

94 NOV 28 P1:53

D. DALEY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF DOUGLAS

In the Matter of the Estate

-of-

BETTY LOU TAUBER VAUGHN,

ORDER AND DECREE
OF DISTRIBUTION
OF SMALL ESTATE

Deceased . /

THIS MATTER came on for hearing on the 28th day of

November, 1994 on the petition for distribution of small

Estate filed by EDWARD MANNING VAUGHN. Present in court was

MICHAEL SMILEY ROWE, ESQ., attorney for EDWARD MANNING VAUGHN.

Based upon the petition for distribution of small

Estate, and good cause appearing, the court hereby finds,

orders and decrees as follows:

1. The Petitioner is the surviving spouse of the

decedent BETTY LOU TAUBER VAUGHN, who died on the 16th day of

July, 1992. Attached to the petition for distribution of

Small Estate is a certified copy of the Certificate of Death

issued by the State of California, Sacramento County,

Department of Health.

2. On the date of her death, the decedent left a

Last Will and Testament in effect, a copy of which is attached

to the Petition as Exhibit "B". Pursuant to the Last Will and

BOOK 278 PAGE 553

1 Testament of the decedent, the rest and residue of the
2 decedent was given to the petitioner as the surviving trustee
3 pursuant to the Vaughn Revocable Trust U.T.D. 1/31/90. The
4 property which is the subject of the petition is subject to
5 the "pour over" provision of the Last Will and Testament which
6 the decedent intended to "capture" all assets which were owned
7 by the decedent, but not otherwise transferred to the Trust.
8
9 3. The Court finds that the estate of the decedent
10 has been distributed pursuant to the decedent's will except
11 for the later discovered property identified within the
12 Petition.

13 4. The property which is the subject of the
14 petition are two (2) parcels of real property located in
15 Eureka County, Nevada which were owned by the decedent at the
16 time of her death. Title to the two (2) parcels was held by
17 the decedent as:

"BETTY L. VAUGHN, a married woman as her
sole and separate property".

18 5. The Court finds that the two (2) parcels are
19 identified generally as Eureka County, Nevada Assessor's
20 Parcel Number 5-190-21 and Eureka County, Nevada Assessor's
21 Parcel Number 5-040-20.

Attached as Exhibits "E" and "F" to the petition are

22 two (2) appraisals which were caused by the petitioner. The
23 Court finds that the appraised value of the two (2) parcels
24 are: As to APN 5-040-20, the appraised value is \$1,400.00; as
25 to APN 5-190-21, the appraised value is \$1,500.00. The

1 Petitioner has alleged, and the Court finds, that the values
2 of these unimproved parcels have not materially changed since
3 July 16, 1992, the date of the appraisals.

4 The Court finds that the total value of the estate
5 of the decedent which the Court distributes pursuant to this
6 Decree is \$2,900.00.

7 6. Pursuant to the Verified Petition, the
8 Petitioner has alleged, which the Court hereby accepts as
9 true, that there is no other property to be distributed
10 pursuant to the Last Will and Testament of the decedent. The
11 Court finds that there are no liens, or encumbrances of
12 record, existing against the decedent's property. The Court
13 finds that there are no debts of the decedent which remain
14 unpaid as of the date of the Petition, or as of the date of
15 this Order.

16 7. The Court finds that due and proper notice has
17 been provided of the Petition and of the hearing to the heirs,
18 devisees and legatees of the decedent. No written or oral
19 protest has been received by the Court objecting to the entry
20 of this Decree.

21 CONCLUSIONS OF LAW AND DECREE OF DISTRIBUTION

22 Based upon the above and foregoing, and the Verified
23 Petition on file herein, the Court concludes as a matter of
24 law that the property of the Decedent now known to exist
25 within the State of Nevada does not exceed a value of
26 \$2,500.00, is not encumbered by any lien or encumbrance of

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

MICHAEL SMILEY ROWE
Attorney at Law
P. O. Box 2080 • Minden, NV 89423
(702) 782-8141

record, and that there are no debts of the decedent remaining to be paid.

The Court concludes as a matter of law that, pursuant to NRS 146.070(3), it may enter its decree setting aside the property of the decedent to the Petitioner.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED

that the property of the decedent, commonly known as Eureka County Assessor's Parcel Number 5-190-21 and Eureka County Assessor's Parcel Number 5-040-20, with a combined value of \$2,900.00, be set aside and distributed to the Petitioner, as his sole and separate property, without claim by any other person. The Court determines that the filing of a bond is not necessary in this matter. The Court ratifies, confirms and approves of the payment by the Petitioner of the attorney's fees and court costs associated with the instant Petition, all of which are in a sum not to exceed \$1,000.00.

DATED this 28 day of November, 1994.

Thomas E. Perkins

THOMAS E. PERKINS
DISTRICT COURT JUDGE

Submitted by:
Michael Smiley Rowe, Esq.
Nevada State Bar Number 1374
1638 Esmeralda Ave.
P. O. Box 2080
Minden, Nevada 89423
(702) 782-8141
Attorney for Edward Manning Vaughn

BOOK 278 PAGE 553
OFFICIAL RECORDS
RECORDED AT THE REQUEST OF
Michael Smiley Rowe
94 DEC -1 PM 1:32
EUREKA COUNTY NEVADA
M.N. REBAL EATL. RECORDER
FILE NO. FEES 11.00

155973

CERTIFIED COPY
The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.
DATE: *July 28, 1997*
[Signature]
Clerk of the 9th Judicial District Court
of the State of Nevada, in and for the County of Douglas,
By *[Signature]* Deputy

BOOK 278 PAGE 557