

APN # 009-330-116

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EUREKA COUNTY, NV **2023-249771**
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KATHERINE J. BOWLING, CLERK RECORDER

Order Granting Petition to Admit Lost Will
and Set Aside Without Administration

(Title of Document)

This page added to provide additional information required by NRS 111.312 Sections 1-2. (Additional recording fees applies)

1 **ORDER**
2 Stuart J. Taylor, Esq.
3 Nevada Bar #14285
4 **ROBERT L. BOLICK, LTD.**
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9 *Attorneys for Kirstin Whitmire*

NO. _____ FILED
JAN 25 2023
By *Eureka County Clerk*
McMahoney

6 **DISTRICT COURT**
7 **EUREKA COUNTY, NEVADA**

9 In the Matter of the Estate

10 of

11 **Miriam J. Drake,**

12 _____ Deceased.

Case No. PR-2212-089
Department 2

14 **ORDER GRANTING PETITION TO ADMIT LOST WILL AND SET ASIDE WITHOUT ADMINISTRATION**

15 Date of hearing: January 20, 2023
16 Time of hearing: 9:30 a.m.

17 The petition of Kirstin Whitmire (the "Petitioner"), entitled Petition to Admit Lost Will and
18 Set Aside Estate Without Administration filed on December 23, 2022 (the "Petition"), has been heard
19 and considered at a regular hearing. After considering the Petition, the law, and the evidence,

20 **I. FINDINGS OF FACT**

21 **THE COURT FINDS THAT:**

- 22 1. Miriam J. Drake (the "Decedent") died November 8, 1995, as a resident of Houston,
23 Texas.
- 24 2. There are no unpaid debts of the Decedent.
- 25 3. The Decedent left a valid, unrevoked Will dated June 25, 1998 (the "Will").
- 26 4. The Will was executed by Decedent in Texas, where she was domiciled at the time of
27 execution.
- 28 5. The original Will was inadvertently lost and after a diligent search, was not discovered

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JAN 24 2023

Eureka County Clerk

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4 6. The known assets subject to this set aside petition include Decedent's real property
located Eureka County, Nevada is APN: 009-330-16 (formerly APN: 410-000-27) (the "Property").

5 6 II. CONCLUSIONS OF LAW

7 8 THE COURT CONCLUDES THAT:

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10 7. Notice of the hearing on the Petition was given as required by law.

11
12 8. Pursuant to NRS 136.240(2), a lost will must be proved in the same manner as other
wills. The Last Will and Testament meets the requirements of NRS 133.040; it is expressed in writing,
signed by the Decedent, and attested by two competent witnesses. Pursuant to NRS 133.050, the Will
is proved by a self-proving affidavit, which is a part of the Will.

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14 9. Pursuant to NRS 136.240(5)(b), the Will is presumed to be unrevoked because the Will
was "distinctly proved by two or more credible witnesses."

15
16 10. The Will is admitted into probate.

17
18 11. The Decedent's Estate consists of property that is subject to administration in Nevada.

19
20 12. The Property's approximate value is \$9,231.99.

21
22 13. There are no unpaid debts of the Decedent.

23
24 14. Based on the foregoing, the total value of the Estate does not exceed \$100,000.
Therefore, it is appropriate to set aside the Estate without administration under NRS 146.070.

25
26 15. Pursuant to NRS 146.070, the Property should be distributed to the rightful beneficiary
under the Will: Mark A. Adamoli.

27
28 16. Mark A. Adamoli has passed away (but outlived the Decedent), and his beneficial
interest in the Property vested at the time of the Decedent's passing. Thus, the Property should be
distributed to the Estate of Mark A. Adamoli.

III. ORDER

IT IS THEREFORE ORDERED THAT:

A. The Petition is GRANTED.

B. The Will is admitted to probate.

C. The Estate's assets subject to administration in Nevada do not exceed \$100,000.

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D. Pursuant to NRS 146.070(1)(a), the real property formally known by the following legal description:

Parcel #: 009-330-16 (formerly APN: 410-000-27)

Roll #: 001645

EUREKA MINING DISTRICT

Lot- Block- District- 4.0

is distributed and set aside to the Estate of Mark A. Adamoli, as the beneficiary of the Property under the Will.

E. The petitioner, Kristin Whitmire is authorized to execute any and all necessary documents to transfer the real property formally known by the following legal description:

Parcel #: 009-330-16 (formerly APN: 410-000-27)

Roll #: 001645

EUREKA MINING DISTRICT

Lot- Block- District- 4.0

to the Estate of Mark A. Adamoli.

F. This Order shall function as a transfer document and may be recorded against the Property with the Eureka County Recorder's Office to transfer the Property to the Estate of Mark A. Adamoli.

JANUARY 25, 2023

Gay D. Johnson

Respectfully submitted by:

ROBERT L. BOLICK, LTD.

Stuart J. Taylor

Stuart J. Taylor, Esq.
State Bar No. 14285