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**OFFICIAL RECORD**

Requested By:

NORTHERN NEVADA TITLE  
COMPANY

Douglas County - NV  
Karen Ellison - Recorder

Page: 1 of 4 Fee: 17.00  
BK-0908 PG- 6657 RPTT: 0.00



FOR RECORDER'S USE ONLY

The undersigned hereby affirms that this document submitted for recording does not contain the Social Security number of any person or persons (NRS 239B.030)  
NORTHERN NEVADA TITLE COMPANY

By: Wendy Dunbar

Print Name/Title: Wendy Dunbar/Escrow Officer

APN: 1220-15-510-007  
ORDER NO.: 2080069wd/1080635

TITLE OF DOCUMENT: Order of Instructions

WHEN RECORDED MAIL TO:

Marsha L. Tomerlin  
P.O. Box 2320  
Minden, NV 89423

FILED

1 CASE NO. 08-PB-0034

2 DEPT. NO. II

3 The undersigned hereby affirms this document  
4 does not contain a social security number.

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APR 14 2008

DOUGLAS COUNTY  
DISTRICT COURT CLERK

2008 APR 14 PM 1:43

BARBARA J. GRIFFIN  
CLERK

BY WILFERT DEPUTY

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

8 IN RE:

9 THE MARJORIE L. DEWEY TRUST

ORDER OF INSTRUCTIONS

11  
12 THIS MATTER came before the Court at a hearing on the 14th day of April, 2008. Present  
13 in court was James R. Hales, Esq., of Rowe & Hales, LLP and Petitioner Marsha Tomerlin. Good cause  
14 existing this Court finds and orders as follows:

15 1. Marjorie Dewey was, at the time of her death, a resident of Douglas County, Nevada.  
16 Ms. Dewey was predeceased by her parents and had no children.

17 2. Petitioner Marsha L. Tomerlin is a current resident of Douglas County, Nevada.

18 3. Prior to her death, Marjorie L. Dewey created the Marjorie L. Dewey Revocable Trust.  
19 The Trust was originally created on March 23, 1984. It was amended five times between its creation  
20 and May 8, 2003. On March 28, 2005 the trust was amended entirely and restated. The written trust  
21 document was thus titled "The Sixth Trust Amendment to the Marjorie L. Dewey Revocable Trust"  
22 which provided that upon Marjorie L. Dewey's passing, Marsha L. Tomerlin is to serve as Successor  
23 Trustee.

24 4. The Trust provides that five separate \$10,000 distributions are to be made to five  
25 different individuals, and that the household goods, furniture, etc. are to be distributed equally between  
26 Suzaine Williams and Suzette McPhail. The residual of the Trust is then to be divided equally between  
27 Suzaine Williams and Suzette McPhail if they both survive the trustor by 90 days.

28 ///



1           5.       Substantial evidence exists that prior to her death Marjorie Dewey desired to amend  
2 her trust to make the following distributions:

- 3                   (1)     Tom Corliss - \$25,000  
4                   (2)     Lucy Corliss - \$25,000  
5                   (3)     Sandy Quezada - \$5,000  
6                   (4)     Marsha Tomerlin - \$25,000 (to be used for the care of Ms. Dewey's  
7                               two dogs, Jak and Jil)

8           6.       Ms. Dewey retained Mr. James R. Hales of Rowe & Hales for the purpose of amending  
9 her trust and provided to Mr. Hales during at a meeting at her home, a written document which set forth  
10 her desires. Though Mr. Hales was diligent in his efforts to amend the trust to effectuate the desires of  
11 Ms. Dewey before her passing, her demise was so rapid that it was not possible for Mr. Hales to  
12 complete the tasks for which Ms. Dewey had retained him.

13           7.       There is no dispute by any beneficiary of the Trust as to what Ms. Dewey's desires  
14 were, or that she was competent to express these desires when she met with Mr. Hales on February 8,  
15 2008. In fact, both Suzaine Williams and Suzette McPhail have filed Consents with the Court  
16 approving of the requested instruction.

17           8.       Though the Trust was not amended pursuant to the standard imposed by Article 1,  
18 Section 1.02(B) (page 3) which allows for the Trust to be amended during the lifetime of the Grantor  
19 but that any Amendments are to be in writing and signed by the Grantor, the Court finds that the intent  
20 of the Grantor is clear and that the beneficiaries approve of the proposed amended distribution.

21           9.       In a written agreement dated April 2, 2005, signed by Marjorie L. Dewey, she  
22 specifically requested that Marsha Tomerlin sell the house. Marsha Tomerlin is a licensed real estate  
23 broker in the State of Nevada. It is clear that Ms. Dewey desired that Marsha Tomerlin function not just  
24 as trustee, but also as the listing broker for the sale of the home, and as such would be entitled to receive  
25 a standard broker's commission on the sale.

26           10.      Paragraph 7.02 of the Trust document executed on March 28, 2005 provides that a one  
27 percent (1%) fee of the fair market value of the Trust as of January 1<sup>st</sup> of each year shall be paid to the  
28 successor trustee.

1 11. In the document dated April 2, 2005, Ms. Dewey sets forth her desire that Marsha  
2 Tomerlin accept an additional \$10,000.00 for acting as Successor Trustee.

3 12. Ms. Tomerlin desires to liquidate the Trust as soon as is reasonably possible.

4 NOW THEREFORE, it is hereby ordered as follows:

5 1. That this Court has jurisdiction of this Trust, *In Rem*, pursuant to NRS 164.010.

6 2. Marsha Tomerlin is confirmed as Trustee.

7 3. In addition to the distributions which are set forth in the Trust, the Successor Trustee  
8 is directed to make the following additional specific distributions as requested by the Trustor, but for  
9 which the amendment of the Trust could not be completed because of her rapid death.

10 (1) Tom Corliss - \$25,000

11 (2) Lucy Corliss - \$25,000

12 (3) Sandy Quezada - \$5,000

13 (4) Marsha Tomerlin - \$25,000 (to be used for the care of Jak and Jil)

14 4. Marsha Tomerlin is to serve as the listing broker for the sale of the Trustor's home, and  
15 is entitled to receive the standard commission on the sale.

16 5. For performing the necessary duties as Successor Trustee, Marsha Tomerlin shall be  
17 paid fees shall equal one percent (1%) of the value of the Trust on the date of death, plus \$10,000.

18 DATED this 14 day of April, 2008.

19  
20   
21 DISTRICT JUDGE


22  
23  
24  
25 **CERTIFIED COPY**

26 The document to which this certificate is attached is a  
27 full, true and correct copy of the original in file and of  
28 record in my office.

DATE 9/23/08

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

By  Deputy

  
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PG- 6660  
09/30/2008