

APN: 005-200-12

DOC # 0229660

07/15/2015

01:46 PM

Official Record

Recording requested By
COPENHAVER & MCCONNELL

Eureka County - NV

Sara Simmons - Recorder

Fee: \$19.00

Page 1 of 6

RPTT:

Recorded By: LH

Book- 581 Page- 0110

Send tax statements to:

**Richard Gray
543 Chatfield Drive
Colorado Springs, CO 80911-1709**

Recording requested by:

**Copenhaver & McConnell, P.C.
950 Idaho Street
Elko, NV 89801
(775) 738-1951**



**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

1 CASE NO. PR-PR-15-75

2 DEPT NO. 1

FILED
2015 JUL -9 P 3:46
ELKO COUNTY CLERK
CR

3
4
5
6 IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF ELKO

8
9 IN THE MATTER OF THE ESTATE OF
10 HUBERT W. VAN GESSNER,
11 Deceased.

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

12
13 The verified Petition to Set Aside Estate Without Administration
14 pursuant to NRS 146.070 filed by **RICHARD GRAY** on 5th day of June, 2015, having
15 come on regularly to be heard on the 6th day of July, 2015, at the hour of 9:00 a.m., the
16 Court finds that:

- 17 1. Notice of the hearing was given for the period of time and in the
18 manner required by law.
- 19 2. The allegations of the Petition are true and correct.
- 20 3. **HUBERT W. VAN GESSNER**, died in the City of Colorado
21 Springs, County of El Paso, State of Colorado, on the 6th day of May, 2013, and was
22 at the time of his death over the age of majority and a resident of the City of Colorado
23 Springs, County of El Paso, State of Colorado.
- 24 4. The Petitioner is the surviving nephew and Personal
25 Representative of **HUBERT W. VAN GESSNER**. The Petitioner is over the age of
26 majority and a resident of the State of Colorado.
- 27 5. That the Decedent **HUBERT W. VAN GESSNER**, died testate.
28 The last will and testament has been lodged with the Court Clerk, and a copy was



0229660

Book: 581 07/15/2015
Page: 111 Page: 2 of 6

1 attached to the Petition. HUBERT W. VAN GESSNER executed a Trust Agreement,
2 but the property herein probated was not formally put into the Trust. The Pour Over
3 Will provides that all property shall be put into the Trust.

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

<u>NAME</u>	<u>AGE</u>	<u>RELATIONSHIP</u>	<u>ADDRESS</u>
RICHARD GRAY		Adult Nephew	543 Chatfield Drive Colorado Springs, CO 80911
RITA A. GRAY		Adult Sister	6860 Fielding Circle Colorado Springs, CO 80911
IRMGARD FRIEDLE		Adult Sister	5579 & 2700 West Roy, UT 84067
PAUL GESSNER		Adult Brother	Haimbacher Str. 11 36041 Fulda, Germany

13 7. That the following is a specific description of all the Decedent's
14 property located in the County of Elko, State of Nevada, and an estimate of the value
15 thereof:

16 APN: 010-16B-018

17 TOWNSHIP 41 NORTH, RANGE 67 EAST, M.D.B.&M.
18 SECTION 13: SE $\frac{1}{4}$ NE $\frac{1}{4}$

19 RESERVING UNTO Grantor, its successors and assigns, for
20 roadway, transmission and utility purposes, a perimeter
21 easement 30 feet in width measured inward from, and the
22 interior boundary of said easement running parallel to, each
23 of the exterior boundaries of the property herein described.

24 SUBJECT TO taxes for the present fiscal year, and
25 subsequently; covenants, conditions, restrictions, exceptions
26 and reservations, easements, encumbrances, leases or
27 licenses, rights and rights of way of record, if any.

28 TOGETHER WITH the tenements, hereditaments and
appurtenances thereto belonging or appertaining, and the
revision and revisions, remainder or remainders, rents,
issues and profits thereof.

8. The total value of the property does not exceed \$100,000.00 as per
the Statement of Value by the County Assessor



0229660

Book 581
Page: 112

07/15/2015
Page: 3 of 6

1 9. That the following is a specific description of all the Decedent's
2 property located in the County of Eureka, State of Nevada, and an estimate of the
3 value thereof:

4 APN: 005-200-12

5 TOWNSHIP 30 NORTH, RANGE 48 EAST, M.D.B.&M.
6 SECTION 17: NE¼ NE¼ NW¼

7 RESERVING UNTO Grantor, its successors and assigns, for
8 roadway, transmission and utility purposes, a perimeter
9 easement 30 feet in width measured inward from, and the
interior boundary of said easement running parallel to, each
of the exterior boundaries of the property herein described.

10 SUBJECT TO taxes for the present fiscal year, and
11 subsequently; covenants, conditions, restrictions, exceptions
and reservations, easements, encumbrances, leases or
12 licenses, rights and rights of way of record, if any.

13 TOGETHER WITH the tenements, hereditaments and
14 appurtenances thereto belonging or appertaining, and the
revision and revisions, remainder or remainders, rents,
issues and profits thereof.

15 10. The total value of the property does not exceed \$100,000.00 as per
16 the Statement of Value by the County Assessor.

17 11. That the interest in the above-described properties was the sole
18 and separate property of the Decedent, **HUBERT W. VAN GESSNER**, at the time of
19 his death.

20 12. That the real and personal properties be set aside to **RICHARD**
21 **GRAY** as the Successor Trustee of the **HUBERT W. VAN GESSNER REVOCABLE**
22 **TRUST** dated **January 15, 2013**, so that he may finalize the Trust of the Decedent.

23 13. There are no liens or encumbrance on the real properties other than
24 accruing taxes.

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

27 15. **COPENHAVER & MCCONNELL, P.C.**, Attorneys at Law, Elko,
28 Nevada, has performed services for said Estate acting as and for attorney for the



0229660

Book: 581 07/15/2015
Page: 113 Page: 4 of 6

1 Petitioner and is entitled to a fee in the sum of \$1,000.00 plus costs advanced.

2 NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED
3 THAT:

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

8 2. The gross value of the Estate after deducting any encumbrances,
9 does not exceed the sum of \$100,000.00, and that all right, title and interest of the
10 Deceased, **HUBERT W. VAN GESSNER**, in and to the above-described real
11 properties was his sole and separate property.

12 3. In accordance with NRS 146.070, all right, title and interest of
13 **HUBERT W. VAN GESSNER** in and to the above-described real properties be
14 assigned and set aside to **RICHARD GRAY** as the Successor Trustee of the **HUBERT**
15 **W. VAN GESSNER REVOCABLE TRUST dated January 15, 2013** .

16 4. In accordance with NRS. 146.070, the interests of **HUBERT W.**
17 **VAN GESSNER**, Decedent, in and to any and all other property, real or personal, of
18 any name, nature, kind, character or description not herein above described, or which
19 may be incorrectly described herein, which is within the jurisdiction of the Court, and
20 does not cause the gross value of the Estate less encumbrances to exceed \$100,000.00,
21 is assigned and set aside to **HUBERT W. VAN GESSNER REVOCABLE TRUST**
22 **dated January 15, 2013**.

23 5. The attorney's fees in the sum of \$1,000.00 to **COPENHAVER &**
24 **MCCONNELL, P.C.** and costs advanced are hereby approved and ordered paid.

25 6. A certified copy of this Order shall be recorded in the office of the
26 County Recorder of Elko County, Nevada and the office of the County Recorder of
27 Eureka County, Nevada.

28 ///



0229660

Book: 581

07/15/2015

Page: 114

Page: 5 of 6

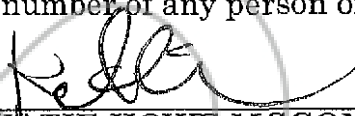
1 DATED this 9 day of July, 2015.

2
3 /S/ NANCY PORTER

4 NANCY PORTER
5 DISTRICT JUDGE - Dept. 1

6
7
8 AFFIRMATION STATEMENT

9 The undersigned hereby affirms that the foregoing pleading, including any exhibits,
10 DOES NOT contain the Social Security number of any person or persons.

11 
12 KATIE HOWE MCCONNELL

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE

10 day of July, 2015



CLERK



0229660

Book: 581 07/15/2015
Page: 115 Page: 6 of 6