

**DOC # 0210562**

09/13/2007

01:15 PM

**Official Record**

Recording requested By  
WILSON & BARROWS LTD

Eureka County - NV

Mike Rebaleati - Recorder

Fee: \$19.00

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RPTT:

Recorded By: FES

Book- 0463 Page- 0017



0210562

APN: 01-195-04

**Mailing Address of Grantee or Other Person Requesting Recording:**

Wilson Barrows & Salyer  
442 Court Street  
Elko, Nevada 89801

**Mail Tax Statements to:**

Name: Roderick E. Garcia  
Address: P.O. Box 132  
City/State/Zip: Eureka, Nevada 89318

**Social Security Number Affirmation Statement:**

In accordance with NRS 239B.030, the undersigned person recording this document hereby affirms that this document does not contain personal information, including full social security number of any person;

**-OR-**

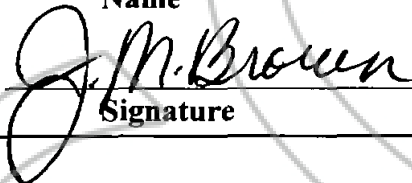
In accordance with NRS 239B.030, the undersigned person recording this document hereby affirms that this document does contain personal information, including full social security number of a person.

Joanna M. Brown

Legal Secretary

Name

Title

  
Signature

**Title of Document Recorded:**

**ORDER TO SET ASIDE AN ESTATE WITHOUT ADMINISTRATION**

**WILSON BARROWS & SALYER  
ATTORNEYS AT LAW  
442 Court St.  
ELKO, NEVADA 89801**

NO.

**FILED**

1 No. PR-0708-138

2 Dept. 1

SEP 07 2007

Eureka County Clerk  
BY *Joanna M. Carter* Deputy

3  
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5  
6 IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT  
7 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF EUREKA

8 In the Matter of the Estate of  
9 **HELEN JOANNE CHESSHIR also**  
10 **known as JOANNE CHESSHIR,**

**ORDER TO SET ASIDE AN ESTATE  
WITHOUT ADMINISTRATION**

11  
12 Deceased.

13  
14 Roderick E. Garcia filed herein on August 16, 2007, his Petition to Set Aside  
15 an Estate Without Administration. A Notice of Hearing was given for Friday, September 7,  
16 2007 at 9:30 a.m. The same came on regularly to be heard. No person appeared in  
17 opposition. The matter was submitted on the verified Petition. ACCORDINGLY,

18 **THE COURT HEREBY FINDS AND CONCLUDES AS FOLLOWS:**

- 19 1. Due and legal notice of the filing and hearing of the Petition was  
20 given.  
21 2. All averments in the Petition are true and correct.  
22 3. Petitioner is a surviving son of the above named Decedent.  
23 4. Decedent died on the 26<sup>th</sup> day of June, 2007, in Elko, Nevada.  
24 5. Decedent died leaving an estate in the County of Eureka, State of  
25 Nevada.

**RECEIVED**

SEP 13 2007



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18

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1                   6.     The property in Nevada in which Decedent had an interest is more  
2 particularly described as follows:

3                   A.     All that certain real property situate in the town of  
4 Eureka, County of Eureka, State of Nevada, being a  
5 portion of Block 49 lying westerly of the "Eureka  
6 Channel" as shown on the Official Map File No. 1274748  
7 and a portion of Richmond Street Abandonment  
8 Document File No. 161769, as recorded in the office of  
9 the Eureka County Recorder, more particularly  
10 described as follows: BEGINNING at the Northwest  
11 Corner of Block 49, this being THE POINT OF  
12 BEGINNING, THENCE N 81° 27' E, a distance of 64.41  
13 feet to a point, this being Point No. 1; THENCE S 24°  
14 30' W, a distance of 90.55 feet to a point, this being  
15 Point No. 2; THENCE S 14° 45' W, a distance of 41.83  
16 feet to a point on the Southerly line of said Block 49, this  
17 being Point No. 3; THENCE 63° 16' W, a distance of  
18 26.78 feet to a point on the Southwest Corner of said  
19 Block 49, this being Point #4; THENCE N 64° 02' 25" W,  
20 a distance of 20.38 feet to a point on the Easterly line of  
21 Block 103 (Mineral Survey 94), this being Point No. 5;  
22 THENCE N 4° 46' E, a distance of 89.57 feet to the  
23 Northeast Corner of said Block 103, this being Point No.  
24 6; THENCE N 81° 27" E, a distance of 19.08 feet to the  
25 TRUE POINT OF BEGINNING. Containing 6,420.55  
26 square feet, more or less.

27  
28                   TOGETHER WITH all buildings and improvements situate  
29 thereon.

30  
31                   TOGETHER WITH the tenements, hereditaments and  
32 appurtenances thereunto belonging or in anywise  
33 appertaining, the reversion and reversions, remainder and  
34 remainders, rents, issues and profits thereof.

35  
36                   APN: 01-195-04

37                   B.     In addition, Decedent owned a 1996 Fleetwood mobile home, Serial  
38 No. IDFLT04AB71192BF13. Said mobile home is situate upon the  
39 above-referenced real property.

1 C. Decedent also owned a 2000 Buick LeSabre automobile, VIN  
2 1G4H954K6YU247157.

3 7. Decedent's interest in the property was all of the fee title as her sole  
4 and separate property.

5 8. There are no liens and mortgages of record upon the parcel of record  
6 at the date of the death of Decedent.

7 9. The gross value of Decedent's interest in the parcel and mobile home  
8 at the time of death of the Decedent did not exceed \$75,000.00, after deducting any  
9 encumbrances, and is estimated to be \$51,595.00 based upon the 2007/2008 tax bill  
10 attached to the Petition on file herein. The gross value of Decedent's interest in the  
11 vehicle is approximately \$5,500.00 based upon Kelley Blue Book value.

12 10. There are no debts of Decedent within the State of Nevada so far as  
13 known to Petitioner.

14 11. Decedent died without a surviving spouse or minor children.

15 12. Decedent died testate leaving a valid Will, a copy of which is attached  
16 to the Petition on file herein.

17 13. The names, ages, relationships, and residences of the heirs at law  
18 and next of kin of the Decedent are as follows:

19	NAME	AGE	RELATIONSHIP	ADDRESS
20 21	Lawrence W. Nicley, Jr.	Adult	Child	24 Poplar Hill Road Swannanoa, NC 28778
22 23	Charles Eugene Nicley	Adult	Child	11908 Old Stage Road Willow Spring, NC 27592

1	Patricia Joanne Barker	Adult	Child	1820 FM 471 N Castroville, TX 78009-2819
2	Clyde James Nicley	Adult	Child	4604 Irene Way Raleigh, NC 27603
3	Roderick E. Garcia	Adult	Child	579 El Gato P.O. Box 132 Eureka, NV 89318

4  
5           14. The names and residences of the devisees named in the Will of the  
6 Decedent, the age of any who is a minor, and the relationship of the devisees to the  
7 Decedent, so far as known to Petitioner are as follows:

8	NAME	AGE	RELATIONSHIP	ADDRESS
9	Lawrence W. Nicley, 10 Jr.	Adult	Child	24 Poplar Hill Road Swannanoa, NC 28778
11	Charles Eugene Nicley	Adult	Child	11908 Old Stage Road 12 Willow Spring, NC 27592
13	Patricia Joanne Barker	Adult	Child	1820 FM 471 N Castroville, TX 78009-2819
14	Clyde James Nicley	Adult	Child	4604 Irene Way Raleigh, NC 27603
15	Roderick E. Garcia	Adult	Child	579 El Gato P.O. Box 132 Eureka, NV 89318

16  
17           15. The Estate should therefore not be administered upon in the State of  
18 Nevada, but rather, the whole thereof should be assigned and set apart to Lawrence W.  
19 Nicley, Jr., Charles Eugene Nicley, Patricia Joanne Barker, Clyde James Nicley, and  
20 Roderick E. Garcia, in equal shares, as the claimants legally entitled thereto pursuant to  
21 the valid Will of Decedent.

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16. However, all of the persons entitled to the Estate have assigned their entitlement to same to Roderick E. Garcia, AND GOOD CAUSE APPEARING THEREFOR,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. Decedent's interest in the above-described property comprising Decedent's estate be, and the same hereby is set aside unto Roderick E. Garcia as the person entitled thereto.

2. A certified copy of this Order shall be placed of record in the Eureka County Recorder's Office.

DATED this 7 day of September, 2007.

*Steve*  
*/s/ Dobrescu*  
DISTRICT JUDGE

07090071.jmb  
September 4, 2007

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 7 day of Sept 20 07 WITNESS, My Hand, and Seal of said

*William Conhill*  
County Clerk and Ex-Officio Court Clerk Deputy Clerk:

STATE OF NEVADA  
DECLARATION OF VALUE FORM

DOC # DV-210562

09/13/2007 01:15 PM

Official Record

1. Assessor Parcel Number(s)  
a. 01-195-04  
b. \_\_\_\_\_  
c. \_\_\_\_\_  
d. \_\_\_\_\_

Recording requested By  
WILSON & BARROWS LTD

Eureka County - NV

Mike Rebaleati - Recorder

2. Type of Property:  
a.  Vacant Land      b.  Single Fam. F  
c.  Condo/Twnhse      d.  2-4 Plex  
e.  Apt. Bldg      f.  Comm'l/Ind'l  
g.  Agricultural      h.  Mobile Home  
i.  Other \_\_\_\_\_

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3. a. Total Value/Sales Price of Property \$ \_\_\_\_\_  
b. Deed in Lieu of Foreclosure Only (value of property) ( \_\_\_\_\_ )  
c. Transfer Tax Value: \$ \_\_\_\_\_  
d. Real Property Transfer Tax Due \$ \_\_\_\_\_

4. If Exemption Claimed:

- a. Transfer Tax Exemption per NRS 375.090, Section 5 \_\_\_\_\_  
b. Explain Reason for Exemption: A transfer or other conveyance of real property if the owner of the property is related to the person to whom it is conveyed in the 1st degree of consanguinity.  
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 parties agree that 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 \_\_\_\_\_% 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)**

**BUYER (GRANTEE) INFORMATION**  
**(REQUIRED)**

Print Name: Helen Joanne Chesshir (Deceased)  
Address: c/o 442 Court Street  
City: Elko  
State: Nevada      Zip: 89801

Print Name: Roderick E. Garcia  
Address: P.O. Box 132  
City: Eureka  
State: Nevada      Zip: 89318

**COMPANY/PERSON REQUESTING RECORDING (required if not seller or buyer)**

Print Name: Wilson Barrows & Salyer  
Address: 442 Court Street  
City: Elko

Escrow #: \_\_\_\_\_  
State: Nevada      Zip: 89801