recording Partial Distribution	8.00
16	Certified Copy of Order	1.00
17	Recording Copy of Order	7.00
18	Registered Mail	9.81
19	Certified Mail to Heirs	14.70
20	Certified Mail to Heirs	21.00
21	Publication of Notice of Final Distribu- tion	<u>18.60</u>
22	TOTAL	\$129.31

23 and that ROSS P. EARDLEY should be reimbursed for said costs.
24 That there will be closing costs in connection with recording
25 the Order of Final Distribution and also in connection with
26 transferring the property of the Estate. Also, after the filing
27 of the Order for Final Distribution, it will be necessary for
28 the Executor to file a final Income Tax Return with the Internal
29 Revenue Service. It is not contemplated that there will be any
30 significant cost in connection with this, nor is it contemplated
31 that there will be any income tax to pay from the Estate;
32 however, some funds should be held by the Executor to pay the
final closing costs and to pay any tax resulting from the final
income tax return.

1 Subject to the above, the Estate is now ready to be
2 closed and final distribution made.

3 The Court finds that during the course of the adminis-
4 tration of this Estate, the following described property was
5 dicovered, which property belongs to the Estate and which was
6 not included in the Inventory and Appraisement:

7
8 An undivided one-half ($\frac{1}{2}$) interest in all oil,
9 gas, and mineral rights and one-half ($\frac{1}{2}$) of all
10 rental for the same, appurtenant to the following
11 described real property situate in the County
12 of Eureka, State of Nevada:

13 TOWNSHIP 37 NORTH, RANGE 52 EAST, M.D.B.&M.

14 Section 23: N $\frac{1}{2}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$

15 The property now on hand for distribution is more parti-
16 cularly described hereafter, subject to the payment of the
17 balance of the costs of administration, closing costs, and
18 attorney fees.

19 The Court finds that the Decedent left a Last Will and
20 Testament dated July 6, 1973, which Will has been duly admitted
21 to probate in this matter; and the Court further finds that
22 the heirs-at-law and the legatees named in the said Last Will
23 and Testament are as follows:

24	25	26	27	28	29	30	31	32
NAME	RELATIONSHIP	AGE	ADDRESS					
ANNA C. DUNN.	Sister	Over 21	574 East 16th St. San Bernardino California 92404					
PHOEBE I. RICKETTS	Sister	Over 21	457 South State St. North Vernon Indiana 47265					
GEORGE M. CLARKSON	Nephew	Over 21	637 Hermitage Lane San Jose, Calif. 95124					
BETTY PATRICK	Niece	Over 21	1938 Limewood Dr. San Jose, Ca. 95132					
METRA WRIGHT	Niece	Over 21	898 North Charlotte Stephanville Texas 76401					
ELMA RUTH WHEATLEY	Niece	Over 21	411 North Patrick Dublin, Texas 76446					
HELEN M. SPRUILL	Niece	Over 21	414 Black Jack West Dublin, Texas 76446					

1	NAME	RELATIONSHIP	AGE	ADDRESS
2	RACHEAL A. SMITH	Niece	Over 21	1204 Avenue G Cisco, Texas 76437
3	LETA GLAZIER	Niece	Over 21	948 Charleston Dr. Bedford, Texas 76021
4	EUNCIE ANN STENGER	Niece	Over 21	1801 East Hanna Ave Indianapolis Indiana 46227
5	ALMA MATLOCK	Niece	Over 21	1328 South Banner Ave Indianapolis Indiana 46241
6	HARVEY O. CLARKSON	Nephew	Over 21	4002 West Washington Indianapolis Indiana 46241
7	THELMA TURNER	Niece	Over 21	528 South Cole St. Indianapolis Indiana 46241
8	JUDY BLEDSOE	Niece	Over 21	Route 8, Box 167 Shelbyville, Indiana 46176
9	RICHARD CLARKSON	Niece	Over 21	5348 West Hanna Ave. Indianapolis, Indiana 46241

11 The Court finds that Under Paragraph "FIFTH" of the Last
12 Will and Testament of the Decedent, two sisters, ANNA C.
13 DUNN and PHOEBE I. RICKETTS, are to each receive one-fifth (1/5)
14 of the Estate. The remaining three-fifths (3/5) is to be
15 divided equally among the following nieces and nephews of the
16 Decedent:

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19 GEORGE M. CLARKSON
20 BETTY PATRICK
21 METRA WRIGHT
22 ELMA RUTH WHEATLEY
23 HELEN M. SPRUILL
24 RACHEAL A. SMITH
25 LETA GLAZIER
26 EUNICE ANN STENGER
27 ALMA MATLOCK
28 HARVEY O. CLARKSON
29 THELMA TURNER
30 JUDY BLEDSOE
31 RICHARD CLARKSON

32 The Court finds that all of said parties are alive and have
capacity to receive distribution. It is calculated that each
of said nieces and nephews would receive 4.615% of said Estate.

NOW THEREFORE, it is hereby ordered, adjudged and
decreed that the Notice of Hearing of said Third and Final
Account and Petition for Settlement of Third and Final Account

1 and Petition for Final Distribution was given in the manner
2 and form required by law.

3 IT IS FURTHER ORDERED that no notice was necessary in
4 connection with the Supplement to Third Account.

5 IT IS FURTHER ORDERED, Adjudged and Decreed that the
6 Third and Final Account of the Executor, together with the
7 Supplement to said Third Account, as filed herein, be, and the
8 same hereby are, settled, approved and allowed.

9 IT IS FURTHER ORDERED that the Executor, ROSS P. EARDLEY,
10 has waived any and all fees or commissions for acting as
11 Executor for said Estate.

12 IT IS FURTHER ORDERED that the Executor pay to ROSS
13 P. EARDLEY, Attorney for the Estate, out of the assets of the
14 Estate, the sum of \$5,000.00, the balance of attorney fees
15 which were heretofore fixed, allowed and approved by the Court.

16 IT IS FURTHER ORDERED that the Executor pay to ROSS
17 P. EARDLEY the sum of \$129.31, as reimbursement for costs
18 advanced, together with any other closing costs.

19 IT IS FURTHER ORDERED that the Executor forthwith
20 prepare and file a final income tax return for the Estate, and
21 pay any tax due in connection therewith.

22 IT IS FURTHER ORDERED, Adjudged and Decreed that all
23 of the rest, residue and remainder of said Estate, and any other
24 property not now known or discovered, or not specifically
25 referred to herein, which may belong to said Estate, or in
26 which the Decedent may have had any interest at the time of
27 his death, be and the same hereby is, distributed to the heirs
28 of LOUIS CLARKSON, all in accordance with the terms of the Last
29 Will and Testament of the Decedent, as set forth above, to-wit:
30 The Decedent's two sisters, ANNA C. DUNN and PHOEBE I. RICKETTS,
31 are to each receive one-fifth (1/5) of the Estate. The remaining
32 three-fifths (3/5) is to be divided equally among the following

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ATTORNEY AT LAW
468 IDAHO STREET
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1 nieces and nephews of the Decedent:

2 GEORGE M. CLARKSON
3 BETTY PATRICK
4 METRA WRIGHT
5 ELMA RUTH WHEATLEY
6 HELEN M. SPRUILL
7 RACHEAL A. SMITH
8 LETA GLAZIER
9 EUNICE ANN STENGER
10 ALMA MATLOCK
11 HARVEY O. CLARKSON
12 THEMLA TURNER
13 JUDY BLEDSOE
14 RICHARD CLARKSON

15 It is further Adjudged that the property now known and
16 discovered and which is hereby described as the residue of the
17 Estate, subject to the payment of the balance of the Attorney
18 Fees, costs of administration and closing costs as hereinabove
19 set forth, is more particularly described as follows:

- 20 1. An undivided one-half ($\frac{1}{2}$) interest in all oil,
21 gas, and mineral rights and one-half ($\frac{1}{2}$) of all
22 rental for the same, appurtenant to the following
23 described real property situate in the County
24 of Eureka, State of Nevada:

25 TOWNSHIP 27 NORTH, RANGE 52 EAST, M.D.B.&M.

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

- 27 2. Promissory Note dated December 15, 1977, executed by
28 John R. Hesselgesser and Helen Hesselgesser, his
29 wife, in the face amount of \$104,500.00, with
30 interest at the rate of 6% per annum, payable to
31 Ross P. Eardley, as Executor of the Estate of LOUIS
32 CLARKSON, Deceased, secured by a Deed of Trust
dated December 15, 1977, wherein John R. Hesselgesser
and Helen Hesselgesser, his wife, are Truators,
First American Title Company of Nevada is Trustee,
and Ross P. Eardley, as Executor of the Estate of
Louis Clarkson, is Beneficiary, which Deed of Trust
is recorded in the Office of the Elko County
Recorder, Elko, Nevada, in Book 260, of Official
Records, at Page 181. Balance owing as of
September 15, 1978, is \$91,000.00, with interest
paid to September 15, 1978..

3. Promissory Note dated January 1, 1976, executed by
John D. Hesselgesser and Yolanda Hesselgesser, his
wife, in the face amount of \$4,000.00, with interest
at the rate of 7% per annum. Balance owing as of
September 15, 1978, is \$809.80, with interest paid
to September 1, 1978.

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4. Promissory Note dated July 19, 1974, executed by John Hesselgesser (for Darlene Eichler), in the face amount of \$8,000.00, with interest at the rate of 6% per annum. Balance owing as of September 15, 1978, is \$1,875.13, with interest paid to August 20, 1978.
5. Promissory Note dated July 19, 1973, executed by James V. Muth, in the face amount of \$10,000.00, with interest at the rate of 6% per annum. Balance owing as of September 15, 1978, is \$7,174.63, with interest paid to July 31, 1978.
6. Promissory Note dated February 28, 1974, executed by Dreu Wright and Thelma L. Wright, in the face amount of \$4,300.00, with interest at the rate of 8% per annum. Balance owing as of September 15, 1978, is \$675.32, with interest paid to September 1, 1978.
7. Promissory Note dated April 12, 1974, executed by William H. Krom and Mary Krom, in the face amount of \$15,629.31, and an additional loan for \$1,955.00, both with interest at the rate of 7% per annum; secured by a Deed of Trust dated July 20, 1973, wherein William H. Krom and Mary Krom are the Trustors, Ross P. Eardley is the Trustee, and Louis Clarkson is the Beneficiary, which Deed of Trust is recorded in Book 180 of Official Records, Page 677, Elko County Recorder's Office, Elko, Nevada. Balance owing as of September 15, 1978, is \$16,017.71, with interest paid to August 25, 1978.
8. Promissory Note dated March 20, 1972, executed by Richard Jirak and Mary Jirak, in the face amount of \$20,000.00, with interest at the rate of 6% per annum; secured by a Deed of Trust dated June 21, 1971, wherein Richard Jirak and Mary Jirak are the Trustors, Ross P. Eardley is the Trustee, and Louis Clarkson is the Beneficiary, which Deed of Trust is recorded in Book 149 of Official Records, Page 128, Elko County Recorder's Office, Elko, Nevada. Balance owing as of September 15, 1978, is \$18,586.31, with interest paid to August 20, 1978.
9. Promissory Note dated July 20, 1972, executed by Richard Jirak and Mary Jirak, in the face amount of \$5,000.00, with interest thereon at the rate of 6% per annum, secured by a Deed of Trust dated June 21, 1971, wherein Richard Jirak and Mary Jirak are the Trustors, Ross P. Eardley is the Trustee, and Louis Clarkson is the Beneficiary, which Deed of Trust is recorded in Book 149 of Official Records, Page 128, Elko County Recorder's Office, Elko, Nevada. Balance owing as of September 15, 1978, is \$4,791.14, with interest paid to August 5, 1978.

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10. Promissory Note dated June 1, 1975, executed by Michael S. Madigan and Susan D. Madigan, in the face amount of \$9,007.78, with interest thereon at the rate of 7% per annum; secured by a Deed of Trust dated October 1, 1971, wherein Michael S. Madigan and Susan D. Madigan are Trustors, First American Title Company is Trustee, and J. Earl Beach and Reah R. Beach are Beneficiaries, which Deed of Trust was recorded in Book 155 of Official Records, Page 77, Elko County Recorder's Office, and the beneficial interest therein was assigned to Louis Clarkson on March 1, 1973, by written Assignment recorded in Book 175 of Official Records, Page 55, Elko County, Nevada. Balance owing as of September 15, 1978, is \$6,978.21, with interest paid to September 1, 1978.

11. Contract of Sale dated April 22, 1968, wherein Louis Clarkson is the Seller and Thomas L. O'Donnell and Carole O'Donnell, his wife, are the Buyers, escrowed for collection at the First National Bank of Nevada, Main Office, Elko, Nevada, Escrow No. 145; Notice of Contract was recorded on April 23, 1968, in Book 95 of Official Records, Page 204, Elko County Recorder's Office, Elko, Nevada. Balance owing as of September 15, 1978, is \$8,742.17, with interest paid to March 8, 1978.

12. CASH in the Checking Account in the First National Bank of Nevada, Elko Main Branch, Elko, Nevada, Account No: 089 768 6, which Account is in the name of the Estate of Louis Clarkson, in the sum of \$44,264.77, as of September 15, 1978.

IT IS FURTHER ORDERED that the Executor be discharged on his filing herein receipts, showing the payment and distribution of all sums of money and property herein ordered to be paid or distributed, and his recording a certified copy of this Order in the Offices of the Elko County Recorder and the Eureka County Recorder, in Elko, Nevada and Eureka, Nevada, respectively.

DATED: This 15th day of September, 1978.

W. J. O'Donnell
DISTRICT JUDGE

66278

RECORDED AT THE REQUEST OF ROSS P. EARDLEY
on SEPT. 19, 1978, at 00 mins. past 11 A.M. in
Book 66 of OFFICIAL RECORDS, page 108-117, RECORDS OF
EUREKA COUNTY, NEVADA. WILLIS A. DePAOLI Recorder
File No. 66278 Fee \$ 12.00

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