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Official Record

Recording requested By
JAMES M. COPENHAVER PC

Eureka County - NV
Mike Rebaleati - Recorder

Fee \$19.00

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RPTT:

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0213801

APN: 005-520-15

Send tax statements to:

Frank Owen

P.O. Box 1424

San Luis Obispo, CA 93406-1424

Recording requested by and return to:

James M. Copenhaver, P.C.

950 Idaho Street

Elko, NV 89801

**ORDER AND DECREE SETTING ASIDE
ESTATE WITHOUT ADMINISTRATION
PURSUANT TO NRS 146.070**

AFFIRMATION STATEMENT

The undersigned hereby affirms that the foregoing pleading, including any exhibits, DOES NOT contain the Social Security number of any person or persons.

A handwritten signature in black ink, appearing to read 'Katie Howe McConnell', written over a horizontal line.
KATIE HOWE MCCONNELL

SEP 11 2009

CASE NO. PR-PR-09-06-175

DEPT NO. 01

Eureka County Clerk

BY Sharon M. Carter Deputy

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

IN THE MATTER OF THE ESTATE OF
BENJAMIN LIGON OWEN aka BEN
OWEN,

Deceased.

ORDER AND DECREE SETTING
ASIDE ESTATE WITHOUT
ADMINISTRATION PURSUANT
TO NRS 146.070

The verified Petition to Set Aside Estate Without Administration pursuant to NRS 146.070 filed by **FRANK OWEN** on June 8, 2009, having come on regularly to be heard on the 17th day of July, 2009 at the hour of 10:00 o'clock, a.m., the Court finds that:

1. Notice of the hearing was given for the period of time and in the manner required by law.

2. The allegations of the Petition are true and correct.

3. **BENJAMIN LIGON OWEN aka BEN OWEN** died in the City of Columbus, County of Lowndes, State of Mississippi, on the 10th day of September, 2003, and was at the time of his death over the age of majority and a resident of the City of Columbus, County of Lowndes, State of Mississippi.

4. The Petitioner is the surviving son of the decedent,

1 **BENJAMIN LIGON OWEN aka BEN OWEN**, over the age of majority and a
2 resident of the State of California.

3 5. That the Decedent died testate.

4 6. The names, ages, relationships and addresses of the
5 heirs, devisees and legatees of Decedent, **BENJAMIN LIGON OWEN aka**
6 **BEN OWEN**, so far as known to Petitioner, are:

7 <u>NAME</u>	<u>AGE</u>	<u>RELATIONSHIP</u>	<u>ADDRESS</u>
8 FRANK OWEN	Adult Son		872 Toro Street San Louis Obispo, CA 93401
9 LYDIA BOESCH	Adult Daughter		35 McMichael Dr. Pinehurst, NC 28374
10 MARSHA OWEN	Adult Daughter		429 Duplin Road Raleigh, NC 27607
11 DAVID OWEN	Adult Son		420 3 rd Street South Columbus, MS 39701

12 7. The following is a specific description of all the
13 Decedent's property located in the County of Eureka, State of
14 Nevada, and an estimate of the value thereof:

15 APN: 005-520-15

16 E ½ NE 1/4 NE 1/4 of Section 19, Township 29
17 North, Range 49 East M.D.B.&M.

18 TOGETHER WITH all buildings and improvements
19 thereon.

20 TOGETHER WITH all and singular the tenements,
21 hereditaments, easements, and appurtenances
22 thereunto belonging or in anywise
23 appertaining, and the reversions, remainders,
24 rents, issues and profits thereof, or of any
25 part thereof.

26 SUBJECT TO all taxes and assessments,
27 reservations, exceptions, easements, rights of
28 way, limitations, covenants, conditions,
restrictions, terms, liens, charges and
licenses affecting the property of record.

Being real property having a total value of
less than \$100,000.00 according to the records

1 of the Eureka County Assessor, Elko County,
2 Nevada.

3 8. The interest of the Decedent in the above-described
4 property was the sole and separate property of the Decedent,
5 **BENJAMIN LIGON OWEN aka BEN OWEN.**

6 9. There are no liens or encumbrance on the real
7 property other than accruing taxes.

8 10. All debts, charges and expenses of the last illness
9 and funeral expenses of the Decedent have been paid.

10 11. **JAMES M. COPENHAVER, P.C.**, Attorney at law, Elko,
11 Nevada, has performed services for said Estate acting as and for
12 attorney for the Petitioners, for which said attorney is entitled
13 to a reasonable fee; said attorney and the Petitioner have agreed
14 that a reasonable fee for said services would be in the sum of
15 \$880.00 plus costs incurred.

16 12. The property interest of the Decedent, **BENJAMIN**
17 **LIGON OWEN aka BEN OWEN**, in the above reference real property
18 should be set aside to **FRANK OWEN**, custodian of **BENJAMIN LIGON**
19 **OWEN**, a minor, as his sole and separate property pursuant to
20 Uniform Act on Transfers to Minors.

21 13. The interest of Decedent, **BENJAMIN LIGON OWEN aka**
22 **BEN OWEN**, in and to any and all other property, real or personal,
23 of any name, nature, kind, character or description not herein
24 above described, or which may be incorrectly described herein,
25 which is within the jurisdiction of the Court, and does not cause
26 the gross value of the estate less encumbrances to exceed
27 \$100,000.00, should be assigned and set aside to **FRANK OWEN**,
28 custodian of **BENJAMIN LIGON OWEN**, a minor, as his sole and separate

1 property pursuant to Uniform Act on Transfers to Minors.

2 NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

3 1. Due and legal notice of the hearing of said Petition
4 to Set Aside Estate Without Administration pursuant to NRS 146.070
5 has been given to or waived by all persons interested in said
6 Estate or who are entitled to notice thereof for the time and in
7 the manner required by law.

8 2. The gross value of the estate after deducting any
9 encumbrances does not exceed the sum of \$100,000.00, and all right,
10 title and interest of the Deceased, **BENJAMIN LIGON OWEN aka BEN**
11 **OWEN**, in and to the following real property was his sole and
12 separate property.

13 3. In accordance with NRS 146.070, all right, title and
14 interest of **BENJAMIN LIGON OWEN aka BEN OWEN**, Decedent, in the
15 following property is set aside to **FRANK OWEN**, as custodian for
16 **BENJAMIN LIGON OWEN**, a minor, as his sole and separate property
17 pursuant to Uniform Act on Transfers to Minors as codified in NRS
18 Chapter 167.

19 APN: 005-520-15

20 E ½ NE 1/4 NE 1/4 of Section 19, Township 29
21 North, Range 49 East M.D.B.&M.

22 TOGETHER WITH all buildings and improvements
thereon.

23 TOGETHER WITH all and singular the tenements,
24 hereditaments, easements, and appurtenances
thereunto belonging or in anywise
25 appertaining, and the reversions, remainders,
rents, issues and profits thereof, or of any
26 part thereof.

27 SUBJECT TO all taxes and assessments,
28 reservations, exceptions, easements, rights of
way, limitations, covenants, conditions,
restrictions, terms, liens, charges and



licenses affecting the property of record.

4. In accordance with NRS. 146.070, the interests of **BENJAMIN LIGON OWEN aka BEN OWEN**, Decedent, in and to any and all other property, real or personal, of any name, nature, kind, character or description not herein above described, or which may be incorrectly described herein, which is within the jurisdiction of the Court, and does not cause the gross value of the estate less encumbrances to exceed \$100,000.00, is assigned and set aside to **FRANK OWEN**, as custodian for **BENJAMIN LIGON OWEN**, a minor, as his sole and separate property pursuant to Uniform Act on Transfers to Minors as codified in NRS Chapter 167.

5. The attorney's fees in the sum of \$880.00 to **JAMES M. COPENHAVER, P.C.** and costs advanced are hereby approved and ordered paid.

6. A certified copy of this Order shall be recorded in the office of the County Recorder of Eureka County, Nevada.

DATED this 4th day of ~~August~~ ^{September}, 2009.

Steve L Dobrescu
DISTRICT JUDGE

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 and my own and that I have carefully compared the same with the original.

DISTRICT COURT, this 12 day of September, 2009.

County Clerk and Ex-Officio Court Clerk

Sharon Cantrell

Deputy Clerk



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