

1 CASE NO. 20764

2 Dept. No. I.

171914

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

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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,  
Range Twenty-Nine (29) East, M.D.B.&M.,  
bounded and described as follows, to wit:

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

26 North 02° 06' East a distance of 275.8 feet, to  
27 the South line of a parcel described in deed  
28 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  
                  Eureka County, Nevada.

5                   Assessor's Parcel Number 01-136-03

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

8                   Assessor's Parcel Number 01-151-01

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

11                  -and-

12                  A parcel of land lying immediately west of Lot  
13                  1, Block 89 described as: Beginning at the NW  
14                  corner of Lot 1, Block 89, thence N 86° 7' W.  
15                  a distance of 50 feet to a point, thence S. 17°  
16                  53' W. a distance of 100 feet to a point,  
17                  thence S. 86° 7' E. a distance of 50 feet to a  
18                  point on the west side line of Lot 1, Block  
19                  89, thence N. 17° 53' E. along the west side  
20                  line of Lot 1 a distance of 100 feet to the NW  
21                  corner of Lot 1, Block 89, the place of  
22                  beginning.

23                  TOGETHER WITH all improvements situate  
24                  thereon.

25                  AND ALSO:

26                  233-1/3 feet of Colorado Patented Mining Claim  
27                  located outside the Townsite of Eureka,  
28                  Nevada, but within Eureka County, Nevada.

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

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

                  1.       That the First and Final Account, Report of  
                  Administration, Petition for Distribution, and Application for  
                  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  
///



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  
South Maine Street, the termination of said  
line.

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

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

16 Assessor's Parcel Number 01-071-08

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

20 Assessor's Parcel Number 01-136-03

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

24 Assessor's Parcel Number 01-151-01

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

27 -and-

28 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  
distance of 1296.65 feet to the true point of  
beginning; thence around the parcel as  
follows:

8 North 02° 06' East a distance of 275.8 feet, to  
9 the South line of a parcel described in deed  
10 to DALE H. REED, as found recorded in Book 28  
11 of Deeds, at page 293, in the office of the  
12 County Recorder in and for the County of  
13 Churchill, State of Nevada; thence North 89°  
14 32' West along the South line of said REED  
15 parcel a distance of 339 feet, to the  
16 Southeast corner of a parcel of land described  
17 in deed to WILLIAM J. MARTIN, as found  
18 recorded in Book 42 of Deeds, at page 583, in  
19 the office of the County Recorder in and for  
20 the County of Churchill, State of Nevada;  
21 thence North 89° 34' West along the South line  
22 of said MARTIN parcel a distance of 211.68  
feet, to the Southwest corner of said MARTIN  
parcel; thence North 89° 34' West along the  
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.

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

26 Commencing at the Southeast corner of the  
27 above-described parcel; thence North 02° 06'  
28 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 28<sup>th</sup> 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