

FILED
1993 JAN 28 PM 3:01
CLERK OF DISTRICT COURT
BY: Sue Sevon DEPUTY

1 CASE NO. 20764

171914

2 Dept. No. I.

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6 IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF CHURCHILL
8

9 IN THE MATTER OF THE ESTATE OF:

10 WILLIAM JOHN MARTIN,
11 Deceased.

AMENDED ORDER
SETTLING ACCOUNT AND
MAKING FINAL DISTRIBUTION

12
13 PATRICIA J. WARD, Executrix of the estate of WILLIAM JOHN
14 MARTIN, deceased, having rendered and filed on the 4th day of
15 January, 1993, her First and Final Account, Report of
16 Administration, Petition for Distribution, and Application for
17 Order Authorizing Payment of Attorney's Fees and Costs, and the
18 said account and petition having come on regularly to be heard this
19 2nd day of March, 1993, and proof having been made to the
20 satisfaction of the Court that Notice of Settlement of said account
21 and hearing on the Petition for Distribution and for attorney's
22 fees and costs has been given in the manner and for the time
23 required by law, the Court finds:

24 1. That said account is in all respects true and
25 correct.

26 2. That due and legal notice to creditors of said
27 estate has been given in the manner and for the time required by
28 law.

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1 3. That all claims and debts against said decedent and
2 against said estate, and all debts, expenses and charges of
3 administration have been fully paid and discharged, and there are
4 no federal estate taxes due from the estate or personal property
5 taxes due and payable the estate, and that said estate is ready for
6 distribution and now in a condition to be closed.

7 4. That the whole of said estate was the separate
8 property interest of decedent.

9 5. That JOHN S. HILL, Attorney at Law, has performed
10 services in connection with the administration of this estate, for
11 which services the Executrix of the estate has agreed to pay from
12 the assets of the estate a fee of \$1,437.50, the sum of \$750.00
13 having been previously paid; that the Executrix should be
14 authorized and directed to pay to said attorney the difference in
15 the amount of \$687.50;

16 6. That said attorney has expended fees in the
17 administration of this estate in the total amount of \$502.95; and
18 that the Executrix should be authorized and directed to reimburse
19 said attorney in the amount of \$502.95, together with any further
20 closing costs that may accrue;

21 7. That the Executrix of this estate received a refund
22 resulting from a mortgage insurance policy maintained by the
23 decedent and his surviving spouse, BARBARA MARTIN, in the amount of
24 \$6,404.41; that the Executrix proposes to pay said sum over to
25 BARBARA MARTIN, the remaining joint tenant on the mobile home
26 serving as security for said mortgage; that this Court should
27 authorize and direct the Executrix to pay to BARBARA MARTIN, of

28 ///

1 the County of Churchill, State of Nevada;
2 thence North 89° 34' West along the South line
3 of said MARTIN parcel a distance of 211.68
4 feet, to the Southwest corner of said MARTIN
5 parcel; thence North 89° 34' West along the
6 South line of a parcel described in deed to
7 CAVANAUGH, as found recorded in Book 34 of
8 Deeds, at page 461, of the office of the
9 County Recorder in and for the County of
10 Churchill, State of Nevada, a distance of
11 296.84 feet, to the East boundary of U.S.
12 Highway #95, or South Maine Street; thence
13 Southwesterly along said boundary a curve
14 concave to the Southeast, having a radius of
15 960 feet, an arc distance of 380.5 feet, to
16 the South boundary of said Section Thirty-One
17 (31); thence South 89° 58' East a distance of
18 1095 feet, to the true point of beginning.

19 EXCEPTING AND RESERVING, however, a non-
20 exclusive easement 20 feet wide, for road
21 purposes, the center line of which is
22 described as follows:

23 Commencing at the Southeast corner of the
24 above-described parcel; thence North 02° 06'
25 East along the East boundary of said parcel a
26 distance of 50 feet, to the true point of
27 beginning of the center line of said 20 foot
28 wide easement; and thence along the center
line as follows:

North 89° 58' West a distance of 1066 feet, to
the East boundary of U.S. Highway #95, or
South Maine Street, the termination of said
line.

should be distributed, in equal shares, to ANTHONY C. MARTIN, of
2000 Auction Road, Space No. 1, Fallon, Nevada, 89406, and PATRICIA
J. WARD, of 530 North Taylor Street, Fallon, Nevada, 89406;

10. That in accordance with the terms of the Last Will
and Testament of the decedent and First Codicil thereto, the real
property situate in the County of Eureka, State of Nevada, known as
Assessor's Parcel Numbers 01-071-08, 01-136-03, 01-151-01, and 233-
1/3 feet of Colorado patented Mining Claim, bounded and more
particularly described as follows:

1 2000 Auction Road, Space No. 2, Fallon, Nevada, the sum of
2 \$6,404.41, as and for said mortgage insurance refund;

3 8. That the Executrix of this estate desires to enter
4 into a new Lease Agreement with HALCYON COMMUNICATIONS and
5 regarding the property of the decedent located in Eureka, Nevada,
6 upon certain terms and conditions as contained in the proposed
7 Lease Agreement; that this Court should ratify, approve, adopt and
8 confirm said Lease Agreement and authorize and direct the Executrix
9 to execute the same;

10 9. That in accordance with the terms of the Last Will
11 and Testament of the decedent and First Codicil thereto, the real
12 property situate on South Maine Street in Churchill County, Nevada,
13 known as Assessor's Parcel No. 07-752-18, more particularly bounded
14 and described as follows:

15 A parcel of land in the South half of the
16 Southwest quarter (S 1/2 of SW 1/4) of Section
17 Thirty-One (31), Township Nineteen (19) North,
18 Range Twenty-Nine (29) East, M.D.B.&M.,
19 bounded and described as follows, to wit:

20 Commencing at the South quarter corner of
21 Section Thirty-One (31), Township Nineteen
22 (19) North, Range Twenty-Nine (29) East,
23 M.D.B.&M.; thence North 89° 58' West along the
24 South line of said Section Thirty-One (31) a
25 distance of 1296.65 feet to the true point of
26 beginning; thence around the parcel as
27 follows:

28 North 02° 06' East a distance of 275.8 feet, to
the South line of a parcel described in deed
to DALE H. REED, as found recorded in Book 28
of Deeds, at page 293, in the office of the
County Recorder in and for the County of
Churchill, State of Nevada; thence North 89°
32' West along the South line of said REED
parcel a distance of 339 feet, to the
Southeast corner of a parcel of land described
in deed to WILLIAM J. MARTIN, as found
recorded in Book 42 of Deeds, at page 583, in
the office of the County Recorder in and for

1 Assessor's Parcel Number 01-071-08

2 Lot Three (3) in Block Twenty-One (21) of the
3 Town of Eureka according to the plat thereof
4 recorded in the office of County Recorder of
5 Eureka County, Nevada.

6 Assessor's Parcel Number 01-136-03

7 Lots Seven (7) and Eight (8) of Block Seven
8 (7) of the Town of Eureka according to the
9 plat thereof recorded in the office of the
10 County Recorder of Eureka County, Nevada.

11 Assessor's Parcel Number 01-151-01

12 Lots 1 and 2 in Block 89 of the Town of
13 Eureka, County of Eureka, State of Nevada.

14 -and-

15 A parcel of land lying immediately west of Lot
16 1, Block 89 described as: Beginning at the NW
17 corner of Lot 1, Block 89, thence N 86° 7' W.
18 a distance of 50 feet to a point, thence S. 17°
19 53' W. a distance of 100 feet to a point,
20 thence S. 86° 7' E. a distance of 50 feet to a
21 point on the west side line of Lot 1, Block
22 89, thence N. 17° 53' E. along the west side
23 line of Lot 1 a distance of 100 feet to the NW
24 corner of Lot 1, Block 89, the place of
25 beginning.

26 TOGETHER WITH all improvements situate
27 thereon.

28 AND ALSO:

29 233-1/3 feet of Colorado Patented Mining Claim
30 located outside the Townsite of Eureka,
31 Nevada, but within Eureka County, Nevada.

32 should be distributed to PATRICIA J. WARD, of 530 North Taylor
33 Street, Fallon, Nevada, 89506.

34 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND
35 DECREED:

36 1. That the First and Final Account, Report of
37 Administration, Petition for Distribution, and Application for
38 Order Authorizing Payment of Attorney's Fees and Costs be, and the

1 same is hereby approved, allowed and settled, and that the facts,
2 accounts and matters alleged and reported therein are a true,
3 complete and correct record of the administration of said estate.

4 2. That the Executrix be, and hereby is, authorized and
5 directed to pay to JOHN S. HILL, Attorney at Law, 85 South LaVerne
6 Street, Fallon, Nevada, the sum of \$687.50, as and for attorney's
7 fees incurred for legal services rendered in this matter.

8 3. That the Executrix be, and she is hereby, authorized
9 and directed to pay to JOHN S. HILL, Attorney at Law, 85 South
10 LaVerne Street, Fallon, Nevada, the sum of \$502.95, as and for his
11 expended costs of administration, together with any closing costs.

12 4. That the Executrix be, and she is hereby, authorized
13 and directed to execute the Lease Agreement with HALCYON
14 COMMUNICATIONS regarding the real property of the decedent located
15 in Eureka, Nevada;

16 5. That the Executrix be, and she is hereby, authorized
17 and directed to pay to BARBARA MARTIN, of 2000 Auction Road, Space
18 No. 2., Fallon, Nevada, 89406, the sum of \$6,404.41, as and for the
19 mortgage insurance refund;

20 6. That after payment by the Executrix of the above
21 sums for reimbursement of expended costs and attorney's fees and
22 costs and mortgage insurance refund as aforesaid, that said
23 Executrix shall deliver and set over the real property situate on
24 South Maine Street in Churchill County, Nevada, known as Assessor's
25 Parcel No. 07-752-18, more particularly bounded and described as
26 follows:

27 A parcel of land in the South half of the
28 Southwest quarter (S 1/2 of SW 1/4) of Section
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1 wide easement; and thence along the center
2 line as follows:

3 North 89° 58' West a distance of 1066 feet, to
4 the East boundary of U.S. Highway #95, or
5 South Maine Street, the termination of said
6 line.

7 in equal shares, to ANTHONY C. MARTIN, of 2000 Auction Road, Space
8 No. 1, Fallon, Nevada, 89406, and PATRICIA J. WARD, of 530 North
9 Taylor Street, Fallon, Nevada, 89406;

10 7. That after payment by the Executrix of the above
11 sums for reimbursement of expended costs and attorney's fees and
12 costs, mortgage insurance refund, and distribution of the Churchill
13 County, Nevada property as aforesaid, that said Executrix shall
14 deliver and set over the real property situate in the County of
15 Eureka, State of Nevada, known as Assessor's Parcel Numbers 01-071-
16 08, 01-136-03, 01-151-01, and 233-1/3 feet of Colorado patented
17 Mining Claim, bounded and more particularly described as follows:

18 Assessor's Parcel Number 01-071-08

19 Lot Three (3) in Block Twenty-One (21) of the
20 Town of Eureka according to the plat thereof
21 recorded in the office of County Recorder of
22 Eureka County, Nevada.

23 Assessor's Parcel Number 01-136-03

24 Lots Seven (7) and Eight (8) of Block Seven
25 (7) of the Town of Eureka according to the
26 plat thereof recorded in the office of the
27 County Recorder of Eureka County, Nevada.

28 Assessor's Parcel Number 01-151-01

Lots 1 and 2 in Block 89 of the Town of
Eureka, County of Eureka, State of Nevada.

-and-

A parcel of land lying immediately west of Lot
1, Block 89 described as: Beginning at the NW
corner of Lot 1, Block 89, thence N 86° 7' W.
a distance of 50 feet to a point, thence S. 17°

1 Thirty-One (31), Township Nineteen (19) North,
2 Range Twenty-Nine (29) East, M.D.B.&M.,
bounded and described as follows, to wit:

3 Commencing at the South quarter corner of
4 Section Thirty-One (31), Township Nineteen
5 (19) North, Range Twenty-Nine (29) East,
6 M.D.B.&M.; thence North 89° 58' West along the
7 South line of said Section Thirty-One (31) a
8 distance of 1296.65 feet to the true point of
9 beginning; thence around the parcel as
10 follows:

11 North 02° 06' East a distance of 275.8 feet, to
12 the South line of a parcel described in deed
13 to DALE H. REED, as found recorded in Book 28
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15 County Recorder in and for the County of
16 Churchill, State of Nevada; thence North 89°
17 32' West along the South line of said REED
18 parcel a distance of 339 feet, to the
19 Southeast corner of a parcel of land described
20 in deed to WILLIAM J. MARTIN, as found
21 recorded in Book 42 of Deeds, at page 583, in
22 the office of the County Recorder in and for
23 the County of Churchill, State of Nevada;
24 thence North 89° 34' West along the South line
25 of said MARTIN parcel a distance of 211.68
26 feet, to the Southwest corner of said MARTIN
27 parcel; thence North 89° 34' West along the
28 South line of a parcel described in deed to
CAVANAUGH, as found recorded in Book 34 of
Deeds, at page 461, of the office of the
County Recorder in and for the County of
Churchill, State of Nevada, a distance of
296.84 feet, to the East boundary of U.S.
Highway #95, or South Maine Street; thence
Southwesterly along said boundary a curve
concave to the Southeast, having a radius of
960 feet, an arc distance of 380.5 feet, to
the South boundary of said Section Thirty-One
(31); thence South 89° 58' East a distance of
1095 feet, to the true point of beginning.

EXCEPTING AND RESERVING, however, a non-
exclusive easement 20 feet wide, for road
purposes, the center line of which is
described as follows:

Commencing at the Southeast corner of the
above-described parcel; thence North 02° 06'
East along the East boundary of said parcel a
distance of 50 feet, to the true point of
beginning of the center line of said 20 foot

1 53' W. a distance of 100 feet to a point,
2 thence S. 86° 7' E. a distance of 50 feet to a
3 point on the west side line of Lot 1, Block
4 89, thence N. 17° 53' E. along the west side
5 line of Lot 1 a distance of 100 feet to the NW
6 corner of Lot 1, Block 89, the place of
7 beginning.

8 TOGETHER WITH all improvements situate
9 thereon.

10 AND ALSO:

11 233-1/3 feet of Colorado Patented Mining Claim
12 located outside the Townsite of Eureka,
13 Nevada, but within Eureka County, Nevada.

14 to PATRICIA J. WARD, of 530 North Taylor Street, Fallon, Nevada,
15 89406.

16 7. That after payment by the Executrix of the above
17 sums for reimbursement of expended costs and attorney's fees and
18 costs, mortgage insurance refund, and distribution of the Churchill
19 County, Nevada property as aforesaid, and distribution of the
20 Eureka County, Nevada property as aforesaid, that said Executrix
21 shall deliver and set over all of the rest, residue and remainder
22 of said estate to PATRICIA J. WARD, of 530 North Taylor Street,
23 Fallon, Nevada, 89406.

24 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon
25 filing of appropriate receipts, that said Executrix shall be
26 discharged of her trust, and that said estate shall be closed.

27 DATED AND DONE: This 28th day of January, 1999.

28 *David A. Huff*
DISTRICT JUDGE

BOOK 325 PAGE 435
OFFICIAL RECORDS
RECORDED AT THE REQUEST OF
Stewart Title
99 FEB 18 AM 11:08

EUREKA COUNTY NEVADA
M.N. REBALEATI, RECORDER
FILE NO. FEES 16.00

171914

COPY