

SEP 21 1998

JOAN SHANGLE CLERK

120700

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

In the Matter of the Estate of

FANNIE F. KOMP,

Deceased.

ORDER AND DECREE OF SETTLEMENT OF FIRST AND FINAL ACCOUNT AND DECREE OF FINAL DISTRIBUTION

ELWOOD WRIGHT, as Executor of the Last Will and Testament of

FANNIE F. KOMP, having rendered and filed herein his FIRST AND

FINAL ACCOUNT and PETITION FOR SETTLEMENT OF FIRST AND FINAL

ACCOUNT AND PETITION FOR FINAL DISTRIBUTION, and said Account and

petition having been duly set for hearing on the 18th day of

September, 1998, and said hearing having been held on said date;

and the Petitioner being represented in Court by ROSS P. EARDLEY,

Attorney, of Eiko, Nevada; and

IT APPEARING that Notice of said hearing having been given

to all persons entitled thereto in the manner and form required by

law; and proof having been made to the satisfaction of the Court,

the Court now finds that all the allegations of the Petition are

true and that said Account is in all respects true and correct.

The Court finds that Notice to Creditors of said Estate has

been given as required by law, as appears from the Affidavits on

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1 file herein, showing due publication and mailing of said Notice to  
 2 Creditors, and there are no other known creditors to whom said  
 3 Notice should be mailed, and that the time for filing and present-  
 4 ing claims against the Estate has expired. The Court finds that no  
 5 creditor claims have been filed, and that all debts owed in connec-  
 6 tion with the Estate or the property thereof have been paid in  
 7 full, including taxes, and all tax returns have been filed.  
 8 The Court finds that FANNIE F. KOMP died on October 16,  
 9 1997, at Reno, Nevada, and was a resident of the County of Eureka,  
 10 State of Nevada, and left an estate in said County of Eureka, and  
 11 in the State of Nevada, consisting of real and personal property.  
 12 The Court finds that the property and assets of the Estate  
 13 have been duly inventoried and appraised and that the petitioner  
 14 has duly filed herein his verified Inventory and Appraisal, showing  
 15 the appraised value of the Estate to be \$231,941.62. The Court  
 16 finds that the appraiser's fees and expenses have been paid in  
 17 full.  
 18 The Court finds that the costs of administration, in the sum  
 19 of \$262.79, have been advanced by ROSS P. HARDLEY, Attorney, and  
 20 that the said attorney should be reimbursed therefor, together with  
 21 closing costs.  
 22 The Court finds that by written Agreement with the Executor,  
 23 the attorney fees of ROSS P. HARDLEY, the Attorney for the Execu-  
 24 tor, have been agreed upon in the sum of \$5,625.00. Application  
 25 for approval of said Agreement has been made to the Court and the  
 26 Court has approved said Agreement, as more particularly set forth  
 27 in the written Order filed herein.

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1 The Court finds that ELWOOD WRIGHT, the Executor of the

2 Estate, has waived any fees or commissions to which he may be

3 entitled as said Executor.

4 The Court finds that the heirs-at-law, devisees and legatees

5 of the Decedent are as follows:

6	NAME	RELATIONSHIP	AGE	ADDRESS
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7 ELWOOD WRIGHT Legatee Adult P.O. Box 211025 Crescent Vly, NV 89821

8 DEBBIE MASON Legatee Adult Unit 4, Box 4 Beowawe, NV 89821

9 CRESCENT VALLEY SENIOR CITIZENS FUND Legatee P.O. Box 211072

10 CRESCENT VALLEY SENIOR CITIZENS FUND Legatee 6830 Summit View Crescent Vly, NV 89821

11 WALLACE WRIGHT Legatee Adult Sparks, NV 89435

12 JAMES TAYLOR Legatee & Nephew Adult P.O. Box 211025 Crescent Vly, NV 89821

13 ELIZABETH TILSON Legatee & Niece Adult Raleigh, MS 39153

14 ELIZABETH TILSON Legatee Ocean Springs, MS 39564

15 The Court finds that the Last Will and Testament of the

16 Decedent, dated November 3, 1992, was duly admitted to probate in

17 the above entitled matter and that the distribution of the Estate

18 is controlled by said Will.

19 The Court finds that under Paragraphs SIXTH and SEVENTH of

20 said Will, the following persons are to receive distribution of

21 \$1,000.00 each:

22 DEBBIE MASON

23 CRESCENT VALLEY SENIOR CITIZENS FUND

24 MICHAEL WRIGHT

25 WALLACE WRIGHT

26 JAMES TAYLOR

27 ELIZABETH TILSON

28 The Court further finds that IRALEE HARMON and DOVIE WICKER,

who were to receive \$1,000.00 each under the said Will, died prior

1 to the Decedent and any gift to them has lapsed as expressly pro-

2 vided in said will.

3 The Court further finds that under the terms of Paragraph

4 SEVENTH of said will, the mineral interests of the Decedent in the

5 State of Mississippi are to be distributed equally to JAMES TAYLOR

6 and ELIZABETH TILSON.

7 Paragraph SIXTH OF said will leaves the sum of \$20,000.00 to

8 ELWOOD WRIGHT; however, ELWOOD WRIGHT is the residuary legatee

9 under said will and therefore this gift will be included in the

10 residue of the Estate.

11 The Court finds that Paragraph EIGHTH of said will leaves

12 certain property in equal shares to ELNA RUTH SCHROEDER and ELWOOD

13 WRIGHT with the provision that if either should predecease the

14 Decedent, said gift should go to the survivor. Paragraph NINTH of

15 said will leaves the residue of the Estate to ELNA RUTH SCHROEDER

16 with the provision that if she should predecease the Decedent, the

17 residue of the Estate should go to ELWOOD WRIGHT. The Court finds

18 that ELNA RUTH SCHROEDER did predecease the Decedent and died on

19 March 24, 1994; and by reason of the death of ELNA RUTH SCHROEDER,

20 all of the residue of the Estate, including the specific property

21 described in Paragraph EIGHTH of said will, should go to ELWOOD

22 WRIGHT, who is alive and has capacity to receive said distribution.

23 The Court finds that the First and Final Account of the

24 Executor is in all respects true and correct. The Court finds that

25 the property of the Estate on hand for distribution, subject to the

26 payment of costs of administration, closing costs and attorney

27 fees, is the cash on hand in the sum of \$20,677.67, and that

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1 certain real and personal property more particularly described

2 hereafter.

3 The Court finds that the Estate is now in a condition to be  
4 closed and the property distributed in accordance with the terms of  
5 the above mentioned Will of the Decedent.

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

7 that Notice of the hearing of said Petition to Settle First and

8 Final Account and Petition for Final Distribution was given in the  
9 manner and form required by law.

10 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the First  
11 and Final Account of the Executor be, and the same hereby is,  
12 settled, approved and allowed.

13 IT IS FURTHER ORDERED that the Executor pay to ROSS P.

14 EARDLEY, from the assets of the Estate or otherwise, the sum of  
15 \$262.79 for costs advanced, together with the costs of closing the  
16 Estate, and Attorney Fees in the sum of \$5,625.00, less \$2,000.00  
17 which has already been paid on said attorney fees.

18 IT IS FURTHER ORDERED that the Executor pay any final

19 income taxes owed by the Estate or any other expenses incurred in  
20 connection with the closing of the Estate and the distribution of  
21 the property of the Estate.

22 IT IS FURTHER ORDERED that the Executor pay from the assets  
23 of the Estate the sum of ONE THOUSAND DOLLARS (\$1,000.00) to each  
24 of the following persons:

- 25 DEBBIE MASON
- 26 CRESCENT VALLEY SENIOR CITIZENS FUND
- 27 MICHAEL WRIGHT
- 28 WALLACE WRIGHT
- JAMES TAYLOR
- ELIZABETH TILSON

1 IT IS FURTHER ORDERED that in so far as this Court has

2 jurisdiction to do so, the following described mining interests of  
3 the Decedent in the State of Mississippi are hereby distributed in  
4 equal shares to JAMES TAYLOR and ELIZABETH TILSON:

5 Certain oil, gas and mineral rights in the SE $\frac{1}{4}$  and  
6 the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 34, Township 4 North, Range 13  
7 West, County of Forrest, State of Mississippi.

8 IT IS FURTHER ORDERED that, subject to the payment of the

9 above mentioned costs, fees and specific cash bequests, all the

10 rest, residue and remainder of said Estate and any other property

11 not now known or discovered which may belong to the said Decedent

12 or the Estate of said Decedent, be, and the same hereby is, dis-

13 tributed to ELWOOD WRIGHT. The said residue of the Estate now

14 known and on hand for distribution and which is hereby distributed

15 as set forth above is as follows:

16 1. Cash in the sum of \$20,677.67.

17 2. 10,000 Shares of Stock in the Marcus Corpora-  
18 tion, Certificate No. 41, dated October 23,  
19 1973.

20 3. Amended Promissory Note dated September 30,  
21 1994, executed by Leonard L. Evans and Patricia  
22 J. Evans to Fannie F. Komp, in the original face  
23 amount of \$86,645.34, and recorded on October  
24 10, 1994, in Book 277, Page 228, Official  
25 Records, Eureka County Recorder's Office,  
26 Eureka, Nevada.

27 Secured by a Deed of Trust and Security Agree-  
28 ment dated August 1, 1989, wherein Charles  
29 Burney and Karen Burney are the Trustors, Ross  
30 F. Fardley, is the Trustee, and Fannie F. Komp  
31 is the Beneficiary, and which Deed of Trust was  
32 recorded on August 21, 1989, in Book 201, Page  
33 115, File No. 129098, Official Records, Eureka  
34 County Recorder's Office, Eureka, Nevada; and a  
35 UCC Financing Statement executed by Charles  
36 Burney and Karen Burney in favor of Fannie F.

1	Office of the Eureka County Recorder on August 21, 1989, as File No. 1282, and a continuation of which was filed on August 6, 1993, and said Financing Statement was also filed in the Office of the Nevada Secretary of State on August 21, 1989, as File No. 89-09666, and a continuation of which was filed on July 2, 1994.														
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5	1995 Ford Taurus Automobile														
6	I.D. No. 1FALP54P9SA294515														
7	1989 Dodge Van														
8	I.D. No. 2B7JBB31Z9KK374895														
9															
10	a. 6 Patented Lode Mining Claims situate in the County of Lander, State of Nevada, and more particularly known as and named as follows:														
11	<table border="0"> <tr><td>Claim Name</td><td>U.S. Patent Number</td></tr> <tr><td>Rough &amp; Ready #1</td><td>M.S. 3086</td></tr> <tr><td>Rough &amp; Ready #2</td><td>M.S. 3086</td></tr> <tr><td>Texas Mine</td><td>M.S. 4652</td></tr> <tr><td>Triangle</td><td>M.S. 3256</td></tr> <tr><td>Big Dick</td><td>M.S. 3256</td></tr> <tr><td>Senior</td><td>M.S. 3256</td></tr> </table>	Claim Name	U.S. Patent Number	Rough & Ready #1	M.S. 3086	Rough & Ready #2	M.S. 3086	Texas Mine	M.S. 4652	Triangle	M.S. 3256	Big Dick	M.S. 3256	Senior	M.S. 3256
Claim Name	U.S. Patent Number														
Rough & Ready #1	M.S. 3086														
Rough & Ready #2	M.S. 3086														
Texas Mine	M.S. 4652														
Triangle	M.S. 3256														
Big Dick	M.S. 3256														
Senior	M.S. 3256														
12	Rough & Ready #1														
13	Rough & Ready #2														
14	Texas Mine														
15	Triangle														
16	Big Dick														
17	Senior														
18	b. 35 Unpatented Lode Mining Claims situate in the County of Lander, State of Nevada, more particularly described in Exhibit "A" attached hereto														
19	c. 33 Unpatented Lode Mining Claims situate in the County of Lander, State of Nevada, more particularly described in Exhibit "B" attached hereto														
20	d. A certain Mill Site and Water Well situate in the County of Lander, State of Nevada, more particularly described as follows:														
21	Name - Elina (5 acres)														
22	Date Located - March 13, 1980														
23	Recorded - Book 176, Page 394														
24	BLM No. - NMC 145522														
25	All of the above mining claims described in Items a through d are subject to a Mining Lease and Option dated September 16, 1986, in favor of Coral Resources, Ltd.														
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This distribution includes all right, title and interest of the Decedent in and to said Mining Lease and Option dated September 16, 1986, in favor of Coral Resources, Ltd. and any leases or agreements pertaining to said mining claims, including all royalties, rents or other monies due or to become due thereunder.

IT IS FURTHER ORDERED that said Executor be discharged as

such upon his filing herein RECEIPTS or other vouchers showing the payment and distribution of all sums of money and property herein ordered to be paid and distributed.

SO ORDERED this 18th day of September, 1998.

*John L. Boyer*  
DISTRICT JUDGE

PROPOSED



EXHIBIT "A"

Thirty-five (35) Unpatented Lode Claims, located in Lander County, NV, listed as follows:

\$35,000.00

Claim Name	Date Located	Recorded Book Page	BLM No.
Fannie K #1	March 5, 1980	176	NMC 145523
Fannie K #2	March 8, 1980	176	NMC 145524
Fannie K #3	March 10, 1980	176	NMC 145525
Fannie K #4	February 17, 1981	192	NMC 145526
Fannie K #5	February 17, 1981	192	NMC 186558
Fannie K #6	February 17, 1981	192	NMC 186559
Fannie K #7	February 17, 1981	192	NMC 186560
Fannie K #8	February 17, 1981	192	NMC 186561
Fannie K #9	February 17, 1981	192	NMC 186562
Fannie K #10	February 17, 1981	192	NMC 186563
Fannie K #11	February 17, 1981	192	NMC 186564
Fannie K #12	February 17, 1981	192	NMC 186565
Fannie K #13	February 17, 1981	192	NMC 186566
Fannie K #14	February 17, 1981	192	NMC 186567
Fannie K #15	February 17, 1981	192	NMC 186568
Fannie K #16	February 17, 1981	192	NMC 186569
Fannie K #17	February 17, 1981	192	NMC 186570
Fannie K #18	February 17, 1981	192	NMC 186571
Fannie K #19	February 17, 1981	192	NMC 186572
Fannie K #20	February 17, 1981	192	NMC 186573
Fannie K #21	February 17, 1981	192	NMC 186574
Fannie K #22	February 17, 1981	192	NMC 186575
Fannie K #23	February 17, 1981	192	NMC 186576
Fannie K #24	February 23, 1981	192	NMC 186577
Fannie K #25	February 23, 1981	192	NMC 186578
Fannie K #26	February 23, 1981	192	NMC 186579
Fannie K #27	February 23, 1981	192	NMC 186580
Fannie K #28	February 23, 1981	192	NMC 186581
Fannie K Ext #1	June 30, 1984	240	NMC 186582
Fannie K Ext #2	June 30, 1984	240	NMC 314753
Fannie K Ext #3	July 1, 1984	240	NMC 314754
Fannie K Ext #4	June 17, 1984	240	NMC 314755
Fannie K Ext #5	June 16, 1984	240	NMC 314756
Fannie K Ext #6	June 17, 1984	240	NMC 314757
		240	NMC 314758

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EXHIBIT "B"

Thirty-three (33) Unpatented Placer Claims, located in Lander County, NV, listed as follows:

\$33,000.00

Recorded Page Book Page BLM No.

Claim Name	Date Located	Book	Page	BLM No.
Hattisburg	February 26, 1961	21	349	NMC 121472
Elna	March 13, 1980	176	391	NMC 145519
Elna #1	March 13, 1980	176	392	NMC 145520
Elna #2	March 13, 1980	176	393	NMC 145521
Fannie K #1	May 16, 1982	212	240	NMC 240336
Fannie K #2	May 16, 1982	212	241	NMC 240337
Fannie K #3	May 16, 1982	212	242	NMC 240338
Fannie K #4	May 16, 1982	212	243	NMC 240339
Fannie K #5	May 16, 1982	212	244	NMC 240340
Fannie K #6	May 16, 1982	212	245	NMC 240341
Fannie K #7	May 16, 1982	212	246	NMC 240342
Fannie K #8	May 16, 1982	212	247	NMC 240343
Fannie K #9	May 16, 1982	212	248	NMC 240344
Fannie K #10	May 16, 1982	212	249	NMC 240345
Fannie K #13	May 16, 1982	212	250	NMC 240346
Fannie K #14	May 16, 1982	212	251	NMC 240347
Fannie K #15	May 16, 1982	212	252	NMC 240348
Fannie K #16	May 16, 1982	212	253	NMC 240349
Fannie K #17	May 16, 1982	212	254	NMC 240350
Fannie K #18	May 16, 1982	212	255	NMC 240351
Fannie K #19	May 16, 1982	212	256	NMC 240352
Fannie K #20	May 16, 1982	212	257	NMC 240353
Fannie K #21	May 16, 1982	212	258	NMC 240354
Fannie K #22	May 19, 1982	212	259	NMC 240355
Fannie K #23	May 19, 1982	212	260	NMC 240356
Fannie K #24	May 19, 1982	212	261	NMC 240357
Fannie K #25	May 19, 1982	212	262	NMC 240358
Fannie K #29	May 19, 1982	212	263	NMC 240359
Fannie K #30	May 19, 1982	212	264	NMC 240360
Fannie K #32	May 19, 1982	212	265	NMC 240361
Fannie K #33	May 19, 1982	212	266	NMC 240362
Fannie K #34	May 19, 1982	212	267	NMC 240363
Fannie K #35	May 17, 1982	212	268	NMC 240364

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

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.

WITNESS, My Hand and Seal of said DISTRICT COURT, this 21st day of February, 1982

*[Signature]*  
County Clerk and Ex-Officio Court Clerk  
Deputy Clerk

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BOOK 321 PAGE 414

COPY

BOOK 321 PAGE 404  
OFFICIAL RECORDS  
RECORDED AT THE REQUEST OF  
Road & Land, etc.  
98 SEP 30 AM 11:16  
EUREKA COUNTY NEVADA  
M.N. REBAL/ATI, RECORDER  
FILE NO. 170700  
FEES 16.00