

19.

DOC # 0749123  
08/19/2009 09:46 AM Deputy: SD  
OFFICIAL RECORD  
Requested By:  
WEALTHPLAN LLP

APN: 1219-14-001-014  
RECORDING REQUESTED BY:  
✓ FRANCIS B. DOYLE, Esq.  
1635 The Alameda, Second Floor  
San Jose, CA 95126

Douglas County - NV  
Karen Ellison - Recorder  
Page: 1 Of 6 Fee: 19.00  
BK-0809 PG- 4096 RPTT: 0.00



WHEN RECORDED MAIL TO:  
Same as above

AFFIDAVIT DEATH OF TRUSTEE

STATE OF CALIFORNIA )  
 )ss.  
COUNTY OF SANTA CLARA )

IRENE PESTANA and MICHAEL J. KELLY, JR., of legal age, being first duly sworn, depose and say:

1. ERNEST E. PESTANA and IRENE PESTANA, as Trustors and Trustees, created the PESTANA 1986 FAMILY TRUST ("Trust") under Declaration of Trust, dated May 15, 1986, as amended, ("Trust Agreement"). The Trust has continued in existence and remains in full force and effect.
2. Pursuant to the terms of the Trust, ERNEST E. PESTANA and IRENE PESTANA were named as the original Trustees.
3. ERNEST E. PESTANA is the same person as Ernest Edward Pestana and died on May 13, 2009, in Santa Clara County, California as evidenced by the certified death certificate attached hereto.
4. Under the terms of the Trust Agreement, upon the death of the ERNEST E. PESTANA, IRENE PESTANA and MICHAEL J. KELLY, JR. are designated to serve as Successor Co-Trustees of the Trust. IRENE PESTANA and MICHAEL J. KELLY, JR., the undersigned, have agreed to serve as Co-Trustees and are now the currently acting Co-Trustees of the Trust.
5. The Trust estate includes interest in the following parcel of real property, previously recorded as Document No. 0743324 on May 18, 2009, of Official Records in the office of the County

Recorder of Douglas County, State of Nevada, describing the following parcel of real property located at 933 Sheridan Lane, Gardnerville, in Douglas County, Nevada:

**SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION**

APN: 1219-14-001-014 (933 Sheridan Lane, Gardnerville, NV 89460)

6. The above-described property is now vested in title as follows:

"IRENE PESTANA and MICHAEL J. KELLY, JR., Co-Trustees of the PESTANA 1986 FAMILY TRUST AGREEMENT dated May 15, 1986, as amended"

DATED: 6-22-09

*Irene Pestana*

IRENE PESTANA, Co-Trustee of the PESTANA 1986 FAMILY TRUST AGREEMENT dated May 15, 1986, as amended

DATED: 06/22/2009

*Michael J. Kelly Jr.*

MICHAEL J. KELLY, JR., Co-Trustee of the PESTANA 1986 FAMILY TRUST AGREEMENT dated May 15, 1986, as amended

DECLARATION

I, the undersigned, state the following:

I have read the foregoing Affidavit-Death of Trustee and I know the contents thereof, which are true of my own knowledge, except as to any matters therein stated upon my own information or belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Declaration is executed on 6-22, 2009.

Irene Pestana  
IRENE PESTANA, Co-Trustee of the PESTANA  
1986 FAMILY TRUST AGREEMENT dated May  
15, 1986, as amended

State of California  
County of Santa Clara

Subscribed and sworn to (or affirmed) before me on this 22 day of June, 2009,  
by IRENE PESTANA, proved to me on the basis of satisfactory evidence to be the person who  
appeared before me.

Signature: Fernando S. Cabildo



(seal)

DECLARATION

I, the undersigned, state the following:

I have read the foregoing Affidavit-Death of Trustee and I know the contents thereof, which are true of my own knowledge, except as to any matters therein stated upon my own information or belief, and as to those matters, I believe them to be true.

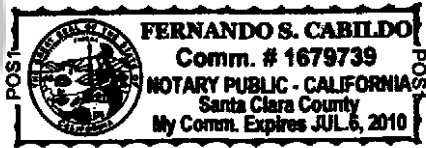
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Declaration is executed on June 22, 2009.

Michael J. Kelly Jr.  
MICHAEL J. KELLY, JR., Co-Trustee of the  
PESTANA 1986 FAMILY TRUST AGREEMENT  
dated May 15, 1986, as amended

State of California  
County of Santa Clara

Subscribed and sworn to (or affirmed) before me on this 22 day of June, 2009,  
by MICHAEL J. KELLY, JR., proved to me on the basis of satisfactory evidence to be the person  
who appeared before me.

Signature: Fernando S. Gualido



(seal)

Pestana Legal Description  
Exhibit A

The land referred to herein is situated in the State of Nevada, County of Douglas, described as follows:

All that certain lot, piece, parcel or portion of land situate, lying and being within the NW 1/4 of Section 14 and the NE 1/4 of Section 15, Township 12 North, Range 19 East, MDBM, Douglas County, Nevada, also being a portion of Adjusted Parcel 1 as shown on the Record of Survey for Gerald F. Whitmire, recorded on December 23, 1988, in Book 1288, at Page 3152, as Document 193174, Official Records of Douglas County, Nevada and more particularly described as follows:

Commencing at the northeast corner of Parcel 2 as shown on the Map of Division of Land Into Large Parcels for Gerald F. and Pamela F. J. Whitmire recorded on December 4, 1986, in Book 1286, on Page 552, as Document 146147, Official Records of Douglas County, Nevada;

thence along the northerly line of Parcels 1 and 2 of said Map North 09°52'00" West a distance of 1,239.83 feet to the northwest corner of said Parcel 1;

thence along the northwesterly line of said Parcel 1 South 48°55'15" West a distance of 1,016.00 feet to the TRUE POINT OF BEGINNING;

thence continuing along said line South 48°55'15" West a distance of 829.82 feet;

thence South 25°39'21" East a distance of 63.00 feet;

thence South 64°20'39" West a distance of 200.14 feet to a point on the northeasterly line of Sheridan Lane;

thence along said line South 25°39'21" East a distance of 822.52 feet;

thence leaving said line North 64°42'38" East a distance of 653.44 feet;

thence South 25°39'21" East a distance of 1.20 feet to a point on the southeasterly line of aforesaid Adjusted Parcel of Document 193174;

thence along said line North 64°25'38" West a distance of 473.46 feet; thence leaving said line North 32°09'36" West a distance of 1,119.48 feet to the TRUE POINT OF BEGINNING and containing 23.76 acres, more or less.

APN 1219-14-001-014 (Adjusted APN 19-212-41)

The above legal description was previously recorded on August 23, 1993, in Book 0893, at Page 4443, as Document 315764, Official Records of Douglas County, Nevada and subsequently recorded on May 18, 2009 as Document No. 0743324, Official Records of Douglas County, Nevada.

**STATE OF CALIFORNIA**  
**CERTIFICATION OF VITAL RECORD**

**COUNTY of SANTA CLARA**

**PUBLIC HEALTH DEPARTMENT**  
**VITAL RECORDS AND REGISTRATION**

645 SOUTH BASCOM AVENUE, SAN JOSE, CALIFORNIA 95128  
CURRENT ADDRESS: 976 LENZEN AVE, SAN JOSE, CA 95126, EFFECTIVE: 04/13/2009

0749123 Page: 6 OF 6 08/19/2009  
BR- 0809  
PG- 4101

STATE FILE NUMBER		LOCAL REGISTRATION NUMBER	
3200943003659			
1. NAME OF DECEDENT - FIRST (Given)			
ERNEST			
2. MIDDLE			
EDWARD			
3. LAST (Family)			
PESTANA			
4. DATE OF BIRTH mm/dd/yyyy		5. AGE Yrs.	
06/01/1928		80	
6. SEX		7. DATE OF DEATH mm/dd/yyyy	
M		05/13/2009	
8. BIRTH STATE/FOREIGN COUNTRY		9. MARRIAGE STATUS (at time of death)	
CA		MARRIED	
10. SOCIAL SECURITY NUMBER		11. EVER IN U.S. ARMED FORCES?	
5497		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK	
12. EDUCATION - Highest Level/Program (and work used in field)		13. WAS DECEDENT HISPANIC/LATINO/SPANISH? (If yes, see instruction on back)	
HS GRADUATE		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
14. USUAL OCCUPATION - Type of work for most of life. DO NOT USE RETIRED		15. DECEDENT'S RACE - Up to 3 races may be listed (see instruction on back)	
ENGINEER		WHITE	
16. USUAL OCCUPATION - Type of work for most of life. DO NOT USE RETIRED		17. YEARS IN OCCUPATION	
BUILDING CONSTRUCTION		61	
18. DECEDENT'S RESIDENCE (Street and number or location)			
14551 EL PUENTE WAY			
19. CITY		20. COUNTY/PROVINCE	
SARATOGA		SANTA CLARA	
21. ZIP CODE		22. YEARS IN COUNTY	
95070		58	
23. STATE/FOREIGN COUNTRY		24. INFORMANT'S NAME, RELATIONSHIP	
CA		IRENE PESTANA, WIFE	
25. INFORMANT'S MAILING ADDRESS (Street and number or care of, street, city, state, ZIP)		26. INFORMANT'S MAILING ADDRESS (Street and number or care of, street, city, state, ZIP)	
14551 EL PUENTE WAY, SARATOGA, CA 95070		14551 EL PUENTE WAY, SARATOGA, CA 95070	
27. NAME OF SURVIVING SPOUSE - FIRST		28. MIDDLE	
IRENE		ANN	
29. LAST ( maiden Name)		30. LAST ( maiden Name)	
FISHER		FISHER	
31. NAME OF FATHER - FIRST		32. MIDDLE	
JOHN		PESTANA	
33. LAST		34. BIRTH STATE	
PESTANA		PORTUGAL	
35. NAME OF MOTHER - FIRST		36. MIDDLE	
GERMAINE		MELIN	
37. LAST ( maiden)		38. BIRTH STATE	
MELIN		PORTUGAL	
39. DISPOSITION DATE mm/dd/yyyy		40. PLACE OF FINAL DISPOSITION	
05/19/2009		MADRONIA CEMETERY	
41. TYPE OF DISPOSITION(S)		42. SIGNATURE OF EMBALMER	
CR/BU		NOT EMBALMED	
43. NAME OF FUNERAL ESTABLISHMENT		44. LICENSE NUMBER	
D-F CHAPEL OF THE HILLS		FD940	
45. SIGNATURE OF LOCAL REGISTRAR		46. DATE mm/dd/yyyy	
MARTIN D. FENSTERSHEIB, MD		05/18/2009	
101. PLACE OF DEATH		102. IF HOSPITAL, SPECIFY ONE	
RESIDENCE		<input type="checkbox"/> Inpatient <input type="checkbox"/> Outpatient <input type="checkbox"/> Home <input type="checkbox"/> Hospice <input checked="" type="checkbox"/> Assisted Living <input type="checkbox"/> Other	
103. COUNTY		104. CITY	
SANTA CLARA		SARATOGA	
105. FACILITY ADDRESS OR LOCATION WHERE FOUND (Street and number or location)		106. CITY	
14551 EL PUENTE WAY		SARATOGA	
107. CAUSE OF DEATH		108. DEATH REPORTED TO CORONER?	
IMMEDIATE CAUSE (Final disease or condition resulting in death)		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
A) PRIMARY SQUAMOUS CELL CANCER METASTATIC LUNG		109. INQUIRY PERFORMED?	
B) _____		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
C) _____		110. AUTOPSY PERFORMED?	
D) _____		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
E) _____		111. USED IN DETERMINING CAUSE?	
F) _____		<input type="checkbox"/> YES <input type="checkbox"/> NO	
112. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE GIVEN IN 107		113. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEM 107 OR 112? (If yes, list type of operation and date.)	
NONE		NO	
114. I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE DEATH OCCURRED AT THE HOUR, DATE AND PLACE STATED FROM THE CAUSES STATED		115. SIGNATURE AND TITLE OF CERTIFIER	
Ernest M Thomas Jr M.D.		Ernest M Thomas Jr M.D.	
116. TYPE ATTENDING PHYSICIAN'S NAME, MAILING ADDRESS, ZIP CODE		117. LICENSE NUMBER	
Ernest M Thomas Jr M.D.		C23340	
118. DATE mm/dd/yyyy		119. DATE mm/dd/yyyy	
05/13/1977		05/13/2009	
120. TYPE ATTENDING PHYSICIAN'S NAME, MAILING ADDRESS, ZIP CODE		121. INJURED AT WORK?	
Ernest M Thomas Jr M.D.		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK	
122. INJURED AT WORK?		123. BIRTH DATE mm/dd/yyyy	
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK			
124. BIRTH DATE mm/dd/yyyy		125. HOUR (24 Hours)	
126. PLACE OF INJURY (e.g., home, construction site, wooded area, etc.)		127. SIGNATURE OF CORONER / DEPUTY CORONER	
128. DESCRIBE HOW INJURY OCCURRED (Events which resulted in injury)		129. DATE mm/dd/yyyy	
130. LOCATION OF INJURY (Street and number, or location, and city, and ZIP)		131. TYPE NAME, TITLE OF CORONER / DEPUTY CORONER	
132. SIGNATURE OF CORONER / DEPUTY CORONER		133. TYPE NAME, TITLE OF CORONER / DEPUTY CORONER	
STATE REGISTRAR		FAX AUTH #	
A B C D E		al	
CENSUS TRACT		010001001222054	

**CERTIFIED COPY** JUN 25 2009  
STATE OF CALIFORNIA } SS DATE ISSUED  
COUNTY OF SANTA CLARA } By  
This is a true and exact reproduction of the document officially registered and placed on file in the VITAL RECORDS SECTION, DEPARTMENT OF PUBLIC HEALTH.  
\*H2384299\*  
Martin D. Fenstersheib MD  
MARTIN D. FENSTERSHEIB  
HEALTH OFFICER AND LOCAL REGISTRAR  
OF BIRTHS AND DEATHS  
This copy not valid unless prepared on engraved border displaying seal and signature of Registrar.  
FVCO (REV) 11/06

