

Official Record

Recording requested By  
ROBERT J WINES PROF CORP

Eureka County - NV

Mike Rebaleati - Recorder

Fee: \$19.00

Page 1 of 6

RPTT

Recorded By: FES

Book- 0511 Page- 0259



0216631

APN: 010-35L-009

Send Tax Statements To:

Name: Georgeanne Fitzgerald

Address: 3468 Rio Bravo Drive

City, State, Zip: San Jose, CA 95148

After Recording Return To:

Name: Robert J. Wines, Prof. Corp.

Address: 687 6<sup>th</sup> Street, Suite 1

City, State, Zip: Elko, NV 89801

Order to Set Aside Without Administration

(Title of Document)

Please complete Affirmation Statement below:

I the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does not contain the personal information of any person or persons. (Per NRS 239B.030)

- or -

I the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does contain the personal information of a person or persons as required by law: \_\_\_\_\_

ROBERT J. WINES, ESQ.

RECEIVED

DEC 27 2010

Eureka County  
Clerk & Treasurer

JAN 07 2011

1 CASE NO. PR-1011-203

2 Dept. I

Eureka County Clerk  
BY Marianne Carter Deputy

3 AFFIRMATION:

4 Pursuant to NRS239B.030 this document  
5 does not contain a social security number6 IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT  
7 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF EUREKA  
8

9 IN THE MATTER OF THE ESTATE OF

10 JANET LOUISE LAYTON, aka JANET  
11 L. LAYTON, aka JANET LAYTON,**ORDER TO SET ASIDE  
WITHOUT ADMINISTRATION**

12 Deceased.

13 Petitioner, GEORGANNE FITZGERALD, filed herein her Petition to Set Aside Without  
14 Administration of Estate and Notice of Hearing of said Petition having been given as required by  
15 law, the Court hereby finds:16 1. That Petitioner is over the age of majority, and is a resident of San Jose, California.  
17 Petitioner has never been convicted of a felony. The Petitioner is the Decedent's surviving sister.18 2. That the above-named Deceased died on May 15, 2010, in Crescent Valley, Nevada,  
19 and at the time of her death, she was a resident of Nevada. A copy of her Certificate of Death is  
20 attached to the Petition as Exhibit "1". To the best knowledge and information of Petitioner,  
21 Decedent died intestate.22 3. That Decedent died leaving no spouse, no children and no surviving parents;  
23 Petitioner and her siblings are the surviving siblings of the Decedent, all of whom are adults; that  
24 the heirs-at-law of Decedent, and their respective relationships and addresses are as follows:25 **NAME AND ADDRESS****RELATIONSHIP**26 Georganne Fitzgerald  
27 3468 Rio Bravo Drive  
28 San Jose, CA 95148

Sister

///



<u>1</u>	<u>NAME AND ADDRESS</u>	<u>RELATIONSHIP</u>
2	Marvin Cass 708 Summit	Brother
3	Knob Noster, MO 65336-1549	
4	Alfred Cass	Brother
5	P.O. Box 167 Iowa Hill, CA 95713	

6           4. Pursuant to NRS 134.060, if there is no spouse, children or parents surviving the  
7 Decedent, the Estate goes in equal shares to the brothers and sisters of the Decedent.

8           5. Decedent's brother, Alfred Cass, has executed a Disclaimer of Interest, renouncing  
9 his claim to any part or portion of Decedent's Estate. A copy of that Disclaimer is attached to the  
10 Petition as Exhibit "2".

11           6. At the time of her death, JANET LOUISE LAYTON, aka JANET L. LAYTON, aka  
12 JANET LAYTON held title to the following parcels of property located in the County of Eureka,  
13 State of Nevada, described as follows:

14           Lots 21 and 22, Block 4, of Crescent Valley Ranch & Farms Unit No. 1, as per map  
15 recorded in the office of the County Recorder of Eureka County, Nevada, as File No  
16 34081.

17           EXCEPTING THEREFROM, all petroleum, oil, natural gas, and products derived  
18 therefrom, within or underlying said land or that may be produced therefrom, and all  
19 rights thereto, as reserved by Southern Pacific Land Company in Deed to H.J.  
20 Buchenau and Elsie Buchenau, recorded September 24, 1951, in Book 24, of Deed  
21 Records, Page 168, Eureka County, Nevada.

22           TOGETHER WITH the tenements, hereditament and appurtenances thereunto  
23 belonging or appertaining, and the reversion and reversions, remainder and  
24 remainders, rents, issues and profits thereof.

25           SUBJECT to covenants, conditions, restrictions, reservations, rights and rights of  
26 way of record.

27           TOGETHER WITH that certain 1968 Kenkraft Park Model 30' x 8' trailer, SN:  
28 J300S1383.

          APN: 002-023-32; 002-023-33

          Commonly known as: 5094 - 5096 Tenabo Avenue, Crescent Valley, Nevada,  
          according to the Townsite Map thereof, on file in the Crescent Valley Town Hall.

27   ///  
28   ///

1           6.       That Decedent's value in the described parcel of real property does not exceed the  
2 sum of \$100,000.00, as is shown by the attached 2009 - 2010 Assessor's Valuations, attached to the  
3 Petition as Exhibit "3" and the "Note" attached to the Petition as Exhibit "4" respectively;  
4 Decedent's heirs had entered into an Agreement to sell the real property, the travel trailer and the  
5 1996 Plymouth Voyager SE van, SN: 2P4GP4534TR544754, which has a Blue Book Value of  
6 \$1,500.00, as shown by Exhibit "5" attached to the Petition, for the total sum of \$12,000.00. This  
7 sale has fallen through at the present time.

8           7.       Petitioner believes that Decedent died possessed of a small sum of money on deposit  
9 with US Bank, Account Number 1-534-0236-6790; Petitioner does not know the current balance of  
10 the account, but believes that the account balance is about \$300.00.

11           8.       Therefore, the total value of this Estate is less than \$100,000.00.

12           9.       Based on the foregoing, including the Disclaimer executed by ALFRED CASS, the  
13 persons entitled to the property hereinabove described are GEORGANNE FITZGERALD and  
14 MARVIN CASS, share and share alike.

15           10.      That Petitioner was informed and believed that, at the time of Decedent's death, there  
16 were no liens or encumbrances of record against said property; Petitioner is now informed that  
17 Nevada Medicaid is asserting a lien in the amount of SIX THOUSAND THREE HUNDRED  
18 FIFTY-TWO DOLLARS and 72/100 (\$6,352.72); Decedent's funeral expense, in the amount of  
19 ONE THOUSAND SIX HUNDRED THIRTEEN DOLLARS and 14/100 (\$1,613.14) has been paid  
20 by GEORGANNE FITZGERALD; Petitioner has agreed to pay ROBERT J. WINES PROF. CORP.  
21 a fee in the amount of SIX HUNDRED FIFTY DOLLARS (\$650.00); pursuant to NRS 147.195,  
22 these claims are preferential claims.

23           11.      That this Petition is made pursuant to NRS 146.090.

24           12.      That Petitioner has engaged ROBERT J. WINES, PROF. CORP., to petition this  
25 Court, and will incur court costs and legal fees; this Court should order Petitioner to reimburse the  
26 costs incurred herein and to pay to ROBERT J. WINES, PROF. CORP., a reasonable fee in the sum  
27 of \$650.00.

28       ///

1           13.     Petitioner has received a Notice of Claim from the Nevada Department of Health and  
2 Human Services, Medicaid Estate Recovery Unit, in the amount of SIX THOUSAND THREE  
3 HUNDRED FIFTY-TWO DOLLARS and 72/100 (\$6,352.72). Counsel for the Estate has conferred  
4 with the Nevada Attorney General's Office with respect to this claim, and the State of Nevada has  
5 been consented and agreed that this property would be set aside subject to repayment of this claim  
6 from the proceeds of sale at closing of the property. A copy of the letter from Trina M. Dahlin is  
7 attached to the Petition as Exhibit "6".

8           14.     That any and all other items of real or personal property hereinafter discovered and  
9 belonging to Decedent with a value less than \$100,000.00 should be set aside pursuant hereto  
10 without further order of this Court to GEORGANNE FITZGERALD and MARVIN CASS, share  
11 and share alike.

12           NOW THEREFORE, it is hereby the Order of this Court that the total value of the Estate  
13 does not exceed the sum of \$100,000.00, that the same shall not be administered upon, but shall be  
14 assigned and set apart as follows:

15           1.     That the real property, described above, and commonly referred to as 5094 - 5096  
16 Tenabo Avenue, Crescent Valley, Nevada, APN: 002-023-32 and 002-023-33 and more particularly  
17 described above, together with 1968 Kencraft Park Model 30' x 8' trailer, SN: J300S1383 shall be  
18 set aside to GEORGANNE FITZGERALD and MARVIN CASS, share and share alike, subject to  
19 payment of priority obligations as follows:

- 20           A.     attorney fees and costs in the amount of \$650.00;
- 21           B.     repayment of funeral expense in the amount of \$1,613.14;
- 22           C.     payment to the Nevada Department of Health and Human Services, Medicaid  
23 Estate Recovery Unit (NEVADA MEDICAID), the sum of SIX THOUSAND THREE HUNDRED  
24 FIFTY-TWO DOLLARS and 72/100 (\$6,352.72) for cost of care paid for the Decedent for medical  
25 costs.

26     ///  
27     ///  
28     ///

