

A.P.N. 001-077-04

Recording Requested By:
When Recorded Return To:
Patricia C. Halstead, Esq.
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Reno, Nevada 89511

BOOK **442** PAGE **299-305**
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EUREKA COUNTY, NEVADA
M.M. REBALEATI, RECORDER
FILE NO. FEES **45.00**

206175

Title:

ORDER SETTING ASIDE ESTATE WITHOUT ADMINISTRATION

Hale Lane Peck Dennison and Howard
5441 Kietzke Lane, Second Floor
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1 3240

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FILED
2006 SEP -7 AM 9:36
RONALD A. LONGTIN, JR.
BY D. Jaramila
DEPUTY

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF WASHOE

8 IN THE MATTER OF THE ESTATE OF
9 NORMA MARIA KENNEDY,
10 a.k.a. NORMA MARIE KENNEDY,
11 a.k.a. NORMA M. KENNEDY,
12 a.k.a. NORMA KENNEDY,

Case No. PR06-00361
Dept. No. PR

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

11 Deceased.

13 **ORDER SETTING ASIDE ESTATE WITHOUT ADMINISTRATION**

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

18 1. That Norma Maria Kennedy, a.k.a. Norma Marie Kennedy, a.k.a. Norma M. Kennedy,
19 a.k.a. Norma Kennedy ("Decedent") died in the City of Reno, County of Washoe, State of Nevada, on
20 June 9, 2005.

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

24 3. At the time of death, the Decedent was a resident of Reno, Washoe County, Nevada,
25 and left an Estate in Nevada consisting of real and personal property.

26 4. The Decedent was a widow and had no children living or deceased.

27 5. The Decedent executed her Last Will and Testament on June 25, 1994, which has been
28 lodged with the Clerk of the Court.

6. The Will of the Decedent, dated June 25, 1994, was properly executed by the Decedent, and at the time of the execution of the Will, the Decedent was over the age of eighteen (18) years, was of sound mind, and was not acting under duress, menace, fraud or undue influence, and was in every other respect competent to dispose of her estate by Will. The Will contains an affidavit of the attesting witnesses, in which the witnesses swear to the due execution of the Will and such additional facts as they would otherwise be required to testify to in Court to prove the validity of the Will.

7. In Decedent's Will, Decedent's friend, Marcus Golubin ("Mr. Golubin"), was named in said Will as Executor, however, Mr. Golubin died in 1995 in Southern California. Pursuant to Decedent's Will, in the event that Mr. Golubin was unable or unwilling to serve as Executor of Decedent's estate, Decedent's grandnephew, Leslie Franklin Taylor, Petitioner herein, was named as Executor and Petitioner consents to act as said Executor.

8. Pursuant to the Third Article of the Decedent's Will, the rest, residue and remainder of Decedent's estate was to be distributed to Decedent's trust, The Norma Maria Kennedy 1994 Revocable Trust ("Trust"). Petitioner is one of the current acting Co-Trustees of the Trust.

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 - 682 shares, Certificate No. NYUA 8219	\$28,241.62
Velocity HIS, Inc. - 132 shares, Certificate No. VEL 8199	\$0.00
Bank of America Corporation - 36 book shares, Baldwin Investor ID No. 124918286517	\$826.92
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	\$5,000.00
INT/Matured PRINC	
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 "C" attached hereto and made a part hereof.	\$19,328.00*
TOTAL VALUE:	\$65,099.13

///

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

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

9 11. That on September 2, 2001, prior to Decedent's death, Decedent executed and delivered
10 to John Schweble and Deborah Schweble ("John and Deborah"), a quitclaim deed intending to transfer
11 the real property described on **Exhibit "A"** to John and Deborah, believing that as the sole heir of the
12 Estate of Kathryn Elizabeth Hunter-Baldwin, Decedent's sister, Decedent had the ability to transfer the
13 real property as she so desired. That it is the intention of the Petitioner to follow through with the
14 desires of the Decedent in transferring the real property to John and Deborah upon the issuance of the
15 Court's order setting aside the estate without administration to the Decedent's Trust as referenced
16 herewith.

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

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

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

25 A. After the payment of any and all liabilities, the Estate, with a value not exceeding
26 Seventy Five Thousand Dollars (\$75,000.00) is set aside to Leslie Franklin Taylor and Thomas Taylor,
27 Successor Co-Trustees of The Norma Maria Kennedy 1994 Revocable Trust dated June 21, 1994,
28 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	\$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
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

B. That Leslie Franklin Taylor and Thomas Taylor, Successor Co-Trustees of The Norma Maria Kennedy 1994 Revocable Trust are hereby authorized to execute and record the appropriate deed to transfer the real property described on Exhibit "A" attached hereto to John Schweble and Deborah Schweble pursuant to the desires of the Decedent as reflected in the quitclaim deed previously signed by her prior to her death.

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

DATED this 7 day of September, 2006.

IT IS SO RECOMMENDED:

John W. Simons
Probate Commissioner

DATED this 7 day of September, 2006.

IT IS SO ORDERED:

Steven R. Kosach
District Judge

Submitted by:

PAJA
Timothy A. Lukas, Esq. (NV Bar No. 4678)
Patricia C. Halstead, Esq. (NV Bar No. 6668)
Hale Lane Peek Dennison and Howard
5441 Kietzke Lane, Second Floor
Reno, Nevada 89511 / 775-327-3000
Attorneys for Leslie Franklin Taylor

Hale Lane Peek Dennison and Howard
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Reno, Nevada 89511

EXHIBIT "A"

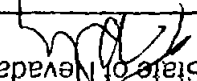
(Legal Description of Real Property)

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  Deputy

206175

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