

1 Case No. 986

NO. _____

FILED

JUL 7 1989

JOAN SHANGLE, CLERK
BY *M. Elliott* DEPUTY

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3 COPY

4 128351

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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
10 OF LAVERNE D. MACHACEK,
11 Deceased.

12 _____ /
13 ORDER ALLOWING EXECUTRIX TO TRANSFER PROPERTY
14 FROM ESTATE TO FARMERS HOME ADMINISTRATION

15 NOW COMES the Executrix, EUNICE M. MACHACEK, the
16 Executrix of said estate and proves to the satisfaction of the
17 court that it is necessary and the best interests of the estate
18 are served by allowing the Executrix to execute her Executrix
19 Deed transferring certain real property from the estate to the
20 Farmers Home Administration (FmHA).

21 That the property is subject to a lien, security in-
22 terest, purchase money mortgage and/or trust deed in favor of
23 Farmers Home Administration (FmHA), and the obligation secured
24 thereby is in arrears. Executrix is informed and believes
25 and so alleges that FmHA will foreclose on the property and the
26 property will thereupon be lost to the estate unless separate

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BOOK 1 98 PAGE 233

1 arrangements are made between Executrix and FmHA. Executrix
2 is without sufficient funds to redeem the property. Executrix
3 is informed and believes and so alleges that the estate is with-
4 out sufficient funds to redeem the property.

5 Executrix is informed and believes and so alleges
6 that a sale of the property would not realize any substantial
7 benefit to the estate.

8 Executrix is the sole beneficiary under the terms
9 of the Last Will and Testament of the decedent in that Executrix
10 has now survived the decedent by a period in excess of 90 days.
11 Any disposition of the property of the estate will affect only
12 Executrix and no other person is entitled to a share of or in-
13 terest in the property of the estate.

14 That due notice has been given as required by law of
15 this Hearing and the court after hearing the testimony and
16 examining the petition and other documents, finds to the satis-
17 faction of the court that the best interests of the estate will
18 be served by allowing the Executrix, EUNICE M. MACHACEK, who
19 is also the sole beneficiary of said estate to execute her
20 Executrix Deed transferring the following described real pro-
21 perty situate in Eureka County, Nevada from the said estate to
22 the FmHA.

23 The court further finds that all allegations of the
24 petition are true.

25 IT IS ORDERED by the court that the Executrix execute
26 her Executrix Deed transferring by said conveyance the interests

1 of the estate in the following described real property to the
2 EmHA, and that said transfer by the Executrix Deed is con-
3 firmed by the court. That said real property is described
4 as follows:

5 Parcel 1: Township 21 North,
6 Range 53 East, M.D.B.&M.,
7 Section 36: Lots 2, 3, 4,;
8 N½N½; EXCEPTING THEREFROM all
9 that portion of said land con-
10 veyed to Jerry LaVerne Machacek
11 and Trina Lynn Machacek, by deed
12 recorded September 28, 1981, in
13 Book 98, Page 147, Official Records,
14 Eureka County, Nevada, more parti-
15 cularly described as follows:
16 Township 21 North, Range 53 East,
17 M.D.B.&M., Section 36: Beginning
18 at the NW¼ corner thereof, thence
19 S. 0°10'24" W., 659.94 feet, thence
20 N. 45°05'22" E., 934.75 feet to the
21 North section line boundary, thence
22 West 660.00 feet to the point of
23 beginning.

24 Parcel 2: Township 20 North, Range 53
25 East, M.D.B.&M., Section 1: Lots 9,
26 10, 11 and 12;
Township 21 North, Range 53 East,
M.D.B.&M., Section 36: Lot 1; SW¼,
EXCEPTING THEREFROM Parcel 2, all oil
and gas lying in and under said land
as reserved by the United States of
America, in Patent recorded November 26,
1963, in Book 2, Page 8, Official Records,
Eureka County, Nevada.

Parcel 3: Township 20 North, Range 53
East, M.D.B.&M.; Section 36: That
portion of the SE¼ described as follows:
Beginning at the S¼ corner of said section,
thence N. 0°12'24" E., 2740.18 feet, thence
N. 89°43'41" E., 157.48 feet, thence S.
0°12'32" W., 2735.76 feet, thence S. 88°07'11"
W., 157.48 feet to the point of beginning.

///

1 EXCEPTING THEREFROM Parcel 3,
2 fifty percent (50%) of all gas,
3 oil, and mineral rights lying in
4 and under said land as reserved by
5 Maria Teresa LaBarry, et al, in
6 deed recorded January 5, 1973, in
7 Book 44, Page 222, Official Records,
8 Eureka County, Nevada.

9 DATED this 7th day of July, 1989.

10 151 Mercedes H. Hoyt
11 DISTRICT JUDGE

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21 SEVENTH JUDICIAL DISTRICT CLERK,
IN AND FOR COUNTY OF EUREKA,
STATE OF NEVADA. } SS

22 I, the undersigned COUNTY CLERK and Ex-Officio
23 CLERK of the SEVENTH JUDICIAL DISTRICT COUNTY do hereby CERTIFY
24 that the foregoing is a true and correct copy of the original on file in
25 my office and that I have compared the same with the
26 original.

SEAL

WITNESS, My Hand and Seal of said
DISTRICT COURT, this 7th day of July, 1989.

Jan. A. Smith
County Clerk and Ex-Officio District Clerk

RECORDED AT THE REQUEST OF
BOOK 199 PAGE 233
Johnston Lloyd
89 JUL 10 AM 23

OFFICIAL RECORDS
EUREKA COUNTY, NEVADA
M. N. REDALEATI, RECORDER
FILE NO. 128351
FEE \$8.00

-4-

BOOK 199 PAGE 236