

05-400-26
05-300-05
APN# 05-300-01

Recording Requested by and Return To:

Name Barbara Rowland

Address 18811 Nettlewood Circle

City/State/Zip Huntington Beach, CA 92646

BOOK *374* PAGE *201-204*
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Mathews & Wiles
2004 FEB -2 PM 3:09

EUREKA COUNTY, NEVADA
H.M. REBALEATI, RECORDER
FILE NO. FEES *17.00*

185179

ORDER TO SET ASIDE
WITHOUT ADMINISTRATION IN THE ESTATE OF
(Title of Document)
ROBERT HILTON ANTHONY

This cover page must be typed or printed

JAN 21 2004

CASE NO. PR-PR-03-12-029

Dept. II

Eureka County Clerk
BY Deputy

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

**ORDER TO SET ASIDE
WITHOUT ADMINISTRATION**

ROBERT HILTON ANTHONY, a.k.a.
ROBERT H. ANTHONY,

Deceased.

WAYNE H. ANTHONY, filed herein his Petition to Set Aside Without Administration, and
Notice of Hearing of said Petition having been given as required by law, the Court hereby finds:

1. That Petitioner is over the age of majority, a resident of Aromas, California, and is
the surviving son of the above-named Deceased. Petitioner has never been convicted of a felony.
Petitioner is the Successor Trustee of the ANTHONY FAMILY TRUST, and has been nominated
by Decedent's Last Will and Testament to serve as Personal Representative.

2. That the above-named Deceased died testate on April 4, 2003, in Aromas, California,
and at the time of his death, he was a resident of Aromas, California. A copy of his Certificate of
death is attached to the Petition.

3. That Decedent died leaving no surviving spouse and two adult children. That the
heirs-at-law of Decedent and their respective relationships and addresses are as follows:

<u>NAME AND ADDRESS</u>	<u>RELATIONSHIP</u>
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Wayne H. Anthony 521 Carpenteria Road Aromas, CA 95004-9714	Son
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Barbara Rowland 18811 Nettlewood Circle Huntington Beach, CA 92646	Daughter
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1 4. That at the time of Decedent's death he left an estate consisting of the following
2 described parcels of real property within the County of Eureka, State of Nevada; that the value of
3 such real property does not exceed the sum of \$50,000.00; that all of said Estate is within the
4 jurisdiction of the above entitled Court and more particularly described as follows:

5 SW¼ (Lot 4) Section 7: Township 30 North, Range 49 East, M.D.B&M
6 Approximately 13.89 Acres
7 Assessor's Parcel Number 05-300-05

8 NW¼ Lot 1) Section 7: Township 30 North, Range 49 East, M.D.B&M.
9 Approximately 13.88 Acres
10 Assessor's Parcel Number 05-300-01

11 E½SE¼SW¼ Section 13: Township 29 North, Range 48 East, M.D.B&M.
12 Approximately 10 Acres
13 Assessor's Parcel Number 05-400-26

14 TOGETHER WITH any and all buildings and improvements situate thereon.

15 TOGETHER WITH the tenements, hereditament and appurtenances thereunto
16 belonging or in anywise appertaining, the reversion and reversion, remainder and
17 remainders, rents, issues and profits thereof.

18 SUBJECT TO all reservations, restrictions or covenants of record.

19 6. That the total value of the real property for the purpose of this proceeding is
20 \$15,240.00.

21 7. That Petitioner is informed and believes that, at the time of Decedent's death, there
22 were no liens or encumbrances of record against said parcel of real property. The taxes have been
23 paid through the current tax year, 2003-2004.

24 8. That the 2003-2004 Eureka County, Nevada, ad valorem tax bills establish the
25 appraised value for the three parcels.

26 9. That a copy of Decedent's Pour Over Will, is attached to the Petition, together with
27 a copy of the relevant portions of the ANTHONY LIVING TRUST, dated February 19, 1994. The
28 effect of these documents is that the property described herein is distributable to the heirs outright
and free of the Trust.

 10. That the heirs have allocated the Trust assets among themselves, and have agreed
that the property described herein should be distributed to BARBARA ROWLAND, as her sole and
separate property.

11. That based upon that agreement, the above described real property should be distributed to Decedent's daughter, BARBARA ROWLAND, as her sole and separate property.

12. That this Petition is made pursuant to NRS 146.070.

13. That Petitioner has engaged MATTHEWS AND WINES, P.C., to petition this Court, and will incur court costs and legal fees; this Court should order payment of the costs incurred herein, and in regard to the ESTATE OF MARIE UPCHURCH ANTHONY, together with a reasonable fee in the sum of \$400.00, payable to MATTHEWS AND WINES, P.C.

14. That any and all other items of real or personal property located in the State of Nevada hereinafter discovered with a value less than \$75,000.00 should be set aside pursuant hereto without further order of this Court to BARBARA ROWLAND and WAYNE H. ANTHONY, share and share alike.

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

1. That the total value of the Estate does not exceed the sum of \$75,000.00, that the real property herein described shall not be administered upon, but shall be assigned and set apart to BARBARA ROWLAND, as her sole and separate property.

2. That any and all other items of property, including hereinafter discovered items of real and personal property with a value less than \$75,000.00, be set over to BARBARA ROWLAND and WAYNE H. ANTHONY, share and share alike, without further administration or order of this court.

3. That Petitioner shall pay a reasonable attorney fee of \$400.00 to MATTHEWS AND WINES, P.C., together with all costs incurred in this matter, and in the matter of the ESTATE OF MARIE UPCHURCH ANTHONY.

DATED this 16th day of January, 2004.

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 January 20 04

Francis Bell
County Clerk and Ex-Officio Court Clerk

Deputy Clerk

Dan L. Tape
DISTRICT JUDGE

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