

410-000-79
APN# 001-122-01

Recording Requested by and Return To:

Name Julie M. Smith

Address 3522 Hawthorne Dr.

City/State/Zip ELKO, NV 89801

BOOK 433 PAGE 42-45
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EUREKA COUNTY, NEVADA
M.N. REBALEATI, RECORDER
FILE NO.

203890

FEES 17⁰⁰

ORDER SETTING ASIDE ESTATE
(Title of Document)
WITHOUT ADMINISTRATION

This cover page must be typed or printed

1 CASE NO. ⁰⁶⁰²⁻⁰⁹⁴ ~~PR-PR-04-45~~
2 Dept. II

NO. FILED
MAR 3 2006
Eureka County Clerk
BY [Signature] Deputy

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

9 IN THE MATTER OF THE ESTATE OF
10 EMILY SANSINENA,

**ORDER SETTING ASIDE ESTATE
WITHOUT ADMINISTRATION**

11 Deceased. /

12 Petitioner, JULIE M. SMITH, filed herein her Petition to Set Aside Without
13 Administration, and Notice of Hearing of said Petition having been given as required by law, the
14 Court hereby finds:

15 1. That Petitioner is over the age of majority, a resident of Elko County, State of
16 Nevada, and is the Niece of the above-named Deceased.

17 2. That the above-named Deceased died testate on April 28, 2005, in Elko County,
18 Nevada, and at the time of her death, she was a resident of Elko County, Nevada. A copy of her
19 certificate of death is attached as Exhibit "1" to the Petition and incorporated therein.

20 3. That Decedent died leaving no spouse and no children; that the names, addresses and
21 relationship of all relatives within the second degree so far as they are known to Petitioner are as
22 follows:

| <u>NAME AND ADDRESS</u> | <u>RELATIONSHIP</u> |
|---|---------------------|
| 24 Steven D. Smith 25 3330 Beverly Circle 25 Elko, NV 89801 | Nephew |
| 26 Julie M. Smith 27 3522 Hawthorne Dr. 27 Elko, NV 89801 | Niece |
| 28 Michael P. Sansinena c/o Sansinena Ranch | Nephew |

1 Beowawa, NV 89821

2 4. Pursuant to the provisions of paragraph third of decedents Will, a copy of which
3 is attached to the Petition, the persons entitled to the Deceased's property and estate are STEVEN
4 D. SMITH and JULIE M. SMITH, share and share alike.

5 5. That at the time of Decedent's death, she left an Estate consisting of an undivided
6 interest in and to the following described parcels of real property within the County of Eureka, State
7 of Nevada; that the value of such real property does not exceed the sum of \$75,000.00; that all of
8 said Estate is within the jurisdiction of the above entitled Court and more particularly described as
9 follows:

10 Parcel 1

11 Lots 1 thru 6, Block 54, of the Town of Eureka, County of Eureka, State of Nevada.

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

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

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16 Parcel 2

17 Two patented mining claims situate in the County of Eureka, State of Nevada,
18 known as and named "Stella" and "Seventy Six (76)".

19 TOGETHER WITH all improvements situate thereon, all water rights and any or
20 all other rights held in connection therewith.

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22 6. A copy of the Assessor's real property tax statement for Assessor's Parcel Numbers
23 001-122-01 and 410-000-79 are attached to the Petition as Exhibits "2" and "3" respectfully, and
24 are incorporated by reference; the value of the property, as shown by the tax statements, is
25 approximately \$34,000.00; decedent's 1/3 interest therefore has a value of approximately
\$11,350.00.

26 7. That the Petition is made pursuant to NRS 134.050.

27 8. That Petitioner has engaged MATTHEWS AND WINES, P.C. to Petition this
28 Court, and should be Ordered to pay attorney fees of \$450.00 together with all costs incurred.

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9. That any and all other items of real or personal property, hereinafter discovered with a value of less than \$75,000.00, and belonging to EMILY SANSINENA, shall be set aside to STEVEN D. SMITH and JULIE M. SMITH, share and share alike, without further order of the Court.

NOW THEREFORE, it is hereby the Order of this Court that the total value of the Estate does not exceed the sum of \$75,000.00, that the same shall not be administered upon, but shall be assigned and set apart including hereinafter discovered items of real and personal property with a value less than \$75,000.00, to STEVEN D. SMITH and JULIE M. SMITH, share and share alike, and for a reasonable attorney fee of \$450.00, payable to MATTHEWS AND WINES, P.C., together with costs of suit.

DATED this 3rd day of MARCH, 2006.


DISTRICT JUDGE

203890

BOOK 433 PAGE 045

| | |
|---|------|
| 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. | |
| DISTRICT COURT, this <u>3rd</u> day of <u>March</u> 20 <u>06</u> | |
| <u>James Hale</u> County Clerk and Ex-Officio Court Clerk | |
| <u>St. James Paulsen</u> Deputy Clerk | |