

DOC # 0223660

01/18/2013

01:03 PM

Official Record

Recording requested By
LOUIS S TEST

Eureka County - NV

Mike Rebaleati - Recorder

Fee: \$19.00

Page 1 of 6

RPTT:

Recorded By: FES

Book- 546 Page- 0313

APN# 001-186-07

Recording Requested by:

Name Louis S. Test

Address 429 West Plumb Lane

City/State/Zip Reno, Nevada, 89509

ORDER SETTLING FIRST AND FINAL ACCOUNT AND REPORT

AND PETITION FOR DISTRIBUTION

(Title of Document)



0223660

This page added to provide additional information required by NRS 111.312 Sections 1-2.
(Additional recording fee applies)

This cover page must be typed or printed.

NOV 16 2012

Eureka County Clerk
Diann M. Cantrell

No. PR0211-004

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

* * * *

IN THE MATTER OF THE ESTATE

OF

ALBERT F. EDERA,

Deceased.

ORDER SETTLING FIRST AND
FINAL ACCOUNT AND REPORT
AND PETITION FOR DISTRIBUTION

MARIAN NASON, Executrix of the Estate of ALBERT F. EDERA, by and through her attorneys, HOFFMAN, TEST, GUINAN & COLLIER, having on the 5th day of July, 2012 filed herein her First and Final Account and Report, and Petition for Distribution, and said First Account being sometimes referred to hereinbelow in this Order as the "First Account" or the "Account", and said First Account and Report and Petition for Distribution having come on regularly to be heard by the Court on the 16th day of November, 2012, at which time the Court heard the First and Final Account and Report, and Petition for Distribution; and it appearing to the Court from the evidence, the Court finds as matters of fact and conclusions of law, respectively, as follows:

1. That all the allegations, statements and recitals of said Account, Report and Petition are true in all respects and particulars.
2. That said Account is a full, true and just account and that the same should be approved and allowed in all respects and particulars as the same has been presented by said Executrix.
3. That all notices relative to the probate of said estate required to be given by Order of this Court and by law were duly given, due proof thereof having been made to the Court, all as required by law.



1 4. That more than sixty (60) days have elapsed since the first publication of
2 Notice to Creditors; that the time allowed by law for filing of claims in said estate by creditors
3 has expired, and that the Court finds that the Eureka Sentinel, Eureka, Nevada, was the newspaper
4 most likely to give notice to the creditors of said estate, and that Notice to Creditors was
5 published in said newspaper as reflected in the Proof of Publication on file herein; that Notice
6 to Creditors was duly given as required by law.

7 5. That a creditor's claim was file by Medicaid Estate Recovery in the amount
8 of \$23,463.00. That on March 5, 2012, the Executrix received an Acceptance of Offer wherein
9 the Medicaid Estate Recovery accepted the amount of \$13,000.00 as full payment of its claim
10 against the estate.

11 6. That decedent's nephew, PETER ANTHONY EDERA has offered to
12 purchase the following described real property, and only asset of the estate, for \$15,000.00.

13 451 Goodwin Street
14 Eureka, Nevada
15 Parcel No. 001-186-07

16 Portion of Lot 1 100' x 100' in SW
17 Corner and all of lot 2 in Block
18 123, Township of Eureka.

19 That since decedent's death there have been no offers to purchase the real property. The
20 Executrix, as beneficiary of said real property, has agreed to receive the real property in kind and
21 sell the real property to PETER ANTHONY EDERA. The Executrix has further agreed to place
22 the proceeds of the sale in the Hoffman, Test, Guinan & Collier Trust Account, and \$13,000.00
23 be distributed to Medicaid Estate Recovery as payment in full for Mr. Edera's outstanding debt;
24 and \$2,000.00 be distributed to Hoffman, Test, Guinan & Collier as payment in full for their
25 attorneys' fees and costs advanced.

26 7. That no persons have appeared to except to or contest said Account, Report
27 and Petition.

28 8. That the Inventory and Appraisement of the assets of said estate was duly
filed herein by the Executrix.

1 9. That there was no need to file a United States Income Tax Return for
2 decedent.

3 10. That decedent's Last Will and Testament made the following bequests:

4 Unto my niece, JANICE DARLENE DUMINIE, my
5 Trailer home and furnishings therein, except for the
6 Following things which belong to my sister, KATIE,
7 wooden chairs, round table, my mother's trunk,
8 wooden dresser with mirror, 44 rifle, 12 gauge shotgun,
9 45 six shooter, heating stove and two twin beds.

10 Unto my nephew, PETER ANTHONY EDERA, III,
11 any vehicles that I may own at the time of my death,
12 plus tools and all guns except those belonging to my
13 sister, KATIE.

14 Unto MARIAN NASON, all real estate that I may
15 own at the time of my death, including my cabin, and
16 all my other personal belongings not hereinabove
17 itemized.

18 That at the time of ALBERT F. EDERA's death in 2002, the personal property that was
19 mentioned in his Will was completely deteriorated or not in existence. That the real property
20 should be ordered distributed to MARIAN NASON, decedent's niece, and MARIAN NASON
21 should be ordered to sell the real property to PETER ANTHONY EDERA for \$15,000.00, and
22 place the proceeds of the sale into the Hoffman, Test, Guinan & Collier Trust Account for
23 distribution of \$13,000.00 to MEDICAID ESTATE RECOVERY, as payment in full for its claim
24 against the Estate of ALBERT F. EDERA and distribution of \$2,000.00 to HOFFMAN, TEST,
25 GUINAN & COLLIER, as payment in full for services rendered to the estate and costs advanced
26 to the estate.

27 11. That the Executrix of the estate has rendered good and valuable services
28 herein as Executrix, however she waives compensation for said services .

 12. That the firm of HOFFMAN, TEST, GUINAN & COLLIER, as
attorneys for the Estate and the Executrix, has rendered good and valuable services to said estate
and advanced costs and is entitled to a fee for said services and costs advanced in the amount of
\$2,000.00, in accordance with the agreement between said attorneys and the Executrix for
payment thereof.

13. That decedent's real property and all property which is not now known or which may hereafter be discovered, whether real, personal or mixed, and wheresoever situated, should be ordered distributed unto MARIAN NASON, decedent's surviving niece.

14. That upon receiving the real property, MARIAN NASON should be ordered to sell the real property to PETER ANTHONY EDERA for Fifteen Thousand Dollars (\$15,000.00).

15. That MARIAN NASON should be ordered to place the proceeds of the sale of the real property in the HOFFMAN, TEST, GUINAN & COLLIER TRUST ACCOUNT to be distributed \$13,000.00 to MEDICAID ESTATE RECOVERY as payment in full for its claim against the Estate of ALBERT F. EDERA and \$2,000.00 to be distributed to HOFFMAN, TEST, GUINAN & COLLIER as payment in full for services rendered and costs advanced to the Estate of ALBERT F. EDERA.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. That said First and Final Account and Report, and Petition for Distribution be, and the same is, hereby confirmed, approved, allowed and settled, and found to be true in all respects as the same is presented by said Account, Report and Petition. That all allegations and recitals set forth in said First and Final Account, and Report, and Petition for Distribution are hereby found to be true as stated therein.

2. That all actions of the Executrix are approved and found to have been in the best interest of the estate.

3. The Court hereby adjudges and decrees that ALBERT F. EDERA died testate on February 8, 2002, a resident of the City of Eureka, County of Eureka, State of Nevada.

4. That decedent left a Will dated October 21, 1985, which has been duly admitted to probate herein. That pursuant to provisions of the Will, the following described real property and cabin thereon, and including all property which is not now known or may hereafter be discovered and wheresoever situated is ordered distributed unto MARIAN NASON, decedent's surviving niece.

Real property situate in the Township of
Eureka, County of Eureka, State of Nevada,
more fully described as follows, to wit:

451 Goodwin Street
Eureka, Nevada
Parcel No. 001-186-07

Portion of Lot 1 100' x 100' in SW
Corner and all of Lot 2 in Block
123, Township of Eureka

5. That MARIAN NASON upon receiving the real property in kind, is hereby
ordered to sell the real property to PETER ANTHONY EDERA for a selling price of Fifteen
Thousand and 00/100 Dollars (\$15,000.00). MARIAN NASON is hereby ordered to place the
proceeds of the sale in the HOFFMAN, TEST, GUINAN & COLLIER TRUST ACCOUNT, to
be distributed as follows:

Thirteen Thousand and 00/100 Dollars (\$13,000.00)
unto MEDICAID ESTATE RECOVERY, as payment
in full for its claim against the Estate of ALBERT F.
EDERA in the amount of Twenty-Three Thousand,
Four Hundred Sixty-Three and 00/100 Dollars
(\$23,463.00).

Two Thousand and 00/100 Dollars (\$2,000.00) unto
HOFFMAN, TEST, GUINAN & COLLIER, as payment
in full for services rendered and costs advanced to the
Estate of ALBERT F. EDERA.

6. That MARIAN NASON as Executrix of the Estate of ALBERT F.
EDERA, Deceased, after filing the appropriate Vouchers, be and she hereby is discharged from
her duties as Executrix.

DONE IN OPEN COURT this 16th day of November, 2010.

S/ Dan L. Papcz
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 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 December 20 12

County Clerk and Ex-Officio Court Clerk

Deputy Clerk