

EUREKA COUNTY, NV

2023-250041

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APN # 009-330-116

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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)

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NO. _____ FILED

APR 07 2023

By _____

Eureka County Clerk

10 **DISTRICT COURT**

11 **EUREKA COUNTY, NEVADA**

12 In the Matter of the Estate

13 of

14 **Mark A. Adamoli,**

15 Deceased.

Case No. PR-2303-102

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

17 Date of hearing: April 7, 2023

18 Time of hearing: 10:00 a.m.

19 The petition of Kirstin M. Whitmire (the "Petitioner"), entitled Petition to Admit Lost Will and
20 Set Aside Estate Without Administration, filed on March 6, 2023 (the "Petition"), has been heard and
21 considered at a regular hearing. After considering the Petition, the law, and the evidence,

22 **I. FINDINGS OF FACT**

23 **THE COURT FINDS THAT:**

- 24 1. Mark A. Adamoli (the "Decedent") died February 15, 2019.
- 25 2. The Decedent was a resident of Santa Fe, Texas at the time of his death, and his Estate
26 consists of a Eureka County, Nevada property in an amount not exceeding \$100,000.00.
- 27 3. Jurisdiction is proper under NRS 136.010 because the Decedent died owning real
28 property in Eureka County, Nevada.
4. The Decedent left a valid, unrevoked Will dated March 2, 2016.
5. The original Will was inadvertently lost and was not discovered after a diligent search.

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Eureka County Clerk

6. The Will was executed by the Decedent in Texas, where he was domiciled at the time of execution.

7. The Decedent established the Mark A. Adamoli Revocable Trust, dated March 2, 2016 (the "Trust").

8. The Will is presumed to be unrevoked because the primary beneficiary of the Will is the Trust.

9. The Trust names Kirstin M. Whitmire, formerly known as Kirstin M. Walker, and Michael A. Adamoli to serve as successor trustees of the Trust after the death of the Decedent.

10. The Decedent's Estate subject to administration in Nevada is the real property located in Eureka County, Nevada; APN: 009-330-16 (formerly APN: 410-000-27).

11. At least 30 days have elapsed since the Decedent's death.

12. The Will meets the requirements of NRS 133.040. The Will is proved by a self-proving affidavit, which is a part of the Will.

II. CONCLUSIONS OF LAW

THE COURT CONCLUDES THAT:

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

14. There are no unpaid debts of the Decedent.

15. Pursuant to NRS 136.240(2), a lost will must be proved in the same manner as other wills. The Will 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.

16. The primary beneficiary of the Will is the Decedent's Trust.

17. NRS 136.240(5(a) state:

The production of a person's lost or destroyed will, whose primary beneficiary is a nontestamentary trust established by the person and in existence at his or her death, creates a rebuttable presumption that the will had not been revoked.

18. The Trust and Will are both established by the Decedent, and the Trust is a nontestamentary trust.

1 19. Since the Trust is the Will's primary beneficiary, this creates a presumption, under NRS
2 136.240(5(a) that the Will was not revoked.

3 20. The Will be admitted into probate.

4 21. The Decedent's Estate consists of real property that is subject to administration in
5 Nevada.

6 22. The Property's approximate value is \$9,231.99.

7 23. NRS 146.070(1)(b) states:

8
9 If a decedent's will directs that all or part of the decedent's estate is to be
10 distributed to the trustee of a nontestamentary trust established by the decedent
11 and in existence at the decedent's death, the portion of the estate subject to such
12 direction may be set aside without administration. Any portion of a decedent's
13 estate set aside to the nontestamentary trust pursuant to this paragraph is subject
14 to creditors of the estate unless the petitioner provides proof to the court that the
15 trustee has published or mailed the requisite notice to such creditors on behalf
16 of the nontestamentary trust and settlor pursuant to NRS 164.025.

17 24. Based on Article III of the Will, the Trust is the beneficiary of the Decedent's Estate
18 subject to administration in Nevada. Therefore, it is appropriate to set aside the Estate without
19 administration under NRS 146.070(1)(b).

20 25. The entire Estate should be distributed to the Trust's trustees, Kirstin M. Whitmire and
21 Michael A. Adamoli.

22 III. ORDER

23 IT IS THEREFORE ORDERED THAT:

24 A. The Petition is GRANTED in its entirety.

25 B. The Will is admitted to probate.

26 C. Pursuant to NRS 146.070(1)(b), authorize and direct that the Estate assets to be
27 distributed to Kirstin M. Whitmire and Michael A. Adamoli, the trustees of the Mark A. Adamoli
28 Revocable Trust, dated March 2, 2016, to administer pursuant to the Trust's terms.

D. The assets subject to administration in Nevada do not exceed \$100,000.

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

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

2 Roll #: 001645

3 EUREKA MINING DISTRICT

4 Lot- Block- District- 4.0

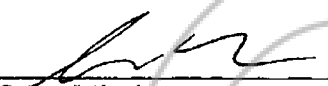
5 is distributed to Kirstin M. Whitmire and Michael A. Adamoli, as Trustees of the Mark A. Adamoli
6 Revocable Trust, dated March 2, 2016.

7 APRIL 7, 2023

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10 

11 Respectfully submitted by:

12 ROBERT L. BOLICK, LTD.


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16 Stuart J. Taylor, Esq.
17 State Bar No. 14285
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SEVENTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF EUREKA
STATE OF NEVADA

} SS

I, the Undersigned County ClerkRecorder and Ex-Officio Clerk of the
Seventh Judicial District Court do hereby certify that the foregoing is a true
and correct copy of the original on file in my office.

Witness hand and seal of the Seventh Judicial District Court

This 7th day of APRIL 20 23
Eureka County Clerk Recorder and Ex-Officio Court Clerk
By: , Deputy Clerk Recorder (Seal Affixed)