

BOOK 442 PAGE 290-298
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2006 SEP 20 PM 2:33

A.P.N. 001-077-04

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Hale Lane
5441 Kietzke Lane, Second Floor
Reno, Nevada 89511

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

Title:

ORDER SETTING ASIDE ESTATE WITHOUT ADMINISTRATION

FILED

2006 SEP -7 AM 9:27

RONALD A. LONGTIN, JR.

BY D. Jaramillo
DEPUTY

1 3240
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8 Attorneys for Leslie F. Taylor

9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
10 IN AND FOR THE COUNTY OF WASHOE

11 IN THE MATTER OF THE ESTATE OF
12 KATHRYN ELIZABETH HUNTER-BALDWIN,
13 a.k.a. KATHRYN ELIZABETH BALDWIN,
14 a.k.a. KATHRYN ELIZABETH HUNTER,
15 a.k.a. KATHRYN E. HUNTER-BALDWIN,
16 a.k.a. KATHRYN E. BALDWIN, a.k.a. KATHRYN
17 E. HUNTER, a.k.a. KATHRYN HUNTER-BALDWIN,
18 a.k.a. KATHRYN BALDWIN, a.k.a. KATHRYN
19 HUNTER, a.k.a. KATHERINE HUNTER,

Case No. PR06-00360
Dept. No. PR

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

20 Deceased.

21 **ORDER SETTING ASIDE ESTATE WITHOUT ADMINISTRATION**

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

26 1. That Kathryn Elizabeth Hunter-Baldwin, a.k.a. Kathryn Elizabeth Baldwin, a.k.a.
27 Kathryn Elizabeth Hunter, a.k.a. Kathryn E. Hunter-Baldwin, a.k.a. Kathryn E. Baldwin, a.k.a.
28 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,

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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;

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

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

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

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

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

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

14 14. Pursuant to the Fifth Article of the Decedent's Will, the rest, residue and remainder of
15 Decedent's estate was to be distributed to the estate of Decedent's sister, Norma Maria Kennedy.
16 Petitioner is Ms. Kennedy's grandnephew and the current acting Trustee of Ms. Kennedy's trust.
17 Petitioner is also concurrently petitioning to set aside Ms. Kennedy's estate under Case No. PR06-
18 00361.

19 15. The specific description and the estimated value of all of the property of the Decedent
20 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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1 Real property commonly known as 111 Cliff Street, Eureka, Nevada, 2 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
3 TOTAL VALUE:	\$51,373.99

4
5 16. That according to the Eureka County Assessor, the 2006-2007 assessed value of the real
6 property located in Eureka County, Nevada, more particularly described as Lots 1 and 2 in Block O,
7 together with a certain rock cabin situated on said lot, according to the United States Department of the
8 Interior, General Land Office Map, dated November 19, 1937, Assessor Parcel Number 001-077-04, is
9 Nine Thousand Three Hundred Forty Six Dollars (\$9,346.00).

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

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

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

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

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

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

6 IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

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

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

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

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

15 B. Upon the above-referenced specific distributions having been made, the Estate is set
16 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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C. No bond is required to be posted by the Petitioner herein.

DATED this 7 day of September, 2006.

IT IS SO RECOMMENDED:

Lynna K. Simons

Probate Commissioner

DATED this 7 day of September, 2006.

IT IS SO ORDERED:

Steven R. Kosach

District Judge

Submitted by:



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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

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COPY

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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