

1 CASE NO. PR1811-450

2 DEPT. NO.

NO.

FILED

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

NOV 27 2018

By *Eureka County Clerk*
Lisa Hoehne

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 **JAMES HENRY WOODYARD, aka**
10 **JAMES H. WOODYARD, aka JAMES**
11 **WOODYARD,**

12 Deceased.

ORDER TO SET ASIDE ESTATE
WITHOUT ADMINISTRATION
PURSUANT TO NRS 146.070

13
14 The verified PETITION TO SET ASIDE ESTATE WITHOUT
15 ADMINISTRATION ("Petition") filed by KIMBERLY SHLENS on November 9, 2018,
16 having come on regularly to be heard on the 16th day of November, 2018, at the hour of
17 10:00 a.m., the Court finds that:

- 18
- 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. JAMES HENRY WOODYARD, aka JAMES H. WOODYARD, aka
23 JAMES WOODYARD, died on the 29th day of February, 1980, in the County of Fresno,
24 State of California, and was at the time of his death over the age of majority and a resident
25 of the County of Los Angeles, State of California. A copy of a certified copy of the
26
27

1 Certificate of Death is attached to Petition as Exhibit "A," and incorporated herein by
2 reference.

3 4. That Decedent died testate. That an Order of Final Distribution on Waiver
4 of Accounting was filed April 7, 1982 in the Superior Court of the State of California for
5 the County of Los Angeles ("California Probate"), is attached to Petition as Exhibit "B".

6 At this time, the Petitioner has not been able to obtain an executed copy of the
7 Will probated in the California Court. However, Decedent was and is survived by his
8 spouse, Linda L. Woodyard, nka Linda Coyle. Pursuant to NRS 146.070(3) "If the
9 decedent is survived by a spouse or one or more minor children, the court must set aside
10 the estate for the benefit of the surviving spouse or the minor child or minor children of
11 the decedent, subject to any reduction made pursuant to subsection 4 or 5..." 146.070(2)
12 excepts subsection 3 from the order it establishes for set aside. The unsigned copy of the
13 Will is attached to Petition as EXHIBIT "C."

14 5. That Petitioner, KIMBERLY SHLENS, is the granddaughter of Decedent,
15 is over the age of majority and is a resident of the County of Santa Barbara, State of
16 California.

17 6. That Decedent died leaving an estate in the County of Eureka, State of
18 Nevada.

19 7. That the Decedent died with a surviving spouse and without minor
20 children.

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

23

24

25

26

27

<u>Name</u>	<u>Age</u>	<u>Relationship</u>	<u>Address</u>
LINDA COYLE	Adult	Surviving Spouse	425 Calle Lippizana Goleta, CA 93117

J. JAMES WOODYARD		Son	Deceased
SHARON LEAMONS	Adult	Daughter	86562 Central Road Eugene, OR 97402

9. That the following is a specific description of all the Decedent's sole and separate real property located in the County of Eureka, State of Nevada, identified as APNs: 002-054-02 an estimate of the value thereof.

APN: 002-054-02

Lots 11, 12, 17 and 18 in Block 31 of Crescent Valley Ranch & Farms, Unit No. 1, as shown on the map thereof, filed in the office of the County Recorder of Eureka County, Nevada, on April 6, 1959.

TOGETHER WITH all tenements, hereditaments and appurtenances, including easements and water rights, if any, thereto belonging or appurtenances, including easements and water rights, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

TOGETHER WITH any and all improvements situate thereon.

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

Being real property having a current total value (Assessor's taxable valuation) of approximately \$3,506.00. A copy of the Eureka County Assessor's parcel detail is attached to Petition as Exhibit "D."

10. That the Petitioner requests that the real and personal property interest(s) be distributed to LINDA COYLE.

11. That all debts, charges and expenses of the last illness and funeral expenses of the Decedent have been paid as far as known to Petitioner.

12. That there are no known creditors to the Estate, and creditors, if any, were dealt with in the California Probate.

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

3 14. 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 15. That Lauren A. Landa, Esq., of GOICOECHEA, Di GRAZIA, 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

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

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

18 B. The Decedent was survived by his spouse, LINDA COYLE, fka LINDA
19 WOODYARD.

20 C. The gross value of the Estate, after deducting any encumbrances, does not
21 exceed the sum of \$100,000.00, and that all right, title and interest of the Decedent, JAMES
22 HENRY WOODYARD, aka JAMES H. WOODYARD, aka JAMES WOODYARD, in
23 the above-described real and personal property, be assigned and set aside to LINDA
24 COYLE.
25

26 D. Pursuant to NRS 146.070, the interest of the Decedent, JAMES HENRY
27 WOODYARD, aka JAMES H. WOODYARD, aka JAMES WOODYARD, in and to any

1 and all other property, real and personal, of any name, nature, kind, character, or description
2 not herein above described, or which may be incorrectly described herein, which is within
3 the jurisdiction of the Court, and does not cause the gross value of the Estate, less
4 encumbrances, to exceed \$100,000.00, be assigned and set aside to LINDA COYLE.

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

7 F. That Petitioner be authorized to pay fees prior to distribution pursuant to the
8 terms herein.

9 G. That a certified copy of this Order shall be recorded in the office of the
10 County Recorder of Eureka County, Nevada.
11

12
13
14 Dated this 21st day of November, 2018.

15
16
17 /s/ Gary D. Fairman
18 DISTRICT JUDGE
19
20
21
22
23
24
25
26
27

SEVENTH JUDICIAL DISTRICT COURT,
IN AND FOR COUNTY OF EUREKA,
STATE OF NEVADA

} ss

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 6th day of December 20 18

County Clerk and Ex-Officio Court Clerk

Maria Garcia

Deputy Clerk