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DOUGLAS COUNTY  
DISTRICT COURT CLERK

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Case No. 01PB0046

Dept. No. I

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BARBARA REED  
CLERK

BY F. GREGORY DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

IN THE MATTER OF THE ESTATE

OF

RICHARD T. BORHO, also known as  
RICHARD BORHO,

Deceased.

**ORDER GRANTING PETITION  
TO SET ASIDE ESTATE  
WITHOUT ADMINISTRATION**

JANETTE E. BORHO and MARI KVAM, by and through their counsel, ALLISON,  
MackENZIE, HARTMAN, SOUMBENIOTIS & RUSSELL, LTD., having filed their Petition to  
Set Aside Estate Without Administration, 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 RICHARD T. BORHO, also known as RICHARD BORHO, hereinafter called  
decedent, died on or about August 29, 1994, in the city of Kissimmee, county of Osceola, state of  
Florida, being at the time of his death a resident of the city of Kissimmee, county of Osceola, state  
of Florida, leaving an interest in certain real property situated or located in the county of Douglas,  
state of Nevada. A Certificate of Death of the decedent is attached to the Petition to Set Aside  
Estate Without Administration as Exhibit "A".

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ALLISON, MackENZIE, HARTMAN, SOUMBENIOTIS & RUSSELL, LTD.  
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II.

LAST WILL AND TESTAMENT

That the decedent left an instrument purporting to be the Last Will and Testament of RICHARD T. BORHO. The decedent signed the document in the presence of a notary public. The original document is attached to the Petition to Set Aside Estate Without Administration as Exhibit "B".

III.

PROBATE IN OTHER JURISDICTION

That it was not necessary to administer an estate of the decedent in any other jurisdiction.

IV.

HEIRS AND NEXT-OF-KIN

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

<u>NAME</u>	<u>RELATIONSHIP</u>	<u>AGE</u>	<u>ADDRESS</u>
JANETTE E. BORHO	Wife	Over 21	2801 34 <sup>th</sup> Avenue S.W. #177 Fargo, ND 58104
DALLAS ANDERSON	Son	Over 21	656 2 <sup>nd</sup> St. W. Carrington, ND 58421
MARI KVAM	Daughter	Over 21	4714 Rosecreek Pky. Fargo, ND 58104
SUSAN ZAHRADKA	Daughter	Over 21	839 12-1/2 Avenue W. West Fargo, ND 58102
SCOTT ANDERSON	Son	Over 21	2809 10 <sup>th</sup> St. W. Fargo, ND 58102
SHERI WINCAPAW	Daughter	Over 21	W.201 N. 16633 Hemmock, WI 53037

V.

REAL PROPERTY

That at the time of the decedent's death he was the owner of an interest in that certain parcel of real property situated or located in the county of Douglas, state of Nevada, being a portion

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1 of Assessor's Parcel Number 0000-42-170-110, and more particularly described as follows:

2 An undivided 1/51st interest as tenants in common in and to that  
3 certain real property and improvements as follows: (A) an undivided  
4 1/50th interest in and to Lot 28 as shown on Tahoe Village Unit No.  
5 3-13th Amended Map, recorded December 31, 1991, as Document No.  
6 268097, re-recorded as Document No. 269053, Official Records of  
7 Douglas County, State of Nevada, excepting therefrom Units 1 through  
8 50 (inclusive) as shown on said map; and (B) Unit No. 35 as shown  
9 and defined on said map; together with those easements appurtenant  
10 thereto and such easements described in the Fourth Amended and  
11 Restated Declaration of Time Share Covenants, Conditions and  
12 Restrictions for The Ridge Tahoe recorded February 14, 1984, as  
13 Document No. 096758, as amended, and in the Declaration of  
14 Annexation of The Ridge Tahoe Phase Six recorded December 18,  
15 1990, as Document No. 241238, as amended by Amended Declaration  
16 of Annexation of The Ridge Tahoe Phase Six, recorded February 25,  
17 1992, as Document No. 271727, and as described in the Recitation of  
18 Easements Affecting The Ridge Tahoe recorded February 24, 1992, as  
19 Document No. 271619, and subject to said Declarations ; with the  
20 exclusive right to use said interest in Lot 28 only, for one week each  
21 year in accordance with said Declarations.

22 Account No. 3210738.

23 At the time of the decedent's death, according to the Douglas County Assessor's  
24 Office, the said real property had an appraised value of THREE THOUSAND THREE HUNDRED  
25 SIXTY-NINE and 18/100 Dollars (\$3,369.18). A copy of the Assessor's report is attached to the  
26 Petition to Set Aside Estate Without Administration as Exhibit "C". In addition, the decedent  
27 purchased said real property in January, 1983 for a total purchase price of \$11,750.00. A copy of  
28 The Ridge Tahoe Agreement of Sale, Deposit Receipt, and Escrow Instructions is attached to the  
Petition to Set Aside Estate Without Administration as Exhibit "D".

In any event, the total value of the decedent's estate does not exceed Fifty Thousand  
and No/100 Dollars (\$50,000.00).

#### VI.

#### DEBTS OF DECEDENT

That all the funeral expenses and debts of decedent have been paid in full.

#### VII.

#### ATTORNEYS FOR ESTATE

That it was necessary for the petitioner to retain the services of ALLISON,

1 MacKENZIE, HARTMAN, SOUMBENIOTIS & RUSSELL, LTD., to petition the Court to set  
2 aside the estate with said fees being paid by the petitioner outside this matter.

3 VIII.

4 PETITIONER'S SERVICES RENDERED/FEES

5 That the petitioner has rendered services to the estate as personal representative and  
6 waives payment of any fees for said services.

7 IX.

8 WELFARE BENEFITS

9 That so far as known to petitioner, the decedent was not a recipient of benefits from  
10 the Department of Human Resources of the State of Nevada.

11 X.

12 DISTRIBUTION

13 That the petitioner and sole beneficiary of the timeshare interest set forth in this  
14 petition, desires and requests the Court to distribute the subject real property to MARI KVAM, the  
15 daughter of the decedent, since MARI KVAM has paid past due and current association fees and  
16 real property taxes to preclude foreclosure which more than pays for the underlying timeshare  
17 interest.

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

20 1. That the estate does not exceed Fifty Thousand and No/100 Dollars  
21 (\$50,000.00).

22 2. That in accordance with the desire of the sole beneficiary JANETTE E.  
23 BORHO, the interest of the decedent, at the time of his death, in that certain parcel of real property  
24 situate or located in the county of Douglas, state of Nevada, being a portion of Assessor's Parcel  
25 Number 0000-42-170-110, being more particularly described hereinafter, is hereby set aside to  
26 MARI KVAM, as follows:

27 An undivided 1/51st interest as tenants in common in and to that  
28 certain real property and improvements as follows: (A) an undivided  
1/50th interest in and to Lot 28 as shown on Tahoe Village Unit No.

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3-13th Amended Map, recorded December 31, 1991, as Document No. 268097, re-recorded as Document No. 269053, Official Records of Douglas County, State of Nevada, excepting therefrom Units 1 through 50 (inclusive) as shown on said map; and (B) Unit No. 35 as shown and defined on said map; together with those easements appurtenant thereto and such easements described in the Fourth Amended and Restated Declaration of Time Share Covenants, Conditions and Restrictions for The Ridge Tahoe recorded February 14, 1984, as Document No. 096758, as amended, and in the Declaration of Annexation of The Ridge Tahoe Phase Six recorded December 18, 1990, as Document No. 241238, as amended by Amended Declaration of Annexation of The Ridge Tahoe Phase Six, recorded February 25, 1992, as Document No. 271727, and as described in the Recitation of Easements Affecting The Ridge Tahoe recorded February 24, 1992, as Document No. 271619, and subject to said Declarations ; with the exclusive right to use said interest in Lot 28 only, for one week each year in accordance with said Declarations.

Account No. 3210738.

DATED this 17 day of June, 2001.

*David R. Russell*  
DISTRICT JUDGE

Respectfully Submitted by:  
ALLISON, MacKENZIE, HARTMAN,  
SOUMBENIOTIS & RUSSELL, LTD.  
402 North Division Street  
P.O. Box 646  
Carson City, NV 89702

By: *Audrey R. Damonte*  
AUDREY R. DAMONTE, ESQ.  
Attorneys for Petitioners,  
JANETTE E. BORHO and  
MARI KVAM

CERTIFIED COPY

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: 6/12/01  
*B Reed* of the 9th Judicial District Court  
of the State of Nevada, in and for the County of Douglas,

By *D Gregory* Deputy

REQUESTED BY  
*Allison Mackenzie et als*  
IN OFFICIAL RECORDS OF  
DOUGLAS CO., NEVADA

2001 JUL -3 AM 9: 08

LINDA SLATER  
RECORDER

\$ 11.00 PAID K2 DEPUTY