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03/31/2017

10:42AM

**Recording Requested  
by and Returned To:  
Name:**

Goicoechea, Di Grazia,  
Coyle & Stanton, Ltd.

**Address:  
City/State/Zip:**

530 Idaho Street  
Elko, NV 89801

**Official Record**

Requested By  
GOICOECHEA, DI GRAZIA, COYLE & STANTON, LTD.

**Eureka County - NV**

**Lisa Hoehne - Recorder**

Page: 1 of 9      Fee: \$22.00  
Recorded By CH      RPTT: \$0.00  
Book- 0600      Page- 0128



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**ORDER APPROVING WAIVER OF ACCOUNT,  
REPORT OF ADMINISTRATION AND FOR DISTRIBUTION  
AND AUTHORIZATION OF PAYMENT OF ATTORNEY'S FEES AND COSTS**

**IN THE MATTER OF THE ESTATE OF:  
JOHN A. GOURLEY, Deceased**

(Title of Document)

**This cover page must be type or printed.**

FILED

1 CASE NO. PR-P2-16-18

2017 MAR -7 PM 1:39

2 DEPT. NO. 1

JUDICIAL DISTRICT COURT

3 Affirmation: This document does  
4 not contain the social security  
5 number of any person.

CLERK \_\_\_\_\_ DEPUTY \_\_\_\_\_

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6 IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

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IN AND FOR THE COUNTY OF ELKO

8

IN THE MATTER OF THE ESTATE OF:

ORDER APPROVING WAIVER OF  
ACCOUNT, REPORT OF  
ADMINISTRATION AND FOR  
DISTRIBUTION AND  
AUTHORIZATION OF PAYMENT OF  
ATTORNEY'S FEES AND COSTS

9

JOHN A. GOURLEY,

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Deceased.

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TO THE ABOVE CAPTIONED COURT:

13

The WAIVER OF ACCOUNTING, AND REPORT OF ADMINISTRATION,  
PETITION FOR DISTRIBUTION AND APPLICATION FOR ORDER AUTHORIZING  
PAYMENT OF ATTORNEY'S FEES AND COSTS ("Petition") of ALFRED R. GOURLEY  
and WALTER I. LEBERSKI praying for final distribution and authorization of payment of  
attorney's fees and costs, the Court finds:

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1. On or about December 22, 2015, Decedent died testate in the County of  
Pima, State of Arizona, leaving certain real and personal property located in the State of  
Nevada, the nature and extent of which is as described by the Inventory and Record of Value  
filed herein on or about January 25, 2017.

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I.  
APPOINTMENT

22

2. The Last Will and Testament of John A. Gourley, dated August 31, 2011,  
names ALFRED R. GOURLEY, a resident of the state of Tennessee as the sole Executor  
and as such is not entitled to such appointment and therefore.

25

3. By Order of this Court, duly made and entered on March 17, 2016,  
Petitioners were appointed as Co-Executors of the Last Will and Testament of said  
Decedent's Estate, and Letters Testamentary were thereafter issued to them on April 4, 2016  
and the Co-Executors have since that date, and now are, the duly appointed and qualified  
Co-Executors.



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II.

**NOTICE TO CREDITORS**

4. Notice to Creditors were issued by first class mail to all known creditors on April 8, 2016, as appears from the Certificate of Service filed herein on April 8, 2016, and was duly published as required by law in the Elko Daily Free Press, a newspaper of general circulation in the County of Elko, State of Nevada, on April 12, 2016, April 16, 2016 and April 21, 2016, as appears from the Affidavit of Publication filed herein on May 5, 2016. More than ninety (90) days have elapsed since the mailing of or first publication of all such notices and the time for presentation of claims against said Estate has expired.

III.

**CREDITOR CLAIMS AND PAYMENTS**

5. On April 8, 2016, Nevada Welfare Administrator was sent a Notice to Creditors. The office of the Nevada Welfare Administrator did not file a claim against the Estate.

6. No Creditor's Claims have been filed against the Estate.

IV.

**INVENTORY AND RECORD OF VALUE**

7. The Inventory and Record of Value filed with the Court on January 25, 2017, showed the value of the Estate as of the date of death to be SIX HUNDRED THIRTY-SEVEN THOUSAND FOUR HUNDRED EIGHTY-TWO DOLLARS AND FORTY-SIX CENTS (\$637,482.46).

**INTEREST IN COMPANY ASSETS:**

A. CHEYENNE LAND AND LIVESTOCK COMPANY, INC. 100% Interest

1. CASH and CASH EQUIVALENTS:

CASH & DEPOSITS

Nevada State Bank and Trust \$11,099.98  
*Account ending in xxx1076.*

2. PERSONAL PROPERTY

1973 Travel Trailer (NADA Guidelines) \$2,375.00  
*Prowler VIN 11702*

**TOTAL VALUE** \$13,474.98

B. WILD HORSE LAND COMPANY, LLC An undivided 50% Interest

1. REAL PROPERTY

19 Lots in Section 23, T36N, R54E, \$327,750.00



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MDB&M with a taxable value of  
\$34,500.00 for each lot for a total of  
\$655,500.00 (Assessor's Taxable Value).

**TOTAL VALUE** \$327,750.00

C. RUBY HILL RANCH, INC. An undivided 50% interest \$159,766.98

1. Any personal interest in and to  
that Deed of Trust dated 12/21/2012  
Executed by Eureka Moly, LLC  
Recorded 12/31/12 in the office  
of the County Recorder of Eureka  
County, Nevada to secure an original  
principal amount of \$730,000.00. The  
balance as of 12/28/15 is \$319,533.95  
on deposit at Nevada State Bank and  
Trust in Cheyenne Land & Livestock  
Company, LLC (See "A" above).

2. REAL PROPERTY OF RUBY HILL RANCH, LLC

Two parcels of real estate being \$31,367.50

Assessor Parcel Numbers 007-450-01  
AND 007-370-01 of the  
Eureka County, Nevada Assessor's  
Taxable Value of \$62,735.00.

Water Rights Permit # 24378 issued by  
the Nevada State Engineer for 141.72  
acre feet with an ascertain value to  
adjudication of water rights in the basin.  
Values range from \$200.00 to \$400.00  
per acre feet. 141.72 Acre feet of \$300.00  
per acre equals \$41,516.00.

**TOTAL VALUE** \$212,392.48

D. PROPERTY VESTED IN JOHN A. GOURLEY

REAL PROPERTY

Lot 4, Glock G, as shown upon  
the official plat of Pleasant  
Valley Estates filed in the office of the  
County Recorder of Elko County,  
Nevada (Assessor's Taxable Value) \$29,409.00

Parcel G-1-3 and G-1-4 as  
shown on that parcel map \$48,206.00

1 for Cheyenne Land and  
2 Livestock, Inc. filed in the  
3 Office of the County Recorder  
4 of Eureka County, Nevada  
(Assessor's Taxable Value)

4 **PERSONAL PROPERTY**

5 1981 Martelle Mobile Home, Parkview \$4,600.00  
6 Model 14' x 67', Serial # 014B267PUFD  
10338 (Assessor's Taxable Value)

7 1994 Cadillac Seville ST, 4 Door \$1,650.00  
8 VIN # 1G6KY5291RU821336  
9 (Kelley Blue Book Value)

10 **TOTAL VALUE** \$83,865.00

11 **TOTAL VALUE OF ESTATE** \$637,482.46

12 **V.**

**HEIRS, DEVISEES AND LEGATES**

13 8. The names, addresses, ages and relationships of the heirs, next of kin,  
14 devisees and legatees of Decedent, so far as known to Petitioner, are as follows:

<u>Name</u>	<u>Address</u>	<u>Age</u>	<u>Relationship</u>
16 ALFRED R. 17 GOURLEY	2866 Carroll Creek Rd. Johnson City, TN 37615	Adult	Son
18 CADE WILLIAM 19 EKSTROM	2857 Oak Creek Lane Jacksonville, FL 32221	Adult	Son
20 CHEYENNE 21 BUCHANNAN	5028 Annunciation St. New Orleans, LA 70115	Adult	Daughter

22 **VI.**

**PROVISIONS OF WILL**

23 9. The Last Will and Testament of the Decedent bearing the date of August 31,  
2011, which has been admitted to probate, contains the following pertinent provisions:

24 **FOURTH:** I hereby give, devise and bequeath all of the rest, residue of my  
25 Estate, both real and personal property, of whatsoever name, nature, kind, character or  
26 description, and whosoever situated to my son ALFRED R. GOURLEY.



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VII.

**WAIVER OF ACCOUNTING**

10. ALFRED R. GOURLEY, as the sole devisee, and Co-Executor, has waived any and all accounting and reports as evidenced by Waiver of Accounting and Report of Administration filed herein.

VIII.

**PROPERTY SUBJECT TO DISTRIBUTION**

11. **BUSINESS INTERESTS:**

- a. Cheyenne Land and Livestock Company, Inc., a Nevada revoked corporation.
- b. Ruby Hill Ranch, LLC, A Nevada Limited Liability Company, said interest to include but not limited to all interests and water rights situate in the County of Eureka, State of Nevada vested in Ruby Hill Ranch, LLC and that Deed of Trust dated December 21, 2012, executed by Eureka Moly, LLC, a Delaware Limited Liability Company, as Trustor to Stewart Title Company Trustee for Ruby Hill Ranch, LLC, a Nevada Limited Liability Company, JOHN A. GOURLEY and WILLIAM A. CRANE, Beneficiary recorded December 31, 2012 in Book 546 at page 126, in the office of the County Recorder of Eureka County, Nevada.
- c. Any personal interest in and to that Deed of Trust dated December 21, 2012, executed by Eureka Moly, LLC, a Delaware Limited Liability Company, as Trustor to Stewart Title Company Trustee for Ruby Hill Ranch, LLC, a Nevada Limited Liability Company, JOHN A. GOURLEY and WILLIAM A. CRANE, Beneficiary recorded December 31, 2012 in Book 546 at page 126, in the office of the County Recorder of Eureka County, Nevada.
- d. Wild Horse Land Company, LLC, a Nevada Limited Liability Company, including but not limited to all real property situate in the County of Elko, State of Nevada vested in said company.

12. **REAL PROPERTY**

**EUREKA COUNTY**

- a. Parcel 1: APN: 007-392-09  
Parcel G1-3 as shown on that certain Parcel Map for CHEYENNE LAND AND LIVESTOCK, INC., filed in the Office of the County Recorder of Eureka County, State of Nevada, on February 20, 1998, as File No. 169772, being a portion of Lot 1 of Parcel G of Large Division Map, E ½ Section 17, Township 20 North, Range 53 East, M.D.B.&M.
- b. Parcel 2: APN: 007-392-11  
Parcel G1-4 as shown on that certain Parcel Map for CHEYENNE LAND AND LIVESTOCK, INC., filed in the Office of the County Recorder of Eureka County, State of Nevada, on February 20, 1998 as



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1 File No. 169773, being a portion of Lot 1 of Parcel G of Large  
2 Division Map, E ½ Section 17, Township 20 North, Range 53 East,  
3 M.D.B.&M.

4 ELKO COUNTY

5 c. APN: 023-007-004

6 Lot 4, Block G as shown upon the official plat of Pleasant Valley  
7 Estate Subdivision filed in the office of the Elko County Recorder on  
8 October 6, 1961 as Document No. 5976.

9 13. **PERSONAL PROPERTY**

10 a. 1981 Marlette Mobile Home, Parkview Model, 14'x67' Serial  
11 Number 014B267PVFD10338.

12 b. One 1994 Cadillac Seville ST, 4 Door, VIN # 1G6KY5291RU821336

13 **IX.**

14 **CO-EXECUTOR'S COMMISSION**

15 14. Petitioners as Co-Executors of the Estate of JOHN A. GOURLEY waive the  
16 right of a commission for their services.

17 **X.**

18 **FEDERAL TAX RETURNS**

19 15. The Co-Executor, ALFRED R. GOURLEY, as the sole devisee and legatee,  
20 by execution hereof, agrees to prepare and file all Federal Tax returns required here and to  
21 pay all taxes, interests, costs and penalties that may be due thereon.

22 **XI.**

23 **APPLICATION FOR ATTORNEY'S FEES**

24 16. Goicoechea, Di Grazia, Coyle & Stanton, Ltd. has performed services for the  
25 Estate acting as attorneys for the Estate and have performed services on behalf of the Estate  
26 including, but not limited to, the services set forth in Exhibit "A" attached to Petition and  
27 incorporated therein by reference. To date, said attorneys have expended 40.30 hours of time  
in performing the above services, and estimate that approximately 4.5 more hours will be  
spent in services connected with closing this Estate. The attorneys have stated that their time  
has been involved in ordinary services for the Estate. The Co-Executors and the attorneys  
have agreed that a reasonable fee for said services would be the sum of \$7,113.00.

**XII.**

**ATTORNEY'S COSTS**

17. Goicoechea, Di Grazia, Coyle & Stanton, Ltd., in serving as attorneys for the  
Co-Executors of the Estate and during the administration of this Estate have advanced



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1 certain costs in the amount of \$635.07 for which they are entitled to reimbursement, and are  
2 entitled to reimbursement of further costs advanced through distribution of the Estate. Said  
3 costs are also itemized on Exhibit "A" attached to Petition and incorporated therein by  
4 reference.

5 **XIII.**  
6 **FINAL CLOSING COSTS**

7 18. Miscellaneous costs and fees will be incurred in the final closing of the Estate  
8 in an amount not to exceed \$200.00.

9 **XIV.**  
10 **EXECUTOR'S FEES**

11 19. The Co-Executor, WALTER I. LEBERSKI, has performed services in the  
12 administration of this Estate for which he is entitled to fees as fixed by NRS 150.020.  
13 However, Co-Executor has elected to waive his right to claim such fees. ALFRED R.  
14 GOURLEY, the remaining co-Executor, is sole beneficiary of the Estate, therefore the  
15 Executor's fee is not applicable.

16 **XV.**  
17 **CONDITION OF ESTATE**

18 20. All notices and requirements of statute have been duly and regularly had and  
19 taken or waived prior to the filing of this waiver of account, report and petition for  
20 distribution, and said Estate is now in a condition to be finally settled and distributed.

21 **IT IS THEREFORE ORDERED AND DECREED THAT:**

22 1. Upon proper proof, the Court find that due and legal notice of this Waiver of  
23 Accounting and Report of Administration, Petition for Distribution, and Application for  
24 Order Authorizing Payment of Attorney's Fees and Costs has been given to all persons as  
25 required by law.

26 2. That the agreed-upon fee payable to Goicoechea, Di Grazia, Coyle &  
27 Stanton, Ltd. in the sum of \$7,113.00 and costs advanced in the amount of \$635.07 be  
approved as reasonable and ordered paid.

3. That all necessary and incidental fees and costs for closing the Estate be  
ordered paid.



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