

APN: 005-130-25

DOC # 0232283

12/12/2016 03:26 PM

Official Record

Recording requested By
ROBERT J WINES PORF CORP

Eureka County - NV

Lisa Hoehne - Recorder

Fee: \$18.00 Page 1 of 5

RPTT: Recorded By: CH

Book- 597 Page- 0418

Recording Requested By:

Name: Robert J. Wines, Prof. Corp.

Address: 687 6th Street, Suite 1

City, State, Zip: Elko, NV 89801



Send Tax Statement To:

Name: Deborah F. Spencer

Address: 2280 Wolfberry Way

City, State, Zip: Santa Rosa, CA 95404

Order to Set Aside Without Administration

(Title of Document)

Please complete the cover page, check one of the following and sign below.

I the undersigned hereby affirm that this document submitted for recording does not contain a social security number.

OR

I the undersigned hereby affirm that this document submitted for recording contains a social security number of a person as required by law:

ROBERT J. WINES

Attorney

Title

1 CASE NO. PR-1608-347

NO. _____
FILED

2 Dept. I

OCT 21 2016

Eureka County Clerk

By: *[Signature]*

3
4
5
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 SHARON L. KIRK, aka SHARON
11 L. S. KIRK,

**ORDER TO SET ASIDE
WITHOUT ADMINISTRATION**

12 Deceased.

13 JOHN F. KIRK filed his Petition to Set Aside Without Administration of the Estate of
14 SHARON L. KIRK, aka SHARON L. S. KIRK; Notice of Hearing has been given for the time and
15 in the manner required by law; this is the time and place scheduled for a hearing on this matter; no
16 one having appeared or objected, and the Court being fully informed, hereby finds as follows:

17 1. That Petitioner is over the age of majority, and is a resident of Ruffin, South Carolina.
18 Petitioner's address is 3647 Azalya Patch Road, Ruffin, SC 29475. Petitioner has never been
19 convicted of a felony. The Petitioner is a co-owner of the property vested to Decedent above named.

20 2. That the above-named Deceased died intestate on March 14, 2016, in Placentia,
21 Orange County, California, and at the time of her death, she was a resident of Anaheim, California.
22 A copy of her Certificate of Death is attached as an Exhibit to the separate document, encaptioned
23 "Copy of Death Certificate".

24 3. That at the time of Decedent's death, she was not married and was not survived by
25 any children or the issue of any pre-deceased children. She was only survived by one (1) sibling,
26 hereinafter named. That the heirs-at-law of Decedent, and their respective relationships and
27 addresses are as follows:

28 ///

1 NAME AND ADDRESS

RELATIONSHIP

2 Deborah F. Spencer
2280 Wolfberry Way
3 Santa Rosa, CA 95404

Sister

4 4. At the time of Decedent's death she owned an undivided interest in and to the
5 following described parcel of real property located in the County of Eureka, State of Nevada; that
6 the value of such real property does not exceed the sum of \$100,000.00; that all of said Estate is
7 within the jurisdiction of the above entitled Court and more particularly described as follows:

8 S½ of W½ of E½, Section 31, Township 31 North, Range 50 East, M.D.B.&M.

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

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

12 SUBJECT TO all covenants, conditions, reservations and restrictions of record.

13 APN: 005-130-25

14 5. That Decedent's value in the described parcel of real property does not exceed the
15 sum of \$100,000.00. A copy of the Eureka County Assessor's Secured Property Detail for the herein
16 described parcel is attached to the Petition as Exhibit "1". Pursuant thereto, the value of this parcel
17 is \$11,871.00. Attached hereto is a copy of the vesting Deed, which vest title to JOHN F. KIRK and
18 SHARON L. S. KIRK; based thereon Decedent's one-half interest in and to this parcel has a value
19 of \$5,935.50.

20 6. Pursuant to the foregoing, Petitioner alleges that the total value of this Estate is
21 \$5,935.50, and based thereon, is within the statutory value to allow a set aside of this property
22 without administration.

23 7. To the best of Petitioner's knowledge, information and belief, Decedent died intestate.
24 Pursuant to NRS 134.060 if there is no surviving spouse, no surviving children, and no surviving
25 parents, the Estate is distributed to the brothers and sisters of the Deceased, and the children of any

26 ///

27 ///

28 ///

1 predeceased sibling by right of representation, share and share alike. DEBORAH F. SPENCER is
2 the only known surviving sibling of the Decedent, and based thereon, her entire interest in and to the
3 herein described property should be set aside without administration to DEBORAH F. SPENCER,
4 as her sole and separate property.

5 8. That Petitioner is informed and believes that, at the time of Decedent's death, there
6 were no liens or encumbrances of record against said property interest.

7 9. That Petitioner has no knowledge of any unpaid expenses of last illness and any other
8 unpaid obligations owing SHARON L. KIRK, aka SHARON L. S. KIRK,, and based thereon, asserts
9 that there are no unpaid obligations owing by Decedent.

10 10. That this Petition is made pursuant to NRS 146.070.

11 11. That Petitioner has engaged ROBERT J. WINES, PROF. CORP., to petition this
12 Court, and will incur court costs and legal fees; this Court should order Petitioner to pay to ROBERT
13 J. WINES, PROF. CORP., a reasonable fee in the sum of \$750.00, together with all costs incurred.

14 12. That any and all other items of real or personal property hereinafter discovered with
15 a value less than \$100,000.00 and within the jurisdiction of this Court, should be set aside pursuant
16 hereto without further order of this Court to DEBORAH F. SPENCER, as her sole and separate
17 property.

18 NOW THEREFORE, IT IS THE Order of this Court as follows:

19 1. That the total value of the Estate does not exceed the sum of \$100,000.00 and that
20 the same shall not be administered upon;

21 2. That Decedent's interest in and to the hereinabove described parcel of real property
22 is hereby assigned and set apart to DEBORAH F. SPENCER, Decedent's surviving sister, as her sole
23 and separate property;

24 3. Any and all other items of real or personal property hereinafter discovered with a
25 value less than \$100,000.00 and within the jurisdiction of this Court, are hereby set aside without
26 further order of this Court to DEBORAH F. SPENCER, as her sole and separate property; and

27 ///

28 ///



0232283

Book: 597
Page: 421

12/12/2016
Page: 4 of 5

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4. Petitioner shall pay a reasonable attorney fee of \$750.00, payable to ROBERT J. WINES, PROF. CORP., together with all costs incurred.

DATED this 21st day of October, 2016.

/s/ Gary D. Fairman
DISTRICT JUDGE

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.

Robert J. Wines
ROBERT J. WINES

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 7th day of October 20 16 WITNESS My Hand and Seal of said

County Clerk and Ex-Officio Court Clerk
Amadea [Signature] Deputy Clerk