

1 Case No. 00-PB0044

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5 DOUGLAS COUNTY  
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BY:  DEPUTY

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR DOUGLAS COUNTY

8 In the Matter of the Estate of)

9 JOHN DAVID WILLCOX, )

**ORDER SETTLING FIRST AND FINAL  
ACCOUNT, PETITION FOR FEES AND  
DECREE OF DISTRIBUTION**

10 Deceased. )

11 \_\_\_\_\_ )  
12 MARY ELIZABETH BRUCH, Executrix of the Estate of JOHN DAVID  
13 WILLCOX, having rendered to the Court on the 15 day of April,  
14 2002, her First and Final Account, Report of Administration, Petition  
15 for Distribution, and Application for Order Authorizing Payment of  
16 Attorney's Fees and Costs, and hearing thereon having been held, do  
17 notice which was proved and the Court having reviewed the evidence,  
18 read the papers, and it appearing as follows:

- 19 1. That said account is in full respects true and correct.
- 20 2. That due and legal notice to creditors of said Estate has
- 21 been given in the manner and for the time required by law.
- 22 3. That all claims and debts against said Decedent and against
- 23 said Estate, and all debts, expenses and charges of
- 24 administration have been fully paid and discharged, and there
- 25 are no federal estate taxes due from the estate or personal
- 26 property taxes due and payable by the Estate, and that said
- 27 Estate is ready for distribution and is now in a condition to
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be closed.

4. The appraisal was filed on April 19, 2001.

5. The appraisal total was Eight Hundred Sixty Thousand Nine Hundred Thirty-Three Dollars and no/100 (\$860,933.00). The Estate now consists of assets in the total sum of Nine Hundred Five Thousand Seven Hundred Thirty-Two Dollars and no/100 (\$905,732.00).

6. That A. Christopher Zimmermann, Esq., Attorney for the Executrix of the Estate, has performed services in connection with said estate for which services Petitioner has agreed to pay from the assets of the estate, the fee of Nine Thousand Eight Hundred Dollars and no/100 (\$9,800.00), together with costs in the amount of Three Hundred Fifteen Dollars and no/100 (\$315.00) advanced on behalf of said Estate, and any further closing costs that may accrue, as well as expenses of Five Hundred Dollars and no/100 (\$500.00) to be paid to MARY ELIZABETH BRUCH, Executrix.

7. That pursuant to the provisions of the Last Will and Testament of the Decedent, as well as in accordance with the agreement of the parties, the Estate shall be distributed as follows:

a. There shall be distributed to Rebecca C. Martin (Willcox) the household goods and furnishings, as well as the Decedent's jewelry.

b. There shall be distributed to Rebecca C. Martin (Willcox), as the Trustee of the Rebecca C. Martin Trust, the property located at 1123 Azul Way, Gardnerville, Nevada, APN 1120-17-810-003.

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The transfer of the real estate to Rebecca C. Martin (Willcox), as Trustee of the Rebecca C. Martin Trust, is contingent upon the giving by Rebecca C. Willcox, individually and as Trustee of the Rebecca C. Martin Trust, a promissory note in the sum of Seventy-Six Thousand One Hundred Fifteen Dollars and no/100 (\$76,115.00) with the rate of interest of seven percent (7%) per year due one year from date of the Court Order which mortgage shall be to MARY ELIZABETH BRUCH, as the Trustee of the John David Willcox Children's Trust. The property will be used to secure the note. The property may only be used as a personal residence until the note is paid. If the property is sold before the note is paid, the note shall be the first item paid out of the sale proceeds. If the note is not timely paid, MARY ELIZABETH BRUCH, as Trustee of the John David Willcox Children's Trust, may foreclose on the note and shall be reimbursed for all expenses relating to the foreclosure. Cash advances from the Estate account One Hundred Eighty-Seven Three Hundred Twelve Dollars and no/100 (\$187,312.00);

- c. Wells Fargo Account, Sixty-One Dollars and no/100 (\$61.00);
- d. 2000 California tax overpayment, Eighteen Dollars and no/100 (\$18.00);
- e. 2000 Federal Income Tax overpayment, Twelve Thousand Two

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Hundred Sixty-Nine Dollars and no/100 (\$12,269.00);

8. There shall be distributed to MARY ELIZABETH BRUCH, as Trustee of the John David Willcox Children's Trust, the following:

a. Securities

235.05 shares

American Electric \$11,167.00

100.573 shares

First Energy \$3,267.00

26.579 shares

Nipsco \$ 842.00

229.653 Shares

Evergreen FU \$ 2,254.00

TOTAL SECURITIES \$17,530.00

b. Koch Note Receivable \$5,716.00

c. Bank Accounts at Bank of America

4963373281 \$79,923.00

4961297547 1,671.00

4961294016 232,156.00

TOTAL BANK ACCOUNTS \$313,750.00

d. Payment on 2001 1041 form \$1,136.00

e. Prior advances from estate \$2,488.00

f. Oil and mineral rights \$7,040.00

g. Interest in 79.43 acres in Kern County, California \$35,700.00

h. Interest in 29.66 acres in Kern County, California \$7,415.00

TOTAL ASSETS \$390,775.00

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1 [The distribution of bank accounts is subject to the  
2 setting aside the reserve of \$30,000.00 for the payment  
3 of accounting fees and attorney fees for the estate, as  
4 well as the out-of-pocket expenses of the Executrix. If  
5 the expenses exceed Thirty Thousand Dollars and no/00  
6 (\$30,000.00), the parties agree to split the excess  
7 expenses. If the Thirty Thousand Dollars and no/00  
8 (\$30,000.00) is not expended, the unspent portion shall  
9 be split between the parties.]

10 9. MARIBETH BRUCK shall be the Trustee of the John David  
11 Willcox Children's Trust, and REBECCA C. WILLCOX shall  
12 be the Trustee of the Rebecca C. Martin Trust.

13 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that upon filing of  
14 appropriate receipts, the said Executrix shall be discharged from her  
15 trust herein and said estate shall be closed.

16 DATED this 15 day of April, 2002.

17  
18   
19 \_\_\_\_\_  
20 DISTRICT JUDGE

21  
22 SUBMITTED BY:

23  
24 \_\_\_\_\_  
25 A. CHRISTOPHER ZIMMERMANN, ESQ.  
26 Nevada Bar No. 1045  
27 600 E. William #300  
28 Carson City, Nevada 89701  
(775) 882-4577  
Attorney for Petitioner

F:\Zimmermann\Clients\Willcox\WILLCOX 1ACCTG ORDER.wpd

**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: June 4, 2002  
Breda Clerk of the 9th Judicial District Court  
of the State of Nevada, In and for the County of Douglas,

By J. Thaler Deputy  
**SEAL**

COPY

REQUESTED BY  
**MARQUIS TITLE & ESCROW**  
IN OFFICIAL RECORDS OF  
DOUGLAS CO., NEVADA

2002 JUN -4 PM 3: 15

LINDA SLATER  
RECORDER

\$ 19<sup>00</sup> PAID KD DEPUTY

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