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CASE NO. 3129

IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF ELKO

IN THE MATTER OF THE ESTATE OF  
CHARLES FRANKLIN COOK,  
DECEASED.

ORDER SETTLING FIRST AND  
FINAL ACCOUNT, APPROVING  
ATTORNEY FEES, AND DECREE  
OF DISTRIBUTION

The Administrator with Will Annexed of the Estate of CHARLES FRANKLIN COOK, Deceased, having on the 18th day of June, 1982, rendered and filed herein a full account of the administration of said estate, which account was for final settlement, and having with said account made application for approval of attorney fees, and having further filed a Petition for Final Distribution in said estate; said account, application and petition having come on regularly to be heard on the 16th day of July, 1982, at 2 o'clock, p.m.; and proof having been made to the satisfaction of the court that notice of the settlement of said account, and of the hearing of the application and the petition have been given in the manner and for the time required by law, as more fully appears by the Affidavit of Mailing and the Affidavit of Publication on file herein; and the court hereby finds:

1. That due and legal notice of hearing of said account, application and petition has been given to all persons interested in said estate.

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ELKO, NEVADA 89801

1.

SEAL  
Affixed

1                   2. That said account is in all respects true and  
2 correct; that said Administrator had no receipts and made no  
3 disbursements during the course of administration and there  
4 are no funds in the hands of the Administrator.

5                   3. That due and legal notice to creditors of  
6 said estate has been given in the manner and for the time  
7 required by law, and that the time for the filing of  
8 creditors claims has expired.

9                   4. That no creditors claims have been filed  
10 against said estate.

11                  5. That on the 18th day of February, 1977, said  
12 CHARLES FRANKLIN COOK died in the City of La Mesa, County of  
13 San Diego, State of California; that at the time of his  
14 death was a resident of the County of San Diego, State of  
15 California; that he was over the age of twenty-one years;  
16 that he left estate in the County of Elko, State of Nevada,  
17 consisting of real property.

18                  6. That the deceased died testate.

19                  7. That after due and proper proceedings had in  
20 this behalf, the above-entitled court, on the 2nd day of  
21 February, 1977, by its order, duly made and entered,  
22 appointed CHARLES FRANKLIN COOK, JR., the Administrator with  
23 Will Annexed of the estate of the deceased, and directed  
24 that upon qualification that Letters of Administrator be  
25 issued and thereupon became, and now is, and ever since said  
26 date has been duly appointed, qualified and acting  
27 Administrator with Will Annexed of said estate.

28                  8. That the Administrator caused to be made and  
29 returned to the court a true inventory and appraisalment of  
30 all of the assets of the estate of deceased; that the total  
31 value of said estate was in the amount of \$81,280.00.  
32

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2.

9. That CHARLES FRANKLIN COOK, JR. and FRANKLIN BARRY COOK were appointed executors of the domicillary estate by the Superior Court of California in and for the County of San Diego on March 25, 1977, and that a Federal Estate Tax Return was prepared and timely filed, in conjunction with the administration of the domicillary estate in the Superior Court of California in and for the County of San Diego and the tax due thereon paid.

10. That the Executors of the Domicillary Estate have prepared and timely filed a final tax return for the decedent and fiduciary income tax returns from income received in the estate through June 15, 1981 and paid the tax due thereon as stated in Affidavit executed by the Executors of the Domicillary Estate and shall file and pay the Fiduciary Income Tax due on or before June 15, 1982.

11. That CHARLES FRANKLIN COOK was predeceased by LAUREL ELLEN COOK, his wife and the community interest of LAUREL ELLEN COOK, deceased, in and to all the assets of this estate was distributed of this Estate by Decree of Distribution made by this Court on the 16th day of July, 1982.

12. That the whole of said property in the estate was the sole and separate property of the deceased.

VII.

PROVISIONS OF WILL

That the Last Will and Testament of the deceased, bearing date of April 30, 1976, which Will has heretofore been admitted to probate by the above-entitled Court, contained the following pertinent provisions:

"I give all the property of which I die possessed to my five children as follows:

///

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3.

1 35 percent of my estate to FRANKLIN BARRY COOK, my  
2 eldest son;

3 30 percent of my estate to my son CHARLES FRANKLIN  
4 COOK, JR.;

5 25 percent of my estate to my son DANIEL WESLEY  
6 COOK;

7 5 percent of my estate to my son ROBERT BRIAN  
8 COOK, and;

9 5 percent of my estate to my daughter RUBY  
10 CATHERINE O'HARA, otherwise known as R. KATHERINE O'HARA,  
11 with the exception of the following specific bequests:

12 To my Son, CHARLES FRANKLIN COOK, JR. ....  
13 33% of all my mineral rights that I own ..... in the  
14 State of Nevada;

15 To my Son, FRANKLIN BARRY COOK ..... 37% of  
16 all my mineral rights that I own ..... in the State  
17 of Nevada;

18 To my Son, DANIEL WESLEY COOK ..... 30%  
19 of all my mineral rights that I own ..... in the  
20 State of Nevada;

21 To ELIZABETH V. JOHNSON, the sum of Ten Thousand  
22 Dollars (\$10,000.00) to be paid to her only after all taxes  
23 have been paid to the State of California and the United  
24 States Government, including Federal and State inheritance  
25 taxes, expenses of administration and attorney fees, debts  
26 of the estate, expenses of my last illness and funeral  
27 expenses.

28 14. That the property within the jurisdiction of  
29 this court, now under the care, management and control of  
30 the Administrator, subject to distribution is as follows:

31 REAL ESTATE:

32 All those certain lots, pieces or  
parcels of land situate, lying and being

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4.

in the County of Elko, State of Nevada,  
and bounded and particularly described  
as follows; to-wit:

PARCEL I

TOWNSHIP 31 NORTH, RANGE 52 EAST, MDB&M

Section 14: SE¼  
Section 23: All  
Section 24: All  
Section 25: All  
Section 33: All  
Section 35: All

Together with all buildings and  
improvements thereon.

Together with all and singular and  
tenements, hereditaments, easements, and  
appurtenances thereunto belonging or in  
anywise appertaining, and the reversions,  
remainders, rents, issues and profits  
thereof, or of any part thereof.

EXCEPTING THEREFROM all mineral rights.

PARCEL II

All mineral rights in and to all those  
certain lots, pieces or parcels situate  
in the County of Elko, State of Nevada  
described as follows; to-wit:

TOWNSHIP 31 NORTH, RANGE 52 EAST, MDB&M

Section 14: SE¼  
Section 23: All  
Section 24: All  
Section 25: All  
Section 33: All  
Section 35: All

15. That the names, relationships, ages and resi-  
dences of the heirs-at-law of the deceased are as follows,  
to-wit:

| <u>NAME</u>                | <u>AGE</u> | <u>RELATIONSHIP</u> | <u>ADDRESS</u>   |
|----------------------------|------------|---------------------|--|
| FRANKLIN BARRY COOK        | Adult      | Son                 | 277 Blanchard Rd.<br>El Cajon CA 92020                                 |
| CHARLES FRANKLIN COOK, JR. | Adult      | Son                 | 4012 N. Stafford St.<br>Arlington VA 22207                             |
| DANIEL WESLEY COOK         | Adult      | Son                 | c/o Franklin Barry<br>Cook; 277 Blanchard<br>Rd.; El Cajon CA<br>92020 |

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5.

1 ROBERT BRUCE COOK Adult Son 400 E. Coronado  
2 South Pasadena, CA  
91109

3 RUBY CATHERINE Adult Daughter 629 Fernwood  
4 O'HARA Oxnard, CA 93030

5 17. That under the terms of the Last Will and  
6 Testament of the deceased, the following named persons are  
7 the devisees and legatees, their names, relationships, ages  
8 and addresses being as follows:

| NAME                       | AGE   | RELATIONSHIP | ADDRESS  |
|----------------------------|-------|--------------|--|
| FRANKLIN BARRY COOK        | Adult | Son          | 277 Blanchard Rd.<br>El Cajon CA 92020                                 |
| CHARLES FRANKLIN COOK, JR. | Adult | Son          | 4012 N. Stafford St.<br>Arlington VA 22207                             |
| DANIEL WESLEY COOK         | Adult | Son          | c/o Franklin Barry<br>Cook; 277 Blanchard<br>Rd.; El Cajon CA<br>92020 |
| ROBERT BRUCE COOK          | Adult | Son          | 400 E. Coronado<br>South Pasadena, CA<br>91109                         |
| RUBY CATHERINE<br>O'HARA   | Adult | Daughter     | 629 Fernwood<br>Oxnard, CA 93030                                       |
| ELIZABETH V. JOHNSON       | Adult | Stranger     | 835 32nd St.<br>Sarasota, FL 33578                                     |

17. That the Administrator has performed services  
for the estate and waives any fee for the services rendered.

18. That VAUGHAN, HULL, COPENHAVER & HANSEN,  
LTD., Attorneys at Law, Elko, Nevada, have performed  
services for said estate by acting as attorneys for the  
Administrator, for which said attorneys are entitled to a  
reasonable fee. That the Administrator and said attorneys  
have agreed that a reasonable fee for said services would be  
in the sum of \$4,000.00, for which the Administrator has  
arranged payment, and the court finds said sum to be  
reasonable.

19. That VAUGHAN, HULL, COPENHAVER & HANSEN,  
LTD., Attorneys at Law, Elko, Nevada, in serving as

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6.

1 attorneys for the Administrator of this estate, during the  
2 administration of said estate, have advanced certain costs  
3 in the sum of \$284.60 and are entitled to reimbursement of  
4 the same.

5 20. That the necessary costs of closing of said  
6 estate are estimated to be less than \$50.00.

7 21. That all claims and debts against said  
8 decedent and against the said estate have been paid in full;  
9 that all expenses and charges of administration except as  
10 hereinafter specifically set out have been paid in full;  
11 that expenses of last illness and funeral expenses have been  
12 paid in full; and that said estate is ready for distribution  
13 and is now in a condition to be closed.

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

16 1. That due and legal notice of the hearing of  
17 said First and Final Account, Application for Approval of  
18 Attorney Fees and Petition for Distribution has been given  
19 to or waived by all persons interested in said estate or  
20 entitled to notice thereof.

21 2. That Notice to Creditors has been given for  
22 the time and in the manner as provided by law, and the time  
23 for the presentation of creditors claims has expired.

24 3. That the First and Final Account of the  
25 Administrator as rendered is hereby settled, allowed,  
26 approved, ratified and confirmed as rendered.

27 4. That the is ordered to pay from the funds of  
28 the estate the following amount for the purposes stated,  
29 which amounts are determined to be reasonable:

30 A. To VAUGHAN, HULL, COPENHAVER & HANSEN,  
31 LTD., the sum of \$284.60 to reimburse said  
32 attorneys for costs advanced.

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7.



B. To VAUGHAN, HULL, COPENHAVER & HANSEN, LTD., the sum of \$4,000.00 as attorney fees.

C. Necessary costs of closing.

5. That the property of this estate was the sole and separate property of the deceased.

6. That subject to payment of the sums hereinbefore set out, the property of the deceased, hereinbefore in this Order described as Parcels I and II, are hereby distributed as follows:

PARCEL I

To FRANKLIN BARRY COOK - an undivided 35% interest;  
To CHARLES FRANKLIN COOK, JR. - an undivided 30% interest;  
To DANIEL WESLEY COOK - an undivided 25% interest;  
To ROBERT BRUCE COOK - an undivided 5% interest; and  
To RUBY CATHERINE O'HARA - an undivided 5% interest.

PARCEL II

To CHARLES FRANKLIN COOK, JR. - an undivided 33% interest;  
To FRANKLIN BARRY COOK - an undivided 37% interest; and  
To DANIEL WESLEY COOK - an undivided 30% interest.

7. As to any and all other property of every name, nature, kind, character or description, not hereinbefore described or inventoried and appraised in this estate, or which may be incorrectly described herein, which is within the jurisdiction of the court, and which was owned by the deceased at the date of his death, is hereby distributed as follows:

A. As to any mineral rights in the State of Nevada:

To CHARLES FRANKLIN COOK, JR. - an undivided 33% interest;

To FRANKLIN BARRY COOK - an undivided 37% interest; and

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8.



To DANIEL WESLEY COOK - an undivided 30% interest.

B. As to all other property:

To FRANKLIN BARRY COOK - an undivided 35% interest;

To CHARLES FRANKLIN COOK, JR. - an undivided 30% interest;

To DANIEL WESLEY COOK - an undivided 25% interest;

To ROBERT BRUCE COOK - an undivided 5% interest;

and

To RUBY CATHERINE O'HARA - an undivided 5% interest.

8. That the said Administrator with Will Annexed be dismissed and discharged as of the date that has been filed herein, evidence or receipts showing:

A. Payments as herein ordered;

B. Distribution in accordance herewith; and

C. The recording of a certified copy of

this Decree of Distribution with the Elko County Recorder.

DONE IN OPEN COURT THE 11th day of

July, 1982.

/s/ Jos. D. McDaniel  
DISTRICT JUDGE

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ATTORNEYS AND COUNSELORS  
220 IDAHO STREET  
ELKO, NEVADA 89801

9.

STATE OF NEVADA,  
COUNTY OF ELKO.

I, R. L. KANE, County Clerk and ex-officio Clerk of the District Court of the Fourth Judicial District of the State of Nevada, in and for the County of Elko, do hereby certify that the annexed is a full, true and correct copy of ORDER SETTLING FIRST AND FINAL ACCOUNT, APPROVING ATTORNEY FEES, AND DECREE OF DISTRIBUTION

as the same appears on file and of record in my office.

WITNESS my hand and the seal of said court affixed

the 16th day of July, A.D., 1982

R. L. Kane, Clerk.

Sharon Wagner, Deputy Clerk



CERTIFICATION OF COPY

STATE OF NEVADA)  
COUNTY OF ELKO) SS.

I, JERRY D. REYNOLDS, the duly elected and qualified Recorder of Elko County, in the State of Nevada, do hereby certify that this is a true, full and correct copy of the instrument now on record in this office. IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office, in Elko, Nevada this

4th day of March, A.D. 2002  
JERRY D. REYNOLDS, COUNTY RECORDER

By Becky Jensen Deputy  
(SEAL)

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AT REQUEST OF  
VAUGHAN, HULL  
COPENHAVER & HANSEN, Ltd.  
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RECORDED BY 325 651  
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ELKO CO. RECORDER

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