

APN # 003-084-04

**Recording Requested By:**

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EUREKA COUNTY, NV

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CREST KEY PROF., LLC

KATHERINE J. BOWLING, CLERK RECORDER

**2024-251656**

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Order Granting Petition to Set Aside Estate Without Probate

**(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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6 IN THE THIRD JUDICIAL DISTRICT COURT  
7 OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF LYON

8 In the Matter of the Estate of

9 Trevis Lorain Moretto, aka Trevis  
10 Moretto,

11 Deceased.

Case No.: 24-<sup>PT</sup>CV-0019  
Dept. No.: 1

Date of Hearing: Monday, January 22, 2024  
Time of Hearing: 11:00 a.m.

12 **ORDER GRANTING PETITION TO SET ASIDE ESTATE WITHOUT PROBATE**

13 The Court having reviewed David Earl Moretto's Petition to Set Aside the Estate of Trevis  
14 Lorain Moretto, also known as Trevis Moretto without probate, and examined the evidence, being  
15 fully advised in the premises finds the follows:

- 16 1. Proper notice of hearing was given to the interested party as required by law.  
17 2. Having received no objections, the averments in the Petition are presumed true and  
18 correct.

19 **Jurisdiction**

20 3. A district court shall possess jurisdiction resolving probate matters in which the  
21 deceased died a resident in a county designated to the district court. Specifically, NRS  
22 §136.010(1)(b) provides in relevant part: "The estate of a decedent may be settled by the district  
23 court of any county in this State: . . . (b) Where the decedent was a resident at the time of death."

24 4. Trevis Lorain Moretto ("Deceased"), died on March 2, 2023, in Dayton, Nevada,  
25 and on the date of death, Deceased was a resident of Lyon County, Nevada.

26 **Last Will and Testament**

27 5. Deceased left a Last Will and Testament dated February 11, 2023 (hereinafter  
28 referred to as the "Will").

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6. The Will of the Deceased was filed with the Clerk of the Court of Lyon County, Nevada, on October 24, 2023, and presented to this Court for probate at the time of the hearing on this Petition.

7. Deceased executed the Will in the presence of Holly Lacy and Rhiannon Hedgcoth ("Witnesses"), each in the presence of the other and at the request of the Deceased; that the Deceased at the time of the execution of the Will appeared to them to be at least eighteen years of age or emancipated, of sound mind, and under no constraint, duress, fraud or undue influence, and that they made the affidavit at the request of the Deceased and under penalty of perjury; and the Will was declared and published by Deceased to be her Will.

**Next of Kin of Deceased**

8. The names, ages, relationships and residence addresses of the devisee and next-of-kin of Deceased are:

<b><u>NAME</u></b>	<b><u>AGE/ RELATIONSHIP</u></b>	<b><u>ADDRESS</u></b>
David Earl Moretto	Adult/ Devisee/ Surviving Spouse	290 Monte Cristo Drive Dayton, Nevada 89403
Holly Lacy	Adult/Daughter	627 Aja Place Dayton, Nevada 89403

**Description of Property To Be Set Aside and Estimated Value**

9. At the date of death, Deceased owned the following property:

Property Description	Value
Property Address: 102 N. 12 <sup>th</sup> Street, Crescent Valley, Nevada, in Eureka County	\$2,880.00
APN:003-084-04	
Legal Description: LOT 4, BLOCK 4, CRESCENT VALLEY RANCH & FARMS UNIT 4, as recorded APN #3-084-04	
Value Determination Basis: Eureka County Assessor Total Taxable Value,	

10. The character and estimated value of the property of the Estate of Deceased, to the best of David Earl Moretto's knowledge, is less than \$100,000.00 and thus should be set aside.

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11. Liens or encumbrances of record against the Deceased's property and other debts and obligations owed by the Deceased are to be provided for from the Deceased's estate until the value of the Estate is exhausted.

**Known Debts of Decedent**

12. David Earl Moretto does not know of any debts of the Deceased.

**Other Requirements of NRS §146.070**

13. More than thirty (30) days have passed since the date of death of the Deceased.

14. All other debts of the Deceased have been paid in full, and David Earl Moretto will pay all liabilities of the Deceased, if any, as may be subsequently discovered from the Deceased's Estate until the value of the Estate is exhausted.

**Distributions**

15. David Earl Moretto is the husband of the Deceased, Trevis Lorain Moretto.

16. The Will states in Section V: "I give, devise and bequeath unto my said husband/wife all of the rest, residue and remainder of my estate, whether real or personal, and wheresoever situated."

17. Since the gross value of the property of the Deceased, after deducting encumbrances, does not exceed \$100,000.00, the property should not be administered upon, but should be set aside without probate to David Earl Moretto. His address is provided in Finding 8.

**Order**

**NOW THEREFORE**, good cause appearing:

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED**, the Last Will and Testament of Trevis Lorain Moretto dated February 11, 2023, is proved, valid and enforceable;

**IT IS FURTHER ORDERED**, if the Court finds the total value of the Deceased's Estate does not exceed the sum of \$100,000.00, the Estate is set aside without probate to David Earl Moretto, the following described property:

Property Description  
Property Address: 102 N. 12<sup>th</sup> Street, Crescent Valley, Nevada, in  
Eureka County  
APN:003-084-04  
Legal Description: LOT 4, BLOCK 4, CRESCENT VALLEY RANCH &  
FARMS UNIT 4, as recorded APN #3-084-04

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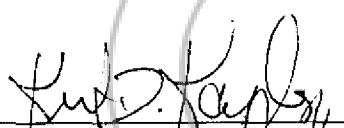
1 IT IS FURTHER ORDERED, David Earl Moretto to pay and provide for all existing or  
2 subsequently discovered liabilities, if any, of the Deceased, from the amounts set aside herein until  
3 exhausted;

4 IT IS FURTHER ORDERED, David Earl Moretto possesses requisite authority to take all  
5 necessary actions and sign all necessary documents to transfer the above-described properties,  
6 including, but not limited to, recording property deeds and an Order of this Court, and to perform  
7 such other actions to carry out the orders therein; and

8 IT IS FURTHER ORDERED, if additional property discovered and the value of the same  
9 causes the estate to exceed \$100,000.00, David Earl Moretto shall petition the Court with the  
10 appropriate level of probate.

11  
12   
13  
14 District Court Judge

15 Submitted by:

16   
17 Kirk D. Kaplan, Esq.  
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24 Kirk@CRESTKEY.com  
25 Attorneys for David Earl Moretto

26  
27  
28  
**CERTIFIED COPY**

The document to which this certificate is  
attached, is a full, true and correct copy of the  
original on the file and of record in my office.

Date: February 2, 2024

Andrea Andersen, Court Administrator  
Third Judicial District Court of the State of  
Nevada, in and for Lyon County

BY: 

Deputy