

1 CASE NO.: P-712361

NO. _____

2 DEPT. NO.: I

'83 MAY 10 A9:12

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5 BY *W. J. Crowell*

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

8
9 In the Matter of the Estate of
10 BENNIE MICHAEL MCGEE,
11 Deceased.

ORDER APPROVING FINAL
ACCOUNTING AND DECREE OF
DISTRIBUTION

12
13 THIS MATTER came on for hearing upon the Petition of
14 the Executor on May 10, 1983. The Executor was present and
15 represented by his attorney, J. THOMAS SUSICH, ESQ., of the
16 firm of CROWELL, CROWELL, CROWELL, BAKER & SUSICH, LTD. No one
17 appeared in opposition to the Petition. The Court finds as
18 follows:

19 1. The LAST WILL AND TESTAMENT of the deceased was
20 filed in the above-entitled Court on November 10, 1981.

21 2. Letters Testamentary were issued to JAMES D.
22 MCGEE on December 22, 1981.

23 3. Notice to Creditors was filed on January 20,
24 1982, and was duly published as required by law with proof of
25 publication filed on March 15, 1982.

26 4. One creditor's claim was filed by SECURITY
27 PACIFIC BANK OF CALIFORNIA on March 3, 1982, with it being
28 refiled on March 16, 1982, for \$1,572.77. No action was taken
29 on the claim after a notice of rejection was filed and served
30 on the claimant on August 12, 1982. The claim is, therefore,
31 waived in accordance with N.R.S. 147.130.

32 ///

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Do-13531-86

1 5. The Final Accounting was completed and dated
2 April 13, 1983, and duly filed thereafter and appears in all
3 respects to be accurate and in order as well as complying with
4 Nevada law.

5 6. The Notice of the Hearing on the Petition for
6 Approval of the Final Accounting and Decree of Distribution was
7 made in accordance with Nevada law.

8 7. The decedent died leaving a written will which
9 was executed prior to his marriage to MICHELE McGEE. The dece-
10 dent was married to MICHELE McGEE at the time of his death.
11 While there is no mention of the said MICHELE McGEE in the WILL
12 since it was executed prior to the marriage, N.R.S. 133.010
13 therefore creates a presumption that the Decedent intended that
14 the WILL be revoked as to the Wife. Pursuant to NRS 134.040,
15 MICHELE McGEE would then be entitled to one-third (1/3) of the
16 Estate.

17 8. The Executor and MICHELE McGEE have entered into
18 an agreement whereby MICHELE McGEE agrees to receive certain
19 funds distributed from the Estate in lieu of any claimed share
20 of the remainder of the Estate.

21 Based upon the findings above, the Court hereby orders
22 and decrees as follows:

23 (1) The Final Accounting filed in this matter is
24 approved.

25 (2) The agreement between the widow, MICHELE McGEE
26 and the Executor, dated March 31, 1983, is approved in all
27 respects, and in accordance therewith, the Executor is directed
28 to distribute such property in his possession to the widow in
29 accordance therewith; specifically, the Wife may retain all
30 advanced monies from the Estate totaling \$8,894.00. The Exe-
31 cutor is directed to pay to the Wife in addition thereto, the
32 sum of \$8,167.45. Wife, by accepting said monies, conveys any

1 and all interest she may have as an heir to the Estate in the
2 real property to the remaining heirs and waives any and all
3 claim to any other asset of the Estate.

4 (3) The rest and remainder of the Estate shall be
5 distributed to the trust created for the benefit of the surviv-
6 ing children of the decedent in accordance with the trust docu-
7 ment prepared and executed by the Decedent with JAMES D. McGEE
8 as Trustee.

9 (4) All previous disbursements made by the Executor
10 in accordance with previous court orders are again approved.

11 (5) Upon distributing the Estate in accordance with
12 this Order and Decree, and upon providing satisfactory proof
13 thereof, the Executor shall be discharged from any and all fur-
14 ther duties in this matter.

15 DATED: May 10, 1983.

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17
18 Howard D. Walker
19 DISTRICT JUDGE

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CERTIFIED COPY

REQUESTED BY
FIRST CENTENNIAL TITLE CO.
OFFICIAL RECORDS OF
CLATSOP CO., NEVADA

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

DATE: 8-16-88
Breed Clerk of the 9th Judicial District Court
of the State of Nevada, in and for the County of Douglas.

By J. Jinn Deputy

'88 AUG 19 P1:49

SUZANNE BEAUDREAU
RECORDER

7.00 PAID DEPUTY

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