

1 Case No. P-21734

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2 Dept. No. I

3 **J. THALER**

4
5
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 JOSEPH HENNESSY MILLER, JR., aka
11 JOSEPH H. MILLER, JR., JOSEPH H.
MILLER, JOE MILLER, J.H. MILLER,
JACK MILLER,

ORDER GRANTING JOINT
PETITION FOR ANCILLARY
ADMINISTRATION AND
AUTHORIZATION FOR
CONVEYANCE TO COMPLETE
CONTRACT

12 Deceased.

13 _____ /
14 REGINA M. NICHOLS, having filed in this Court a Joint
15 Petition for Ancillary Administration and Authorization for
16 Conveyance to Complete Contract; and a hearing thereon having
17 been had in open Court, due notice of which was proved; and no
18 person objecting and the Court having read the papers and con-
19 sidered the matter, and it appearing:

20 PETITION FOR ANCILLARY ADMINISTRATION

21 I

22 That JOSEPH HENNESSY MILLER, JR., decedent, died on
23 June 19, 1989, in Lake Tahoe, California, being at the time of
24 his death a resident of the County of Sacramento, State of
25 California, with an actual physical residence at 2366 American
26 River Drive, Apt. 112, Sacramento, California 95825.

27 II

28 That at his death the decedent was a tenant in common

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1 of fee ownership of real property with improvements thereon,
2 together with appurtenant water rights located at Glenbrook,
3 County of Douglas, State of Nevada, said real property more
4 particularly hereinafter described.

5 III

6 That the decedent died without a Will and on June 29,
7 1989, INGRID M. PRICE, a resident of the State of California, was
8 appointed as the Special Administrator of the decedent's estate
9 in the Superior Court of California, County of Sacramento, and
10 certified copies of the Order Appointing Special Administrator
11 and Letters of Special Administration and a file endorsed copy of
12 Petition for Letters of Special Administration are annexed to the
13 petition of petitioner as Exhibits "A," "B," and "C," and by
14 reference made thereof a part.

15 IV

16 That the decedent left no kindred residing within the
17 State of Nevada within the degree of consanguinity as set forth
18 in NRS 139.040 and REGINA M. NICHOLS, a resident of Carson City,
19 State of Nevada, is legally competent to act as Administratrix
20 and by her petition consents to so act.

21 V

22 That the names, relationships, ages and residences of
23 the heirs and next-of-kin of decedent, so far as known to
24 petitioner, are as follows:

<u>Name</u>	<u>Relation-</u>	<u>Age</u>	<u>Residence</u>
	<u>ship</u>		
CHRISTIAN H. MILLER	Son	18	1018 Dunbarton Circle Sacramento, CA 95825
CYNTHIA MARIE MILLER	Daughter	16	c/o Ingrid M. Price 1018 Dunbarton Circle Sacramento, CA 95825

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1 ROBERT H. MILLER Son 13 c/o Ingrid M. Price
2 1018 Dunbarton Circle
3 Sacramento, CA 95825

3 VI

4 That the only assets of the estate of decedent located
5 within the State of Nevada consist of the one-sixth (1/6) un-
6 divided interest in the real property, improvements, water rights
7 and furnishings and fixtures located in the County of Douglas,
8 State of Nevada, as hereinafter described. The decedent's share
9 in said property valued at approximately Two Hundred Seventy-Nine
10 Thousand One Hundred Sixty-Six and 66/100 Dollars (\$279,166.66)
11 and said property being free of all liens and encumbrances, save
12 and except taxes, personal property taxes and special assessment
13 districts, which petitioner alleges have been paid in full.

14 PETITION FOR AUTHORIZATION FOR CONVEYANCE
15 TO COMPLETE CONTRACT

16 VII

17 That the real property with improvements thereon, of
18 which the decedent was a one-sixth (1/6) owner is located at 2151
19 Pray Meadow Road, Glenbrook, County of Douglas, State of Nevada,
20 and is more specifically described in that certain Preliminary
21 Title Report, dated June 12, 1989, and issued by Stewart Title of
22 Douglas County, which is annexed to the petition of petitioner as
23 Exhibit "D" and by reference made thereof a part.

24 VIII

25 That in his lifetime the decedent signed and granted to
26 WILLIAM H. MILLER, his brother, of the City and County of San
27 Francisco, State of California, a Special Power of Attorney, duly
28 empowering said attorney to do everything necessary to sell the

LAW OFFICES
ALLISON MacKENZIE,
HARTMAN SOUMBENIOTIS
& RUSSELL, LTD
402 N. Division Street
Carson City, NV 89703

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1 interest of the decedent in the real property and improvements
2 described in Exhibit "D" attached to the petition of petitioner,
3 said Special Power of Attorney being annexed thereto as Exhibit
4 "E" and by reference made thereof a part.

5 IX

6 That WILLIAM H. MILLER on June 9, 1989, prior to the
7 demise of the decedent, entered into that certain Residential
8 Purchase Agreement and Deposit Receipt, a copy of which is
9 annexed to the petition of petitioner as Exhibit "F" and by
10 reference made thereof a part, whereby said WILLIAM H. MILLER in
11 accordance with the aforesaid Special Power of Attorney, bound
12 the decedent to sell his interest in and to the real property and
13 water rights described herein to JOHN C. HOHAM, JR., and SHELLEY
14 A. HOHAM for a total consideration to the decedent of Two Hundred
15 Seventy-Nine Thousand One Hundred Sixty-Six and 66/100 Dollars
16 (\$279,166.66), and on the further terms and conditions described
17 in Exhibit "F" attached to the petition of petitioner and by
18 reference made thereof a part.

19 X

20 That pursuant to the foregoing documents, the estate of
21 decedent is legally obligated to complete the terms and condi-
22 tions of said Residential Purchase Agreement and Deposit Receipt
23 by conveying all the right, title and interest of the decedent in
24 and to said real property to the said purchasers in consideration
25 of the payment therein recited.

26 XI

27 That the anticipated sale herein described is set to
28 close on or before July 15, 1989, and for that reason the peti-

1 tioner has combined both petitions herein to expedite the com-
2 pletion of the conveyance as described.

3 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND
4 DECREED:

5 1. That Letters of Administration be issued to the
6 petitioner, REGINA M. NICHOLS, upon her qualifying and posting a
7 bond in the amount of \$ 100⁰⁰.

8 2. That the petitioner is authorized pursuant to NRS
9 149.120 to complete the conveyance as described in Exhibit "F"
10 of her petition to JOHN C. HOHAM, JR., and SHELLEY A. HOHAM for
11 the consideration therein set forth, and to execute all documents
12 necessary to transfer all the right, title and interest of the
13 decedent (consisting of an undivided one-sixth interest) in and
14 to the real property, improvements and water rights located at
15 2151 Pray Meadow Road, Glenbrook, County of Douglas, State of
16 Nevada, and more particularly described as follows:

17 PARCEL ONE:

18 BEGINNING at the Meander Corner of Lake Tahoe between Sections 3
19 and 10, T. 14 N., R. 18 E., M.D.B. & M., said Meander corner
20 being marked by an iron pipe set in concrete. Thence N. 59°34'
21 E. 389.6 feet to an iron pin set in concrete on the Westerly side
22 line of a 30 ft. roadway; said point being the Southeasterly
23 corner of the Ralph D. Brooks property. Thence S. 9°22' E.
182.21 ft. along the Westerly line of said roadway to an iron
pipe set in concrete. Thence S. 59°34' W. 324.1 ft. to a point
on the Meander Line of Lake Tahoe marked by an iron pin set in
concrete. Thence N. 30°26' W. 170 ft. along said Meander line to
the place of beginning.

24 TOGETHER WITH a right of way over that certain road as now
25 located or as it may be located hereafter, extending from the
26 State Highway, known as "U.S. Route 50", to the hereinabove
described property.

27 PARCEL TWO:

28 The point of beginning is the Meander corner of Lake Tahoe
between Sections 3 and 10, Township 14 North, Range 18 East,
M.D.B. & M., said Meander corner being marked by an iron pipe set

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1 in concrete; the Northerly boundary of the parcel hereinabove
2 referred to is a line extending South 59°34' West from said point
3 of beginning to the water line of Lake Tahoe; the Easterly
4 boundary of said parcel is a line extending from said point of
5 beginning South 30°26' East 170 feet along the Meander line of
6 said Lake Tahoe to a point; the Southerly boundary of said parcel
7 is a line extending from said last mentioned point South 59°34'
8 West to the water line of Lake Tahoe; and the Westerly boundary
9 of said parcel is the water line of said Lake Tahoe.

10 Excepting therefrom any portion lying within the normal, ordinary
11 high water mark of Lake Tahoe.

12 Together with any and all pertinent water rights to include
13 Certificate Record No. 3278.

14 AP No. 01-040-04.

15 DATED this 1 day of August, 1989.

16 
17 _____
18 DISTRICT JUDGE

19
20
21
22
23 **CERTIFIED COPY**

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

SEAL

27 DATE: August 4, 1989
28 Breed Clerk of the 9th Judicial District Court
of the State of Nevada, in and for the County of Douglas.

By J. Thaler Deputy

COPY

REQUESTED BY
STEWART TITLE of DOUGLAS COUNTY
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

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SUZANNE BUREAU
RECORDER **207944**
\$ 11.⁰⁰ PAID K DEPUTY
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