

DOC # 0219219

12/12/2011

02:15 PM

Official Record

Recording requested By
ROBERT J WINES PROF CORP

Eureka County - NV

Mike Rebaleati - Recorder

Fee: \$23.00

Page 1 of 10

RPTT:

Recorded By: FES

Book- 526 Page- 0262



0219219

APN: 002-035-16

Recording Requested By:

Robert J. Wines, Prof. Corp.

Send Tax Statements To:

Name: Kathleen I. Kinkade

Address: P.O. Box 211196

City, State, Zip: Crescent Valley, NV 89821

After Recording Return To:

Name: Robert J. Wines, Prof. Corp.

Address: 687 6th Street, Suite 1

City, State, Zip: Elko, NV 89801

Order for Distribution and Discharge
(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 8th day of December, 2011.

Eric M. Morley
ERIC M. MORLEY, ESQ.

NO. _____
FILED
DEC 02 2011
Eureka County Clerk
By: Sharon M. Carter

1 CASE NO. PR-1104-209

2 Dept. I

3 AFFIRMATION:

4 Pursuant to NRS239B.030 this document does not
5 contain a 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 ARCHIE R. KINKADE, a.k.a
11 ARCHIE RONALD KINKADE, a.k.a.
12 ARCHIE KINKADE,

Deceased.

**ORDER SETTLING FIRST AND
FINAL ACCOUNTING; ORDER FOR
PAYMENT OF ATTORNEY FEES AND
COSTS; ORDER FOR
DISTRIBUTION AND DISCHARGE**

13 KATHLEEN I. KINKADE, the duly appointed and qualified Personal Representative of the
14 above estate, filed her Petition with this Court for its order for Settlement of First and Final
15 Accounting, for payment of Attorney fees and costs, and for Distribution and Discharge, alleging as
16 follows:

17 **DEATH OF DECEDENT.**

18 1. That Decedent, ARCHIE R. KINKADE, a.k.a. ARCHIE RONALD KINKADE, a.k.a.
19 ARCHIE KINKADE, died on the 12th day of February, 2011, in the County of Elko, State of Nevada.
20 At the time of his death he was a resident of Eureka County, State of Nevada.

21 2. Decedent died intestate. Petitioner is a resident of the State of Nevada and is the
22 surviving spouse of the Decedent; Petitioner has never been convicted of a felony.

23 3. A Petition for Summary Administration of Estate was filed, and Notice of Hearing
24 was given to all interested persons and to Medicaid Estate Recovery, as required by law.

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RECEIVED

NOV 28 2011

Eureka County
Clerk & Treasurer

- 1 -



0219219

Book: 526 12/12/2011
Page: 263 Page: 2 of 10

1 **PROBATE OF ESTATE.**

2 4. On May 20, 2011, this Court entered an Order appointing KATHLEEN I. KINKADE
3 as Personal Representative of the above captioned estate, giving her the authority to administer the
4 above captioned Estate by Summary Administration. The Personal Representative signed Letters
5 of Administration and a Statement of Permanent Address, and on May 20, 2011, KATHLEEN I.
6 KINKADE qualified as Personal Representative of this Estate.

7 **DEVISEES AND HEIRS AT LAW.**

8 5. To the best information and belief of Petitioner, at the time of his death, Decedent had
9 a surviving spouse and no children. The names and addresses of the heirs-at-law of the Decedent,
10 to the best knowledge and information of the Petitioner are:

<u>NAME AND ADDRESS</u>	<u>RELATIONSHIP</u>
Kathleen I. Kinkade P.O. Box 211196 Crescent Valley, NV 89821	Wife
Virginia Musser 2138 Wyoming Street Bremerton, WA 98310	Mother
Lula Depew 2138 Wyoming Street Bremerton, WA 98310	Sister
Barbara Rodman 429 Magnolia Drive Bremerton, WA 98310	Sister
Sandra Kinkade 119 South Marion Avenue Bremerton, WA 98312	Sister
Robert Kinkade 18525 Melon Street, S.W. Rochester, WA 98579	Brother
Frank Kinkade 27389 Lindvog Road, N.E. Kingston, WA 98346	Brother
Francine Bryant 9722 178 th Way S.W. Rochester, WA 98579	Sister

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<u>NAME AND ADDRESS</u>	<u>RELATIONSHIP</u>
Sharon Rosbach 92 S.W. 2 nd Street Chehalis, WA 98532	Sister
Georgia Kendrick 604 N.E. Normandy Drive Bremerton, WA 98310	Sister

HISTORICAL MATTERS.

6. The Personal Representative filed an Inventory on August 19, 2011, which discloses the assets of this Estate as of Decedent's date of death. Those assets are generally described as real property, manufactured homes, cash held in checking and savings accounts, and vehicles.

CREDITORS.

7. Prior to commencement of this action, Petitioner, KATHLEEN I. KINKADE, personally paid Decedent's funeral expense, in the amount of \$5,340.73 and paid for Decedent's headstone in the amount of \$3,140.20. Petitioner filed a Creditor's Claim on August 1, 2011, for the sum of \$8,480.93; said claim was accepted and was paid from the funds in the banking account as evidenced by the Receipt filed herein on October 13, 2011.

8. That Notice to Creditors was given by certified mail, sent on May 31, 2011, to known creditors; Notice to Creditors was also given by publication commencing on June 9, 2011. Pursuant to NRS 147.040, all creditors must file their claims within sixty (60) days after the mailing or first publication of Notice to Creditors. Therefore, the time for creditors to file their claims expired on August 8, 2011. On or about August 12, 2011, Petitioner's attorney called the Eureka County Clerk's Office to determine whether any creditors had filed claims. No Creditor's Claims were filed, except as addressed below.

9. That on or about July 22, 2011, the attorney's for Petitioner received a Creditor's Claim from Phillips & Cohen Associates, Ltd. in the amount of \$10,913.19 for an unpaid credit card balance. That a Notice of Rejection of Claim was mailed by certified mail on August 16, 2011, and filed herein on August 19, 2011. That pursuant to NRS 147.130, said Creditor had sixty (60) days to bring suit in the proper court against the Administrator in her representative capacity or the claim would be forever barred. Therefore, the time for the creditor to file a suit expired on October 19,

1 2011. On or about October 27, 2011, Petitioner's attorney called the Eureka County Clerk's Office
2 to determine whether any suit and been filed. No suit has been filed and neither Petitioner nor
3 Petitioner's attorney has been served with any complaint or other documentation showing any suit
4 has been commenced. As a result, the creditor's claim filed by Phillips & Cohen Associates, Ltd.,
5 in the amount of \$10,913.19, should be forever barred.

6 10. That Petitioner, KATHLEEN I. KINKADE, has personally deposited the sum of
7 \$750.00 with the attorney for payment of costs and expenses for which she asserts a claim for
8 reimbursement. Petitioner acknowledges that she will be reimbursed for the deposit from the assets
9 she will receive at distribution.

10 **ACCOUNTING**

11 11. Attached to the Petition as Exhibit "A" is an Accounting of all money received and
12 all money expended by the Estate, including costs expended from the \$750.00 deposited by
13 KATHLEEN I. KINKADE to the attorney's trust account. This Accounting should be allowed,
14 approved and settled as rendered.

15 **ATTORNEY FEES/ADMINISTRATIVE COSTS/PERSONAL REPRESENTATIVE FEES.**

16 12. That the Personal Representative has engaged ROBERT J. WINES, PROF. CORP.
17 to probate this Estate. That during the normal course of this administration, the attorneys prepared
18 documents and pleadings to insure that all required notices have been given, that the Personal
19 Representative has been properly appointed, that creditors be given notice of administration and their
20 claims reviewed and properly dealt with. An Inventory was prepared and filed. The attorney has and
21 will render further services on behalf of the Estate relative to this petition and distribution and
22 discharge.

23 13. That submitted with the Petition is an Affidavit of Counsel regarding time expended
24 on this action, including a good faith estimate of the value of services to be rendered. The value of
25 those services is \$3,556.94. An estimate of costs to close this Estate is between \$400.00 and
26 \$600.00, and the Personal Representative should be instructed to hold the sum of \$600.00 to pay
27 these costs.

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1 14. That the Personal Representative is entitled to payment of statutory fees and
2 commissions; KATHLEEN I. KINKADE hereby waives her statutory fees and commissions.

3 **FINAL DISTRIBUTION.**

4 15. Petitioner requests that the \$502.50 on deposit maintained in the attorney's trust
5 account should be distributed as follows:

6 A. Attorney Fees in the sum of \$502.50 be paid to the Estate's attorney. The
7 remaining balance shall be paid by Petitioner from funds she receives at distribution. Petitioner
8 should be ordered to pay the unpaid portion of the attorney fees.

9 16. At the time of Decedent's death, he held certain parcels of real property; the property
10 should be distributed as follows:

11 A. To KATHLEEN I. KINKADE, a widow, as her sole and separate property,
12 the following described parcel of real property, located in the County of Eureka, State of Nevada,
13 and more particularly described as follows:

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

16 TOGETHER WITH any and all buildings and improvements situate thereon.

17 TOGETHER WITH the tenements, hereditaments and appurtenances thereunto
18 belonging or in anywise appertaining, and the reversion and reversions, remainder
19 and remainders, rents, issues and profits thereof.

20 SUBJECT TO any and all exceptions, reservations, restrictions, restrictive covenants,
21 assessments, easements, rights and rights of way of record.

22 APN: 002-035-16

23 17. To KATHLEEN I. KINKADE, as her sole and separate property, the 1994 Fleetwood
24 Broadmore, 14' x 66', single wide manufactured home, Serial No. IDFLR04A17716BM.

25 18. To KATHLEEN I. KINKADE, as her sole and separate property, the 1972 Solitaire,
26 14' x 70', single wide manufactured home, Serial No. FKD1474W2289.

27 19. To KATHLEEN I. KINKADE, as her sole and separate property, the 1995 Fleetwood
28 Brookfield, 26' x 44', multi wide manufactured home, Serial No. IDFLR04AB18204BF.

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1 20. To KATHLEEN I. KINKADE, as her sole and separate property, all of the vehicles
2 listed in Exhibit "A" which is attached hereto and incorporated by reference. KATHLEEN I.
3 KINKADE shall be responsible for transferring the title of each of the vehicles into her name using
4 funds she receives from distribution of this Estate.

5 21. To KATHLEEN I. KINKADE, all of the contents of the Nevada Bank & Trust
6 checking account #55025399; the Nevada Bank & Trust savings account #5500033302; the Elko
7 Federal Credit Union savings account #30832002-1; the Elko Federal Credit Union 12-month
8 certificate account #30832002-19.

9 22. Any other assets hereinafter discovered, and belonging to Decedent, should be
10 distributed all to KATHLEEN I. KINKADE, without further order of this Court.

11 NOW THEREFORE, IT IS HEREBY THE ORDER OF THIS COURT:

12 1. That due and legal notice of the hearing of the Petition to Settle First and Final
13 Accounting; Petition for Payment of Attorney Fees and Costs; and Petition for Distribution and
14 Discharge has been given to all persons interested in said Estate as required by law.

15 2. That the Accounting is hereby approved, allowed, and settled as rendered.

16 3. That the assets of this Estate are hereby ordered to be distributed as follows:

17 A. Attorney Fees in the sum of \$3,556.94, together with closing costs not to
18 exceed \$600.00, be paid to the Estate's attorney. The remaining sum of \$502.50 held in the
19 attorney's trust account is to be applied to reduce these fees. The balance is to be paid by funds
20 being received by Petitioner at distribution. Petitioner is hereby ordered to pay the unpaid portion
21 of the attorney fees.

22 B. To KATHLEEN I. KINKADE, a widow, as her sole and separate property,
23 the following described parcel of real property, located in the County of Eureka, State of Nevada,
24 and more particularly described as follows:

25 Lot 4, Block 15, of Crescent Valley Ranch & Farms Unit No. 1, as per map recorded
26 in the office of the County Recorder of Eureka County, Nevada as File #34081.

27 TOGETHER WITH any and all buildings and improvements situate thereon.
28 ///



1 TOGETHER WITH the tenements, hereditaments and appurtenances thereunto
2 belonging or in anywise appertaining, and the reversion and reversions, remainder
and remainders, rents, issues and profits thereof.

3 SUBJECT TO any and all exceptions, reservations, restrictions, restrictive covenants,
4 assessments, easements, rights and rights of way of record.

5 APN: 002-035-16

6 C. To KATHLEEN I. KINKADE, as her sole and separate property, the 1994
7 Fleetwood Broadmore, 14' x 66', single wide manufactured home, Serial No. IDFLR04A17716BM.

8 D. To KATHLEEN I. KINKADE, as her sole and separate property, the 1972
9 Solitaire, 14' x 70', single wide manufactured home, Serial No. FKD1474W2289.

10 E. To KATHLEEN I. KINKADE, as her sole and separate property, the 1995
11 Fleetwood Brookfield, 26' x 44', multi wide manufactured home, Serial No. IDFLR04AB18204BF.

12 F. To KATHLEEN I. KINKADE, as her sole and separate property, all of the
13 vehicles listed in Exhibit "A" which is attached hereto and incorporated by reference. KATHLEEN
14 I. KINKADE shall be responsible for transferring the title of each of the vehicles into her name using
15 funds she receives from distribution of this Estate.

16 G. To KATHLEEN I. KINKADE, all of the contents of the Nevada Bank & Trust
17 checking account #55025399; the Nevada Bank & Trust savings account #5500033302; the Elko
18 Federal Credit Union savings account #30832002-1; the Elko Federal Credit Union 12-month
19 certificate account #30832002-19.

20 H. Any other assets hereinafter discovered, and belonging to Decedent, are
21 hereby ordered to be distributed all to KATHLEEN I. KINKADE, without further order of this
22 Court.

23 4. That after payment and distribution as set forth herein, that the Personal
24 Representative is discharged.

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1 5. That on or about July 22, 2011, a Creditor's Claim from Phillips & Cohen Associates,
2 Ltd. in the amount of \$10,913.19 for an unpaid credit card balance was received. That a Notice of
3 Rejection of Claim was mailed by certified mail on August 16, 2011, and filed herein on August 19,
4 2011. That said Creditor had sixty (60) days to bring suit in the proper court against the
5 Administrator in her representative capacity or the claim would be forever barred. That the sixty day
6 period expired without the Creditor taking any action. Therefore, the creditor's claim filed by
7 Phillips & Cohen Associates, Ltd., in the amount of \$10,913.19, is forever barred.

8 DATED this 2nd day of December, 2011.

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10 /s/ Dan L. Papez
11 DISTRICT JUDGE
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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 2nd day of December 20 11

- 8 -

County Clerk and Ex-Officio Court Clerk

Deanna M. Cantrell Deputy Clerk

Exhibit "A"

	Year	Make	Model	VIN
1	1952	Chevrolet	5KKJ6 (4 door Sedan)	5KKJ69786
2	1967	Ford	Commercial Enclosed Van	C75FUA59696
3	1967	Cadillac	J7196	J7196312
4	1969	Harley Davidson	FL (body type)	69FLH1458
5	1975	Winnebago	Motor home (25 ft.)	10344F162056
6	1978	Monaco	Motor home	CGR3380125627
7	1978	Ford	F25	F25SRBA5221
8	1979	Chevrolet	Malibu (1A227)	1T27M9Z448843
9	1986	Chevrolet	UTG (Blazer)	1G8EK18L1GF169434
10	1988	Chevrolet	Corsica (T51)	1G1LT5119JE598840
11	1993	GMC	Sierra C35	1GTHC33N8PJ726762
12	1993	Dodge	Ramcharger	3B4GM17Z2PM158177
13	1994	Chevrolet	K1500	1GCEK14Z7RZ170931
14	1995	Harley Davidson	FLSTF	SUN54879111451295
15	1996	Ford	F250	1FTHF26H5TEB02332
16	1996	Ford	F250	1FTHF26H7TEB02719
17	2000	Ford	Crown Victoria	2FAFP71W1YX119700
18	2000	Ford	Crown Victoria	2FAFP71W7YX161241
19	2000	Ford	Crown Victoria	2FAFP72W3YX214953
20	2002	Ford	Crown Victoria	2FAFP71W12X129747