

APN# None

Recording Requested by and Return to:

Vaughan & Hull, Ltd.
P.O. Box 1420
Elko, Nevada 89803

BOOK 423 PAGE 174-180
OFFICIAL RECORDS
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2005 SEP 13 PM 2:30

EUREKA COUNTY, NEVADA
M.N. REBALEATI, RECORDER
FILE NO. 201080
FEES \$20.00

ORDER AND DECREE
SETTING ASIDE ESTATE
WITHOUT ADMINISTRATION

SEP 02 2005

1 CASE NO. PR-0508-087

Eureka County Clerk

2 DEPARTMENT NO. 1

BY

[Signature]

Deputy

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6 **IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT**
7 **OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF EUREKA**

8
9 **IN THE MATTER OF THE ESTATE**
10 **OF LEO J. DAMELE,**

Deceased.

ORDER AND DECREE
SETTING ASIDE ESTATE
WITHOUT ADMINISTRATION

11
12 The verified PETITION TO SET ASIDE ESTATE WITHOUT ADMINISTRATION
13 pursuant to NRS 146.070 filed herein on August 11, 2005, having come on regularly to be heard on
14 the 2nd day of September, 2005, at the hour of 10:00 o'clock A.M., the Court finds that:

- 15 1. The Notice of this hearing has been given for the period of time and in the
16 manner required by law.
- 17 2. The allegations of the Petition are true and correct.
- 18 3. LEO J. DAMELE, died on or about the 8th day of May, 1991, in the County of
19 Solano, State of California, and was at the time of death a resident of the County of Eureka, State of
20 Nevada.
- 21 4. That Decedent left a Last Will and Testament bearing the date of January 21,
22 1991, the original of which was filed with JOAN SHANGLE, the County Clerk of the County of
23 Eureka, State of Nevada.
- 24 5. The names, ages, relationships and addresses of the heirs of said deceased are
25 as follows:

<u>NAME & ADDRESS</u>	<u>AGE</u>	<u>RELATIONSHIP</u>
26 ELLEN M. DAMELE 27 HC 65, Box 46 28 Carlin, Nevada 89822	Adult	Wife

VAUGHAN & HULL, LTD.
ATTORNEYS AT LAW
630 IDAHO STREET - P. O. BOX 1420
ELKO, NEVADA 89801
(775) 738-4031

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LEO GLYNN DAMELE HC 62 Box 62310 Eureka, Nevada 89313	Adult	Son
ANTONE J. DAMELE HC 65 Box 46 Carlin, Nevada 89822	Adult	Son
CAROL LEE HEIM 2028 Larchmont Circle Fairfield, CA 94534-7103	Adult	Daughter

6. Contingent heirs and devisees if ELLEN M. DAMELE did not survive the deceased for at least thirty (30) days are:

<u>NAME & ADDRESS</u>	<u>AGE</u>	<u>RELATIONSHIP</u>
LEO GLYNN DAMELE HC 62 Box 62310 Eureka, Nevada 89313	Adult	Son
ANTONE J. DAMELE HC 65 Box 46 Carlin, Nevada 89822	Adult	Son
CAROL LEE HEIM 2028 Larchmont Circle Fairfield, CA 94534-7103	Adult	Daughter

7. That pursuant to said Last Will and Testament, ELLEN M. DAMELE is the devisee and legatee of the estate of LEO J. DAMELE.

8. The following is a specific description of the decedent's property:

The community interest of LEO J. DAMELE in and to an undivided one-third (1/3) interest of an undivided one-half (1/2) interest in and to all minerals, oil or gas owned as reserved by Charles Damele, Leo J. Damele and John V. Damele doing business under the name of Stephen Damele and Sons, Leo J. Damele, et ux, Charles Damele, et ux, and John V. Damele, et ux, in Deed recorded January 20, 1972, in Book 41 of Deeds at Page 318, in the office of the County Recorder of Eureka County, Nevada for that real property described in Exhibit "A" attached hereto and made a part hereof.

9. All of the above-described property was the community property of the deceased and ELLEN M. DAMELE the surviving wife.

10. The total gross value of the Estate of the Decedent in the State of Nevada less

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Order

1 encumbrances does not exceed \$75,000.00.

2 11. So far as known to Petitioner, the debts of the last illness and funeral expenses
3 of Decedent have been paid and Decedent left no unpaid debts in Nevada.

4 12. That Petitioner, ELLEN M. DAMELE, entered into the ELLEN M. DAMELE
5 TRUST dated January 16, 1992, naming ELLEN M. DAMELE as the duly acting and qualified
6 Trustee and desires all property in which she has an interest name the Trust as owner.

7 13. That VAUGHAN & HULL, LTD., Attorneys at Law, Elko, Nevada, have
8 performed services for said estate as and for attorneys for the Petitioner, ELLEN M. DAMELE for
9 which attorneys are entitled to a reasonable fee; that your Petitioner and said attorneys have agreed
10 that a reasonable fee for said services would be in the sum of SEVEN HUNDRED FIFTY
11 DOLLARS (\$750.00), plus costs, and that Petitioner has arranged for the payment of said fees.

12 NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

13 1. Due and legal notice of the hearing of said PETITION TO SET ASIDE
14 ESTATE WITHOUT ADMINISTRATION pursuant to NRS 146.070 has been given to or waived by
15 all persons interested in said Estate or who are entitled to notice thereof for the time and in the
16 manner required by law.

17 2. The property hereinbefore specifically described as community property was
18 the community property of the deceased and ELLEN M. DAMELE at the time of the death of the
19 deceased and that an undivided one-half (1/2) interest of the same vested in ELLEN M. DAMELE,
20 the surviving wife, absolutely, on the date of the death of the deceased.

21 3. The fee of \$750.00, plus costs advanced, for services rendered by VAUGHAN
22 & HULL, LTD., Attorneys at Law, as agreed by between Petitioner and said attorneys, is approved as
23 reasonable, and ordered paid.

24 4. In accordance with NRS 146.070, all right, title and interest of LEO J.
25 DAMELE deceased, in the above-described property be and hereby is set aside to ELLEN M.
26 DAMELE, Trustee of the ELLEN M. DAMELE TRUST dated January 16, 1992.

27 5. Any and all property of any name or nature, not hereinabove described or
28 inventoried and appraised, in this said estate, or which may be incorrectly described herein, which

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1 shall be within the jurisdiction of the Court, and which was owned by deceased and ELLEN M.
2 DAMELE at the date of the death of the deceased, is community property and vested one-half (1/2)
3 in said ELLEN M. DAMELE, the surviving wife absolutely on the date of the death of said deceased.

4 6. In accordance with NRS 146.070, the interest of LEO J. DAMELE, deceased,
5 in and to any and all other property, real or personal, of any name, nature, kind, character or
6 description not hereinabove described, or which may be incorrectly described herein, which is within
7 the jurisdiction of this Court, and does not cause the gross value of the estate less encumbrances to
8 exceed \$75,000.00, is assigned and set aside to ELLEN M. DAMELE, Trustee of the ELLEN M.
9 DAMELE TRUST dated Janaury 6, 1992.

10 7. A certified copy of this Order be recorded in the office the County Recorder of
11 Eureka County, Nevada.

12 Done in Open Court this 24 day of September, 2005.

13
14 Dan L. Hays
15 DISTRICT JUDGE
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22 SEVENTH JUDICIAL DISTRICT COURT } SS
23 IN AND FOR THE COUNTY OF EUREKA
24 STATE OF NEVADA
25 I, the undersigned COUNTY CLERK and Ex-Officio
26 CLERK of the SEVENTH JUDICIAL DISTRICT COURT do hereby CERTIFY
27 that the foregoing is a true and correct copy of the original on file in
28 my office and that I have carefully compared the same with the
original.
DISTRICT COURT, this 7th WITNESS, My Hand and Seal of said
County of September 20 25
Travis Hays
County Clerk and Ex-Officio Court Clerk
D. Hays Deputy Clerk

EXHIBIT "A"

The community interest of LEO J. DAMELE in and to an undivided 1/3 interest in and to one-half (1/2) of all minerals, oil or gas owned by CHARLES DAMELE, et al., as reserved in Deed recorded 1/20/72 in Book 41 of Official Records at Page 318, Eureka County, Nevada, in and to the following described lands:

Parcel A

TOWNSHIP 23 1/2 NORTH, RANGE 49 EAST, M.D.B.&M.

Section 1: Lot 3.

TOWNSHIP 24 NORTH, RANGE 49 EAST, M.D.B.&M.

Section 9: N $\frac{1}{2}$ NW $\frac{1}{4}$; SE $\frac{1}{2}$ NW $\frac{1}{4}$; SW $\frac{1}{2}$ NE $\frac{1}{4}$
Section 10: SE $\frac{1}{2}$ SW $\frac{1}{4}$; SW $\frac{1}{2}$ SE $\frac{1}{4}$
Section 12: SW $\frac{1}{2}$ SE $\frac{1}{4}$; NE $\frac{1}{2}$ SE $\frac{1}{4}$
Section 13: NE $\frac{1}{2}$ NW $\frac{1}{4}$; SW $\frac{1}{2}$ NW $\frac{1}{4}$; NW $\frac{1}{2}$ SW $\frac{1}{4}$
Section 14: SE $\frac{1}{2}$ SE $\frac{1}{4}$
Section 15: N $\frac{1}{2}$ NW $\frac{1}{4}$
Section 23: NE $\frac{1}{2}$ NE $\frac{1}{4}$; SW $\frac{1}{2}$ NE $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$
Section 26: W $\frac{1}{2}$ E $\frac{1}{2}$; NE $\frac{1}{2}$ NW $\frac{1}{4}$
Section 35: E $\frac{1}{2}$ W $\frac{1}{2}$

TOWNSHIP 24 NORTH, RANGE 50 EAST, M.D.B.&M.

Section 2: Lot 3, SE $\frac{1}{2}$ NW $\frac{1}{4}$
Section 7: Lot 2

TOWNSHIP 25 NORTH, RANGE 50 EAST, M.D.B.&M.

Section 24: SE $\frac{1}{2}$ NW $\frac{1}{4}$; NW $\frac{1}{2}$ SW $\frac{1}{4}$
Section 25: S $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$
Section 28: W $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{2}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$
Section 32: SE $\frac{1}{2}$ NE $\frac{1}{4}$
Section 33: NW $\frac{1}{2}$ NW $\frac{1}{4}$
Section 35: E $\frac{1}{2}$ NE $\frac{1}{4}$; SW $\frac{1}{2}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$
Section 36: NW $\frac{1}{2}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$; NW $\frac{1}{2}$ SW $\frac{1}{4}$

TOWNSHIP 26 NORTH, RANGE 50 EAST, M.D.B.&M.

Section 1: SE $\frac{1}{2}$ NE $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$
Section 11: NE $\frac{1}{2}$ NE $\frac{1}{4}$
Section 12: E $\frac{1}{2}$ NE $\frac{1}{4}$; NE $\frac{1}{2}$ SE $\frac{1}{4}$
Section 24: E $\frac{1}{2}$ SE $\frac{1}{4}$

TOWNSHIP 25 NORTH, RANGE 51 EAST, M.D.B.&M

Section 6: Lots 3, 4, 5, 6 and 7; SE $\frac{1}{4}$ NW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$
Section 7: E $\frac{1}{2}$ NW $\frac{1}{4}$
Section 19: SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 30: NW $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$; Lots 2 and 3
Section 35: N $\frac{1}{2}$ NW $\frac{1}{4}$

TOWNSHIP 26 NORTH, RANGE 51 EAST, M.D.B.&M

Section 6: Lots 3, 4, 5, 6 and 7; SE $\frac{1}{4}$ NW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$
Section 7: Lots 1, 2, 3 and 4
Section 18: Lots 1, 2, 3 and 4
Section 19: Lots 1, 2, 3 and 4
Section 30: Lots 1, 2, 3 and 4; E $\frac{1}{2}$ SW $\frac{1}{4}$
Section 31: NW $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ W $\frac{1}{2}$; Lot 4; SW $\frac{1}{4}$ SE $\frac{1}{4}$

TOWNSHIP 27 NORTH, RANGE 51 EAST, M.D.B.&M

Section 30: S $\frac{1}{2}$ NE $\frac{1}{4}$; Lot 4; E $\frac{1}{2}$ SW $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$
Section 31: Lot 1

Parcel B

TOWNSHIP 24 NORTH, RANGE 50 EAST, M.D.B.&M

Section 20: W $\frac{1}{2}$ SW $\frac{1}{4}$
Section 30: N $\frac{1}{2}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$; Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)

TOWNSHIP 25 NORTH, RANGE 50 EAST, M.D.B.&M

Section 32: NE $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$

EXCEPTING THEREFROM, all mines of gold, silver, copper, lead, cinnabar and other valuable minerals which may exist in said tract, including all gas, coal, oil and oil shales as reserved in Deeds conveying above parcels to TESSIE DAMELE, et al., executed by RUBY LAND CORPORATION, as recorded August 24, 1951, in Book 24 of Deeds at Page 157; by HOMER D. TUTTLE and GLENDORA TUTTLE, as recorded August 22, 1951, in Book 24 of Deeds at Page 158; and by FRANK D. CARROLL and NINA J. CARROLL, as recorded August 24, 1951, in Book 24 of Deeds at Page 161, All Eureka County, Nevada, records.

State of Nevada Declaration of Value

FOR RECORDERS OPTIONAL USE ONLY	
Document/Instrument#	<u>201080</u>
Book	<u>423</u> Page <u>174-180</u>
Date of Recording:	<u>9-13-05</u>
Notes:	_____

1. Assessor Parcel Number(s)

- a) None
 b) _____
 c) _____
 d) _____

2. Type of Property:

- a) Vacant Land b) Single Fam. Res.
 c) Condo/Twnhse d) 2-4 Plex
 e) Apt. Bldg. f) Comm'/Ind'l
 g) Agricultural h) Mobile Home
 i) Other Mineral Rights

3. Total Value/Sales Price of Property: \$ Exempt
 Deed in Lieu of Foreclosure Only (value of property) \$ _____
 Transfer Tax Value: \$ _____
 Real Property Transfer Tax Due: \$ Exempt
 (Tax is computed at \$1.95 per \$500 value)

4. If Exemption Claimed:

- a. Transfer Tax Exemption, per NRS 375.090, Section: 7
 b. Explain Reason for Exemption: Decree sets aside the interest of deceased husband to wife's trust

5. Partial Interest: Percentage being transferred: _____ %

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month.

Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature: [Signature] Capacity Attorney
 Signature: _____ Capacity _____

SELLER (GRANTOR) INFORMATION
(REQUIRED)

Print Name: Estate Leo G. Damele
 % Ellen Damele
 Address: HC 65 Box 46
 City: Carlin
 State: Nevada 89822

BUYER (GRANTEE) INFORMATION
(REQUIRED)

Print Name: Ellen Damele Trust
 Address: HC 65 Box 46
 City: Carlin
 State: Nevada 89822

COMPANY REQUESTING RECORDING
(REQUIRED IF NOT THE SELLER OR BUYER)

Print Name: Robert O. Vaughan Escrow # _____
 Address: P.O. Box 1420
 City: Elko State: NV Zip: 89802