

15819

NO. _____

FILED

CASE NO.1271

AUG 17 2001 APN No. 07-200-46

JOAN SHANGLE, CLERK

07-200-46

BY _____ DEPUTY

07-140-12

07-140-13

07-400-02

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
KENNETH PACKARSTENTON
aka KENNETH P. STANTON,

**ORDER SETTLING FIRST AND
FINAL ACCOUNTING, APPROVAL
OF ATTORNEY FEES AND
DECREE OF DISTRIBUTION**

Deceased.

KENNETH N. STANTON, Executor of the above-entitled Estate, having on the 22nd day of June 2001, rendered and filed herein a full accounting of the administration of the administration of said estate, with a supplemental accounting filed, which accounting was for final settlement, and having with said accounting filed a petition for distribution of Estate, and made application for approval of attorney fees; said accounting, application and petition having come on regularly to be heard on the 17th day of August, 2001, at 11 o'clock a.m.; and proof having been made to the satisfaction of the Court that notice of the settlement of said accounting and of the hearing of the application and petition has been given in the manner and at the time required by law, as more fully appears by the Affidavit of Mailing on file herein the Court hereby finds:

1. That due and legal notice of the hearing of said accounting, application and petition has been given all persons interested in said Estate.

2. That said accounting is in all respects true and correct.

1 3. That due and legal Notice to Creditors of said Estate has been given in the manner
2 and for the time required by law; that the time for filing of Creditor's Claims has expired;
3 and there were three Creditor's Claims filed against this Estate, all of which were approved
4 by the Court. The claim of Washoe Medical Center has been paid. The claim of
5 Intermountain Federal Bank is being satisfied by Kenneth N. Stenton assuming the
6 Promissory Note and deed of Trust. The claim of Intermountain Production Credit
7 Association is being satisfied by Kenneth N. Stenton obtaining his own line of credit and
8 paying off the decedent's line of credit.

9 4. That funeral costs and expenses of last sickness have been paid in full.

10 5. That Kenneth N. Stenton died on December 16, 2000; was a resident of the State
11 of Nevada at the time of his death; left property subject to probate in the Eureka County,
12 Nevada and died testate.

13 6. That Petitioner was named Executor on January 19, 2001 and he thereafter
14 qualified. Letters Testamentary were also issued on January 19, 2001 and Kenneth N.
15 Stenton now is and ever since that date has been the duly appointed, qualified and acting
16 Executor of the Estate.

17 7. That the Petitioner has made and returned to this Court a true Inventory and
18 Record of Value of all the Estate of the Decedent subject to probate which has come to
19 his knowledge and possession, showing said probate Estate to have a total value of
20 \$2,365,592.79.

21 8. The names, relationship, ages and residences of the heirs of the Decedent are:

<u>Name</u>	<u>Address</u>	<u>Age</u>	<u>Relationship</u>
KENNETH N. STENTON	H.C. 62, Box 62159 Eureka, NV 89316	Adult	Son
KARYN E. WOOLSEY	P.O. Box 442 Camarillo, CA 93011	Adult	Daughter
DOUGLAS L. STENTON	c/o Karyn E. Woolsey P.O. Box 442 Camarillo, CA 93011	Adult	Son

1	BRENDA L. OVERHGER	P.O. Box 286	Adult	Step-daughter
2		Eureka, NV 89316		
3	DEBRA L. LYNCH	7758 Pickering Circle	Adult	Step-daughter
4		Reno, NV 89511		
5	CATHLENE JO CROC	4221 Hunter Circle	Adult	Step-daughter
6		Carson City, NV 89701		

9. That the prorty of the Estate within the jurisdiction of this Court remaining under the care, managment and control of the Executor, consists of Decedent's sole and separate property inter in real and personal property located in Eureka County, Nevada, more particularly descœd as follows in Paragraph 10.

10. Pursuant to : terms of the Last Will and Testament of the Decedent and the Heirship, Disclaimer a Property Distribution Agreement, the property of the Decedent within the jurisdiction this Court and now under the care, management and control of the Executor which was theparate property of the Decedent is to be distributed as follows:

- A. To Bida Lee Overholser the sum of \$1,000.00.
- B. To Dglas Leland Stenton the sum of \$1,000.00 (which has already been distrited to him).
- C. To Km E. Woolsey 15.25% ; Debra L. Lynch 42.375%; and Cathlene Jo Crool2.375% of \$64,784.15, which is the total of the following:

(1)	Proceeds from sale of cattle plus interest to date of distribution	\$53,361.42
(2)	Balance of Decedent's personal account at Nevada State Bank an the time of his death plus interest to date of distribution	\$7,819.23
(3)	Proceeds from sale of Altex Ind. Inc. stock in account at Morgan Stanley Dean Witter	\$17.06
(4)	Proceeds from sale of 200 shares of AT&T Wireless stock in account at Redwood Securities	<u>\$3,586.44</u>
(5)	Total Amount	\$64,784.15

D. To Kenneth Stenton, as his sole and separate property, all remaining real and

personal prorty in the estate including but not limited to the following:

(1) All fnland, buildings, corrals, wells and irrigation pivots, which real property is situate in th:ounty of Eureka, State of Nevada, described as follows:

PARCEL I - A.P.N. 07-200-46

TOWNSHIP NORTH, RANGE 53 EAST, M.D.B.&M.,
Section 17:

EXCEPTIN THEREFROM Parcel A as shown on that certain Parcel Map fthe Estate of Florence M. Stenton, filed in the office of the County Rorder of Eureka County, State of Nevada, on January 19, 1990, as e Number 131085, being a portion of SE 1/4 SE 1/4 of Section 17, TWNSHIP 21 NORTH, RANGE 53 EAST, M.D.B.&M.

PARCEL I - A.P.N. 07-200-46

Parcel A as swn on that certain Parcel Map for the Estate of Florence M. enton, filed in the office of the County Recorder of Eureka Coty, State of Nevada, on January 19, 1990, as File Number 1315, being a portion of SE 1/4 SE 1/4 of Section 17 TOWNSHIP NORTH, RANGE 53 EAST, M.D.B.&M.

EXCEPTIN THEREFROM Parcel IA and IB all oil, gas, potash and sodium ng in and under said land as reserved in Patents by UNITED STATES OF AMERICA, recorded May 6, 1965, in Book 7, Page 229 and 30, Official Records, Eureka County, Nevada.

PARCEL IA - A.P.N. 07-400-02

TOWNSHIP NORTH, RANGE 53 EAST, M.D.B.&M.,
Section 18: 11/4 and all that portion of the NW1/4 lying east
of Nevada 2 right of way.

PARCEL IA - A.P.N. 07-140-12

TOWNSHIP NORTH, RANGE 54 EAST, M.D.B.&M.,
Section 7: S1/4 SW1/4; SW1/4 SE 1/4.
Section 18: 1/2 NW1/4; W1/2 NE1/4; NE 1/4 SW1/4;
NW1SE 1/4.

EXCEPTIN THEREFROM all the oil, gas, potash and sodium as reved in Patent executed by the UNITED STATES OF AMERIC dated September 22, 1964 and recorded March 22, 1966, in ok 10 of Official Records at Page 210, Eureka County, Neva.

PARCEL IB - A.P.N. 07-140-13

TOWNSHIP NORTH, RANGE 54 EAST, M.D.B.&M.,
Section 18: 1/2 E1/2

TOGETHEWITH all water, water rights, rights to the use of water, dams, ditch canals, pipelines, reservoirs, wells, pumps, pumping stations, anall other means for the diversion or use of water appurtenant the said land or any part thereof, for irrigation, stockwaterir domestic or other use appurtenant to Parcel I, II & III.

SUBJECT any and all exceptions, reservations, restrictions, restrictive covenants, assessments, easements, rights and rights-of-way of record affecting the above-described parcels.

TOGETHERWITH all buildings and improvements situate thereon as to the above-described parcels.

TOGETHERWITH the tenements, hereditaments, and appurtenances thereunto being or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof as to all of the above-described parcels.

Total acres of farmland	A.P.N. 7-200-46	633.93 acres
	A.P.N. 7-200-46 homestead	6.076 acres
	A.P.N. 7-140-13	160.00 acres
	A.P.N. 7-400-02	186.60 acres
	A.P.N. 7-140-12	<u>320.00 acres</u>
	TOTAL	1,306.60 acres

(2) All farm equipment and machinery including the following:

1. NH 1085 Bale Wagon
2. NH 1075 Bale Wagon
3. Murray Drag Scraper
4. Howard 120" Rotary Tiller
5. Howard Selectall Tiller
6. 14' Tandem Disk
7. 3 Point Spray Rig
8. Haybob 300 Tedder #1
9. Haybob 300 Tedder #2
10. Lely Fluff-All #1
11. Lely Fluff-All #2
12. Charmac 6x16 Bumper Pull Stock Trailer
13. JD 900 Ripper
14. Front Blade for Loader
15. Forks for Loader
16. Big Rhino Rear Blade
17. Danish "S" Tine Harrow
18. 2 Injector Meters
19. Post Hole Digger
20. Fertilizer Spreader
21. Blanket Harrows
22. Spike Harrows
23. JD 4430 Tractor w/JD 158 Loader
24. White 2-85 Tractor
25. White 2-110 Tractor
26. Ford 8730 4WD Tractor
27. NH 500T Baler
28. NH 515T Baler s/n 584144
29. NH 515T Baler s/n 588728
30. NH 515T Baler s/n 588754
31. Macdon 9000 Windrower
32. Macdon 9300 Windrower
33. 1987 Roadrunner Squeeze

34. JD 450 Grain Drill
35. Melroe Grain Drill set
36. JD 670-671 Rake set
37. NH 216 Twin Rakes
38. H&S Tedder 7'
39. Tyler Spreader
40. JD 2955 Tractor
41. Hesston 8550 Windrower

- (3) All veles including the following:
- 1978 Cvy 3/4 ton 4-wheel drive pickup truck
 - 1980 F1 F-350 flatbed pickup truck
 - 1987 Cvy S-10 4-wheel drive pickup truck
 - 1968 Imnational 1500 Series dump truck
 - 1994 F1 Ranger 4-wheel drive pickup truck
 - 1998 F1 Ranger 4-wheel drive pickup truck
 - 1993 Lcoln Town Car passenger vehicle

- (4) The Nalty Interest in Royalty Agreement with Union Oil Company of Califon dated March 1, 1960.

- (5) All F1 and Fertilizer Tanks and Miscellaneous Shop Equipment and Farm Tls including but not limited to the following:

Description

Three (3000 gallon fertilizer tanks @\$500.00 each
 One (1500 gallon fertilizer tank
 One (1500 gallon fertilizer tank
 Five (Fuel tanks
 (Consing of four 500 gallon tanks and one 1000 gallon tank)
 Misceheous Shop Equipment and Farm Tools
 (Consing of both power tools and hand tools)

- (6) The raining balance in the Farm Bank Account at Nevada State Bank after parent of costs of Administration of the Estate.

- (7) Contrs For Sale of Hay including but not limited to the following:

Anders Hay & Grain, Inc.
 Charles Creech, Inc.
 Oxboway Company
 Pondera Dairies
 WesterHay Company

- (8) The Gand Diesel Inventory

- (9) Stock ith Intermountain Production Credit Association and with Intermotain Federal Land Bank Association.

- (10) The re residue and remainder of the Decedent's property of any nature, kind, character or desotion which may not be described or inventoried or which may be incorrectly described vch is within the jurisdiction of the Court and which was owned by the Decedent at the datof his death.

11. That Kenneth. Stenton has performed services for the Estate as Executor, for

1 which he is entitled to attorney fee in the sum of \$33,830.84.

2 12. That the law firm of Goicoechea & Di Grazia, Ltd., has performed services for the
3 Estate acting as attorney for the Executor of the Estate and has performed services on
4 behalf of the Estate including, but not limited to, the services set forth in the Petition filed
5 herein on June 22, 2001 and Supplemental Application being filed on July 24, 2001, the
6 Executor and the attorney have agreed that the total sum of \$30,600.00 is a reasonable fee
7 for services rendered and to be rendered by the attorneys.

8 13. That the law firm of Goicoechea & Di Grazia, Ltd., Attorneys at Law, Elko,
9 Nevada, has incurred certain costs in the sum of \$414.21 to date and estimate an additional
10 sum not in excess of \$0.00 will be expended in closing the Estate for which they are
11 entitled to be reimbursed.

12 14. That the Federal Estate Tax has been filed.

13 15. That there was prepared and timely filed a 2000 personal income tax return for the
14 Decedent and the Fiduciary Tax Return will be filed.

15 16. That all judgments against said Decedent and against the Estate have been paid in
16 full; that all expenses and charges of administration except as hereinabove specifically set
17 out have been paid in full; that expenses of last illness and funeral expenses have been paid
18 in full; and, that said Estate is ready for distribution and is now in a condition to be closed.

19 **NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND**
20 **DECREED:**

21 1. That due and legal notice of the hearing of this First and Final Accounting,
22 Application for Attorneys' Fees, and Petition for Distribution of Estate has been given to all
23 persons interested in said Estate as required by law.

24 2. That Notice to Creditors has been given to all persons interested in said Estate as
25 required by law; the time for preparation of Creditor's Claims has expired. That there were
26 three Creditor's Claims filed against this Estate, all of which were approved. The Washoe
27 Medical Center claim has been satisfied. Agreements have been reached with Intermountain
28 Production Credit Association and Intermountain Federal Land Bank for the satisfaction of

1 their claim upon recording a Certified Copy of this Order.

2 3. That the First and Final Accounting, as supplemented be, and the same is hereby
3 approved, allowed and settled.

4 4. That the Executor is ordered to pay from the funds of the Estate the following
5 amounts for the purposes stated, which amounts are determined to be reasonable:

6 a. To Goicchea & Di Grazia, Ltd., the sum of \$30,600.00 for services
7 rendered to be rendered, together with costs advanced of \$414.21 and
8 necessary losing costs.

9 b. To Kenneth N. Stenton, the sum of \$33,830.84 for services rendered as
10 Executor of the Estate.

11 5. That subject to the payment of the sums hereinbefore set out, the remaining
12 property of the Decedent is hereby distributed as follows:

13 A. To Brenda L. Overholser the sum of \$1,000.00.

14 B. To Douglasland Stenton the sum of \$1,000.00 (which has already been
15 distributed sum).

16 C. To Karyn E. Woolsey 15.25%; Debra L. Lynch 42.375%; and Cathlene Jo Crook
17 42.375% of the total amount of \$64,784.15, as follows:

18 (1) To Karyn E. Woolsey \$9,879.58

19 (2) To Debra L. Lynch \$27,452.28

20 (3) To Cathlene Jo Crook \$27,452.28

21 D. To Kenneth Stenton, as his sole and separate property, all remaining real and
22 personal property in the Estate including any property which may be incorrectly
23 described, which is within the jurisdiction of the Court, including but not limited
24 to the following:

25 (1) All land, buildings, corrals, wells and irrigation pivots, which real
26 property is situated in the County of Eureka, State of Nevada, described
as follows:

27 **PARCEL 1 - A.P.N. 07-200-046**

28 **TOWNSHIP 1 NORTH, RANGE 53 EAST, M.D.B.&M.,**
Section 17: 1

1 **EXCEPTIN THEREFROM** Parcel A as shown on that certain
2 Parcel Map fthe Estate of Florence M. Stenton, filed in the office of
3 the County Border of Eureka County, State of Nevada, on January
4 19, 1990, as t Number 131085, being a portion of SE 1/4 SE 1/4 of
5 Section 17, TOWNSHIP 21 NORTH, RANGE 53 EAST, M.D.B.&M.

6 **PARCEL I - A.P.N. 07-200-046**

7 Parcel A as swn on that certain Parcel Map for the Estate of
8 Florence M. nton, filed in the office of the County Recorder
9 of Eureka Coty, State of Nevada, on January 19, 1990, as File
10 Number 1316, being a portion of SE 1/4 SE 1/4 of Section 17
11 TOWNSHIP NORTH, RANGE 53 EAST, M.D.B.&M.

12 **EXCEPTIN THEREFROM** Parcel IA and IB all oil, gas, potash
13 and sodium ng in and under said land as reserved in Patents by
14 UNITED STATES OF AMERICA, recorded May 6, 1965, in Book 7,
15 Page 229 and 30, Official Records, Eureka County, Nevada.

16 **PARCEL IIA - A.P.N. 07-400-002**

17 TOWNSHIP NORTH, RANGE 53 EAST, M.D.B.&M.,
18 Section 18: 11/4 and all that portion of the NW1/4 lying east
19 of Nevada 2 right of way.

20 **PARCEL IA - A.P.N. 07-140-012**

21 TOWNSHIP NORTH, RANGE 54 EAST, M.D.B.&M.,
22 Section 7: S1/4 SW1/4; SW1/4 SE 1/4.
23 Section 18: 1/2 NW1/4; W1/2 NE1/4; NE 1/4 SW1/4;
24 NW1/4 S1/4.

25 **EXCEPTIN THEREFROM** all the oil, gas, potash and
26 sodium as reved in Patent executed by the UNITED STATES
27 OF AMERIC dated September 22, 1964 and recorded March
28 22, 1966, in ok 10 of Official Records at Page 210, Eureka
County, Neva.

29 **PARCEL IB - A.P.N. 07-140-013**

30 TOWNSHIP NORTH, RANGE 54 EAST, M.D.B.&M.,
31 Section 18: 1/2 E1/2

32 **TOGETHEWITH** all water, water rights, rights to the use of water,
33 dams, ditch canals, pipelines, reservoirs, wells, pumps, pumping
34 stations, anall other means for the diversion or use of water
35 appurtenant the said land or any part thereof, for irrigation,
36 stockwaterir domestic or other use appurtenant to Parcel I, II & III.

37 **SUBJECT**) any and all exceptions, reservations, restrictions,
38 restrictive cenants, assessments, easements, rights and rights-or-way
of record efting the above-described parcels.

39 **TOGETHEWITH** all buildings and improvements situate thereon
40 as to the abo-described parcels.

41 **TOGETHEWITH** the tenements, hereditaments, and appurtenances

thereunto baging or in anywise appertaining, and the reversion and reversions, nainder and remainders, rents, issues and profits thereof as to all of t/above-described parcels.

Total acres of farnd:

A.P.N. 07-200-46	633.93 acres
A.P.N. 07-200-46 homestead	6.076 acres
A.P.N. 07-140-13	160.00 acres
A.P.N. 07-400-02	186.60 acres
A.P.N. 07-140-12	<u>320.00 acres</u>
TOTAL	1,306.60 acres

(2) All farm equent and machinery including the following:

1. NH 1085 Bale Wagon
2. NH 1075 Bale Wagon
3. Murray Drag Scraper
4. Howard 120" Rotary Tiller
5. Howard Selectatilh Tiller
6. 14' Tandem Disk
7. 3 Point Spray Rig
8. Haybob 300 Tedder #1
9. Haybob 300 Tedder #2
10. Lely Fluff-All #1
11. Lely Fluff-All #2
12. Charmac 6x16 Bumper Pull Stock Trailer
13. JD 900 Ripper
14. Front Blade for Loader
15. Forks for Loader
16. Big Rhino Rear Blade
17. Danish "S" Tine Harrow
18. 2 Injector Meters
19. Post Hole Digger
20. Fertilizer Spreader
21. Blanket Harrows
22. Spike Harrows
23. JD 4430 Tractor w/JD 158 Loader
24. White 2-85 Tractor
25. White 2-110 Tractor
26. Ford 8730 4WD Tractor
27. NH 500T Baler
28. NH 515T Baler s/n 584144
29. NH 515T Baler s/n 588728
30. NH 515T Baler s/n 588754
31. Macdon 9000 Windrower
32. Macdon 9300 Windrower
33. 1987 Roadrunner Squeeze
34. JD 450 Grain Drill
35. Melroe Grain Drill set
36. JD 670-671 Rake set
37. NH 216 Twin Rakes
38. H&S Tedder 7'
39. Tyler Spreader
40. JD 2955 Tractor
41. Hesston 8550 Windro

1
2 (3) All vehicles including the following:

3 1978 Cvy 3/4 ton 4-wheel drive pickup truck
4 1980 F-350 flatbed pickup truck
5 1987 Cvy S-10 4-wheel drive pickup truck
6 1968 International 1500 Series dump truck
7 1994 F-150 Ranger 4-wheel drive pickup truck
8 1998 F-150 Ranger 4-wheel drive pickup truck
9 1993 Lincoln Town Car passenger vehicle

10
11 (4) The Royalty Interest in Royalty Agreement with Union Oil Company of
12 California dated March 1, 1960.

13 (5) All Fuel and Fertilizer Tanks and Miscellaneous Shop Equipment and Farm Tools
14 including but not limited to the following:

15 Description

16 Three (3) 3000 gallon fertilizer tanks @\$500.00 each
17 One (1) 1500 gallon fertilizer tank
18 One (1) 1500 gallon fertilizer tank
19 Five (5) fuel tanks
20 (Consists of four 500 gallon tanks and one 1000 gallon tank)
21 Miscellaneous Shop Equipment and Farm Tools
22 (Consists of both power tools and hand tools)

23 (6) The remaining balance in the Farm Bank Account at Nevada State Bank after
24 payment of costs Administration of the Estate.

25 (7) Contracts for sale of Hay including but not limited to the following:

26 Anders Hay & Grain, Inc.
27 Charles Creech, Inc.
28 Oxbow Company
Ponderosa Dairies
Westerday Company

(8) The Gas and Diesel Inventory

(9) Stock with Intermountain Production Credit Association and with Intermountain
Federal Land Bank Association.

(10) The rest, residue and remainder of the Decedent's property of any nature, kind,
character or description which may not be described or inventoried or which may be
incorrectly described which is within the jurisdiction of the Court and which was
owned by the Decedent at the date of his death.

6. That said Estate be brought to a close and that the Executor be discharged upon
producing and filing the necessary vouchers and proof showing that he has complied with

1 the Order of the Court

2
3 DONE IN OPEN COURT this ^{7th}17 day of August, 2001.
4

5
6 
7 DISTRICT JUDGE
8

9
10 Grantees address/
11 Mail tax statement to:

12 Kenneth N. Stenton
13 H.C. 62, Box 62159
14 Eureka, NV 89316
15
16
17
18
19
20
21
22
23
24

25 BOOK 342 PAGE 498
26 OFFICIAL REC'D
27 RECORDED AT THE REQUEST OF
28 Kenneth N. Stenton
01 AUG 17 PM 30

EUREKA COUNTY VADA
M.N. REBALEATI. CORDER
FILE NO. FEES 18⁰⁰

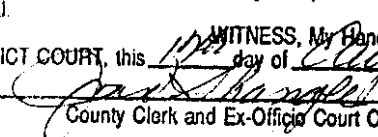
176819

BOOK 342 PAGE 5 C

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

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 17th day of August, 2001


County Clerk and Ex-Officio Court Clerk

Deputy Clerk