

EUREKA COUNTY, NV

2023-250049

Rec:\$37.00

\$37.00 Pgs=5

04/21/2023 08:17 AM

MCCONNELL LAW OFFICE

KATHERINE J. BOWLING, CLERK RECORDER

APN: 01-011-07

RECORDING REQUESTED BY AND RETURN TO:

McConnell Law Office
950 Idaho Street
Elko, Nevada 89801

ORDER

(Title of Document)

1 CASE NO. DC-PR-23-27

2 DEPT NO. 1

3 Pursuant to NRS 239B.030, this document
4 DOES NOT contain the Social Security number
5 of any person or persons.

6 IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF ELKO

8
9 IN THE MATTER OF THE ESTATE OF
10 MICHAEL DUANE LAITY,

11 Deceased.
12

ORDER AND DECREE
SETTING ASIDE ESTATE
WITHOUT ADMINISTRATION
PURSUANT TO NRS 146.070

13 The verified Petition to Set Aside Estate Without Administration
14 pursuant to NRS 146.070 filed by **KATHRYN I. LAITY** on March 20, 2023, having
15 come on regularly to be heard on April 10, 2023, at the hour of 8:30 a.m., the Court
16 finds that:

- 17 1. Notice of the hearing was given for the period of time and in the
18 manner required by law.
- 19 2. The allegations of the Petition are true and correct.
- 20 3. **MICHAEL DUANE LAITY** ("Decedent") died on the 14th day of
21 February, 2023, and was at the time of his death over the age of majority and a
22 resident of the City of Eureka, County of Eureka, State of Nevada. A true and correct
23 copy of the decedent's Certificate of Death, as issued by the State of Nevada.
- 24 4. Petitioner is a surviving spouse of Decedent. The Petitioner is over
25 the age of majority and a resident of the City of Eureka, County of Eureka, State of
26 Nevada.
- 27 5. Decedent died intestate.

28 ///

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

DECEDENT'S HEIRS

<u>NAME</u>	<u>AGE</u>	<u>RELATION</u>	<u>MAILING ADDRESS</u>
KATHRYN I. LAITY	Adult	Spouse	P.O. Box 341 Eureka, NV 89316
DAVID LAITY	Adult	Child	5076 Cassandra Way Reno, NV 89576
SCOTT LAITY	Adult	Child	P.O. Box 151213 Ely, NV 89315
TAMI DINGEY	Adult	Child	2524 E. Nebraska Ave. Spokane, WA 99208

7. The following is a specific description of all the Decedent's interest in and to all personal and real property located in the County of Elko, State of Nevada, with a value of less than \$100,000 ("Property Interest").

All Decedent's interest in and to all that certain real and personal property located in the County of Eureka, State of Nevada, and further described as follows:

A community property interest, totaling a 50% interest, in and to the Property Interest described below:

A. Real Property.

APN: 001-011-07

PARCEL 4 of Parcel No. 01-011-07 as shown on Map
File #151219.

B. Personal Property.

Mobile Home: 1981 KAUFMAN AND BROAD SAHARA
Serial No.: 113506
Title No.: B025538
Year: 2005

Hereinafter, the "Property".

(The total value is less than \$100,000.)

8. Decedent and Petitioner acquired a 100% interest, as husband and

1 wife, in and to the: (1) Real Property under APN 007-011-07 via a Deed dated March,
2 16, 1994, recorded in the Office of the County Recorder of the County of Eureka, State
3 of Nevada, on June 21, 1994, as File No. 153148, as "MICHAEL D. and KATHRYN I.
4 LAITY"; and (2) Personal Property in 2005 as "MICHAEL LAITY OR KATHRYN I
5 LAITY", via Certificate of Title B0255538.

6 9. Decedent and Petitioner were married at the time they acquired
7 the Property and continued to be married until Decedent's death. As surviving spouse
8 and holder of community property interest, Petitioner is the heir in and to Decedent's
9 interest and estate in and to the Property, in accordance with the laws of intestate
10 succession in this State.

11 10. The Petitioner is requesting that Decedent's interest in and to the
12 Property be set aside to Petitioner, as her sole and separate property, as Decedent's
13 surviving spouse, in accordance with the laws of intestate succession in this State.

14 11. There are no liens or encumbrances on the Real Property.

15 12. All debts, charges and expenses of the last illness and funeral
16 expenses of the Decedent have been paid.

17 13. That MCCONNELL LAW OFFICE, located in Elko, Nevada, has
18 performed services for said Estate acting as and for attorney for the Petitioner, for
19 which attorney is entitled to a reasonable fee; that your Petitioner and said attorney
20 has agreed that a reasonable fee for said services would be in the sum of \$1,200.00,
21 including all costs incurred.

22 NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED
23 THAT:

24 1. Due and legal notice of the hearing of said Petition to Set Aside
25 Estate Without Administration pursuant to NRS 146.070 has been given to or waived
26 by all persons interested in said Estate or who are entitled to notice thereof for the
27 time and in the manner required by law.

28 ///

2. The gross value of the Estate, after deducting any encumbrances, does not exceed the sum of \$100,000.00.

3. All right, title, interest and estate of Decedent be assigned and set aside to Petitioner, **KATHRYN I. LAITY**, as her sole and separate property.

4. In accordance with NRS. 146.070, the interests of Decedent in and to any and all other property, real or personal, of any name, nature, kind, character or description not hereinabove described or which may be incorrectly described herein, which is within the jurisdiction of the Court, and does not cause the gross value of the Estate less encumbrances to exceed \$100,000.00, be assigned and set aside to Petitioner, **KATHRYN I. LAITY**, as her sole and separate property.

5. That the attorney's fees in the sum of \$1,200.00, including costs advanced, to **MCCONNELL LAW OFFICE, PC**, are hereby approved and ordered paid.

6. A certified copy of this Order shall be recorded in the office of the County Recorder of Eureka County, Nevada.

DATED this 17th day of April, 2023.

KRISTON N. HILL
DISTRICT JUDGE - Dept. 1

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE
20¹⁹ day of Apr, 2023
Kristine Jakeman
CLERK