

030701147 AP 1420-08-214-017

WHEN RECORDED MAIL TO:

STEWART TITLE OF DOUGLAS CO.
1650 N. LUCERNE
MINDEN, NV 89423

ALLISON, MacKENZIE, RUSSELL, PAVLAKIS, WRIGHT & FAGAN, LTD.
402 North Division Street, P. O. Box 646, Carson City, NV 89702
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1 Case No. 02-PB-0104 RECEIVED
2 Dept. No. I APR 15 2003
3 DOUGLAS COUNTY
4 DISTRICT COURT CLERK

2003 APR 15 PM 1:38
BARBARA REED
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BY B. PHENIX
DEPUTY

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

9 IN THE MATTER OF THE ESTATE
10 OF
11 EDWARD PIKE,
12 Deceased.

ORDER APPROVING FIRST
AND FINAL ACCOUNT
AND PETITION FOR FEES
AND FINAL DISTRIBUTION

13 LINDA G. SMITH, Executrix of the Estate of EDWARD PIKE, deceased, by and
14 through her attorneys, ALLISON, MacKENZIE, RUSSELL, PAVLAKIS, WRIGHT & FAGAN,
15 LTD., having rendered to the Court her First and Final Account and Petition for Fees and Final
16 Distribution of said estate, and a hearing thereon having been had in open Court, due notice of which
17 was proved; and no person objecting; and the Court having reviewed the evidence, read the papers,
18 and considered the matter; and it appearing:

19 I.

20 DECEDENT

21 That EDWARD PIKE, hereinafter called decedent, died on or about July 31, 2002,
22 being at the time of his death a resident of the county of Douglas, state of Nevada, leaving certain
23 real and personal property situate or located in the state of Nevada.

24 II.

25 LAST WILL AND TESTAMENT

26 That decedent left a Will dated and duly executed on July 26, 1989, and that a copy
27 of the said Will was duly approved, allowed, and admitted to probate on November 5, 2002.

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III.

APPOINTMENT OF EXECUTRIX

That on November 5, 2002, this Court, following a hearing on a Petition for Probate of Will and Issuance of Letters Testamentary, duly filed and lawfully noticed, granted administration herein, and appointed petitioner, LINDA G. SMITH, Executrix of decedent's estate, upon her qualifying, and she qualified on the same date, and Letters Testamentary were issued, and ever since she has been, and now is, the duly qualified and acting Executrix of the estate of decedent.

IV.

NOTICE TO CREDITORS

That on November 9, 2002, petitioner caused first publication of Notice to Creditors of decedent to be made, requiring creditors to present their respective claims within ninety (90) days from date of first publication of Notice to Creditors; and that publication was made in the RECORD COURIER, a bi-weekly newspaper of general circulation, printed and published in the county of Douglas, state of Nevada, and was made in the time and in the manner required by law; and the time for presenting claims against said estate, as fixed by said Notice to Creditors, has since expired, and that no claims were filed against the estate.

That on November 6, 2002, INVESTIGATION AND RECOVERY, NEVADA STATE WELFARE, was sent a Notice to Creditors via certified mail return receipt, and that the date of delivery was November 7, 2002. That the office of Investigation and Recovery did not file a claim against the estate.

V.

FEDERAL INCOME/ESTATE TAX

That the total value of the assets of the estate on the date of death of decedent and income earned by decedent and during administration were such that it was not necessary for the petitioner to file with the INTERNAL REVENUE SERVICE (IRS) a Federal Estate Tax Return Form 706. That all personal Federal Income Tax Return Forms 1040 for the decedent's estate have been timely filed with the IRS by the petitioner.

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VI.

INVENTORY AND APPRAISEMENT

That petitioner filed herein an Inventory and Appraisement on November 5, 2002, and that the estate of the decedent consists of real and personal property valued at Three Hundred Eighty-Two Thousand and No/100 Dollars (\$382,000.00); and that an Amended Inventory, Appraisement and Record of Value was filed on January 30, 2003, reflecting a total estate value of Three Hundred Eighty-Eight Thousand Twenty-Five and No/100 Dollars (\$388,025.00).

VII.

HEIRS AND NEXT-OF-KIN

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

<u>NAME</u>	<u>RELATIONSHIP</u>	<u>AGE</u>	<u>ADDRESS</u>
LINDA G. SMITH	Daughter	Over 21	623 Boulder Circle Dayton, NV 89403
CHARLES EDWARD PIKE	Son	Over 21	1934 Venice Drive South Lake Tahoe, CA 96150

VIII.

DEVISEES

That the name, relationship, age, and address of the sole devisee of decedent, so far as known to petitioner, are as follows:

<u>NAME</u>	<u>RELATIONSHIP</u>	<u>AGE</u>	<u>ADDRESS</u>
THE EDWARD PIKE LIVING TRUST, LINDA G. SMITH, Trustee	N/A	N/A	623 Boulder Circle Dayton, NV 89403

IX.

SALE OF REAL PROPERTY

That on November 26, 2002, the Court entered its order approving the sale of real property located at 1012 Starshine Court, county of Douglas, Nevada, being Assessor's Parcel Number 1420-08-214-017 in the amount of Three Hundred Eighty-Nine Thousand and No/100

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1 Dollars (\$389,000.00). That the purchaser failed to obtain approval of a loan and the sale was never
2 completed.

3 X.

4 DISTRIBUTION OF PERSONAL PROPERTY

5 That on January 30, 2003, the Court entered its order approving the transfer of that
6 certain 1995 Lincoln, Model EXC, four (4) door, eight (8) cylinder, Vehicle Identification Number
7 1LNLM81W5SY638795, to LINDA G. SMITH, as a part of her distributive share of the trust estate.
8 The said transfer has been completed by the petitioner.

9 XI.

10 FIRST AND FINAL ACCOUNT

11 That attached to the said First and Final Account as Exhibit "A" and made a part
12 thereof is petitioner's First and Final Account of the Estate of EDWARD PIKE, deceased.

13 XII.

14 EXECUTOR'S SERVICES RENDERED

15 That the petitioner has rendered services as Executrix of the Estate of EDWARD
16 PIKE, deceased, as more fully described in Exhibit "A" attached to the said First and Final Account
17 and incorporated therein by this reference, as follows:

- 18 1. Collected and credited all income due the estate.
- 19 2. Paid various expenditures and administrative expenses and completed various
20 security transactions.
- 21 3. The accounting attached hereto shows a detailed listing of assets of this estate
22 which has a value of Three Hundred Eighty-Two Thousand and No/100 Dollars (\$382,000.00).

23 XIII.

24 EXECUTOR'S FEES

25 That the petitioner, LINDA G. SMITH, has rendered services as Executrix of the
26 Estate of EDWARD PIKE, deceased, and pursuant to NRS 150.020, is entitled to be compensated
27 for her services as Executrix to the Estate, but waives payment of said fee.

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XIV.

ATTORNEYS' FEES

That the petitioner engaged the services of ALLISON, MacKENZIE, RUSSELL, PAVLAKIS, WRIGHT & FAGAN, LTD., as attorneys for petitioner and said firm has rendered such ordinary services as itemized in the Application for Attorneys' Fees on file herein, and is entitled to reasonable compensation therefor; and petitioner and said attorneys have agreed that the sum of Seven Thousand Eight Hundred Seventy-Eight and 75/100 Dollars (\$7,878.75) is a fair and reasonable compensation for these services and hereby request this Court to approve said amount.

XV.

ATTORNEYS' COSTS

That in addition, said attorneys are entitled to be reimbursed from the estate for costs and expenses advanced in the amount of Six Hundred Fifty-Five and 65/100 Dollars (\$655.65) as itemized in the Application for Attorneys' Fees on file herein.

XVI.

COSTS OF CLOSING ESTATE

That certain expenses normal and usual in connection with the closing of such an estate may become due and payable in an amount of approximately Five Hundred and No/100 Dollars (\$500.00).

XVII.

DISTRIBUTION OF ESTATE

That the estate is now ready and in a condition to be closed and distributed.
NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED
as follows:

1. That the First and Final Account filed herein by LINDA G. SMITH, as Executrix of the Estate of EDWARD PIKE, deceased, is settled, approved, allowed, and confirmed.
2. That the Executrix is authorized and directed to pay expenses of closing the estate up to Five Hundred and No/100 Dollars (\$500.00).

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1 3. That the Executrix' fee as and for her services rendered to the estate as
2 Executrix is waived.

3 4. That the Executrix is authorized and directed to pay an attorneys' fee to
4 ALLISON, MacKENZIE, RUSSELL, PAVLAKIS, WRIGHT & FAGAN, LTD., in the amount of
5 Seven Thousand Eight Hundred Seventy-Eight and 75/100 Dollars (\$7,878.75) as a reasonable
6 attorneys' fee for ordinary services rendered to the Executrix during the probate of the above-entitled
7 estate; and to pay Six Hundred Fifty-Five and 65/100 Dollars (\$655.65) as reimbursement for costs
8 and expenses advanced by said attorneys.

9 5. That the Executrix is authorized and directed to distribute the balance of the
10 estate of the decedent now known or hereafter discovered, to LINDA G. SMITH, as Successor
11 Trustee of THE EDWARD PIKE LIVING TRUST, dated July 26, 1989, pursuant to Paragraph 6.
12 DISPOSITION OF RESIDUE, in the Last Will and Testament of EDWARD PIKE, dated July 26,
13 1989, including all that certain parcel of real property commonly referred to as 1012 Starshine Court,
14 Carson City, Nevada, being Assessor's Parcel Number 1420-08-214-017, located in the county of
15 Douglas, state of Nevada, and more particularly described as follows:

16 Lot 5, in Block L, of SUNRIDGE HEIGHTS PHASE 4 & 5A, A
17 PLANNED UNIT DEVELOPMENT, according to the map thereof,
18 filed in the office of the County Recorder of the county of Douglas,
19 state of Nevada on July 1, 1984, in Book 794, page 1, as Document
20 No. 340968.

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