

APN: 001-104-06
005-490-30

EUREKA COUNTY, NV

2018-235143

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GOICOECHEA, DI GRAZIA, COYLE & STANTON, LTD.

LISA HOEHNE, RECORDER

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

**Goicoechea, Di Grazia,
Coyle & Stanton, Ltd.**

Address:

530 Idaho Street

City/State/Zip:

Elko, NV 89801

IN THE MATTER OF THE ESTATE OF:
CLIFFORD DANN,
Deceased

ORDER TO SET ASIDE ESTATE WITHOUT ADMINISTRATION PURSUANT TO
NRS 146.070

(Title of Document)

This cover page must be type or printed.

1 CASE NO. PR1803-367

2 DEPARTMENT NO. 1

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

NO. _____

FILED

APR 30 2018

By Eureka County Clerk
Manda Pearce

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

8 IN THE MATTER OF THE ESTATE OF:

9 **CLIFFORD DANN,**

10 Deceased.

**ORDER TO SET ASIDE ESTATE
WITHOUT ADMINISTRATION
PURSUANT TO NRS 146.070**

11 The verified AMENDED PETITION TO SET ASIDE ESTATE WITHOUT
12 ADMINISTRATION PURSUANT TO NRS 146.070 ("Petition") filed by KAREN ANN
13 HERNANDEZ, having come on regularly to be heard on the 20th day of April 20, 2018, at
14 the hour of 10:00 a.m., the Court finds that:

15 1. Notice of the hearing was given for the period of time and in the manner
16 required by law.

17 2. The allegations in the Petition are true and correct.

18 3. CLIFFORD DANN died on the 19th day of May, 2017, in the City of Elko,
19 County of Elko, State of Nevada, and was at the time of his death over the age of majority
20 and a resident of Elko County, State of Nevada.

21 4. The Petitioner is the surviving grandniece of the Decedent, CLIFFORD
22 DANN. The Petitioner is over the age of majority and a resident of the State of Nevada.

23 5. The Decedent died with a Will, a copy of which was attached to the Petition.
24 Decedent's Will states, "I give, devise, and bequeath to my Grandniece, Karen Ann
25 Hernandez ("my designated Heir"), if she survives me, all of my Estate, including all real

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APR 30 2018

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property and personal property, after payment of all my just debts, expenses, taxes, administration and specific bequests."

6. That the names, ages, relationships and addresses of the heirs, devisees and legatees of said Decedent, so far as known to Petitioner, are:

<u>Name</u>	<u>Age</u>	<u>Relationship</u>	<u>Address</u>
KAREN ANN HERNANDEZ	Adult	Named Beneficiary/ Grandniece	808 Front Street Elko, NV 89801
LORI DOESCHER	Adult	Named Beneficiary /Niece	1080 C St. Elko, NV 89801
CARRIE DANN	Adult	Sister	P.O. Box 1171 Carlin, NV 89822

7. That the following is a specific description of the Decedent's sole and separate real and personal property interest located in the County of Eureka, State of Nevada, and an estimate of the value thereof:

REAL PROPERTY:

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All of Lots 11 and 12 in Block 5 of the Town of Eureka, County of Eureka, State of Nevada as is described and laid down upon the official plat of the said Townsite of Eureka, approved by the U.S. General land Office on November 19, 1937, and on file in the office of the Eureka County Recorder, Eureka, Nevada.

TOGETHER WITH all buildings and improvements situate or located thereon.

TOGETHER WITH all Bureau of Land Management range improvements, range rights and grazing preferences associated or connected therewith.

TOGETHER WITH all mineral and mineral rights of every kind and nature.

EXCEPTING THEREFROM such mineral and mineral rights reserved of record by prior documents of record.

1 TOGETHER WITH the tenements, hereditament and appurtenances
2 thereunto belonging or appertaining, and the reversion and reversions,
remainder and remainders, rents, issues and profits thereof.

3 SUBJECT TO covenants, conditions, restrictions, reservations,
4 reservations, rights and rights of way of record.

5 That the interest of this Estate in the above-described property is approximately
6 27.5% undivided interest.

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8 a) 640 acres

9 TOWNSHIP 29 NORTH, RANGE 49 EAST, M.D.B.&M.

10 Section 33: All

11 TOGETHER WITH all water, water rights, water applications, and water
12 permits or privileges connected therewith, belonging, appurtenant or
13 incident to the lands above described, or used in connection with all or
14 any part of the said above described premises, or used or usable in
15 connection therewith, and all dams, reservoirs and ditches, or other works
for storage or carrying of water now owned, and all applications now
pending in the office of the State engineer of the State of Nevada, for any
and all waters to be used upon any part or portion of the above-described
lands or used in connection therewith.

16 TOGETHER WITH all buildings and improvements situate or located
17 thereon.

18 TOGETHER WITH all Bureau of Land Management range improvements,
19 range rights and grazing preferences associated or connected therewith.

20 TOGETHER WITH all mineral and mineral rights of every kind and nature.

21 EXCEPTING THEREFROM such mineral and mineral rights reserved of
22 record by prior documents of record.

23 TOGETHER WITH the tenements, hereditament and appurtenances
24 thereunto belonging or appertaining, and the reversion and reversions,
remainder and remainders, rents, issues and profits thereof.

25 SUBJECT TO covenants, conditions, restrictions, reservations,
26 reservations, rights and rights of way of record.

27 b) 160 acres

TOWNSHIP 29 NORTH, RANGE 49 EAST, M.D.B.&M.

Section 34: N $\frac{1}{2}$ S $\frac{1}{2}$

That the interest of this Estate in the above-described 640-acres parcel was a 27.5% undivided interest.

That the interest of this Estate in the above-described 160-acres was a 27% undivided interest.

PERSONAL PROPERTY:

Any and all interest in and to farm equipment: 1990 John Deere 4240 Tractor, 1989 Hesston Windrower, 1989 Used Bale Wagon, 1994 Hesston Baler, 1996 Ford 4610 Trac/Load, 1996 Disk, 1994 Ingesol Rand Air Com, 1990 D4 Cat Crawler, 2003 Used NH Rake, nominal value.

For title purposes, any and all interest in and to any livestock that may be sold pursuant to Final Account, Report of Administration, Petition for Distribution, and Application for Order Authorizing Payment Remainder of Costs in the matter of the Estate of Mary Dann, Case No. PR-1212-281, filed January 13, 2017 and Order Approving First and Final Account, for Approval of Attorney Fees, and Decree of Final Distribution, filed March 27, 2017, each in the Seventh Judicial District Court in and for the County of Eureka State of Nevada. It is not believed that any distributions will be made to beneficiaries therefrom.

(The estimated value of the above-described real and personal property is less than \$100,000.00)

8. That the interest in the above-described property was the sole and separate property of the Decedent, CLIFFORD DANN, at the time of his death.

1 9. That the above-described real and personal property be set aside to KAREN
2 ANN HERNANDEZ.

3 10. That Decedent was a Nevada Medicaid recipient, Medicaid has a current
4 claim of \$90,498.98.

5 Decedent died with \$899.13 in cash. Medicaid recognizes that attorney fees have
6 priority over a Medicaid claim.

7 Due to complex nature of the property in the estate and limited potential for
8 recovery for Nevada Medicaid, Medicaid Estate Recovery has filed a Waiver of Creditor's
9 Claim.

10 11. That all debts, charges and expenses of the last illness and funeral expenses
11 of the Decedents have been paid as far as known to Petitioner, except for accruing taxes
12 and fees associated with the real property.

13
14 **NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:**

15 1. Due and legal notice of the hearing of said Petition to Set Aside Estate
16 Without Administration Pursuant to NRS 146.070 has been given to or waived by all
17 persons interested in said Estate or who are entitled to notice thereof for the time and in the
18 manner required by law.

19
20 2. The Last Will and Testament as presented of Decedent is valid.

21 3. The remaining cash assets of Decedent be used to pay attorney's fees in the
22 amount of \$1,000.00 to GOICOECHEA, DIGRAZIA, COYLE & STANTON, LTD

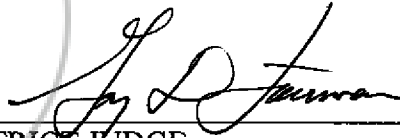
23 4. The gross value of the Estate after deducting any encumbrances, does not
24 exceed the sum of \$100,000.00, and that all right, title and interest of the Deceased,
25 CLIFFORD DANN, in and to the above-described real and personal property was his sole
26 and separate property.
27

1 5. Pursuant to the terms of the Decedent's Last Will and Testament and in
2 accordance with NRS 146.070, all right, title and interest of CLIFFORD DANN in and to
3 the above-described real and personal property be assigned and set aside to KAREN ANN
4 HERNANDEZ.

5 6. Pursuant to the terms of Decedent's Last Will and Testament and in
6 accordance with NRS 146.070, the interest of CLIFFORD DANN, Decedent, in and to any
7 and all other property, real or personal, of any name, nature, kind, character or description
8 not herein above described, or which may be incorrectly described herein, which is within
9 the jurisdiction of the Court, and does not cause the gross value of the Estate less
10 encumbrances to exceed \$100,000.00, is assigned and set aside to KAREN ANN
11 HERNANDEZ.
12

13 7. A certified copy of this Order shall be recorded in the office of the County
14 Recorder of Eureka County, Nevada.
15

16
17 DATED this 27th day of April, 2018

18
19 
20 DISTRICT JUDGE

21
22
23 SEVENTH JUDICIAL DISTRICT COURT,
24 IN AND FOR COUNTY OF EUREKA,
25 STATE OF NEVADA

26 I, the Undersigned COUNTY CLERK and Ex-Officio
27 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 17 day of May 20 18

County Clerk and Ex-Officio Court Clerk


Deputy Clerk