

1 Case No. CV 89-3905

2 Dept. No. 9

'89 AUG -9 P12:02

CLERK
S. Gray

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5 IN THE SECOND JUDICIAL DISTRICT COURT IN THE STATE OF NEVADA
6 IN AND FOR THE COUNTY OF WASHOE

7 IN THE MATTER OF THE ESTATES)

8 OF)

9 JESS ACE SELLERS, JR., and)
10 JUNE ANITA SELLERS,)

11 Decedents.)

ORDER TO SET ASIDE ESTATE
WITHOUT ADMINISTRATION

12 This above entitled cause came on for hearing on the 9th day
13 of August, 1989, at the time and place stated in the Notice of
14 hearing of the petition; LANCE VAN LYDEGRAF appeared as attorney
15 for the Petitioner and the Estate.

16 The Court finds that all notices of this hearing have been
17 duly given as required by law, and each of the heirs has received
18 notice and executed and filed herein an acknowledgment of notice
19 and a consent to the relief sought in the Petition on file;
20 Proof of publication of the notice of this hearing as required by
21 law is on file herein;

22 From the evidence in the Petition, the Court finds that the
23 Estate of JESS ACE SELLERS, JR. has a value of less than \$10,000
24 and that his heir was his wife, JUNE ANITA SELLERS; JUNE ANITA
25 SELLERS having subsequently died, her Estate interests are
26 represented herein by JESS ACE SELLERS, III, as her Executor; the
27 Court finds that the Estate of Decedent of JUNE ANITA SELLERS is
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1 valued at less than \$25,000.00, and the Court further finds that
2 this is a proper case to set aside the Estates herein without
3 administration according to the terms of the Will of each of the
4 Decedents;

5 The Court finds that due notice having been given, there
6 have been no claims or demands filed in this case, and that JESS
7 ACE SELLERS, III, has advanced Court costs and attorney's fees in
8 this case and is entitled to be reimbursed on a pro rata basis
9 from the heirs according to the interests of the heirs hereafter
10 determined and awarded.

11 The Court finds that all the allegations of the Amended
12 Petition on file herein are true and further finds that JESS ACE
13 SELLERS, JR., died on or about the 23rd day of November, 1986 and
14 that the Will on file herein is admitted as his last Will and
15 testament ;

16 That Decedent's wife, JUNE ANITA SELLERS, was the sole
17 beneficiary under the Decedent's Will, however, no probate was
18 commenced before death. JUNE ANITA SELLERS, died on the 14th day
19 of December, 1987, and her Will filed herein is admitted to
20 probate; That Petitioner is the son of the Decedents, and
21 respectfully submits to the Court that the decedents left no
22 personal property situated in the State of Nevada;

23 That the total gross value of the real property of the
24 Decedents Estates in the State of Nevada, to Petitioner's
25 knowledge is \$25,700.00. That after deducting encumbrances of
26 record in the approximate amount of \$5,000.00, the net value of
27 the Estates is less than \$25,000.00 and the same may be set aside
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1 without further administration;

2 The will of JESS ACE SELLERS, JR. provides that all of his
3 Estate would be left to his wife, who is herein represented by
4 the Executor of her Estate, her son, JESS ACE SELLERS, III; the
5 will of JUNE ANITA SELLERS provides that her Estate should be
6 divided equally among her children JESS ACE SELLERS, III, PAMELA
7 SELLERS ALLEN, GLORIA JEAN SELLERS, and KAREN FRANCES SELLERS.

8 The Court finding that this is a proper case to set aside
9 the estates without administration, all further notices are found
10 to be unnecessary according to law and are hereby dispensed with,
11 and these estates may be set aside without further
12 administration.

13 NOW THEREFORE IT IS HEREBY THE ORDER, JUDGMENT AND DECREE OF
14 THIS COURT AS FOLLOWS:

15 1. All the real property right, title and interest of JESS
16 ACE SELLERS, JR., deceased, is hereby awarded to his wife, JUNE
17 ANITA SELLERS, decedent, represented herein by her Executor, JESS
18 ACE SELLERS, III; and said Executor JESS ACE SELLERS, III, on
19 behalf of the Estate of JUNE ANITA SELLERS, hereby receives the
20 one-half tenant in common ownership interest of JESS ACE SELLERS,
21 JR., for the that certain real property located in the County of
22 Washoe and the County of Eureka, State of Nevada, and more
23 particularly described hereafter.

24 COUNTY OF EUREKA:

25 The West half of the East half of the Northwest
26 Quarter of Section five (5), Township 31 North, Range
27 48 East, MDB&M. Subject to easement reservation of 30
28 feet in width along all boundaries for ingress and
egress, with power to dedicate. Also subject to
restrictions, reservations and conditions of record.

1 COUNTY OF WASHOE:

2 The North half of the South half of the Northeast
3 Quarter of Section seven (7), Township 44 North, Range
4 23 East MDB&M as per Government survey. Subject to
5 Trust Deed & Note in favor of First Western Bank &
6 Trust Co., a California corporation, Pasadena,
7 California,

8 AND

9 The North half of the Southeast Quarter, and
10 The North half of the Southeast Quarter of the
11 Southeast Quarter of Section ten (10), Township 41
12 North, Range 19 East, MDB&M. Subject to Trust Deed &
13 Note in favor of First Western Bank & Trust Co., a
14 California corporation, of Pasadena, California. Also
15 subject to reservations, restrictions, conditions, and
16 Easement for roads and utilities over easterly 30 feet
17 of both above described parcels.

18 2. All the real property right, title and interest held in
19 fee simple by JUNE ANITA SELLERS located in the Elko County,
20 Washoe County and Eureka County, Nevada which has been received
21 by the Estate of JUNE ANITA SELLERS, and of which JUNE ANITA
22 SELLERS died possessed, including the Joint Tenancy property
23 which became her sole property by right of survivorship, being a
24 100% ownership interest in all real properties, is hereby awarded
25 to and vested equally in the heirs of the Decedent JUNE ANITA
26 SELLERS, according to the terms of her last will and testament,
27 as tenants in common, each to own a 25% or one-fourth (1/4)
28 ownership interest, and said real property shall hereafter be the
sole and separate property of JESS ACE SELLERS, III, PAMELA
SELLERS ALLEN, (a married woman as her sole and separate
property), GLORIA JEAN SELLERS, and KAREN FRANCES SELLERS, as
tenants in common, each as to a one-fourth (1/4) or 25% ownership
interest in the following described real property located in the
counties as indicated:

1 COUNTY OF EUREKA:

2 The West half of the East half of the Northwest
3 Quarter of Section five (5), Township 31 North, Range
4 48 East, MDB&M. Subject to easement reservation of 30
5 feet in width along all boundaries for ingress and
6 egress, with power to dedicate. Also subject to
7 restrictions, reservations and conditions of record.

8 COUNTY OF WASHOE:

9 The North half of the South half of the Northeast
10 Quarter of Section seven (7), Township 44 North, Range
11 23 East MDB&M as per Government survey. Subject to
12 Trust Deed & Note in favor of First Western Bank &
13 Trust Co., a California corporation, Pasadena,
14 California,

15 AND

16 The North half of the Southeast Quarter, and
17 The North half of the Southeast Quarter of the
18 Southeast Quarter of Section ten (10), Township 41
19 North, Range 19 East, MDB&M. Subject to Trust Deed &
20 Note in favor of First Western Bank & Trust Co., a
21 California corporation, of Pasadena, California. Also
22 subject to reservations, restrictions, conditions, and
23 Easement for roads and utilities over easterly 30 feet
24 of both above described parcels.

25 COUNTY OF ELKO:

26 The South half of the Northeast Quarter of Section
27 11, Township 37 North, Range 56 East, MDB&M, containing
28 approximately 80 acres.

3. It is further the Judgment of this Court that the
expenses of the administration as advanced by JESS ACE SELLERS,
III, should be borne equally among the heirs according to their
interests as awarded herein, including Court costs, recording
costs and attorney's fees.

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1 4. It is finally the Order of this Court that, these
2 Estates having been set aside without administration, the
3 petitioner named as Executor under the wills of JESS ACE SELLERS,
4 III and JUNE ANITA SELLERS is hereby fully released and
5 discharged from any and all liability and this Estate is closed.

6 Dated this 9th day of AUGUST, 1989.

7
8 Robert L. Schouweiler
9 DISTRICT JUDGE

10 CERTIFIED COPY

11 The document to which this certificate is at-
12 tached is a full, true and correct copy of the
13 original on file and of record in my office.

13 DATE August 9, 1989
14 JUDI BAILEY, Clerk of the Second Judicial
15 District Court, in and for the County of
16 Washoe, State of Nevada.

15 By [Signature] Deputy

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22 RECORDED AT THE REQUEST OF

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23 Lance R. Van Lydergaf
24 '89 AUG 11 P3:44

25 OFFICIAL RECORDS
26 EUREKA COUNTY, CALIFORNIA
27 FILE NO. 128921
28

6 BOOK 200 PAGE 424