

FILED

NO. _____

1 Case No. 14337

'84 APR 30 A8:52

2 Dept. No. _____

3 YVONNE BERNARD
CLERK

4 BY BYD. KINCADE DEPUTY

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF DOUGLAS

8 THELMA M. LOELTZ and
9 KENNETH J. JORDAN, Co-Guardians
of the person and estate of
10 MARIE M. RIEHL, an adult ward,
Plaintiffs,

FINDINGS OF FACT,
CONCLUSION OF LAW,
AND JUDGMENT

11 vs.

12 LAURIEN E. RIEHL, SR.,
13 Defendant.

14 This matter having come regularly before the court for
15 trial on April 12, 1984 at 9:00 a.m., JOAN C. WRIGHT appearing on
16 behalf of the Co-Guardians, and VIRGIL BUCCHIANERI having
17 appeared on behalf of Defendant, LAURIEN E. RIEHL, SR., and the
18 parties having stipulated to the fair and equitable partition of
19 the property that the requirements of 39.010 et seq have been met
20 by the agreed partition plan to the payment of Three hundred and
21 eighty (\$380.00) dollars in taxes on an equal basis between the
22 joint tenants and that the entering of the Order not prejudice
23 the right of any party to object to the sale of the real property
24 within the Guardianship proceeding of MARIE M. RIEHL, and evi-
25 dence having been taken, the court having considered the stipu-
26 lation, pleadings and evidence before it, does find, conclude and
27 order judgment as followings:

28 I.

29 FINDINGS OF FACT

30 1. KENNETH J. JORDAN and THELMA M. LOELTZ are the
31 Co-Guardians of the person and estate of MARIE M. RIEHL, an adult
32 ward.

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1 2. MARIE M. RIEHL and LAURIEN E. RIEHL, SR., own real
2 property situate in Douglas County and described as:

3 The North half (N½) of the Northeast Quarter
4 (NE¼) of Section 8, Township 14 N, Range 20,
5 East with all water rights appurtenant
6 thereto, together with leasehold or
7 tenancy rights, and all other rights,
8 legal or equitable, known or unknown,
9 appurtenant thereto.

10 3. That the property is subject to a partition pursu-
11 ant to NRS 39.010 et seq.

12 4. That the property may be partitioned practically,
13 equitably and without prejudice to the owners.

14 5. That the Co-Guardians have demonstrated a need to
15 partition the property in order to provide for the needs of MARIE
16 M. RIEHL, the adult ward.

17 6. That LAURIEN E. RIEHL, SR., has incurred Three
18 hundred and eight (\$380.00) dollars in taxes for the whole prop-
19 erty.

20 7. That each party has incurred attorneys' fees and
21 costs in pursuit of this matter.

22 8. There are no liens or encumbrances against the
23 property appearing of record in Douglas County.

24 9. Unresolved disputes and differences have arisen and
25 persisted among and between the Co-Guardians and the Defendant as
26 to the control, attendant costs management, and disposition of
27 said property.

28 10. A fair, practical and equitable division that
29 financial or other harm to the parties would be to award to
30 LAURIEN E. RIEHL, SR., the property described as:

31 The North half (N½) of the North half
32 (N½) of the Northeast Quarter (NE¼) of
33 Section 8, Township 14 N, Range 20,
34 East with all water rights appurtenant
35 thereto, together with leasehold or
36 tenancy rights, and all other rights,
37 legal or equitable, known or unknown,
38 appurtenant thereto, excepting an
39 easement for access along the existing

1 roadway extending from Center Drive
2 across the westerly portion of the
3 property to the adjoining property
4 described as the South half (S½) of
5 the North half (N½) of the Northeast
6 Quarter (NE¼) of Section 8, Township
7 14 N, Range 20, East.

8 and to award THELMA M. LOELTZ and KENNETH J. JORDAN, as
9 Co-Guardians of the person and estate of MARIE M. RIEHL, an adult
10 ward, the property described as:

11 The South half (S½) of the North half (N½)
12 of the Northeast Quarter (NE¼) of Section 8,
13 Township 14 N., Range 20, East with all water
14 rights appurtenant thereto, together with
15 leasehold or tenancy rights and all other
16 rights appurtenant thereto together with all
17 other rights, legal or equitable, known or
18 unknown, appurtenant thereto including an
19 easement for access along the existing
20 roadway extending from Center Drive across
21 the North half (N½) of the North half (N½)
22 of the Northeast Quarter (NE¼) of Section 8,
23 Township 14 N., Range 20, East.

24 II.

25 CONCLUSIONS OF LAW

26 1. Partition of the property is necessary and proper
27 under the provisions of NRS 39.010 et seq. and in light of the
28 need demonstrated by the Co-Guardians with respect to the care
29 and maintenance of the adult ward.

30 2. The appropriate partition of the property would be
31 as set forth in finding number 10.

32 3. The partition set forth above is practical and
equitable without prejudice, financial or other harm to any of
the parties.

4. The parties should share equally the tax costs of
\$380.00 incurred by LAURIEN E. RIEHL, SR.

5. The parties should bear their own attorney's fees
and costs.

III.

JUDGMENT

1 1. Partition of the property as follows: LAURIEN E.
2 RIEHL, SR., to receive property described as:

3 The North half (N½) of the North half
4 (N½) of the Northeast Quarter (NE¼) of
5 Section 8, Township 14 N, Range 20,
6 East with all water rights appurtenant
7 thereto, together with leasehold or
8 tenancy rights, and all other rights,
9 legal or equitable, known or unknown,
10 appurtenant thereto, excepting an
11 easement for access along the existing
12 roadway extending from Center Drive
13 across the westerly portion of the
14 property to the adjoining property
15 described as the South half (S½) of
16 the North half (N½) of the Northeast
17 Quarter (NE¼) of Section 8, Township
18 14 N, Range 20, East.

19 2. THELMA M. LOELTZ and KENNETH J. JORDAN as
20 Co-Guardians of the person and estate of MARIE M. RIEHL to re-
21 ceive the property described as:

22 The South half (S½) of the North half (N½)
23 of the Northeast Quarter (NE¼) of Section 8,
24 Township 14 N., Range 20, East with all water
25 rights appurtenant thereto, together with
26 leasehold or tenancy rights and all other
27 rights appurtenant thereto together with all
28 other rights, legal or equitable, known or
29 unknown, appurtenant thereto including an
30 easement for access along the existing
31 roadway extending from Center Drive across
32 the North half (N½) of the North half (N½)
of the Northeast Quarter (NE¼) of Section 8,
Township 14 N., Range 20, East.

33 3. MARIE M. RIEHL to reimburse LAURIEN E. RIEHL, SR.,
34 in the amount of One hundred ninety (\$190.00) dollars for taxes
35 paid on the property.

36 4. Each party to bear its own attorneys' fees and
37 costs.

38 5. This Order shall not prejudice the right of any
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42

LAW OFFICES
MILSON, BRUNETTI,
PENZIE, HARTMAN,
SOUBENIOTIS
& RUSSELL, LTD.
302 N. Division St.
Grand City, NV 89701

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1 party to make a showing in connection with the sale of said par-
2 titioned real estate in the Guardianship proceedings of MARIE M.
3 RIEHL.

4 DATED this 30th day of April, 1984.

5
6 Howard D. Mitchell
7 DISTRICT JUDGE

8 APPROVED BY:

9 Joan C. Wright
10 JOAN C. WRIGHT

11 Virgil Bucchianeri
12 VIRGIL BUCCHIANERI
13

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15
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17
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19 CERTIFIED COPY

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

23 DATE: May 9, 1984
24 Barbara Clerk of the 9th Judicial District Court
25 of the State of Nevada, in and for the County of Douglas.
26 By Adlene Kuciade Deputy

27
28
29
30
31 REQUESTED BY

32 Allison Brunetti et al
IN OFFICIAL RECORDS OF
DOUGLAS CO. NEVADA
\$ 9.00 pd
1984 MAY 11 AM 11:10

SUZANNE BEAUDREAU
RECORDER

-5-

Suzanne Beaudreau
clerk

100701

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