

Official Record

Recording requested by  
ROBERT J WINES

Eureka County - NV

Mike Rebaleati - Recorder

Fee \$23.00

Page 1 of 10

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Recorded By: FES

Book- 514 Page- 0283



0217134

APN: 005-490-30; 001-104-06

Recording Requested By:

Robert J. Wines, Prof. Corp.

Send Tax Statements To:

Name: Elizabeth Dann

Address: P.O. Box 273

City, State, Zip: Carlin, NV 89822

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: \_\_\_\_\_

DATED this 20<sup>th</sup> day of May, 2011.

Robert J. Wines  
ROBERT J. WINES, ESQ.

NO.

FILED

MAY 20 2011

Eureka County Clerk  
BY *[Signature]* Deputy

1 CASE NO. PR-1104-210

2  
3 AFFIRMATION:

4 Pursuant to NRS 239B.030 this document does  
5 not contain the social security number of any person

6 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 RICHARD DANN, aka RICHARD  
11 DICK DANN,

12 Deceased.

**ORDER TO SET ASIDE ESTATE  
WITHOUT ADMINISTRATION**

13 Petitioner, PEARL DANN, filed herein her Petition to Set Aside Without Administration of  
14 Estate and Notice of Hearing of said Petition having been given as required by law, the Court hereby  
15 finds:

16 1. That Petitioner is over the age of majority, and is a resident of Carlin, Nevada.  
17 Petitioner has never been convicted of a felony. The Petitioner is the Decedent's surviving daughter,  
18 and had been nominated by ELIZABETH DANN, Decedent's surviving wife to petition this Court  
19 on behalf of this Estate.

20 2. That the above-named Deceased died on July 5, 2006, in Salt Lake City, Utah, and  
21 at the time of his death, he was a resident of Nevada. A copy of his Certificate of Death is attached  
22 to the Petition as Exhibit "1". To the best knowledge and information of Petitioner, Decedent died  
23 intestate.

24 3. That Decedent died leaving a surviving spouse, and seven (7) surviving children, all  
25 of whom are adults; that the heirs-at-law of Decedent, and their respective relationships and  
26 addresses are as follows:

27 ///

28 ///

<u>1</u>	<u>NAME AND ADDRESS</u>	<u>RELATIONSHIP</u>
2	Elizabeth Dann P.O. Box 273 Carlin, NV 89822	Wife
4	Carrie Dann Unit 1, Box 11 Beowawe, NV 89821	Sister
6	Clifford Dann Unit 1, Box 11 Beowawe, NV 89821	Brother
8	Tim Dann P.O. Box 211019 Crescent Valley, NV 89821	Son
10	Richard Dann P.O. Box 211264 Crescent Valley, NV 89821	Son
12	Fred Dann P.O. Box 211169 Crescent Valley, NV 89821	Son
14	Frank Dann P.O. Box 211169 Crescent Valley, NV 89821	Son
16	Russell Dann P.O. Box 211282 Crescent Valley, NV 89821	Son
18	Pearl Lee P.O. Box 1025 Carlin, NV 89822	Daughter
20	Sandy Dann Poo-Ha-Bah P.O. Box 73 Tecopa, CA 92389	Daughter
22	Lori Doescher 1080 C Street Elko, NV 89801	Niece

25           4.       Decedent owned an undivided interest in and to the following described property.  
26 This ownership interest was inherited by Decedent from his parents. Pursuant to NRS 134.040, if  
27 there is a surviving spouse, and more than one surviving child, the separate property part of the  
28 Estate is distributed and goes one-third (1/3) to the surviving spouse with the remaining two-thirds

1 (2/3) in equal shares to the surviving children or the issue of children by right of representation. The  
2 property and ownership interest are described as follows:

3 A. At the time of his death, RICHARD DANN, aka RICHARD DICK DANN  
4 held an undivided TWENTY (20%) PERCENT title to the following parcels of property located in  
5 the County of Eureka, State of Nevada, described as follows:

6 TOWNSHIP 29 NORTH, RANGE 49 EAST, M.D.B.&M.

7 Section 33: All

8 B. At the time of his death, RICHARD DANN, aka RICHARD DICK DANN  
9 held an undivided SIXTEEN (16%) PERCENT title to the following parcels of property located in  
10 the County of Eureka, State of Nevada, described as follows:

11 TOWNSHIP 29 NORTH, RANGE 49 EAST, M.D.B.&M.

12 Section 34: N½S½

13 C. At the time of his death, RICHARD DANN, aka RICHARD DICK DANN  
14 held an undivided TWENTY (20%) PERCENT title to the following parcels of property located in  
15 the County of Eureka, State of Nevada, described as follows:

16 *All of Lots 11 and 12. In Block 5 of the Town of Eureka, County of Eureka, State of*  
17 *Nevada as is described and laid down upon the ofical plat of the said Townsite of*  
18 *Eureka, approved by the U.S. General land Office on November 19, 1937, and on file*  
*in the office of the Eureka County Recorder, Eureka, Nevada.*

19 D. That each, every and all of the parcels described in this paragraph include  
20 some or all of the following appurtenances in the percentages set forth:

21 TOGETHER WITH all water, water rights, water applications, and water permits or  
22 privileges connected therewith, belonging, appurtenant or incident to the lands above  
23 described, or used in connection with all or any part of the said above described  
24 premises, or used or usable in connection therewith, and all dams, reservoirs and  
25 ditches, or other works for storage or carrying of water now owned, and all  
26 applications now pending in the office of the State engineer of the State of Nevada,  
27 for any and all waters to be used upon any part or potion of the above-described lands  
28 or used in connection therewith.

TOGETHER WITH all buildings and improvements situate or located thereon.

TOGETHER WITH all U.S. Forest Service and Bureau of Land Management range  
improvements, range rights and grazing preferences associated or connected  
therewith.

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TOGETHER WITH all mineral and mineral rights of every kind and nature.

EXCEPTING THEREFROM, such minerals and mineral rights reserved of record by prior documents of record.

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

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

APN: 005-490-30; 001-104-06

6. That the Eureka County Assessor's Office has appraised the foregoing parcels of property, and has established an appraised value for parcels describe in Paragraphs 4A and 4B above at \$113,111.00, as is shown by the Assessor's Data Inquiry, attached to the Petition as Exhibit "2"; based thereon, Decedent's 20% and 16% interests in the property described in Paragraphs 4A and 4B is \$22,622.00.

7. That the Eureka County Assessor's Office has appraised the property described in Paragraph 4C, and has established an appraised value for parcel at \$9,306.00, as is shown by the Assessor's Data Inquiry, attached to the Petition as Exhibit "3"; based thereon, Decedent's 20% interest in the property described in Paragraph 4C is \$1,861.20.

8. The foregoing values establish that the total value of this Estate is \$24,483.20, and based thereon, Petitioner asserts that the value of this Estate is less than \$100,000.00.

9. Based on the foregoing, the persons entitled to the property hereinabove described are described as follows:

A. ELIZABETH DANN as to an undivided one-third (1/3) of Decedent's interest, or an undivided SIX and 63/100 (6.63%) PERCENT interest, in and to Parcels A, C, and D, and as to an undivided one-third (1/3) of Decedent's interest, or an undivided FIVE and 36/100 (5.36%) PERCENT interest, in and to Parcels B;

B. TIM DANN, an undivided interest of ONE and 91/100 (1.91%) PERCENT in and to Parcels A, C, and D, and as to an undivided ONE and 52/100 (1.52%) PERCENT interest, in and to Parcel B;

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1 C. RICHARD DANN an undivided interest of ONE and 91/100 (1.91%)  
2 PERCENT in and to Parcels A, C, and D, and as to an undivided ONE and 52/100 (1.52%)  
3 PERCENT interest, in and to Parcel B;

4 D. FRED DANN an undivided interest of ONE and 91/100 (1.91%) PERCENT  
5 in and to Parcels A, C, and D, and as to an undivided ONE and 52/100 (1.52%) PERCENT interest,  
6 in and to Parcel B;

7 E. FRANK DANN an undivided interest of ONE and 91/100 (1.91%) PERCENT  
8 in and to Parcels A, C, and D, and as to an undivided ONE and 52/100 (1.52%) PERCENT interest,  
9 in and to Parcel B;

10 F. RUSSELL DANN an undivided interest of ONE and 91/100 (1.91%)  
11 PERCENT in and to Parcels A, C, and D, and as to an undivided ONE and 52/100 (1.52%)  
12 PERCENT interest, in and to Parcel B;

13 G. PEARL L. DANN an undivided interest of ONE and 91/100 (1.91%)  
14 PERCENT in and to Parcels A, C, and D, and as to an undivided ONE and 52/100 (1.52%)  
15 PERCENT interest, in and to Parcel B; and

16 H. SANDY DANN an undivided interest of ONE and 91/100 (1.91%) PERCENT  
17 in and to Parcels A, C, and D, and as to an undivided ONE and 52/100 (1.52%) PERCENT interest,  
18 in and to Parcel B.

19 10. That Petitioner is informed and believes that, at the time of Decedent's death, there  
20 were no liens or encumbrances of record against said property; Decedent's funeral expense has been  
21 paid by ELIZABETH DANN. There are no cash assets of this Estate.

22 11. On May 18, 2011, the attorney for Petitioner received a claim which is being asserted  
23 by Nevada Medicaid in the amount of NINE THOUSAND ONE HUNDRED ONE DOLLARS and  
24 06/100 (\$9,101.06); a copy was submitted at the time of the hearing, and has been made a part of the  
25 record of this action.

26 12. Counsel for the Estate has conferred with the Nevada Attorney General's Office with  
27 respect to this claim, and the State of Nevada, by and through the AG's Office has been consented  
28 and agreed that the property described herein may be set aside, provided that the property shall





1 remain subject to repayment of this claim from the proceeds of sale at closing of any future sale of  
2 the property, and the repayment obligation shall be a continuing lien upon RICHARD DICK  
3 DANN's interest, as described herein, and the obligation of repayment shall follow the distribution  
4 to his heirs.

5 13. Petitioner has engaged ROBERT J. WINES PROF. CORP. to probate this Estate, and  
6 should be ordered to pay to ROBERT J. WINES PROF. CORP. all costs incurred, together with a  
7 reasonable fee in the amount of \$1,200.00.

8 14. That any and all other property, not currently known but hereinafter discovered, and  
9 belonging to the Decedent, should be set aside without further administration to ELIZABETH  
10 DANN as to an undivided one-third ( $\frac{1}{3}$ ) of Decedent's interest, with the remaining two-thirds ( $\frac{2}{3}$ )  
11 distributed to TIM DANN, RICHARD DANN, FRED DANN, FRANK DANN, RUSSELL DANN,  
12 PEARL L. DANN and SANDY DANN share and share alike.

13 NOW THEREFORE, it is hereby the Order of this Court that the total value of the Estate  
14 does not exceed the sum of \$100,000.00, that the same shall not be administered upon, but shall be  
15 assigned and set apart including hereinafter discovered items of real and personal property with a  
16 value less than \$100,000.00 as follows:

17 1. That ELIZABETH DANN, shall receive an undivided SIX and 63/100 (6.63%)  
18 PERCENT interest, and to TIM DANN, RICHARD DANN, FRED DANN, FRANK DANN,  
19 RUSSELL DANN, PEARL L. DANN and SANDY DANN an undivided interest of ONE and  
20 91/100 (1.91%) PERCENT interest each in and to those parcels of property located in the County  
21 of Eureka, State of Nevada, described as follows:

22 TOWNSHIP 29 NORTH, RANGE 49 EAST, M.D.B.&M.

23 Section 33: All

24 TOGETHER WITH all water, water rights, water applications, and water permits or  
25 privileges connected therewith, belonging, appurtenant or incident to the lands above  
26 described, or used in connection with all or any part of the said above described  
27 premises, or used or usable in connection therewith, and all dams, reservoirs and  
28 ditches, or other works for storage or carrying of water now owned, and all  
applications now pending in the office of the State engineer of the State of Nevada,  
for any and all waters to be used upon any part or portion of the above-described lands  
or used in connection therewith.

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TOGETHER WITH all buildings and improvements situate or located thereon.

TOGETHER WITH all U.S. Forest Service and Bureau of Land Management range improvements, range rights and grazing preferences associated or connected therewith.

TOGETHER WITH all mineral and mineral rights of every kind and nature, EXCEPTING THEREFROM, such minerals and mineral rights reserved of record by prior documents of record.

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

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

2. That ELIZABETH DANN, shall receive and undivided FIVE and 36/100 (5.36%) PERCENT interest, and to TIM DANN, RICHARD DANN, FRED DANN, FRANK DANN, RUSSELL DANN, PEARL L. DANN and SANDY DANN, an undivided ONE and 52/100 (1.52%) PERCENT interest, each in and to those parcels of property located in the County of Eureka, State of Nevada, described as follows:

TOWNSHIP 29 NORTH, RANGE 49 EAST, M.D.B.&M.

Section 34: N½S½

TOGETHER WITH all water, water rights, water applications, and water permits or privileges connected therewith, belonging, appurtenant or incident to the lands above described, or used in connection with all or any part of the said above described premises, or used or usable in connection therewith, and all dams, reservoirs and ditches, or other works for storage or carrying of water now owned, and all applications now pending in the office of the State engineer of the State of Nevada, for any and all waters to be used upon any part or portion of the above-described lands or used in connection therewith.

TOGETHER WITH all buildings and improvements situate or located thereon.

TOGETHER WITH all U.S. Forest Service and Bureau of Land Management range improvements, range rights and grazing preferences associated or connected therewith.

TOGETHER WITH all mineral and mineral rights of every kind and nature, EXCEPTING THEREFROM, such minerals and mineral rights reserved of record by prior documents of record.

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



1 SUBJECT to covenants, conditions, restrictions, reservations, rights and rights of  
2 way of record.

3 3. That ELIZABETH DANN, shall receive an undivided SIX and 63/100 (6.63%)  
4 PERCENT interest, and to TIM DANN, RICHARD DANN, FRED DANN, FRANK DANN,  
5 RUSSELL DANN, PEARL L. DANN and SANDY DANN an undivided interest of ONE and  
6 91/100 (1.91%) PERCENT interest each in and to those parcels of property located in the County  
7 of Eureka, State of Nevada, described as follows:

8 All of Lots 11 and 12, in Block 5 of the Town of Eureka, County of Eureka, State of  
9 Nevada as is described and laid down upon the official plat of the said Townsite of  
10 Eureka, approved by the U.S. General land Office on November 19, 1937, and on file  
11 in the office of the Eureka County Recorder, Eureka, Nevada.

12 TOGETHER WITH all water, water rights, water applications, and water permits or  
13 privileges connected therewith, belonging, appurtenant or incident to the lands above  
14 described, or used in connection with all or any part of the said above described  
15 premises, or used or usable in connection therewith, and all dams, reservoirs and  
16 ditches, or other works for storage or carrying of water now owned, and all  
17 applications now pending in the office of the State engineer of the State of Nevada,  
18 for any and all waters to be used upon any part or portion of the above-described lands  
19 or used in connection therewith.

20 TOGETHER WITH all buildings and improvements situate or located thereon.

21 TOGETHER WITH all U.S. Forest Service and Bureau of Land Management range  
22 improvements, range rights and grazing preferences associated or connected  
23 therewith.

24 TOGETHER WITH all mineral and mineral rights of every kind and nature,  
25 EXCEPTING THEREFROM, such minerals and mineral rights reserved of record  
26 by prior documents of record.

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

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

4. The foregoing distributions, described in paragraphs 1, 2 and 3 of this Order, shall  
be and remain subject to repayment to the Nevada Department of Health and Human Services,  
Medicaid Estate Recovery Unit (NEVADA MEDICAID), totaling NINE THOUSAND ONE  
HUNDRED ONE DOLLARS and 06/100 (\$9,101.06) for costs paid for the decedent for medical  
costs. NEVADA MEDICAID shall have a lien upon the real properties of the decedent described

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1 in paragraphs 1, 2, and 3 of this Order. NEVADA MEDICAID's lien is fully enforceable upon sale  
2 and/or transfer of the subject properties notwithstanding transfer of title to the heirs described herein.

3 5. That any and all other property, not currently known but hereinafter discovered, and  
4 belonging to the Decedent, shall be set aside without further administration to ELIZABETH DANN  
5 as to an undivided one-third (1/3) of Decedent's interest, with the remaining two-thirds (2/3)  
6 distributed to TIM DANN, RICHARD DANN, FRED DANN, FRANK DANN, RUSSELL DANN,  
7 PEARL L. DANN and SANDY DANN share and share alike.

8 6. That Petitioner is hereby ordered to pay to ROBERT J. WINES PROF. CORP. all  
9 costs incurred, together with a reasonable fee in the amount of \$1,200.00.

10 DATED this 20 day of May, 2011.

11 SI Dan L. Papez  
12 DISTRICT JUDGE

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SEVENTH JUDICIAL DISTRICT COURT,  
IN AND FOR COUNTY OF EUREKA, } SS  
STATE OF NEVADA

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 20<sup>th</sup> WITNESS My Hand and Seal of said  
day of May 2011

County Clerk and Ex-Officio Court Clerk  
Deborah Mastell Deputy Clerk