

After recording, return to: Mark W. Knobel, Esq. 165 W. Liberty St., Suite 210, Reno, NV 89501

1 Code 1105
2 J. Robert Parke, Esquire
3 State of Nevada Bar Number 4355
4 Avansino, Melarkey, Knobel & Mulligan
5 165 W. Liberty, Suite 210
6 Reno, Nevada 89501
7 775-333-0300
8 Attorneys for Administrator

FILED

2000 MAR -9 AM 11:55

AMY HARVEY, CLERK

BY M. Lopez DEPUTY

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

In the Matter of the Estate
of
JIMMY O. PHILPOTT,
deceased.

Case No. CV98-02418
Dept. No. PR

AMENDED ORDER APPROVING FIRST ACCOUNT AND REPORT OF ADMINISTRATOR,
FOR PARTIAL ALLOWANCE OF ADMINISTRATOR'S FEES, ATTORNEYS' FEES AND
COSTS AND FOR PARTIAL DISTRIBUTION, CONFIRMATION OF SALE AND
APPROVAL OF SETTLEMENT

The Petition of MARK W. KNOBEL for FIRST ACCOUNT, REPORT OF
ADMINISTRATOR, PETITION FOR ITS SETTLEMENT, FOR PARTIAL ALLOWANCE OF
ADMINISTRATOR'S FEES, ATTORNEYS' FEES AND COSTS AND FOR PARTIAL
DISTRIBUTION, CONFIRMATION OF SALE AND APPROVAL OF SETTLEMENT came
on regularly for hearing this date. No person appeared to contest
the Petition. On proof made to the satisfaction of the Court, the
Court finds that (i) Notice of the Hearing has been given as
required by law; (ii) the facts alleged in the Petition are true;
(iii) three months have elapsed since the issuance of Letters of
Administration; (iv) there will be no injury to creditors in making
a partial distribution of the estate; and (v) the property subject
to the estate is the separate property of Decedent.

1 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

2 1. That the Petition for First Account, Report of
3 Administrator, Petition for its Settlement, for Partial Allowance of
4 Administrator's Fees, Attorneys' Fee and Costs and for Partial
5 Distribution, Confirmation of Sale and Approval of Settlement is
6 settled, allowed and approved as filed.

7 2. That all acts and proceedings of the Petitioner, as
8 Administrator of the decedent's Estate, are ratified, confirmed and
9 approved.

10 3. That the settlement of the Bette Cook judgment for One
11 Thousand, Five Hundred and NO/100s Dollars (\$1,500.00) is approved,
12 authorized, ratified and confirmed, and the allocation of the
13 \$1,500.00 in settlement funds solely to Donna Gray is approved,
14 authorized, ratified and confirmed.

15 4. That the Petitioner is authorized and directed to
16 establish a reserve of at least Forty-five Thousand and NO/100s
17 Dollars (\$45,000.00) to be maintained pending resolution of the
18 claims for fees by the special administrator and Gloria Petroni,
19 Esq.

20 5. That the Petitioner's statutory commission and fees for
21 ordinary and extraordinary services is ratified, confirmed and
22 approved in the total amount of Twenty-Five Thousand Three Hundred
23 and Sixty-Nine and 22/100s Dollars (\$25,369.22) and said commission
24 shall be paid as provided in six below.

25 6. That the Petitioner is authorized and directed to pay
26 himself Twenty-Two Thousand and NO/100s Dollars (\$22,000.00) as and
27 for partial payment of his total statutory commission, and that
28 Petitioner be further authorized and directed to pay himself the

1 balance of his commission once the reserve is released and an order
2 for final distribution is obtained.

3 7. That the Petitioner is authorized and directed to
4 reimburse the law firm of Avansino, Melarkey, Knobel and Mulligan
5 the amount of Seven Hundred and Nine and 83/100s Dollars (\$709.83)
6 for actual out-of-pocket costs advanced to the Estate.

7 8. That the Petitioner is authorized and directed to pay the
8 law office of Mark Pfothenauer, Esq. the amount of Four Thousand and
9 Sixty and NO/100s Dollars (\$4,060.00) as and for attorney fees and
10 Four Hundred and Eighty-One and 52/100s as and for costs advanced to
11 the Estate.

12 9. That the sale of decedent's vehicles at auction is
13 ratified, confirmed and approved.

14 10. That distribution of decedent's tangible personal
15 property, valued at \$1,500.00, without bond, to JANE FARAOLA from
16 her share of the estate is ratified, confirmed and approved.

17 11. After paying the administrative fees and setting aside a
18 reserve of \$45,000.00, the Petitioner be authorized and directed to
19 distribute, without bond, and pursuant to Chapter 134 of the Nevada
20 Revised Statutes, one-third of the assets of the Estate to DONNA
21 MARIE GRAY and two-thirds of the assets of the estate equally to
22 decedent's children, JANE FARAOLA, DAN PHILPOTT, JAMES PHILPOTT and
23 ANNE P. EASON. In making the distribution pursuant to Chapter 134,
24 the Petitioner is authorized and directed to make a non-prorata
25 distribution of the rental real property by distributing the rental
26 real property located at 132 Kahle Drive, South Lake Tahoe, Nevada,
27 Units E, ES, F and FS to decedent's adult children, and the rental
28 real property located at 132 Kahle Drive, South Lake Tahoe, Nevada,

1 Units C, CS, D and DS to decedent's surviving spouse. Petitioner is
2 further authorized and directed to make a cash distribution, in an
3 amount of not less than One Hundred and Eight Thousand, Four Hundred
4 and Seventy-Eight and 04/100s Dollars (\$108,478.04) to decedent's
5 adult children, to be shared equally, in order to equalize the
6 distribution at two-thirds to decedent's adult children and one-
7 third to decedent's surviving spouse.

8
9 Dated March 9, 2000

10
11 Connie J. Steinheimer

12 DISTRICT JUDGE

13
14
15
16 CERTIFIED COPY

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

19 DATE: MAR 14 2000
20 AMY HARVEY, Clerk of the Second Judicial
District Court, in and for the County of
Washoe, State of Nevada.

21 SEAL
22 Deputy

23
24
25 REQUESTED BY
26 Mark W Knobel
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

27 2000 MAR 15 PM 4:08

28 LINDA SLATER
RECORDER

\$10⁵⁰ PAID ka DEPUTY