

1 Case No. 3509

2 Dept. No. 1

3

4

127218

FILE

5

6

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

'89 MAY 15 10:05

KAREN VASQUEZ

DEPUTY CLERK

7

8

In the Matter of the Estate of

9

CLARA TACIKIEWICZ,

10

Deceased.

ORDER AND DECREE OF
SETTLEMENT OF FIRST AND FINAL
ACCOUNT AND DECREE OF
FINAL DISTRIBUTION

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

PAT GREEN, as Administratrix of the Estate of CLARA
TACIKIEWICZ, Deceased, having rendered and filed herein her FIRST
AND FINAL ACCOUNT AND PETITION FOR SETTLEMENT OF FIRST AND FINAL
ACCOUNT AND PETITION FOR FINAL DISTRIBUTION, and said Account and
Petition having been duly set for hearing on the 15th day of May,
1989, and said hearing having been held on said date; and the
Petitioner being represented in Court by ROSS P. EARDLEY, Attorney,
of Elko, Nevada; and

IT APPEARING that the Court, on September 25, 1985, made its
Order that the above Estate be administered upon by Summary Admin-
istration as provided in NRS 145.010 to 145.080, and that all
regular notices be dispensed with and therefore, no notice of the
above Account and Petition was necessary; and proof having been
made to the satisfaction of the Court, the Court now finds that all
the allegations of the Petition are true and that said Account is
in all respects true and correct.

1 The Court finds that Notice to Creditors of said Estate has
2 been given as required by law, as appears from the Affidavit on
3 file herein, showing due publication of said Notice to Creditors,
4 and that the time for filing and presenting claims against the
5 Estate has expired. The Court finds that all creditor claims have
6 been paid in full, and that all debts owed in connection with the
7 Estate or the property thereof have been paid in full, except final
8 income taxes.

9 The Court finds that CLARA TACIKIEWICZ died on September 7,
10 1985, at Elko, Nevada, a resident of the County of Elko, State of
11 Nevada, leaving an estate in the County of Elko and in the County
12 of Eureka, State of Nevada, consisting of real and personal prop-
13 erty not exceeding \$100,000.00 in value.

14 The Court finds that the property and assets of the Estate
15 have been duly appraised and that the Petitioner has filed herein
16 her Inventory and Appraisal, showing the total appraised value
17 of the Estate to be \$73,556.09. The Court finds that the
18 appraiser's fees and expenses have been paid in full.

19 The Court finds that the costs of administration, in the
20 total sum of \$445.65, have been advanced by ROSS P. EARDLEY,
21 Attorney, and that said attorney should be reimbursed therefor from
22 the assets of the Estate. That there will be some closing costs in
23 connection with this Order and the final distribution of the
24 Estate, for which said attorney should be reimbursed.

25 The Court finds that by written Agreement with the Adminis-
26 tratrix, the attorney fees of ROSS P. EARDLEY, the Attorney for the
27 Administratrix, have been agreed upon in the sum of \$4,363.25.
28 Application for approval of said Agreement has been made to the

1 Court and the Court has approved said Agreement, as more particu-
2 larly set forth in the written Order filed herein on May 15, 1989.

3 The Court finds that PAT GREEN, Administratrix of the
4 Estate, is entitled to statutory fees and commissions in the sum of
5 \$2,767.97, as authorized under NRS 150.020, and has requested the
6 payment of said fees from the assets of the Estate.

7 The Court finds that the only heir at law of the Decedent is
8 LOUISE CONGELOSI, a cousin, whose address is 980 W. Star Jasmine
9 Place, Beverly Hills, Florida 32665.

10 The Court finds that under the laws of inheritance of the
11 State of Nevada, LOUISE CONGELOSI, as the only heir of the Dece-
12 dent, is the person entitled to the distribution of the Estate
13 after the payment of all costs of administration, Administratrix
14 fees, attorney fees and the final income taxes. Said LOUISE
15 CONGELOSI is alive, over the age of majority and has capacity to
16 receive said distribution.

17 The Court finds that the First and Final Account of the
18 Administratrix and the Supplemental Account are in all respects
19 true and correct. The Court finds that the property on hand for
20 distribution, subject to the payment of the final costs of admin-
21 istration, attorney fees, Administratrix fees and any final income
22 taxes, is as follows:

23 1. Cash on Deposit as follows:
24 Time Certificate of Deposit \$50,000.00
25 Savings Account \$ 9,787.19
26 Checking Account \$ 1,934.85

27 2. The following described real property situate
28 in the County of Eureka, State of Nevada:

1 TOWNSHIP 31 NORTH, RANGE 48 EAST, MDB&M.

2 Section 29: SW $\frac{1}{4}$

3 The Court finds that the Estate is now in a condition to be
4 closed and the property distributed as set forth above.

5
6 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED
7 that this being a Summary Estate, no notice of the hearing of said
8 Petition to Settle First and Final Account and Petition for Final
9 Distribution was required.

10 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the First
11 and Final Account of the Administratrix be, and the same hereby is,
12 settled, approved and allowed.

13 IT IS FURTHER ORDERED that the Administratrix pay to ROSS P.
14 EARDLEY, from the assets of the Estate, the costs advanced in the
15 sum of \$445.65, together with any closing costs, and attorney fees
16 in the sum of \$4,363.25, in accordance with the Order Approving
17 Attorney Fees filed herein.

18 IT IS FURTHER ORDERED that the Administratrix pay to her-
19 self, from the assets of the Estate, her statutory fees and commis-
20 sions in the sum of \$2,767.97.

21 IT IS FURTHER ORDERED that, subject to the payment of the
22 above mentioned costs and fees and the payment of any final income
23 taxes, all the rest, residue and remainder of said Estate and any
24 other property not now known or discovered which may belong to the
25 said Decedent or the Estate of said Decedent, but not exceeding the
26 total value of \$100,000.00, be, and the same hereby is, distributed
27 to LOUISE CONGELOSI. Pending the preparation and filing of the
28 final income tax returns for the Estate, the Administratrix is

1 authorized to withhold from distribution the sum of \$ 4500⁰⁰ to
2 pay any income taxes that may be due and the reasonable cost of
3 preparing the tax returns.

4 The property now known and on hand for distribution and
5 which is hereby distributed as set forth above, subject to the
6 payment of the costs, fees and taxes hereinabove allowed, is as
7 follows:

- 8
- 9 1. Cash on Deposit as follows:
Time Certificate of Deposit \$50,000.00
10 Savings Account \$ 9,787.19
Checking Account \$ 1,934.85
 - 11 2. The following described real property situate
12 in the County of Eureka, State of Nevada:
13 TOWNSHIP 31 NORTH, RANGE 48 EAST, MDB&M.
14 Section 29: SW $\frac{1}{4}$

15 IT IS FURTHER ORDERED that said Administratrix be discharged
16 as such upon her filing herein RECEIPTS or other vouchers showing
17 the payment and distribution of all sums of money and property
18 herein ordered to be paid and distributed.

19 DATED: This 15th day of May, 1989.

21 CERTIFICATION OF COPY
22 STATE OF NEVADA
COUNTY OF EUREKA
I, the undersigned, Clerk of the County of Eureka, State of Nevada,
do hereby certify that the foregoing is a true and correct copy of the
original as the same appears in the files of the County Clerk's Office.
23
24
25 Witness my hand and the seal of said court at
Eureka, Nevada, this 15th day of May, AD. 1989.

26
27
28

SEAL
Affixed

/s/ Jos. O. McDaniel
DISTRICT JUDGE

RECORDED AT THE REQUEST OF
BOOK 196 PAGE 571
Ross P. Cardley
89 MAY 18 AM 11

DEPT. OF REVENUE
EMERALD CITY, NEVADA
FILE NO. 900
BOOK 196 PAGE 575
-5-
127218