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IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

-00-

IN THE MATTER OF THE ESTATE OF

JEAN BAKER

Deceased.

*Order Setting Aside the Estate
Without Administration*

It appearing to the satisfaction of the Court that a verified Petition to Set Aside the Estate of JEAN

BAKER, Deceased, without administration has been filed herein, and that notice of the time and place of the

hearing thereon has been duly given in the manner required by law, and that no one has objected or presented

any reason why said Petition should not be granted, the Court finds that:

1. Petitioner. The Petitioner, RAYMOND L. BAKER, is a resident of Humboldt County, Nevada,

and that being a surviving spouse of the Decedent, Petitioner would be entitled to be appointed to Administer

said Estate with Letters of Administration issued to him as Administrator of the above Estate.

2. Decedent. The Decedent, JEAN BAKER, died on February 15, 1996 in Reno, Washoe County,

Nevada; that her Social Security Number is 530-26-3286; that her death certificate was heretofore filed herein.

3. Residence. At the time of death, the Decedent resided at 9415 Grass Valley Road, Winnemucca,

Nevada.

4. Spouse. The Decedent is survived by her spouse Petitioner RAYMOND L. BAKER

5. Children. The Decedent had 13 children, the issue of said marriage with RAYMOND L.

BAKER and 12 of said children survived the Decedent. The surviving children are of full age and are:

DAVID BAKER

4155 Boardwalk Court
Winnemucca, NV 89445

JODI KRAFT

9405 Grass Valley Rd.
Winnemucca, NV 89445

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Line	Name and address	Age	Relation
1	TERRY BAKER 400 White Oak Spring Creek, NV 89815		
2	TOM BAKER 230 Shady Brook Ct. Spring Creek, NV 89801		
3	TOM BAKER 230 Shady Brook Ct. Spring Creek, NV 89801		
4	KARL BAKER 3235 Danville Dr. Sparks, NV 89434		
5	KARL BAKER 3235 Danville Dr. Sparks, NV 89434		
6	KARL BAKER 3235 Danville Dr. Sparks, NV 89434		
7	CURTIS BAKER 990 Mercedes Dr. Sparks, NV 89436		
8	CURTIS BAKER 990 Mercedes Dr. Sparks, NV 89436		
9	KELLI SWANGER 3120 W. Jupiter Ave. Winnemucca, NV 89445		
10	KELLI SWANGER 3120 W. Jupiter Ave. Winnemucca, NV 89445		
11	DONALD BAKER was killed at age 17; he was not married and had no children.		
12	6. Will. After diligent search by Petitioner no Will of the Decedent could be found and it appears that she died intestate.		
13	7. Heirs at law and next of kin. The names, ages, relationships and residences of the heirs at law and the next of kin of the Decedent are as follows:		
14			
15			
16	RAYMOND L. BAKER 9415 S. Grass Valley Rd. Winnemucca, NV 89445	over 21	husband
17	RAYMOND L. BAKER 9415 S. Grass Valley Rd. Winnemucca, NV 89445	over 21	husband
18	DAVID BAKER 4155 Boardwalk Court Winnemucca, NV 89445	over 21	son
19	DAVID BAKER 4155 Boardwalk Court Winnemucca, NV 89445	over 21	son
20	JODI KRAFT 9405 Grass Valley Rd. Winnemucca, NV 89445	over 21	daughter
21	JODI KRAFT 9405 Grass Valley Rd. Winnemucca, NV 89445	over 21	daughter
22	TERRY BAKER P. O. Box 152 Carlin, NV 89822	over 21	son
23	TERRY BAKER P. O. Box 152 Carlin, NV 89822	over 21	son
24	TOM BAKER 230 Shady Brook Ct. Spring Creek, NV 89801	over 21	son
25	TOM BAKER 230 Shady Brook Ct. Spring Creek, NV 89801	over 21	son
26	KARL BAKER 3235 Danville Dr. Sparks, NV 89434	over 21	son
27	KARL BAKER 3235 Danville Dr. Sparks, NV 89434	over 21	son
28			

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Line	Description	Estimated value
1	CURTIS BAKER 990 Mercedes Dr. Sparks, NV 89436	over 21 son
2	KELLI SWANGER 3120 W. Jupiter Ave. Winnemucca, NV 89445	over 21 daughter
3	MIRKI INGLE 6295 Tausha Dr. Winnemucca, NV 89445	over 21 daughter
4	CAROLYN AVEY 4136 Sherwood Dr. Winnemucca, NV 89445	over 21 daughter
5	DAN BAKER 970 3 rd St. Elko, NV 89801	over 21 son
6	JON BAKER 1834 Scott St. Winnemucca, NV 89445	over 21 son
7	JIM BAKER 9415 S. Grass Valley Rd. Winnemucca, NV 89445	over 21 son
8	8. Property. At the time of death, Decedent owned certain personal property located in Humboldt County, Nevada and real and personal property in Eureka County, which is subject to probate administration. The estimated value of said Estate is under \$32,000. The specific description of said property is as follows:	
17	Decedent's separate property:	
18	Description	Estimated value
19	Undivided 1/2 interest of:	
20	T. 32 N. R. 51 E. MDB&M Section 28: N1/2NE1/4SW1/4 E1/2NW1/4	
21	100 acres more or less	
22	APN 4-370-23	
23	Together with mobile home, 65 x 14 Tamarack Serial No. 162997D44630	\$32,000.00
24	Decedent's community property:	
25	Description	Estimated value
26		
27		
28		

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Line	Description	Amount
1	Undivided 1/2 interest of:	
2	Numerous personal and household effects which are of nominal value.	
3	Total	\$32,000.00
4	9. Property not subject to administration. The Decedent had other property which is not otherwise subject to probate administration and which passed to her surviving joint tenant according to the laws pertaining to joint tenancies.	
5		
6		
7	10. Liens and Encumbrances. There are no known liens or encumbrances of record affecting Decedent's property at the date of death.	
8		
9	11. Funeral Expenses. Petitioner paid the necessary funeral expenses using Petitioner's personal funds, and not funds of the Estate, for which Petitioner is entitled to reimbursement from the Estate.	
10		
11	12. Last illness expenses. There are no expenses of last illness of Decedent that may require payment as far as known by Petitioner.	
12		
13	13. Federal tax returns. Petitioner is informed and upon that information believes that the size of Decedent's Estate does not require the filing of a Federal Estate Tax Return. Petitioner filed a federal income tax return to report Decedent's taxable income for 1997. Petitioner is informed and based on such information alleges that all prior federal tax returns which were required to be filed by the Decedent have been completed and filed with the Internal Revenue Service.	
14		
15		
16		
17		
18	14. Welfare reimbursement. There are no indigent care expenses paid by Nevada Division of Welfare as far as known by Petitioner.	
19		
20	15. Debts. Petitioner paid the debts of Decedent using Petitioner's personal funds, and not funds of the Estate.	
21		
22	16. Costs of set aside proceeding. The costs incurred by Petitioner for the set aside of Decedent's estate and winding up his affairs are as follows:	
23		
24	William Macdonald, Attorney for the Estate and Petitioner	
25	Fees for services to date and expected in the future for research, conferences with Petitioner and other family members, petition, notice, consents by heirs preparation, filing and mailing of documents, court appearance and other services - estimated not over 6 hours @ \$110	660.00
26		
27		
28		

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28 property to be owned by 14 individuals; the shares of the children of the Deceased and the Petitioner should
 27 The property is very isolated and is difficult to maintain, protect and care for; it would be impractical for the
 26
 25 Each of 12 children
 24 John Hullinger
 23 Owner
 22 Share
 21 Share of Total
 20 Value

of the Decedent's half of the property, the entire property would be owned as follows:
 of the deceased would not be practical; the real property is appraised at \$32,000; after an in-kind distribution

18. Distribution in-kind not practical. An in-kind distribution of the real property to the children
 there is no need to formally administer the Estate.
 in which the Decedent's Estate should be assigned and set apart without administration and therefore it appears
 and if no Will then according to intestate successor. On that basis, Petitioner alleges that this is a proper case
 any, and second, any balance remaining to the claimants entitled thereto pursuant to the Will of the Decedent
 of Welfare of the State of Nevada as a result of payment of benefits for Medicaid, and creditors, if there are
 assigned and set apart, first, to the payment of funeral expenses, expenses of last illness, money owed Division
 therefor, the Court may order that the Estate must not be administered upon but the whole thereof must be
 of a decedent's estate, after deducting any encumbrances, does not exceed \$50,000, upon good cause shown
 146.070(2) provides that when there is no surviving spouse or minor child of the deceased and the gross value
 17. Dispensing with administration. Petitioner is informed and believes that Nevada Revised Statutes

should be paid out of Decedent's Estate
 These costs of the set aside proceeding of Decedent's Estate are found to be reasonable, proper and just and

1	Reimbursement for costs and expenses incurred or to be incurred:	
2	Court filing fee to County Clerk	145.50
3	Certified mail, & postage - estimate [actual to-date: \$47.01	75.00
4	Publication of notice	26.00
5	Appraisal - Duvall Appraisal	125.00
6	First American Title, Elko, title report	200.00
7	Manufactured Housing, title search on mobile home	5.00
8	Eureka County Recorder, record Deed	8.00
9	Division of Manufactured Housing - new title	20.00
10	Total fees & costs to William Macdonald	\$ 1,264.50
11	Total costs of set aside proceeding	\$ 1,264.50

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1 be distributed to Petitioner in trust to sell together with his own share and that of the Decedent's co-tenant John
 2 C. Hullinger, with the net proceeds of such sale to be distributed 1/2 to John C. Hullinger, 1/6 to Raymond L.
 3 Baker and 1/36 each to the 12 children of Decedent and Petitioner; the best interest of the owners requires that
 4 the same be sold as quickly as possible.

5 **19. Proposed distribution of property.** Petitioner proposes that the whole of Decedent's Estate be
 6 set aside and distributed in the following manner: the payment of the costs of the set aside proceeding, the
 7 payment of any unpaid funeral expenses, the payment of any unpaid expenses for Decedent's last illness, the
 8 payment of any unpaid creditors, and the balance as follows:

9 Decedent's separate property:

10 UNTO RAYMOND L. BAKER, an undivided 1/3rd of an undivided 1/2 interest

11 UNTO RAYMOND L. BAKER, as Trustee, an undivided 2/3rds of an undivided 1/2 interest

12 for the children of the Decedent and Petitioner in the following proportionate shares:

13 UNTO DAVID BAKER, an undivided 1/18th of an undivided 1/2 interest

14 UNTO JODI KRAFT, an undivided 1/18th of an undivided 1/2 interest

15 UNTO TERRY BAKER, an undivided 1/18th of an undivided 1/2 interest

16 UNTO TOM BAKER, an undivided 1/18th of an undivided 1/2 interest

17 UNTO KARL BAKER, an undivided 1/18th of an undivided 1/2 interest

18 UNTO CURTIS BAKER, an undivided 1/18th of an undivided 1/2 interest

19 UNTO KELLI SWANGER, an undivided 1/18th of an undivided 1/2 interest

20 UNTO MIKKI INGLE, an undivided 1/18th of an undivided 1/2 interest

21 UNTO CAROLYN AVEY, an undivided 1/18th of an undivided 1/2 interest

22 UNTO DAN BAKER, an undivided 1/18th of an undivided 1/2 interest

23 UNTO JON BAKER, an undivided 1/18th of an undivided 1/2 interest

24 UNTO JIM BAKER, an undivided 1/18th of an undivided 1/2 interest

25 Decedent's community property:

26 UNTO RAYMOND L. BAKER, all of Decedent's undivided 1/2 interest

27 **20. General findings.** The Court finds from the records, files and testimony herein that:

28 (1) The matters and things set forth in said Petition are true and correct;

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1 The statutory minimum of 30 days elapsed between the date of death and the commencement of
2 the proceedings.
3 (3) The value of the Estate does not exceed \$50,000 and thus may be set aside without administration.
4 (4) The attorney fees and costs are reasonable and proper.
5 (5) The Court considers it just and proper that the entire Estate of Decedent, including all property,
6 in the hands of said Petitioner or any official of Humboldt County, or any other person, together with any and
7 all other property belonging to the Estate not yet known or discovered and wheresoever situated, be assigned
8 and set aside pursuant to Nevada Revised Statutes 146.070, to RAYMOND L. BAKER for the purpose of
9 paying administration costs and any claims ordered herein and distributing the balance 1/3 to RAYMOND
10 BAKER and 2/3 to RAYMOND L. BAKER, as Trustee for the 12 sons and daughters of Decedent as the
11 claimants thereto, for the reasons that:
12 (i) There are no known claims of any kind which have not been paid or adequately provided
13 for.
14 (ii) Proper notice was given to those debtors which did not file claims herein.
15 (6) The said RAYMOND L. BAKER, as Trustee shall thereupon diligently proceed to sell said
16 property in order to permit the distribution of 1/12 of 2/3rds of 1/2 thereof to each of the surviving sons and
17 daughters of the Decedent as set out in Section 5 hereof.
18 IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that:
19 *First* The Estate of the above-named Decedent not be further administered upon.
20 *Second* It is not required that any person be directed to formally administer this Estate as an
21 Administrator.
22 *Third* The whole of the Estate of JEAN BAKER, Deceased, be, and the same is hereby set aside and
23 distributed to RAYMOND L. BAKER to pay therefrom all remaining unpaid claims, the debts for services
24 ordered by Petitioner and the costs of the set aside proceeding and that the Clerk of Court shall thereafter
25 distribute the balance thereof 1/3 to RAYMOND L. BAKER and 2/3 to RAYMOND L. BAKER as Trustee
26 for the 12 sons and daughters of the Decedent as the claimants entitled thereto.
27 *Fourth* The Clerk of Court shall execute her Court Clerk's Deed to RAYMOND L. BAKER as to
28 an undivided 1/3 of Decedent's 1/2 and to RAYMOND L. BAKER, in Trust for:

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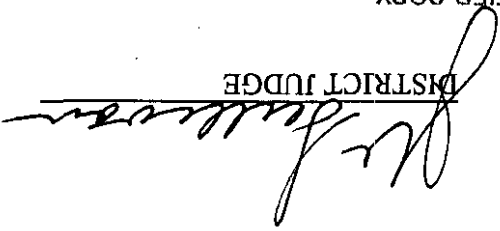
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The document to which this certificate is at-
tached is a full, true and correct copy of the
original on file and of record in my office.
Date: 8/31/98
Susan E. Harter, County Clerk and Clerk
of the sixth Judicial District Court, in and for
The County of Humboldt, State of Nevada,
Deputy

Winnemucca, Nevada 89446
Box 40
Lawyer
WILLIAM MACDONALD
Attorney for Petitioner
Fax (702) 623-5487

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CERTIFIED COPY


DISTRICT JUDGE

DATED this 24 day of Aug 1998.

1/18th of Decedent's 1/2 to each of the aforementioned children.

property for the purpose of making distribution to himself as to 1/3 of Decedent's 1/2 and as Trustee as to

- F. The distribution of the balance to RAYMOND L. BAKER with the duty to sell the real
- E. The payment of any amounts owed creditors, if any;
- D. The payment of any amounts owed the Welfare Division of the State of Nevada, if any;
- C. The payment of any unpaid expenses of the last illness of Decedent, if any;
- B. The payment of any unpaid funeral expenses, if any;
- A. The payment of the costs of the set aside proceedings;

Petitioner shall file with the Court a Closing Report and Account thereof showing:

Fifth. That upon payment and delivery of all Estate property as herein provided, Attorney for

- UNTO DAVID BAKER, an undivided 1/18th of an undivided 1/2 interest
- UNTO JODI KRAFT, an undivided 1/18th of an undivided 1/2 interest
- UNTO TERRY BAKER, an undivided 1/18th of an undivided 1/2 interest
- UNTO TOM BAKER, an undivided 1/18th of an undivided 1/2 interest
- UNTO KARTL BAKER, an undivided 1/18th of an undivided 1/2 interest
- UNTO CURTIS BAKER, an undivided 1/18th of an undivided 1/2 interest
- UNTO KELLI SWANGER, an undivided 1/18th of an undivided 1/2 interest
- UNTO MIKKI INGLE, an undivided 1/18th of an undivided 1/2 interest
- UNTO CAROLYN AVEY, an undivided 1/18th of an undivided 1/2 interest
- UNTO DAN BAKER, an undivided 1/18th of an undivided 1/2 interest
- UNTO JON BAKER, an undivided 1/18th of an undivided 1/2 interest
- UNTO JIM BAKER, an undivided 1/18th of an undivided 1/2 interest

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COPY

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EUREKA COUNTY NEVADA
M.N. REBAL EATI. RECORDER
FILE NO. FEES 17.00

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OFFICIAL RECORDS
RECORDED AT THE REQUEST OF
William McDonald, Lawyer