

1 Case No. 03 PB 0007

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

8
9 IN THE MATTER OF THE ESTATE

10 -of-
11 PHILOMENE LUCIE MINABERRY,
12 Deceased.

DECREE SETTING ASIDE ESTATE
WITHOUT ADMINISTRATION

13

Date of Hearing: February 18, 2003
Time of Hearing: 1:30 p.m.

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15
16 THIS MATTER having come before this Honorable Court upon the verified Petition of
17 GRACE IRIBARREN for a Decree setting aside and assigning the whole of the Estate of
18 PHILOMENE LUCIE MINABERRY, deceased, to all of decedent's siblings, and appearing by and
19 through her undersigned counsel, and this Honorable Court having fully considered the matter, being
20 fully familiar with the pleadings and papers on file herein, and proof being made to the satisfaction
21 of this Honorable Court,

22 THE COURT FINDS:

- 23 1. That all notices have been duly given as required by law.
- 24 2. That all facts alleged in the Petition are true.
- 25 3. That the net value of the whole estate of the decedent within the state of Nevada, over
26 and above all liens and encumbrances, does not exceed the sum of FIFTY THOUSAND DOLLARS
27 (\$50,000) as of the date of such death.
- 28 4. That at the date of her death, the decedent held a Promissory Note in the principal

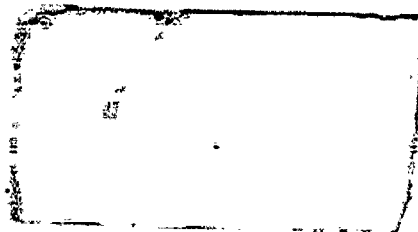
JAMES M. O'REILLY, L.L.C.

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1 amount of twenty thousand dollars (\$20,000.00), plus interest at the rate of 13% per annum, all due
2 and payable November 8, 2001. That this maturity date was extended by verbal agreement of all
3 parties named on the original Deed of Trust, permitting Marquis Title and Escrow, Inc., to continue
4 collecting on behalf of the named beneficiaries under the Short Form Deed of Trust and Assignment
5 of Rents recorded in Douglas County, Nevada, on November 8, 2000, as Document No. 0503031,
6 secured by that vacant real property located in Douglas County, Nevada, A.P.N. 1319-33-002-008
7 (prior A.P.N. 19-340-140), more particularly described as follows:

8 Parcel 1-A as set forth on that certain Parcel Map for Clay Kruger, located in a
9 portion of Section 33, Township 13 North, Range 19 East, M.D.B. & M., filed for
10 record in the Office of the County Recorder of Douglas County, Nevada, on March
29, 1985, as Document No. 115403.

11 5. That the date of her death, the decedent was the holder of a Promissory Note in the
12 principal amount of four thousand dollars (\$4,000.00), plus interest at the rate of 12.5% per annum,
13 all due and payable May 29, 2003, secured by Deed of Trust and Additional Advance. The Notice
14 of Additional Advance under Deed of Trust was recorded in Churchill County, Nevada, on
15 December 27, 2000, as Document No. 333422. That decedent's interest was secured as an advance
16 under and pursuant to the terms of that certain Short Form Deed of Trust and Assignment of Rents
17 recorded in Churchill County, Nevada, on September 28, 2000, as Document No. 332016, against
18 both real properties, one property located in Churchill County, Nevada, A.P.N. 9-251-28, more
19 particularly described as follows:

20 All of Section 27, Township 20 North, Range 26 East, M.D.B. & M, situate in the
21 County of Churchill, State of Nevada, described as follows:

22 EXCEPTING therefrom all land shown on the Map of HAZEN, recorded September
19, 1905, under File No. 931, Churchill County, Nevada.

23 ALSO EXCEPTING therefrom, all land shown on the Central Pacific Railway
24 Company's First Addition to the TOWN OF HAZEN, recorded June 28, 1917, under
File No. 24726, Churchill County, Nevada,

25 and a second real property located in Churchill County, Nevada, A.P.N. 9-251-17, more particularly
26 described as follows:

27 All of Section 15, Township 20 North, Range 26 East, M.D.B. & M, situate in the
28 County of Churchill, State of Nevada, described as follows:

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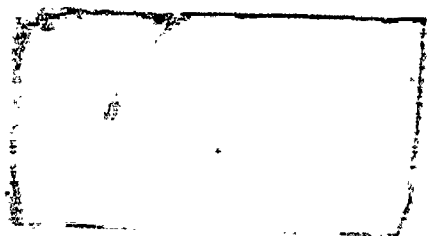
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1 EXCEPT from the above described land those portions deeded to the State of Nevada
2 by Deeds recorded October 5, 1938, in Book 22, Page 163 of Deeds, Book 22, Page
3 180 of Deeds; Book 30, Page 114 of Deeds; Book 34, Page 269 of Deeds; Book 37,
4 Page 144 of Deeds and all of those portions lying within the boundaries of the
5 Southern Pacific Railroad right-of-way.

6 ALSO EXCEPT all those portions lying within the Western Pacific Railroad right-of-
7 way.

8 ALSO EXCEPT all those portions deeded to the State of Nevada for highway
9 purposes.

10 6. That at the date of her death, the decedent held a Promissory Note in the principal
11 amount of twelve thousand dollars (\$12,000.00), plus interest at the rate of 12.5% per annum, all due
12 and payable March 9, 2004. Such Promissory Note was secured by a Short Form Deed of Trust and
13 Assignment of Rents and Security Agreement recorded in Douglas County, Nevada, on March 9,
14 2001, as Document No. 0510208, against that real property located at 1331 Limestone Road,
15 Wellington, Douglas County, Nevada, A.P.N. 1022-10-002-054 (prior A.P.N. 37-243-020), more
16 particularly described as follows:

17 Lot 4, as shown on the map of TOPAZ RANCH ESTATES UNIT NO. 2, as filed in
18 the Office of the County Recorder of Douglas County, Nevada, on February 20,
19 1967, as Document No. 35464, Official Records.

20 That at the date of her death, the decedent held an interest worth approximately four thousand
21 two hundred ninety-nine and 40/100 dollars (\$4,299.40) in real property located at 195 River Village,
22 Fallon, Churchill County, Nevada, A.P.N. 008-421-17, more particularly described as follows:

23 Parcel 3 of the Parcel Map for PERRY-WALLACE PROPERTIES, recorded
24 December 29, 1993, under Document No. 279211 and Certificate of Amendment
25 recorded February 2, 1994, under File No. 280057, Official Records, Churchill
26 County, Nevada.

27 Such interest resulted from a Trustee's Sale of said property on August 17, 2001.

28 7. That the expenses of the last illness of the deceased and the funeral charges have been
29 paid.

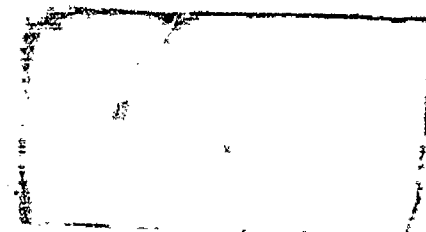
30 8. That the decedent died intestate.

31 9. That at the date of her death, decedent was an unmarried woman.

32 10. That JEANNOT MINABERRY, MARCEL PIERRE MINABERRY, GRACE
33 IRIBARREN, and the Estate of MARTIN PIERRE MINABERRY (who died on October 13, 2002,

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1 after PHILOMENE LUCIE MINABERRY), as the siblings of the decedent, are the beneficiaries of
2 the decedent's hereinafter described property, in accordance with the Nevada laws of intestate
3 succession.

4 IT IS HEREBY ORDERED AND DECREED as follows:

5 1. That the decedent died intestate on April 9, 2002.

6 2. That the whole of the estate of PHILOMENE LUCIE MINABERRY, deceased,
7 within the state of Nevada, consisting of her:

8 a) Promissory Note in the principal amount of twenty thousand dollars
9 (\$20,000.00), plus interest at the rate of 13% per annum, secured by that vacant real property located
10 in Douglas County, Nevada, A.P.N. 1319-33-002-008 (prior A.P.N. 19-340-140), more particularly
11 described as follows:

12 Parcel 1-A as set forth on that certain Parcel Map for Clay Kruger, located in a
13 portion of Section 33, Township 13 North, Range 19 East, M.D.B. & M., filed for
14 record in the Office of the County Recorder of Douglas County, Nevada, on March
29, 1985, as Document No. 115403.

15 b) Promissory Note in the principal amount of four thousand dollars (\$4,000.00),
16 plus interest at the rate of 12.5% per annum, secured as an advance under and pursuant to the terms
17 of that certain Short Form Deed of Trust and Assignment of Rents recorded in Churchill County,
18 Nevada, on September 28, 2000, as Document No. 332016, against both real properties, one property
19 located in Churchill County, Nevada, A.P.N. 9-251-28, more particularly described as follows:

20 All of Section 27, Township 20 North, Range 26 East, M.D.B. & M, situate in the
21 County of Churchill, State of Nevada, described as follows:

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19, 1905, under File No. 931, Churchill County, Nevada.

23 ALSO EXCEPTING therefrom, all land shown on the Central Pacific Railway
24 Company's First Addition to the TOWN OF HAZEN, recorded June 28, 1917, under
File No. 24726, Churchill County, Nevada,

25 and a second real property located in Churchill County, Nevada, A.P.N. 9-251-17, more particularly
26 described as follows:

27 All of Section 15, Township 20 North, Range 26 East, M.D.B. & M, situate in the
28 County of Churchill, State of Nevada, described as follows:

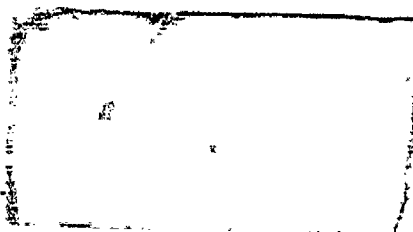
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EXCEPT from the above described land those portions deeded to the State of Nevada by Deeds recorded October 5, 1938, in Book 22, Page 163 of Deeds, Book 22, Page 180 of Deeds; Book 30, Page 114 of Deeds; Book 34, Page 269 of Deeds; Book 37, Page 144 of Deeds and all of those portions lying within the boundaries of the Southern Pacific Railroad right-of-way.

ALSO EXCEPT all those portions lying within the Western Pacific Railroad right-of-way.

ALSO EXCEPT all those portions deeded to the State of Nevada for highway purposes.

c) Promissory Note in the principal amount of twelve thousand dollars (\$12,000.00), plus interest at the rate of 12.5% per annum, secured by a Short Form Deed of Trust and Assignment of Rents and Security Agreement recorded in Douglas County, Nevada, on March 9, 2001, as Document No. 0510208, against that real property located at 1331 Limestone Road, Wellington, Douglas County, Nevada, A.P.N. 1022-10-002-054 (prior A.P.N. 37-243-020), more particularly described as follows:

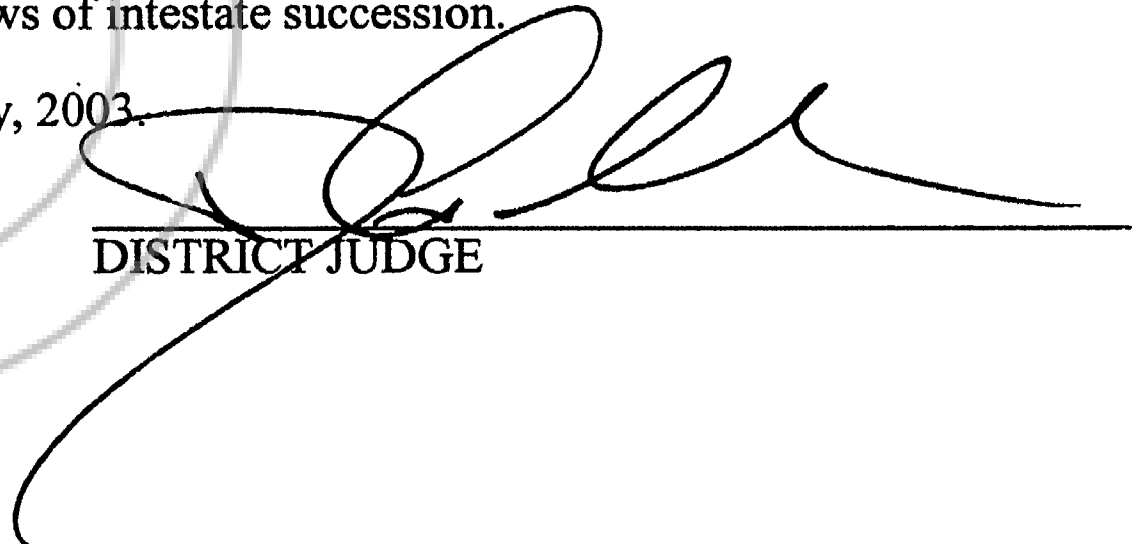
Lot 4, as shown on the map of TOPAZ RANCH ESTATES UNIT NO. 2, as filed in the Office of the County Recorder of Douglas County, Nevada, on February 20, 1967, as Document No. 35464, Official Records.

d) Interest worth approximately four thousand two hundred ninety-nine and 40/100 dollars (\$4,299.40) in the real property located at 195 River Village, Fallon, Churchill County, Nevada, A.P.N. 008-421-17, more particularly described as follows:

Parcel 3 of the Parcel Map for PERRY-WALLACE PROPERTIES, recorded December 29, 1993, under Document No. 279211 and Certificate of Amendment recorded February 2, 1994, under File No. 280057, Official Records, Churchill County, Nevada,

be set aside to JEANNOT MINABERRY, MARCEL PIERRE MINABERRY, GRACE IRIBARREN, and the Estate of MARTIN PIERRE MINABERRY, all of the siblings of the decedent, in accordance with Nevada laws of intestate succession.

DATED this 25th day of February, 2003.

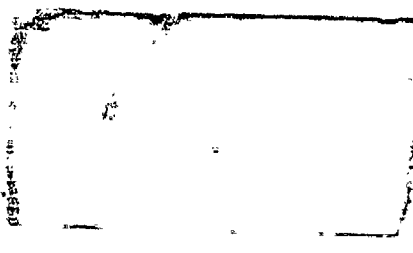


DISTRICT JUDGE

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1 Submitted by:

2 James M. O'Reilly, Esq., #767
3 Janette Reyes-Speer, Esq., #7877
4 Attorneys for Petitioner,
GRACE IRIBARREN

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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: 2/27/03
Speer Clerk of the 9th Judicial District Court
of the State of Nevada, in and for the County of Douglas,

By J. Thaler Deputy
SEAL

REQUESTED BY
James O'Reilly
IN OFFICIAL RECORDS OF
DOUGLAS CO. NEVADA

2003 MAR -7 AM 11:01

WERNER CHRISTEN
RECORDER

\$19.00 PAID KJ DEPUTY

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