

1 No. 949

NO. _____ FILED
MAR 10 1988
JOAN SHANGLE, CLERK
BY M. Elliott DEPUTY

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3
4 116929

5
6 IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
7 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF EUREKA

8
9 In the Matter of the Estate of
10 MARY JEAN ITHURRALDE,
11 Deceased.

DECREE SETTLING FIRST AND
FINAL ACCOUNT AND PETITION
FOR FINAL DISTRIBUTION AND
ATTORNEY'S FEES

12
13 JAMES ITHURRALDE, Executor of the above Estate having
14 on or about February 4, 1988 petitioned for approval for his
15 First and Final Account and Distribution of properties of said
16 Estate; and STEWART R. WILSON, ESQ., on behalf of WILSON and
17 BARROWS, LTD., having on the same date filed his Application
18 for Attorney's Fees and the hearing thereon having been set for
19 the 26th day of February, 1988 at 11:30 a.m. in the Eureka
20 County Courtroom and having come on duly and regularly for
21 hearing at said time and place; and proof having been made to
22 the satisfaction of the Court that due and legal notice of said
23 Account, Petition and Application for Attorney's fees was given
24 as required by law.

25 THE COURT HEREBY FINDS THAT:

- 26 1. The First and Final Account is in all respects true
27 and correct.
28

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1 2. On November 6, 1987, JAMES ITHURRALDE was appointed
2 Executor of this Estate to serve without bond, and Letters
3 Testamentary were issued to him out of the above Court on such
4 date. He has been at all times since duly appointed, qualified
5 and acting Executor.

6 3. On November 6, 1987 an Order was entered herein for
7 summary administration for this Estate.

8 4. Due and legal notice to creditors of said Estate
9 has been given in the matter and for the time required by law.

10 5. No claims of creditors were filed herein.

11 6. The law firm of WILSON and BARROWS, LTD., Attorneys
12 for the Estate is, and has been at all times during the life of
13 this Estate, the attorneys for Executor.

14 The Attorneys for the Estate are entitled to reasonable
15 compensation for their services to the Estate in the sum of
16 \$1,210.00.

17 7. The firm of WILSON and BARROWS, LTD., Attorneys for
18 the Estate, has advanced for said Estate the sum of \$256.20 as
19 costs of administration, and is entitled to reimbursement for
20 the same.

21 The firm of WILSON and BARROWS, LTD. is further
22 entitled to reimbursement of payment of anticipated closing
23 costs in the sum of \$25.00.

24 8. The Executor has waived the allowance and payment
25 of statutory fees.

26 9. There was filed herein on January 26, 1988 an
27 Inventory and Appraisal. Per the Inventory on file, the real
28 and personal property available for distribution is set forth

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1 hereinafter.

2 The appraised value of the Decedent's one-half
3 community interest in the same is \$61,898.00.

4 10. The names, ages, relationships and residences and
5 addresses of the devisees and legatees of Decedent are as
6 follows:

| 7 NAME | AGE | RELATIONSHIP | ADDRESS |
|--------------------|-------|--------------|---------------------------------|
| 8 JAMES ITHURRALDE | Adult | Husband | P.O. Box 88 Eureka, NV 89316 |

9 CONTINGENT DEVISEES AND LEGATEES

| | | | |
|----------------------|-------|-----|--|
| 10 ROBERT ITHURRALDE | Adult | Son | 6818 S. 2485 East Salt Lake City, Utah 84121 |
|----------------------|-------|-----|--|

| | | | |
|------------------------|-------|-----|----------------------------------|
| 12 JAMES P. ITHURRALDE | Adult | Son | P. O. Box 88 Eureka, NV 89316 |
|------------------------|-------|-----|----------------------------------|

14 11. Paragraph SECOND of Decedent's Will is as follows:

15 "I hereby give, devise and bequeath unto my
16 beloved husband, JAMES ITHURRALDE, all of my
17 estate of whatsoever nature or kind and
18 wheresoever the same may be situate and of
19 which I shall die seised; provided, however,
20 if my said husband should predecease me, or if
21 my husband I should die or perish in a common
22 disaster or accident, then in either event, I
23 hereby give, devise and bequeath all my said
24 estate to my sons, JAMES P. ITHURRALDE and
25 ROBERT ITHURRALDE, share and share alike, or
26 the whole to the survivor."

27 JAMES ITHURRALDE having survived his wife, should have
28 distributed unto him, all of the real and personal property
hereinafter described, and should have confirmed unto him his
undivided one-half community interest therein.

12. The Estate is in all respects ready to be closed.

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED

THAT:

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1 1. Due and legal notice of the filing and the hearing
2 of this Account and Petition has been given as required by law.

3 2. The First and Final Account is approved, confirmed
4 and settled.

5 3. WILSON and BARROWS, LTD. is entitled to a
6 reasonable attorney's fee in the sum of \$1,210.00, together
7 with costs advanced in the sum of \$256.20, and anticipated
8 closing costs in the sum of \$25.00.

9 4. The Executor having waived statutory fees, none are
10 allowed to him.

11 5. The Estate is possessed of a one-half community
12 interest in the following described real and personal property:

13 REAL PROPERTY

14 PARCEL I:

15 Lots, pieces or parcels of land situate in the County of
16 Eureka, State of Nevada, described as follows:

17 Township 20 North, Range 53 East, MDM

18 Section 30: Lots 5, 6, 12, 13, 14, 19, and 20

19 TOGETHER WITH water rights appurtenant thereto under
20 Permit Nos. 18908 and 18909, issued by the Office of the
21 State Engineer of the State of Nevada; and other
22 appurtenances or privileges appertaining, and subject to
23 any restrictions reserved against the same by the United
24 States of America, or otherwise applicable at this time.
25 This parcel of land contains 296.81 acres, more or less.

26 TOGETHER WITH all water rights of every name and nature
27 and grazing rights.

28 TOGETHER WITH all improvements situate thereon.

TOGETHER WITH the tenements, hereditaments and
appurtenances thereunto belonging or in anywise
appertaining, and the reversion and reversions, remainder
and remainders, rents, issues and profits thereof.

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1 PARCEL II:

2 All those certain springs and water rights in Eureka
3 County, Nevada, all of which are more particularly
4 bounded and described as follows:

4 Secret Canyon Spring, also known as Murry Spring
5 Dave Smith Spring
6 Zunino Spring
7 Snow Ravine Spring
8 Lamb Canyon Spring
9 Hole in Ground Spring
10 Rock Spring at Top of Summit
11 Summit Reservoir Spring
12 Mountain Boy Spring
13 Spanish Spring
14 Gibellini Spring No. 1
15 Gibellini Spring No. 2
16 Gibellini Spring No. 3
17 Leonard Spring No. 1
18 Leonard Spring No. 2
19 Alponso Alfrankino Spring
20 Baby Alice Spring
21 Pinto Summit No. 1
22 Pinto Summit No. 2 (said Pinto Summit No. 1 and 2
23 being sometimes known as Mud Springs)
24 China Canyon Spring
25 Goodwin Canyon (better known as Diamond Mine Road Spring)
26 Clover Spring

27 Parcels I and II are subject to Lease dated in April,
28 1986 between James Ithurralde and Martin Larralde to the
real property of the Ithurralde Ranch for a term of two
years from May 1, 1986. This Lease has been renewed to
terminate on May 1, 1990.

19 PERSONAL PROPERTY

20 TOGETHER WITH two electric pumps, and all other farm
21 equipment of any name and nature used in connection with
22 the operations of the above described real property.

22 LIVESTOCK

23 70 Cows, more or less, branded 2J.

24 80 Sheep, more or less, branded JU.

25 TOGETHER WITH all increase of said livestock.

26 BRANDS

27 "Quarter Circle 2J, thus: 2J.

28 "JU", thus: JU.

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1 The foregoing property is hereby distributed unto JAMES
2 ITHURRALDE, and JAMES ITHURRALDE'S undivided one-half community
3 interest in all of the above property is confirmed unto him.

4 6. Any and all other real or personal property of any
5 name or nature not hereinabove described and within the
6 jurisdiction of the above entitled Court, in which said Estate
7 shall have an interest and whether now known or not, be, and
8 the same hereby is distributed unto JAMES ITHURRALDE.

9 DONE IN ^{Chambers} OPEN COURT on the ^{20th} 30th day of ^{March} February, 1988.

11 151 Marilyn H. Hoyt
12 DISTRICT JUDGE

14 A:88020821.NSB

16 SEVENTH JUDICIAL DISTRICT
17 IN AND FOR COUNTY OF ELDERA,
STATE OF NEVADA
18 The Undersigned COUNTY CLERK, and Ex-Officio
19 CLERK of the DISTRICT COURT do hereby CERTIFY
20 that the foregoing is a true and correct copy of the original on file in
21 my office and that I have carefully compared the same with the
22 original.
23 WITNESS My Hand and Seal of said
24 DISTRICT COURT, this 10th day of March 1988
25 Open Thurgood
26 County Clerk and Ex-Officio Court Clerk
27 by M. Elliott Deputy Clerk

RECORDED AT THE REQUEST OF
Wilson & Barrows Ltd
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'88 MAR 10 P4:19

OFFICIAL RECORDS
ELDERA COUNTY, NEVADA
FILE NO. 116929
FEE \$ 12.00

28 WILSON AND BARROWS, LTD.
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