

Assessor's Parcel Number: _____

Recording Requested By:

✓ Name: Stephen Nicholas

Address: 3272 Plymouth

City/State/Zip Minden, NV

Real Property Transfer Tax: _____

Douglas County - NV
Werner Christen - Recorder
Page: 1 Of 8 Fee: 21.00
BK-0907 PG- 5801 RPTT: 0.00



Order approving First Find a Grant - Final
(Title of Document)
Distribution - Alicia L. Smalley Estate

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.

ORIGINAL

Case No. 07-PB-0006
Dept. No. II

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DOUGLAS COUNTY
DISTRICT COURT CLERK

LARSEN J. LINDFELT
CLERK

J. K...
CLERK

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

IN THE MATTER OF THE ESTATE

OF

ALICIA LAURA SMALLEY,
Deceased.

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

STEPHEN NICHOLAS, the duly appointed Personal Representative of the Estate of ALICIA LAURA SMALLEY, deceased, and pursuant to NRS 150.080 and 150.110, as the Personal Representative, having rendered to the Court his First and Final Account, Application for Fees, and Final Distribution of the estate, and a hearing thereon having been had in open Court on September 24, 2007, due notice of which was proved; and no person objecting; and the Court having reviewed the evidence, the papers, and considered the matter; and it appearing:

I.
DECEDENT

That ALICIA LAURA SMALLEY, hereinafter called decedent, died on or about December 16, 2006, being at the time of her death a resident of Douglas County, State of Nevada, leaving certain real and personal property situate or located in the State of Nevada.

II.
LAST WILL AND TESTAMENT

That decedent left a Will dated and duly executed on October 15, 2006, and that a copy of the said Will was duly approved, allowed, and admitted to probate on February 26, 2007.



1
2 **III.**
APPOINTMENT OF PERSONAL REPRESENTATIVE

3 That on February 26, 2007, this Court, following a hearing on a Petition for Probate of Will and
4 Issuance of Letters Testamentary, duly filed and lawfully noticed, granted administration herein, and
5 appointed petitioner, STEPHEN NICHOLAS the Personal Representative of decedent's estate, upon his
6 qualifying, and he qualified on the same date, and Letters Testamentary were issued, and ever since he
7 has been, and now is, the duly qualified and acting Personal Representative of the estate of decedent.
8

9 **IV.**
10 **NOTICE TO CREDITORS**

11 That on March 7, 2007, STEPHEN NICHOLAS caused first publication of Notice to Creditors
12 of decedent to be made, requiring creditors to present their respective claims within ninety (90) days
13 from date of first publication of Notice to Creditors; and that publication was made in *THE RECORD-*
14 *COURIER*, a newspaper of general circulation, printed and published in Douglas County, State of
15 Nevada, and was made in the time and in the manner required by law; and the time for presenting
16 claims against said estate, as fixed by said Notice to Creditors, expired on June 5, 2007, and that one
17 claim by Omnium for Seven-Thousand-Seven-Hundred-Sixty (\$7,760) was filed against the estate.
18

19 That on January 24, 2007, the State of Nevada, Director of the Department of Human
20 Resources, was sent a Notice to Creditors via U.S. Mail. The office of the Director of the Department
21 of Human Resources, did not file a claim against the estate.
22

23 **V.**
24 **FEDERAL INCOME/ESTATE TAX**

25 That the value of the estate on the date of death of decedent was such that it was not necessary
26 for the petitioner to file a Federal Estate Tax Return, Form 706 with the INTERNAL REVENUE
27 SERVICE (IRS). All personal Federal Income Tax Returns, Forms 1040, for the decedent's estate have
28 been timely filed with the IRS. A tax refund is expected in the amount of Six-Thousand-Nine-

1 Hundred-Seventy-Two-Dollars (\$6,972). The income earned by the estate during the administration
2 was such that it was not necessary for STEPHEN NICHOLAS to file a Fiduciary Federal Income Tax
3 Return, Form 1041.

4
5 VI.
INVENTORY AND APPRAISEMENT

6 That STEPHEN NICHOLAS filed herein an Inventory and Valuation Report on August 20,
7 2007, and that the estate of the decedent consists of real and personal property valued at Two-Hundred-
8 Twenty-Eight-Thousand-Three-Hundred-and-Fourty-Nine-Dollars-and-Sixty-Six-Cents (\$228,349.66).

9
10 VII.
HEIRS AND NEXT-OF-KIN

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

13	<u>NAME</u>	<u>RELATIONSHIP</u>	<u>AGE</u>	<u>ADDRESS</u>
14	Brook Adie	Daughter	Over 21	3272 Plymouth Drive Minden, NV 89423
15	Darin Arigoni	Son	Over 21	15104 N.E. 154 th Street Woodinville, WA 98072
16	Drew Arigoni	Son	Over 21	P. O. Box 2511 Gardnerville, NV 89410
17				
18				
19				

20 VIII.
DEVISEES

21 That the names, relationships, ages, and addresses of the devisees of decedent, so far as known
22 to STEPHEN NICHOLAS , are as follows:

23	Brook Adie	Daughter	Over 21	3272 Plymouth Drive Minden, NV 89423
24	Darin Arigoni	Son	Over 21	15104 N.E. 154 th Street Woodinville, WA 98072
25	Drew Arigoni	Son	Over 21	P. O. Box 2511 Gardnerville, NV 89410
26				
27				
28				

1 Devises have agreed to distribute the estate, pursuant to the Distributees' Settlement
2 Agreement.

3
4 **VIII.**
FIRST AND FINAL ACCOUNT

5 That the petitioner's First and Final Account of the Estate of ALICIA LAURA SMALLEY,
6 deceased, showed a detailed listing of assets and expenditures of said estate currently valued at Two-
7 Hundred-Forty-Four-Thousand-Eighty-Five-Dollars-and-Ninety-Eight-Cents (\$244,085.98).

8
9 **IX.**
PERSONAL REPRESENTATIVE'S SERVICES RENDERED

10 That STEPHEN NICHOLAS rendered services as Personal Representative's of the Estate of
11 ALICIA LAURA SMALLEY, deceased, as follows:

- 12 1. Collected and credited all income due the estate.
- 13 2. Paid various expenditures and administrative expenses.
- 14 3. Arranged for the sale and transfer of the real property to Brook Adie.

15
16 **X.**
PERSONAL REPRESENTATIVE'S FEES

17
18 That STEPHEN NICHOLAS rendered services as Personal Representative of the Estate of
19 ALICIA LAURA SMALLEY, deceased, and pursuant to NRS 150.020, is entitled to be compensated
20 for his services as Personal Representative to the Estate, as follows:

21		
22	Inventory and Appraisalment Value	\$244,085.98
23	Increase in Value	
	TOTAL VALUE	<u>\$244,085.98</u>
24	4% of first \$15,000.00	\$600.00
25	3% of next \$85,000.00	\$2,550.00
26	2% of balance of \$144,085.98	\$2,881.72
27	Total Personal Representative's fee	\$6,031.72
28		

1 STEPHEN NICHOLAS requests payment in the amount of Six-Thousand-and- Thirty-One-and
2 Seventy-Two-Cents (\$6,031.72) at this time.

3 XI.
4 ATTORNEYS' FEES AND COSTS

5 That STEPHEN NICHOLAS engaged the services of JENKINS LAW OFFICE, PC, as
6 attorneys for petitioner and said firm has rendered such ordinary and extraordinary services and is
7 entitled to reasonable compensation therefore; and petitioner and said attorneys have agreed that the
8 sum of Five-Thousand-Five-Hundred-Seventy-One-Dollars (\$5,571).

9 JENKINS LAW OFFICE, PC rendered extraordinary services because of the transfer of the real
10 property to one of the heirs and the drafting of the Distributee's Settlement Agreement , the disclaimers
11 and waivers of notice. The Personal Representative requested this work be performed within a three-
12 week period. Therefore, the sum of Five-Thousand-Five-Hundred-Seventy-One-Dollars (\$5,571) is a
13 fair and reasonable compensation for these services and hereby request this Court to approve said
14 amount.
15

16 That in addition, said attorneys are entitled to be reimbursed from the estate for costs and
17 expenses advanced in the amount of Forty-Five-Dollars (\$ 45) as follows:
18

19 Attorneys' fees:

20 Attorneys' fees 9 hours @ \$250/hour for \$ 2425.00

21 Paralegal fees 13.1 hours @ \$160/hour for \$ 2096.00

22 Administrative and accounting fees 14 hours @ 70/hour for \$ 1050.00

23 Costs:

24 Postage, courier, and copies \$45.00
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XII.
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 One Thousand-Dollars (\$1,000.00).

XIII.
DECREE

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

1. The First and Final Account filed herein by STEPHEN NICHOLAS, Personal Representative of the Estate of ALICIA LAURA SMALLEY, deceased is settled, approved, allowed, and confirmed;
 2. That STEPHEN NICHOLAS, the Personal Representative, is authorized to distribute the balance of the estate of the decedent, now known or hereafter discovered, to the heirs as agreed upon and memorialized in the *Distributees' Settlement Agreement*;
 3. That STEPHEN NICHOLAS, the Personal Representative, is authorized to pay to himself the amount of Six-Thousand-and- Thirty-One-and Seventy-Two-Cents (\$6,031.72) as and for his services rendered to the estate as Personal Representative;
 4. That STEPHEN NICHOLAS, the Personal Representative, is authorized to pay attorneys' fees to JENKINS LAW OFFICE, PC in the amount of Five-Thousand-Five-Hundred-Seventy-One-Dollars (\$5,571) as a reasonable attorneys' fee for ordinary services rendered to the Personal Representative during the probate of the above-entitled estate; and to approve Forty-Five-Dollars (\$45) as reimbursement for costs and expenses advanced by said attorneys;
 5. That STEPHEN NICHOLAS, the Personal Representative, is authorized to pay the legal fees and closing costs of the estate up to One-Thousand -Dollars (\$1,000.00);
 6. That STEPHEN NICHOLAS, the Personal Representative, is authorized to do all the things necessary and proper to effectuate such distributions; and upon making of such distributions, to release and discharge STEPHEN NICHOLAS from his duties herein;
- and

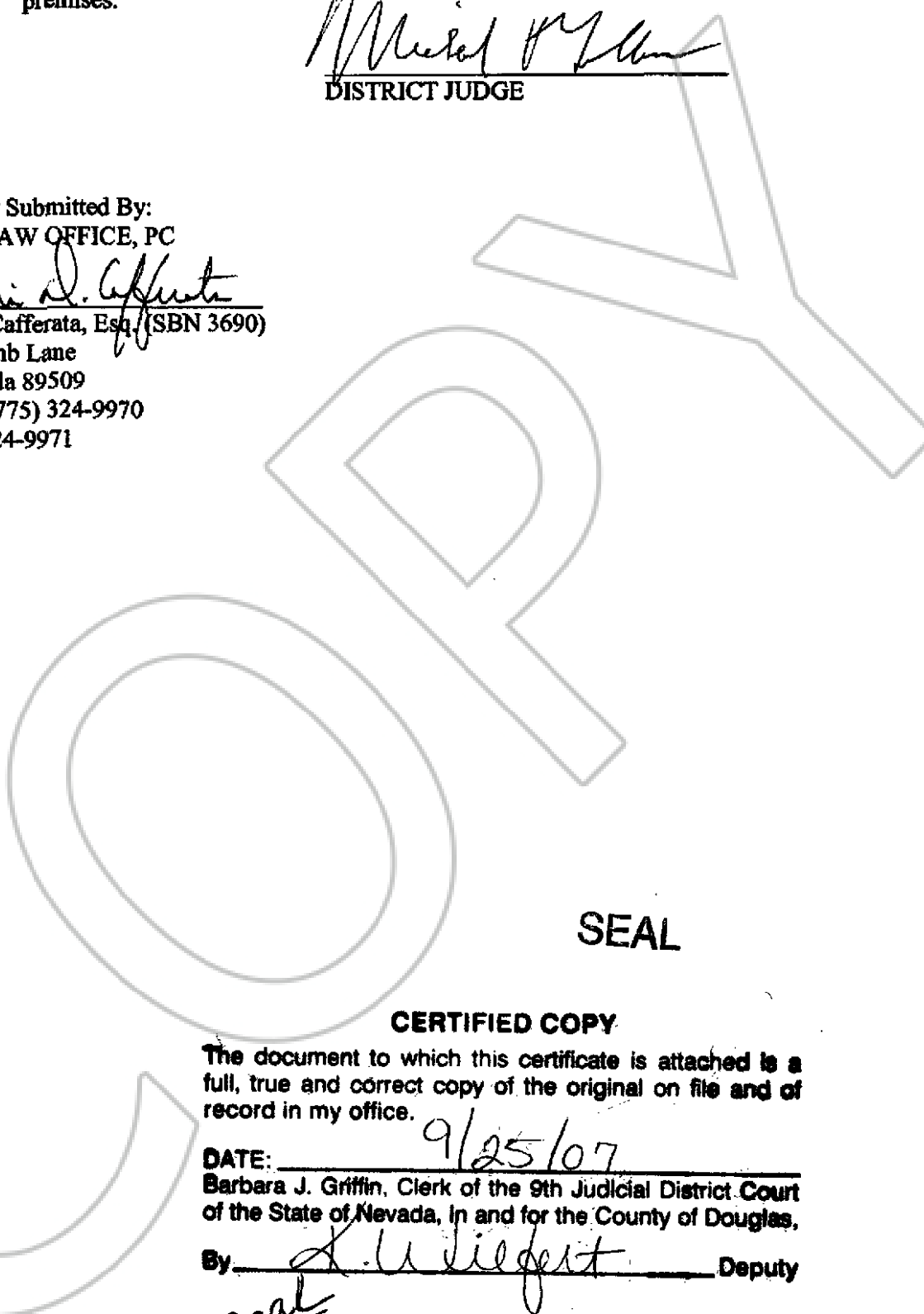
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7. For such other and further relief as the Court may deem just and proper in the premises.

Michael J. Flynn
DISTRICT JUDGE

Respectfully Submitted By:
JENKINS LAW OFFICE, PC

Patricia D. Cafferata
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Fax (775) 324-9971



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: 9/25/07
Barbara J. Griffin, Clerk of the 9th Judicial District Court of the State of Nevada, In and for the County of Douglas,

By *A. W. Siegest* Deputy
seal