

1 No. 293,330

Dept. No. 4

2 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
3 IN AND FOR THE COUNTY OF WASHOE

4
5 In the Matter of the Estate of
6 EDWARD W. DEMPSEY,
7
8 Deceased.

FILED
APR 1 9 43 AM '75
ALEX COON, CLERK
BY A. Casey
DEPUTY

9
10 ORDER APPROVING FIRST AND FINAL ACCOUNT

11 AND
12 DECREE OF DISTRIBUTION

13 The verified petition of Dorothy M. Dempsey, the duly
14 appointed, qualified and acting Executrix of the above entitled
15 estate having come on regularly to be heard this date, and the
16 Court having found that notice of said hearing has been given
17 according to statute therefor provided; and the Court having
18 further found that all of the allegations of said First and Final
19 Account and Report are true;

20 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND
21 DECREED as follows:

22 1. That the First and Final Account and Report of the
23 administration of said estate for the period March 20, 1974,
24 to March 11, 1975, be, and the same hereby is allowed, approved
25 and settled.

26 2. That there is hereby confirmed to DOROTHY M. DEMPSEY
27 her one-half interest in the community property held by her as
28 Executrix, such assets to be confirmed to the said DOROTHY M.
29 DEMPSEY to consist of in part, but not by way of limitation,
30

SANFORD, SANFORD, FAHRENKOPF & MOUSEL
ATTORNEYS AT LAW
43 NORTH SIERRA STREET
RENO, NEVADA 89504

1 the following:

2 (a) An undivided one-half interest in and to the
3 following described property:

4 Lot 1, Block B, Redelius Subdivision,
5 Reno, Nevada, known as 1375 Westwood Drive,
6 Reno, Nevada;

7 Furniture and furnishings in residence at
8 1375 Westwood Drive, Reno, Nevada;

9 (b) An undivided one-half interest in and to the
10 following described real property:

11 That certain real property situate in
12 Washoe County, Nevada, described as follows:

13 Commencing at the intersection of the Easterly
14 side of Airport Way, now known as Wronnell Way, with
15 the Southerly side line of Airport Road, now known
16 as Gentry Way, said point being North 89°16' East
17 537.32 feet from the intersection of the Northerly
18 side of Airport Road, now known as Gentry way, with
19 the Easterly right of way line of the Virginia and
20 Truckee Railroad; thence North 10°04' West along
21 the Easterly line of Wronnell Way 224.75 feet to the
22 True Point of Beginning; thence continuing North 10°
23 04' West along the Easterly line of Wronnell Way
24 216.68 feet; thence North 89°16' East 263.50 feet;
25 thence South 0°10' East to a point which bears North
26 89°09'15" East from the True Point of beginning;
27 thence South 89°09'15" West to the True Point of
28 Beginning; said premises being a portion of Lots
29 1 and 2 in Block B of HILLBRAE TRACT as shown on
30 License Survey No. 156641, filed in the Office of
the County Recorder of Washoe County, Nevada;

(c) An undivided one-half interest in and to that
certain promissory note dated March 14, 1969,
in the amount of \$10,000.00, executed by D. E.
Duke and payable to Edward Dempsey;

(d) Promissory note dated November 14, 1974,
in the amount of \$6,666.67, executed by Franz
A. Wartenweiler and Patricia U. M. Wartenweiler,
payable to Dorothy Dempsey, which note is
secured by a deed of trust of even date therewith
recorded in the office of the County Recorder
of Douglas County, Nevada, as Document No. 76897,
in Book 1274, at page 358;

SANFORD, SANFORD, FAHRENKOPF & MOUSEL
ATTORNEYS AT LAW
43 NORTH SIERRA STREET
RENO, NEVADA 89504

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

(e) Promissory note dated December 5, 1974, in the amount of \$2,083.33, executed by Sadie Rose Pimley and Richard L. Pimley, payable to Dorothy Dempsey, which note is secured by a deed of trust of even date therewith recorded in the Office of the County Recorder of Douglas County, Nevada, as Document No. 78699, in Book 1274, at page 362.

- (f) 150 shares Portland General Electric
- 216 shares Standard Oil of California
- 200 shares Drexel Bond Debenture Trading Fund
- 75 shares Matrix Corporation
- 10 shares Data Instruments Co.
- 241.854 shares Ivest Fund
- 7.08% interest in Tenco Corporation
- 50 shares Sierra Pacific Power Co. preferred
- 25 shares Corporate Bond Trust
- 250 shares Duke Power Co.

- (g) 1 1965 Chevrolet El Camino
- (h) 1 1968 Mercedes Benz 250 Sedan
- (i) Miscellaneous personal effects.

3. There is hereby distributed to DOROTHY M. DEMPSEY in trust, the community interest of Edward W. Dempsey, said interest to consist of one-half of all assets held by your petitioner on the date hereof, and not by way of limitation to include the following:

(a) An undivided one-half interest in and to the following described property:

- Lot 1, Block B, Redelius Subdivision, Reno, Nevada, known as 1375 Westwood Drive, Reno, Nevada;
- Furniture and furnishings in residence at 1375 Westwood Drive, Reno, Nevada;

SANFORD, SANFORD, FAHRENKOPF & MOUSEL
ATTORNEYS AT LAW
43 NORTH SIERRA STREET
RENO, NEVADA 89504

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

(b) An undivided one-half interest in and to the following described real property:

That certain real property situate in Washoe County, Nevada, described as follows:

Commencing at the intersection of the Easterly side of Airport Way, now known as Wrondehl Way, with the Southerly side line of Airport Road, now known as Gentry Way, said point being North 89°16' East 537.32 feet from the intersection of the Northerly side of Airport Road, now known as Gentry way, with the Easterly right of way line of the Virginia and Truckee Railroad; thence North 10°04' West along the Easterly line of Wrondehl Way 224.75 feet to the True Point of Beginning; thence continuing North 10°04' West along the Easterly line of Wrondehl Way 216.68 feet; thence North 89°16' East 263.50 feet; thence South 0°10' East to a point which bears North 89°09'15" East from the True Point of Beginning; thence South 89°09'15" West to the True Point of Beginning; said premises being a portion of Lots 1 and 2 in Block B of HILLBRAE TRACT as shown on License Survey No. 156641, filed in the Office of the County Recorder of Washoe County, Nevada;

(c) An undivided one-half interest in and to that certain promissory note dated March 14, 1969, in the amount of \$10,000.00, executed by D. E. Duke and payable to Edward Dempsey;

(d) Promissory note dated November 14, 1974, in the amount of \$6,666.67, executed by Franz A. Wartenweiler and Patricia U. M. Wartenweiler, payable to Dorothy Dempsey, as Executrix of the Estate of Edward W. Dempsey, Deceased, which note is secured by a deed of trust of even date therewith recorded in the Office of the County Recorder of Douglas County, Nevada, as Document No. 76897, in Book 1274, at page 358;

(e) Promissory Note dated December 5, 1974, in the amount of \$2,083.33, executed by Sadie Rose Pimley and Richard L. Pimley, payable to Dorothy Dempsey, as Executrix of the Estate of Edward W. Dempsey, Deceased, which note is secured by a deed of trust of even date therewith recorded in the Office of the County Recorder of Douglas County, Nevada, as Document No. 78699, in Book 1274, at page 362.

(f) 150 shares Portland General Electric
216 shares Standard Oil of California
200 shares Drexel Bond Debenture Trading Fund

SANFORD, SANFORD, FAHRENKOPF & MOUSEL
ATTORNEYS AT LAW
43 NORTH SIERRA STREET
RENO, NEVADA 89504

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

- 75 shares Matrix Corporation
- 10 shares Data Instruments Co.
- 241.854 shares Ivest Fund
- 7.08% interest in Tenco Corporation
- 50 shares Sierra Pacific Power Co. preferred
- 25 shares Corporate Bond Trust
- 250 shares Duke Power Co.

said distribution being made to Dorothy M. Dempsey, in trust, however, for the uses and purposes as contained in the Last Will and Testament of Edward W. Dempsey, dated December 6, 1973, said uses and purposes being the following:

"1. The income therefrom shall be paid to my wife, DOROTHY M. DEMPSEY, or should circumstances so require, for and on her behalf for her support, maintenance and health. Should the income be insufficient to so provide for her support, maintenance and health, taking into consideration the manner in which she is accustomed to live and other income available to her for such purposes, the trustee may resort to the corpus of the trust at such times and in such amounts as are necessary therefor. It is my specific intention that the power of invasion herein granted to my wife shall not be a general power of appointment but rather shall be a power which is limited by an ascertainable standard as said terms are now defined and may hereafter be defined by the Internal Revenue Code, Regulations and Court Decisions; and any such modification of the definition of a power which is

SANFORD, SANFORD, FAHRENKOPF & MOUSEL
ATTORNEYS AT LAW
43 NORTH SIERRA STREET
RENO, NEVADA 89504

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

limited by an ascertainable standard shall automatically modify the power herein granted to conform to said definition. In addition to the foregoing limited power of invasion, I herein grant to my wife the right to demand and receive during any calendar year the sum of Five Thousand Dollars (\$5,000.00), without necessity of showing any requirement or use therefor, and the said right to be exercisable annually, provided, however, that such right to receive the sum of \$5,000.00 shall not be cumulative, or such other sum as the Federal Internal Revenue Code requires and court decision may now or hereafter provide and any such change in the present provision shall automatically act as a modification of this provision to that extent.

2. I grant to my wife the power to name should she so desire a Co-Trustee, natural or corporate, and the power to designate in writing a successor should she be unable or unwilling to so serve.

3. Upon her death the expenses of the trust shall be paid and the residue in the hands of the trustee shall be distributed to our children JEFFREY E. DEMPSEY and SUSAN DEMPSEY ZEMAN, share and share alike. Should neither be living then to the issue of such children and should there be no issue to the survivor of our children or the issue of the survivor as the case may be and should there be no one to take then the same shall be distributed to the persons who would be my heirs at law according to the laws of intestate succession of the State

SANFORD, SANFORD, FAHRENKOPF & MOUSEL
ATTORNEYS AT LAW
43 NORTH SIERRA STREET
RENO, NEVADA 89504

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

of Nevada at that time.

4. The powers and duties of the trustee shall be as follows:

(1) To hold, manage and control the trust estate and every part thereof, collecting the rents, income and profits arising therefrom and paying out of said rents, income and profits all proper taxes, assessments, charges and expenses incident thereto and to the management thereof, including such insurance as said trustee may deem reasonable and such costs as may be necessary in the judgment of the trustee for the improvement, repair and general upkeep of any and all buildings located upon any real property the subject of this trust, and for this purpose to establish in the judgment of the trustee a sinking fund of a reasonable amount out of the rents, income and profits so derived as aforesaid.

(2) It is expressly understood that the net income arising from this trust estate and the principal thereof are intended for the sole use and enjoyment of the beneficiaries therein named, and they shall not in any event assign, transfer, convey, hypothecate pledge or otherwise encumber their interest in this trust nor shall the principal of the trust estate or any part thereof or all or any part of the income arising therefrom be liable for any debt of theirs or subject to any judgment, decree or order against them, or to the process of any court in aid of any execution of any judgment, decree or order.

(3) In addition to its common law and statutory powers, the trustee is authorized to retain, sell, invest, reinvest, exchange, manage, control, and in any way use and deal with any and all of the property forming the subject matters of the trust herein created and to make investments of all or any part of the trust fund not only in such investments as are or may be permissible for trust investments by the general rules of law or by statutory provisions existing at the time, but likewise in the purchase of or loan upon the security of any securities or items of real or personal property whatsoever and wheresoever located. Any securities purchased by the trustee for the trust estate may be held in the name of the trustee or nominees as the trustee may determine.

(4) The trustee may consent to the reorganization or consolidation of any corporation or to the sale to any corporation or person of the property of any corporation or of any of the stocks, bonds, notes or other securities necessary or proper to enable the trustee to obtain the benefits of any such reorganization, consolidation or sale.

SANFORD, SANFORD, FAHRENKOPF & MOUSEL
ATTORNEYS AT LAW
43 NORTH SIERRA STREET
RENO, NEVADA 89504

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

(5) When in the judgment of the trustee it is necessary to make advances for the protection of any of the securities held by the trustee in case of foreclosure of realty or other mortgages, or otherwise, the trustee is hereby authorized to make such advances from the capital fund held by the trustee as an investment of the same and to pay from capital or from any premiums which may be required in the purchase of securities."

DONE IN OPEN COURT this 1st day of April, 1975.

John L. Guber III

DISTRICT JUDGE

RECORDED IN PROBATE RECORD
Reel 35-333 Page 153

STATE OF NEVADA,)
County of Washoe.) ss.

I, ALEX COON, County Clerk and ex-officio Clerk of the Second Judicial District Court of the State of Nevada, in and for Washoe County, said court being a court of record, having a common law jurisdiction, and a clerk and a seal, do hereby certify that the foregoing is a full, true and correct copy of the original, ORDER

APPROVING FIRST AND FINAL ACCOUNT AND DECREE OF DISTRIBUTION

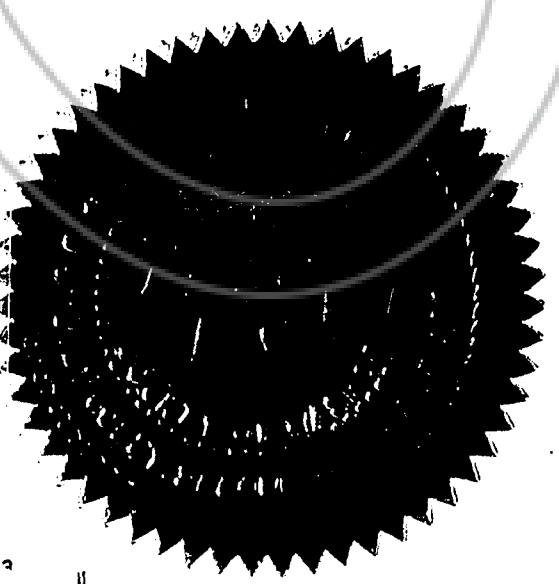
IN CASE NO. 293330 Dept. No. 4

In the Matter of the Estate of EDWARD W. DEMPSEY, Deceased.

which now remains on file and of record in my office at Reno, in said County.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said court, at Reno, this 2nd day of APRIL, A. D. 1975.

ALEX COON, Clerk.
By *C. J. Conzett* Deputy.



SANFORD, SANFORD, FAHRENKOFF & MOUSEL
ATTORNEYS AT LAW

COPY

Recorded at Request of *Saxford, Saxford, Sakranoff & Mousel*
On **APR 8 1975** At *21* Min. Past *11 A.M*
Official Records of Douglas County, Nevada. Fee *11.00 pd*

Patricia J. Stanley, Recorder. By *[Signature]*
Deputy