

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

2003 SEP 11 PM 4:22

WERNER CHRISTEN
RECORDER

\$17⁰⁰ PAID *BL* DEPUTY

APN 1419-05-000-001, 002 & 003

Recording Requested By:

Stewart Title of Douglas County

1650 N. Lucerne, Ste. 101

Minden, NV 89423

030701176

ORDER GRANTING PETITION FOR PROBATE WILL
AND FOR ISSUANCE OF LETTERS TESTAMENTARY
(Title of Document)

This page added to provide additional information required by NRS 111.312 Sections 1-2.
(Additional recording fee applies)

This cover page must be typed.

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1 Case No. 03-PB-0012

2 Dept. No. II

2003 FEB 24 PM 2:41

DOUGLAS COUNTY
CLERK

FILED
BY [Signature]

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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 of

**ORDER GRANTING PETITION FOR
PROBATE OF WILL AND FOR ISSUANCE
OF LETTERS TESTAMENTARY**

10 ERNST W. GERBER, also known as
11 ERNST W. GERBER,

12 Deceased.
13

14 The Petition for Probate of Will and Petition for Issuance of Letters Testamentary
15 came on for hearing this 24th day of February, 2003. On proof made to the satisfaction
16 of this Court, the Court finds:

17 1. That the Decedent, ERNST W. GERBER, a resident of Douglas County,
18 Nevada, died testate on August 25, 2002, leaving an Estate in Nevada consisting of real
19 and personal property with a total value estimated in the amount of \$1,349,109 which
20 amount is reported in the Inventory, Record of Value and Appraisement filed in Case No.
21 02-01478P in the First Judicial District Court of the State of Nevada in and for Carson City
22 on January 24, 2003.

23 2. That an original Last Will and Testament of ERNST W. GERBER dated
24 September, 1972, was filed with the Court Clerk of the above-captioned Court on or about
25 December 16, 2002.

26 3. That a Petition for Probate of Will and for Issuance of Letters of
27 Administration with Will Annexed and a Petition for Appointment of Special Administrator
28 were filed in the above-captioned Court on January 29, 2003. An Ex Parte Application for

Dyer, Lawrence, Penrose, Flaherty & Donaldson
2805 North Mountain Street
Carson City, Nevada 89703
(775) 885-1896

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Dyer, Lawrence, Penrose, Flaherty & Donaldson
2805 North Mountain Street
Carson City, Nevada 89703
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1 Appointment of Special Administrator was filed on January 31, 2003 and that application
2 was granted and Special Letters of Administration were ordered issued to Lynn EnEarl by
3 the above-captioned Court on January 31, 2003.

4 4. That Special Letters of Administration were previously issued to HERMANN
5 E. GERBER and ROBERTA GERBER by an Order Appointing Special Administrator
6 entered on October 17, 2002, in Case No. 02-01478P in the First Judicial District Court of
7 the State of Nevada in and for Carson City.

8 5. That at the same time that the Petition for Probate and Petition for
9 Appointment of Special Administrator was filed in the above-captioned matter, a probate
10 proceeding was pending in the First Judicial District Court of the State of Nevada in and
11 for Carson City, in Case No. 02-01478P. A motion to dismiss or in the alternative change
12 venue was filed in the First Judicial District Court on February 12, 2003. A hearing on said
13 motion was held on February 20, 2003, and venue was ordered changed to the Ninth
14 Judicial District Court of the State of Nevada in and for the County of Douglas, Case No.
15 03-PB-0012, by an Order entered on February 20, 2003, by District Judge William A.
16 Maddox. The case file was then transferred from the First to the Ninth Judicial District
17 Court and was assigned the same case number as this matter.

18 6. That the Last Will and Testament of the decedent named HERMANN E.
19 GERBER as successor Executor of decedent's Estate in the event that decedent's former
20 spouse, BECKY Y. GERBER, failed to qualify. BECKY Y. GERBER is not eligible to qualify
21 as the Executrix of the decedent's Estate pursuant to NRS 133.115. HERMANN E.
22 GERBER consents and agrees to act as Executor of the decedent's Estate. Further,
23 HERMANN E. GERBER, has appointed ROBERTA GERBER, spouse of the decedent, to
24 serve as co-executor of this Estate so that she may assist him in the administration of this
25 estate due to the fact that he resides in the State of Virginia. That HERMANN E. GERBER
26 and ROBERTA GERBER are the appropriate persons to act as co-executors of the Estate.

27 7. That the Last Will and Testament of ERNST W. GERBER dated September,
28 1972, provides that the Executor shall serve without requirement of a bond.

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8. Notice of the hearing on this matter has been given as required by Nevada law.

Therefore, the Court enters the following order:

IT IS HEREBY ORDERED:

1. That the Last Will and Testament of ERNST W. GERBER dated September, 1972, be admitted to probate in the State of Nevada.

2. That the Order appointing Lynn EnEarl Special Administrator is herein vacated and any Letters of Special Administration issued to Lynn EnEarl are herein revoked.

3. That the Letters of Special Administration issued to HERMANN E. GERBER and ROBERTA GERBER are herein amended to Letters Testamentary.

4. That HERMANN E. GERBER and ROBERTA GERBER are appointed the executor and executrix of the Decedent's Estate each to have all of the powers and duties allowed by the laws of the State of Nevada and shall serve without bond; and

5. That upon taking the oath required by law, Amended Letters Testamentary shall be issued to HERMANN E. GERBER and to ROBERTA GERBER.

DATED this 24 day of February, 2003.

[Signature]
DISTRICT JUDGE

Submitted by:

[Signature]
SANDRA G. LAWRENCE
Attorney for the Estate

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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.

SEAL

DATE: 9/3/03

[Signature] 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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