

APN: 003-301-17; 003-302-09; 005-020-21
005-260-56; 005-710-16; 005-710-18
005-710-26

EUREKA COUNTY, NV

2018-234654

Rec \$35.00

Total \$35.00

01/16/2018 01:28 PM

ROBERT J WINES

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LISA HOEHNE, RECORDER

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: Lois Casper

Address: 812 7th Street South

City, State, Zip: Nampa, ID 83651

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
ROBERT J. WINES

Attorney
Title

1 CASE NO. PR-1710-361

2 Dept. I

NO.

FILED

DEC 01 2017

By *Eureka County Clerk*
[Signature]

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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 KENNETH CASPER, aka KENNETH
DAVID CASPER,

**ORDER TO SET ASIDE
WITHOUT ADMINISTRATION**

11 Deceased.

12 _____ /

13 LOIS CASPER filed her Petition to Set Aside Without Administration of the Estate of
14 KENNETH CASPER, aka KENNETH DAVID CASPER; Notice of Hearing has been given for the
15 time and in the manner required by law; Notice of Hearing was given to State of Nevada, Medicaid
16 Estate Recovery by certified mail on November 16, 2017; this is the time and place scheduled for
17 a hearing on this matter; no one having appeared or objected, and the Court being fully informed,
18 hereby finds as follows:

19 1. That Petitioner is over the age of majority, and is a resident of Nampa, Idaho.
20 Petitioner has never been convicted of a felony. The Petitioner is the surviving spouse of the above
21 named Deceased.

22 2. That the above-named Deceased died intestate on October 14, 2016, in Nampa, Idaho,
23 and at the time of his death, he was a resident of Nampa, Idaho. A copy of his Certificate of Death
24 is attached as an Exhibit to the separate document, encaptioned "Copy of Death Certificate" and
25 incorporated herein by this reference.

26 3. That at the time of Decedent's death, he was married and had two (2) children. That
27 the heirs-at-law of Decedent, and their respective relationships and addresses are as follows:

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<u>NAME AND ADDRESS</u>	<u>RELATIONSHIP</u>
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Lois Casper
812 7th Street South
Nampa, ID 83651

Spouse

Susan Jane Hazen
104 East Fairview Ave., # 321
Meridian, ID 83646

Daughter

Ronald K. Casper
1730 S. Linda Vista Avenue
Boise, ID 83709

Son

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

PARCEL 1:

Lots 6, 29 and 30, El Cortez Subdivision, Unit #1, T 29 N, R 48 E, MDB&M

PARCEL 2:

TOWNSHIP 30 NORTH, RANGE 48 EAST, M.D.B.&M.

Section 9: W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ NW $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$; E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$

PARCEL 3:

TOWNSHIP 30 NORTH, RANGE 49 EAST, M.D.B.&M.

Section 5: N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$

PARCEL 4:

TOWNSHIP 31 NORTH, RANGE 48 EAST, M.D.B.&M.

Section 27: SE $\frac{1}{4}$ SW $\frac{1}{4}$

TOGETHER WITH any and all buildings and improvements situate thereon.

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

SUBJECT TO all exceptions, reservations, restrictions, restrictive covenants, assessments, easements, rights and rights of way of record.

APN: 003-301-17; 003-302-09; 005-020-21; 005-260-56; 005-710-16; 005-710-18; and 005-710-26

1 5. That Decedent's value in the described real property does not exceed the sum of
2 \$100,000.00. Copies of the Eureka County Assessor's Secured Property Detail Screen for the above
3 parcels are attached to the Petition as Exhibits "1" through "7", respectively; pursuant thereto, the
4 total appraised value of these parcels of property is \$35,869.00. Based thereon, Decedent's
5 undivided one-half interest has a value of \$17,934.50.

6 6. Decedent was survived by his wife, Petitioner herein. Pursuant to NRS 134.010 (2)
7 community property vests as provided in NRS 123.250; NRS 123.220 provides that "all property
8 . . . acquired after marriage . . . is community property . . ."

9 7. The real property at issue herein was titled to the Decedent and his spouse LOIS
10 CASPER, and based thereon, this property is community property; NRS 134.010 provides that "if
11 the decedent leaves a surviving spouse . . . all other community property vests as provided in NRS
12 123.250." NRS 123.250 provides "that all community property, upon the death of either husband
13 or wife . . . in the absence of testamentary disposition, goes to the surviving spouse." As the
14 surviving spouse, LOIS CASPER is entitled to succeed to any and all interest held by Decedent,
15 KENNETH CASPER, aka KENNETH DAVID CASPER in and to the real property described herein.

16 8. That pursuant to the foregoing, the person entitled to the property hereinabove
17 described is LOIS CASPER, as her sole and separate property.

18 9. That Petitioner is informed and believes that, at the time of Decedent's death, there
19 were no liens or encumbrances secured by the property.

20 10. Petitioner has resolved any and all unpaid bills and obligations of which she has
21 become aware. There are no known unpaid obligations.

22 11. That this Petition is made pursuant to NRS 146.070.

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

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1 13. That any and all other items of real or personal property hereinafter discovered with
2 a value less than \$100,000.00 should be set aside pursuant hereto without further order of this Court
3 to LOIS CASPER, as her sole and separate property.

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


5 1. That the Court find that the total value of this Estate does not exceed the sum of
6 \$100,000.00;

7 2. That the same shall not be administered upon, but shall be hereby assigned and set
8 apart to LOIS CASPER, as her sole and separate property;

9 3. That any assets or property hereinafter discovered and within the jurisdiction of this
10 Court, with a value less than \$100,000.00, is hereby set apart to LOIS CASPER, as her sole and
11 separate property: and

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

14 DATED this 1st day of December, 2017.

15 
16 DISTRICT JUDGE

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20 **AFFIRMATION STATEMENT**

21 The undersigned hereby affirms that the foregoing pleading, including any exhibits, DOES
22 NOT contain the Social Security Number of any person or persons.

23
24 
25 ROBERT J. WINES

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CLERK OF THE DISTRICT COURT, COUNTY OF FLORIDA, TALLAHASSEE, FLORIDA	
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I, the Undersigned, COUNTY CLERK and Ex-Officio CLERK of the SEVENTH JUDICIAL DISTRICT COURT do hereby CERTIFY that the foregoing is a full and 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 <u>26th</u> day of <u>December</u> 20 <u>17</u>	WITNESS My Hand and Seal of said
County Clerk and Ex-Officio Court Clerk <u>Amanda Keane</u>	Deputy Clerk