

APN: 002-049-02

Send tax statements to:
Sam Pemelton
1076 River Street
Elko, NV 89801

Recording requested by:
Copenhaver & McConnell, P.C.
950 Idaho Street
Elko, NV 89801
(775) 738-1951

DOC # 0219593

02/23/2012

01:22 PM

Official Record

Recording requested By
COPENHAVER & MCCONNELL PC

Eureka County - NV

Mike Rebaleati - Recorder

Fee: \$21.00

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RPTT:

Recorded By: FES

Book- 528 Page- 0284



0219593

**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.



KATIE HOWE MCCONNELL

FEB 03 2012

Eureka County Clerk
By *Deanna M. Lambell*

1 CASE NO. PR 1201-224
2 DEPT NO. 1
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6 IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF EUREKA
8
9

10 IN THE MATTER OF THE ESTATE OF
11 **JACK DAVIS PEMELTON** aka **JACK**
12 **PEMELTON,**
13 Deceased.

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

14 The verified Petition to Set Aside Estate Without
15 Administration pursuant to NRS 146.070 filed by **SAM JAMES DAVIS**
16 **PEMELTON** on January 12, 2012, having come on regularly to be heard
17 on the day of February 5, 2012, at the hour of 10:00 a.m., the
18 Court finds that:

- 19 1. Notice of the hearing was given for the period of
- 20 time and in the manner required by law.
- 21 2. The allegations of the Petition are true and
- 22 correct.
- 23 3. **JACK DAVIS PEMELTON** aka **JACK PEMELTON** died in the
- 24 City of Winnemucca, County of Humboldt, State of Nevada, on the
- 25 28th day of October, 2011, and was at the time of his death over
- 26 the age of majority and a resident of the County of Eureka, State
- 27 of Nevada.

28 4. The Petitioner is the surviving son of the Decedent,

RECEIVED
JAN 25 2012
Eureka County
Clerk & Treasurer

1 JACK DAVIS PEMELTON aka JACK PEMELTON. The Petitioner is over the
2 age of majority and a resident of the State of Nevada.

3 5. That the Decedent died testate. The last will and
4 testament was lodged with the Court Clerk and was attached to the
5 Petition, together with a copy of the Trust Agreement executed by
6 JACK DAVIS PEMELTON aka JACK PEMELTON.

7 6. The names, ages, relationships and addresses of the
8 heirs, devisees and legatees of said Decedent, are:

9	<u>NAME</u>	<u>AGE</u>	<u>RELATIONSHIP</u>	<u>ADDRESS</u>
10	SAM JAMES DAVIS PEMELTON		Adult Son	221 Springfield Pkwy. Spring Creek, NV 89815
11	RONDINNA LEE PEMELTON FROST		Adult Daughter	P.O. Box 211339 Crescent Valley, NV 89821
12				
13	RADONYA DEE PEMELTON MANN		Adult Daughter	836 N.W. Greeley St. Camas, WA 98607
14				
15	ROBERTA JAYE PEMELTON WHITE		Adult Daughter	494 Shadybrook Dr. Spring Creek, NV 89815
16	EARL PEMELTON		Adult Brother	7230 Cloudburst Winnemucca, NV 89445
17				
18	MERLE PEMELTON		Adult Brother	1763 Robertson Bridge Rd. Grants Pass, OR 97526

19 7. The following is a specific description of all the
20 Decedent's property located in the County of Eureka, State of
21 Nevada:

22 APN: 002-049-02

23 Lot 3, Block 36, Crescent Valley Ranch & Farms Unit 1, as
24 per map recorded in the office of the County Recorder of
Eureka County, Nevada, as File No. 34081.

25 EXCEPTING THEREFROM all petroleum, oil, natural gas and
26 products derived therefrom, within or underlying said
27 land or that may be produced therefrom, and all rights
28 thereto, as reserved by Southern Pacific land Company in
Deed to H.J. Buchenau and Elsie Buchenau, recorded
September 24, 1951, in Book 24, of Deeds at Page 168,
Eureka County, Nevada.

1 TOGETHER WITH any and all improvements situated thereon.

2 TOGETHER WITH all and singular the tenements,
3 hereditaments, easements, and appurtenances thereunto
4 belonging or in anywise appertaining, and the reversions,
remainders, rents, issues and profits thereof, or of any
part thereof.

5 SUBJECT TO all taxes and assessments, reservations,
6 exceptions, easements, rights of way, limitations,
7 covenants, conditions, restrictions, and licenses
affecting the property of record.

8 8. That the following is a specific description of all
9 the Decedent's property located in the County of Lander, State of
10 Nevada:

11 APN: 007-660-08

12 Lot 12 of Section 31, Township 29 North, Range 48 East,
13 M.D.B. & M.

14 TOGETHER WITH any and all improvements situated thereon.

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

17 SUBJECT TO all taxes and assessments, reservations,
18 exceptions, easements, rights of way, limitations,
19 covenants, conditions, restrictions, and licenses
affecting the property of record.

20 9. That the following is a specific description of all
21 the Decedent's personal property located in the County of Eureka,
22 State of Nevada:

23 1- 1974 Tamarack Single Wide, Serial Number 164966D7056

24 1999 Dodge Ram 2500 pickup truck VIN: 1B7KF2364XJ503604

25 10. That the interest in the above-described property
26 was the sole and separate property of the Decedent, **JACK DAVIS**
27 **PEMELTON** aka **JACK PEMELTON**, at the time of his death.

28 11. That there are loans on the above-described property

1 as follows:

2 Loan at Elko Federal Credit Union on Dodge pickup truck:
3 \$3,294.48

4 **Total Liens: \$3,294.48**

5 12. That the real and personal property be set aside to
6 **SAM JAMES DAVIS PEMELTON** as the Successor Trustee of the **JACK AND**
7 **JANET PEMELTON LIVING TRUST** dated **April 7, 1995**, so that he may
8 finalize the Trust of the Decedent.

9 13. That the value of the property, minus encumbrances
10 is less than \$100,000.00.

11 14. There are no liens or encumbrance on the real
12 property other than accruing taxes.

13 15. All debts, charges and expenses of the last illness
14 and funeral expenses of the Decedent have been paid.

15 16. **COPENHAVER & MCCONNELL, P.C.**, Attorneys at Law,
16 Elko, Nevada, has performed services for said Estate acting as and
17 for attorney for the Petitioner and is entitled to a fee in the sum
18 of \$1,250.00 plus costs advanced.

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

20 1. Due and legal notice of the hearing of said Petition
21 to Set Aside Estate Without Administration pursuant to NRS 146.070
22 has been given to or waived by all persons interested in said
23 Estate or who are entitled to notice thereof for the time and in
24 the manner required by law.

25 2. The gross value of the Estate after deducting any
26 encumbrances, does not exceed the sum of \$100,000.00, and that all
27 right, title and interest of the Deceased, **JACK DAVIS PEMELTON** aka
28 **JACK PEMELTON**, in and to the above-described real and personal



1 property was his sole and separate property.

2 3. In accordance with NRS 146.070, all right, title and
3 interest of **JACK DAVIS PEMELTON** aka **JACK PEMELTON** in and to the
4 above-described real and personal property be assigned and set
5 aside to **SAM JAMES DAVIS PEMELTON** as the Successor Trustee of the
6 **JACK AND JANET PEMELTON LIVING TRUST** dated **April 7, 1995**, so that
7 he may finalize the Trust of the Decedent.

8 4. In accordance with NRS. 146.070, the interests of
9 **JACK DAVIS PEMELTON** aka **JACK PEMELTON**, Decedent, in and to any and
10 all other property, real or personal, of any name, nature, kind,
11 character or description not herein above described, or which may
12 be incorrectly described herein, which is within the jurisdiction
13 of the Court, and does not cause the gross value of the Estate less
14 encumbrances to exceed \$100,000.00, is assigned and set aside to
15 **SAM JAMES DAVIS PEMELTON** as the Successor Trustee of the **JACK AND**
16 **JANET PEMELTON LIVING TRUST** dated **April 7, 1995**, so that he may
17 finalize the Trust of the Decedent.

18 5. The attorney's fees in the sum of \$1,250.00 to
19 **COPENHAVER & MCCONNELL, P.C.** and costs advanced are hereby approved
20 and ordered paid.

21 6. A certified copy of this Order shall be recorded in
22 the office of the County Recorder of Eureka County, Nevada, and the
23 office of the County Recorder of Lander County, Nevada.

24 DATED this 3rd day of February, 2012.

25
26 Steve L. Dobrescu
DISTRICT JUDGE

27 ///

28 ///



COPY

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.

WITNESS, My Hand and Seal of said DISTRICT COURT, this 3rd day of February, 20 12

County Clerk and Ex-Officio Court Clerk

Heanna M. Cantrell Deputy Clerk



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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.

Katie Mc
KATIE HOWE MCCONNELL

