

133058

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

IN THE MATTER OF THE ESTATE
OF HELEN APOLONIA BEDNAR
RUSSELL,
Deceased.

SECOND DECREE OF PARTIAL
DISTRIBUTION OF ESTATE,
ORDER APPROVING INTERIM
ATTORNEY FEES AND INTERIM
EXECUTOR'S COMMISSION, AND
SATISFACTION OF SETTLEMENT
OF LEGAL ACTIONS

FIRST INTERSTATE BANK OF NEVADA, N.A., Executor of the above-
entitled estate, having filed a Report, Request for Ratification of Settlement of Legal
Actions, Application for Interim Attorney Fees, Interim Executor's Commission and
Petition for Partial Distribution, having given proper notice to all persons so entitled; no
objections having been made to said Petition; and good cause appearing, the Court hereby
finds as follows:

1. That the allegations of the Report and Petition are true and correct.
2. That the Salvation Army is the only remaining legatee to whom the
remaining estate property is to be distributed pursuant to the terms of the Last Will and

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1.

Testament of Helen Appolonia Bednar Russell.

3. That there are sufficient liquid assets remaining in the estate to meet

any remaining debts or obligations without injury to the creditors of the estate.

Accordingly, a partial distribution of the unpatented claims and millsites described on

Petitioner's Exhibit "A" should be made to the Salvation Army together with the sum of

\$30,000 to be held in trust to pay the assessment fees for the unpatented mining claims.

Further, no bond should be required of Petitioner for partial distribution to occur because

there are no other claims except those described in the Petition and the value of the

remaining liquid assets in the estate render a bond unnecessary.

4. GOICOECHEA & DI GRAZIA, LTD., of Elko, Nevada, have

performed legal services for the estate by acting as attorneys for the Executrix of the

estate. In addition, said attorneys have been involved in extraordinary services because of

the litigation against the estate and because of efforts to find buyers for the unpatented

mining claims in the estate. The Executor and said attorneys have agreed that a

reasonable fee for services since the last approval of fees through June 26, 1990, would be

the sum of NINE THOUSAND SEVEN HUNDRED SIXTY EIGHT and NO/100ths

DOLLARS (\$9,768.00), together with certain advanced costs in the amount of FIVE

HUNDRED NINETY ONE and 90/100ths DOLLARS. The aforesaid fees should be

ratified and approved.

5. The Executor is entitled to a statutory fee in the amount of \$29,714.26

and should be paid an interim partial payment of \$20,000.00.

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1 The settlement of the legal actions between Estates of Helen A.

2 Russell and Allen A. Russell v. T. David Horton and Ray Nelson, et al. v. First Interstate

3 Bank of Nevada as Administrator C.T.A. and Executor should be ratified.

4 7. The sale of certain depreciating personal property listed on Exhibit

5 "E" to petitioner's petition should be ratified and confirmed.

6 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND

7 DECREED AS FOLLOWS:

8 1. Due and legal notice of the hearing for the Report, Request for

9 Ratification of Settlement of Legal Actions, Application for Interim Attorney Fees, Interim

10 Executor's Commission and Petition for Partial Distribution has been given to all persons

11 interested in said estate or entitled to notice thereof;

12 2. That the Second Decree of Partial Distribution of Estate is hereby

13 approved and allowed as rendered herein;

14 3. That the Judgment entered in the case of First Interstate Bank of

15 Nevada, as Executor of the Estate of Helen A. Russell v. Eloise McDaniel, Civil Case No.

16 3211 in the Seventh Judicial District Court of the State of Nevada, in and for the County

17 of Eureka is ratified and approved;

18 4. That the creditors claim filed by this estate in the Don B. Riddle

19 estate, Probate No. 6455, in the District Court of the Sixth Judicial District, in and for the

20 County of Lander, be abandoned based on lack of assets in said estate to satisfy all or any

21 portion of such claim;

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5. That the unpatented mining claims and millsites described on Exhibit "A" attached hereto are hereby distributed to the Salvation Army;

6. That no bond be required of Petitioner for partial distribution to

occur;

7. That the Executor pay out to the trust account of Goicoechea &

DiGrazia, Ltd., attorneys at law, the sum of \$30,000.00 to be used for the payment of the 1989-90 assessment work required to preserve the unpatented mining claims distributed to

the Salvation Army;

8. That the sale of the personal property described on Exhibit "E" to

Barbara Jean Dugan is ratified and approved;

9. That the payments of interim attorney fees and costs to the law firm

of Goicoechea & DiGrazia, Ltd. in the amount of \$10,359.90 are ratified and approved;

10. That the Executor is hereby authorized to pay to itself the sum of

\$20,000.00 as a partial payment of the Executor's commission as allowed by law; and

11. That the remainder of the funds and properties shall remain in the

estate pending a decree of final distribution or other order of this Court.

DATED this 3rd day of August, 1990.

St. Melvin M. Hoyt
DISTRICT JUDGE

EXHIBIT "A"

PL-53: 4A

Eureka/Lander Counties, Nevada

Recordation Date Book Page BLM NMC# No. Class Name

1	Bruno	1/5/07	C	106	47024
2	Cavallier	7/7/04	B	143	47025
3	Eagle	11/12/35	H	506	47026
4	Ellis	9/9/22	C	436	47027
5	Esther	8/10/23	C	462	47028
6	Clifford Galore	8/9/23	C	483	47029
7	Cotter	8/9/23	C	432	47030
8	Cotter #1	8/9/23	C	462	47031
9	Cotter #2	8/3/23	C	483	47032
10	Cotter #3	8/12/23	C	483	47033
11	Cotter #4	8/12/23	C	483	47034
12	Cotter #5	8/9/23	C	483	47035
13	Blue Bell	6/15/19	C	273	47036
14	Blue Jay	11/14/35	H	506	47037
15	London	8/21/30	H	274	47038
16	Majestic	10/18/28	H	139	47039
17	Majestic #1	10/20/28	H	139	47040
18	Mascot	9/29/03	B	119	47041
19	Oneonta	9/30/03	B	119	47042
20	Shamrock	9/10/22	C	438	47043
21	Tom Gilliam	7/29/09	E	54	47044
22	Valley View	7/20/19	H	179	47045
23	Highland Lassie	11/6/06	C	172	47046
24	Whitney	5/27/34	H	408	47047
25	Shelia	5/26/34	H	407	47048
26	Norman	5/27/34	H	409	47049
27	Esther B (Esther)	5/28/34	H	406	47050
28	Nora	5/28/34	H	495	47051
29	Buddy	4/15/68	H	406	47052
30	Jay	12/19/68	25	490	47053
31	Bruno #1	12/19/68	25	491	47054
32	Josephine	12/19/68	25	507	47055
33	#9	12/19/68	25	512	47056
34	#10	8/10/54	J	282	47057
35	#11	10/26/71	40	587	47058
36	#23	12/19/68	25	513	47059
37	#24	12/19/68	25	514	47060
38	Monterey	12/19/68	25	511	47061
39	Ida	12/19/68	25	502	47062
40	Ida #1	12/19/68	25	503	47063
41	Ida #2	12/19/68	25	504	47064
42	Ida #3	12/19/68	25	505	47065
43	Ida #4	12/19/68	25	506	47066
44	Victory	9/6/63	19	557 (L)	47067

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Exhibit "A" - Page 1 of 9

Recordation

No. Claim Name Date Book Page BLM NYCF

45 Victory #1
46 Lassie #1
47 Lassie #2
48 Long Shot
49 Long Shot #1
50 Helen
51 Helen #1
52 Helen #2
53 Nora #1
54 Nora #2
55 Buddy #1
56 Buddy #2
57 Buddy #3
58 Ion 1A
59 Ion 2A
60 Ion 3A
61 Ion 4A
62 Ion 5A
63 Ion 6A
64 Ion 7
65 Ion 8
66 Ion 9
67 K - 18
68 K - 19
69 K - 20
70 K - 21
71 K - 22
72 K - 23
73 K - 24
74 K - 25
75 K - 26
76 K - 27
77 K - 28
78 K - 29
79 K - 30
80 K - 31
81 K - 32
82 K - 33
83 K - 34
84 K - 35
85 K - 36
86 K - 37
87 K - 38
88 K - 39
89 K - 40
90 K - 41
91 K - 42
92 K - 43
93 K - 44

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107 548 (L) 47068
26 508 47069
26 509 47070
26 510 47071
28 25 47072
26 499 47073
26 500 47074
26 501 47075
55 494 47076
54 495 47077
26 492 47078
26 493 47079
26 494 47080
27 559 47242
27 560 47243
27 561 47244
27 562 47245
27 563 47246
27 564 47247
3 814 47248
3 815 42749
3 816 42750
23 352 47251
23 353 47252
23 354 47253
23 355 47254
23 356 47255
23 357 47256
23 358 47257
23 359 47258
23 360 47259
23 361 47260
23 362 47261
23 363 47262
23 431 47263
23 432 47264
23 433 47265
23 434 47266
23 364 47267
23 435 47268
23 436 47269
23 437 47270
28 438 47271
28 439 47272
28 440 47273
25 25 47274
26 365 47275
26 366 47276
26 367 47277

47278	30	7/24/69	47278	134
95	31	8/29/69	47279	323
96	23	4/30/69	47280	571
97	23	4/30/69	47281	572
98	23	4/21/69	47282	441
99	23	4/21/69	47283	442
100	23	4/8/69	47284	368
101	23	4/8/69	47285	369
102	23	4/8/69	47286	370
103	23	4/8/69	47287	371
104	23	4/8/69	47288	372
105	23	4/8/69	47289	373
106	23	4/30/69	47290	573
107	23	4/30/69	47291	574
108	23	4/21/69	47292	443
109	23	4/5/69	47293	374
110	23	4/5/69	47294	375
111	23	4/8/69	47295	376
112	23	4/3/69	47296	377
113	23	4/3/69	47297	378
114	23	4/8/69	47298	379
115	23	4/8/69	47299	380
116	31	8/29/69	47300	324
117	31	8/29/69	47301	325
118	31	8/29/69	47302	326
119	30	7/24/69	47303	135
120	31	8/29/69	47304	327
121	31	8/29/69	47305	328
122	31	8/29/69	47306	329
123	31	8/29/69	47307	330
124	31	8/29/69	47308	331
125	31	8/29/69	47309	332
126	31	8/29/69	47310	333
127	31	8/29/69	47311	334
128	31	8/29/69	47312	335
129	31	8/29/69	47313	336
130	31	8/29/69	47314	337
131	31	8/29/69	47315	338
132	23	4/21/69	47316	444
133	23	4/21/69	47317	445
134	23	4/21/69	47318	446
135	23	4/21/69	47319	447
136	23	4/21/69	47320	448
137	23	4/21/69	47321	449
138	23	4/21/69	47322	450
139	23	4/21/69	47323	451
140	23	4/21/69	47324	452
141	23	4/21/69	47325	453

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47325	381	28	4/8/69	47325	381	28	4/8/69
47327	575	28	4/30/69	47327	575	28	4/30/69
47328	576	28	4/30/69	47328	576	28	4/30/69
47329	454	28	4/21/69	47329	454	28	4/21/69
47330	455	28	4/21/69	47330	455	28	4/21/69
47331	456	28	4/21/69	47331	456	28	4/21/69
47332	457	28	4/21/69	47332	457	28	4/21/69
47333	382	28	4/8/69	47333	382	28	4/8/69
47334	383	28	4/8/69	47334	383	28	4/8/69
47335	384	28	4/8/69	47335	384	28	4/8/69
47336	385	28	4/8/69	47336	385	28	4/8/69
47337	385	28	4/8/69	47337	385	28	4/8/69
47338	386	28	4/8/69	47338	386	28	4/8/69
47339	235	28	3/19/59	47339	235	28	3/19/59
47340	236	28	3/19/59	47340	236	28	3/19/59
47341	237	28	3/19/59	47341	237	28	3/19/59
47342	238	28	3/19/59	47342	238	28	3/19/59
47343	239	28	3/19/59	47343	239	28	3/19/59
47344	240	28	3/19/59	47344	240	28	3/19/59
47345	241	28	3/19/59	47345	241	28	3/19/59
47346	242	28	3/19/59	47346	242	28	3/19/59
47347	577	28	4/30/69	47347	577	28	4/30/69
47348	578	28	4/30/69	47348	578	28	4/30/69
47349	579	28	4/30/69	47349	579	28	4/30/69
47350	424	28	4/21/69	47350	424	28	4/21/69
47351	580	28	4/30/69	47351	580	28	4/30/69
47352	425	28	4/21/69	47352	425	28	4/21/69
47353	581	28	4/30/69	47353	581	28	4/30/69
47354	426	28	4/21/69	47354	426	28	4/21/69
47355	427	28	4/21/69	47355	427	28	4/21/69
47356	428	28	4/21/69	47356	428	28	4/21/69
47357	582	28	4/30/69	47357	582	28	4/30/69
47358	583	28	4/30/69	47358	583	28	4/30/69
47359	584	28	4/30/69	47359	584	28	4/30/69
47360	585	28	4/30/69	47360	585	28	4/30/69
47361	586	28	4/30/69	47361	586	28	4/30/69
47362	587	28	4/30/69	47362	587	28	4/30/69
47363	588	28	4/30/69	47363	588	28	4/30/69
47364	589	28	4/30/69	47364	589	28	4/30/69
47365	590	28	4/30/69	47365	590	28	4/30/69
47366	591	28	4/30/69	47366	591	28	4/30/69
47367	429	28	4/21/69	47367	429	28	4/21/69
47368	430	28	4/21/69	47368	430	28	4/21/69
47369	27	29	5/7/69	47369	27	29	5/7/69
47370	28	29	5/7/69	47370	28	29	5/7/69
47371	29	29	5/7/69	47371	29	29	5/7/69
47372	30	29	5/7/69	47372	30	29	5/7/69
47373	31	29	5/7/69	47373	31	29	5/7/69

142	X	-	111	189	C	-	44
143	X	-	112	188	C	-	43
144	X	-	113	187	C	-	42
145	X	-	114	186	C	-	41
146	X	-	115	185	C	-	40
147	X	-	116	184	C	-	38
148	X	-	117	183	C	-	37
149	X	-	118	182	C	-	36
150	C	-	2	181	C	-	35
151	C	-	3	180	C	-	34
152	C	-	4	179	C	-	31
153	C	-	5	178	C	-	30
154	C	-	6	177	C	-	29
155	C	-	7	176	C	-	28
156	C	-	8	175	C	-	27
157	C	-	9	174	C	-	26
158	C	-	10	173	C	-	25
159	C	-	11	172	C	-	24
160	C	-	12	171	C	-	23
161	C	-	13	170	C	-	22
162	C	-	14	169	C	-	21
163	C	-	15	168	C	-	20
164	C	-	16	167	C	-	19
165	C	-	17	166	C	-	18
166	C	-	18	165	C	-	17
167	C	-	19	164	C	-	16
168	C	-	20	163	C	-	15
169	C	-	21	162	C	-	14
170	C	-	22	161	C	-	13
171	C	-	23	160	C	-	12
172	C	-	24	159	C	-	11
173	C	-	25	158	C	-	10
174	C	-	26	157	C	-	9
175	C	-	27	156	C	-	8
176	C	-	28	155	C	-	7
177	C	-	29	154	C	-	6
178	C	-	30	153	C	-	5
179	C	-	31	152	C	-	4
180	C	-	34	151	C	-	3
181	C	-	37	150	C	-	2
182	C	-	36	149	C	-	1
183	C	-	37	148	X	-	117
184	C	-	38	147	X	-	116
185	C	-	40	146	X	-	115
186	C	-	41	145	X	-	114
187	C	-	42	144	X	-	113
188	C	-	43	143	X	-	112
189	C	-	44	142	X	-	111

190	C - 45	5/7/69	29	22	47374
191	C - 46	5/7/69	29	33	47375
192	C - 47	5/7/69	29	34	47376
193	C - 48	5/7/69	29	35	47377
194	C - 49	5/7/69	29	36	47378
195	RUS #1	12/06/78	69	47	50604
196	RUS #2	12/06/78	69	48	50605
197	RUS #3	12/06/78	69	49	50606
198	RUS #4	12/06/78	69	50	50607
199	RUS #5	12/07/78	69	51	50608
200	RUS #6	12/08/78	69	52	50609
201	RUS #7	12/15/78	69	53	50610
202	RUS #8	12/12/78	69	54	50611
203	RUS #9	12/12/78	69	55	50612
204	RUS #10	12/12/78	69	56	50613
205	RUS #11	12/13/78	69	57	50614
206	RUS #12	12/14/78	69	58	50615
207	RUS #13	12/14/78	69	59	50616
208	RUS #14	12/14/78	69	60	50617
209	RUS #15	12/22/78	69	61	50618
210	RUS #16	12/22/78	69	62	50619
211	RUS #17	12/22/78	69	63	50620
212	RUS #18	12/22/78	69	64	50621
213	RUS #19	12/22/78	69	65	50622
214	RUS #20	12/23/78	69	66	50623
215	RUS #21	12/23/78	69	67	50624
216	RUS #22	12/24/78	69	68	50625
217	RUS #23	12/24/78	69	69	50626
218	HOM #1	8/27/79	75	594	123014
219	HOM #2		75	595	123015
220	HOM #3		75	596	123016
221	HOM #4		75	597	123017
222	HOM #5		75	598	123018
223	HOM #7		75	599	123020
224	HOM #9		75	600	123022
225	HOM #11		76	4	123024
226	HOM #13		171	562	123026
227	HOM #15		171	564	123028
228	HOM #17		171	566	123030
229	HOM #19		76	6	123032
230	HOM #20		76	8	123033
231	HOM #21		76	10	123034
232	HOM #23		76	12	123036
233	HOM #25		76	14	123038
234	HOM #27		76	16	123040
235	HOM #29		76	18	123042
236	HOM #31		76	20	123044

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Exhibit "A" - Page 5 of 9

Exhibit "A" - Page 6 of 9

262	CV 41	N	75	578	128113
283	CV 42	N	171	556	128114
284	CV 43	N	171	557	128115
285	CV 44	N	171	558	128116
286	CV 45	N	75	579	128117
287	CV 46	N	171	559	128118
288	CV 47	N	75	581	128119
289	CV 48	N	75	582	128120
290	CV 49	N	75	583	128121
291	CV 50	N	75	584	128122
292	CV 51	N	75	585	128123
293	CV 52	N	75	586	128124
294	CV 53	N	75	587	128125
295	CV 54	N	75	588	128126
296	CV 55	N	75	589	128127
297	CV 56	N	75	590	128128
298	CV 57	N	75	591	128129
299	CV 58	N	75	592	128130
300	CV 59	N	75	593	128131
301	NER 1		76	285	133042
302	NER 12		76	286	133043

MILLISTES

CLAIM
MILL 1 CANYON MILLISTES 1-161, Inclusive
BLM NMC
47081 through 47241, Inclusive

BOOK 212 PAGE 345

(A) 26 unpatented lode claims located in T. 27 N., R. 48 E., M.D.B.&M., Eureka County, Nevada

Eureka County		Claim Name
Book	Page	
191	256-281	Phil 1 through 26, inclusive
BLM NMC Serial No.		
529660-529685		

(B) An undivided one-half interest in an unpatented lode mining claim designated Great (Big) Chief Lode Mining Claim, jointly owned with T. David Horton and located in Lander County, Nevada.

Patented Mining Claims

1. The Ventura Lode Mining Claim, designated by the Surveyor General as Survey No. 47887, in the Cortez Mining District, as described in Patent No. 16390, executed by the United States of America.

2. The Maid Queen Lode Mining Claim, designated by the Surveyor General as Survey No. 52906, in the Cortez Mining District, as described in Patent No. 19602, executed by the United States of America.

3. The May Flower, Comstock, Illinois, White Horse, Jumbo, Aurora, Rhoda and Benjamin Harrison Lode Mining Claims, designated by the Surveyor General as Survey No. 3207, in the Cortez Mining District, as described in Patent No. 110031, executed by the United States of America, recorded March 5, 1914, in Book 17, Page 551, Deed Records, Eureka County, Nevada.

4. The Emma E. Lode Mining Claim, designated by the Surveyor General as Survey No. 3635, in the Cortez Mining District, as described in Patent No. 164355, executed by the United States of America, recorded February 15, 1911, in Book 17, Page 6, Deed Records, Eureka County, Nevada.

SEAL

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

I, the Undersigned County Clerk and Ex-Officio
Clerk of the SEVENTH JUDICIAL DISTRICT COURT do hereby CERTIFY
that the foregoing is a full, true and correct copy of the original on file in
my office and that I have carefully compared the same with the
original

DISTRICT COURT, this 24th day of June 19 40

WITNESS, My Hand and Seal of said
County Clerk and Ex-Officio Court Clerk

By M. C. Clark
Deputy Clerk

OFFICIAL RECORDS
RECORDED AT THE REQUEST OF
BOOK 212 PAGE 335

Boicodda & Dignaya

90 AUG -7 AM 11:23

EUREKA COUNTY, NEVADA
M.N. REBALANCE, REORDER
FILE NO. 1702

133058