

1 ✓ **LAW OFFICES**
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DAVID A. WURM, CLERK
BY _____
_____ DEPUTY

Attorneys for Executrix

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS

9 _____)
10 Estate of) No. 165328
11 HERBERT W. RAMONT,)
12 Deceased.) ORDER SETTLING SECOND AND FINAL
13) ACCOUNT AND REPORT OF EXECUTRIX,
14) ALLOWING BALANCE OF STATUTORY
15) FEES AND COMMISSIONS, ALLOWING
16) FEES AND COMMISSIONS FOR EXTRA-
17) ORDINARY SERVICES, AND JUDGMENT
18) OF FINAL DISTRIBUTION

16 GLADYS R. CASKEY as executrix of the will of the above-named
17 deceased, has filed her second and final account and report and petition for
18 its settlement, for allowance of balance of statutory fees and commissions for
19 ordinary services, for allowance of fees and commissions for extraordinary
20 services, and for final distribution. The report and petition was heard on
21 October 24, 1985, the Honorable EDWARD M. LACY, JR., Judge presiding.

22 The Court finds:

23 Notice of hearing of the petition has been regularly given as pre-
24 scribed by law. The decedent was not a Medi-Cal beneficiary and therefore
25 the California State Department of Health, Director of Health Services does
26 not require special notice.

27 All allegations of the petition are true.

28 HERBERT W. RAMONT died testate on January 22, 1980, in Stanislaus

1 County, California, at death a resident of that county.

2 Notice of Death was published, the time for filing or presenting
3 claims has expired, and the estate is now in a condition to be closed.

4 All claims filed or presented against the estate have been either
5 allowed by the executrix, approved by this Court, and paid, or rejected by
6 the executrix or this Court; written notice of rejection of each rejected claim
7 has been given in conformity with law; more than three months have elapsed
8 since service of the last of the notices of rejection, and more than two months
9 have elapsed since the last of the rejected claims became due.

10 All debts of the decedent and of the estate and all expenses of
11 administration except for additional costs of administration advanced by
12 STOCKTON, SCHRIMP & SADLER, attorneys for petitioner, in the sum of
13 Fifty-One and 25/100 Dollars (\$51.25), estimated closing expenses, and
14 balance of statutory commissions and fees as hereinafter set forth, have
15 been paid.

16 A report of the probate referee appointed in the proceeding is on
17 file. An order fixing an inheritance tax of Twenty-Three Thousand Seven
18 Hundred Nineteen and 77/100 Dollars (\$23,719.77) was made by this court.
19 The tax has been paid from the assets of decedent's estate and the receipts
20 of the State Treasurer are on file in the proceeding.

21 A federal estate tax return has been filed for this estate, and the
22 tax shown to be due has been paid. The return has not yet been audited and
23 the executrix has not been released from personal liability for the federal
24 estate tax.

25 The second and final account has been amended per court order
26 to reflect estate interest in the proceeds of sale of the Lakewood Memorial
27 Park stock and entitlement of estate to balance of proceeds of said sale.

28 All California and federal income taxes due and payable by the

1 estate have been paid.

2 The estimated expenses of closing the estate, including the reserve
3 for potential liability and maintenance of the real property to be distributed
4 for approximately six (6) months, are Three Thousand Five Hundred Dollars
5 (\$3,500), and the executrix should be authorized to withhold that sum from
6 distribution.

7 All assets of the estate are decedent's separate property.

8 Distribution should be ordered as specified below.

9 IT IS ORDERED, ADJUDGED AND DECREED that:

10 1. The administration of the estate is brought to a close.

11 2. The second and final account, petition, and report of the
12 executrix as amended is approved.

13 3. All acts of the executrix relating to the matters in the account,
14 petition, and report, as amended, are approved.

15 4. The executrix is authorized to retain Three Thousand Five
16 Hundred Dollars (\$3,500) from this distribution to pay closing expenses and
17 as a reserve for potential liabilities and for maintenance of the real property
18 to be distributed herein and to deliver the unused part prorata to the distribu-
19 tees in accordance with decedent's will without further court order.

20 5. The executrix is authorized to pay to herself Eight Thousand
21 Seven Hundred Twenty-Six and 25/100 Dollars (\$8,726.25) the unpaid balance
22 of her statutory commission for administration of this estate, and the sum of
23 \$ 2,000.00 as compensation for extraordinary services in administration
24 of this estate as set forth in the petition on file herein.

25 6. The executrix shall pay to STOCKTON, SCHRIMP & SADLER,
26 her attorneys, the sum of Eight Thousand Seven Hundred Twenty-Six and
27 25/100 Dollars (\$8,726.25), the unpaid balance of their statutory fee for
28 services in administration of this estate, the sum of \$ 3,300.00 as

1 compensation for extraordinary services in administration of this estate as set
2 forth in the petition on file herein, and the sum of Fifty-One and 25/100 Dollars
3 (\$51.25) for additional costs advanced during administration of this estate.

4 7. Property in the hands of the executrix, after payments herein
5 ordered, shall be distributed as follows:

6 To: GLEN L. RAMONT - Nephew

7 Cash in the sum of Three Thousand Two Hundred
8 Ninety and 35/100 Dollars (\$3,290.35)

9 To: GLADYS RAMONT CASKEY - Niece

10 Cash in the sum of Three Thousand Two Hundred
11 Ninety and 35/100 Dollars (\$3,290.35)

12 To: LEONARD E. RAMONT - Nephew

13 Cash in the sum of Three Thousand Two Hundred
14 Ninety and 34/100 Dollars (\$3,290.34)

15 To: ELDON V. RAMONT - Nephew

16 Cash in the sum of Three Thousand Two Hundred
17 Ninety and 34/100 Dollars (\$3,290.34)

18 To: PAUL RAMONT - Nephew

19 Cash in the sum of Three Thousand Two Hundred
20 Ninety and 34/100 Dollars (\$3,290.34)

21 To: RAYMOND RAMONT - Nephew

22 Cash in the sum of Three Thousand Two Hundred
23 Ninety and 34/100 Dollars (\$3,290.34)

24 To: LELA RAMONT - Niece

25 Cash in the sum of Three Thousand Two Hundred
26 Ninety and 34/100 Dollars (\$3,290.34)

27 To: RUTH T. SCHMOEKEL - Stranger

28 Cash in the sum of Four Thousand Six Hundred
Six and 48/100 Dollars (\$4,606.48)

To: RONALD S. TWOGOOD - Stranger

Cash in the sum of Four Thousand Six Hundred
Six and 48/100 Dollars (\$4,606.48)

1 To: HELEN T. BRADBURY - Stranger

2 Cash in the sum of Four Thousand Six Hundred
3 Six and 48/100 Dollars (\$4,606.48)

4 To: MORRIS CLELAND - Stranger

5 Cash in the sum of Four Thousand Six Hundred
6 Six and 48/100 Dollars(\$4,606.48)

7 To: JUDY C. COFFEY - Stranger

8 Cash in the sum of Four Thousand Six Hundred
9 Six and 48/100 Dollars(\$4,606.48)

10 To: GLEN L. RAMONT, as to an undivided 7.142% interest,
GLADYS RAMONT CASKEY, as to an undivided 7.142% interest,
LEONARD E. RAMONT, as to an undivided 7.142% interest,
ELDON V. RAMONT, as to an undivided 7.142% interest,
PAUL RAMONT, as to an undivided 7.142% interest,
RAYMOND RAMONT, as to an undivided 7.142% interest,
LELA RAMONT, as to an undivided 7.142% interest,
RUTH T. SCHMOEKEL, as to an undivided 10% interest,
RONALD S. TWOGOOD, as to an undivided 10% interest,
HELEN T. BRADBURY, as to an undivided 10% interest,
MORRIS CLELAND, as to an undivided 10% interest, and
JUDY C. COFFEY, as to an undivided 10% interest, in and
15 to the following:

16 (a) Real property generally designated as 1421 DeHarro,
17 Modesto, California, situate in the City of Modesto,
18 County of Stanislaus, State of California, more
19 Particularly described as follows:

20 Lot 3 in Block 2084, FOX TRACT, according to the
21 Map thereof filed in the office of the County Recorder
22 of Stanislaus County, California, on October 21, 1940,
23 in Volume 14 of Maps, at page 6.

24 EXCEPTING THEREFROM the South 3.31 feet, more or
25 less, within the bounds of premises conveyed by the
26 Deed from J.B. Fox and Grace Coldwell Fox to T.K.
27 Beard, dated May 5, 1919 and recorded May 7, 1919
28 in Volume 278 of Deeds at page 526.
(APN 35-25-06)

(b) Real Property generally designated as 1400 DeHarro,
Modesto, California, situate in the City of Modesto,
County of Stanislaus, State of California, described
as follows:

Lot 5 in Block 2084 of the FOX TRACT, according
to the Official Map thereof, filed in the office of the

1 Recorder of Stanislaus County, California, on October
21, 1940 in Volume 14 of Maps, at Page 6.

2 EXCEPTING THEREFROM the South 3.31 feet, more
3 or less, within the bounds of premises conveyed by
4 the Deed from J.B. Fox and Grace Coldwell Fox
5 to T.K. Beard, dated May 5, 1919 and recorded
May 7, 1919 in Volume 278 of Deeds, at Page 526.
(APN 35-25-08)

6 (c) Unsecured Promissory Note dated July 18, 1979
7 executed by JOHN K. HUMBERT in the face amount
8 of One Thousand Dollars (\$1,000), payable to HERBERT
9 W. RAMONT, payable six months from date with
interest @ 10% per annum. Unpaid balance at date
of death - \$1,035.94.

10 (d) Unsecured Promissory Note dated September 12, 1975
11 executed by MICHAEL Z. TYREE in the face amount
12 of \$500.00, payable to HERBERT W. RAMONT, payable
13 in monthly instalments of \$50.00 - full balance due
14 within one year - No Value

15 (e) Court Judgment dated June 11, 1981, re Promissory Note
16 dated April 3, 1978, executed by HARRY DAYTON, in
17 face amount of Five Thousand Dollars (\$5,000). Total
18 Judgment \$6,017.72 plus interest @ 10% per annum from
19 June 11, 1981 - Balance due as of 6-11-81 - \$6,017.72

20 (f) Promissory Note dated July 22, 1976, executed by
21 RALPH H. MAC MICHAEL and payable to HERBERT W.
22 RAMONT and HOLLIS M. RAMONT, husband and wife,
23 in the face amount of \$7,500 with interest at the rate
24 of 8% per annum. Principal and interest payable in
25 monthly instalments of \$91.00 commencing August 22,
26 1976, and continuing for 120 months until July 22, 1986,
27 at which time any balance remaining unpaid shall be
28 immediately due and payable. Said note is secured by
deed of trust of even date, recorded July 23, 1976,
in Book 776, Page 1353, Document No. 01989, Official
Records of Douglas County, State of Nevada. The
real property which is the subject of the deed of trust
is situate in the County of Douglas, State of Nevada,
more particularly described as follows:

All that portion of the South one-quarter (S1/4) of
the South one-half (S 1/2) of Lot four (4) in Section
thirty-four (34) Township Fourteen (14), Range
Eighteen (18) East, Mount Diablo Base and Meridian.
Said portion is described as follows:

COMMENCING at the monument marking the South 1/4
corner of Section 34; thence North 89° 57' 27.35" West
202 feet along the South line of said Section 34 to the
TRUE POINT OF BEGINNING; thence North 00° 02'

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32.65" East, 163.70 feet to the North line of said South one-quarter (S 1/4) of the South one-half (S 1/2) of Lot four (4), South 89° 57' 08.57" East a distance to the intersection of the Westerly right of way line of U.S. Highway 50; thence South along Right of Way line to the intersection of the South line of Section thirty-four (34); thence North 89° 57' 27.35" West along the South line of said Section to the POINT OF BEGINNING; SUBJECT, HOWEVER, to easements for right of way for road and utility purposes of record.

Balance due on principal 8-31-85 - \$1,287.84.

(g) Estate interest in undistributed proceeds of sale of LAKEWOOD MEMORIAL PARK stock held by the Trustees of the Lakewood Shareholders' Protective Trust in which the estate has a fractional interest based upon ownership of 256.575 shares of 1,820.925 shares sold.

IT IS FURTHER ORDERED that any other property of the estate not now known or discovered that was owned by decedent at the time of his death or in which his estate has acquired or may hereafter acquire any interest is distributed as follows:

- To: GLEN L. RAMONT - 7.142%
- To: GLADYS RAMONT CASKEY - 7.142%
- To: LEONARD E. RAMONT - 7.142%
- To: ELDON V. RAMONT - 7.142%
- To: PAUL RAMONT - 7.142%
- To: RAYMOND RAMONT - 7.142%
- To: LELA RAMONT - 7.142%
- To: RUTH T. SCHMOEKEL - 10%
- To: RONALD S. TWOGOOD - 10%
- To: HELEN T. BRADBURY - 10%
- To: MORRIS CLELAND - 10%
- To: JUDY C. COFFEY - 10%.

Done in Open Court October 24, 1985.

Presented and Signed November 26, 1985.

The foregoing instrument is a correct copy of the original on file in this office

ATTEST:

NOV 27 1985

DAVID A. WURM

EDWARD M. LACY, JR.

County clerk and ex-officio Clerk of the Superior Court of the State of California in and for the County of Stanislaus

Judge of the Superior Court.

By Bette J. Yelder, Deputy



COPY

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Shackles et al
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'85 DEC -5 P3:56

SUZANNE BEAUDREAU
RECORDER

\$ *12.00* PAID *SB* DEPUTY

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