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OFFICIAL RECORD
Requested By:
WOODBURN & WEDGE

APN# 25-322-09

Recording Requested by:

Name: Sharon M. Parker
Address: 6100 Neil Road, Suite 500
City/State/Zip: Reno, NV 89511

Douglas County - NV
Karen Ellison - Recorder
Page: 1 Of 8 Fee: 21.00
BK-0310 PG- 938 RPTT: 0.00



When Recorded Mail to:

Name: Sharon M. Parker
Address: 6100 Neil Road, Suite 500
City/State/Zip: Reno, NV 89511

(for Recorder's use only)

Mail Tax Statement to:

Name: Elvira Cenoz
Address: P.O. Box 566
City/State/Zip: Gardnerville, NV 89410

ORDER APPROVING FIRST ACCOUNT AND REPORT;
APPROVING PAYMENT OF ADMINISTRATIVE FEES AND
COSTS; AND ORDER FOR DISTRIBUTION

(Title of Document)

Please complete Affirmation Statement below:

I the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does not contain the personal information of any person or persons.
(Per NRS 239B.030)

-OR-

I the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does contain the personal information of a person or persons as required by law:
(State specific law)

Sharon M. Parker
Signature

Attorney for Personal Representative
Title

Sharon M. Parker
Printed Name

This page added to provide additional information required by NRS 111.312 Sections 1-2 and NRS 239B.030 Section 4.

This cover page must be typed or printed in black ink. (Additional recording fee applies)

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Case No.: 09-PB-0038

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Dept. No.: 1

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FEB 23 2010

TED THIRAN
CLERK
BY: ... DEPUTY

DOUGLAS COUNTY
DISTRICT COURT 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)
EUSEBIO CEÑOZ,)
Deceased.)

**ORDER APPROVING FIRST ACCOUNT AND REPORT; APPROVING
PAYMENT OF ADMINISTRATIVE FEES AND COSTS; AND
ORDER FOR DISTRIBUTION**

The Court having reviewed the First Account and Report of Personal Representative; Petition for Confirmation; for Order Directing Payment of Administrative Fees and Costs; and for Distribution, in which the Personal Representative requests an order approving and confirming her first account and report, payment of administrative fees and costs, and an order for distribution, it appearing that notice of the hearing having been given according to law, this matter having been set for hearing on February 23, 2010, this matter having come before the Court for hearing on said date, the Court having examined the Personal Representative's papers, having considered the representations of counsel, and the entire file herein, and good cause appearing thereto, the Court finds:

1. Eusebio CeñoZ died on June 17, 1989, in Douglas County, Nevada.
2. The Decedent left a duly executed Last Will and Testament dated June

- 1 21, 1971. The Decedent's Will was admitted to probate on April 21, 2009.
- 2 3. Letters of Administration with Will Annexed were issued to Elvira Ceñoz on
- 3 May 8, 2009.
- 4 4. On January 19, 2010, the Personal Representative filed the Inventory,
- 5 Appraisal and Record of Value in this matter showing a net estate of \$133,333.34
- 6 and consisting of the Decedent's two-thirds interest in Douglas County real property.
- 7
- 8 5. A Notice to Creditors of the Decedent's estate was duly published in the
- 9 Record Courier according to law. More than ninety days have elapsed since the first
- 10 publication of the Notice to Creditors. Proof of publication is on file herein. No claims
- 11 were filed against the Estate.
- 12
- 13 6. During the course of administration, the Personal Representative
- 14 documented all receipts and received and properly credited all income due to the
- 15 Estate.
- 16 7. Beginning in 1989, when the Decedent died, and for the next twenty years,
- 17 continuing throughout the course of administration, the Personal Representative
- 18 continued to operate the businesses located on the real property partially owned by this
- 19 Estate. The Personal Representative incurred net losses over the years totaling
- 20 \$263,084.00. The real property is currently listed for sale.
- 21
- 22 8. There is an outstanding mortgage on the real property partially owned by
- 23 this Estate.
- 24 9. The Personal Representative rendered all services necessary as the
- 25 personal representative of the Decedent's estate and is entitled to a commission. The
- 26 Personal Representative should receive a statutory commission of \$9,483.00 in
- 27 accordance with NRS 150.020.
- 28

1 10. The Personal Representative should withhold the sum of \$500.00 for
2 accounting fees and costs in this matter.

3 11. Woodburn and Wedge rendered all legal services as attorneys for the
4 Personal Representative in this matter. At the commencement of this matter, the
5 Personal Representative agreed that Woodburn and Wedge would charge its usual and
6 customary hourly rates, plus actual costs incurred in this matter. The fee arrangement
7 between the Personal Representative and Woodburn and Wedge and the fees
8 requested in the amount of \$10,240.00 and reimbursement for costs in the amount of
9 \$1,143.84, incurred through January 31, 2010 should be approved, plus an amount up
10 to \$1,000.00 for closing fees and costs should be approved. Woodburn and Wedge
11 should be authorized to apply the \$5,000.00 retainer held in its trust account against the
12 fees and costs ordered herein.
13
14

15 12. The beneficiaries under the Decedent's Will should (a) assume their
16 proportionate portion of the net losses incurred over the years and during the
17 administration period, (b) pay their proportionate share of the outstanding mortgage, (c)
18 pay their rightful share of the administrative fees and costs for this probate
19 administration and (d) continue to be obligated to reimburse Mrs. Ceñoz for their portion
20 of any losses incurred in the continued operation of the business until its sale [as well as
21 sharing in any profits gleaned from the operation of the restaurant].
22

23 13. Pursuant to the Decedent's June 21, 1972 Last Will and Testament, the
24 beneficiaries of the Decedent's estate are his siblings. The Decedent married Elvira
25 Ceñoz after the execution of his 1972 Will. No provision was made for Elvira Ceñoz by
26 marriage contract nor was she provided for in the Will. Therefore, the Decedent's Will is
27 revoked as to Elvira Ceñoz and she is entitled to one-half of the Estate's assets,
28

1 pursuant to NRS 134.050(2).

2 14. One of the Decedent's sisters, Teresa Ceñoz, assigned her 12.5% interest
3 in the Estate to Elvira Ceñoz. After this assignment, the distributees of the Decedent's
4 estate and their respective percentage interests are as follows:

5	Elvira Ceñoz [50% + 12.5%]	62.50%
6	Miguel Francisco	12.50%
7	Jesusa Ceñoz	6.25%
8	Angeles Ceñoz	6.25%
9	Anton Ceñoz	4.17%
	Angel Ceñoz	4.17%
	Lourdes Ceñoz	<u>4.17%</u>
10	Total	100.00%

11 15. Therefore, the assets remaining in the Decedent's name should be
12 distributed one-half to the Decedent's wife, Elvira Ceñoz and one-half to the Decedent's
13 siblings or their surviving issue pursuant to the Decedent's Will, all subject to (a) each
14 beneficiary's proportionate portion of the net losses incurred over the years and during
15 the administration period, (b) each beneficiary's proportionate share of the outstanding
16 mortgage, (c) each beneficiary's share of the administrative fees and costs for this
17 probate administration and (d) each beneficiary's continuing obligation to reimburse Mrs.
18 Ceñoz for their portion of any losses incurred in the continued operation of the business
19 until its sale [as well as sharing in any profits gleaned from the operation of the
20 restaurant].
21

22 Based on the foregoing findings of fact:

23 **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** as follows:

24 1. The First Account and Report in the above matter is hereby settled,
25 allowed, approved and confirmed.
26

27 2. The Personal Representative used reasonable diligence in her
28 administration and all actions taken by the Personal Representative are hereby

1 approved and confirmed.

2 3. The Personal Representative is authorized and directed to pay herself the
3 sum of \$9,483.00 as payment of the statutory commission in this matter and if there is
4 insufficient Estate cash to pay the Personal Representative's commission, the sum of
5 \$9,483.00 or any unpaid amount thereof shall be reduced to a judgment against this
6 Estate so that a lien can be placed on the Estate's real property to ensure payment
7

8 4. The Personal Representative is authorized and directed to withhold the
9 sum of \$500.00 for accounting fees and costs in this matter and if there is insufficient
10 Estate cash to pay the Personal Representative's commission, the sum of \$500.00 or
11 any unpaid amount thereof shall be reduced to a judgment against this Estate so that a
12 lien can be placed on the Estate's real property to ensure payment.
13

14 5. The Personal Representative is authorized and directed to pay to
15 Woodburn and Wedge the sum of \$10,240.00 and to reimburse Woodburn and Wedge
16 for costs incurred in the sum of \$1,143.84, for a total of \$11,383.84, less the \$5,000.00
17 retainer held by Woodburn and Wedge in trust, plus an additional amount, up to
18 \$1,000.00 for attendance at the hearing and to handle distribution, and if there is
19 insufficient Estate cash to pay the attorneys' fees and costs, the unpaid amount thereof
20 shall be reduced to a judgment against this Estate so that a lien can be placed on the
21 Estate's real property to ensure payment.
22

23 6. The Personal Representative is authorized and directed to distribute all of
24 the remaining assets in her custody and control and any other property of the Estate not
25 now known or discovered that may belong to the Estate or in which the Estate may have
26 any interest, including the Decedent's separate property interest in Overland Hotel Bar &
27 Basque Restaurant: retail commercial/rooming house, restaurant and residential
28

1 apartment located at 1453 South Main Street [1453 U.S. Highway 395 N], Gardnerville,
2 NV; more particularly described as:

3
4 All that certain lot, piece or parcel of land situate in the
5 Town of Gardnerville, County of Douglas, State of Nevada,
6 more particularly described as follows:

7 A parcel of land located within a portion of the Southwest
8 one-quarter [SW] of Section 33, Township 13 North, Range
9 20 East, Mount Diablo Meridian, more particularly described
10 as follows:

11 Commencing at the southeast corner of Assessor's Parcel
12 Number 25-322-09 as shown on the Record of Survey for
13 Cenoz Trust et al., W.S. Nelson, et al., Minnie J. Rosenbrock,
14 and Henry J. Rosenbrock, et al. recorded June 15, 1995
15 in the office of Recorder, Douglas County, Nevada as
16 Document No. 364166, a point on the north right-of-way of
17 U.S. Highway 395, also a PK nail and cap in concrete
18 R.L.S. 6200;

19 thence North 44°08'54" West, 16.76 feet along said
20 right-of-way to the POINT OF BEGINNING;

21 thence continuing along said right-of-way North
22 44°08'54" West, 213.55 feet to a PK nail and plastic
23 cap in concrete R.L.S. 6200;

24 thence North 46°05'39" East, 78.69 feet;

25 thence North 44°51'20" East, 20.00 feet;

26 thence South 42°18'41" East, 125.00 feet;

27 thence North 44°51'20" East, 171.45 feet to a point
28 on the south boundary of Courthouse Alley;

thence South 44°39'03" East, 117.70 feet along said
south boundary;

thence South 40°21'39" West, 2.00 feet;

thence South 46°32'25" West, 93.23 feet;

thence South 54°10'24" West, 173.75 feet to the POINT
OF BEGINNING, containing 0.93 acres, more or less.

The Basis of Bearing of this description is North 89°25'02"
West, the South line of Section 33, T.13N., R.20E., M.D.M.
as shown on the Record of Survey for Chichester Revocable
Trust, recorded March 4, 1994 as Document No. 331559.

Adjusted APN 25-322-09

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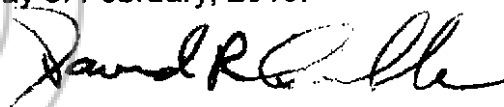
2 In the following percentage shares:

3	Elvira Ceñoz [50% + 12.5%]	62.50%
4	Miguel Francisco	12.50%
5	Jesusa Ceñoz	6.25%
6	Angeles Ceñoz	6.25%
7	Anton Ceñoz	4.17%
8	Angel Ceñoz	4.17%
9	Lourdes Ceñoz	4.17%
10	Total	100.00%


11 and each of the percentage interests so distributed shall bear a proportionate share in
12 the net business losses over the period of time since the Decedent's death and the
13 administrative period of this estate, the outstanding mortgage on the real property, in the
14 administrative fees and costs incurred in this probate administration and in the
15 operational losses [or profits] incurred in the property and related business until it is sold.

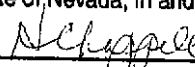
16 7. The Court's jurisdiction of this matter to oversee distribution of the real
17 property and to ensure payment of the losses, mortgage, administrative fees and costs
18 and operational losses/profits shall continue until further order of this Court.

19 IT IS SO ORDERED this 23 day of February, 2010.

20 
21 DISTRICT JUDGE

22 Submitted by:
23 WOODBURN AND WEDGE

24 By 
25 Sharon M. Parker
26 Attorneys for Elvira Ceñoz

27 **CERTIFIED COPY**
The document to which this certificate is attached is a full, true and correct copy of the original in file and of record in my office.
DATE February 25, 2010
TED THRAN Clerk of the 9th Judicial District Court of the State of Nevada, in and for the County of Douglas,
By  Deputy