

FILED

NO. ....

No. P-10598

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BY: D. KINCADY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF DOUGLAS

In the Matter of the Estate of

JAMES ROLPH, III,

Deceased.

ORDER APPROVING THIRD  
AND FINAL ACCOUNT AND  
PETITION FOR DISTRIBUTION

FIRST INTERSTATE BANK OF NEVADA, N.A. and JUNE I.

ROLPH, Co-Executors of the Estate of JAMES ROLPH, III, Deceased, have heretofore rendered to the Court their Third and Final Account and Petition for Distribution. Said Account and Petition was filed on September 18, 1984, in the office of the Clerk of the above-entitled Court. Thereafter, the Clerk set the time of hearing for Tuesday, October 30, 1984, at 9:00 A.M. Due and proper notice of the filing of the same and time for appearing has been given according to law. The Court therefore finds that the Third and Final Account and Petition for Distribution has been in all respects properly noticed, conforming with the laws of the State of Nevada.

No objections to the Third and Final Account and Petition for Distribution have been filed and no appearance in objection thereto has been made.

THE COURT FINDS:

I

That JAMES ROLPH, III, died on or about the 13th day of January, 1980, at Reno, Washoe County, Nevada, and at the time of his death, he was a resident of Douglas County, Nevada.

///

MCDONALD, CARANO,  
WILSON, BERGIN,  
FRANKOVICH & HICKS  
ATTORNEYS AT LAW  
RENO, NV 89505-2670

P.O. Box 2670  
89502

109338  
BOOK 1084 PAGE 3381

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II

That your Petitioners are the duly appointed Co-Executors of the Estate of JAMES ROLPH, III, Deceased, and that Letters Testamentary did issue to your Petitioners on the 4th day of March, 1980.

III

That on June 24, 1980, your Petitioners filed with this Court their Inventory, Appraisement and Record of Value, indicating the total estate at \$2,995,365.19. Thereafter, on July 18, 1980, a Supplemental Inventory, Appraisement and Record of Value was filed with this Court, indicating a total estate at \$3,024,936.48.

IV

That this Third and Final Account and Petition for Distribution is for the period commencing the 3rd day of May, 1983, to and including the 28th day of August, 1984.

That all monies received by the Petitioners have been credited to the account of this estate. That a Summary of the Income Cash Account of this estate, representing all monies received and disbursed for the period commencing the 3rd day of May, 1983, to and including the 28th day of August, 1984, is as set forth in Exhibit "A" attached to the Third and Final Account and Petition for Distribution on file herein.

V

That your Petitioners have made various security transactions for this period, as itemized in Exhibit "A" attached to the Third and Final Account and Petition for Distribution on file herein.

VI

That the estate assets are set forth in Exhibit "B" attached to the Third and Final Account and Petition for Distribution on file herein, indicating both carry and approximate

1 market value, with an approximate market value of \$1,664,344.71.

2 VII

3 That the names, ages and residences of the next of kin,  
4 heirs at law, legatees and devisees of said decedent insofar as  
5 known to your Petitioners at the present time are:

6 JUNE I. ROLPH Wife Over 18 years  
7 1200 Riverside Drive, #1285  
8 Reno, Nevada 89503

8 NANCY ROLPH WELCH Daughter Over 18 years  
9 801 LaHonda Road  
10 Woodside, California 94062

10 LINDA JUNE HARDY Stepdaughter Over 18 years  
11 1200 Riverside Drive, #1285  
12 Reno, Nevada 89503

12 VIII

13 That on June 24, 1983, the Co-Executors filed with this  
14 Court their Second Account and Petition for Partial Distribution,  
15 wherein Co-Executors prayed for an order to distribute to de-  
16 cedent's daughter, NANCY ROLPH WELCH, all of the assets of the  
17 estate bequeathed to her in accordance with said Will with the  
18 exception of her one-half (1/2) interest in the ERICA VALLEY  
19 RANCH and \$100,000.00 cash.

20 IX

21 That the Last Will and Testament of JAMES ROLPH, III  
22 was admitted to probate by this Honorable Court on the 4th day of  
23 March, 1980. That pursuant to Paragraph VII of said Last Will  
24 and Testament of JAMES ROLPH, III, decedent bequeathed to his  
25 wife, JUNE I. ROLPH, decedent's community interest in their  
26 family home and in the 1.25 acre parcel of land upon which it is  
27 situated at Sheridan, near Gardnerville, in Douglas County,  
28 Nevada, a copy of the legal description being attached hereto as  
29 Exhibit "A" and made a part hereof as if set forth in full  
30 herein, all of decedent's community interest in all household  
31 furniture, furnishings, silverware and other personal property of  
32 like character contained in said family home which constituted

1 community property, and decedent's interest in any family auto-  
2 mobiles owned by decedent and his wife at the time of his death.  
3 The household furniture and furnishings are listed as Item No.  
4 174 in the Inventory, Appraisalment and Record of Value dated June  
5 20, 1980 and filed with the Douglas County Clerk on June 24,  
6 1980. That pursuant to Paragraph X of decedent's said Will, he  
7 bequeathed to his daughter, NANCY ROLPH WELCH, decedent's one-  
8 half share of the community property and decedent's separate  
9 property. In regard to the property bequeathed to decedent's  
10 daughter, NANCY ROLPH WELCH, this includes decedent's one-half  
11 interest in the ERICA VALLEY RANCH, a copy of the legal de-  
12 scription being attached hereto as Exhibit "B" and made a part  
13 hereof as if set forth in full herein, 900 shares of ALPINE LAND  
14 AND RESERVOIR COMPANY evidencing water rights to the real prop-  
15 erty, and Items No. 164 to 173 listed in the Inventory, Ap-  
16 praisalment and Record of Value dated June 20, 1980 and filed with  
17 the Douglas County Clerk on June 24, 1980, and cash on hand at  
18 the time of distribution. When the ERICA VALLEY RANCH is sold,  
19 the following will be distributed to NANCY ROLPH WELCH, to-wit:  
20 Funds payable from ERICA VALLEY RANCH for advances over last six  
21 years from separate property funds in the amount of \$121,217.65  
22 which amount will not bear interest. It is specifically provided  
23 that NANCY ROLPH WELCH's right to receive the \$121,217.65 shall  
24 be a lien on the ERICA VALLEY RANCH property and also a charge  
25 against the proceeds of its sale. It is also specifically  
26 understood that the title to the 1979 Fleetwood Mobile Home  
27 listed as Item No. 178 in the Inventory, Appraisalment and Record  
28 of Value dated June 20, 1980 and filed with the Douglas County  
29 Clerk on June 24, 1980, will remain in the name of the ERICA  
30 VALLEY RANCH.

31 X

32 That the law firms of McDONALD, CARANO, WILSON, BERGIN,

1 FRANKOVICH & HICKS and PAUL S. JORDAN, ESQ. entered into a  
2 Notification of Settlement of Attorneys' Fee Dispute dated August  
3 28, 1984, wherein PAUL S. JORDAN, ESQ. is to receive \$17,500.00  
4 plus accrued interest and the law firm of McDONALD, CARANO,  
5 WILSON, BERGIN, FRANKOVICH & HICKS is to receive \$7,500.00. A  
6 copy of said Agreement was attached to the Third and Final  
7 Account and Petition for Distribution on file herein.

8 XI

9 That all known assets of decedent have been listed in  
10 Exhibit "B" attached to the Third and Final Account and Petition  
11 for Distribution. That in the event any assets are hereinafter  
12 found, said assets be distributed in accordance with the pro-  
13 visions of the distribution of the Estate of JAMES ROLPH, III,  
14 Deceased.

15 XII

16 In the event there are any unpaid taxes due to any  
17 governmental agency, Petitioners request that any said taxes  
18 remaining due and owing as a result of the death of JAMES ROLPH,  
19 III, Deceased, be borne by the residuary beneficiaries in pro-  
20 portion of the distributions that they received.

21 XIII

22 That your Petitioners should be authorized to pay any  
23 and all accruing costs of administration expenses.

24 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DE-  
25 CREED as follows:

26 1. That the Third and Final Account and Petition for  
27 Distribution be, and the same hereby is, ratified and approved in  
28 all respects.

29 2. That an Order be entered directing that any assets  
30 hereafter discovered be distributed to the residuary bene-  
31 ficiaries in accordance with the provisions of the distribution  
32 of the Estate of JAMES ROLPH, III, Deceased.

1 3. That an Order be entered directing that any here-  
2 after discovered unpaid taxes due any governmental agency as a  
3 result of the death of JAMES ROLPH, III be borne by the residuary  
4 beneficiaries proportionately to the distributions they have  
5 received hereinabove.

6 4. That an Order be entered authorizing and directing  
7 the Co-Executors to distribute all property of any kind and  
8 nature pursuant to the terms and conditions of the Last Will and  
9 Testament of JAMES ROLPH, III, Deceased, and specifically in  
10 accordance with Paragraph IX of this Order for Distribution.

11 5. That an Order be entered authorizing and directing  
12 the Co-Executors to pay any and all accruing costs of administra-  
13 tion expenses.

14 6. That upon the filing with this Court of vouchers in  
15 support of payment of additional administrative costs and ex-  
16 penses, and Distributee's Receipts in support of payment of  
17 disbursements and distributions prayed for herein, that Peti-  
18 tioners, FIRST INTERSTATE BANK OF NEVADA and JUNE I. ROLPH, be  
19 and they hereby are relieved of any further or other liability by  
20 reason of their appointment as Co-Executors, and that they be  
21 discharged as Co-Executors of the Estate of JAMES ROLPH, III,  
22 Deceased.

23 7. For such other and further order or orders as to  
24 the Court may seem proper in the premises.

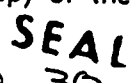
25 DONE IN OPEN COURT this 30<sup>th</sup> day of Oct.,  
26 1984.

27 

28 \_\_\_\_\_  
29 DISTRICT JUDGE

30 **CERTIFIED COPY**

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

DATE: Oct. 30, 1984  
  
C. Bernard Clerk of the 9th Judicial District Court  
of the State of Nevada, in and for the County of Douglas.

Rv Deborah Lincoln Deputy

9/23

**109338**  
BOOK **1084** PAGE **3386**

Real property located in the NW 1/4 of the SW 1/4 of Section 14, T. 12 N., R. 19 E., M.D.B. & M., in the County of Douglas, State of Nevada, described as follows:

Beginning at a property corner from which the one quarter corner on the north boundary of said Section 14 bears N. 34°22'30" E., 3571.08 feet; thence

N. 70°37'51" E., 208.75 feet; thence  
N. 19°22'09" W., 243.75 feet; thence  
S. 70°37'51" W., 236.71 feet; thence  
S. 25°54'52" E., 245.34 feet to the point of beginning.

Containing 1.25 acres more or less.

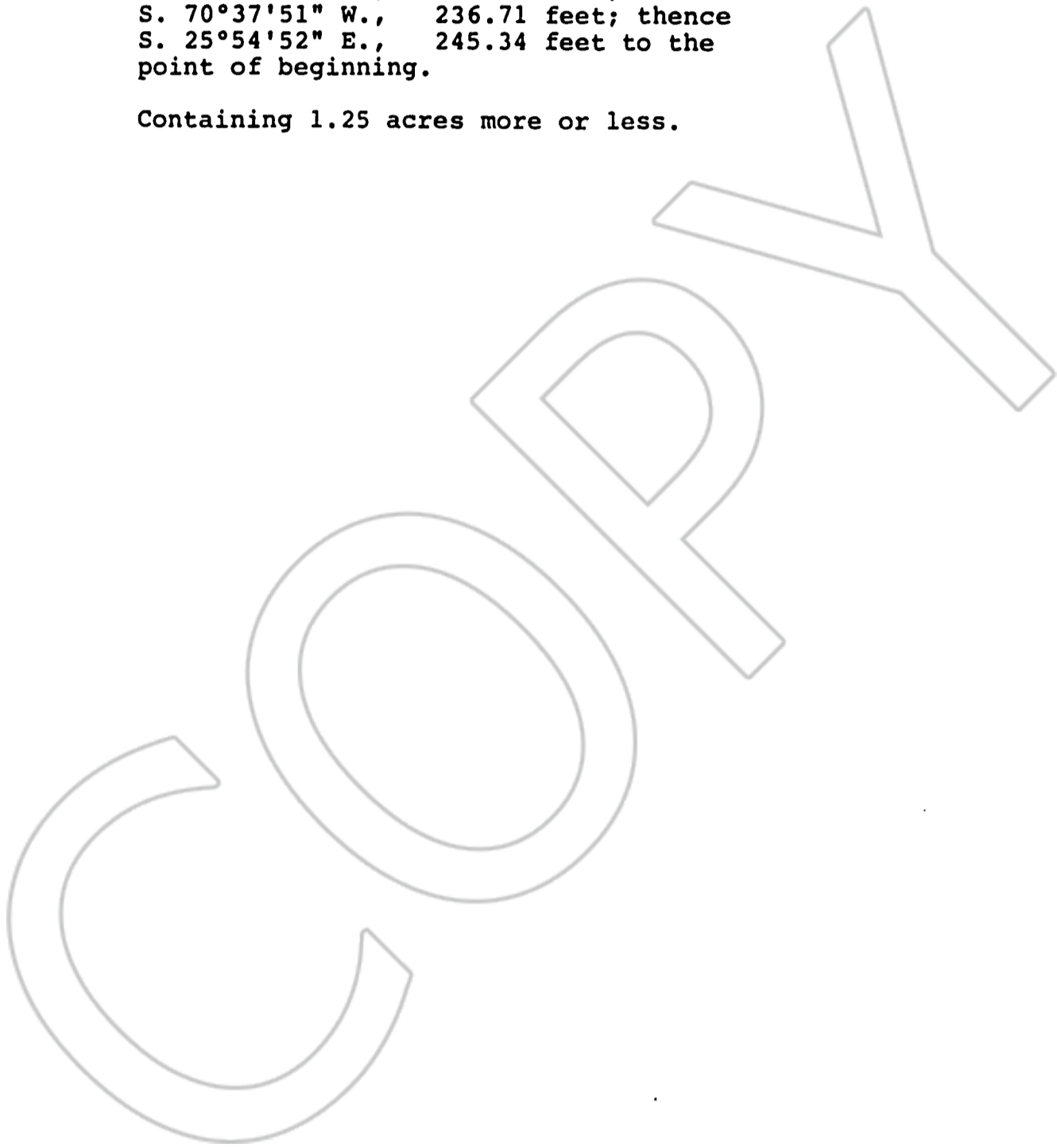


EXHIBIT "A"

All those certain lots, pieces, or parcels of land situate in the County of Douglas, State of Nevada, described as follows:

Being a portion of Sections 14 & 15, Township 12 North, Range 19 East, M. D. B. & M., more particularly described as follows:

PARCEL NO. 1

Commencing at the section corner common to Sections 10, 11, 14, & 15, T.12N., R.19E., M.D.B.&M.; proceed thence S. 89°52'00"E., a distance of 2642.62 feet to a point; said point lying within the center line or Right-of Way known as Centerville Lane, as shown on that certain record of survey, filed March 7, 1973, as Document No. 64581, Official Records, Douglas County, Nevada; thence S. 0°08'39"W., a distance of 33.00 feet to a 1/2 inch iron pipe (R. E. 466) and being the Northwest corner of Runaround Ranch as shown on the above-mentioned Record of Survey; thence S. 0°00'34"W., a distance of 805.22 feet to a point on the Park-Bull Ditch and said point being the TRUE POINT OF BEGINNING; thence S. 42°31'00"E., a distance of 178.75 feet to a point; thence S.27°26'00"E., a distance of 251.48 feet to a point; thence N.28°02'20"E., a distance of 236.69 feet to a point; thence S. 88°40'00"E., a distance of 767.39 feet to a point; thence N. 11°30'00"W., a distance of 986.79 feet to a point on the south Right-of-Way line; thence S.89°52'00"E., a distance of 315.96 feet to a point, said point being the Northeast corner of said ranch; thence Southerly along Big Ditch S.11°37'30"E., a distance of 1281.09 feet to a point; thence S. 09°55'55" E., a distance of 1376.83 feet to a point; thence S.07°14'32"E., a distance of 1669.02 feet to a point; thence S.23°20'14"W., a distance of 616.40 feet to a point, thence Northerly along the West Bank of Park-Bull Ditch: N.44°01'56"W., a distance of 309.56 feet to a point; thence N.32°01'10" W., a distance of 292.00 feet to a point; thence N.12°02'05"W., a distance of 588.00 feet to a point; thence N.04°38'12"W., a distance of 745.00 feet to a point; thence N. 15°47'16"W., a distance of 452.47 feet to a point; thence N.89°52'46"W., a distance of 1020.56 feet more or less to a point lying in and being the center of Section 14, Township 12 North, Range 19 East, M. D. B. & M.; thence N.00°00'34"E., a distance of 1805.02 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO easements and rights of way as shown on that certain record of survey dated March 17, 1973, recorded as Document No. 64581, Official Records of Douglas County, Nevada.

PAGE ONE OF DESCRIPTION

EXHIBIT "B"

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**PARCEL NO. 2**

Beginning at a point on the Southerly Line of Centerville Lane S.0°19'01"E., 20.00 feet from the North one-quarter corner of Section 14, T. 12N., R. 19E.; thence along the North-South Centerline of said Section 14, S.0°19'00"E., a distance of 2615.17 feet to a point; thence S.89°59'19"W., a distance of 1143.15 feet to a point; thence S.70°37'50"W., a distance of 940.94 feet to a point; thence N.25°54'52"W., a distance of 728.00 feet to a point; thence N.25°59'35"W., a distance of 1008.54 feet to a point; thence N.64°00'25"E., a distance of 200.00 feet to a point; thence N.29°59'35"W., a distance of 63.00 feet to a point; thence N.48°38'21"E., a distance of 1844.64 feet to a point; thence N.89°52'00"E., a distance of 1239.85 feet to the POINT OF BEGINNING.

PAGE TWO OF DESCRIPTION

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PARCEL NO. 3

Being all that certain lot, piece, or parcel of land lying in the South half of Section 14, T.12N., R.19E., M. D. B. & M., more particularly described as follows:

Beginning at a point at the Southwest corner of the parcel, on the South line of said Section 14, said point being further described as bearing East a distance of 2594.80 feet from the Section corner common to Sections 14, 15, 22, & 23, T.12N., R.19E., thence N.10°17'00"W., a distance of 526.70 feet to a point; thence N.76°56'00"W., a distance of 518.00 feet to a point; thence N.45°17'00" W., a distance of 280.00 feet to a point; thence West a distance of 477.00 feet to a point; thence S.51°21'00"W., a distance of 377.30 feet to a point at the Northwest corner of the John McCormick property, and on the Easterly right-of-way line of the State Highway; thence N.38°29'00"W. along the Easterly right-of-way line of said Highway a distance of 1522.00 feet to a point at the Northwest corner of the parcel, which is the Southwest corner of the Wilfred Jones property as described in the Deed to said Wilfred D. Jones, etux., recorded November 26, 1965, Book 36, Page 164, Official Records; thence N.69°47'40"E., a distance of 723.95 feet; thence N.24°49'00"W., a distance of 334.72 feet; thence N.70°37'51"E., a distance of 940.13 feet to the East-West centerline of said Section 14; thence N.89°59'19"E. along the aforesaid line 2151.00 feet to a point on the Westerly side of the Park-Bull Ditch, said point being the Northeast corner of the parcel described in the Deed to Royal D. Crowell, etux., recorded December 14, 1961, in Book 9, Page 674, Official Records; thence following along the westerly side of the ditch S.15°44'00"E., a distance of 460.50 feet to a point; thence S.04°32'00"E., a distance of 745.00 feet to a point; thence S.11°59'30"E., a distance of 588.00 feet to a point; thence S.31°57'30"E., a distance of 292.00 feet to a point; thence S.43°59'30"E., a distance of 309.90 feet to a point at the Southeast corner of the parcel; thence leaving the Westerly side of the ditch and going S.72°34'00"W. along a fence line a distance of 1360.00 feet to a point on the South line of said Section 14; thence West along the fence and Section line, a distance of 457.20 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM a parcel of land located in the West 1/2 of the Southwest 1/4 of Section 14, T.12N., R.19E., M. D. B. & M., described as follows:

Beginning at a point on the Easterly side of the State Highway (Foothill Road), from which the Southwest corner of said Section 14 bears S.32°37'12"W., 1309.04 feet; thence along the Easterly right-of-way line of said Highway N.38°39'00"W. a distance of 243.30 feet; thence N.77°16'40"E., a distance of 485.00 feet; thence S.20°40'20"E., a distance of 173.23 feet; thence S.70°35'03"W., a distance of 405.33 feet to the POINT OF BEGINNING.

PAGE THREE OF DESCRIPTION

PARCEL NO. 4

The SE 1/4 of the NE 1/4 of Section 31, Township 14 North, Range 20 East, M.D.B. & M., Douglas County, Nevada.

EXCEPTING THEREFROM that portion of said land granted to Ronald E. Hite, et ux, in Deed dated February 10, 1976, recorded February 25, 1976, in Book 276, Page 888, described as follows:

BEGINNING at the Southwest corner of the Southeast 1/4 of the Northeast 1/4 of said Section 31, from which the Southeast corner of Section 31 bears South 26°25'34" East, 2963.11 feet; thence along the South line of the said Southeast 1/4 of the Northeast 1/4 of Section 31, South 89°56'45" East, 389.46 feet; thence North 0°26'10" East, 1322.00 feet; thence South 89°58'57" West, 394.91 feet to the Northwest corner of the said Southeast 1/4 of the Northeast 1/4 of Section 31; thence South 0°12'00" West, 1321.48 feet to the Point of Beginning.

PARCEL NO. 5

A non-exclusive easement for road and utility purposes appurtenant to Parcel No.4 above, being the South 40 feet of the following described Parcel of land:

A parcel of land located in the Southeast 1/4 of the Northeast 1/4 of Section 31, Township 14 North, Range 20 East, M.D.B. & M., in Douglas County, Nevada, further described as follows:

BEGINNING at the Southwest corner of the Southeast 1/4 of the Northeast 1/4 of said Section 31, from which the Southeast corner of Section 31 bears South 26°25'34" East, 2963.11 feet; thence along the South line of the said Southeast 1/4 of the Northeast 1/4 of Section 31, South 89°56'45" East, 389.46 feet; thence North 0°26'10" East, 1322.00 feet; thence South 89°58'57" West, 394.91 feet to the Northwest corner of the said Southeast 1/4 of the Northeast 1/4 of Section 31, thence South 0°12'00" West, 1321.48 feet to the Point of Beginning.

PARCEL NO. 6

A non-exclusive easement for road and utility purposes appurtenant to Parcel No. 5 above, along a parcel of land located in the Southwest 1/4 of the Northeast 1/4 of Section 31, Township 14 North, Range 20 East, M.D.B. & M., in Douglas County, Nevada, further described as follows:

BEGINNING at the Southwest corner of the Southeast 1/4 of the Northeast 1/4 of said Section 31, from which the Southeast corner of Section 31 bears South 26°25'34" East, 2963.11 feet; thence North 0°12'00" East, 40.00 feet; thence North 89°56'45" West, 1255.81 feet to the East right of way line of U.S. Highway 395; thence South 0°07'15" East, 40.00 feet; thence South 89°56'45" East, 1255.59 feet to the Point of Beginning.

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PARCEL NO. 7

The North 1/2 of the Northwest 1/4 of Section 6, Township 12 North,  
Range 20 East, M. D. B. & M.

EXCEPTING THEREFROM all that portion of said land conveyed to KEITH  
CORNFORTH, et al , in Deeds recorded July 16, 1980, in Book 780, at  
Page 948 and 951, as Documents No. 46272 and 46273, Official Records  
of Douglas County, Nevada.

A. P. N. 19-100-16

PARCEL NO. 8

The South 1/2 of the Northwest 1/4 of Section 6, Township 12 North,  
Range 20 East, M. D. B. & M.

A. P. N. 19-100-09

PAGE FIVE OF DESCRIPTION

PARCEL NO. 9

A portion of the West half of the Southwest quarter of Section 14, Township 12 North, Range 19 East, M. D.B.&M., in the County of Douglas, State of Nevada, and being more particularly described as follows:

Beginning at a point at the Southwesterly corner of the parcel, on the west boundary line of said section 14; said point being further described as bearing North  $0^{\circ}32'$  East a distance of 807.60 feet from the Section corner common to Sections 14, 15, 22, and 23, T. 12 N., R.19E., M.D.B. & M.; thence N.  $0^{\circ}32'00''$  E. along the section line between Sections 14 and 15, a distance of 522.86 feet to a point at the Northerly corner of the parcel; thence S.  $38^{\circ}39'00''$  East along the property line a distance of 405.30 feet to a point at the Southeasterly corner of the parcel; thence S.  $51^{\circ}21'00''$  W along the property line a distance of 330.35 feet to the POINT OF BEGINNING.

PARCEL NO. 10

A Parcel of land within which a portion the channel of Barber Creek lies, being in the SW 1/4 of the SW 1/4 of Section 14, T.12N., R.19E., and more particularly described by metes and bounds as follows:

Beginning at a point at the Southwest corner of the parcel, on the West line of said Section 14, said point being further described as bearing N.  $0^{\circ}32'00''$  E., a distance of 726.98 feet from the corner common to Sections 14, 15, 22, and 23; thence N.  $0^{\circ}32'00''$  E., along the Section line a distance of 80.62 feet to a point at the Northwest corner of the parcel; thence N.  $51^{\circ}31'00''$  E., a distance of 580.35 feet to a point at the Northeasterly corner of the Parcel, on the westerly right of way line of the State Highway; thence S.  $38^{\circ}39'00''$  E., along said right of way line a distance of 20.00 feet to a point; thence S.  $48^{\circ}36'00''$  W., a distance of 402.18 feet to a point; thence S.  $38^{\circ}39'00''$  E., a distance of 52.00 feet to a point; thence S.  $58^{\circ}30'00''$  W. a distance of 231.40 feet to the POINT OF BEGINNING.

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PAGE SIX OF DESCRIPTION

REQUESTED BY  
*Leo Bergman*  
IN OFFICE OF THE CLERK OF  
COUNTY OF DOUGLAS, NEVADA

'84 OCT 30 A9:16

SUBMITTED TO THE CLERK  
RECEIVED  
\$17.00 PAID TO DEPUTY

109338  
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