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OFFICIAL RECORD

Requested By:

STEWART TITLE OF DOUGLAS

COUNTY

Douglas County - NV
Werner Christen - Recorder

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APN 1222-00-001-008,
1222-00-001-014 & 1322-00-002-017
Recording Requested By:

Stewart Title of Douglas County

1663 US Highway 395 N., Ste. 101

Minden, NV 89423

**Order Approving First and Final Account,
Petition for Fees and For Final Distribution**

(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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Telephone: (775) 687-0202 Fax: (775) 882-7918

1 Case No. 98-00935P

2 Dept. No. I

REC'D & FILED

99 JUL 12 A8:35

ALAN GLOVER
M. DOBBS CLERK
BY _____
DEPUTY

6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY

9 IN THE MATTER OF THE ESTATE

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

10 OF

11 RICHARD HERBERT McAULIFFE,
Deceased.

13 PATRICK S. McAULIFFE, Executor of the Estate of RICHARD HERBERT
14 McAULIFFE, deceased, having rendered to the Court his First and Final Account, Petition for Fees
15 and for Final Distribution of said estate, and a hearing thereon having been had in open Court, due
16 notice of which was proved; and no person objecting; and the Court having reviewed the evidence,
17 read the papers, and considered the matter; and it appearing:

18 I.

19 DECEDENT

20 That RICHARD HERBERT McAULIFFE, hereinafter called decedent, died on or
21 about March 30, 1998, being at the time of his death a resident of Carson City, state of Nevada,
22 leaving certain real and personal property situate or located in the state of Nevada.

23 II.

24 LAST WILL AND TESTAMENT

25 That the decedent left a Will dated and duly executed on December 3, 1990, and that
26 a copy of the said Will was duly approved, allowed, and admitted to probate on July 27, 1998.

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1 III.

2 APPOINTMENT OF EXECUTOR

3 That on July 27, 1998, this Court, following a hearing on a Petition for Probate of
4 Will and Issuance of Letters Testamentary, duly filed and lawfully noticed, granted administration
5 herein, and appointed petitioner, PATRICK S. McAULIFFE, Executor of decedent's estate, upon
6 his qualifying, and he qualified on July 27, 1998, and Letters Testamentary were issued, and ever
7 since he has been, and now is, the duly qualified and acting Executor of the estate of decedent.

8 IV.

9 NOTICE TO CREDITORS

10 That on August 1, 1998, petitioner caused first publication of Notice to Creditors of
11 decedent to be made, requiring creditors to present their respective claims within ninety (90) days
12 from date of first publication of Notice to Creditors; and that publication was made in THE
13 NEVADA APPEAL, a daily newspaper of general circulation, printed and published in Carson City,
14 state of Nevada, and was made in the time and in the manner required by law; and the time for
15 presenting claims against said estate, as fixed by said Notice to Creditors, has since expired, and that
16 no claims were filed against the estate.

17 That on July 29, 1998, INVESTIGATION AND RECOVERY, NEVADA STATE
18 WELFARE, was sent a Notice to Creditors via certified mail return receipt, and that the date of
19 delivery was July 30, 1998. That the office of Investigation and Recovery did not file a claim against
20 the estate.

21 V.

22 FEDERAL INCOME/ESTATE TAX

23 That the total value of the assets of the estate on the date of death of decedent and
24 income earned by decedent and during administration were such that it was not necessary for the
25 petitioner to file with the INTERNAL REVENUE SERVICE a Federal Estate Tax Return Form 706
26 nor Federal Income Tax Return Forms 1040 and 1041.

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VI.

INVENTORY AND APPRAISEMENT

That petitioner filed herein an Inventory and Appraisement on October 23, 1998, and that the probate estate of the decedent consists of real and personal property valued at Two Hundred Twelve Thousand Nine Hundred Eighty-Nine and 33/100 Dollars (\$212,989.33).

VII.

HEIRS, NEXT-OF-KIN, LEGATEES, AND DEVISEES

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

<u>NAME</u>	<u>RELATIONSHIP</u>	<u>AGE</u>	<u>ADDRESS</u>
MAUREEN ANN LECK	Daughter	Over 21	1080 Shenandoah Carson City, NV 89706
PATRICK SHAWN McAULIFFE	Son	Over 21	43310 30th St. West #11 Lancaster, CA 93536
MATTHEW COREY McAULIFFE	Son	Over 21	P.O. Box 1374 Carson City, NV 89702
JENNIFER MARY ALBIN	Daughter	Over 21	4070 Ramsey Circle Carson City, NV 89706
KELLY MURRAY McAULIFFE	Son	Over 21	3367 Avenue de L'Amandier 86160 Montfayet, France
JOHN MICHAEL McAULIFFE	Son	Over 21	990 Bay Street #507 San Francisco, CA 94109
KATHLEEN SHANNON McAULIFFE	Daughter	Over 21	P.O. Box 160495 Big Sky, MT 59716

VIII.

FIRST AND FINAL ACCOUNT

That attached to the said First and Final Account as Exhibit "A" and made a part thereof is petitioner's First and Final Account of the Estate of RICHARD HERBERT McAULIFFE, deceased.

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IX.

REIMBURSEMENT OF FUNDS

That PATRICK S. McAULIFFE had loaned to the decedent in his lifetime the sum of Ten Thousand and No/100 Dollars (\$10,000.00), and PATRICK S. McAULIFFE requested that he be reimbursed by the estate the said amount.

That PATRICK S. McAULIFFE has advanced personal funds to pay expenses of the estate in the amount of Four Thousand and No/100 Dollars (\$4,000.00), and PATRICK S. McAULIFFE requested that he be reimbursed by the estate the said amount.

That the decedent in his lifetime was holding sums of money for KELLY MURRAY McAULIFFE. That the amounts were deposited into the decedent's Norwest Bank account no. 60112688, as follows:

September 23, 1992	\$1,400.00
December 7, 1992	2,000.00
March 4, 1996	<u>2,000.00</u>
	\$5,400.00

That petitioner requested that he be authorized to reimburse KELLY MURRAY McAULIFFE from estate assets the amount of Five Thousand Four Hundred and No/100 Dollars (\$5,400.00).

That attached to the said First and Final Account as Exhibit "B" and incorporated therein by this reference are copies of the bank deposits for the above-referenced transactions of PATRICK S. McAULIFFE and KELLY MURRAY McAULIFFE.

That JENNIFER MARY ALBIN paid expenses on behalf of the decedent in the sum of Two Hundred Seventy-Five and 74/100 Dollars (\$275.74), and petitioner requested that he be authorized to reimburse JENNIFER MARY ALBIN from estate assets the said amount. That the expenses are described as follows:

Flowers for Funeral	\$ 135.74
Bradley T. Martin, Appraiser	<u>140.00</u>
	\$ 275.74

That MATTHEW COREY McAULIFFE paid expenses on behalf of the decedent in the sum of One Thousand and No/100 Dollars (\$1,000.00), and petitioner requested that he be



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1 authorized to reimburse MATTHEW COREY McAULIFFE from estate assets the said amount.
2 That the expenses are described as follows:

3 Station Grill & Rotisserie \$1,000.00

4 That MAUREEN A. LECK paid expenses on behalf of the decedent in the sum of
5 One Thousand Two Hundred Twenty and No/100 Dollars (\$1,220.00), and petitioner requested that
6 he be authorized to reimburse MAUREEN A. LECK from estate assets the said amount. That the
7 expenses are described as follows:

8 Station Grill & Rotisserie \$1,220.00

9 That PATRICK S. McAULIFFE paid expenses on behalf of the decedent in the sum
10 of Four Thousand Two Hundred Fifty-Six and 45/100 Dollars (\$4,256.45), and requested that he be
11 reimbursed by the estate the said amount. That the expenses are described as follows:

12 John Edgecomb, M.D. \$ 74.91
13 Walton's Funeral Home 4,167.40
14 Sierra Neurosurgery 14.14
15 \$4,256.45

16 That attached to the said First and Final Account as Exhibit "C" and incorporated
17 therein by this reference are copies of the documentation for the above-referenced transactions of
18 JENNIFER MARY ALBIN, MATTHEW COREY McAULIFFE, MAUREEN A. LECK, and
19 PATRICK S. McAULIFFE.

20 X.

21 EXECUTOR'S COMPENSATION

22 That the petitioner, PATRICK S. McAULIFFE, has rendered services as Executor
23 of the Estate of RICHARD HERBERT McAULIFFE, deceased, and pursuant to NRS 150.020, is
24 entitled to be compensated for his services as Executor to the Estate, but waives payment for said
25 services.

26 XI.

27 ATTORNEYS' FEES

28 That the petitioner engaged the services of ALLISON, MacKENZIE, HARTMAN,
SOUMBENIOTIS & RUSSELL, LTD., as attorneys for petitioner and said firm has rendered such



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1 ordinary services as itemized in the Application for Attorneys' Fees on file herein, and is entitled to
2 reasonable compensation therefor; and petitioner and said attorneys have agreed that the sum of
3 Three Thousand Five Hundred and No/100 Dollars (\$3,500.00) is a fair and reasonable
4 compensation for these services and hereby request this Court to approve said amount.

5 XII.

6 ATTORNEYS' COSTS

7 That in addition, said attorneys are entitled to be reimbursed from the estate for costs
8 and expenses advanced in the amount of Three Hundred Thirteen and 63/100 Dollars (\$313.63) as
9 itemized in the Application for Attorneys' Fees on file herein.

10 XIII.

11 COSTS OF CLOSING ESTATE

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

15 XIV.

16 DISTRIBUTION OF ESTATE

17 That the estate is now ready and in a condition to be closed and distributed.

18 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED

19 as follows:

20 1. That the First and Final Account filed herein by PATRICK S. McAULIFFE
21 as Executor of the Estate of RICHARD HERBERT McAULIFFE, deceased, is settled, approved,
22 allowed, and confirmed.

23 2. That the Executor is authorized and directed to pay expenses of closing the
24 estate up to Five Hundred and No/100 Dollars (\$500.00).

25 3. That the Executor is authorized and directed to pay to himself the amount of
26 Ten Thousand and No/100 Dollars (\$10,000.00) as and for reimbursement of the loan advanced to
27 the decedent in his lifetime.

28 ///



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1 4. That the Executor is authorized and directed to pay to himself the amount of
2 Four Thousand and No/100 Dollars (\$4,000.00) as and for reimbursement of personal funds
3 advanced to pay estate expenses.

4 5. That the Executor is authorized and directed to reimburse KELLY MURRAY
5 McAULIFFE the amount of Five Thousand Four Hundred and No/100 Dollars (\$5,400.00) as and
6 for monies held for KELLY MURRAY McAULIFFE by the decedent in his lifetime.

7 6. That the Executor is authorized and directed to reimburse JENNIFER MARY
8 ALBIN the amount of Two Hundred Seventy-Five and 74/100 Dollars (\$275.74) as and for
9 expenses paid on behalf of the probate estate.

10 7. That the Executor is authorized and directed to reimburse MATTHEW
11 COREY McAULIFFE the amount of One Thousand and No/100 Dollars (\$1,000.00) as and for
12 expenses paid on behalf of the probate estate.

13 8. That the Executor is authorized and directed to reimburse MAUREEN A.
14 LECK the amount of One Thousand Two Hundred Twenty and No/100 Dollars (\$1,220.00) as and
15 for expenses paid on behalf of the probate estate.

16 9. That the Executor is authorized and directed to reimburse to himself the
17 amount of Four Thousand Two Hundred Fifty-Six and 45/100 Dollars (\$4,256.45) as and for
18 expenses paid on behalf of the probate estate.

19 10. That the payment of the Executor's fee, pursuant to NRS 150.020, for
20 PATRICK S. McAULIFFE is waived.

21 11. That the Executor is authorized and directed to pay an attorneys' fee to
22 ALLISON, MacKENZIE, HARTMAN, SOUMBENIOTIS & RUSSELL, LTD., in the amount of
23 Three Thousand Five Hundred and No/100 Dollars (\$3,500.00) as a reasonable attorneys' fee for
24 ordinary services rendered to the Executor during the probate of the above-entitled estate; and to pay
25 Three Hundred Thirteen and 63/100 Dollars (\$313.63) as reimbursement for costs and expenses
26 advanced by said attorneys.

27 12. That the Executor is authorized and directed to distribute the balance of the
28 estate of the decedent, now known or hereafter discovered, pursuant to Paragraph SECOND, in the



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1 Last Will and Testament of RICHARD HERBERT McAULIFFE, dated December 3, 1990, in equal
2 shares, share and share alike, to MAUREEN ANN LECK, PATRICK SHAWN McAULIFFE,
3 MATTHEW COREY McAULIFFE, JENNIFER MARY ALBIN, KELLY MURRAY McAULIFFE,
4 JOHN MICHAEL McAULIFFE, and KATHLEEN SHANNON McAULIFFE., to include the
5 following real property:

6 (a) All that certain parcel of real property located in Carson City, state of
7 Nevada, described as follows:

8 The West 35 feet of Lot 9 and the West 35 feet of the South 10 feet of Lot 8
9 in Block 29 of SEARS THOMPSON & SEARS DIVISION. Also, the East
10 45 feet of Lot 9 and the East 45 feet of the South 10 feet of Lot 8 in Block 29
11 of SEARS THOMPSON AND SEARS DIVISION of Carson City, in the city
12 of Carson City, county of Ormsby, state of Nevada, according to the official
13 plat thereof, filed in the office of the County Recorder of Ormsby County,
14 Nevada.

15 Assessor's Parcel No. 3-125-03.

16 (b) All those certain parcels of real property located in the county of
17 Douglas, state of Nevada, described as follows:

18 APN 33-100-04: SW ¼ of the SW ¼ of Section 21
19 T13N, R22E, M.D.B. & M., 40 acres

20 APN 35-020-16: NE ¼ of the NW ¼ of Section 5
21 T12N, R22E, M.D.B. & M., 40 acres

22 APN 35-020-30: NW ¼ of the SW ¼ of Section 4
23 T12N, R22E, M.D.B. & M., 40 acres

24 13. That the Executor is authorized and directed to do all the things necessary and
25 proper to effectuate such distributions; and upon making of such distributions, is released and
26 discharged from his trust herein.

27 DONE IN OPEN COURT on July 12, 1999.

28 
DISTRICT JUDGE



1 Submitted by:
2 ALLISON, MacKENZIE, HARTMAN,
3 SOUMBENIOTIS & RUSSELL, LTD.
4 P.O. Box 646
402 North Division Street
Carson City, NV 89702

5 By: Andrew MacKenzie
6 ANDREW MacKENZIE, ESQ.
Attorneys for Petitioner

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PROPOSED

SEAL

CERTIFIED COPY
The undersigned hereby certifies that this is a true and correct copy of the original as filed with the court on July 12, 1999.
m. Dalk