

1 CASE NO. 865

2 89372

NO. _____
FILED

3 OCT 7 - 1983

4 JOAN SHANGLE,
5 CLERK

6 IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF EUREKA

8
9 IN THE MATTER OF THE ESTATE OF
10 TILLIE B. ESCOBAR,
11 DECEASED

ORDER APPROVING WAIVER
OF ACCOUNTINGS, APPROVING
ATTORNEY FEES, AND DECREE
OF DISTRIBUTION

12 _____ /
13 The Executor of the Estate of TILLIE B. ESCOBAR,
14 Deceased, having on the 26th day of August, 1983, filed
15 herein a Waiver of Accountings, and having with said account
16 made application for approval of attorney fees, and having
17 further filed a Petition for Final Distribution in said
18 estate; said account, application and petition having come
19 on regularly to be heard on the 7th day of October, 1983, at
20 10:00 o'clock, a.m.; and proof having been made to the
21 satisfaction of the court that notice of the settlement of
22 said account, and of the hearing of the application and the
23 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 the Executor being the sole devisee and
31 legatee has waived any and all accountings.
32

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1.

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

5 4. That no creditors claims have been filed
6 against said estate.

7 5. That on the 23rd day of October, 1979, said
8 TILLIE B. ESCOBAR died in the County of Eureka, State of
9 Nevada; that at the time of her death was a resident of the
10 County of Eureka, State of Nevada; that she was over the age
11 of twenty-one years; that she left estate in the County of
12 Eureka, State of Nevada, consisting of real and personal
13 property.

14 6. That the deceased died testate.

15 7. That PETER SARDONE, the son of the deceased,
16 filed a Contest of, and Opposition to Petition for Probe of
17 Will and Letters Testamentary which was dismissed by Order
18 of this Court issued on October 9, 1981, pursuant to
19 stipulation between the parties.

20 8. That after due and proper proceedings had in
21 this behalf, the above-entitled court, on the 9th day of
22 February, 1983, by its order, duly made and entered, appointed
23 FRANCIS ESCOBAR, the Executor of the estate of the deceased,
24 and directed that upon qualification that Letters Testamen-
25 tary be issued and thereupon became, and now is, and ever
26 since said date has been duly appointed, qualified and
27 acting Executor of said estate.

28 9. That the Executor caused to be made and
29 returned to the court a true inventory and appraisement of
30 all of the assets of the estate of deceased; that the total
31 value of said estate was in the amount of \$25,477.50.
32

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1 10. That the value of the estate of the deceased
2 is not of a sum as to require that a federal estate tax
3 return be filed.

4 11. That the Executor prepared and timely filed a
5 final tax return for the decedent and has paid any tax due
6 thereon and shall prepare and file a fiduciary income tax
7 return through final distribution and has agreed to pay any
8 tax due thereon.

9 12. That the property of the estate consists of
10 the deceased's community interest in and to the community
11 property held by the deceased and FRANCIS ESCOBAR at the
12 time of her death.

13 13. That the property within the jurisdiction of
14 this court, now under the care, management and control of
15 the Executor, subject to distribution is as follows:

16 Real Estate:

- 17 1. All that certain property situate in the Town
18 of Eureka, County of Eureka, State of Nevada,
described as follows:

19 Lots 1, 2, 3, 4 & 5, Block 37 as shown on the
20 plat of the Town of Eureka filed in the
office of the County Recorder of Eureka
21 County, Nevada.

22 Together with all buildings and improvements
thereon.

23 Together with all and singular the tenements,
24 hereditaments, easements, and appurtenances
thereunto belonging or in anywise appertaining,
25 and the reversions, remainders, rents, issues
and profits thereof, or of any part thereof.

26 Personal Property:

- 27 2. All hotel, cafe and bar fixtures, furnishings
28 and other personal property used in connection
with the above-described real property.
- 29 3. All hotel, cafe and bar merchandise, inventory,
30 stock in trade and supplies used in conjunction
31 with the operation of the Alpine Lodge.
32

1 14. That the names, relationships, ages and resi-
2 dences of the heirs-at-law of the deceased are as follows,
3 to- wit:

4 <u>NAME</u>	<u>AGE</u>	<u>RELATIONSHIP</u>	<u>ADDRESS</u>
5 FRANCIS ESCOBAR	Adult	Husband	Alpine Lodge 6 P. O. Box 272 Eureka, NV 89316
7 PETER SARDONE	Adult	Son	9702 Burnet Avenue 8 Sepulveda, CA 91343

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

13 <u>NAME</u>	<u>AGE</u>	<u>RELATIONSHIP</u>	<u>ADDRESS</u>
14 Legatee & Devisee			
15 FRANCIS ESCOBAR	Adult	Husband	Alpine Lodge 16 P. O. Box 272 Eureka, NV 89316
17 Contingent Legatees & Devisees			
18 PETER SARDONE	Adult	Son	9702 Burnet Avenue 19 Sepulveda, CA 91343
20 DR. EDWARD DeMAYO	Adult		7 Stewart Road San Rafael, CA 94901

21 16. That the Executor has performed services for
22 the estate and waives any fee for the services rendered.

23 17. That VAUGHAN, HULL, COPENHAVER & HANSEN,
24 LTD., Attorneys at Law, Elko, Nevada, have performed services
25 for said estate by acting as attorneys for the Executor, for
26 which said attorneys are entitled to a reasonable fee. That
27 said attorneys have waived the right to a fee based upon the
28 community interest of the surviving husband and requests
29 that the fee and the reasonableness thereof be based only
30 upon the interest of the deceased. That the Executor and
31 said attorneys have agreed that a reasonable fee for said
32 services would be in the sum of \$7,300.00 for ordinary and

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1 extraordinary services, and the court finds said sum to be
2 reasonable.

3 18. That VAUGHAN, HULL, COPENHAVER & HANSEN,
4 LTD., Attorneys at Law, Elko, Nevada, in serving as attorneys
5 for the Executor of this estate, during the administration
6 of said estate, have advanced certain costs in the sum of
7 \$478.62 and are entitled to reimbursement of the same.

8 19. That the necessary costs of closing of said
9 estate are estimated to be less than \$100.00.

10 20. That said attorneys have waived their right
11 to look to the assets of the estate for payment of services
12 rendered and costs advanced.

13 21. That all claims and debts against said
14 decedent and against the said estate have been paid in full;
15 that all expenses and charges of administration except as
16 hereinafter specifically set out have been paid in full;
17 that expenses of last illness and funeral expenses have been
18 paid in full; and that said estate is ready for distribution
19 and is now in a condition to be closed.

20 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND
21 DECREED:

22 1. That due and legal notice of the hearing of
23 said Waiver of Accountings, Application for Approval of
24 Attorney Fees and Petition for Distribution has been given
25 to or waived by all persons interested in said estate or
26 entitled to notice thereof.

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

30 3. That the Waiver of Accountings is approved.
31
32

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1 4. That the Executor is ordered to pay the
2 following amount for the purposes stated, which amounts are
3 determined to be reasonable:

4 A. To VAUGHAN, HULL, COPENHAVER &
5 HANSEN, LTD., the sum of \$478.62 to reimburse said
6 attorneys for costs advanced.

7 B. To VAUGHAN, HULL, COPENHAVER & HANSEN,
8 LTD., the sum of \$7,300.00 as attorney fees.

9 C. Necessary costs of closing.

10 5. That the property hereinbefore specifically
11 described was the deceased's one-half (1/2) community
12 interest in and to certain community property owned by the
13 deceased and FRANCIS ESCOBAR at the time of the death of the
14 deceased, and that the other one-half (1/2) community
15 interest therein vested in FRANCIS ESCOBAR, the surviving
16 husband, absolutely, on the date of the death of the deceased.

17 6. That any and all property of any name,
18 nature, kind, character or description, not hereinabove
19 described or inventoried and appraised, in this said estate,
20 or which may be incorrectly described herein, which is
21 within the jurisdiction of the court, and which was owned by
22 the deceased and FRANCIS ESCOBAR, as community property, at
23 the date of the death of the deceased, vested one-half (1/2)
24 in said FRANCIS ESCOBAR, the surviving husband, absolutely,
25 on the date of the death of the deceased.

26 7. That all of the community interest of the
27 deceased, in and to all of the property hereinbefore
28 described as community property is hereby distributed to
29 FRANCIS ESCOBAR.

30 8. That the interest of the deceased in and to
31 any and all other property of any name, nature, kind,
32 character or description not hereinabove described or

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1 inventoried or appraised in this said estate, or which may
2 be incorrectly described herein, which is within the
3 jurisdiction of the court, and which was owned by the
4 deceased and FRANCIS ESCOBAR at the date of death of the
5 deceased, as community property, is hereby distributed to
6 FRANCIS ESCOBAR.

7 13. That the said Executor be dismissed and
8 discharged as of the date that has been filed herein, evi-
9 dence or receipts showing:

- 10 A. Payments as herein ordered;
11 B. Distribution in accordance herewith; and
12 C. The recording of a certified copy of
13 this Decree of Distribution with the Eureka County
14 Recorder.

15 DONE IN OPEN COURT THE 7th day of OCTOBER,
16 1983.

17
18 ISI MERLIN H. HOYT
19 DISTRICT JUDGE

STATE OF NEVADA, } ss.
COUNTY OF Eureka }

I, County Clerk and ex-officio Clerk of the District Court of the Seventh 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 Approving Waiver of Accountings, Approving
Attorney Fees, and Decree of Distribution in the matter of
the estate of Tillie B. Escobar, Deceased, Case No. 865
as the same appears on file and of record in my office.



WITNESS my hand and the seal of said court affixed
the 7th day of October, A.D. 1983.
Joan Shangle, Clerk
By Angela Evans Deputy Clerk

ELKO INDEPENDENT PRINT

ATTORNEYS AND COUNSELORS
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RECORDED AT REQUEST OF
Robert O. Vaughan
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OFFICIAL RECORDS
EUREKA COUNTY, NEVADA
H.M. REDALENTI, RECORDER
FILE NO. 89372
FEE \$ 13.00

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