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APN: 1420-33-810-005

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Douglas County - NV
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**ORDER SETTLING FIRST AND FINAL ACCOUNT, APPROVING PAYMENT OF
FEES AND COSTS, AND DECREE OF FINAL DISTRIBUTION**

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1 CASE NO. 11-PB-0117
2 DEPT. NO. I

MAR 27 2012

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3 DOUGLAS COUNTY
4 DISTRICT COURT CLERK

TED THIRAN
CLERK

5 **M. BIAGGINI** DEPUTY

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 Estate of
10 BARBARA ANNE WARD, also known
11 as BARBARA A. WARD,
12
13 Deceased.

**ORDER SETTLING FIRST
AND FINAL ACCOUNT,
APPROVING PAYMENT OF FEES
AND COSTS, AND DECREE OF
FINAL DISTRIBUTION**

14 GREGORY R. WARD, as Personal Representative of the
15 estate of BARBARA ANNE WARD, also known as BARBARA A. WARD,
16 deceased, having filed herein on the 9th day of March, 2012,
17 his First and Final Account and Petition for Fees and Costs
18 and for Final Distribution, and on the 27th day of March,
19 2012, having filed herein his Amended First and Final
20 Account and Petition for Fees and Costs and for Final
21 Distribution; and the said account and petition having come
22 on regularly to be heard this 27th day of March, 2012, and
23 proof having been made to the satisfaction of the Court that
24 proper notice has been given in this matter, the Court finds
25 as follows:

26 1. BARBARA ANNE WARD ("the decedent") died on the 25th
27 day of October, 2009, in Douglas County, Nevada. At the time
28

1 of her death, the decedent was a resident of the County of
2 Douglas, State of Nevada.

3 2. The decedent left no Last Will or Testament and
4 thus died intestate. The decedent left a surviving spouse,
5 one adult daughter, and no minor children.

6 3. On December 1, 2011, Letters of Administration
7 were issued to Petitioner, whereupon Petitioner was duly and
8 regularly appointed and qualified as the Personal
9 Representative of decedent's estate and has since that date
10 acted as such Personal Representative.

11 4. A period of less than six months has elapsed since
12 issuance of such Letters of Administration.

13 5. Immediately after Letters of Administration were
14 issued to Petitioner, Petitioner caused to be published a
15 Notice to Creditors as required by NRS 147.010. A Proof and
16 Statement of Publication of such notice has been filed
17 herein; and the time for presentation of claims against the
18 estate expired on February 5, 2012, sixty (60) days after
19 the first publication of said notice. No claims have been
20 presented against the estate for payment.

21 6. Petitioner filed an Inventory and Appraisement on
22 January 18, 2012, setting forth the total value of the
23 estate at \$112,500. Petitioner has filed a First Amended
24 Inventory on March 8, 2012, setting forth the total value of
25 the estate at \$61,500.

26 7. No federal estate (or income) tax is owed on this
27 estate.
28

1 8. Attached to the First and Final Account filed
2 herein was an account setting forth the estate transactions
3 covering the period November 22, 2011, to February 15, 2012,
4 inclusive. The account was prepared by the Personal
5 Representative and his counsel, George M. Keele, Esq., and
6 it sets forth the total of assets, including money, received
7 and expended by the Personal Representative during the
8 period November 22, 2011, to February 15, 2012, inclusive.

9 9. Petitioner, GREGORY R. WARD, as Personal
10 Representative of this estate, has performed services
11 necessary to the administration of the estate since the
12 death of the decedent, including marshaling all of the
13 assets of the estate, placing the liquid funds of the estate
14 in an account, protecting and inventorying the assets of the
15 estate, collecting and paying estate debts, and performing
16 other, necessary services in connection with this estate.
17 For his services as Personal Representative, Petitioner is
18 entitled to statutory compensation in the amount of \$3400.
19 However, he has waived all such fees.
20

21 10. The law firm of GEORGE M. KEELE, A PROFESSIONAL
22 CORPORATION, by George M. Keele, Esq., has rendered legal
23 services to this estate that have been necessary to its
24 administration, including preparing and filing all legal
25 documents, notices, and pleadings required to date in this
26 estate and performing other essential services. The law firm
27 and the Petitioner herein have agreed that a reasonable fee
28 for the services so rendered is \$225 per hour, to be paid

1 after approval thereof by this Court. The Personal
2 Representative has approved the requested fees.

3 11. The law firm of GEORGE M. KEELE, A PROFESSIONAL
4 CORPORATION, has advanced the sum of \$582.04 as unpaid costs
5 in connection with this matter and is entitled to
6 reimbursement for the same. The Personal Representative has
7 also approved the reimbursement of these costs.

8 12. No request for special notice has been filed in
9 this proceeding.

10 13. The only asset of this estate is a fifty percent
11 (50%) interest in the improved parcel of real property at
12 1321 Dennis Street, Minden, Douglas County, Nevada
13 (Assessor's Parcel No. 1420-33-810-005) ("the Parcel"), as
14 more particularly described on **Exhibit A** attached hereto and
15 incorporated herein by this reference. The decedent and her
16 spouse, Gregory R. Ward, acquired their interest in the
17 Parcel by Grant Deed recorded February 4, 1998, in the
18 Official Records of Douglas County, Nevada, as Document
19 #0431982, Book 0298, Page 0599. The grantees on that deed
20 are set forth as follows: "Gregory R. Ward and Barbara A.
21 Ward, husband and wife."
22

23 14. Section 111.060 of Nevada Revised Statutes ("NRS")
24 states as follows:

25 Every interest in real property granted or devised
26 to two or more persons, other than executors and
27 trustees, as such, **shall be a tenancy in common,
to be a joint tenancy.** (Emphasis added.)
28

///

1 The decedent and the Petitioner, as husband and wife, upon
2 purchasing the Parcel, told their representatives to prepare
3 the deed to show title vesting in Gregory R. Ward and
4 Barbara A. Ward, "as joint tenants." Instead, the deed
5 vested title in Petitioners as "husband and wife."
6

7 15. Therefore, Gregory R. Ward is the owner of an
8 undivided fifty percent (50%) interest in the Parcel, as a
9 tenant in common.

10 16. The other undivided fifty percent (50%) interest
11 in the Parcel remains vested in the decedent's estate, as
12 the other tenant in common.

13 17. This otherwise unnecessary proceeding has been
14 necessitated to vest legally the title of the decedent's
15 interest in the Parcel together with the title of Gregory R.
16 Ward's interest in the Parcel in the name and ownership of
17 the surviving spouse, namely: Gregory R. Ward, a widower, as
18 his sole separate property.
19

20 18. NRS 123.220 states as follows:
21

22 All property, other than that stated in NRS
23 123.130, acquired after marriage by either husband
24 or wife, or both, is community property unless
25 otherwise provided by:

26 1. An agreement in writing between the
27 spouses.

28 2. A decree of separate maintenance issued by
a court of competent jurisdiction.

3. NRS 123.190.

4. A decree issued or agreement in writing
entered pursuant to NRS 123.259.

1 None of the four exceptions set forth in subsections 1, 2,
2 3, or 4 of section 123.220 of NRS applies in the matter
3 before this Court.

4 19. NRS 123.250 states as follows:

5 1. Except as otherwise provided in
6 subsection 2, upon the death of either husband or
7 wife:

8 (a) An undivided one-half interest in the
9 community property is the property of the
10 surviving spouse and his or her sole separate
11 property.

12 (b) The remaining interest:

13 (1) Is subject to the testamentary
14 disposition of the decedent or, in the absence of
15 such a testamentary disposition, goes to the
16 surviving spouse; and

17 (2) Is the only portion subject to
18 administration under the provisions of title 12 of
19 NRS. (Emphasis added.)

20 20. Since the subject parcel of real property was
21 acquired after the marriage of Gregory R. Ward and Barbara
22 A. Ward, it is the community property of the parties
23 pursuant to NRS 123.220. Thus, the decedent having died
24 intestate, the remaining fifty percent (50%) undivided
25 interest in the Parcel, by statutory mandate "goes to the
26 surviving spouse." (NRS 123.250(1)(b)(1).)

27 21. Therefore, this is a proper case for the whole of
28 the decedent's remaining estate, consisting entirely of her
one-half community interest in the Parcel, to be assigned
and set apart to the decedent's surviving spouse, GREGORY R.
WARD, a widower, as his sole separate property.

1 THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREE as
2 follows:

3 A. The Amended First and Final Account of GREGORY R.
4 WARD, Personal Representative of the estate of BARBARA ANNE
5 WARD, also known as BARBARA A. WARD, deceased, be, and the
6 same is, hereby finally settled, allowed, and approved, and
7 all actions taken by the Personal Representative in
8 connection with the administration of this estate as set
9 forth in the account and petition filed herein are hereby
10 ratified and approved.

11
12 B. The Personal Representative is hereby authorized
13 and directed to reimburse GEORGE M. KEELE, ESQ., \$582.04 as
14 allowed costs from the funds of this estate.

15
16 C. The statement for attorney's fees attached as
17 Exhibit B to the First and Final Account in this matter
18 having been approved as reasonable by the Personal
19 Representative's execution of the Account, the Personal
20 Representative is hereby authorized and directed to pay
21 GEORGE M. KEELE, ESQ., attorney's fees in connection with
22 services rendered to this estate in the amount of \$5,467.50.

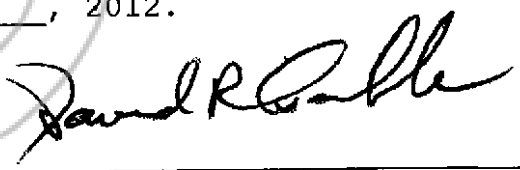
23
24 D. Pursuant to NRS 123.250, the decedent's estate,
25 namely: the decedent's undivided fifty percent (50%)
26 interest in the Parcel, shall not be administered upon, but
27 her whole estate, after directing such payments as may be
28

1 deemed just, including without limitation attorney's fees
2 and costs, shall be assigned and set apart in the following
3 order:

4 (a) To the payment of funeral expenses,
5 expenses of last illness, money owed to the
6 Department of Health and Human Services as a
7 result of payment of benefits for Medicaid and
8 creditors, if there are any; and

9
10 (b) Any balance remaining, including the
11 Parcel (Exhibit C, APN 1420-33-810-005) to the
12 claimant entitled thereto, namely: to the
13 decedent's surviving spouse, GREGORY R. WARD, a
14 widower, as his sole separate property, in
15 accordance with the provisions of NRS
16 123.250(1)(b)(1).
17

18
19 DATED: 3/27, 2012.



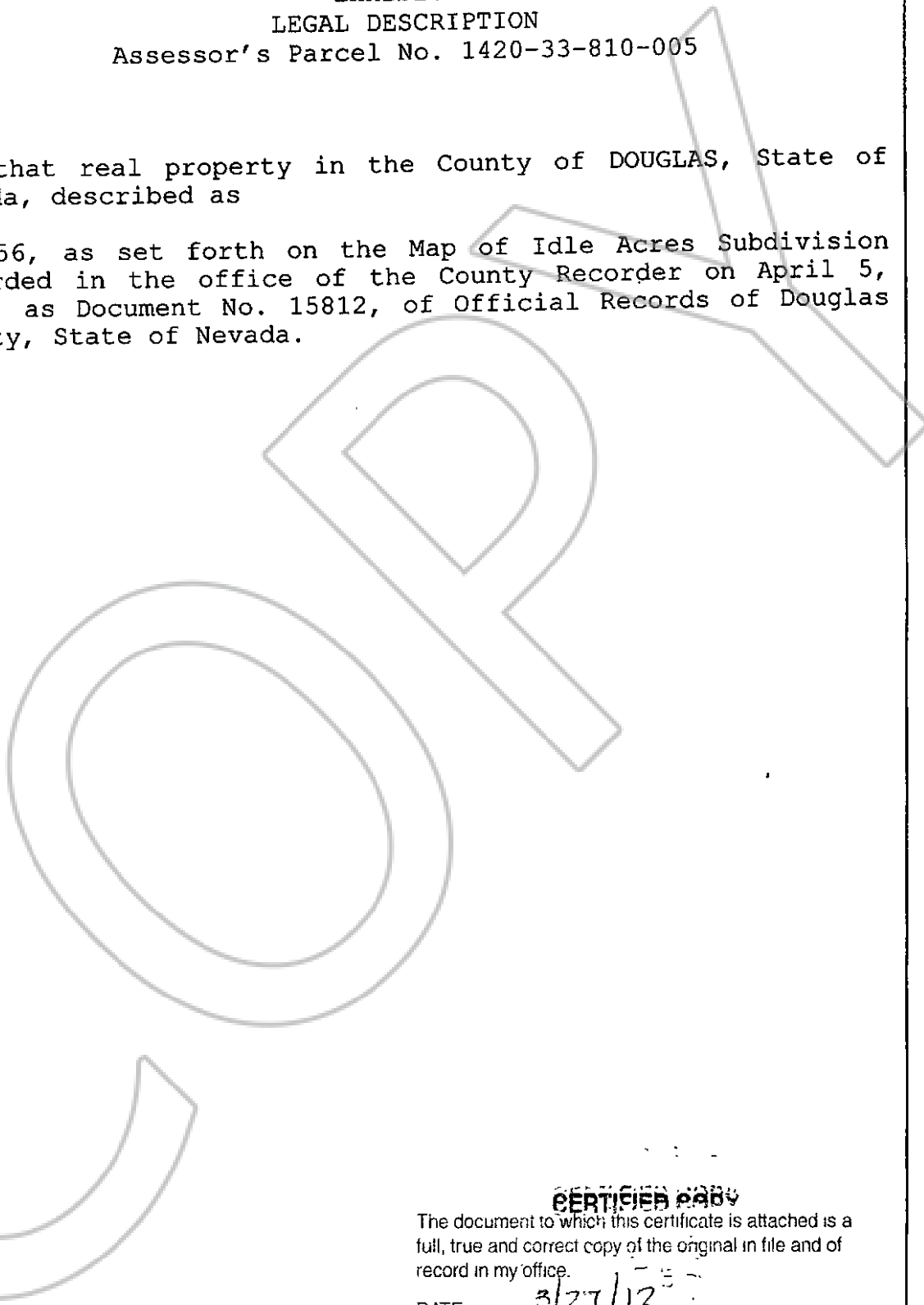
20
21
22 DISTRICT JUDGE

23
24 Submitted by:
25 George M. Keele, Esq.
26 Nevada Bar No. 1701
27 Attorney for the Personal Representative
28 1692 County Road, #A
Minden, NV 89423
775-782-9781

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Exhibit A
LEGAL DESCRIPTION
Assessor's Parcel No. 1420-33-810-005

All that real property in the County of DOUGLAS, State of Nevada, described as
Lot 56, as set forth on the Map of Idle Acres Subdivision recorded in the office of the County Recorder on April 5, 1960, as Document No. 15812, of Official Records of Douglas County, State of Nevada.



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 3/27/12

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

By *[Signature]* Deputy