

FILED

NO _____

1 Case No. 02-PB-0026

'02 APR -9 P1:43

2 Dept. No. I RECEIVED

BARBARA REED
CLERK

3 APR 09 2002

B. WILLIAMS DEPUTY

4 DOUGLAS COUNTY
DISTRICT COURT CLERK

5
6
7 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF DOUGLAS
9

10
11 In the Matter of the Estate

12 of

13 Frederick R. Birdsall,

14 Deceased.

ORDER SETTING ASIDE ESTATE
WITHOUT ADMINISTRATION

15 _____/
16
17 The Petition of Sandra Olson and Barbara Birdsall, as Co-
18 Trustees of The Frederick R. Birdsall Family Trust 1997 (the
19 "Petitioners") for an order setting aside the estate of Frederick
20 R. Birdsall, deceased, without administration came before the Court
21 for hearing this day. No persons appeared to contest the Petition.
22 Based upon the hearing, and the pleadings and papers on file with
23 the Court, the Court hereby finds as follows:

24 1. All Notices of Hearing have been given as required by
25 law. An Affidavit of Mailing has been filed with the Clerk of the
26 Court.

WALTHER, KEY, MAUPIN, OATS
COX & LEGOY
ATTORNEYS AT LAW
P. O. BOX 30000
RENO, NEVADA 89520

1 2. Frederick R. Birdsall (the "Decedent") died in
2 Carmichael, Sacramento County, California on August 13, 2001. One
3 (1) certified copy of the Decedent's death certificate has been
4 filed with the Court. At the time of his death, the Decedent was a
5 resident of the State of California and left property in Douglas
6 County, Nevada consisting of real property with an estimated value
7 not exceeding Fifty Thousand Dollars (\$50,000.00). The property
8 was the separate property of the Decedent.

9 3. The Decedent executed a Will dated August 19, 1997, the
10 original of which has been lodged in The Superior Court of
11 California, County of Placer, and a copy of which has been filed
12 with this Court. The Will appears to be the last Will of the
13 Decedent.

14 4. The Decedent's Will nominates the Petitioners as the
15 Personal Representatives of the Decedent's Will and Estate, however
16 the petitioners do not anticipate the need to probate the
17 Decedent's estate in Nevada or California. The Petitioners are the
18 Co-Trustees of the Frederick R. Birdsall Family Trust 1997 which is
19 the sole beneficiary of the Decedent's Will. The Petitioners are
20 over the age of majority, are citizens of the United States, and
21 have not been convicted of any felonies.

22 5. More than thirty (30) days have passed since the death of
23 the Decedent.

24 6. The specific description and the estimated value of all
25 of the property of the Decedent which is otherwise subject to
26 probate administration are as follows:

<u>Description</u>	<u>Value</u>
6.1. Time Share Unit, The Ridge Tahoe, Douglas County, Nevada as disclosed in Exhibit A attached hereto, APN 42-281-04	\$ 3,000.00
6.2. Time Share Unit, The Ridge Tahoe Douglas County, Nevada as disclosed in Exhibit B attached hereto, APN 42-286-12	\$ 3,000.00
Total	\$ 6,000.00

7. There are no liens or encumbrances of record pending against the property of the estate except the outstanding mortgage on time share unit described as item 6.2. above. However, the mortgage has been assumed by Fred and Nancy Luthy pursuant to a gift transaction between the Decedent and the Luthys during the Decedent's life. As of the date of this Order, all creditors of the Decedent's have been paid and the time of any creditors to file claims with the Petitioners as Co-Trustees of The Frederick R. Birdsall Family Trust 1997 has expired.

8. The Decedent is not survived by a spouse or minor children. Section 146.070(2) of the Nevada Revised Statutes, provides that when there is no surviving spouse or minor child of the Decedent, and the gross value of the Decedent's estate, after deducting encumbrances, does not exceed \$50,000.00, upon good cause, the Court may order that the estate be set aside first, to the payment of funeral expenses, expenses of last illness, money owed to the department of human resources as a result of payment of benefits for Medicaid, and creditors, if any; and second, to the claimant or claimants entitled thereto pursuant Decedent's Will. All expenses and debts of the Decedent and Estate have been

1 satisfied. Accordingly, the Decedent's estate should be set aside
2 to the devisee named in the Decedent's Will, namely, Sandra Olson
3 and Barbara Birdsall, as Co-Trustees of The Frederick R. Birdsall
4 Family Trust 1997.

5 BASED UPON THE ABOVE, the Court Orders that good causes exists
6 to find that the total gross value of the Decedent's estate does
7 not exceed the sum of Fifty Thousand Dollars (\$50,000.00) and that
8 pursuant to Section 146.070 of the Nevada Revised Statutes, the
9 Decedent's entire estate be assigned and set apart as follows:

10 A. The Time Share Unit (APN 42-281-04) located at The Ridge
11 Tahoe, Douglas County, Nevada as legally described in Exhibit A
12 attached hereto is hereby assigned as set aside to Sandra Olson and
13 Barbara Birdsall, as Co-Trustees of The Frederick R. Birdsall
14 Family Trust 1997.

15 B. The Time Share Unit (APN 42-286-12), located at The Ridge
16 Tahoe, Douglas County, Nevada, as legally described in Exhibit B
17 attached hereto, is hereby assigned and set aside is hereby
18 assigned as set aside to Sandra Olson and Barbara Birdsall, as Co-
19 Trustees of The Frederick R. Birdsall Family Trust 1997.

20 C. Petitioners Sandra Olson and Barbara Birdsall, as Co-
21 Trustees of The Frederick R. Birdsall Family Trust 1997 are hereby

22 // // //
23 // // //
24 // // //
25 // // //
26 // // //

1 authorized to execute legal documents on behalf of the Estate of
2 Frederick R. Birdsall, if necessary to effectuate the above ordered
3 transfers of real property.

4 DATED this 9th day of April, 2002.

5 *David R. Gamble*

6 _____
7 District Judge

8 Submitted by:

9 Walther, Key, Maupin, Oats,
10 Cox & LeGoy

11 By *Michaelle D. Rafferty*
12 Michaelle D. Rafferty, Esq.
Nevada Bar No. 5097

13 ATTORNEYS FOR THE PETITIONER
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R.P.T.T., \$ 11.00

THE RIDGE TAHOE GRANT, BARGAIN, SALE DEED

THIS INDENTURE, made this 17th day of September 19 90 between HARCH TAHOE DEVELOPMENTS, a Nevada general partnership, Grantor, and FREDERICK R. BIRDSALL, an unmarried man

Grantee:

WITNESSETH:

That Grantor, in consideration for the sum of TEN DOLLARS (\$10.00), lawful money of the United States of America, paid to Grantor by Grantee, the receipt whereof is hereby acknowledged, does by these presents, grant, bargain and sell unto the Grantee and Grantee's heirs and assigns, all that certain property located and situated in Douglas County, State of Nevada, more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference;

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or appertaining and the reversions and reversions, remainder and remainders, rents, issues and profits thereof;

SUBJECT TO any and all matters of record, including taxes, assessments, easements, oil and mineral reservations and leases, if any, rights of way, agreements and the Fourth Amended and Restated Declaration of Timeshare Covenants, Conditions and Restrictions dated January 30, 1984 and recorded February 14, 1994, as Document No. 96758, Book 284, Page 5202, Official Records of Douglas County, Nevada, as amended from time to time, and which Declaration is incorporated herein by this reference as if the same were fully set forth herein;

TO HAVE AND TO HOLD all and singular the premises, together with the appurtenances, unto the said Grantee and Grantee's assigns forever.

IN WITNESS WHEREOF, the Grantor has executed this conveyance the day and year first above written.

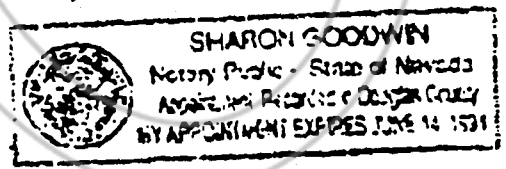
STATE OF NEVADA)) ss. COUNTY OF DOUGLAS)

HARCH TAHOE DEVELOPMENTS, a Nevada general partnership By: Lakewood Development Inc., a Nevada corporation, general partner

On this 24th day of September 1990, personally appeared before me, a notary public, Robert W. Dunbar, known to me to be the Treasurer and Chief Financial Officer of Lakewood Development Inc., a Nevada corporation, and he acknowledged to me that he executed the document on behalf of said corporation as general partner of Harch Tahoe Developments, a Nevada general partnership.

By: [Signature] Robert W. Dunbar, Treasurer, Chief Financial Officer 37-042-42-71

[Signature] Sharon Goodwin Notary Public



SPACE BELOW FOR RECORDER'S USE ONLY 235585 BOOK 990 PAGE 4208

WHEN RECORDED MAIL TO Name: Fredrick R. Birdsall Street: P.O. Box 3257 Address: Chico, CA 95927 City & State:

EXHIBIT "A" (37)

A LINESHAKE ESTATE COMPRISED OF:

PARCEL ONE

An undivided 1/102nd interest in and to that certain condominium as follows:

- (A) An undivided 1/106ths interest as tenants-in-common, in and to Lot 37 as shown on Tahoe Village Unit No. 3-10th Amended Map, Recorded September 21, 1990 as Document No. 235008, Official Records of Douglas County, State of Nevada. Except therefrom Units 019 through 060 (inclusive) and Units 141 through 204 (inclusive) as shown and defined on that certain Condominium Plan recorded as Document No. 182037, Official Records of Douglas County, Nevada.
- (B) Unit No. 042 as shown and defined on said Condominium Plan.

PARCEL TWO

- (A) a non-exclusive easement for roadway and public utility purposes as granted to Merick Tahoe Developments in deed recorded December 9, 1981, as Document No. 63026, being over a portion of Parcel 26-A (described in Document No. 61112, recorded June 17, 1976) in Section 30, Township 13 North, Range 12 East N.D.S. & M.; and
- (B) An easement for ingress, egress and public utility purposes, 32' wide, the centerline of which is shown and described on the Seventh Amended Map of Tahoe Village No. 3, recorded April 9, 1986, as Document No. 133176 of Official Records, Douglas County, State of Nevada.

PARCEL THREE

A non-exclusive right to use the real property known as "Common Area" as shown on Tahoe Village Unit No. 3-10th Amended Map, Recorded September 21, 1990 as Document No. 235008 of the Douglas County Recorder's Office, Douglas County, Nevada, within Section 30, Township 13 North, Range 12 East, N.D.S. & M. for all those purposes provided for in the Declaration of Covenants, Conditions, and Restrictions recorded January 11, 1971, as Document No. 63681, in Book 173 Page 219 of Official Records and in modifications thereof: (1) recorded September 28, 1977, as Document No. 69063 in Book 973 Page 812 of Official Records; (2) recorded July 2, 1979, as Document No. 1072 in Book 776 Page 87 of Official Records; and (3) recorded July 24, 1989, as Document No. 707446, in Book 789, Page 3011.

PARCEL FOUR

A non-exclusive easement for ingress and egress and recreational purposes and for the use and enjoyment and incidental purposes over, on and through Lots 29, 30, 35, 39, 40, and 41 as shown on Tahoe Village Unit No. 3-10th Amended Map, Recorded September 21, 1990 as Document No. 235008 of the Douglas County Recorder's Office, Douglas County, Nevada, within Section 30, Township 13 North, Range 12 East N.D.S. & M. for all those purposes provided for in the Fourth Amended and Restated Declaration of Covenants, Conditions and Restrictions, recorded February 14, 1984, as Document No. 96758 and as amended from time to time of Official Records of Douglas County, State of Nevada.

PARCEL FIVE

The exclusive right to use a unit of the same Unit Type as described in the Declaration of Annexation of The Ridge Tahoe Phase Five recorded on August 18, 1988, as Document No. 184661 of Official Records of Douglas County, in which an interest is hereby conveyed in subparagraph (B) of Parcel One, and the non-exclusive right to use the real property referred to in subparagraph (A) of Parcel One and Parcels Two, Three and Four above for all of the purposes provided for in the Fourth Amended and Restated Declaration of Covenants, Conditions and Restrictions of The Ridge Tahoe, recorded February 14, 1984, as Document No. 96758 of Official Records of Douglas County, during ONE ALTERNATE use week within the one numbered years of the swing SEASON, as said quoted term is defined in the Declaration of Annexation of The Ridge Tahoe Phase Five.

The above described exclusive right may be applied to any available unit of the same Unit Type on Lot 37 during said use week within said "use season".

Portion of Parcel No. 42-29 1-04

REQUESTED BY
ESTERNE WILE OF DOUGLAS COUNTY
RECORDER OF DEEDS
DOUGLAS COUNTY, NEVADA

90 SEP 28 P1 21

235585
DEPUTY
BOOK 990 PAGE 1209

0539537

BK 0402 PG 04168

EXHIBIT "B"
THE RIDGE TAHOE
GRANT, BARGAIN, SALE DEED

THIS INDENTURE, made this 12th day of September, 1996 between
HARICH TAHOE DEVELOPMENTS, a Nevada general partnership, Grantor, and
FREDRICK BIRDSALL, a single man

Grantee;

WITNESSETH:

That Grantor, in consideration for the sum of TEN DOLLARS (\$10.00), lawful money of the United States of America, paid to Grantor by Grantee, the receipt whereof is hereby acknowledged, does by these presents, grant, bargain and sell unto the Grantee and Grantee's heirs and assigns, all that certain property located and situated in Douglas County, State of Nevada, more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference;

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or appurtenant and the reversion and reversions, remainder and remainders, rents, issues and profits thereof;

SUBJECT TO any and all matters of record, including taxes, assessments, easements, oil and mineral reservations and leases, if any, rights of way, agreements and the Fourth Amended and Restated Declaration of Timeshare Covenants, Conditions and Restrictions dated January 30, 1984 and recorded February 14, 1984, as Document No. 96758, Book 284, Page 5202, Official Records of Douglas County, Nevada, as amended from time to time, and which Declaration is incorporated herein by this reference as if the same were fully set forth herein;

TO HAVE AND TO HOLD all and singular the premises, together with the appurtenances, unto the said Grantee and Grantee's assigns forever.

IN WITNESS WHEREOF, the Grantor has executed this conveyance the day and year first above written.

STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

HARICH TAHOE DEVELOPMENTS,
a Nevada general partnership
By: Lakewood Development Inc.,
a Nevada corporation, general partner

On this 25th day of Sept
1996, personally appeared before me, a notary public, Robert W. Dunbar, known to me to be the Treasurer and Chief Financial Officer of Lakewood Development Inc., a Nevada corporation, and he acknowledged to me that he executed the document on behalf of said corporation as general partner of Harich Tahoe Developments, a Nevada general partnership.

By: [Signature]
Robert W. Dunbar, Treasurer
Chief Financial Officer

[Signature]
Notary Public
K. BURCHIEL
Notary Public - State of Nevada
Appointment Recorded in Carson City
MY APPOINTMENT EXPIRES MAR. 10, 1997

37-170-29-82

WHEN RECORDED MAIL TO

Name Fredrick Birdsall
Street 510 Pehar Road
Address Chester, CA 96020
City &
State

BK 0402PG04169
0539537

397519
BK 0996PG4951

An undivided 1/102nd interest as tenants in common in and to that certain real property and improvements as follows: (A) An undivided 1/106th interest in and to Lot 37 as shown on Tahoe Village Unit No. 3-13th Amended Map, recorded December 31, 1991, as Document No. 268097, rerecorded as Document No. 269053, Official Records of Douglas County, State of Nevada, excepting therefrom Units 039 through 080 (inclusive) and Units 141 through 204 (inclusive) as shown on that certain Condominium Plan Recorded July 14, 1988, as Document No. 182057; and (B) Unit No. 170 as shown and defined on said Condominium Plan; 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 Five recorded August 18, 1988, as Document No. 184461, as amended, 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 37 only, for one week every other year in Even -numbered years in the Prime "Season" as defined in and in accordance with said Declarations.

A portion of APN: 42-286-12

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.

SEAL

DATE: April 9, 2002
B. Reed Clerk of the 9th Judicial District Court of the State of Nevada, in and for the County of Douglas,

By [Signature] Deputy

REQUESTED BY:
Stewart Title of Douglas County
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

96 SEP 30 A9:40

LINDA SLATER
RECORDER
PAID [Signature] DEPUTY

397519

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COPY

REQUESTED BY
Walther Key et al
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

2002 APR 15 PM 12:08

LINDA SLATER
RECORDER

\$23⁰⁰ PAID *K2* DEPUTY

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