

**FILED**

1 CASE NO.: 02-CV-00269-DC

NO \_\_\_\_\_

2 DEPT NO.: 1

2002 OCT 22 PM 2: 04

BARBARA REED  
CLERK

BY GREGORY DEPUTY

RECEIVED  
OCT 22 2002  
DOUGLAS COUNTY  
DISTRICT COURT

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

7 **IN AND FOR THE COUNTY OF DOUGLAS**

8	IN RE:	)	<b>ORDER CORRECTING AND REFORMING</b>
9	THE JOSEPH S. LODATO TRUST, CRAIG	)	<b>DEED AND CONVEYING REAL</b>
10	LODATO, SUCCESSOR TRUSTEE	)	<b>PROPERTY</b>

11 Craig Lodato, as Successor Trustee of the Joseph S. Lodato Trust dated May 18, 1993 as  
 12 amended, and Craig Lodato and Linda Lodato Bartlett, in their individual capacities as residual  
 13 beneficiaries of said Trust, and, as the sole heirs of Joseph S. Lodato, deceased by and through Alling  
 14 & Jillson, Ltd. their attorneys, having filed a Verified Petition herein on the 19<sup>th</sup> day of September 2002  
 15 and Notice of this Hearing being duly given in the manner for the time required by law, and this matter  
 16 coming on regularly for hearing, and Co- Petitioners being represented by Ronald D. Alling of Alling  
 17 & Jillson, Ltd. their attorneys and proof being made to the Court, this Court finds as follows:

- 18 1. Joseph S. Lodato died on or about the 17<sup>th</sup> day of June 2000, being at the time of his  
 19 death a resident of Douglas County, Nevada.
- 20 2. At the time of his death Joseph S. Lodato, was a single man, and died leaving two adult  
 21 children, Craig Lodato and Linda Lodato Bartlett.
- 22 3. Joseph S. Lodato having previously created the Joseph S. Lodato Trust dated May 18,  
 23 1993, amended and restated February 10, 2000.
- 24 4. The Joseph S. Lodato Trust was, pursuant to it's terms divided into two shares, one of  
 25 each then living child of the Grantor, namely Craig Lodato and Linda Lodato Bartlett.
- 26 5. The said Joseph S. Lodato left a Will dated February 10, 2000 which was previously  
 27 lodged with the Clerk of this Court and provides that all assets are to be poured into and  
 28 made a part of the Joseph S. Lodato Trust.

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- 1           6.     Craig Lodato is the duly appointed and validly acting Successor Trustee of the Joseph S.  
2           Lodato Trust.
- 3           7.     That the said Joseph S. Lodato created an ambagious document on or about the 10<sup>th</sup> day  
4           of August 1993, when he executed that certain Deed recorded on the 16<sup>th</sup> day of August  
5           1993 in Book 893 Page 2857, Document number 315133 conveying land to the Joseph  
6           S. Lodato Trust describing the property by the correct assessor's parcel number and  
7           attaching an incorrect meets and bounds description.
- 8           8.     That with the recording on the 16<sup>th</sup> day of August as set forth above the said Joseph S.  
9           Lodato believed he was transferring the property then described as Assessor's Parcel  
10          Number 19-042-11, now described as 1219-03-002-013 being Parcel Number 1 as shown  
11          on that certain Parcel Map for Joseph S. Lodato filed for record in the Office of the  
12          County Recorder of Douglas County, Nevada, on March 23, 1976 in Book 376 of  
13          official records at Page 1070, as document number 89067.
- 14          9.     That the interest of Joseph S. Lodato in and to Lot 51, Block A as shown on the map of  
15          Holbrook Highlands, filed in the Office of the County Recorder of Douglas County,  
16          Nevada on March 22, 1978 as Document number 18825, APN 1022-18-002-020 should  
17          be transferred to the Joseph S. Lodato Trust, Craig Lodato, Successor Trustee.

18           Conclusions of Law:

19           The Court has the inherent equitable jurisdiction to correct a deed or other instrument and to  
20           transfer real property for the proper administration of justice.

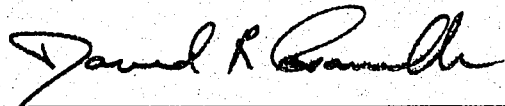
21           THEREFORE, IT IS HEREBY ORDERED that the Title to the property commonly know as  
22           Parcel No.1as shown on that certain Parcel Map for Joseph S. Lodato filed for record in the Office of  
23           the County Recorder of Douglas County, Nevada, on March 23, 1976 in Book 376, of Official Records  
24           at Page 1070, Document number 89067, APN 1219-03-002-013 is hereby vested in the name of Craig  
25           Lodato, Successor Trustee of the Joseph S. Lodato Trust.

26           IT IS FURTHER ORDERED that an undivided two-thirds interest, (being all of the interest of  
27           Joseph S. Lodato, deceased) in and to Lot 51, Block A as shown on the map of Holbrook Highlands  
28           Subdivision filed in the office of the County Recorder of Douglas County, Nevada, on March 22, 1978

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1 as Document number 18825 is hereby vested in the name of Craig Lodato, Successor Trustee of the  
2 Joseph S. Lodato Trust and an undivided one-third interest therein shall remain vested in the name of  
3 Bruce Bartlett and Linda Lodato Bartlett, Husband and Wife as Joint Tenants.

4  
5 DATED this 22th day of October 2002.

6  
7   
8 DISTRICT JUDGE

9 Submitted by:

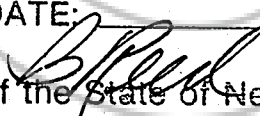
10 ALLING & JILLSON, LTD.

11 By: \_\_\_\_\_  
12 RONALD D. ALLING, ESQ., #0129  
13 Attorneys for:  
14 CRAIG LODATO AND LINDA LODATO BARTLETT  
15 Post Office Box 3390  
16 Lake Tahoe NV 89449-3390  
17 775.588.6676

18  
19 H:\Ron\1-Open\1-Estate Planning\Lodato\OrderLodato102102.wpd

20  
21  
22  
23 **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: 10/22/02  
28  Clerk of the 9th Judicial District Court  
of the State of Nevada, in and for the County of Douglas,

By  Deputy

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COPY

REQUESTED BY  
Alling + Johnson Ltd

IN OFFICIAL RECORDS OF  
DOUGLAS CO., NEVADA

2002 OCT 22 PM 2: 29

LINDA SLATER  
RECORDER

\$ 17<sup>00</sup> PAID K2 DEPUTY

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