

OFFICIAL RECORD

Requested By:

LAW OFFICE OF KAREN L

WINTERS

Douglas County - NV
Karen Ellison - Recorder

Page: 1 Of 4 Fee: 17.00
BK-0511 PG- 0064 RPTT: 0.00



After Recording, Mail to:

Evelyn Smythe
1317 Aylesbury Ct.
Minden, NV 89460

Mail Tax Statements to:

Same as above

The undersigned affirms that this document does not contain the social security number of any person. (NRS 239B.030).

ORDER GRANTING PETITION FOR INSTRUCTIONS



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APR 19 2011
DOUGLAS COUNTY
DISTRICT COURT CLERK

FILED

2011 APR 19 PM 1:42

TED THRAN
CLERK

BY **P. GREGORY** DEPUTY

1 Case No. 10-PB-0128

2 Dept. No. I

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

8 *****

9 IN THE MATTER OF THE
10 GUARDIANSHIP OF THE PERSON AND
ESTATE OF

**ORDER GRANTING PETITION TO
FOR INSTRUCTIONS PURSUANT TO
N.R.S. 159.113(1)(e), (l), 164.010 and
164.015**

11 HOWARD SMYTHE,

12 An Adult.

13
14 THIS MATTER came before the Court on April 19, 2011 upon the verified Petition of
15 EVELYN SMYTHE, by and through her attorney, Karen L. Winters, for an Order of Instructions.
16 The Court having considered the Petition and Exhibit thereto, the non-opposition of the Ward,
17 through appointed counsel, and all pleadings on file herein, finds as follows:

18 1. That the Ward and the Petitioner created "The H & S SMYTHE TRUST", a
19 revocable trust on January 19, 1999 ("Trust") in which they were and are the sole beneficiaries of
20 the income of the Trust. The Ward and the Petitioner, as husband and wife, are named as the
21 original Trustees.

22 2. That pursuant to the terms of the Trust, the Trust was created for the primary
23 benefit of the Ward and the Petitioner during their lifetimes, and to their two adult children upon
24 the death of both the Ward and the Petitioner.

25 3. That the Trust is fully revocable and amendable during the joint lives of the Ward
26 and Petitioner.

27 4. That the Trust Estate consists entirely of community property and encompasses
28 substantially all of the assets of Petitioner and Ward, wife and husband, including the community

1 residence.

2 5. That under the terms of the Trust, Petitioner is the sole Trustee during the Ward's
3 incapacity.

4 6. That it is in the Ward's best interest to transfer the community residence from The
5 H & S SMYTHE TRUST Estate, to the Ward and Petitioner, husband and wife, as community
6 property.

7 7. That transfer of the community residence from the Ward and Petitioner, to the
8 Petitioner as her sole and separate property is allowable and appropriate under NRS
9 159.113(1)(e).

10 8. That the children of the Ward and Petitioner, as contingent beneficiaries of the
11 Trust, do not object to the actions proposed by Petitioner hereunder.

12 NOW THEREFORE, IT IS HEREBY ORDERED, as follows:

13 1. This Court takes jurisdiction over the H & S SMYTHE TRUST for the purposes
14 stated herein;

15 2. EVELYN SMYTHE be, and hereby is, confirmed as the sole Trustee of the H & S
16 SMYTHE TRUST;

17 3. Evelyn Smythe, as Trustee of the H & S SMYTHE TRUST dated January 19,
18 1999, is hereby authorized to transfer the community residence located at 1317 Aylesbury Court,
19 Gardnerville, Nevada, which is more particularly described as follows:

20 That certain real property situated in the County of Douglas, State of
21 Nevada bounded and described as follows: Lot 57, of Block D, of FINAL
22 SUBDIVISION MAP #1006-5 for CHICHESTER ESTATES, PHASE 5,
23 according to the map thereof, filed in the office of the County Recorder of
24 Douglas County, State of Nevada, on April 9, 1999, in Book 499, Page 1900, as
25 Document No. 465394. APN 1320-33-813-041
26 to Howard Smythe and Evelyn Smythe, husband and wife, as community property;

27 4. Evelyn Smythe, as guardian of the estate of Howard Smythe, adult ward, is hereby
28 further authorized to transfer Howard Smythe's one-half of the community residence located at
1317 Aylesbury Court, Gardnerville, Nevada, which is more particularly described as follows:

That certain real property situated in the County of Douglas, State of
Nevada bounded and described as follows: Lot 57, of Block D, of FINAL
SUBDIVISION MAP #1006-5 for CHICHESTER ESTATES, PHASE 5,

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according to the map thereof, filed in the office of the County Recorder of Douglas County, State of Nevada, on April 9, 1999, in Book 499, Page 1900, as Document No. 465394. APN 1320-33-813-041

to Evelyn Smythe, a married woman, as her sole and separate property;

5. On completion of the transfers, Jennifer Yturbide, as appointed counsel for the Ward, is discharged.

DATED this 19th day of April, 2011.



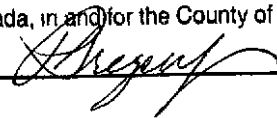
DAVID R. GAMBLE
DISTRICT COURT JUDGE

Submitted by:
KAREN L. WINTERS, ESQ.
Nevada Bar No. 3086
Law Office of Karen L. Winters
P.O. Box 1987
Minden, NV 89423
(775) 782-7933
Attorney for Petitioner

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: 4/19/11
TED THРАН Clerk of the 9th Judicial District Court
of the State of Nevada, in and for the County of Douglas.

By  Deputy