

02-700944

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WHEN RECORDED MAIL TO:
Stewart Title
1650 N. Lucerne
Minden, NV 89423

1 CASE NO. 03 PB 0059

2 DEPT. NO. I

FILED

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MAR 20 2003 2003 MAR 26 PM 1:03

DOUGLAS COUNTY DISTRICT COURT CLERK
BARBARA REED CLERK
BY B. PHENIX DEPUTY

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

7
8 In The Matter Of The
9 Inter-vivos Trust of

10 of

11 HERBERT C. NYSTROM

12 Deceased.

**ORDER CONFIRMING THAT
RESIDENCE AND LOCKHEED
MARTIN BENEFITS BE PART OF
THE CORPUS OF THE HERBERT C.
NYSTROM 1996 INTER-VIVOS
TRUST INSTRUMENT**

14 THIS COURT has reviewed the Petition of MARY JEAN NYSTROM, For

15 Instructions and To Conform Title of a residence and Lockheed Martin life insurance and

16 any other benefits To The 1996 Inter-vivos Trust of the Decedent, HERBERT C.

17 NYSTROM (Social Security No. [REDACTED]-6470), and to make them part of said Trust's

18 corpus. Actual notice has been given to those affected hereby, and they have filed their

19 nominations, consents and waivers regarding the relief requested in the Petition,

20 dispensing with the need for a formal hearing. Accordingly, good cause appearing, I

21 make and enter the following findings of fact, conclusions of law and Order:

22
23 **FINDINGS OF FACT**

24
25 1. HERBERT C. NYSTROM (Social Security No. [REDACTED]-6470), Petitioner's

26 father-in-law, died on September 15, 2002, a domiciliary of the State of Nevada and

27 resident of Gardnerville, Douglas County, Nevada.
28

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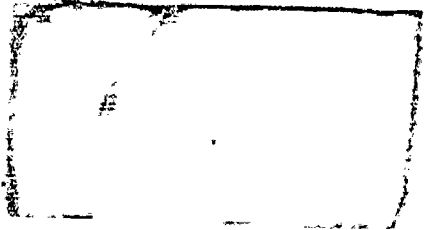
1 2. Decedent had a June 5, 1996 pourover Last Will and Testament and 1996
2 Inter-vivos Trust, also executed June 5, 1996, which Trust specifically contained
3 Decedent's residence and Lockheed Life Insurance, death and other benefits, as part of
4 the Trust's corpus or assets.
5

6 3. On March 2, 2001, the Decedent executed his Amended Third Addendum
7 To Declaration of The Herbert Charles Nystrom 1996 Trust, which was his last
8 amendment to the 1996 Trust.
9

10 4. Schedule "A" of the Trust, under item 1, describes Decedent's residence,
11 with common address of 1397 Waterloo Lane, Gardnerville, Nevada, as Assessor's
12 Parcel No. 25-401-11 (old) and new APN# 1220-04-513-011. It is further described as
13 Lot 106, CARSON VALLEY ESTATES SUBDIVISION, UNIT NO. 5, filed for record
14 in the office of the County Recorder of Douglas County, Nevada, on August 11, 1972, as
15 Document No. 61096. The referenced Amended Third Addendum, also contains the
16 description of Decedent's residence.
17

18 5. Stewart Title of Douglas County, in its February 12, 2003 Preliminary Title
19 Report No. 030700344, at page 2 thereof, contains the following language: "The estate or
20 interest in the land hereinafter described or referred to covered by this Report is: A
21 FEE...Title of said estate or interest is vested in: HERBERT C. NYSTROM, a widow."
22

23 6. The referenced escrow was to close on or about February 28, 2003; however,
24 the closing date had to be extended, due to the necessity of clearing title to the subject
25 residence. That, the sale is to be made, for an approximate sum of \$145,000, the proceeds
26 of which will be distributed by Petitioner, who is the Successor Trustee of the Decedent's
27
28



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1 Inter-Vivos Trust, who will in turn make distributions under the 1996 Trust and the
2 Amended Third Addendum thereto, to the intended beneficiaries.

3
4 7. It has been represented to me by Noel E. Manoukian, Esq., that since 1996,
5 when Decedent executed his initial Trust, it was continually HERBERT CHARLES
6 NYSTROM'S intention to have his residence and any and all of his Lockheed Martin
7 benefits, part of his Trust. Schedule "A" to said Trust confirm's this fact.

8
9 8. Decedent simply forgot or neglected to make that conveyance, also failing to
10 amend his beneficiaries to the Lockheed benefits package, even though he had apparently
11 fully intended to do so.

12 9. Decedent fully intended to have his residence and Lockheed Life Insurance,
13 death benefit and other Lockheed Martin benefits as part of the corpus/principal of his
14 1996 Trust and any amendments thereto.

15 10. Decedent had no other assets, either real or personal, which need to be
16 probated or addressed in the manner in which the residence and the Lockheed benefits are
17 being addressed herein.

18
19 11. In his Amended Third Addendum to Trust, paragraph 2.5 (Death of
20 Trustor; Distribution Free of Trust), 70% of Decedent's Trust estate was left to
21 Petitioner, MARY JEAN NYSTROM, the Petitioner herein; 27% was left to Decedent's
22 Grandchildren, MELISSA ANN NYSTROM SALMON, ERIC CHARLES NYSTROM
23 and GRETCHEN LEIGH NYSTROM, in equal shares; with 3% to Decedent's two Great
24 Grandchildren, AUSTIN CHARLES SALMON and MATTHEW WAYNE SALMON,
25 in equal shares. All of these beneficiaries have survived the Decedent.
26
27
28

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1 12. In paragraph FIFTH of Decedent's Will, Petitioner, MARY JEAN
2 NYSTROM, is named as the Executrix. That said paragraph also instructs that a bond not
3 be required from or by said Executrix. No bond needs to be required. No probate is
4 necessary in these circumstances, and therefore, Petitioner need not be appointed
5 Executrix.
6

7 13. Petitioner is the Successor Trustee under the 1996 Trust.

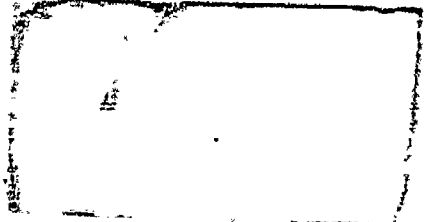
8 14. Petitioner has requested instructions from this Court, and asks that the
9 relief requested herein not require a hearing or probate proceeding, and further requests
10 that this request for relief not require notice as a condition for approval of this Petition,
11 all pursuant to NRS 164.030(2).
12

13 15. The requirement for notice has been waived by the Petitioner and all of
14 those affected hereby, including the consequences of this Petition as demonstrating by
15 their Waivers and Consents.
16

17 16. There were no liens or encumbrances of record regarding the subject
18 residence; or any others at date of death, nor are there any in existence now. To the
19 knowledge of Petitioner, there are no debts or obligations of the Decedent, or there were
20 any, all have been fully paid.
21

22 17. That at the time of the execution of his Will and Trust, as well as any
23 amendments thereto, Decedent was over the age of twenty-one years; that Decedent was
24 at such time of sound and disposing mind and memory.

25 18. This Court should enter an Order, providing that the residence and
26 Lockheed Martin life insurance, death benefits and any other Lockheed Martin benefits,
27
28



1 were and are part of the corpus of Decedent's 1996 Inter-Vivos Trust, so that the
2 referenced escrow with Stewart Title of Douglas County can proceed to close, and so that
3 Petitioner can obtain the Lockheed Martin benefits for the Trust Estate.
4

5 **CONCLUSIONS OF LAW**

6 1. That, pursuant to NRS 164.030(2) and the waivers by all affected parties, a
7 hearing is not necessary.

8 2. All notices to creditors, the need for appraisals, and other formal
9 requirements for non-exempt, larger estates, may be dispensed with.
10

11 3. The Decedent, HERBERT CHARLES NYSTROM'S 1996 Inter-vivos
12 Trust, executed June 5, 1996, is valid and in full force and effect, except where
13 inconsistent with later amendments.

14 4. The Decedent's Amended Third Addendum to said Trust, executed March
15 2d, 2001, is valid and in full force and effect.
16

17 5. The Decedent's residence, with common address of 1997 Waterloo Lane,
18 Gardnerville, Nevada, with Assessor's Parcel No. 1220-04-513-011, known as Lot 106,
19 Carson Valley Estates Subdivision, Unit No. 5, was part of Schedule "A" of the Trust,
20 and is a part of the corpus of Decedent, HERBERT CHARLES NYSTROM'S 1996
21 Trust, including of the March 2, 2001 Amended Third Addendum to Trust.
22

23 6. From an Official Public Records standpoint, the described residence is a fee
24 interest which is vested in HERBERT C. NYSTROM, a widow.

25 7. In order to change the manner of vesting, mentioned on conclusion number 4,
26 to give the property the desired legal status, title to the subject residential property needs
27
28

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1 to be vested in: THE HERBERT CHARLES NYSTROM 1996 TRUST, through the
2 Successor Trustee, Mary Jean Nystrom. Such will be the case regarding the Amended
3
4 Third Addendum To Declaration of The Herbert Charles Nystrom 1996 Trust.

5 7. Decedent's Lockheed Martin life insurance, death benefit and any other
6 benefits should all be paid by Lockheed Martin to MARY JEAN NYSTROM, as the
7 Successor Trustee of the HERBERT CHARLES NYSTROM 1996 TRUST. That,
8 MARY JEAN NYSTROM'S capacity as Successor Trustee is in lieu of any
9
10 administratrix and executrix capacity.

11 8. Mary Jean Nystrom is and shall be recognized as the Successor Trustee of the
12 1996 Trust, who must give full effect to Paragraph 2.5 (Death of Trustor; Distribution
13 Free of Trust) as described in this Court's Findings of Fact, as well as in the Petition on
14
15 file herein.

16 **ORDER**

17 IT IS HEREBY ORDERED that:

18 1. The residence of Decedent, Herbert Charles Nystrom, commonly known as
19 1397 Waterloo Lane, Gardnerville, Nevada, with Assessor's Parcel No. 1220-04-513-
20 011, also described as Lot 106, Carson Valley Estates Subdivision, Unit No. 5, is legally
21
22 vested in Mary Jean Nystrom, Successor Trustee of The Herbert Charles Nystrom 1996
23 Trust.

24 2. Mary Jean Nystrom, as Successor Trustee of said 1996 Trust, shall have full
25 authority to transfer and convey said residential property to any third party or parties, free
26
27 of trust.
28

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1 vested in Mary Jean Nystrom, Successor Trustee of The Herbert Charles Nystrom 1996
2 Trust.

3
4 2. Mary Jean Nystrom, as Successor Trustee of said 1996 Trust, shall have full
5 authority to transfer and convey said residential property to any third party or parties, free
6 of trust.

7 3. Mary Jean Nystrom shall have full power and authority to obtain whatever
8 life insurance, death benefit or any other benefits due from Lockheed Martin Corporation,
9 that are payable as the result of Herbert Charles Nystrom's September 15, 2002 death.

10 4. Mary Jean Nystrom, as Successor Trustee of said 1996 Trust, shall also have
11 the responsibility of making distributions to the beneficiary's of said 1996 Trust, pursuant
12 to paragraph 2.5 thereof (Death of Trustor; Distribution Free of Trust).

13 5. All requirements for notices to creditors, the need for appraisals and other
14 formal requirements are dispensed with.

15 DATED this 27 day of March, 2003.

16
17
18 
19 DISTRICT JUDGE

20
21
22 SUBMITTED BY: 

23 Noel E. Manoukian, Esq.
24 Bar No. 1137
25 1466 Hwy 395 North
26 Gardnerville, NV 89410

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: March 26, 2003

Clerk of the 9th Judicial District Court
of the State of Nevada, in and for the County of Douglas,

By [Signature] Deputy

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

2003 APR 25 PM 3: 16

WERNER CHRISTEN
RECORDER

2100 PAID Bk DEPUTY

