

**Mailing Address of Grantee or Other
Person Requesting Recording:**
Goicoechea, Di Grazia, Coyle & Stanton, Ltd.
530 Idaho Street
Elko, NV 89801

EUREKA COUNTY, NV **2018-236260**
Rec:\$35.00
\$35.00 Pgs=7 10/19/2018 08:29 AM
GOICOECHEA, DI GRAZIA, COYLE & STANTON, LTD.
LISA HOEHNE, RECORDER

In accordance with NRS 239B.030,
the undersigned person recording
this document hereby affirms
that this document DOES contain the
Social Security Number of a person.

Title of Document Recorded:

**ORDER TO SET ASIDE ESTATE
WITHOUT ADMINISTRATION**

1 CASE NO. PR1809-445

NO. _____ FILED

2 DEPT. NO.

SEP 26 2018

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

By Eureka County Clerk
J. Michael Carce

5
6 **IN THE SEVENTH JUDICIAL DISTRICT COURT**
7 **OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF EUREKA**

8 **IN THE MATTER OF THE ESTATE OF:**

9 **MARION VIRGINIA MATHESON, aka**
10 **MARION V. MATHESON, aka MARION**
11 **MATHESON, fka MARION VIRGINIA**
12 **WICK and JOHN GORDON MATHESON,**
13 **aka J. GORDON MATHESON, aka**
14 **GORDON MATHESON,**
Deceased,

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

15 The verified PETITION TO SET ASIDE ESTATE WITHOUT
16 ADMINISTRATION ("Petition") filed by TIMOTHY DAVID MATHESON on
17 September 4, 2018, having come on regularly to be heard on the 21st day of September,
18 2018, at the hour of 10:00 a.m., the Court finds that:

- 19 1. Notice of the hearing was given for the period of time and in the manner
20 required by law.
- 21 2. The allegations in the Petition are true and correct.
- 22 3. MARION VIRGINIA MATHESON, aka MARION V. MATHESON, aka
23 MARION MATHESON, fka MARION VIRGINIA WICK, died on the 19th day of July,
24 1998, in Lakewood, County of Los Angeles, State of California, and was at the time of
25 her death over the age of majority and a resident of Lakewood, County of Los Angeles,
26 State of California. A copy of a certified copy of the Certificate of Death is attached to
27

1 the Petition and incorporated therein by reference.

2 4. JOHN GORDON MATHESON, aka J. GORDON MATHESON, aka
3 GORDON MATHESON, died on the 27th day of September, 2014, in Long Beach,
4 County of Los Angeles, State of California, and was at the time of his death over the age
5 of majority and a resident of Long Beach, County of Los Angeles, State of California. A
6 copy of a certified copy of the Certificate of Death is attached to the Petition and
7 incorporated therein by reference.
8

9 5. That the MARION VIRGINIA MATHESON, aka MARION V.
10 MATHESON, aka MARION MATHESON, fka MARION VIRGINIA WICK
11 predeceased JOHN GORDON MATHESON, aka J. GORDON MATHESON, aka
12 GORDON MATHESON, her surviving spouse. That upon the death of JOHN GORDON
13 MATHESON, aka J. GORDON MATHESON, aka GORDON MATHESON, he was a
14 widow and did not leave a surviving spouse. That each Decedent died without minor
15 children. 2
16

17 6. The Petitioner is the son of Decedents, and named as an alternate Personal
18 Representative in the Last Will and Testament of Marion V. Matheson and as the
19 Personal Representative in the Last Will and Testament of Gordon Matheson. Petitioner
20 is over the age of majority and is a resident of the County of Los Angeles, State of
21 California.
22

23 7. Each Decedent died testate.

24 MARION V. MATHESON's Will is attached to the Petition and
25 incorporated therein.

26 THIRD: "I give and devise all of my estate and effects whatsoever and
27 wheresoever, both real and personal, to which I may have power to
dispose of at my decease, unto the Trustee under that Trust Agreement,
dated July 18, 1996, creating the "GORDON MATHESON and MARION

1 V. MATHESON FAMILY TRUST", in which I am co-Settlor to be added
2 to and comingled with the trust property of that trust, according to the
3 terms of that Trust Agreement and not as a separate Testamentary Trust.
4 Full effect shall be given to any and all amendments made to such trust
5 prior to the date of my death.

6 A. If any of the forgoing gifts or devises should lapse or fail
7 for any reason, I give and devise such failed or lapsed gifts and
8 devises to the Trustee or Successor Trustee named in that Trust
9 Agreement, dated July 18, 1996 and I direct said Trustee to
10 divide, administer, hold and distribute the Trust Estate pursuant to the
11 provisions of that Trust Agreement hereinabove referred to as such
12 provisions no exist to the same extent and in the same manner as though
13 the Trust Agreement was herein set forth in full."

14 GORDON MATHESON's Will is attached to the Petition and
15 incorporated therein.

16 THIRD: "I give and devise all of my estate and effects whatsoever and
17 wheresoever, both real and personal, to which I may have power to
18 dispose of at my decease, unto the Trustee under that Trust Agreement,
19 dated August 19, 1997, creating The Gordon and Marion V. Matheson
20 Family Trust, in which I am co-Settlor to be added to and comingled with
21 the Trust A property of that Trust, to be held, managed and distributed as
22 part of said Trust A, according to the terms of that Trust Agreement and
23 not as a separate Testamentary Trust. Full effect shall be given to any and
24 all amendments made to such trust prior to the date of my death."

25 The Will provides the following statements: At the time said Will
26 was executed, on the 18th day of July, 1996, the said Testator was over the age of 18 years
27 and was of sound and disposing mind and not acting under duress, menace, fraud,
misrepresentation, or undue influence. The Will was executed by two (2) subscribing
witnesses under penalty of perjury.

8. That pursuant to the terms of the Last Will & Testament of Marion V.
Matheson, the GORDON MATHESON and MARION V. MATHESON FAMILY
TRUST, dated July 18, 1996, is not, and was not in existence upon the death of the
Decedent. That Marion V. Matheson was survived by her spouse, and that the share was

1 presumptively community property. Therefore, the Petitioner requests that the estate of
2 Marion V. Matheson be set aside to Gordon Matheson.

3 That the Petitioner requests that the estate of Gordon Matheson, including the share
4 from the estate of Marion V. Matheson be set aside to the Trustee of the The Gordon and
5 Marion V. Matheson Family Trust, dated August 19, 1997.

6 9. The Decedents died leaving an estate in the County of Eureka, State of
7 Nevada.

8 10. That the Decedents died testate.

9 11. That the names, ages, relationships and addresses of the heirs, devisees and
10 legatees of said Decedents, so far as known to Petitioner, are:

<i>Name</i>	<i>Age</i>	<i>Relationship</i>	<i>Address</i>
TIMOTHY DAVID MATHESON	Adult	Son/ Successor Trustee	5812 Daneland Street Lakewood, CA 90713
JOHN GORDON MATHESON, JR	Adult	Son	3563 Kallin Ave Long Beach, CA 90808

11
12
13
14
15
16 12. That the following is a specific description of Decedents' real property
17 located in the County of Eureka, State of Nevada. The Decedents' are believed to have held
18 an undivided one-half (1/2) interest in into the following described real property:

19 **REAL PROPERTY**

20 **APN: 005-480-14**

21 A parcel of land located in The NE1/4 of the SW1/4 of Section 7, Town-
22 ship 29 North, Range 49 East, M.D.B.& M., as per Government survey.

23 Being real property having a current total value (Assessor's taxable
24 valuation) of approximately \$5,783.00. A copy of the Eureka County
25 Assessor's parcel detail is attached to the Petition and incorporated therein.

26 13. That the interest of this Estate in the above-described property was a one-
27 half (1/2) interest. The Decedent's share of the value thereof is approximately \$2,891.50.

28 14. That all debts, charges and expenses of the last illness and funeral expenses
29 of the Decedents have been paid as far as known to Petitioner

1 15. That to the knowledge of the Petitioner there are no liens or encumbrances
2 on the real property other than accruing fees.

3 16. That the gross value of the Decedent's interest in the property at the time of
4 death of Decedent did not exceed \$100,000.00, after deducting any encumbrances.

5 17. That Lauren A. Landa, Esq., of GOICOCHEA, DiGRAZIA, COYLE &
6 STANTON, LTD., Elko, Nevada, has performed services for said Estate acting as Attorney
7 for the Petitioner, for which attorney is entitled to a reasonable fee; that the Petitioner and
8 said attorney have agreed that a reasonable fee for said services is the sum of \$1,000.00,
9 plus costs incurred.

10 **NOW, THEREFORE, IT IS DECREED, ORDERED, AND ADJUDGED**
11 **THAT:**

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

16 2. The Last Will and Testament of Marion V. Matheson and the Last Will and
17 Testament of Gordon Matheson as presented, appear to be valid.

18 3. The gross value of the Estate, after deducting any encumbrances, does not
19 exceed the sum of \$100,000.00, and that all right, title and interest of the Decedents,
20 MARION VIRGINIA MATHESON, aka MARION V. MATHESON, aka MARION
21 MATHESON, fka MARION VIRGINIA WICK and JOHN GORDON MATHESON, aka
22 J. GORDON MATHESON, aka GORDON MATHESON, in the above-described property
23 real property be assigned and set aside to Timothy David Matheson as Trustee of The
24 Gordon and Marion V. Matheson Family Trust, dated August 19, 1997.

25 4. Pursuant to the terms of the Decedents' Wills, and the statements above,
26 and in accordance with NRS 146.070, the interest of the Decedents, MARION VIRGINIA
27 MATHESON, aka MARION V. MATHESON, aka MARION MATHESON, fka

1 MARION VIRGINIA WICK and JOHN GORDON MATHESON, aka J. GORDON
2 MATHESON, aka GORDON MATHESON, in and to any and all other property, real and
3 personal, of any name, nature, kind, character, or description not herein above described,
4 or which may be incorrectly described herein, which is within the jurisdiction of the Court,
5 and does not cause the gross value of the Estate, less encumbrances, to exceed \$100,000.00,
6 be assigned and set aside to the Trustee of The Gordon and Marion V. Matheson Family
7 Trust, dated August 19, 1997.

8 5. That the attorney's fees in sum of \$1,000.00 to GOICOECHEA,
9 DIGRAZIA, COYLE & STANTON, LTD., be approved.

10 6. That Petitioner be authorized to pay fees prior to distribution pursuant to the
11 terms herein.

12 7. That a certified copy of this Order shall be recorded in the office of the
13 County Recorder of Eureka County, Nevada.

14 8. Such further and necessary orders as may be deemed just and proper.

15 Dated this 24th day of September, 2018.

16
17
18 
19 _____
20 DISTRICT JUDGE

21
22
23 SEVENTH JUDICIAL DISTRICT COURT, }
24 IN AND FOR COUNTY OF EUREKA, } SS
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.
DISTRICT COURT, this 4th day of October 2018 WITNESS, My Hand and Seal of said
County Clerk and Ex-Officio Court Clerk
Amanda Pearce Deputy Clerk