

A.P.N. 001-077-04

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EUREKA COUNTY, NEVADA
M.N. REBALEATI, RECORDER
FILE NO. 206174 FEES 47.00

Title:

ORDER SETTING ASIDE ESTATE WITHOUT ADMINISTRATION

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FILED

2006 SEP -7 AM 9:27

RONALD A. LONGTIN, JR.

D. Jaramillo

BY DEPUTY

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

IN THE MATTER OF THE ESTATE OF
KATHRYN ELIZABETH HUNTER-BALDWIN,
a.k.a. KATHRYN ELIZABETH BALDWIN,
a.k.a. KATHRYN ELIZABETH HUNTER,
a.k.a. KATHRYN E. HUNTER-BALDWIN,
a.k.a. KATHRYN E. BALDWIN, a.k.a. KATHRYN
E. HUNTER, a.k.a. KATHRYN HUNTER-BALDWIN,
a.k.a. KATHRYN BALDWIN, a.k.a. KATHRYN
HUNTER, a.k.a. KATHERINE HUNTER,

Case No. PR06-00360
Dept. No. PR

Hearing Date: 09/07/2006
Hearing Time: 8:00 A.M.

Deceased.

ORDER SETTING ASIDE ESTATE WITHOUT ADMINISTRATION

Leslie F. Taylor, Petitioner in the above-entitled matter, having filed his verified Petition to Set Aside Estate Without Administration, and said Petition having come on regularly to be heard this 7th day of September, 2006, and the Court having examined said Petition and having heard the evidence and proof finds:

1. That Kathryn Elizabeth Hunter-Baldwin, a.k.a. Kathryn Elizabeth Baldwin, a.k.a. Kathryn Elizabeth Hunter, a.k.a. Kathryn E. Hunter-Baldwin, a.k.a. Kathryn E. Baldwin, a.k.a. Kathryn E. Hunter, a.k.a. Kathryn Hunter-Baldwin, a.k.a. Kathryn Baldwin, a.k.a. Kathryn Hunter, a.k.a. Katherine Hunter ("Decedent") died in the City of Reno, County of Washoe, State of Nevada, on January 26, 2001.

2. That due notice has been given of the hearing of said Petition in the manner and for the time required by law; that no request for special notice has been filed herein; that there are no debts of the Decedent.

3. At the time of death, the Decedent was a resident of Reno, Washoe County, Nevada,

1 and left an Estate in Nevada consisting of real and personal property.

2 4. The Decedent was a widow and had two (2) adult children at the time of death, namely:
3 Phyllis Rosaland Hawes and James Walter Welch, a.k.a. Walter James Welch, who predeceased her.

4 5. The Decedent executed her Last Will and Testament on February 21, 1975, which has
5 been lodged with the Clerk of the Court.

6 6. The Will of the Decedent dated February 21, 1975, was properly executed by the
7 Decedent, and at the time of the execution of the Will, the Decedent was over the age of eighteen (18)
8 years, was of sound mind, and was not acting under duress, menace, fraud or undue influence, and was
9 in every other respect competent to dispose of her estate by Will. The Will contains an affidavit of the
10 attesting witnesses, in which the witnesses swear to the due execution of the Will and such additional
11 facts as they would otherwise be required to testify to in Court to prove the validity of the Will.

12 7. In Decedent's Will, Decedent's sister, Norma Maria Kennedy, inadvertently referred to
13 as Norma Marie Kennedy ("Ms. Kennedy"), was named in said Will as Executrix, however, Ms.
14 Kennedy died on June 9, 2005.

15 8. Pursuant to Decedent's Will, in the event that Ms. Kennedy was unable or unwilling to
16 serve as Executor of Decedent's estate, Decedent's daughter, Phyllis Rosaland Hawes ("Ms. Hawes"),
17 was named to serve. Ms. Hawes, however, suffered from a stroke in 1995 and does not have capacity
18 to serve as Executrix. In the event that Ms. Hawes was unable or unwilling to serve, First National
19 Bank of Nevada ("First National") was named as Executor or Co-Executor with Ms. Hawes.

20 9. Petitioner is the son of Ms. Hawes and currently retains a power of attorney over Ms.
21 Hawes and; therefore, Petitioner requested that he be allowed to act in place and stead of Ms. Hawes
22 on behalf of the Decedent's estate.

23 10. That pursuant to the Decedent's Last Will and Testament dated February 21, 1975, the
24 following specific distributions were to be made:

25 (i) The sum of Two Thousand Dollars (\$2,000.00) to the Decedent's daughter,
26 Phyllis Rosaland Hawes;

27 (ii) The sum of Two Thousand Dollars (\$2,000.00) to the Decedent's son, James
28 Walter Welch, also known as Walter James Welch;

(iii) The sum of Two Thousand Dollars (\$2,000.00) to the Decedent's husband, Hugh Baldwin;

(iv) The sum of One Thousand Dollars (\$1,000.00) to the Decedent's cousin, John Fenton Schweble; and

(v) The sum of One Thousand Dollars (\$1,000.00) to the Decedent's cousin, Dennis Wayne Schweble.

11. That the son of the Decedent, James Walter Welch, also known as Walter James Welch, died in 1995 and pursuant to the Decedent's Will, said distribution shall lapse.

12. That the husband of the Decedent, Hugh Baldwin, died on May 28, 1984 and pursuant to the Decedent's Will, said distribution shall lapse.

13. That the above-referenced specific distributions to Phyllis Rosaland Hawes, John Fenton Schweble, and Dennis Wayne Schweble shall be made from the Decedent's estate prior to the remaining estate being distributed to the Decedent's sister, Norma Maria Kennedy.

14. Pursuant to the Fifth Article of the Decedent's Will, the rest, residue and remainder of Decedent's estate was to be distributed to the estate of Decedent's sister, Norma Maria Kennedy. Petitioner is Ms. Kennedy's grandnephew and the current acting Trustee of Ms. Kennedy's trust. Petitioner is also concurrently petitioning to set aside Ms. Kennedy's estate under Case No. PR06-00361.

15. The specific description and the estimated value of all of the property of the Decedent which is otherwise subject to probate administration is as follows:

Asset	Date of Death Value
BRE Properties - 662 shares, Certificate No. NYUA 8219	\$14,564.00
Velocity HIS, Inc. - 132 shares, Certificate No. VEL 8199	\$0.00
Bank of America Corporation - 36 book shares, Baldwin Investor ID No. 124918286517	\$779.40
Bell South - 50 shares, Certificate No.	\$1,685.00
Bell South - 100 book shares, Investor ID No. 125240331903	\$3,370.00
Eureka Water Association, Inc. - 1 share, Certificate No. 151	\$0.00
Mylan Laboratories Inc. - 600 shares, Account No. 3201	\$5,844.00
Bank of America Corporation - unclaimed dividends	\$100.00
BRE Properties - unclaimed dividends	\$596.50
MT Wheeler Power Inc. - rebate	\$107.09
Diamond ST Telephone Company - 8.75% DEB DUE 7-1-10 Bearer Bond INT/Matured PRINC	\$5,000.00

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Real property commonly known as 111 Cliff Street, Eureka, Nevada, Assessor Parcel No. 001-077-04, consisting of two (2) parcels more particularly described on Exhibit "A" attached hereto and made a part hereof.	\$19,328.00
TOTAL VALUE:	\$51,373.99

16. That according to the Eureka County Assessor, the 2006-2007 assessed value of the real property located in Eureka County, Nevada, more particularly described as Lots 1 and 2 in Block O, together with a certain rock cabin situated on said lot, according to the United States Department of the Interior, General Land Office Map, dated November 19, 1937, Assessor Parcel Number 001-077-04, is Nine Thousand Three Hundred Forty Six Dollars (\$9,346.00).

17. That Petitioner has attempted to obtain comparable values for the Eureka, Nevada property without success. See Petitioner's affidavit attached to the "Supplemental Petition to Set Aside Estate Without Administration" on file with this Court.

18. That on September 2, 2001, subsequent to the Decedent's death, Ms. Kennedy executed and delivered to John Schweble and Deborah Schweble ("John and Deborah"), a quitclaim deed intending to transfer the real property described on Exhibit "A" to John and Deborah, believing as the sole heir of Decedent's estate that she had the ability to transfer the real property as she saw fit. That it is the intention of the Petitioner to follow through with Ms. Kennedy's desires in transferring the real property to John and Deborah upon the issuance of the Court's order granting the real property to the Estate of Norma Maria Kennedy, which Petitioner is concurrently petitioning to set aside.

19. The above-referenced real property is currently vested as Hugh Baldwin and Kathryn E. Baldwin, husband and wife, as joint tenants. Hugh Baldwin ("Mr. Baldwin"), Decedent's husband, died on May 28, 1984.

20. That Petitioner intends to record an Affidavit of Termination of Joint Tenant with the Eureka County Recorder in order to remove Mr. Baldwin's name from the above-referenced real property.

21. At the date of the Decedent's death, there were no liens or encumbrances of record affecting the Decedent's property.

///

22. Petitioner is informed and believes, and on that basis alleges, that all debts of the Decedent and the Decedent's estate have been paid in full. Under the terms of the Decedent's Will, the Executor, is authorized to pay all liabilities of the Decedent and the Decedent's estate. Petitioner agrees to pay or have paid from the Decedent's estate all liabilities of the Decedent and the Decedent's estate, if any, that may be subsequently discovered or incurred.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

A. After the payment of any and all liabilities, the Estate, with a value not exceeding Seventy Five Thousand Dollars (\$75,000.00) the following specific distributions shall be made:

(i) The sum of Two Thousand Dollars (\$2,000.00) to the Decedent's daughter, Phyllis Rosaland Hawes;

(ii) The sum of One Thousand Dollars (\$1,000.00) to the Decedent's cousin, John Fenton Schweble; and

(iii) The sum of One Thousand Dollars (\$1,000.00) to the Decedent's cousin, Dennis Wayne Schweble.

B. Upon the above-referenced specific distributions having been made, the Estate is set aside to the Estate of Norma Maria Kennedy, consisting of the following assets:

Asset	Date of Death Value
BRE Properties - 662 shares, Certificate No. NYUA 8219	\$14,564.00
Velocity HIS, Inc. - 132 shares, Certificate No. VEL 8199	\$0.00
Bank of America Corporation - 36 book shares, Baldwin Investor ID No. 124918286517	\$779.40
Bell South - 50 shares, Certificate No.	\$1,685.00
Bell South - 100 book shares, Investor ID No. 125240331903	\$3,370.00
Eureka Water Association, Inc. - 1 share, Certificate No. 151	\$0.00
Mylan Laboratories Inc. - 600 shares, Account No. 3201	\$5,844.00
Bank of America Corporation - unclaimed dividends	\$100.00
BRE Properties - unclaimed dividends	\$598.50
MT Wheeler Power Inc. - rebate	\$107.09
Diamond ST Telephone Company - 8.75% DEB DUE 7-1-10 Bearer Bond INT/Matured PRINC	\$5,000.00
Real property commonly known as 111 Cliff Street, Eureka, Nevada, Assessor Parcel No. 001-077-04, consisting of two (2) parcels more particularly described on Exhibit "A" attached hereto and made a part hereof.	\$19,328.00
TOTAL VALUE:	\$51,373.99

///

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1 C. No bond is required to be posted by the Petitioner herein.

2 DATED this 7 day of September, 2006.

3 IT IS SO RECOMMENDED:

4 Lynna R. Simons

5 Probate Commissioner

6 DATED this 7 day of September, 2006.

7 IT IS SO ORDERED:

8 Steven R. Kosach

9 District Judge

10 Submitted by:

11 

12 Timothy A. Lukas, Esq. (NV Bar No. 4678)
13 Patricia C. Halstead, Esq. (NV Bar No. 6668)
14 Hale Lane Peek Dennison and Howard
15 5441 Kietzke Lane, Second Floor
16 Reno, Nevada 89511
17 775-327-3000
18 Attorneys for Leslie F. Taylor

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EXHIBIT "A"

(Legal Description of Real Property)

All that real property situate in the County of Eureka, State of Nevada, more particularly described as follows:

Lots 1 and 2 in Block O, together with a certain rock cabin situated on said lot, according to the United States Department of the Interior, General Land Office Map, dated November 19, 1937.

A.P.N. 001-077-04

Commonly known as 111 Cliff Street, Eureka, Nevada

CERTIFIED COPY
The document to which this certificate is
attached is a full, true and correct copy of
the original on file and of record in my office.
DATE: SEP 11 2006
RONALD A. LONGTIN, JR., Clerk of the Second
Judicial District Court, in and for the County
of Washoe, State of Nevada.
By [Signature] Deputy

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