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DOUGLAS COUNTY DISTRICT COURT CLERK

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BARBARA REED  
CLERK

~~E. WILLIAMS~~ DEPUTY

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

IN THE MATTER OF THE  
LIVING TRUST OF  
CARL JOSEPH FALCKE,  
Deceased.

ORDER GRANTING PETITION  
TO CONFIRM SUCCESSOR  
CO-TRUSTEES AND TO  
TRANSFER REAL PROPERTY  
TO A LIVING TRUST

ROBERT CARL FALCKE, ROGER ALAN FALCKE, and CHARLES RANDAL  
FALCKE, by and through their counsel, ALLISON, MacKENZIE, HARTMAN, SOUMBENIOTIS  
& RUSSELL, LTD., having filed with this Court a Petition to Confirm Successor Co-Trustees and  
to Transfer Real Property to a Living Trust; and a hearing thereon having been had in open Court,  
due notice of which was proved; and no person objecting; and the Court having reviewed the  
evidence, read the papers, and considered the matter; and it appearing:

I.

DECEDENT

That CARL JOSEPH FALCKE, hereinafter called decedent, died on or about June  
1, 1999, in the county of Douglas, state of Nevada, being at the time of his death a resident of the  
county of Douglas, state of Nevada, leaving certain real and personal property situate or located in  
this state. That a certificate of death is attached to the said petition as Exhibit "A" and by reference  
made thereof a part.

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When Recorded Mail To

Andrew MacKenzie, Esq.  
ALLISON, MacKENZIE, HARTMAN, SOUMBENIOTIS & RUSSELL, LTD.  
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1 II.

2 THE CARL JOSEPH FALCKE 1990 TRUST AGREEMENT

3 That decedent, in his lifetime, executed a revocable living trust entitled THE CARL  
4 JOSEPH FALCKE 1990 TRUST, dated June 20, 1990. That CARL JOSEPH FALCKE was the  
5 Grantor and original Trustee of the said trust. That upon the death of CARL JOSEPH FALCKE, the  
6 trust became irrevocable.

7 That the successor sole Trustee named in the said trust instrument is ROBERT CARL  
8 FALCKE, who on June 7, 1999, nominated CHARLES RANDAL FALCKE and ROGER ALAN  
9 FALCKE to act with him, all three (3) to act as Successor Co-Trustees. That ROBERT CARL  
10 FALCKE, CHARLES RANDAL FALCKE, and ROGER ALAN FALCKE are the currently acting  
11 Successor Co-Trustees of THE CARL JOSEPH FALCKE 1990 TRUST. That a copy of the  
12 Nomination and Acceptance of Co-Trustees is attached to the said petition as Exhibit "B" and  
13 incorporated therein by this reference.

14 That the Successor Co-Trustees executed an Affidavit of Certification of Trust on  
15 June 7, 1999, wherein they state their status as Successor Co-Trustees and the powers granted to  
16 them under the said trust instrument. That a copy of the Affidavit is attached to the said petition as  
17 Exhibit "C" and incorporated therein by this reference.

18 Pursuant to NRS 164.010, the said Successor Co-Trustees requested that the Court  
19 confirm their appointment as Successor Co-Trustees of THE CARL JOSEPH FALCKE 1990  
20 TRUST, dated June 20, 1990, without posting bond.

21 III.

22 HEIRS, NEXT-OF-KIN, AND BENEFICIARIES

23 That the names, relationships to decedent, ages, and addresses of the heirs, next-of-  
24 kin, and beneficiaries of THE CARL JOSEPH FALCKE 1990 TRUST, dated June 20, 1990, who  
25 have an interest in the trust estate and are entitled to notice, are as follows:

26	<u>NAME</u>	<u>RELATIONSHIP</u>	<u>AGE</u>	<u>ADDRESS</u>
27	ROBERT CARL FALCKE	Son	Over 18	P.O. Box 413 Genoa, NV 89411-0413
28				

1	<u>NAME</u>	<u>RELATIONSHIP</u>	<u>AGE</u>	<u>ADDRESS</u>
2	ROGER ALAN FALCKE	Son	Over 18	P.O. Box 225 Genoa, NV 89411-0225
3	CHARLES RANDAL FALCKE	Son	Over 18	P.O. Box 536 Genoa, NV 89411-0536
4	TODD EVERETT FALCKE	Grandson	Over 18	P.O. Box 536 Genoa, NV 89411-0536
5	MAUREEN ANN FALCKE	Granddaughter	16 years	P.O. Box 536 Genoa, NV 89411-0536
6	KATRINA ROSE FALCKE	Granddaughter	17 years	P.O. Box 225 Genoa, NV 89411-0225
7	BRYANT ALEXANDER FALCKE	Grandson	11 years	P.O. Box 225 Genoa, NV 89411-0225

IV.

NOTICE TO CREDITORS

That, pursuant to NRS 164.025, the Successor Co-Trustees caused first publication of Notice to Creditors of decedent to be made on June 12, 1999, requiring creditors to present their respective claims within ninety (90) days from the date of first publication of Notice to Creditors; and that publication was made in THE RECORD-COURIER, a bi-weekly newspaper of general circulation, printed and published in the county of Douglas, state of Nevada; and the time for presenting claims against said estate, as fixed by said Notice to Creditors, has since expired, and that no claims were received by the Successor Co-Trustees. That attached to the said petition as Exhibit "D" and incorporated therein by this reference are copies of the Notice to Creditors and the Affidavit of Publication by THE RECORD-COURIER, dated June 23, 1999.

That on June 9, 1999, the WELFARE ADMINISTRATOR for the state of Nevada, was sent a Notice to Creditors via certified mail return receipt, and that the date of delivery was June 10, 1999. That the Successor Co-Trustees did not receive a claim from the office of the WELFARE ADMINISTRATOR for the state of Nevada.

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V.

REQUEST FOR TRANSFER OF REAL PROPERTY

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That during his lifetime, CARL JOSEPH FALCKE transferred certain real and personal property to THE CARL JOSEPH FALCKE 1990 TRUST, dated June 20, 1990, to include an undivided one-half (1/2) interest in and to all those certain lots, pieces, or parcels of real property located in the county of Douglas, state of Nevada, commonly referred to as 188 Carson Street, Genoa, formerly being Assessor's Parcel Numbers 17-093-04, 05, 06, currently being Assessor's Parcel Numbers 17-093-09 and 17-093-10; said real property more particularly described as follows:

Lots 1 through 21, inclusive, and 27 through 33, inclusive, in Block 7, as shown on the Official Map of the townsite of Genoa, filed for record in the office of the County Recorder of Douglas County, Nevada, dated September 1874.

That CARL JOSEPH FALCKE obtained the above-described real property in his sole name in that certain Affidavit of Death of Joint Tenant dated July 2, 1984, and recorded with the Douglas County Recorder July 2, 1984, in Book 784, at pages 151 through 154, as Document Number 103035. That a true and correct copy of said Affidavit is attached to the said petition as Exhibit "E" and incorporated therein by this reference.

That on October 12, 1989, CARL JOSEPH FALCKE executed a Quitclaim Deed wherein he transferred an undivided one-half (1/2) interest in and to the said real property to CARL JOSEPH FALCKE, as Executor of the Estate of ELIZABETH HOPE FALCKE, deceased; said Quitclaim Deed was recorded with the Douglas County Recorder on February 8, 1990, in Book 290, at pages 1175 through 1177, as Document Number 219835. That a true and correct copy of said Quitclaim Deed is attached to the said petition as Exhibit "F" and incorporated therein by this reference.

That on June 20, 1990, CARL JOSEPH FALCKE, individually, executed a Grant, Bargain and Sale Deed wherein he transferred his remaining undivided one-half (1/2) interest in and to the said real property to CARL JOSEPH FALCKE, as Trustee of THE CARL JOSEPH FALCKE 1990 TRUST, dated June 20, 1990; said Grant, Bargain and Sale Deed was recorded with the Douglas County Recorder on June 22, 1990, in Book 690, at pages 3128 through 3130, as Document

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1 Number 228690. That a true and correct copy of said Grant, Bargain and Sale Deed is attached to  
2 the said petition as Exhibit "G" and incorporated therein by this reference.

3 That in the said Grant, Bargain and Sale Deed recorded on June 22, 1990, attached  
4 to the said petition as Exhibit "G," the Assessor's Parcel Numbers 17-093-04, 05, 06 were all  
5 referenced on page one (1), line three (3), and also referenced in the legal description attached as  
6 Exhibit "A" on page three (3), at line eight (8). That the three (3) parcel numbers include Lots 1  
7 through 21, inclusive, and Lots 27 through 33, inclusive, in Block 7, townsite of Genoa, county of  
8 Douglas, state of Nevada. That Lots 27 through 33 were inadvertently omitted from the legal  
9 description attached as Exhibit "A" to the said Grant, Bargain and Sale Deed recorded on June 22,  
10 1990, as Document Number 228690. In order to correct the legal description, the Successor Co-  
11 Trustees could re-record the original deed to include the missing lots. The Successor Co-Trustees  
12 have completed a thorough search of all documents of the decedent, but have been unable to locate  
13 the said original deed.

14 The Successor Co-Trustees, pursuant to NRS 164.033 (1)(b), requested that the Court  
15 enter its order transferring the seven (7) lots, being Lots 27 through 33, inclusive, in Block 7, of the  
16 townsite of Genoa, county of Douglas, state of Nevada, to ROBERT CARL FALCKE, CHARLES  
17 RANDAL FALCKE, and ROGER ALAN FALCKE, as Successor Co-Trustees of THE CARL  
18 JOSEPH FALCKE 1990 TRUST, dated June 20, 1990.

19 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED  
20 as follows:

21 1. That, pursuant to NRS 164.010, the appointment of ROBERT CARL  
22 FALCKE, CHARLES RANDAL FALCKE, and ROGER ALAN FALCKE, as Successor Co-  
23 Trustees of THE CARL JOSEPH FALCKE 1990 TRUST, dated June 20, 1990, is confirmed,  
24 without posting bond.

25 2. That, pursuant to NRS 164.033 (1)(b), the Court authorizes the transfer to  
26 ROBERT CARL FALCKE, CHARLES RANDALL FALCKE, and ROGER ALAN FALCKE, as  
27 Successor Co-Trustees of THE CARL JOSEPH FALCKE 1990 TRUST, dated June 20, 1990, an

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1 undivided one-half (1/2) interest in and to all those certain parcels of real property being a portion of  
2 Assessor's Parcel Number 17-093-10, and more particularly described as follows:

3 All those certain parcels of real property located in the county of Douglas, state of  
4 Nevada, more particularly described as follows:

5 Lots 27 through 33, inclusive, in Block 7, as shown on the Official Map of the  
6 townsite of Genoa, filed for record in the office of the County Recorder of Douglas  
7 County, Nevada, dated September 1874.

8 TOGETHER WITH that portion of said land that lies adjacent to the above-described  
9 property as shown in Resolution of Abandonment as Document No. 145620,  
10 recorded on November 25, 1986, in Book 1186, at Page 2493.

11 Excepting therefrom any portion of said land that was Quitclaimed to the state of  
12 Nevada, as shown on Document No. 146503, recorded on November 11, 1986, in  
13 Book 1286, at Page 1314.

14 DONE IN OPEN COURT May 9, 2000.

*David R. Gault*

DISTRICT JUDGE

15 Submitted By:

16 ALLISON, MacKENZIE, HARTMAN,  
17 SOUMBENIOTIS & RUSSELL, LTD.  
18 402 North Division Street  
19 P.O. Box 646  
20 Carson City, NV 89702

21 By: *Andrew MacKenzie*  
22 ANDREW MacKENZIE, ESQ.  
23 Attorneys for Petitioner

**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.

27 DATE: May 9, 2000  
28 *P. Reed* Clerk of the 9th Judicial District Court  
of the State of Nevada, in and for the County of Douglas,  
Deputy

REQUESTED BY  
**WESTERN TITLE COMPANY, INC.**  
IN OFFICIAL RECORDS OF  
DOUGLAS CO., NEVADA

2000 MAY 11 PM 12:26

LINDA SLATER  
RECORDER

\$12<sup>50</sup> PAID K2 DEPUTY