

23-

DOC # 0689577
11/28/2006 04:29 PM Deputy: SD
OFFICIAL RECORD
Requested By:
GEORGE M KEELE

Assessor's Parcel Number: 1318-09-810-032

Recording Requested By:

Name: George M. Keele

Address: 1692 County Road, #A

City/State/Zip Minden NV 89423.

Real Property Transfer Tax: 0

Douglas County - NV
Werner Christen - Recorder
Page: 1 Of 10 Fee: 23.00
BK-1106 PG- 9680 RPIT: 0.00



Order
(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 or legibly hand printed.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Case No. 05-PB-0077

Dept. No. I

RECEIVED
NOV 22 2006
DOUGLAS COUNTY
DISTRICT COURT CLERK

2006 NOV 22 PH 2:10

BARBARA REED
CLERK

B. K. WILFERT DEPUTY

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

IN THE MATTER OF THE ESTATE

**ORDER NUNC PRO TUNC
SETTLING FIRST AND
FINAL ACCOUNT, PAYMENT OF
FEES AND COSTS, AND DECREE
OF FINAL DISTRIBUTION**

OF

MARY D. BUCHNER, also known
as MARY ELIZABETH DOLLAR BUCHNER,

Deceased.

GEORGE M. KEELE, as Executor of the estate of MARY D. BUCHNER, deceased, having filed herein his First and Final Account; Status Report; Petition for Approval of Fees and for Final Distribution, and his Amendment to said First and Final Account, and the said account and petitions having come on regularly to be heard this 21st day of November, 2006, and proof having been made to the satisfaction of the Court that proper notice has been given in this matter, the Court finds:

1. MARY D. BUCHNER ("the decedent") died on the 17th day of August, 2005, in Douglas County, Nevada, and at the

George M. Keele, Esq.
1692 County Road, #A
Minden, Nevada 89423
Phone: 775-782-9781
Fax: 775-782-2970



1 time of her death was a resident of the County of Douglas,
2 State of Nevada.

3
4 2. The decedent died testate, and on the 27th day of
5 September, 2005, Letters Testamentary were issued to
6 Petitioner, whereupon Petitioner was duly and regularly
7 appointed and qualified as the Executor of decedent's estate
8 and has since that date acted as such Executor.

9 3. A period of more than six months has elapsed since
10 issuance of such Letters Testamentary.

11 4. Immediately after Letters Testamentary were issued
12 to Petitioner, Petitioner caused to be duly published a Notice
13 to Creditors as required by NRS 147.010; an Affidavit of
14 Publication of such notice has been filed herein; and the time
15 for presentation of claims against the estate expired on
16 January 3, 2006, ninety (90) days after the first publication
17 of said notice. One claim was filed for \$110 by Jobs Peak
18 Primary Care Specialists. However, when the Executor contacted
19 this creditor, the Executor was informed that the provider had
20 made a "write off for charity" and that no amount is now due.

21 5. The Executor filed herein an Inventory and
22 Appraisement on May 11, 2006, setting forth the total value of
23 the estate at \$1,577,476.42. On November 9, 2006, the Executor
24 filed a First Amended Inventory and Appraisement and Record of
25 Value setting forth the total value of the estate at
26 \$1,577,021.42.

27
28 6. On April 21, 2006, this Court entered its Ex Parte
Order for Partial Distribution which authorized the Executor

1 to effect the following partial distributions pursuant to the
2 provisions of the decedent's Last Will and Testament:

3
4 A. To Sut Fong, currently of Sparks, Nevada:
5 the 1991 Cadillac Sedan de Ville, VIN
6 1G6CD5386M4299040; and

7 B. To Sam Lobato, currently of Stateline,
8 Nevada: the 1979 Cadillac Seville, VIN
9 6S69N99465477.

10 7. The Executor retained Mark Neddenriep, CPA, and his
11 accounting firm, Freeman & Williams, LLP, to prepare the Form
12 706 U.S. Estate Tax Return. An Application for Extension of
13 Time was filed with the Internal Revenue Service on May 16,
14 2006, at which time the Executor deposited \$20,000 for the
15 taxes anticipated to be due. However, upon completion of Form
16 706, Mr. Neddenriep determined that no estate tax is due,
17 largely due to the fact that the Arthritis Foundation, a
18 qualified nonprofit charitable organization, is the residuary
19 beneficiary. The \$20,000 that was paid with the extension
20 request will be refunded to the estate within the next several
21 weeks.
22

23
24 8. Mr. Neddenriep's accounting firm has submitted a
25 statement in the amount of \$4320 for professional services in
26 connection with the preparation of the federal estate-tax
27 return. The Executor has represented to the Court that this
28 fee is most reasonable under the circumstances and has asked

1 that the Court approve the payment of \$4320 by the Executor to
2 Freeman & Williams, LLP, for such professional services.

3 9. Attached as Exhibit C to the First and Final Account
4 was an accounting which set forth the estate transactions
5 covering the period August 17, 2005, to October 17, 2006. Said
6 account was prepared by the Executor, and set forth the total
7 amounts of assets, including money, received and expended by
8 the Executor during the period August 17, 2005, to October 17,
9 2006.

10
11 10. Petitioner, GEORGE M. KEELE, as Executor of this
12 estate, has performed services necessary to the administration
13 of the estate since the death of the decedent, including
14 marshaling and managing all of the assets of the estate,
15 including both real and personal property; replacing a faulty
16 feedwater boiler heater that provides all heat to the very
17 valuable resort home in which the decedent resided until her
18 last illness a few days before her death; inventorying the
19 estate assets; placing the liquid funds of the estate in an
20 interest-bearing account; protecting and inventorying the
21 assets of the estate; collecting and paying estate debts
22 including utility bills and taxes; and performing other
23 necessary services in connection with this estate.

24
25 For his services as personal representative, Petitioner
26 is entitled to statutory compensation in the amount of
27 \$32,690.
28

George M. Keela, Esq.
1692 County Road, #A
Minden, Nevada 89423
Phone: 775-782-9781
Fax: 775-782-2970



1 11. The law office of GEORGE M. KEELE, A PROFESSIONAL
2 CORPORATION, has also advanced the sum of \$2,218.55 as unpaid
3 costs in connection with this estate and is entitled to
4 reimbursement of the same.

5
6 12. No request for special notice has been filed in this
7 estate proceeding.

8 13. All of the devisees named in decedent's last will
9 and testament survived the decedent.

10 THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

11 A. The First and Final Account of GEORGE M. KEELE,
12 Executor of the estate of MARY D. BUCHNER, deceased, be, and
13 the same is, hereby finally settled, allowed, and approved,
14 and all actions taken by the Executor in connection with the
15 administration of this estate as set forth in the account and
16 petition filed herein on the 2nd day of November, 2006, are
17 hereby ratified and approved.

18
19 B. The Executor is hereby authorized to pay himself the
20 sum of \$32,690 as and for compensation for his services as
21 Executor herein.

22
23 C. The Executor is hereby authorized and directed to
24 reimburse GEORGE M. KEELE, A PROFESSIONAL CORPORATION,
25 \$2,218.55 as costs from the funds of this estate.

26
27 D. The Executor is hereby authorized and directed to
28 pay the sum of \$4,320 to the accounting firm of Freeman &
Williams, LLP, for accounting services.

George M. Keele, Esq.
1692 County Road, #A
Minden, Nevada 89423
Phone: 775-782-9781
Fax: 775-782-2970



1 E. The Executor is hereby authorized and directed to
2 pay and distribute the following items of personal property,
3 pursuant to the provisions of the Last Will and Testament of
4 MARY D. BUCHNER dated August 16, 2000, as follows:

5 1. Pursuant to paragraph 3.3.B of the Will, to Don
6 Cook: all of decedent's electric and non-electric tools;

7 2. Pursuant to paragraph 3.3.C of the Will, to
8 Brett Kimball and Karen Kimball:

9 a. All of decedent's jewelry;

10 b. The two (2) armoires located in decedent's
11 residence;

12 c. The dining room furniture located in
13 decedent's residence;

14 d. All brass, copper, silver flatware,
15 teacart, and tea service located in decedent's
16 residence; and

17 e. All of the art and art objects located in
18 decedent's residence.

19 3. Pursuant to paragraph 3.3D(3) of the Will, to
20 Sam Lobato the remainder of the furniture and furnishings
21 located in decedent's residence not previously given to
22 Brett Kimball and Karen Kimball.

23 F. Pursuant to paragraph 3.3.D(2) and 3.3.D(3) of the
24 Will, IT IS HEREBY ORDERED THAT all the real property and
25 improvements located at 619 Lakeshore, Marla Bay, Douglas
26

1 County, Nevada (Assessor's Parcel No. 1318-09-810-032), as
2 more fully described on Exhibit A attached hereto and
3 incorporated herein by this reference, are hereby conveyed, in
4 fee simple absolute, to SAM LOBATO, currently of P. O. Box
5 2727, Stateline, Nevada 89449. (All tax statements should be
6 sent to Sam Lobato at the referenced address.)
7

8 G. The Executor is further authorized to pay from the
9 residue of the estate the reasonable costs of effecting the
10 distributions called for in this Order, including without
11 limitation, postage, packaging and shipping, recording fees
12 and real property transfer tax, if any, certified copy fees,
13 and similar expenses.
14

15 H. The Executor is further authorized and directed,
16 pursuant to paragraph 3.4 of the Will, to pay and distribute
17 the rest, residue and remainder of the decedent's estate,
18 real, personal and mixed, of every kind and nature whatsoever,
19 and wherever situated, to the ARTHRITIS FOUNDATION, to be used
20 exclusively for arthritis research, absolutely and in fee
21 simple.
22

23 I. The Executor is further ordered to comply with each
24 and every remaining provision of the decedent's Last Will and
25 Testament.
26

27 J. The Court retains jurisdiction of this estate until
28 the same is distributed and closed. Upon the Executor's filing
receipts showing transfer of the property of the estate to the



1 beneficiaries entitled thereto, a decree of discharge shall be
2 entered and filed, discharging the Executor from all liability
3 thereafter to be incurred by him in this matter.

4 K. This Order is being entered *nunc pro tunc* to
5 November 21, 2006, to (1) convey real property by court order;
6 (2) clarify the distribution process by using language
7 directly from the Will to effect the desires of the Testatrix;
8 and (3) authorize the Executor to pay from the estate the
9 reasonable costs of effecting the distributions called for in
10 this Order before distributing the rest, residue, and
11 remainder of the estate to the residuary beneficiary thereof.

12 DATED this 22 day of November, 2006.

13
14
15 
16
17 DISTRICT JUDGE

18
19 Submitted by:
20 George M. Keele, Executor
21 1692 County Road, #A
22 Minden, NV 89423
23 775-782-9781

24
25
26
27
28
George M. Keele, Esq.
1692 County Road, #A
Minden, Nevada 89423
Phone: 775-782-9781
Fax: 775-782-2970

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

LEGAL DESCRIPTION

All that real property situate in the County of Douglas, State of Nevada, more particularly described as follows:

Lot 5, Block D, as shown on the Official Map thereof entitled "AMENDED MAP OF SUBDIVISION NO. 2, ZEPHYR COVE PROPERTIES, INC.", recorded in the Office of the County Recorder August 5, 1929, in Book 1 of Maps, Document No. 267, Douglas County records.

Assessor's Parcel No. 1318-09-810-032

SEAL

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:

11/28/06

B. Reed Clerk of the 11th Judicial District Court of the State of Nevada, In and for the County of Douglas.

By K. [Signature] Deputy

George M. Keele, Esq.
1692 County Road, #A
Minden, Nevada 89423
Phone: 775-782-9781
Fax: 775-782-2970